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IN THIS ISSUE

Affirmative Action Policy Committee Agriculture, Department of Attorney General, Office of Benton Franklin Walla Walla Counties Air **Pollution Control Authority** Centralia College Community Development, Department of Convention and Trade Center Criminal Justice Training Commission Dental Disciplinary Board Ecology, Department of **Edmonds Community College** Education, State Board of **Employment Security Department** Engineers and Land Surveyors, Board of Registration for Professional Fisheries, Department of Gambling Commission General Administration, Department of Governor, Office of the Hardwoods Commission Health, Department of Hearing Aids, Board on Fitting and Dispensing of Higher Education Coordinating Board Higher Education Personnel Board

Olympic Air Pollution Control Authority Outdoor Recreation, Interagency Committee for Pharmacy, Board of Pilotage Commissioners, Board of Psychology, Examining Board of Public Instruction, Superintendent of Renton Technical College Revenue, Department of Seattle Community Colleges Secretary of State Social and Health Services, Department of Supreme Court, State **Tacoma Community College Transportation Commission** Transportation, Department of University of Washington Utilities and Transportation Commission Veterinary Board of Governors Volunteer Firefighters, Board for

Nursing Home Administrators, Board of

Licensing, Department of

Washington State Patrol Wildlife, Department of

Coordinating Board

Workforce Training and Education

(Subject/Agency index at back of issue) This issue contains documents officially filed not later than June 23, 1993

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

DENNIS W. COOPER Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of July 1993 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) MISCELLANEOUS-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (e) TABLE-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) INDEX-includes a combined subject matter and agency index.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE IF RULES

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

5. EDITORIAL CORRECTIONS

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

1992 - 1993 DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.		Closing Dates ¹		Distribution Date	First Agency Hearing Date ³
	Non-OTS &	Non-OTS &	OTS ² or		
	30 p. or more	11 to 29 p.	10 p. max.		
			Non-OTS	C 20	For hearing
For Inclusion in	F	ile no later than		Count 20 days from	on or after
			A 5		
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993
93-01	Nov 25	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 26
93-02	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 9
93-03	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 3	Feb 23
93-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
93-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
93-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
93-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
93-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
93-09	Mar 24	Apr 7	Apr 21	May 5	May 25
93-10	Apr 7	Apr 21	May 5	May 19	Jun 8
93-11	Apr 21	May 5	May 19	Jun 2	Jun 22
93-12	May 5	May 19	Jun 2	Jun 16	Jul 6
93-13	May 26	Jun 9	Jun 23	Jul 7	Jul 27
93-14	Jun 9	Jun 23	Jul 7	Jul 21	Aug 10
93-15	Jun 23	Jul 7	Jul 21	Aug 4	Aug 24
93-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
93-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
93-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994

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.

Regulatory Fairness Act

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to minimize the impacts of state regulations on small business. RCW 43.31.025 defines small business as "any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees." The act requires review and mitigation of proposed rules that have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three-digit SIC code).

When the above criteria is met, agencies must prepare a small business economic impact statement (SBEIS) that identifies and analyzes compliance costs and determines whether proposed rules impact small businesses disproportionately when compared to large businesses. When a proportionately higher burden is imposed on small businesses, agencies must mitigate those impacts. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, are subject to review to determine if the requirements of the Regulatory Fairness Act apply. Impact statements are filed with the Office of the Code Reviser as part of the required notice of hearing.

AN SBEIS IS REQUIRED

When:

The proposed rule has any economic impact on more than 20 percent of all industries or more than 10 percent of any one industry; or

The proposed rule IMPOSES costs to business that are not minor and negligible.

AN SBEIS IS NOT REQUIRED

When:

The rule is proposed only to comply or conform with a Federal law or regulation;

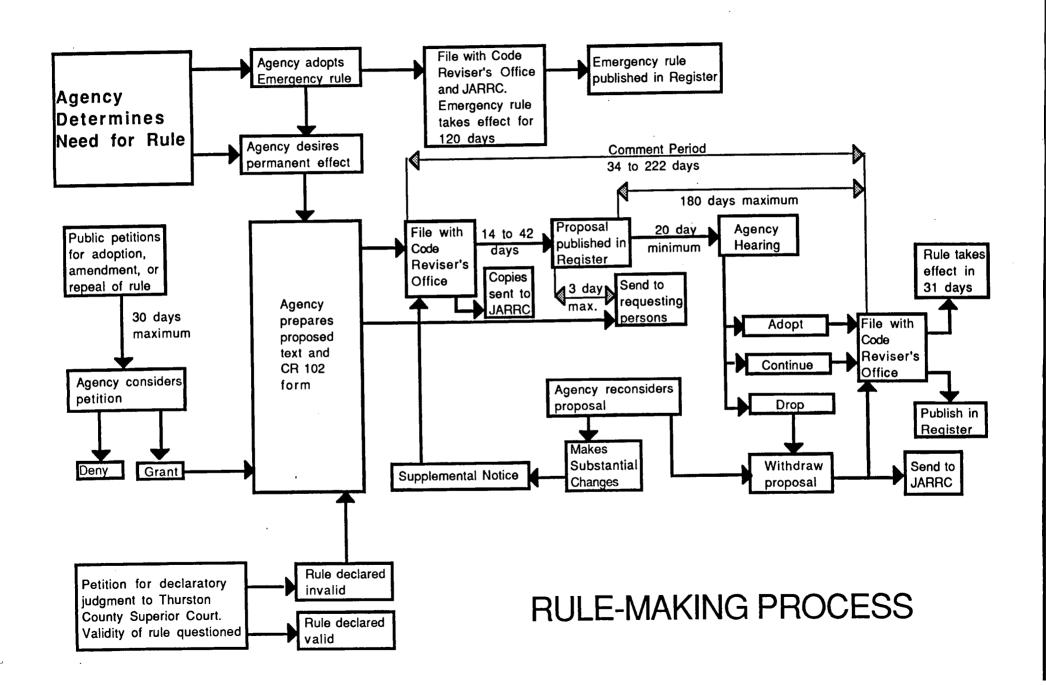
There is no economic impact on business;

The rule REDUCES costs to business;

There is only minor or negligible economic impact;

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

The rule is pure restatement of statute.



WSR 93-12-044 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed May 26, 1993, 11:59 a.m.]

Original Notice.

Title of Rule: Secondary and operational area containment for bulk pesticides and fertilizers. New chapters 16-229 and 16-201 WAC.

Purpose: To protect the state's groundwater from contamination by agricultural chemicals at sites where large amounts of bulk products are stored or where large amounts of pesticide products are mixed and transferred into application equipment.

Statutory Authority for Adoption: Chapters 15.54 and 15.58 RCW.

Statute Being Implemented: RCW 15.54.800 and 15.58.040.

Summary: The rules require that facilities which store bulk pesticides and fertilizers build secondary and operational area containment.

Reasons Supporting Proposal: For the protection of groundwater from contamination by agricultural chemicals. Far West Fertilizer and Agrichemical Association requested that the department write rules.

Name of Agency Personnel Responsible for Drafting: Lee Faulconer, P.O. Box 42589, Olympia, WA 98504-2589, (206) 902-2050; Implementation: William E. Brookreson, Assistant Director, P.O. Box 42589, Olympia, WA 98504-2589, (206) 902-2010; and Enforcement: Cliff Weed, Program Manager, P.O. Box 42589, Olympia, WA 98504-2589, (206) 902-2040.

Name of Proponent: Washington State Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules require that facilities which store bulk pesticides and fertilizers build secondary and operational area containment in order to protect the state's groundwater from contamination by agricultural chemicals at sites where large amounts of bulk products are stored or where large amounts of pesticide products are mixed and transferred into application equipment. The rules are written to protect against both catastrophic spills from large tanks and small incremental spills accumulating over time.

Proposal does not change existing rules.

Small Business Economic Impact Statement

Rule Summary: The proposed rules, chapters 16-201 and 16-229 WAC, require that facilities which store bulk pesticides and fertilizers build secondary and operational area containment. Chapter 16-229 WAC also requires operational area containment at pesticide permanent mixing/loading sites.

The purpose of the rule is to protect the state's ground-water from contamination by agricultural chemicals at sites where large amounts of bulk products are stored or where large amounts of pesticide products are mixed and transferred into application equipment. These rules are written to protect against both catastrophic spills from large tanks and small incremental spills accumulating over time.

On January 5, 1990, the department received a letter from Far West Fertilizer and Agrichemical Association

requesting that the Department of Agriculture write regulations requiring secondary containment for bulk fertilizer and storage areas and operational area containment for permanent mixing and loading sites. Far West is a trade group representing fertilizer and agrichemical dealers in Washington, Oregon, and Idaho. Many of its members were building secondary containment facilities and wanted state standards to build by. They were not comfortable spending large sums of money in a regulatory vacuum. This request came at a time when the department was becoming involved in developing strategies for groundwater protection relating to agrichemicals, and it was decided to write secondary containment rules as part of the strategy.

These rules are being adopted under the authority of the Washington Pesticide Control Act, chapter 15.58 RCW and the Washington Commercial Fertilizer Act, chapter 15.54 RCW.

Affected Groups: Several groups will be or have the potential to be impacted by these rules. Companies which manufacture or distribute bulk pesticides and fertilizers, some commercial applicators and a few farmers will be impacted by the secondary containment requirements for storage. Groups which will be impacted by the requirement for operational area containment at pesticide permanent mixing/loading sites include commercial pesticide application companies, government entities which apply pesticides and some farms.

The companies most likely to be affected by these rules are quite diverse. They include commercial agricultural chemical dealers, some fertilizer and pesticide manufacturers, air and ground commercial pesticide applicators which include companies such as lawn care companies. Some government agencies such as Washington State Department of Transportation will also be affected.

Most of the commercial companies which store bulk pesticides and fertilizer are large companies with numerous small dealer outlets or cooperatives. There are a few independent dealers which would qualify as small businesses. Some farms which store bulk material would also have fewer than fifty employees.

Many commercial pesticide applicators such as aerial applicators and lawn care companies would meet the criteria for small business, however, much of the agricultural ground application is done by the large full-service dealers. Some large farms might also trigger the regulatory threshold values for permanent pesticide mix/load pads. Many of these would probably have fewer than fifty employees.

The volume of bulk fertilizer and pesticide stored or handled at a site causes the environmental concern, not the number of employees in a company. These rules are "triggered" by regulatory thresholds, or the amount of product stored or handled at a site.

The three digit SIC codes do not appear to adequately define the groups which will be, or could be, impacted by this rule. The department used its licensing categories and mailing lists to identify those groups impacted by the rules. It was not possible to estimate accurately the percent of each subcategory which might be affected by the proposed rules.

Cost: Secondary containment and operational area containment pads are physical structures usually constructed of concrete. Some secondary containment facilities use concrete or earthen walls in conjunction with a synthetic

liner. These structures are expensive to build and require maintenance to remain effective.

A small secondary containment structure for a single tank could be built for about \$4,000 to \$5,000. A small mix/load pad would also cost about \$4,000.

Large secondary containment structures typically found at agricultural chemical dealer outlets can cost between \$20,000 and \$60,000. Large mix/load pads found at these dealer locations can cost between \$10,000 and \$20,000. A mix/load pad for a typical aerial applicator in Washington can range from \$20,000 and up.

Agency Approach: Because of the difficulty in estimating the numbers of small businesses which would be impacted by the rule, the department made a decision to write the rule as if all affected groups were small businesses. Mitigation would be a major part of the rule making process with groundwater protection the prime goal. Every attempt would be made to ensure no one would be put out of business by the rules.

The Process: The department formed a fourteen person advisory committee to assist in writing the draft rules. The committee had representatives from many of the affected parties, including aerial applicators, lawn care industry, and large agricultural chemical dealers. Both large and small businesses were represented. An upfront commitment was made to address and mitigate business impacts as the draft was constructed.

Prior to and during the writing of the draft rules, the department gave numerous talks at industry meetings and recertification meetings throughout the state on the proposed rules. The nature of the rules and the process used to develop them were explained. The department also spoke at a series of meetings organized by the Far West Fertilizer and AG Chemical Association for its members. These meetings were open to others and took place prior to formation of the advisory committee.

During the development of the draft its impact on business, especially small business, was discussed and various mitigation measures were adopted. When the draft was completed, a series of five public information meetings were held throughout the state to take public comment. Fact sheets and in many cases the full draft were mailed to approximately 2,000 agricultural chemical businesses, agricultural and commodity organizations, and environmental groups.

Comments received at the public meetings, and written and oral comments form those unable to attend, were analyzed by the department. As a result, several proposed changes were added to the draft for the advisory committee's consideration. The committee adopted many but not all of the proposed changes. The department also held a separate meeting with aerial applicators, at their request, in Moses Lake to discuss their concerns. As a result of this meeting, the compliance period for permanent mix/load sites was changed from three to four years.

Mitigation: The following is a list of mitigation efforts developed for these rules: The economic impact of the rules to business, especially small business, was addressed upfront. Mitigation was developed as the rule was written; performance standards are used throughout the rule to provide flexibility in compliance; no permits or associated fees are required. Several other states have a complex permit process

affected parties must complete. There is usually a fee associated with the permit. It was decided this was an unnecessary burden on industry and that it would be especially hard for small businesses to acquire the necessary data required by most permits. The Department of Agriculture agreed to no permit requirement and agreed to carry out the program with existing resources; no plan submittal and approval process. There is no requirement to submit construction plans signed by a professional engineer to the department for approval prior to construction. This action was taken to minimize expense to the affected businesses; the compliance schedule was designed to allow small business and large companies with multiple outlets a reasonable period of time to comply. The schedule allows from three to five years for compliance; the regulatory triggers for permanent mixing/loading sites are set high enough to effectively exclude most farmers and many small commercial pesticide applicators from the requirements of the rule; management options are available to lessen the impact of the rules. Field mixing and loading or the use of more than one site will allow some people to avoid building pads by changing their management. Short term field storage is also allowed under the rules; and technical assistance. The Department of Agriculture has committed to developing guidance packages and an outreach/education program for these rules. The guidance will also include information on where and how to obtain information on how to build these facilities, such as a handbook published by the midwest plan service at Iowa State University. Outreach will include speaking at industry meetings and on-site visits to individual businesses. This should be especially helpful to small business.

Hearing Location: On Tuesday, August 3, 1993, Columbia Basin College, Senate Room, 2600 North 20th, Pasco, WA, at 7:00 p.m.; on Wednesday, August 4, 1993, Spokane Community College, Bigfoot Room, North 1810 Greene Street, Spokane, WA, at 7:00 p.m.; and on Tuesday, August 10, 1993, NRB Conference Room #175B, 1111 Washington Street, Olympia, WA, at 7:00 p.m.

Submit written comments by August 10, 1993, 5:00 p.m.

Date of Intended Adoption: August 20, 1993.

May 26, 1993 William E. Brookreson Assistant Director

Chapter 16-201 WAC Fertilizer Bulk Storage and Operational Area Containment Rules

16-201-010 Definitions.

WAC

16-201-020 Secondary containment of liquid bulk fertilizers—General requirements.

16-201-025 Secondary containment of liquid bulk fertilizers—Capacity.

16-201-028 Secondary containment of liquid bulk fertilizers—Walls.

16-201-030 Secondary containment of liquid bulk fertilizers—Lining.

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16-201-040	Secondary containment of liquid bulk fertilizers—Prefabricated facilities.
16-201-050	Secondary containment of liquid bulk fertilizers—Discharge outlets or valves.
16-201-060	Secondary containment of liquid bulk fertilizers—Storage with other commodities.
16-201-070	Secondary containment of liquid bulk fertilizers—Precipitation accumulations.
16-201-080	Secondary containment of liquid bulk fertilizers—Recovery of discharges.
16-201-100	Primary containment of liquid bulk fertilizers—Permanent storage facility.
16-201-110	Primary containment of liquid bulk fertilizers—Prohibition against underground
	storage.
16-201-120	Primary containment of liquid bulk fertilizers—Abandoned storage containers.
16-201-130	Primary containment of liquid bulk fertilizers—Anchoring of storage containers.
16-201-140	Primary containment of liquid bulk fertilizers—Filling storage containers.
16-201-150	Primary containment of liquid bulk fertilizers—Liquid level gauging device.
16-201-160	Primary containment of liquid bulk fertilizers—Security.
16-201-170	Primary containment of liquid bulk fertilizers—Labeling.
16-201-180	Primary containment of liquid bulk fertilizers—Field storage.
16-201-190	Operational area containment of bulk fertilizers—Permanent storage facility.
16-201-200	Operational area containment of bulk fertilizers—Field storage.
16-201-210	Dry bulk fertilizer storage and handling.
16-201-220	Backflow prevention.
16-201-230	Rinsate management.
16-201-240	Maintenance and inspection.
16-201-250	Recordkeeping requirements.
16-201-260	Spill response plan.

- Spill response plan.
- 16-201-270 Compliance schedule.
- 16-201-280 Permits.
- 16-201-290 Penalties.

WAC 16-201-010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires.

- (1) "Appurtenances" means all valves, pumps, fittings, pipes, hoses and metering devices which are connected to a storage container, or which are used to transfer a material into or out of such storage container.
- (2) "Bulk fertilizer" means commercial fertilizer distributed in a nonpackage form such as, but not limited to, tote bags, tanks, trailers, spreader trucks, and railcars.
- (3) "Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It shall not include unmanipulated animal and vegetable manures and other

products exempted by the department by rule: PROVIDED, That for the purpose of this chapter calcium carbonate (lime) and anhydrous ammonia are exempt. PROVIDED FUR-THER, That this rule does not apply to materials (including but not limited to compost, biosolids, or municipal sewage sludge), or to products derived therefrom, which are regulated pursuant to the provisions of Chapter 70.95 RCW or Chapter 70.95J, or rules adopted thereunder.

- (4) "Department" means the Washington State Department of Agriculture.
- (5) "Discharge" means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of fertilizer made pursuant to sale, storage, distribution or use.
 - (6) "Dry fertilizer" means fertilizer in solid form.
- (7) "Liquid fertilizer" means fertilizer in liquid form, and includes solutions, emulsions, suspensions and slurries. "Liquid fertilizer" does not include anhydrous ammonia.
- (8) "Operational area" means an area or areas at a fertilizer bulk storage facility where fertilizers are transferred, loaded, unloaded, mixed, repackaged, refilled or where fertilizers are cleaned, washed or rinsed from containers or application, handling, storage or transportation equipment.
- (9) "Operational area containment" means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipment wash water, rinsates, and rainwater from the operational area(s) of fertilizer bulk storage facilities.
- (10) "Permanent storage facility" means a location at which liquid bulk fertilizer in excess of five hundred U.S. gallons or dry bulk fertilizer in undivided quantities exceeding fifty thousand pounds is held in storage: PROVIDED, That temporary field storage of ten thousand gallons or less is allowed for a period not to exceed fourteen (14) days in a six month period in any one location. Temporary field storage may be extended upon written permit by the department: PROVIDED FURTHER, That liquid bulk fertilizer storage containers directly attached to an apparatus for the purpose of fertigation are exempt.
- (11) "Primary containment" means the storage of liquid or dry bulk fertilizer in storage containers at a permanent storage facility.
- (12) "Rinsate" means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any fertilizer.
- (13) "Secondary containment" means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid fertilizer from a storage
- (14) "Storage container" means a container, including a railcar, nurse tank or other mobile container, that is used for the storage of bulk liquid or dry fertilizer. It does not include a mobile container at a storage facility for less than thirty days if this storage is incidental to the loading or unloading of a storage container at the bulk fertilizer storage facility.
- (15) "Temporary field storage" means a primary bulk fertilizer storage container of ten thousand gallons or less, that remains in the same location for no more than fourteen consecutive days in any six month period. The department

must be notified in writing of the physical location of all temporary field storage sites before said storage goes into service.

(16) "Washwater" means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any fertilizer.

NEW SECTION

WAC 16-201-020 Secondary containment of liquid bulk fertilizers—General requirements. (1) Primary storage of bulk liquid fertilizers at a storage facility shall be located within a secondary containment facility designed to prevent the release of discharged fertilizers. A secondary containment facility shall consist of:

- (a) A wall and liner with a sloped floor as provided in WAC 16-201-028 and 16-201-030; or
- (b) A prefabricated facility as provided in WAC 16-201-040.

NEW SECTION

WAC 16-201-025 Secondary containment of liquid bulk fertilizers—Capacity. (1) The secondary containment facility shall contain at least one hundred and twenty-five percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area. PROVIDED, That storage facilities that have tanks of one hundred thousand gallons or greater capacity may use the following method to meet the capacity requirement: The facility shall contain at least one hundred and ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the area plus sufficient volume to contain the precipitation from a twenty-five year, twenty-four hour storm event.

- (2) If the secondary containment facility is located indoors or under a roof to prevent accumulation of rainfall, the area shall contain at least one hundred and ten percent of the volume of the largest storage container plus the displacement of all other tanks, appurtenances and other items within the containment area.
- (3) Secondary containment facilities in operation prior to [adoption of this rule] and which have a capacity of at least one hundred and ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area shall be considered to be in compliance with this section: PROVIDED, That upon alteration to the facility or increase of storage container volume the facility shall be brought into full compliance with the specific capacity requirement of this section.

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 16-201-028 Secondary containment of liquid bulk fertilizers—Walls. (1) The walls of a secondary containment facility shall be constructed of steel, poured reinforced concrete, precast concrete modules, solid masonry or other materials that will provide similar protection. Walls constructed of earth shall be allowed at storage facilities which have tanks of one hundred thousand gallons or greater capacity and at other facilities when a synthetic liner is used The wall shall be designed to withstand a full hydrostatic head of any discharged liquid, and shall be properly sealed to prevent leakage.

- (2) Earthen walls shall have a horizontal to vertical slope of at least three to one, unless a steeper slope is consistent with good engineering practice, and shall be packed and protected from erosion. The top of earthen walls shall be no less than two feet six inches wide.
- (3) Any piping through the outside walls of a secondary containment facility shall be installed and maintained such that the structural integrity of the wall is preserved and ir such a manner as to prevent leaks.

NEW SECTION

WAC 16-201-030 Secondary containment of liquic bulk fertilizers—Lining. The base of a secondary contain ment facility shall be lined with steel, concrete or a synthetic liner: PROVIDED, That facilities with storage tanks of one hundred thousand gallons or greater may use clay soil liners

- (1) Concrete liners: Concrete liners shall be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged liquid, and shall be properly sealed to prevent leakage.
 - (2) Synthetic liners:
- (a) Synthetic liners shall be chemically compatible with the materials being stored within the facility and have a minimum thickness of thirty mils +/- 1 mil. A written confirmation of compatibility and a written estimate of the life of the liner from the manufacturer shall be kept on file at the storage facility or the nearest local office from which the facility is administered.
- (b) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, or a certified engineer. All field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturer' recommendations.
- (3) Soil liners: The surface soil shall be sealed including the berm of an earthen dike, with a sealing agen such as sodium bentonite, attapulgite or a similar cla material. The liner shall be constructed in accordance with reliable civil engineering practices, to achieve a coefficien of permeability not to exceed 1x10-6 cm/sec and shall be maintained at 1x10-5 cm/sec with a thickness of not less that six inches. The floor and internal walls of the containmen area shall have a protective barrier to prevent desiccation evaporation, freeze, thaw, or other physical damage.
- (4) Exemptions. A liner need not be installed directl under a storage container having a capacity of one hundre thousand gallons or more which has been constructed on sit and put into use prior to [the effective date of this rule

PROVIDED, That one of the following alternative procedures are complied with, certified to in writing by an official of the company which owns the storage container, and the certificate is filed with the department:

- (a) Alternative 1 is as follows:
- (i) A second bottom made of steel shall be constructed for the storage container. The second bottom shall be placed over the original bottom and separated from the original bottom by a support medium designed to provide for leak detection between the two bottoms and properly support the new bottom. This support layer may consist of gravel, sand, concrete (grooved to provide leak detection), steel or other grillage, wire mesh, etc. as dictated by good engineering practice.
- (ii) The original bottom of the storage container shall be tested for leaks before the support layer and second bottom are installed. A record of the test shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.
- (iii) The newly constructed bottom shall be tested for leaks before any liquid fertilizer is stored on the newly constructed bottom. A record of the test shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.
- (iv) There shall be a system to readily detect leaks through the newly constructed bottom into the support layer. Leak tests should be conducted at not more than six month intervals with a record of such tests to be kept at the storage facility or at the nearest local office from which the storage facility is administered.
 - (b) Alternative 2 is as follows:
- (i) The storage container shall be emptied, cleaned, and tested for leaks. The walls and floor of the storage container shall be tested to assure that welds and thickness of steel plates are sound and adequate to contain the fertilizers. A record of the inspection, test results, and of any repairs made shall be submitted to the department and maintained by the owner or operator.
- (ii) The interior floor and 12 inches up the wall of the storage container shall be coated with a liner to inhibit corrosion. A record of this procedure shall be submitted to the department and maintained by the owner or operator.
- (iii) A test for leaks and liner deterioration or metal corrosion shall be conducted every five years thereafter. A record of the test findings and of indicated repairs and maintenance shall be maintained by the owner or operator.
 - (c) Alternative 3 is as follows:
- (i) Monitoring devices shall be installed in angled borings under each tank. These monitoring devices shall constitute a leak detection system for each tank in advance of the point at which any leak would reach groundwater.
- (ii) The number, length, and depth of each boring shall be determined on the basis of site characteristics. The array of monitoring devices under each tank shall constitute the best practical early warning detection system for tank leakage.
- (iii) Each monitoring plan under Alternative 3 shall be implemented only upon review and written approval of the department and shall include inspection/monitoring schedules.

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.

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 16-201-040 Secondary containment of liquid bulk fertilizers—Prefabricated facilities. (1) A prefabricated facility shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking. Materials used in the facility shall be chemically compatible with the products being stored within the facility. A written confirmation of compatibility from the basin manufacturer shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.

(2) The prefabricated facility shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid. Multiple basins connected to provide the capacity required in WAC 16-201-025 shall be connected in a manner which assures an adequate transfer of discharged liquid between basins.

NEW SECTION

WAC 16-201-050 Secondary containment of liquid bulk fertilizers—Discharge outlets or valves. Secondary containment facilities, including prefabricated facilities, shall not have discharge outlets or valves. Discharge outlets or valves on existing facilities shall be sealed. Secondary containment facilities may be interconnected.

NEW SECTION

WAC 16-201-060 Secondary containment of liquid bulk fertilizers—Storage with other commodities. (1) No other commodity except fertilizer, fertilizer rinsate, recovered fertilizer discharges, or pesticide rinsate may be stored within a liquid fertilizer secondary containment facility.

(2) A liquid fertilizer secondary containment facility may share a wall or portion of a wall, with a liquid pesticide secondary containment facility.

NEW SECTION

WAC 16-201-070 Secondary containment of liquid bulk fertilizers—Precipitation accumulations. Precipitation may not be allowed to accumulate in a secondary containment facility to the point where it may tend to:

- (1) Reduce the capacity of the facility below one hundred and ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area
- (2) Increase corrosion of storage containers or appurtenances.
 - (3) Impair the stability of storage containers.

WAC 16-201-080 Secondary containment of liquid bulk fertilizers—Recovery of discharges. Discharges within a secondary containment facility shall be immediately recovered.

NEW SECTION

WAC 16-201-100 Primary containment of liquid bulk fertilizers—Permanent storage facility. Permanent storage facility general requirements:

- (1) Storage containers and appurtenances shall be constructed, installed and maintained so as to prevent the discharge of liquid fertilizer.
- (2) Storage containers and appurtenances shall be constructed of materials which are resistant to corrosion, puncture or cracking.
- (3) Materials used in the construction or repair of storage containers and appurtenances may not be of a type which react chemically or electrolytically with stored liquid fertilizer in a way which may weaken the storage container or appurtenances, or create a risk of discharge.
- (4) Metals used for valves, fittings and repairs on metal storage containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion which may weaken the storage container or its appurtenances, or create a risk of discharge.
- (5) Storage containers and appurtenances shall be designed to handle all operating stresses, taking into account static head, pressure build up from pumps and compressors, and any other mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.
- (6) Every fertilizer storage container connection, except a safety relief valve connection, shall be equipped with a manual shut-off valve located on the storage container or at a distance from the storage container dictated by standard engineering practice.
- (7) Appurtenances shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces encountered in the ordinary course of operation.
- (8) Fertilizer storage containers and appurtenances shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles or objects.
- (9) Tanks designed as underground storage tanks shall not be used as above ground storage tanks for fertilizer unless they are designed and approved for above ground use or have been inspected and approved by a certified engineer. A record of the inspection and approval shall be maintained as a permanent record.

NEW SECTION

WAC 16-201-110 Primary containment of liquid bulk fertilizers—Prohibition against underground storage. No person shall store liquid fertilizer in an underground storage container or a lined pit. A watertight catch basin or sump used for the temporary collection of rinsate or runoff from transfer and loading areas is exempt from this section.

NEW SECTION

WAC 16-201-120 Primary containment of liquid bulk fertilizers—Abandoned storage containers. (1) Storage containers used at a storage facility to hold liquid bulk fertilizer or fertilizer rinsate are considered abandoned if they have been out of service for more than six consecutive months because of a weakness or leak, or have been out of service for any reason for more than two years without an integrity test having been performed.

(2) Abandoned underground storage containers containing fertilizer which meet the definition of hazardous substance UST system in Chapter 173-360 WAC are subject to the applicable requirements in that chapter.

(3) Abandoned above ground storage containers shall be thoroughly cleaned. All hatches on the storage containers shall be secured and all valves or connections shall be severed or plugged with vents being left functional.

NEW SECTION

WAC 16-201-130 Primary containment of liquid bulk fertilizers—Anchoring of storage containers. Storage containers shall be secured, as necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment facility.

NEW SECTION

WAC 16-201-140 Primary containment of liquid bulk fertilizers—Filling storage containers. Storage containers may not be filled beyond the capacity for which they are designed, taking into account the density of the liquid being stored and thermal expansion during storage.

NEW SECTION

WAC 16-201-150 Primary containment of liquid bulk fertilizers—Liquid level gauging device. (1) Every storage container shall be equipped with a liquid level gauging device by which the level of liquid in the storage container can be readily and safely determined.

- (2) A liquid level gauging device is not required if the level of fluid in a storage container can be readily and reliably measured by other means.
- (3) Liquid level gauging devices shall be secured, in ϵ safe manner, to protect against breakage or vandalism which may result in a discharge.
- (4) External sight gauges are prohibited unless they are equipped with an automatic shut-off valve.

NEW SECTION

WAC 16-201-160 Primary containment of liquid bulk fertilizers—Security. All bulk fertilizer storage containers and appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access. Valves on storage containers shall be closed and locked or otherwise secured when left unat tended. Locks on end valves shall be considered adequate security for containers and appurtenances. For purposes of this section, unattended means there is no employee on the property for a period of twelve hours or longer.

- WAC 16-201-170 Primary containment of liquid bulk fertilizers—Labeling. (1) All bulk fertilizer storage containers shall be clearly and conspicuously labeled to identify the contents.
- (2) All bulk fertilizer storage containers shall bear a label or placard in accordance with Uniform Fire Code Standard no. 79-3, identifying the material therein.
- (3) All bulk fertilizer storage containers used for field storage shall be labeled with the owner's name, the capacity of the tank, and an identifying number. Lettering shall be a minimum of two inches in height and in a color contrasting to the background.

NEW SECTION

- WAC 16-201-180 Primary containment of liquid bulk fertilizers—Field storage. (1) Storage containers used for field storage of liquid bulk fertilizer shall comply with the following sections: WAC 16-201-100; 16-201-110; 16-201-120; 16-201-140; 16-201-150; and 16-201-170.
- (2) All bulk fertilizer storage containers and appurtenances used for field storage shall be inspected for leakage and soundness daily when in use.
- (3) Valves on storage containers shall be closed and locked or otherwise secured when left unattended.

NEW SECTION

- WAC 16-201-190 Operational area containment of liquid fertilizers—Permanent storage facility. (1) All operational area activities shall take place on or within an operational area containment facility: PROVIDED, That during the unloading or loading of railcars, marine vessels, or manned trucks when product is unloaded from direct shipments from manufacturers, individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.
- (2) The operational area containment facility shall be designed and constructed to contain fertilizers, rinsates, washwater and other materials spilled or deposited during mixing, loading, unloading, draining, rinsing and washing activities.
- (3) The operational area containment facility shall be constructed of concrete or other material with similar permeability.
- (4) If synthetic materials are used in construction they shall be chemically compatible with the products handled at the site. A written confirmation of compatibility from the nanufacturer shall be kept on file at the site or the nearest location from which the site is administered.
- (5) The facility shall be constructed to withstand the weight of any vehicles or storage containers which will be on the facility.
- (6) The facility shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area. The facility shall have a capacity of at least fifteen hundred gallons of containment. If no storage container or mobile storage container used at the facility to transfer liquid bulk fertilizers has a capacity of more than one thousand gallons, the containment facility shall be of adequate size and design to

- contain one hundred and twenty-five percent (125%) the capacity of the largest storage container, or mobile storage container used.
- (7) The operational area containment facility shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily recovered. An above ground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an above ground tank is used for temporary storage, the tank shall be located within secondary containment. The tank shall be clearly and conspicuously labeled "Fertilizer Rinsate".
- (8) Any pump used for recovering material from the operational area containment facility shall be manually activated.
- (9) The operational area containment facility shall not have a discharge outlet or valve. Discharge outlets or valves on existing facilities shall be sealed. Operational area containment facilities may be interconnected.

NEW SECTION

- WAC 16-201-200 Operational area containment of liquid fertilizers—Field storage. (1) During loading and unloading of liquid bulk fertilizer at field storage locations individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.
- (2) Liquid bulk fertilizer storage containers used for field storage shall be located at least one hundred feet from wells and surface water except, for purposes of this section, irrigation water flowing directly to a field, or on a field, is not considered surface water unless the water could be carried beyond the field being irrigated.

NEW SECTION

- WAC 16-201-210 Dry bulk fertilizer storage and handling. (1) Dry bulk fertilizer shall be stored inside a structure or device having a roof or cover, sidewalls, and a base sufficiently impermeable to prevent contact with precipitation and surface water, or
- (2) If dry bulk fertilizer is stored outdoors, it shall be placed on a ground cover sufficiently impermeable to prevent seepage or runoff and shall be completely covered with a tarpaulin or other suitable covering to prevent contact with precipitation and surface water.
- (3) All loading, unloading, mixing and handling of dry fertilizer at the storage facility shall be conducted on a surface of a size and design that will allow for the collection of spilled materials.
- (4) Operational areas shall be cleaned to prevent accumulation of dry fertilizer spilled during loading and unloading.

NEW SECTION

WAC 16-201-220 Backflow prevention. (1) If plumbing within a secondary containment facility or an operational area facility is directly connected to a well or public water supply system a backflow prevention device shall be installed to protect the water source. All equipment shall be installed, operated and maintained as per

manufacturer's recommendations. The minimum safety equipment shall be one of the following:

- (a) A reduced pressure principle backflow prevention assembly approved by the Washington State Department of Health.
- (b) Air gap separation. Air gap is a physical separation between the free flowing discharge end of a water supply line and the fill opening of a water storage tank. The end of the discharge pipe shall be located a distance of at least two times the diameter of the supply line measured vertically above the flood rim of the tank. The gap should be increased if the fill pipe is located next to a wall. If the discharge pipe is located within a secondary containment or operational area facility the end of the pipe shall be at least two pipe diameters above the highest liquid holding capacity of the containment facility.
- (2) Reduced pressure principle backflow prevention assemblies shall be inspected and tested once per year and air gap systems shall be inspected once per year by a Washington State Department of Health certified backflow assembly tester pursuant to WAC 246-290-490.

NEW SECTION

WAC 16-201-230 Rinsate management. (1) Fertilizer products, rinsates or washwater spilled or accumulated within a secondary or operational area facility shall be immediately recovered. These materials may be applied at normal fertilizer rates or used in a liquid mixing operation. The materials may be stored for later use.

- (2) Any liquid that accumulates at a collection point or in a sump shall be removed within twenty-four hours when the facility is in operation.
- (3) Recovered spills, sedimentation, rinsates, washwater, contaminated precipitation or other contaminated debris shall be contained and used or properly disposed of. Fertilizer containing materials shall not be released to the environment unless the release is an agronomic application.

NEW SECTION

WAC 16-201-240 Maintenance and inspection. (1) The operator of a fertilizer bulk storage facility shall inspect and maintain storage containers, appurtenances, secondary containment facilities and operational area facilities to minimize the risk of a fertilizer release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.

- (2) Maintenance of the fertilizer bulk storage facilities shall be performed as needed to ensure that the integrity of the bulk fertilizer storage containers, secondary containment facilities and operational area containment facilities is maintained.
- (3) Bulk fertilizer storage containers and appurtenances shall be inspected at least once per month when in use. Secondary containment and operational area facilities shall be inspected at least once per month when in use.
- (4) All secondary and operational area facilities shall be maintained free of debris and foreign matter.
- (5) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site or at the nearest local office from which the storage site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection conditions noted and maintenance performed.

NEW SECTION

WAC 16-201-250 Recordkeeping requirements Records required by this section and documents necessary to ensure compliance with this chapter shall be made available for inspection and copying by the department. The following records shall be maintained at fertilizer bulk storage facilities or at the nearest local office from which the storage facility is administered.

- (1) A record of construction materials and methods o construction to show compliance with WAC 16-201-025 WAC 16-201-028, 16-201-030, 16-201-040, WAC 16-201 050, and 16-201-190. These records shall be maintained a permanent records.
- (2) A record of the method(s) used to use or dispose o product or contaminated materials recovered from discharge outside secondary or operational area containment facilities. This record applies only to discharges required to be reported to the Washington State Department of Ecology by the Washington State Dangerous Waste Regulations, Chapte 173-303 WAC. These records shall be maintained for a period of at least three years.
- (3) Inspection and maintenance records required by WAC 16-201-240. These records shall be maintained for period of at least three years.
- (4) Manufacturer's compatibility statements required by WAC 16-201-030 and WAC 16-201-040. These record shall be maintained as permanent records.
- (5) A copy of the facility's spill response plan required by WAC 16-201-260. This record shall be maintained as permanent document.
- (6) Records required by WAC 16-201-100(9). These records shall be maintained as permanent records.

NEW SECTION

WAC 16-201-260 Spill response plan. (1) The operator of a storage facility shall prepare a written spil response plan for the storage facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies they need not be prepared for this plan: PROVIDED, That the information is readily accessible to emergency responder and department personnel. However, when copies of the plan are distributed, all required information shall be provided.

The plan shall include the following elements:

- (a) The identity and telephone numbers of the person and agencies who are to be contacted in the event of a spill including persons responsible for the stored fertilizer.
- (b) For each fertilizer stored at the facility a complet copy of the storage container labeling required in WAC 16 201-170, and the labeling required to accompany sale of th fertilizer under the Washington Fertilizer Control Act, 15.5 RCW.
- (c) A material safety data sheet for each fertilizer store at the facility.

- (d) The procedures to be used for controlling and ecovering, or otherwise responding to a spill for each type of bulk fertilizer stored at the facility.
- (e) The procedures to be followed in using or disposing of a recovered spill.
 - (2) The plan shall be kept current at all times.
- (3) A copy of the spill response plan shall be kept readily available for inspection and use at the storage facility or at the nearest local office from which the storage facility s administered and shall be available for inspection and copying by the department.
- (4) A copy of the spill response plan shall be provided o the local fire department.
- (5) Persons employed at bulk fertilizer storage facilities shall be trained in spill response procedures pursuant to the spill response plan.
- (6) Emergency equipment and supplies. Every storage acility shall have access to pumps and recovery containers which can be used to control and recover spills Pumps, ecovery containers and persons capable of deploying and operating them shall be readily available in an emergency. Pumps and recovery containers may include those operated by a local fire department or other persons: PROVIDED, That the use and availability of the pumps and recovery containers is arranged in advance as part of the spill response plan. Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be ivailable at the storage facility. The facility shall maintain 1 list showing the types and locations of clean-up supplies and equipment. The list shall be maintained at the storage acility or the nearest local office from which the facility is ıdministered.

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

NEW SECTION

(a) Secondary containment

WAC 16-201-270 Compliance schedule. (1) New permanent storage facilities placed in service after [the date of adoption of this rule] shall immediately comply with this chapter.

(2) Existing permanent storage facilities in operation prior [to the date of adoption of this rule] shall comply with he following schedule: PROVIDED, That permanent storage facilities which have tanks of one hundred thousand gallons or greater shall have a period of seven years from the adoption date of this rule] to comply with WAC 16-201-)20 through 16-201-080, 16-201-190:

VAC 16-201-020 through 16-201-0	80
except as otherwise provided in	
VAC 16-201-025(3)	five years after [adoption date],
(b) Primary containment	
VAC 16-201-100 through 16-201-13	80 one year after [adoption date]
(c) Operational area containmen	t
VAC 16-201-190	five years after [adoption date]
(d) Dry bulk fertilizer storage ar	nd handling
VAC 16-201-210 (1)(2)(4)	one year after [adoption date]
VAC 16-201-210(3)	five years after [adoption date]
(e) Backflow prevention	
VAC 16-201-220	immediate
(f) Rinsate management	·
VAC 16-201-230	one year after [adoption date]

		ection	laintenance and insp	(g) Maint
one year after [adoption date]			201-240	WAC 16-201
		ements	ecordkeeping requir	(h) Recor
one year after [adoption date]			201-250	WAC 16-201
	•	• •	ill response plan	(i) Spill r
one year after [adoption date].	• •	• .	201-260	WAC 16-201

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 16-201-280 Permits. (1) The department may issue a permit exempting any person from a requirement under this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) An advisory group appointed by the director shall evaluate and advise the department on all requests for permits from this chapter.

NEW SECTION

WAC 16-201-290 Penalties. (1) Any person who fails to comply with any provisions of this chapter shall be subject to imposition of a civil penalty as provided in chapter 15.54 RCW.

Chapter 16-229 WAC Secondary and Operational Area Containment for Bulk Pesticides

WAC	Zum I contides
16-229-010	Definitions.
16-229-015	Penalties.
16-229-020	Secondary containment of liquid bulk pesticides—General requirements.
16-229-025	Secondary containment of liquid bulk pesticides—Capacity.
16-229-030	Secondary containment of liquid bulk pesticides—Walls.
16-229-040	Secondary containment of liquid bulk pesticides—Lining.
16-229-050	Secondary containment of liquid bulk pesticides—Prefabricated facilities.
16-229-060	Secondary containment of liquid bulk pesticides—Discharge outlets or valves.
16-229-070	Secondary containment of liquid bulk pesti- cides—Storage with other commodities.
16-229-080	Secondary containment of liquid bulk pesticides—Precipitation accumulations.
16-229-090	Secondary containment of liquid bulk pesticides—Recovery of discharges.
16-229-100	Primary containment of bulk liquid pesticides—Permanent storage facility.
16-229-110	Primary containment of bulk liquid pesticides—Prohibition against underground storage.

16-229-120	Primary containment of bulk liquid pesticides—Abandoned storage containers.
16-229-130	Primary containment of bulk liquid pesti-
16-229-140	cides—Anchoring of storage containers Primary containment of bulk liquid pesti-
16-229-150	cides—Filling Storage containers. Primary containment of bulk liquid pesti-
16-229-160	cides—Liquid level gauging device. Primary containment of bulk liquid pesti-
16-229-170	cides—Venting requirements. Primary containment of bulk liquid pesti-
16-229-180	cides—Security. Primary containment of bulk liquid pesti-
16-229-200	cides—Labeling. Primary containment of bulk liquid pesti-
16-229-210	cides—Field storage Operational area containment of liquid pesti
16-229-220	cides—Permanent storage facility. Operational area containment of liquid pesti
	cides—Field storage.
16-229-230	Dry bulk pesticide storage and handling.
16-229-240	Backflow prevention.
16-229-250	Rinsate management.
16-229-260	Maintenance and inspection.
16-229-270	Recordkeeping requirements.
16-229-280	Spill response plan.
16-229-300	Compliance schedule.
16-229-310	Permits.
16-229-400	Operational area containment at permanent mixing/loading sites.
16-229-410	Backflow prevention.
16-229-420	Rinsate management.
16-229-430	Maintenance and inspection.
16-229-440	Recordkeeping requirements.
16-229-450	Spill response plan.
16-229-470	Compliance.
16-229-480	Permits.

PART 1 GENERAL PROVISIONS

NEW SECTION

WAC 16-229-010 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

- (1) "Appurtenances" means all valves, pumps, fittings, pipes, hoses, metering devices, and mechanical devices which are connected to a storage container, or which are used to transfer a material into or out of such container.
- (2) "Bulk pesticide" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight.
- (3) "Department" means the Washington State Department of Agriculture.
- (4) "Discharge" means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of pesticide which is made pursuant to sale, storage, distribution or use.

- (5) "Dry pesticide" means pesticide which is in solid form prior to any application or mixing for application, and includes formulations such as dusts, wettable powders, dry flowable powders, granules, and water dispersible granules
- (6) "Liquid pesticide" means pesticide in liquid form and includes solutions, emulsions, suspensions, slurries, and pesticide rinsates.
- (7) "Mini-bulk pesticide" means an amount of liquid pesticide greater than fifty-five gallons but not exceeding five hundred gallons which is held in a single containe designed for ready handling and transport, which has been filled by the original pesticide manufacturer or repackager and to which no substance has been added by any person.
- (8) "Operational Area" means an area or areas when pesticides are transferred, loaded, unloaded, mixed, repack aged, refilled or where pesticides are cleaned, or rinsed fron containers or application, handling, storage or transportation equipment.
- (9) "Operational area containment" means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipmen wash water, rinsates, and rainwater from the operationa area(s).
- (10) "Permanent mixing/loading site" means a site (location) at which more than three hundred gallons of liquic pesticide (formulated product) or three thousand pounds of dry pesticide or at which a total of fifteen hundred pounds of pesticides as active ingredients are being mixed, repack aged or transferred from one container to another within a calendar year: PROVIDED, That wood preservative application systems already regulated by 40 CFR, Parts 264.570-575 and Parts 265.440-445 shall be exempt.
- (11) "Permanent storage facility" means a location a which liquid bulk pesticide in a single container or aggregate quantities in excess of five hundred U.S. gallons or dry bull pesticide in undivided quantities in excess of two thousand pounds is held in storage: PROVIDED, That mini-bull containers are exempt from this chapter: PROVIDEI FURTHER, That field storage of up to two thousand five hundred gallons of bulk liquid pesticide is allowed for a period of no more than fourteen days in a six month period at any one location. Temporary field storage may be extended upon written permit by the department: PROVID ED FURTHER, That liquid bulk pesticide containers directly attached to an apparatus for the purpose of chemigation are exempt.
 - (12) "Pesticide" means, but is not limited to:
- (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect rodent, snail, slug, fungus, weed, and any other form of plan or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest o which the director may declare to be a pest;
- (b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and
 - (c) Any spray adjuvant.
- (d) PROVIDED, That for the purpose of establishing permanent mixing/loading site threshold values petroleun oils are exempt.
- (13) "Primary containment" means the storage o liquid or dry bulk pesticide in storage containers at a permanent storage facility.

- (14) "Rinsate" means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any pesticide.
- (15) "Secondary containment" means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid pesticide from a storage facility.
- (16) "Storage container" means a container, including a rail car, nurse tank or other mobile container, that is used for the storage of bulk liquid or dry pesticide. It does not include a mobile container at a storage facility for less than fifteen days if this storage is incidental to the loading or unloading of a storage container at the bulk pesticide storage facility.
- (17) "Washwater" means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any pesticide.

WAC 16-229-015 Penalties. (1) Any person who fails to comply with any provisions of this chapter shall be subject to denial, suspension, or revocation of any license, registration, or permit provided for in chapters 15.58 and 17.21 RCW and/or imposition of a civil penalty as provided therein.

PART 2 PERMANENT STORAGE FACILITIES WAC 16-229020 THRU WAC 16-229-310

NEW SECTION

WAC 16-229-020 Secondary containment of liquid bulk pesticides—General requirements. Primary storage of bulk liquid pesticides at a storage facility shall be located within a secondary containment facility designed to prevent the release of discharged pesticides. A secondary containment facility shall consist of:

- (1) A wall and liner with a sloped floor as provided in WAC 16-229-030 and 16-229-040; or
- (2) A prefabricated facility as provided in WAC 16-229-050

NEW SECTION

- WAC 16-229-025 Secondary containment of liquid bulk pesticides—Capacity. (1) The secondary containment facility shall contain at least one hundred and twenty five percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area.
- (2) If the secondary containment facility is located indoors or under a roof to prevent accumulation of rainfall, the area shall contain at least one hundred and ten percent of the volume of the largest storage container plus the displacement of all other tanks, appurtenances and other items within the containment area.
- (3) Secondary containment facilities in operation prior to [adoption of this rule] and which have a minimum capacity of one hundred and ten percent of the volume of the largest storage container within the area plus the displace-

ment of all other tanks, appurtenances and other items within the containment area shall be considered to be in compliance with this section: PROVIDED, That upon alteration to the facility or increase of storage container volume the facility shall be brought into full compliance with the specific capacity requirements of this section.

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 16-229-030 Secondary containment of liquid bulk pesticides—Walls. (1) The walls of a secondary containment facility shall be constructed of steel, poured reinforced concrete, precast concrete modules, solid masonry, or other materials that will provide similar protection. The wall shall be designed to withstand a full hydrostatic head of any discharged liquid, and shall be properly sealed to prevent leakage.

(2) Any piping through the outside walls of a secondary containment facility shall be installed and maintained such that the structural integrity of the wall is preserved and in such a manner as to prevent leaks.

NEW SECTION

WAC 16-229-040 Secondary containment of liquid bulk pesticides—Lining. The base of a secondary containment facility shall be lined with steel, concrete or synthetic liner.

- (1) Concrete liners: Concrete liners shall be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged liquid, and shall be properly sealed to prevent leakage.
 - (2) Synthetic liners:
- (a) Synthetic liners shall be chemically compatible with the materials being stored within the facility and have a minimum thickness of 30 mils +/- 1 mil. A written confirmation of compatibility and a written estimate of the life of the liner from the manufacturer shall be kept on file at the storage facility or the nearest local office from which the facility is administered.
- (b) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, a contractor certified by the manufacturer, or a certified engineer. All field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturers recommendations.

NEW SECTION

WAC 16-229-050 Secondary containment of liquid bulk pesticides—Prefabricated facilities. (1) A prefabricated facility shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking. Materials used in the facility shall be chemically compatible with the products being stored within the facility. A written confirmation of compatibility from the basin manufacturer shall be kept on file at the storage

facility or at the nearest local office from which the storage facility is administered.

(2) The prefabricated facility shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid. Multiple basins connected to provide the capacity required in WAC 16-229-025 shall be connected in a manner which assures an adequate transfer of discharged liquid between basins.

NEW SECTION

WAC 16-229-060 Secondary containment of liquid bulk pesticides—Discharge outlets or valves. Secondary containment facilities, including prefabricated facilities, shall not have discharge outlets or valves. Discharge outlets or valves on existing facilities shall be sealed. Secondary containment facilities may be interconnected.

NEW SECTION

WAC 16-229-070 Secondary containment of liquid bulk pesticides—Storage with other commodities. (1) No other commodity except pesticide, pesticide rinsate, recovered pesticide discharges, or fertilizer rinsate may be stored within a pesticide secondary containment facility.

(2) A pesticide secondary containment facility may share a wall or portion of a wall, with a fertilizer secondary containment facility.

NEW SECTION

WAC 16-229-080 Secondary containment of liquid bulk pesticides—Precipitation accumulations. Precipitation may not be allowed to accumulate in a secondary containment facility to the point where it may tend to:

- (1) Reduce the capacity of the facility below one hundred and ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances and other items within the containment area.
- (2) Increase corrosion of storage containers or appurtenances.
 - (3) Impair the stability of storage containers.

NEW SECTION

WAC 16-229-090 Secondary containment of liquid bulk pesticides—Recovery of discharges. Discharges within a secondary containment facility shall be immediately recovered.

NEW SECTION

WAC 16-229-100 Primary containment of bulk liquid pesticides—Permanent storage facility. Permanent storage facility general requirements:

- (1) Storage containers and appurtenances shall be constructed, installed and maintained so as to prevent the discharge of liquid pesticide.
- (2) Storage containers and appurtenances shall be constructed of materials which are resistant to corrosion, puncture or cracking.

- (3) Materials used in the construction or repair of storage containers and appurtenances may not be of a type which react chemically or electrolytically with stored liquid pesticide in a way which may weaken the storage container or appurtenances, or create a risk of discharge.
- (4) Metals used for valves, fittings and repairs on metal containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion which may weaken the storage container or its appurtenances, or create a risk of discharge.
- (5) Storage containers and appurtenances shall be designed to handle all operating stresses, taking into account static head, pressure build up from pumps and compressors and any other mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.
- (6) Every pesticide storage container connection, except a safety relief valve connection, shall be equipped with ϵ manual shut-off valve located on the storage container or at a distance from the storage container dictated by standard engineering practice.
- (7) Appurtenances shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces encountered in the ordinary course of operation.
- (8) Pesticide storage containers and appurtenances shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles or objects.
- (9) Tanks designed as underground storage tanks shall not be used as above ground storage tanks for pesticide unless they are designed and approved for above ground use or have been inspected and approved by a certified engineer A record of the inspection and approval shall be maintained as a permanent record.

NEW SECTION

WAC 16-229-110 Primary containment of bull liquid pesticides—Prohibition against underground storage. No person shall store liquid pesticide in an underground storage container or a lined pit. A watertigh catch basin or sump used for the temporary collection or rinsate or runoff from transfer and loading areas is exemp from this section.

NEW SECTION

WAC 16-229-120 Primary containment of bull liquid pesticides—Abandoned storage containers. (1 Storage containers used at a storage facility to hold liquid bulk pesticide or pesticide rinsate are considered abandoned if they have been out of service for more than six consecutive months because of a weakness or leak, or have been out of service for any reason for more than two years without an integrity test having been performed.

- (2) Abandoned underground storage containers containing pesticides which meet the definition of hazardou substance UST system in Chapter 173-360 WAC are subject to the applicable requirements in that chapter.
- (3) Abandoned above ground storage containers shall be thoroughly cleaned. All hatches on the storage container

shall be secured and all valves or connections shall be severed or plugged with vents being left functional.

NEW SECTION

WAC 16-229-130 Primary containment of bulk liquid pesticides—Anchoring of storage containers. Storage containers shall be secured, as necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment facility.

NEW SECTION

WAC 16-229-140 Primary containment of bulk liquid pesticides—Filling storage containers. Storage containers may not be filled beyond the capacity for which they are designed, taking into account the density of the liquid being stored and thermal expansion during storage.

NEW SECTION

- WAC 16-229-150 Primary containment of bulk liquid pesticides—Liquid level gauging device. (1) Every storage container shall be equipped with a liquid level gauging device by which the level of liquid in the storage container can be readily and safely determined.
- (2) A liquid level gauging device is not required if the level of liquid in a storage container can be reliably measured by other means.
- (3) Liquid level gauging devices shall be secured, in a safe manner, to protect against breakage or vandalism which may result in a discharge.
- (4) External sight gauges are prohibited unless they are equipped with an automatic shut-off valve.

NEW SECTION

WAC 16-229-160 Primary containment of bulk liquid pesticides—Venting requirements. Storage containers used for liquid bulk pesticide shall be equipped with a conservation vent which opens and closes within the designed pressure limits of the container.

NEW SECTION

WAC 16-229-170 Primary containment of bulk liquid pesticides—Security. All bulk pesticide storage containers and appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access. Valves on storage containers shall be closed and locked or otherwise secured when left unattended. Locks on end valves shall be considered adequate security for containers and appurtenances. For purposes of this section, unattended means there is no employee on the property for a period of twelve hours or longer.

NEW SECTION

WAC 16-229-180 Primary containment of bulk liquid pesticides—Labeling. (1) All bulk pesticide storage containers shall be labeled in accordance with the Washington Pesticide Control Act (15.58 RCW) and the Federal Insecticide, Fungicide and Rodenticide Act. The registered product label shall be attached to the bulk storage container

- in a prominent location. The label shall be designed to remain intact and legible through active use of the container.
- (2) All bulk pesticide storage containers shall bear a label or placard in accordance with Uniform Fire Code Standard no. 79-3, identifying the materials therein.
- (3) All bulk pesticide storage containers used for field storage shall be labeled with the owner's name, the capacity of the tank, and an identifying number. Lettering shall be a minimum of two inches in height and in a color contrasting to the background.

NEW SECTION

WAC 16-229-200 Primary containment of bulk liquid pesticides—Field storage. (1) Containers used for field storage of liquid bulk pesticide shall comply with the following sections: WAC 16-229-100; 16-229-110; 16-229-120; 16-229-140; 16-229-150; 16-229-160; and 16-229-180.

- (2) All bulk pesticide storage containers and appurtenances used for field storage shall be inspected for leakage and soundness daily when in use.
- (3) Valves on storage containers shall be closed and locked or otherwise secured when left unattended.

NEW SECTION

WAC 16-229-210 Operational area containment of liquid pesticides—Permanent storage facility. (1) All operational area activities shall take place on or within an operational area containment facility: PROVIDED, That during the unloading or_loading of railcars, marine vessels, or manned trucks when product is unloaded from direct shipments from manufacturers, individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

- (2) The operational area containment facility shall be designed and constructed to contain pesticides, rinsates, and other materials spilled or deposited during mixing, loading, unloading, draining, and rinsing activities.
- (3) The operational area containment facility shall be constructed of concrete or other material with similar permeability.
- (4) If synthetic materials are used in construction they shall be chemically compatible with the products handled at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.
- (5) The facility shall be constructed to withstand the weight of any vehicles or storage containers which will be on the facility.
- (6) The facility shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area.
- (7) The facility shall have a capacity of at least fifteen hundred gallons of containment. If no storage container or mobile storage container used at the facility to transfer liquid bulk pesticides has a capacity of more than one thousand gallons the containment facility shall be of adequate size and design to contain one hundred and twenty-five percent (125%) the capacity of the largest storage container, or mobile storage container used.
- (8) The operational area containment facility shall slope to a liquid tight collection point or sump that allows spilled

or deposited materials to be easily recovered. An above ground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an above ground tank is used for temporary storage the tank shall be located within secondary containment. The tank shall be clearly and conspicuously labeled "Pesticide Rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.

- (9) Any pump used for recovering material from the operational area containment facility shall be manually activated.
- (10) The operational area containment facility shall not have a discharge outlet or valve. Discharge outlets or valves on existing facilities shall be sealed. Operational area containment facilities may be interconnected.

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 16-229-220 Operational area containment of liquid pesticides—Field storage. (1) During loading and unloading of liquid bulk pesticide at field storage locations individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) Liquid bulk pesticide storage containers used for field storage shall be located at least 100 feet from wells and surface water, except, for purposes of this section, irrigation water flowing directly to a field, or on a field, is not considered surface water unless the water could be carried beyond the field being irrigated.

NEW SECTION

WAC 16-229-230 Dry bulk pesticide storage and handling. (1) Dry bulk pesticides shall be stored in storage containers designed and constructed to hold dry bulk pesticide and shall be compatible with the stored pesticide. Storage containers shall be constructed of materials which are resistant to corrosion, puncture or cracking and shall be properly maintained.

- (2) Dry bulk pesticide storage containers shall be placed on pallets or a raised platform which is drained.
- (3) Stored dry bulk pesticide shall be covered by a roof or tarpaulin except during loading or unloading operations.
- (4) All loading, unloading, mixing and handling of dry pesticide at the storage facility shall be done on a paved surface of a size and design that will contain the pesticide and allow for collection of spilled materials.
- (5) Any spills of dry pesticide onto the containment area shall be promptly cleaned up and recovered.

NEW SECTION

WAC 16-229-240 Backflow prevention. (1) If plumbing within a secondary containment facility or an operational area facility is directly connected to a well or public water supply system a backflow prevention device shall be installed to protect the water source. All equipment shall be installed, operated and maintained as per

manufacturer's recommendations. The minimum safety equipment shall be one of the following:

- (a) A reduced pressure principle backflow prevention assembly approved by the Washington State Department o Health.
- (b) Air gap separation. Air gap is a physical separation between the free flowing discharge end of a water supply line and the fill opening of a water storage tank. The end of the discharge pipe shall be located a distance of at least two times the diameter of the supply line measured vertically above the flood rim of the tank. The gap should be in creased if the fill pipe is located next to a wall. If the discharge pipe is located within a secondary containment of operational area facility the end of the pipe shall be at least two pipe diameters above the highest liquid holding capacity of the containment facility.
- (2) Reduced pressure principle backflow prevention assemblies shall be inspected and tested once per year and air gap systems shall be inspected once per year by a Washington State Department of Health certified backflow assembly tester pursuant to WAC 246-290-490.

NEW SECTION

WAC 16-229-250 Rinsate management. (1) Pesticid products, or rinsates spilled, or accumulated within secondary or operational area facility, shall be immediately recovered. Any use of these materials shall be at labeled rates consistent with labeled end uses for the product(s). The materials may be stored for later use or as make-up water for pesticide applications.

- (2) Any liquid that accumulates at a collection point c in a sump shall be removed within twenty-four hours whe the facility is in operation.
- (3) Recovered spills, sedimentation, rinsates, contaminated precipitation or other contaminated debris shall be contained and used per product label or properly disposed or Pesticide containing materials shall not be released to the environment unless the release is an application per product label direction. Any disposal of these materials shall be consistent with the Hazardous Waste Management Actionates Tol. 105 RCW and the Water Pollution Control Actionates Chapter 90.48 RCW and shall be enforced by the Washington State Department of Ecology accordingly.
- (4) If storage tanks are used to store rinsate, washwate or contaminated precipitation for later use the followin records shall be kept.
 - (a) The date and amount of water put into the tank.
- (b) The brand name(s) or active ingredient(s) of th pesticides contained in the water.
- (c) A method to identify the specific application(s) was used for.

NEW SECTION

WAC 16-229-260 Maintenance and inspection. (1) The operator of a pesticide bulk storage facility shall insper and maintain storage containers, appurtenances, secondar containment facilities and operational area facilities to minimize the risk of a pesticide release. The inspection shall include a visual observation for any evidence of leaks, spill cracks, solar decay or wear.

- (2) Maintenance of the pesticide bulk storage facilities shall be performed as needed to ensure that the integrity of the bulk pesticide storage containers, secondary containment facilities and operational area containment facilities is maintained.
- (3) Bulk pesticide storage containers and appurtenances shall be inspected at least once per month when in use. Secondary containment and operational area facilities shall be inspected at least once per month when in use.
- (4) All secondary and operational area facilities shall be maintained free of debris and foreign matter.
- (5) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site or at the nearest local office from which the storage site is administered.
- (6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

- WAC 16-229-270 Recordkeeping requirements. The following records shall be maintained at pesticide bulk storage facilities or at the nearest local office from which the storage facility is administered:
- (1) A record of construction materials and methods of construction to show compliance with WAC 16-229-025, 16-229-030, 16-229-040, 16-229-050, 16-229-060, and 16-229-210. These records shall be maintained as permanent records.
- (2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside secondary or operational area containment facilities. This record applies only to discharges required to be reported to the Washington State Department of Ecology by the Washington State Dangerous Waste Regulations, Chapter 173-303 WAC. These records shall be maintained for a period of at least three years.
- (3) A monthly inventory reconciliation showing the amount of liquid bulk pesticide from each storage container which is lost or unaccounted for at the end of each monthly period during which pesticide is stored in the container. These records shall be maintained for a period of at least three years.
- (4) Inspection and maintenance records required by WAC 16-229-260. These records shall be maintained for a period of at least three years.
- (5) Manufacturer's compatibility statements required by WAC 16-229-040 and WAC 16-229-050. These records shall be maintained as permanent records.
- (6) A copy of the facility's spill response plan required by WAC 16-229-280. This record shall be maintained as a permanent document.
- (7) Records required in WAC 16-229-250 for use or disposal of rinsate, washwater and contaminated precipitation. These records shall be maintained for a period of at least years.
- (8) Inspection records required by WAC 16-229-100(9). These records shall be maintained as permanent records.

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 16-229-280 Spill response plan. (1) The operator of a storage facility shall prepare a written spill response plan for the storage facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies, they need not be prepared for this plan: PROVIDED, That the information is readily accessible to emergency responders and department personnel. However, when copies of the plan are distributed all the required information must be provided.

The plan shall include the following elements:

- (a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill including persons responsible for the stored pesticide.
- (b) For each pesticide stored at the facility a complete copy of the storage container labeling required in WAC 16-229-180 and the labeling required to accompany sale of the pesticide under the Washington Pesticide Control Act, 15.58 RCW.
- (c) A material safety data sheet for each pesticide stored at the facility.
- (d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of bulk pesticide stored at the facility.
- (e) The procedures to be followed in using or disposing of a recovered spill.
- (2) The spill response plan shall be kept current at all times.
- (3) A copy of the spill response plan shall be kept readily available for inspection and use at the storage facility or at the nearest local office from which the storage facility is administered and shall be available for inspection and copying by the department.
- (4) A copy of the spill response plan shall be provided to the local fire department.
- (5) Persons employed at bulk pesticide storage facilities shall be trained in spill response procedures pursuant to the spill response plan.
- (6) Emergency equipment and supplies: Every storage facility shall have access to pumps and recovery containers which can be used to control and recover spills. Pumps, recovery containers and persons capable of deploying and operating them shall be readily available in an emergency. Pumps and recovery containers may include those operated by a local fire department or other persons: PROVIDED, That the use and availability of the pumps and recovery containers is arranged in advance as part of the spill_response plan. Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the storage facility. The facility shall maintain a list showing the types and locations of clean-up supplies and equipment. The list shall be maintained at the storage facility or the nearest local office from which the facility is administered.

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.

WAC 16-229-300 Compliance schedule. (1) New permanent storage facilities placed in service after [the date of adoption of this rule] shall immediately comply with this chapter.

(2) Existing permanent storage facilities in operation prior to [the date of adoption of this rule] shall comply with the following schedule:

(a) Secondary containment

WAC 16-229-020 through 16-229-090.

except as otherwise provided

in 16-229-025(3)

three years after [adoption date]

(b) Primary containment

WAC 16-229-100 through 16-229-200one year after [adoption date]

(c) Operational area containment

WAC 16-229-210 three years after [adoption date]

(d) Dry bulk pesticide storage and handling

WAC 16-229-230(1)(2)(3)(5) one year after [adoption date] WAC 16-229-230(4) three years after [adoption date]

(e) Backflow prevention

WAC 16-229-240

immediate .

(f) Rinsate management

WAC 16-229-250

one year after [adoption date]

(g) Maintenance and inspection WAC 16-229-260

one year after [adoption date]

(h) Recordkeeping requirements

AC 16-229-270

one year after [adoption date]

(i) Spill response plan WAC 16-229-280

one year after [adoption date].

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 16-229-310 Permits. (1) The department may issue a permit exempting any person from a requirement under part two of this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) An advisory group appointed by the director shall evaluate and advise the department on all requests for permits from the rule.

PART 3 PERMANENT MIXING/LOADING SITES WAC 16-229-400 THRU 16-229-480

NEW SECTION

WAC 16-229-400 Operational area containment at permanent mixing/loading sites. (1) All operational area activities occurring at a permanent mixing/loading site shall take place on or within an operational area containment facility.

(2) The operational area containment facility shall be designed and constructed to contain pesticides, rinsates, and other materials spilled or deposited during mixing, loading, unloading, draining, and rinsing activities.

- (3) The operational area containment facility shall be constructed of concrete or other material with similar permeability. If synthetic materials are used in construction they shall be chemically compatible with the products mixed and loaded at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site of the nearest location from which the site is administered.
- (4) The facility shall be constructed to withstand the weight of any vehicles or storage containers which will be on the facility.
- (5) The facility shall be constructed with sufficien surface area, using curbs or other means, to prevent any discharge from leaving the containment area.
- (6) The containment facility shall be of adequate size and design to contain one hundred and twenty-five percen (125%) the capacity of the largest storage container, or application equipment used at the facility up to a maximum of fifteen hundred gallons.
- (7) Operational area facilities constructed prior to [adoption of this rule] and which have been constructed to contain one hundred and ten percent of the capacity of the largest storage container or application equipment used at the facility shall be considered to be in compliance with this chapter.
- (8) The operational area containment facility shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily recovered. An above ground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an above ground tank or tanks are used for temporary storage, the tank(s) shall be located within operational area or secondary containment. The tank shall be clearly and conspicuously labeled "Pesticide Rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.
- (9) Any pump used for recovering material from the operational area containment facility shall be manually activated.
- (10) The operational area containment facility shall no have a discharge outlet or valve. Discharge outlets or valve on existing facilities shall be sealed. Operational are: containment facilities may be interconnected.

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

NEW SECTION

WAC 16-229-410 Backflow prevention. (1) I plumbing within a permanent mixing/loading site is directly connected to a well or public water supply system backflow prevention device shall be installed to protect the water source. All equipment shall be installed, operated and maintained as per manufacturer's recommendations. The minimum safety equipment shall be one of the following:

- (a) A reduced pressure principle backflow prevention assembly approved by the Washington State Department o Health.
- (b) Air gap separation. Air gap is a physical separatio between the free flowing discharge end of a water suppl line and the fill opening of a water storage tank. The end c the discharge pipe shall be located a distance of at least two times the diameter of the supply line measured verticall

above the flood rim of the tank. The gap should be increased if the fill pipe is located next to a wall. If the discharge pipe is located within a secondary containment or operational area facility the end of the pipe shall be at least two pipe diameters above the highest liquid holding capacity of the containment facility.

(2) Reduced pressure principle backflow prevention assemblies shall be inspected and tested once per year and air gap systems shall be inspected once per year by a Washington State Department of Health certified backflow assembly tester pursuant to WAC 246-290-490.

NEW SECTION

- WAC 16-229-420 Rinsate management. (1) Pesticide products or rinsates spilled or accumulated within an operational area containment facility shall be immediately recovered. Any use of these materials must be at labeled rates consistent with labeled end uses for the product(s). The materials may be stored for later use or as make-up water for pesticide applications.
- (2) Any liquid that accumulates at a collection point or in a sump shall be removed within twenty-four hours when the facility is in operation.
- (3) Recovered spills, sedimentation, rinsates, contaminated precipitation or other contaminated debris shall be contained and used per product label or properly disposed of. Pesticide containing materials shall not be released to the environment unless the release is an application per product label direction. Any disposal of these materials shall be consistent with the Hazardous Waste Management Act, Chapter 70.105 RCW and the Water Pollution Control Act, Chapter 90.48 RCW and shall be enforced by the Washington State Department of Ecology accordingly.
- (4) If storage tanks are used to store rinsate or contaminated precipitation for later use the following records shall be kept.
 - (a) The date and amount of water put into the tank.
- (b) The brand name(s) or active ingredient(s) of the pesticides contained in the water.
- (c) A method to identify the specific application it was used for.

NEW SECTION

- WAC 16-229-430 Maintenance and inspection. (1) The operator of a permanent mixing/loading site shall inspect and maintain storage containers, appurtenances, and operational area facilities to minimize the risk of a pesticide release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.
- (2) Maintenance of the facilities shall be performed as needed to ensure that the integrity of the operational area containment facilities is maintained.
- (3) Operational area facilities shall be inspected at least once per month when in use.
- (4) Operational area facilities shall be maintained free of debris and foreign matter.
- (5) A written record of all inspections and maintenance or repairs shall be made on the day of the inspection or maintenance and kept at the site or at the nearest local office from which the site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

NEW SECTION

- WAC 16-229-440 Recordkeeping requirements. The following records shall be maintained at the permanent mixing/loading site or at the nearest local office from which the site is administered:
- (1) A record of construction materials and methods of construction to show compliance with WAC 16-229-400. These records shall be maintained as permanent records.
- (2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside the operational area containment facility. This record applies only to discharges required to be reported to the Washington State Department of Ecology by the Washington State Dangerous Waste Regulations, Chapter 173-303 WAC. These records shall be maintained for a period of at least three years.
- (3) Inspection and maintenance records required by WAC 16-229-430. These records shall be maintained for a period of at least three years.
- (4) Manufacturer's compatibility statements required by WAC 16-229-400 if synthetic materials are used in the construction of the facility. These records shall be maintained as permanent records.
- (5) A copy of the spill response plan required in WAC 16-229-450. This record shall be maintained as a permanent document.
- (6) Records required by WAC 16-229-420 for use or disposal of rinsate and contaminated precipitation. These records shall be maintained for a period of at least three years.

NEW SECTION

WAC 16-229-450 Spill response plan. (1) The operator of a permanent mixing/loading site shall prepare a written spill_response plan for the facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies they need not be prepared for this plan: PROVID-ED, That the information is readily accessible to emergency responders and department personnel. However, when copies of the plan are distributed all the required information shall be provided.

The plan shall include the following elements:

- (a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill.
- (b) For each pesticide stored at the facility a complete copy of the storage container labeling required under this rule and the labeling required to accompany sale of the pesticide under the Washington Pesticide Control Act, 15.58 RCW.
- (c) A material safety data sheet for each pesticide stored at the facility.
- (d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of pesticide stored at the facility.
- (e) The procedures to be followed in using or disposing of a recovered spill.

- (2) The spill response plan shall be kept current at all times.
- (3) A copy of the spill response plan shall be kept readily available for inspection and use at the facility or at the nearest local office from which the facility is administered and shall be available for inspection and copying by the department.
- (4) Persons employed at permanent mixing/loading sites shall be trained in spill response procedures pursuant to the spill response plan.
- (5) Emergency equipment and supplies: Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the facility. A list showing the types and locations of clean-up supplies and equipment shall be maintained at the permanent mixing/loading site or the nearest local office from which the site is administered.

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 16-229-470 Compliance. (1) New permanent mixing/loading sites placed in service after [the date of adoption of this rule] shall immediately comply with this chapter.

(2) Existing permanent mixing/loading sites in operation prior to [the date of adoption of this rule] shall have four years from [the date of adoption] to be in full compliance.

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 16-229-480 Permits. (1) The department may issue a permit exempting any person from a requirement under part 3 of this chapter if compliance is not technically feasable in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) An advisory group appointed by the director shall evaluate and advise the department on all requests for permits from this chapter.

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

WSR 93-13-001 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 2, 1993, 2:22 p.m.]

Original Notice.

Title of Rule: Chapter 388-540 WAC, Kidney centers.

Purpose: Establish a new Washington Administrative Code chapter to transfer the administration of kidney centers to the Department of Social and Health Services from the Department of Health.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Establish WAC within DSHS WAC to administer the state-funded program to assist persons with end stage renal disease.

Reasons Supporting Proposal: Kidney Center Administration is transferred to Medical Assistance Administration in DSHS from Department of Health.

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, 14th and Franklin Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 2, 1993
Dewey G. Brock
for Rosemary Can
Acting Director
Administrative Services

Chapter 388-540 WAC KIDNEY CENTERS

NEW SECTION

WAC 388-540-001 Purpose. The department shal administer state funds appropriated to assist people with enc stage renal disease to meet the costs of their medical care.

NEW SECTION

WAC 388-540-005 Definitions. For the purpose of administering the state kidney disease program, the following shall apply:

- (1) "End stage renal disease (ESRD)" means that stage of renal impairment which is irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life;
- (2) "ESRD Client" means resident of the state with a diagnosis of ESRD;
- (3) "Kidney center" means those facilities as defined and certified by the federal government to provide ESRI services and which provide the services specified in this

chapter and which promote and encourage home dialysis for a client when medically indicated;

- (4) "Affiliate" means a facility, hospital, unit, business, or person having an agreement with a kidney center to provide specified services to ESRD patients;
- (5) "State kidney disease program" means state general funds appropriated to the department to assist clients with ESRD in meeting the cost of medical care;
- (6) "Application for ESRD eligibility" means the form provided by the department which the client completes and submits to determine ESRD eligibility;
- (7) "Certification" or "certified" means the department has approved a client for the state kidney disease program under this chapter;
- (8) "ESRD application period" means the time between the date of application and certification;
- (9) "Resources" means income or assets or any real or personal property that a person or the person's spouse owns and could convert to cash to be used for support or maintenance:
- (10) "Fair market value" means the current worth of a resource at the time of transfer or, if earlier contract for sale, or date of application;
- (11) "Adequate consideration" means that the reasonable value of goods or services received in exchange for transferred property approximates the reasonable value of the property transferred;
- (12) "Transfer" means any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person;
- (13) "Reasonable value" means the amount that the property is worth on the open market;
 - (14) A "substantial reduction" means:
- (a) The elimination of a client's required annual deductible amount; or
- (b) The reduction of resources to below fifteen hundred dollars.

NEW SECTION

- WAC 388-540-010 Services. Generally, the kidney center shall provide, directly or through an affiliate, all physical facilities, professional consultation, personal instructions, medical treatment and care, drugs, dialysis equipment, and supplies necessary for carrying out a medically-sound ESRD treatment program. The kidney center shall provide:
- (1) Dialysis for clients with ESRD when medically indicated;
- (2) Kidney transplantation treatment for clients with ESRD either directly or by referral, when medically indicated:
 - (3) Treatment for conditions directly related to ESRD;
- (4) Training and supervision of medical, supporting personnel and of clients who are eligible for home dialysis; and
 - (5) Supplies and equipment for home dialysis.

NEW SECTION

WAC 388-540-020 Reimbursement. The department shall reimburse kidney centers for services described in this chapter to the extent the legislature has appropriated funds and when the center submits documented evidence, satisfactory to the department, showing:

- (1) Services for which reimbursement is requested;
- (2) Client's financial eligibility for the state kidney disease program under this chapter except reimbursement for services:
- (a) Provided to a client location outside the state shall be limited to a period of two weeks per calendar year per client; and
- (b) Described under this chapter shall be determined on a case-by-case basis by the department.

NEW SECTION

WAC 388-540-030 ESRD eligibility. The kidney center shall review at least annually the client's ESRD eligibility for the state kidney disease program according to procedures outlined in this chapter. A client shall be considered eligible when the client exhausts or is ineligible for all other resources providing similar benefits to meet the costs of ESRD-related medical care. Resources shall include:

- (1) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;
 - (2) Savings, property, and other assets;
- (3) Government and private medical insurance programs;
 - (4) Government or private disability programs;
- (5) Local funds raised for the purpose of providing financial support for a specified ESRD client: PROVIDED, that in determining eligibility the following resources shall be exempt:
- (a) A home, defined as real property owned by a client as a principal place of residence, together with the property surrounding and contiguous thereto, not to exceed five acres. Commercial property or property used for the purpose of producing income shall be considered excess property and shall be subject to the limitations of subsection (5)(d) of this section;
 - (b) Household furnishings;
 - (c) An automobile; and
- (d) Savings, property or other assets, the value not to exceed the sum of five thousand dollars.

NEW SECTION

WAC 388-540-040 Transfer of resources without adequate consideration. A person may be ineligible for the program if the person knowingly and willfully assigns or transfers nonexempt resources at less than fair market value for the purpose of qualifying or continuing to qualify for the program within two years preceding the date of application.

WAC 388-540-050 Fiscal information. The kidney center shall provide fiscal information on the department's request. The information shall include:

- (1) Accounting information and documentation sufficient to establish the basis for fees for services and/or charges;
- (2) Sources and amounts of resources allowing an individual client to verify financial eligibility;
- (3) Evidence that all other available resources have been depleted before requests for reimbursement from the state kidney disease program are submitted to the department; and
 - (4) Other information as the department may require.

NEW SECTION

WAC 388-540-060 Procedures for ESRD eligibility determination. The department, kidney center and client shall comply with the following procedures to determine ESRD eligibility:

- (1) The department shall provide the kidney center with the necessary forms and instructions;
- (2) The kidney center shall inform the client of the requirements for ESRD eligibility as defined in this chapter;
- (3) The kidney center shall provide the client with necessary forms and instructions in a timely manner;
- (4) The client shall complete and submit the ESRD application for eligibility and any necessary documentation to the kidney center in the manner and form the department prescribes;
- (5) A new client shall apply for Medicaid, obtain and send to the kidney center written documentation of Medicaid eligibility or denial;
- (6) The kidney center shall review the ESRD application and documentation for completeness and accuracy according to instructions provided by the department;
- (7) The kidney center shall forward to the medical assistance administration (MAA) the ESRD application and any documentation needed to approve or deny eligibility. The MAA shall review the ESRD application and documentation and notify the kidney center that the client has been certified, or request additional information as needed;
- (8) The ESRD application period shall be limited to one hundred and twenty days. The kidney center may request an extension when extenuating circumstances prohibit the client from completing the application process within the allowed time. The department, at its discretion, may grant and specify the limits of the extension;
- (9) The ESRD client shall be eligible for a period of one year from the first day of the month of application unless the client's resources or income increase or decrease substantially, in which case the client must complete a new application for ESRD eligibility;
- (10) ESRD eligibility effective date is the first day of the month of ESRD application if the person was eligible at any time during that month. The effective date of ESRD eligibility shall be no earlier than four months before the month of ESRD application provided the:
 - (a) Medical services received were covered; and
- (b) Person would have been eligible had the person applied.
- (11) A client currently eligible shall be recertified before the end of the respective eligibility periods.

(12) A client who seeks continued program services does not need to reapply for Medicaid unless the client has a substantial reduction in resources during the year.

WSR 93-13-006 PROPOSED RULES DEPARTMENT OF FISHERIES

[Filed June 4, 1993, 8:20 a.m.]

Continuance of WSR 93-09-074.

Title of Rule: Commercial fishing rules.

Purpose: Continue adoption date.

Statutory Authority for Adoption: RCW 75.08.080. Statute Being Implemented: RCW 75.08.080.

Summary: See WSR 93-09-074.

Reasons Supporting Proposal: See WSR 93-09-074.

Name of Agency Personnel Responsible for Drafting Evan Jacoby, P.O. Box 43147, Olympia, WA 98504, 902-2930; Implementation: Gene DiDonato, P.O. Box 43150 Olympia, WA 98504, 902-2701; and Enforcement: Dayna Matthews, P.O. Box 43147, Olympia, WA 98504, 902-2927

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: See WSR 93-09-074.

Proposal Changes the Following Existing Rules: See WSR 93-09-074.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

See WSR 93-09-074.

Date of Intended Adoption: June 10, 1993.

June 3, 199.
Judith Freeman
Deputy
for Robert Turne
Directo

WSR 93-13-014 WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

[Filed June 7, 1993, 3:40 p.m.]

This is notice that the proposed amendment to WAC 246 816-220 and new section WAC 246-816-225, WSR 93-08 106, filed with the code reviser's office on April 7, 1993, i being withdrawn and has been referred back to the Denta Disciplinary Board for further review and/or revisions. Th rules being withdrawn are WAC 246-816-220 Acts that may be performed by unlicensed persons and 246-816-225 An act that may be performed by dental lab technicians outside th treatment facility.

Linda McCue, Program Manage Dental Disciplinary Boar

WSR 93-13-018 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 8, 1993, 9:18 a.m.]

Original Notice.

Title of Rule: WAC 388-31-035 WTAP fund.

Purpose: This amendment limits the time for a telephone company to bill the Washington telephone assistance program fund.

Statutory Authority for Adoption: RCW 80.36.440. Statute Being Implemented: RCW 80.36.440.

Summary: This amendment restricts the time period for telephone companies to bill the WTAP fund for services and administrative costs.

Reasons Supporting Proposal: There are currently no restrictions concerning how far back a telephone company can bill the WTAP fund. Maintenance of the fund is based on a narrow taxation range and the threshold level. These two variables cannot be changed quickly. As a consequence, there is a need to make timely budget predictions concerning the fund.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, Division of Income Assistance, 438-8316.

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, 14th and Franklin, Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 8, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3063, filed 8/23/90, effective 9/23/90)

WAC 388-31-035 WTAP fund. (1) Limited to funds available in the WTAP fund, the department shall reimburse local exchange companies for administrative and program expenses associated with the WTAP. The department shall:

- (a) ((The)) Reduce payment amount ((the department pays shall be reduced)) to the maximum extent possible by a waiver of all or part of the federal end user access charge;
- (b) ((Reimbursement shall be)) Reimburse from the WTAP fund; ((and))

- (c) <u>Limit payments</u> ((shall be limited)) to services provided after the household's eligibility for the WTAP is established; and
- (d) Ensure local exchange companies ((shall)) fully document and support in detail all administrative and program expenses billed to the department in the required monthly invoices. The department shall limit reimbursable administrative expenses ((are limited)) to:
- (i) Salaries and benefits for documented time required for implementing and maintaining the WTAP, with the exception that time required for the correction of case number errors is not an allowable expense;
- (ii) Documented travel expenses incurred for attending hearings, meetings, or training pertaining to the WTAP;
- (iii) Documented expenses incurred for supplies and materials required to implement and maintain the WTAP;
- (iv) Documented postage and handling for delivery of WTAP material;
- (v) Change of service charges from a private line to a party line in order to participate in WTAP, not to exceed the amount tariffed, as necessary to meet the requirements of WAC 480-122-010 (3)(c);
- (vi) Administrative charge for change of service orders specified by tariffs; and
- (vii) Documented indirect costs associated with implementing and maintaining WTAP.
- (2) The department shall recover its administrative costs from the WTAP fund.
- (3) The department shall establish procedures for reimbursement from the WTAP fund ((shall be by such procedure as established by the department)) and shall only reimburse for:
- (a) Invoices submitted within ninety days following the month the expense occurred;
 - (b) Correct, verifiable, billing items; and
- (c) Erroneous items which have been corrected within sixty days from the date the department returns the report of invoicing error to the local exchange company.
- (((4) The department shall not be required to conclude a contract with local exchange companies to reimburse costs incurred after June 30, 1990.))

WSR 93-13-022 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 9, 1993, 11:40 a.m.]

Continuance of WSR 93-12-050.

Title of Rule: New chapter 388-235 WAC, General assistance unemployable (GAU); and repealing chapter 388-37 WAC.

Purpose: New chapter 388-235 WAC, facilitates on-line computer access by eligibility staff in our field offices and makes the policies easier to understand. Policies contained in chapter 388-37 WAC relating to general assistance for pregnancy (GAS) programs are recodified under a separate chapter named chapter 388-30 WAC. New chapter 388-235 WAC relates to financial and medical assistance programs.

Date of Intended Adoption: June 30, 1993.

June 9, 1993
Dewey Brock
for Rosemary Carr
Acting Director
Administrative Services

WSR 93-13-023 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 9, 1993, 11:41 a.m.]

Continuance of WSR 93-12-049.

Title of Rule: Chapter 388-230 WAC, General assistance for pregnant women.

Purpose: The Department of Social and Health Services is currently rewriting, reorganizing, and recodifying WAC policies relating to financial and medical assistance programs. This will facilitate on-line (computer) access by eligibility staff in field offices and will make the policies easier to understand. New chapter 388-230 WAC repeals chapter 388-37 WAC.

Date of Intended Adoption: June 30, 1993.

June 9, 1993
Dewey Brock
for Rosemary Carr
Acting Director
Administrative Services

WSR 93-13-024 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 9, 1993, 4:38 p.m.]

Original Notice.

Title of Rule: WAC 388-86-047 Hospice services; and 388-99-060 Scope of care for medically needy.

Purpose: Amended to include medically needy clients as eligible for hospice services. As an administrative change, hospice care center is added as a hospice agency.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Expands hospice to the medically needy eligible group. As an administrative change, hospice care center is added as a hospice agency.

Reasons Supporting Proposal: Law changed, namely, SB 5444 states an act relating to medical assistance coverage of hospice care and services is amended and will not terminate June 30, 1993.

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, 14th and Franklin Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief Office of Issuances, Mailstop 5805, Department of Socia and Health Services, Olympia, 98504, FAX 664-0118 of SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 9, 1993
Dewey Brock
for Rosemary Can
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3402, filed 6/9/92, effective 8/1/92)

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 client and the client's family.

- (2) A Medicare Title XVIII certified hospice agency shall furnish hospice services.
 - (3) To be eligible for hospice services, a client shall:
- (a) Be ((eategorieally needy)) eligible under the Medic aid 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 termina 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, excep services of or arranged by the designated hospice.
 - (5) The client's hospice services 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 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, ((or)) nursing facility or hospice care center, licensed under chapter 246-321 WAC; or
 - (ii) Provided in a nursing facility limited to respite care;
- (iii) When the services conform to a written plan of care; and
- (iv) When the unit, hospital, ((or)) nursing facility or hospice care center meets the hospice staff and patient area standards.
- (f) Medical appliances and supplies, including drugs and biologicals;
- (g) Home health aide services, under the direction of a registered nurse; and
- (h) Physical therapy, occupational therapy, and speech-language pathology services.
- (6) Hospice coverage shall be available to a person for at least two hundred ten days. The department may subdivide the <u>person's</u> hospice coverage time into two or more periods.
- (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.
- (8) A client may request voluntarily, in writing, to cancel hospice services.

AMENDATORY SECTION (Amending Order 3489, filed 12/10/92, effective 1/10/93)

WAC 388-99-060 Scope of care for medically needy.

- (1) The medical coverage under the limited casualty-medically needy program shall include:
 - (a) Blood administration and processing;
 - (b) Case management services;
 - (c) Dental services;
 - (d) Dentures;
- (e) Early and periodic screening, diagnosis and treatment (EPSDT) services;
 - (f) Enteral/parenteral nutrition;
 - (g) Eyeglasses;
 - (h) Family planning clinic services;
 - (i) Home health services;
 - (i) Hospice services;
 - (k) Inpatient hospital services;
- (((k))) (1) Intermediate care facility services for the mentally retarded;
 - (((1))) (m) Laboratory and x-ray services;
 - (((m))) (n) Nursing facility services;
 - (((n))) (o) Outpatient hospital;
 - (((o))) (p) Oxygen and respiratory therapy;
 - (((p))) (q) Physical medicine and rehabilitation services;
 - (((q))) (r) Physician, ARNP, and clinic services;
 - (((r))) (s) Podiatric services;
 - (((s))) (t) Prescribed drugs;
 - (((t))) (u) Prosthetic devices;
 - (((u))) (v) Rural health services;
- (((v))) (w) School medical services for special education students; and
 - (((w))) (x) Medically necessary transportation.

- (2) The department shall apply conditions and limitations in chapter 388-86 WAC ((shall apply)) to the limited casualty-medically needy program.
- (3) A request for an exception to policy shall require a review by the medical assistance administration.

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 93-13-025 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 10, 1993, 10:42 a.m.]

Continuance of WSR 93-12-095.

Title of Rule: Chapter 388-160 WAC, Minimum licensing requirements for overnight youth shelters.

Purpose: Provides minimum licensing standards for a new category of child care named overnight youth shelters designed to provide shelter for street kids. Current licensing standards for other types of facilities are not appropriate or are excessive for shelters providing overnight care. New chapter 388-160 WAC.

Hearing Location: Broadview Public Library, 130th Street and 12755 Greenwood Avenue North, Seattle, WA 98133, on July 8, 1993, at 2:00 p.m.

If you need sign language assistance, please contact the Office of Issuances by June 24, 1993, or call our TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 1, 1993.

Date of Intended Adoption: July 13, 1993.

June 10, 1993
Dewey Brock
for Rosemary Carr
Acting Director
Administrative Services

WSR 93-13-035 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed June 11, 1993, 4:30 p.m.]

Original Notice.

Title of Rule: Amending WAC 480-93-010 relating to compliance with federal standards. The amended rule is shown below as Docket No. UG-930243.

Purpose: Adds 49 CFR Part 199, for incorporation by reference; updates the version of 49 CFR Part 192 that is adopted by reference; and states where copies of the incorporated material may be viewed and obtained.

Statutory Authority for Adoption: RCW 80.01.040. Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will add Part 199 of 49 CFR to Part 192, previously adopted, for WUTC safety jurisdiction certified by the Federal Office of Pipeline Safety under the Natural Gas Pipeline Safety Act of 1968, as amended. The proposal also updates the adoption of Part 192, clarifies language, and advises where copies of incorporated material may be viewed and obtained.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Compliance with the referenced provisions is already required by federal law, so the proposal adds no new requirements.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98503 [98504], on August 4, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98503-7250 [98504-7250], by July 21, 1993.

Date of Intended Adoption: August 4, 1993.

June 11, 1993 Paul Curl Secretary

[AMENDATORY SECTION (Amending Order R-375, filed 8/5/92)]

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission facilities of all gas operators in this state shall be designed, constructed, maintained, and operated in compliance with the provisions of 49 CFR, Parts 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (effective November 12, 1970, except for those provisions applicable to design, installation, construction, initial inspection, and initial testing of new pipelines which become effective March 13, 1971) as developed and issued by the office of pipeline safety (OPS), United States Department of Transportation (DOT), under Public Law (PL) 90 481, and as published in the Federal Register, vol. 35, No. 161, dated August 19, 1970, and all subsequent additions, deletions, or amendments thereto when appropriately authorized, issued, and made official by OPS DOT and 199, in effect on [the date this rule is adopted], except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. 49 CFR, Parts 192 and 199, are available for public inspection in the commission branch of the Washington state library, located with the headquarters office of the commission. Copies are available from the Government Printing Office Bookstore, Seattle, Washington.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

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

WSR 93-13-037 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 14, 1993, 9:35 a.m.]

Original Notice.

Title of Rule: WAC 388-86-120 Medical care services Purpose: To establish consistency with law RCW 74.09.035 on available services. This rule excludes outpatient chemical dependency treatment and Methadone treatment from medical care services.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.035.

Statute Being Implemented: RCW 74.08.090 and 74.09.035.

Summary: Excludes outpatient chemical dependency treatment and methadone treatment from medical care services.

Reasons Supporting Proposal: To establish consistency with law on available services.

Name of Agency Personnel Responsible for Drafting Implementation and Enforcement: Bobbe Andersen, Medica Assistance Administration, 753-0529.

Name of Proponent: [Department of Social and Healtl 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: Sea above.

No small business economic impact statement i required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief Office of Issuances, Mailstop 5805, Department of Socia and Health Services, Olympia, 98504, FAX 664-0118 o SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 14, 1993
Dewey Brock
for Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3477, filed 10/28/92, effective 11/28/92)

WAC 388-86-120 Medical care services. (1) A nedical care services client shall be eligible to receive the same scope of care (WAC 388-86-005) as ((available under))

1 Medicaid client, except that the department shall not pay for the following services:

- (a) <u>Medical care</u> outside the state of Washington other han in designated bordering cities as specified in chapter 388-82 WAC;
 - (b) Case management services;
 - (c) Dental services;
 - (d) Hospice services;
 - (e) Hospital inpatient and hospital outpatient services;
 - (f) Indian health center services; ((and))
 - (g) Personal care services;
 - (h) Outpatient chemical dependency treatment; and
 - (i) Chemical dependency Methadone services.
- (2) The department shall only provide mental health services in community mental health centers and to the extent that the client meets the client definitions and priorities in the Community Mental Health Act.
- (3) Eligibility for medical care services shall begin with the certification date under WAC 388-84-120. The department shall not retroactively certify for medical care services.

WSR 93-13-039 WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

(Board of Pharmacy) [Filed June 14, 1993, 2:10 p.m.]

We are withdrawing the proposed amendments to WAC 246-301-030 published as part of WSR 93-08-107. We will amend this section and refile at a later date.

Donald H. Williams Executive Director

WSR 93-13-047 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 93-07—Filed June 15, 1993, 8:18 a.m.]

Continuance of WSR 93-06-051.

Title of Rule: WAC 173-19-3911 City of Mountlake Terrace shoreline master program.

Purpose: To continue the adoption date from May 18, 1993, to June 22, 1993.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

No small business economic impact statement required by chapter 19.85 RCW.

Date of Intended Adoption: June 22, 1993.

June 8, 1993 Mary Riveland Director

WSR 93-13-049 PROPOSED RULES TACOMA COMMUNITY COLLEGE

[Filed June 15, 1993, 2:25 p.m.]

Original Notice.

Title of Rule: Code of student rights and responsibilities, student grievances.

Purpose: To establish rules governing the filing of student grievances.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Summary: Establishes steps for students to follow in resolving complaints or grievances against college employees.

Reasons Supporting Proposal: To assure that students know the process for filing grievances.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Priscilla J. Bell, 5900 South 12th Street, Tacoma, 98465, (206) 566-5115.

Name of Proponent: Dr. Ray Needham and Dr. Priscilla Bell, Tacoma Community College, public.

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

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes student grievance procedure and intrainstitutional appeal process for formal student grievances against college employees.

Proposal Changes the Following Existing Rules: [No Information Supplied By Agency.]

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cascade Conference Center, Building 7, Tacoma Community College, 5900 South 12th Street, Tacoma, WA 98465, on September 9, 1993, at 4:00 p.m.

Submit Written Comments to: Dr. Priscilla Bell, Tacoma Community College, by September 8, 1993.

Date of Intended Adoption: September 9, 1993.

June 1, 1993 Raymond J. Needham President

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES 132V-120-020 Chapter 132V-120 WAC CODE OF STUDENT RIGHTS AND RESPONSIBILITIES AMENDATORY SECTION [(Amending Order 84-1, filed 12/21/84)]

WAC 132V-120-270 Student grievances. The purpose of this section is to protect each student's freedom of expression in the classroom; to protect each student against improper disclosure of the student's views, beliefs and political associations; to protect each student from improper, arbitrary, or capricious academic evaluation as evidenced by the student's final course grade, and to afford each student reasonable protection against arbitrary or capricious actions taken outside the classroom by other members by employees of the college community. [Statutory Authority: RCW 28B.50.150(13). 85-02-004 (Order 84-1), § 132V-120-270, filed 12/21/84.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

Reviser's note: The 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.

AMENDATORY SECTION [(Amending Order 84-1, filed 12/21/84)]

WAC 132V-120-280 Grievances excluded from this section. (1) A student may not use the provisions of this section as the basis for filing a grievance based on the outcomes of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code.

- (2) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community college education and technical colleges or the board of trustees of Community College District 22, shall not be grievable matters.
- (3) Academic evaluations, other than final course grades, shall not be grievable matters.
- (4) For the purpose of filing a sexual harassment grievance due to sexual harassment, sex discrimination, or handicapped discrimination, a student shall use the provisions of the established college sexual harassment grievance procedures on sexual harassment, sex discrimination, and handicapped discrimination, WAC 132V-300-010 TO 132V-300-030, not the provisions of this section. [Statutory Authority: RCW 28B.50.150(13). 85-02-004 (Order 84-1), § 132V-120-280, filed 12/21/84.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The 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.

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.

<u>AMENDATORY SECTION</u> [(Amending Order 84-1, filed 12/21/84)]

WAC 132V-120-290 Grievance procedures. (1) If a student believes he or she has been unfairly treated by an officer of the college, faculty member or a member of the college staff, the student shall first discuss the matter with the individual toward whom the grievance is directed. A this step and all subsequent steps in this grievance procedure the student may elect, at no expense to the college, as an advocate or ombudsman to use one person to aid in preparing and presenting the grievance. The student shall take this action within twenty instructional days exclusive of summer quarter following the event or action giving rise to the grievance.

- (2) If, within ten instructional days following the student's attempt to resolve the matter in the manner described in subsection (1) of this section, the student feels a satisfactory resolution has not been achieved, the studen shall bring the grievance, in succession, to the attention of the employee's supervisor(s) before taking the grievance to the appropriate operational dean in whose area of responsibility the grievance initially arose.
- (3) If the grievance is lodged against the office of a dean, the president shall designate another operational dear as the hearing officer.
- (4) The grievant shall present his or her grievance it writing and shall include a statement specifying the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer.
- (5) The appropriate operational dean shall meet with the grievant and that employee (or employees) who are party to the grievance in an attempt to resolve the grievance.
- (6) If the operational dean conducting such a hearing believes it to be in the best interests of the parties of the grievance, the initial hearing may be recessed and reconvened at a time convenient to all parties for the purpose opresenting witnesses, depositions, affidavits or other evidentiary materials which the dean deems vital to a prompt and fair resolution of the grievance. If such a hearing is conducted, the dean shall be assisted by two impartial collegorepresentatives. One representative shall be a student appointed by the president of the student body association. One representative shall be a faculty member appointed by the chief academic affairs officer. The length of such a continuance shall be at the discretion of the operational dean
- (7) Within seventy-two hours after concluding this hearing process, the operational dean shall render a decision and so inform all parties to the grievance of that decision by certified mail.
- (8) Should any of the parties to the grievance find the operational dean's solution to the grievance to be unsatisfactory, the dean's decision may be appealed to the president of the college, provided that any such appeal be presented in

writing within ten instructional days following the dean's decision. Such an appeal shall clearly and specifically set forth the reasons upon which the appeal is based.

Internal review and consultative processes have proven to be a desirable means of resolving problems. If a student believes he or she has been unfairly treated by a faculty member, member of the college staff, or administrator, the student is encouraged to resolve the complaint with the individual toward whom the grievance is directed. The student shall take this action within five (5) instructional days. If the complaint is not resolved, the student may lodge a formal grievance according to the following procedures:

Step 1: The student may, within ten (10) instructional days following the incident, present his/her complaint in writing to the appropriate division manager. The student shall present a written, signed statement of the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer.

Step 2: Within ten (10) instructional days of receiving the grievance, the appropriate division manager shall hold a meeting to hear the complaint. It shall be at the discretion of the division manager to determine whether he/she will meet with the grievant and the person to whom the complaint has been directed separately or in a joint meeting.

At this step and all subsequent steps in the grievance procedure, the grievant may elect to be represented by an attorney in preparing and presenting the grievance. The grievant shall notify the appropriate division manager at least five (5) instructional days in advance of such action. In such cases, the college may choose to be assisted by an assistant attorney general.

Following the meeting or meetings, and within ten (10) instructional days, the division manager will report his/her findings and the actions, where appropriate, to be implemented to resolve the grievance in writing to the grievant and the person to whom the complaint is directed.

Step 3: If the grievance is not satisfactorily resolved in Step 2, either the grievant or the person to whom the complaint is directed has the right to request a hearing conducted by the appropriate vice president/dean.

The vice president/dean will convene a hearing committee no later than ten (10) instructional days from the time of the request. The committee will be chosen and appointed no later than October 15 of each year. The committee shall consist of the following membership: 3 student representatives, chosen by the Senate of the Associated Students; 2 faculty or staff representatives (dependent upon the nature of the grievance), appointed by the vice president/dean; 2 administrators, appointed by the president.

A quorum shall consist of no less than three (3) members, provided that such quorum include at least one student, one faculty or staff member, and one administrator.

The committee shall elect its own chairperson for each case brought before it. The committee shall hear testimony regarding the grievance, deliberate, and decide the issue by majority vote. The hearing may be recessed and reconvened at a time convenient to all parties for the purpose of presenting witnesses, depositions, affidavits or other materials which the division manager/vice president/dean deems vital to a fair resolution of the grievance.

Step 4: Within three (3) instructional days after concluding the hearing process, the committee will render a decision by majority vote and so inform all parties to the grievance of that decision. Findings of fact will be included when informing all parties.

Step 5: Should any of the parties to the grievance find the hearing committee's solution to the grievance to be unsatisfactory, the decision may be appealed to the president of the college, provided that any such appeal be presented in writing within five (5) instructional days following notification of the committee's decision. Such an appeal shall clearly and specifically set forth the reasons upon which the appeal is based.

Within five (5) instructional days of receiving the appeal request, the college president will review the record of the hearing and the appeal and will provide his/her final decision in writing to both the grievant and the person to whom the complaint is directed. Evidence not in the record will not be considered by the president. [Statutory Authority: RCW 28B.50.150(13). 85-02-004 (Order 84-1), § 132V-120-290, filed 12/21/84.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The 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.

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

AMENDATORY SECTION [(Amending Order 84-1, filed 12/21/84)]

WAC 132V-1200-300 Final decision regarding student grievances. (1) The president, after reviewing the record of the case prepared by the appropriate operational dean, together with any appeal statement filed by any party to the grievance, include therein either the president's written acceptance of the recommendations of the operational dean, or written directions as to what other course of action shall be taken.

(2) The president shall notify all parties to the grievance of this decision within seventy-two hours by certified mail.

(3) The decision of the president shall be final.

The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

If the findings indicate that the person against whom the complaint is lodged engaged in sexual harassment or other discriminatory acts, disciplinary proceedings may be commenced against the person pursuant to appropriate procedures, depending on whether the person is a member of the classified staff, administrative exempt, or faculty. [Statutory Authority: RCW 28B.50.150(13). 85-02-004 (Order 84-1), § 132V-120-300, filed 12/21/84.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The above section, filed by the agency as an amendment of WAC 132V-1200-300, appears to be an amendment of WAC 132V-120-300, there being no WAC 132V-1200-300 in existence. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The 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.

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

AMENDATORY SECTION [(Amending Order 84-1, filed 12/21/84)]

WAC 132V-120-310 Nature of grievance proceedings. All hearings growing out of a student-initiated grievance, including appeals to the office of the president, shall remain closed unless-all parties to the grievance agree on an open hearing may be open with the approval of both parties.

All written records growing out of a student-initiated grievance, including appeals to the office of the president, are disclosable only in accordance with applicable law. [Statutory Authority: RCW 28B.50.150(13). 85-02-004 (Order 84-1), § 132V-120-310, filed 12/21/84.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The 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.

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

AMENDATORY SECTION [(Amending Order 84-1, filed 12/21/84)]

WAC 132V-120-320 Withdrawal of grievance. (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. Further, any appeal to the operational dean's decision forwarded to the office of the president may be officially withdrawn in writing at any time by the appellant.

(2) In the event the grievant or appellant fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance or appeal. [Statutory Authority: RCW 28B.50.150(13). 85-02-004 (Order 84-1), § 132V-120-320, filed 12/21/84.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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.

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 93-13-052 PROPOSED RULES DEPARTMENT OF HEALTH

(Veterinary Board of Governors) [Filed June 15, 1993, 4:02 p.m.]

Original Notice.

Title of Rule: WAC 246-933-190 Adjudicative proceed ings.

Purpose: Adoption of model rules for adjudicative proceedings authorized by the Veterinary Board of Gover nors.

Statutory Authority for Adoption: RCW 18.92.030. Statute Being Implemented: RCW 18.130.050.

Summary: Establishes rules for adjudicative proceed ings authorized by the Veterinary Board of Governors.

Name of Agency Personnel Responsible for Drafting Implementation and Enforcement: Jackson D. Melton, 1300 S.E. Quince Street, P.O. Box 47869, Olympia, WA 98500 [98504], (206) 586-6355.

Name of Proponent: Veterinary Board of Governors. Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of this rule will provide rules for adjudicative proceedings authorized to be conducted under the authority of the Veterinary Board of Governors under the Uniform Disciplinary Act, chapter 18.130 RCW.

Proposal does not change existing rules.

No small business economic impact statement i required for this proposal by chapter 19.85 RCW.

Hearing Location: Holiday Inn - SeaTac, LaGuardia Room, 17338 Pacific Highway South, Seattle, WA 98188, or August 2, 1993, at 9:15 a.m.

Submit Written Comments to: Jackson D. Melton, 130 S.E. Quince Street, P.O. Box 47869, Olympia, WA 98504 7869, by July 30, 1993.

Date of Intended Adoption: August 2, 1993.

May 27, 199. Jackson D. Meltor Program Manage

NEW SECTION

WAC 246-933-190 Adjudicative proceedings. The board adopts the Model Procedural Rules for Adjudicative Proceedings as adopted by the Department of Health and contained in chapter 246-11 WAC, including subsequent amendments, with the following exceptions:

1. WAC 246-11-290 is hereby changed to read as follows

WAC 246-11-290 Scheduling Orders

(1) Within thirty days after receipt of the application fo adjudicative proceeding, the disciplinary authority shall:

- (a) Examine the application;
- (b) Notify the respondent of any obvious errors or omissions;
- (c) Request any additional information the disciplining authority wishes or is permitted by law to require; and
- (d) Notify the respondent of the name, mailing address, and telephone number of an office that may be contacted regarding the application.
- (2) Within ninety days after receipt of any additional information required to be submitted under subsection (1)(c) of this section or receipt of an application without obvious errors or omissions, whichever comes later, the disciplinary authority shall:
- (a) Approve the application for full adjudicative procedure and issue and serve on the parties a scheduling order specifying:
- (i) The date, time and place of a settlement conference, a prehearing conference and the hearing;
- (ii) The deadlines for completion of discovery and submission of prehearing motions; and
- (iii) The name, address and telephone number of the assistant attorney general or other department representative who will represent the state in the matter; or
 - (b) Deny the application in accord with RCW 34.05.416.
- (3) A request for a change in the Scheduling Order shall be made by motion showing good cause to the administrative hearings unit within thirty (30) days after service of the Scheduling Order. Copies of the request shall be served on the opposing party and upon the disciplining authority. Any changes granted shall be by written order and served on the parties.
- (4) The Scheduling Order may be modified by order of the presiding officer or hearings officer.
- 2. WAC 246-11-370 is hereby changed to read as follows: WAC 246-11-370 <u>Discovery</u>
 - (1) Methods, scope and limits shall be as follows.
- (a) Parties may obtain discovery by the following methods: production of records, documents or things; deposition upon oral examination; requests for admission; or, if ordered by the presiding officer or hearings officer, written interrogatories.
- (b) Unless otherwise limited by order of the presiding officer or hearings officer in accord with these rules, the scope of discovery shall be as follows.
- (i) Parties may obtain discovery regarding any matter not privileged, which is relevant to the subject matter involved in the pending action. It is not grounds for objection that the information sought will be inadmissible at the adjudicative proceeding if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- (ii) The frequency or extent of use of the discovery methods set forth in these rules shall be limited by the presiding officer or designee if the presiding officer or designee determines that:
- (A) The discovery sought is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive; or

- (B) The party seeking discovery has had an ample opportunity by discovery to obtain the information sought; or
- (C) The discovery is unduly burdensome or expensive, taking into account the needs of the case, limitations of the parties' resources, and the importance of the issues at stake.
- (iii) The presiding officer or hearings officer may limit discovery upon his or her own initiative after reasonable notice or pursuant to a motion submitted by a party.
- (2) Production of records, documents or things shall be as follows.
- (a) Upon written request of a party the opposing party shall identify experts and other witnesses to be called at hearing and shall provide other information necessary to enable the opposing party to conduct depositions of the witnesses.
- (b) Any party may serve on any other party a request, which must be signed by the party or designated representative:
- (i) to produce and permit the party making the request or designee to inspect and copy any designated documents, or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of discovery and which are in the possession, custody or control of the party upon whom the request is served; or
- (ii) to permit entry onto designated land or other property which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying, photographing, testing or sampling the property or designated object or operation thereon which is within the scope of discovery.
- (c) Any party who produces documents for inspection shall produce them as they are kept in the usual course of business or may, if the parties agree, organize and label them to correspond with the categories in the request.
- (d) The party upon whom a request is made may, by motion to the presiding officer or designee, move for an order denying the request to produce or modifying the conditions of the request. Denial of the request or change in the conditions of the request shall be within the discretion of the presiding officer or designee and shall be made by written order.
- (3) Depositions may be taken subject to the following conditions.
- (a) Within the United States or a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held. Within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the disciplining authority or agreed upon by the parties by stipulation in writing filed with the disciplining authority. Except by stipulation, no deposition shall be taken before a person who is a party or a privy of a party, or a privy of any representative of a party, or who is financially interested in the proceeding.
- (b) A party desiring to take the deposition of a person upon oral examination shall give reasonable notice of not less than five days in writing to the person to be deposed and to the opposing party. The notice shall state the time an

place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a description sufficient to identify the person to be examined or the particular class or group to which the person to be examined belongs. On motion of a party upon whom the notice is served, the presiding officer or hearings officer may for cause shown, lengthen or shorten the time.

- (c) After notice is served for taking a deposition, upon his/her motion or upon motion reasonably made by any party or by the person to be examined, and upon notice and for good cause, the presiding officer may issue an order that the deposition shall not be taken or that it may be taken subject to specified restrictions, conditions, or limitations.
 - (d) Depositions shall be recorded.
- (i) The officer before whom the deposition is taken shall put the witness on oath or affirmation and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony.
- (ii) The officer or person acting under the officer's direction shall transcribe the testimony at the request of any party, provided that any expenses shall be paid by the requesting party.
- (iii) The transcribed testimony shall be submitted to the person deposed for review and signature, unless review and signature are waived by that person. The officer shall append to the transcript any changes in form or substance that may be submitted by the parties.
- (iv) Copies of the transcribed and, unless review and signature has been waived, signed testimony shall be served upon the person deposed and upon the parties.
- (e) If the parties so stipulate in writing or on the record, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken, may be used as any other deposition.
- (4) Following motion of a party and opportunity for response by the opposing party, the presiding officer or hearings officer may order a party to respond to written interrogatories and may order that the interrogatories be subject to specified restrictions, conditions or limitations.
- 3. WAC 246-11-403 is hereby changed to read as follows:

WAC 246-11-403 Motions

- (1) The presiding officer shall rule on motions or may appoint a hearings officer to rule on motions. The presiding officer or hearings officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer or hearings officer.
- (2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing to the presiding officer or designated hearings officer prior to the dates set in the scheduling order.
- (3) Motions for continuance must be made in writing within forty five (45) days following service of the scheduling order. If the adjudicative proceeding is scheduled to take place less than forty five (45) days from service of the scheduling order, motions for continuance must be made within ten (10) days of service of the scheduling order, but in no event less than five (5) days prior to the hearing.

- (4) The decision of the hearings officer shall be fina unless a party appeals the decision or requests reconsideration from the presiding officer.
- (a) The appeal must be filed with the disciplinin authority within ten (10) days of service of the ruling c order on the parties, but in no event less than three (3) day prior to hearing. If the prehearing order is served on th parties less than ten (10) days prior to the hearing, th appeal must be served on the department no less than thre (3) days prior to the hearing.
- (b) The presiding officer shall afford the party opposin the appeal an opportunity for written response, shall review the documents submitted by the parties and the transcript of recording of the proceedings, if submitted by the parties and relevant to the appeal, and shall issue a written ruling.
- (c) If the presiding officer determines that there ha been an error of fact or law, or that the matter is not within the jurisdiction or authority of the hearings officer, the presiding officer may reverse or modify a hearings officer' ruling.
- (d) Appeal or request for reconsideration under thi subsection is not necessary to preserve the record for judicia review.
- (5) The presiding officer or hearings officer may gran a continuance when a motion for continuance is not submit ted within the time limits contained of subsection (3) in bona fide emergency.
- 4. WAC 246-11-404 is hereby changed to read as follows

WAC 246-11-404 Prehearing Conference

- (1) Unless waived by the presiding officer or hearing officer, a prehearing conference shall be held prior to the hearing. Parties shall be notified of the time and place of the conference in the scheduling order.
- (2) The presiding officer or hearings officer shal conduct the prehearing conference and shall issue ruling related to prehearing motions and evidentiary issues. The rulings shall govern the conduct of subsequent proceedings
- (3) The prehearing conference shall be recorded unles recording is waived by the parties. All offers of proof and objections concerning matters raised at the prehearing conference must be made on the record at the prehearing conference.
- (4) Following the prehearing conference, the presiding officer or hearings officer shall issue a written prehearing order which will:
- (a) Identify the issues to be considered at the hearing and indicate which party has the burden of proof on these issues;
- (b) Specify the facts which are admitted or not contested by the parties;
- (c) Identify those documents and exhibits that will be admitted at hearing and those which may, by agreement, be distributed prior to hearing;
- (d) Identify expert and lay witnesses that may be called at hearing and the issues to which those witnesses may testify;
 - (e) Rule on motions;
 - (f) Accept amendments to the pleadings;

- (g) Address such other issues or matters as may be reasonably anticipated to arise and which may aid in the disposition of the proceedings; and
 - (h) Rule on objections made in any preserved testimony.
- (5) Following the prehearing conference, the presiding officer or hearings officer may issue an order directing that the matter be heard as a brief adjudicative proceeding.
- (6) Documentary evidence not offered in the prehearing conference and witnesses not identified at the prehearing conference shall not be received into evidence at the adjudicative proceeding in the absence of a clear showing that the offering party had good cause for failing to produce the evidence at the prehearing conference.
- (7) If the authenticity of documents submitted at the prehearing conference is not challenged at the prehearing conference, the documents shall be deemed authentic. However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to object at the prehearing conference.
- (8) Any ruling in a prehearing order of a hearings officer may be appealed to the presiding officer as provided in WAC 246-11-403(4).
- (9) Nothing in these rules shall prohibit the presiding officer or hearings officer from conducting a conference at any time, including during the hearing. The presiding officer or hearings officer shall state on the record the results of such conference.
- (10) A party bound by a stipulation or admission of record may withdraw it in whole or in part only upon a determination by the presiding officer or hearing officer that:
- (a) The stipulation or admission was made inadvertently or as a bona fide mistake of fact or law; and
- (b) The withdrawal will not unjustly prejudice the rights of the other parties.
- (11) In an appeal to superior court relating to issues addressed in the prehearing order, the record of the prehearing conference, the prehearing order and any orders issued by the presiding officer or hearings officer pursuant to WAC 246-11-403, shall be the record.

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 93-13-053 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 16, 1993, 11:45 a.m.]

Original Notice.

Title of Rule: WAC 388-49-430 Resources—Vehicles. Purpose: Amendment to WAC 388-49-430 clarifies that the department is to consider as a resource the greater amount of either a vehicle's countable fair market value or equity value when the vehicle is not otherwise excluded.

Statutory Authority for Adoption: RCW 74.04.050 and 7 CFR 273.8(h).

Statute Being Implemented: RCW 74.04.050 and 7 CFR 273.8(h).

Summary: Clarifies that the department is to consider as a resource the greater amount of either a vehicle's countable fair value or equity value.

Reasons Supporting Proposal: Recent fair hearing decisions show WAC 388-49-430 is being misinterpreted to mean a vehicle's fair market value can only be considered a countable resource if there is both a fair market value and equity value.

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, 7 CFR 273.8(h).

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, 14th and Franklin, Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 16, 1993
Dewey Brock
for Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3226, filed 8/1/91, effective 9/1/91)

WAC 388-49-430 Resources—Vehicles. (1) The department shall exclude the entire value of a licensed vehicle if it is:

- (a) Used for income-producing purposes over fifty percent of the time it is in use. A vehicle excluded under this provision because the vehicle is used by a self-employed farmer shall retain its exclusion for one year from the date the household member terminates self-employment from farming;
- (b) Annually producing income consistent with its fair market value;
- (c) Essential to the employment of a household member, <u>an</u> ineligible alien((s)), or <u>a</u> disqualified person((s)) whose resources are considered available to the household. This exclusion applies only if the vehicle is necessary for long distance travel other than daily commuting;
 - (d) Necessary for subsistence hunting or fishing;
 - (e) Used as the household's home; or
- (f) Necessary to transport one of the following persons who has a temporary or permanent physical disability:
 - (i) Household member;
- (ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

- (2) The department shall exclude the entire value of unlicensed vehicles:
- (a) Driven by <u>an</u> Indian tribal member((s)) on those reservations not requiring vehicle licensing; and
- (b) Meeting one of the provisions in subsection (1) of this section.
- (3) The department shall continue the exclusions described in subsections (1) and (2) of this section when the vehicle is not in use because of temporary unemployment.
 - (4) The department shall:
- (a) Determine the fair market value of all licensed vehicles not excluded in subsections (1) and (2) of this section((. Fair market value will be determined)) by the value of those vehicles as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies; and
- (b) Count the fair market value of each vehicle in excess of four thousand five hundred dollars toward the household's resource maximum.
- (5) The department shall determine the equity value of all licensed vehicles except:
- (a) Those excluded in subsections (1) and (2) of this section:
- (b) One licensed vehicle per household regardless of the use of the vehicle; and
 - (c) Any other licensed vehicle used for:
 - (i) Transportation to and from employment;
 - (ii) Seeking employment; or
- (iii) Transportation for training or education which is preparatory to employment.
- (6) The department shall count the equity value of licensed and unlicensed vehicles not excluded in subsections (1), (2), and (5) of this section toward the household's maximum allowable resource limit.
- (7) The department shall consider ((only)) the ((greater amount as a resource if the)) value of a countable vehicle ((has)) to be the greater amount of either:
- (a) ((A-countable)) Fair market value in excess of four thousand five hundred dollars; ((and)) or
 - (b) ((A-countable)) Equity value.

WSR 93-13-056 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 16, 1993, 4:55 p.m.]

Original Notice.

Title of Rule: Chapter 388-150 WAC, Minimum licensing requirements for child day care centers.

Purpose: Definitions added to more easily determine which agencies are exempt from licensing. Creates less requirements for smaller centers permitting elimination of separate mini-day care center requirements. The amend-

ments make minor revisions to day care center requirements. Creates new WAC 388-150-295.

Statutory Authority for Adoption: RCW 74.15.020 and 74.15.030.

Statute Being Implemented: RCW 74.15.020 and 74.15.030.

Summary: Permits the repeal of requirements for miniday care centers, subsuming mini-day care centers under day care center requirements.

Reasons Supporting Proposal: Makes revisions in chapter 388-150 WAC which was adopted new in 1991; includes additional definitions; creates less requirements for small day care centers.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Children's Administration, 753-0204.

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, 14th and Franklin, Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 16, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-010 Definitions. As used and defined under this chapter:

- (1) "Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.
 - (2) "Center" means the same as "child day care center."
- (3) "Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, and safety is harmed thereby.
- (4) "Child day care center" means a facility providing regularly scheduled care for a group of ((thirteen or more)) children((, within a)) one month of age through twelve years of age ((range exclusively,)) for periods less than twenty-four hours; except, a program meeting the definition of a family child care home shall not be licensed as a day care center without meeting the requirements of WAC 388-150-020 (5)(a).

Proposed [32]

- (5) "Department" means the state department of social and health services.
- (6) "Department of health" means the state department of health.
- (7) "Infant" means a child eleven months of age and under.
- (8) "License" means a permit issued by the department authorizing by law the licensee to operate a child day care center and certifying the licensee meets minimum requirements under licensure.
- (9) "Licensee" means the person, organization, or legal entity responsible for operating the center.
- (10) "Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.
- (11) "Preschool age child" means a child thirty months of age through five years of age not enrolled in kindergarten or an elementary school.
- (12) "School-age child" means a child five years of age through twelve years of age enrolled in kindergarten or an elementary school.
- (13) "Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.
- (14) "Toddler" means a child twelve months of age through twenty-nine months of age.

AMENDATORY SECTION (Amending Orders 3205 and 3205A, filed 7/23/91 and 10/17/91, effective 8/23/91 and 11/17/91)

- WAC 388-150-020 Scope of licensing. (1) The person or organization operating a child day care center shall be subject to licensing by authority under chapter 74.15 RCW, unless specifically exempted by RCW 74.15.020(4).
- (2) The person or organization operating a child day care center and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person or organization claiming an exemption shall provide the department proof of entitlement to the exemption on the department's request,
- (3) RCW 74.15.020 (4)(c) exempts from licensing facilities where parents on a mutually cooperative basis exchange care of one another's children. To qualify for this cooperative exemption:
- (a) At least one parent or guardian of each child attending the facility regularly shall be involved in the direct care of children at the facility.
- (b) Parents or guardians shall be involved in the direct care of children on a relatively equal basis.
- (c) No person other than a parent or guardian of a child at the facility may be involved in the care of children or in the operation of the facility.
- (4) The department shall not license the center legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the center as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.
- (((4))) (5) The department may certify a day care center for payment without further investigation if the center is:
 - (a) Licensed by an Indian tribe;

- (b) Certified by the Federal Department of Defense; or
- (c) Approved by the superintendent of public instruction's office. The center must be licensed, certified, or approved in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity operating the center has jurisdiction.
- (((5))) (6) The department shall not license the department employee or the member of the department employee's household when such person is involved directly, or in an administrative or supervisory capacity, in the:
 - (a) Licensing or certification process;
- (b) Placement of a child in a licensed or certified center; or
 - (c) Authorization of payment for the child in care.
- (((6))) (7)(a) The department may license the center located in a private family residence when the portion of the residence accessible to the child is:
- (((a))) (i) Used exclusively for the child during the center's operating hours or while the child is in care; or
 - (((b))) (ii) Separate from the family living quarters.
- (b) A child care facility in a separate building on the same premises as a private family residence is a child day care center.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-060 Dual licensure. The department may either:

- (1) Issue a child day care center license to the applicant having a ((foster home)) license ((or other license)) involving full-time care; or
- (2) Permit simultaneous care for the child and adolescent or adult on the same premises if the applicant or licensee:
- (a) Demonstrates evidence that care of one client category will not interfere with the quality of services provided to another category of clients;
- (b) Maintains the most stringent maximum capacity limitation for the client categories concerned;
- (c) Requests and obtains a waiver permitting dual licensure; and
- (d) Requests and obtains a waiver to subsection (2)(b) of this section, if applicable.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-070 Application and reapplication for licensing—Investigation. (1) The person or organization applying for a license or relicensure under this chapter and responsible for operating the center shall comply with application procedures the department prescribes and submit to the department:

- (a) A completed department-supplied application for child care agency form, including required attachments, ninety or more days before the:
 - (i) Expiration of a current license;
 - (ii) Opening date of a new center;
 - (iii) Relocation of a center;
 - (iv) Change of the licensee; or
 - (v) Change of license category.

- (b) A completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to the child in care; and
 - (c) The licensing fee.
- (2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure shall submit to the department:
- (a) An employment and education resume of the person responsible for the active management of the center and the program supervisor;
- (b) Diploma or education transcript copies of the program supervisor; and
- (c) Three professional references each for the licensee, director, and program supervisor.
- (3) The applicant for a license under this chapter shall be twenty-one years of age or older.
- (4) The applicant, licensee, and director shall attend department-provided orientation training.
- (5) The department may, at any time, require additional information from the applicant, licensee, staff person, volunteer, member of their households, and other person having access to the child in care as the department deems necessary, including, but not limited to:
 - (a) Sexual deviancy evaluations;
 - (b) Substance and alcohol abuse evaluations;
 - (c) Psychiatric evaluations;
 - (d) Psychological evaluations; and
 - (e) Medical evaluations.
- (6) The department may perform investigations of the applicant, licensee, staff person, volunteer, member of their households, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.
- (7) The applicant shall conform to rules and regulations approved or adopted by the:
- (a) Department of health, promoting the health of the child in care, contained in this chapter; and
- (b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter ((212-54)) 212-12 WAC, "((Day care centers and day treatment centers, standards for fire protection)) fire marshal standards."
- (8) The department shall not issue a license to the applicant until the department of health and the state fire marshal's office have certified or inspected and approved the center.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-150 Evening and nighttime care. (1) For the center offering child care during evening and nighttime hours, the licensee shall adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night.

- (2) The licensee shall maintain the same staff-to-child ratio in effect during daytime care. At all times, including sleeping hours, staff shall keep the child within continuous visual or auditory range.
- (3) The licensee shall arrange child grouping so the sleeping child remains asleep during the arrival or departure of another child.

(4) The licensee shall ensure that staff in charge during evening and nighttime hours meet at least the requirements of a lead worker.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-160 Off-site trips. (1) The licensee may transport or permit the off-site travel of the child to attend school, participate in <u>supervised</u> field trips, or engage in other <u>supervised</u> off-site activities only with written parent consent.

- (2) The parent's consent may be:
- (a) For a specific date and trip; or
- (b) A blanket authorization describing the full range of trips the child may take. In such case, the licensee shall notify the parent in advance about the trip.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-165 Transportation. When the licensee provides transportation for the child in care:

- (1) The licensee shall ensure that the motor vehicle operated by the facility is maintained in a safe operating condition;
- (2) The licensee shall ensure the motor vehicle <u>in which</u> the child rides during hours of care is equipped with appropriate safety devices and individual seat belts or safety seats for each child to use when the vehicle is in motion. <u>The licensee shall assure an individual safety seat is ((required)) provided</u> for ((the)) <u>a</u> child eleven months of age and younger. Seat belts are not required for buses approved by the state patrol;
- (3) The licensee shall ensure the number of passengers does not exceed the seating capacity of the motor vehicle;
- (4) The licensee or driver shall carry liability and medical insurance. The driver shall have a current Washington driver's license, valid for the classification of motor vehicle operated;
- (5) The driver or staff supervising the child in the motor vehicle shall have current first aid and cardiopulmonary resuscitation training, except that when the center uses more than one vehicle for a field trip, only one person in the group is required to have this training;
- (6) The licensee shall ensure a minimum of one staff person, other than the driver, is present in the motor vehicle when:
- (a) Seven or more preschool age and younger children are present; or
- (b) Staff-to-child ratio guidelines require ((a-second)) additional staff ((person)).
- (7) Staff or driver shall not leave the child unattended in the motor vehicle.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-170 Parent communication. (1) The licensee shall orally:

(a) Explain to the parent the center's policies and procedures;

- (b) Orient the parent to the center's philosophy, program, and facilities;
- (c) Advise the parent of the child's progress and issues relating to the child's care and individual practices concerning the child's special needs; and
- (d) Encourage parent participation in center activities((;)).
- (2) The licensee shall give the parent the following written policy and procedure information:
 - (a) Enrollment and admission requirements;
 - (b) The fee and payment plan;
- (c) A typical activity schedule, including hours of operation;
- (d) Meals and snacks served, including guidelines on food brought from the child's home;
- (e) Permission for free access by the child's parent to all center areas used by the child;
 - (f) Signing in and signing out requirements;
 - (g) Child abuse reporting law requirements;
 - (h) Behavior management and discipline;
 - (i) Nondiscrimination statement;
 - (i) Religious activities, if any;
 - (k) Transportation and field trip arrangements;
 - (1) Practices concerning an ill child;
 - (m) Medication management;
 - (n) Medical emergencies; and
 - (o) If licensed for the care of an infant or toddler:
 - (i) Diapering;
 - (ii) Toilet training; and
 - (iii) Feeding.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

WAC 388-150-180 Staff pattern and qualifications.

- (1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:
 - (a) Be of good character;
- (b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and
- (c) Not have committed or been convicted of child abuse or any crime involving ((physical)) harm to another person.
- (2) Center management. The licensee shall serve as or employ a director, responsible for the overall management of the center's facility and operation. The director shall:
 - (a) Be twenty-one years of age or older;
- (b) Serve as administrator of the center, ensuring compliance with minimum licensing requirements;
- (c) Have knowledge of child development as evidenced by professional references, education, experience, and onthe-job performance;
- (d) Have the management and supervisory skills necessary for the proper administration of the center, including:
 - (i) Record maintenance;
 - (ii) Financial management; and
- (iii) Maintenance of positive relationships with staff, children, parents, and the community;

- (e) Have completed ((forty-five or more)) the following number of college quarter credits or department-approved clock hours in early childhood education/child development, or possess an equivalent educational background, or be a certified child development associate:
- (i) In centers licensed for twenty-five or more children, the director shall have completed forty-five or more credits;
- (ii) In centers licensed for thirteen through twenty-four children, the director shall have completed twenty-five or more credits;
- (iii) In centers licensed for twelve or fewer children, the director shall have completed ten or more credits; and
- (iv) In (i), (ii) and (iii) above, one-third of the credits may be clock hours.
- (f) Have two or more years successful experience working with children of the same age level as those served by the center as evidenced by professional references and on-the-job performance;
- (g) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; and
- (h) Have knowledge of children and how to meet children's needs.
- (3) When the director does not meet the qualifications specified in subsections (2)(e), (f), (g), and (h) of this section, the director or licensee shall employ a program supervisor((7)) responsible for planning and supervising the center's learning and activity program. In such a case, the director shall have had at least one three credit college class in early childhood development. The program supervisor shall:
 - (a) Be twenty-one years of age or older;
- (b) Meet the education, experience, and competency qualifications specified ((in)) under subsection((s)) (2)(e), (f), (g), and (h) of this section; and
- (c) Discharge on-site program supervisory duties ((a minimum of)) twenty hours ((weekly)) or more a week.
- (4) For the center serving the school age child only, the program supervisor may substitute equivalent courses in education, recreation, or physical education for required education.
- (5) The director and program supervisor may be one and the same person when qualified for both positions. The director or program supervisor shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and program supervisor shall leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.
- (6) The director and program supervisor may also serve as child care staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.
- (7) Center staffing. The licensee shall ensure the lead child care staff person in charge of a child or a group of children implementing the activity program:
 - (a) Is eighteen years of age or older; and
 - (b) Possesses a high school education or equivalent; or
 - (c) Has child development knowledge and experience.
- (8) The licensee may assign a child care assistant or aide to support lead child care staff. The child care assistant or aide shall be sixteen years of age or older. The child care assistant or aide shall care for the child under the direct

supervision of the lead child care staff person. The licensee shall ensure no person under eighteen years of age is assigned sole responsibility for a group of children. The assistant or aide, eighteen years of age or older, may care for a child or group of children without direct supervision by a superior for a brief period time.

- (9) The licensee may arrange for a volunteer to support lead child care staff. The volunteer shall be sixteen years of age or older. The volunteer shall care for the child under the direct supervision of the lead child care staff person. The licensee may count the volunteer in the staff-to-child ratio when the volunteer meets staff qualification requirements.
- (10) Support service personnel. The licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation.
- (11) The licensee shall ensure completion of support service duties occurs in a manner allowing the center to maintain required staff-to-child ratios.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-190 Group size and staff-child ratios.
(1) In centers licensed for thirteen or more children, the licensee shall conduct group activities within the following group size and staff-to-child ratio requirements, according to the age of the ((ehild)) children:

AGE OF CHILDREN	STAFF-CHILD RATIO	MAXIMUM GROUP SIZE
l mo. through 11 mos. (infant)	1:4	8
12 mos. through 29 mos. (toddler)	· 1:7	14
30 mos. through 5 years (preschooler)	1:10	20
5 years and older (school-age child)	1:15	30

- (2) <u>In centers licensed for twelve or fewer children, the licensee may combine children of different age groups, provided the licensee:</u>
- (a) Maintains the staff-to-child ratio designated for the youngest child in the mixed group; and
- (b) Provides a separate care area when four or more infants are in care. In such case the maximum group size shall be eight children.
- (3) The licensee shall conduct activities for each group in a specific ((elassroom)) room or other defined space within a larger area.
- (((3))) (4) The licensee shall ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child's activities.
- (((4))) (5) The department may approve reasonable variations to group size limitations if the licensee maintains required staff-to-child ratios, dependent on:
 - (a) Staff qualifications;
 - (b) Program structure; and

- (c) Usable square footage.
- (((5))) (6) After consulting with the child's parent, the licensee may place the individual child in a different age group and serve the child within the different age group's required staff-to-child ratio based on the child's:
 - (a) Developmental level; and
 - (b) Individual needs.
- (((6) During opening and closing periods,)) (7) The licensee may briefly combine children of different age groups provided the licensee maintains the staff-to-child ratio and group size designated for the youngest child in the mixed group.
- (((7))) (8) In centers licensed for thirteen or more children, the licensee may group ambulatory children between one year, and two and one-half years of age with older children, provided:
- (a) The total number of children in the group does not exceed ((ten)) twelve; and
 - (b) Two staff are assigned to the group.
- (((8))) (9) The licensee shall ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.
- (((9))) (10) The licensee shall maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if staff remain on the premises and each child is within continuous visual and auditory range of a staff person.

(((10))) (11) The licensee shall ensure staff:

- (a) Attend the child or group of children at all times; and
- (b) Keep each child within continuous visual and auditory range, except when a toilet-trained child uses the toilet.
- (((11))) (12) When only one staff person is present, the licensee shall ensure a second staff person is readily available in case of an emergency.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-200 Staff development and training. (1) The licensee shall have an orientation system making the employee and volunteer aware of program policies and practices. The licensee shall provide staff an orientation including, but not limited to:

- (a) Minimum licensing rules required under this chapter;
- (b) Goals and philosophy of the center;
- (c) Planned daily activities and routines;
- (d) Child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;
 - (g) The health care plan;
 - (h) Fire prevention and safety procedures; ((and))
 - (i) Personnel policies, when applicable;
 - (i) Limited restraint techniques;
 - (k) Cultural relevancy; and
 - (1) Developmentally appropriate practices.
- (2) The licensee shall provide or arrange for regular training opportunities for the child care staff to promote ongoing employee education and enhance practice skills.

- (3) The licensee shall conduct periodic staff meetings for planning and coordination purposes.
 - (4) The licensee shall ensure:
- (a) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training, is present at all times and in all areas the child is in care; and
- (b) Staff's CPR training includes methods appropriate for child age groups in care.
- (5) The licensee shall provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).
- (6) The licensee shall ensure the staff person preparing full meals has a valid food handler permit.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

- WAC 388-150-210 Health care plan. (1) The licensee shall maintain current written health policies and procedures for staff orientation and use, and for the parent. The health care plan shall include, but not be limited to, information about the center's procedures concerning:
- (a) Communicable disease prevention, reporting, and management;
 - (b) Action taken for medical emergencies;
 - (c) First aid:
 - (d) Care of minor illnesses;
 - (e) Medication management;
 - (f) General hygiene practices;
 - (g) Handwashing practices;
 - (h) Food and food services; and
- (i) Infant care procedures and nursing consultation, where applicable.
- (2) In centers licensed for thirteen or more children, the icensee shall use the services of an advisory physician, physician's assistant, or registered nurse to assist in the levelopment, approval, and periodic review of the center's nealth care plan. This medical practitioner shall sign and late the health plan.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

- WAC 388-150-220 Health supervision and infectious lisease prevention. (1) Child. The licensee shall encourage he parent to arrange a physical examination for the child who has not had regular health care or a physical examination within one year before enrollment.
- (2) The licensee shall encourage the parent to obtain nealth care for the child when necessary. The licensee shall not be responsible for providing or paying for the child's nealth care.
- (3) Before or on the child's first day of attendance, the icensee shall have on file a certificate of immunization tatus form prescribed by the department of health proving he child's full immunization for:
 - (a) Diphtheria;
 - (b) Tetanus;
 - (c) Pertussis (whooping cough);
 - (d) Poliomyelitis;.
 - (e) Measles (rubeola);

- (f) Rubella (German measles);
- (g) Mumps; and
- (h) Other diseases prescribed by the department of health.
- (4) The licensee may accept the child without all required immunizations on a conditional basis if immunizations are:
 - (a) Initiated before or on enrollment; and
 - (b) Completed as rapidly as medically possible.
- (5) The licensee may exempt the immunization requirement for the child if the parent or guardian:
- (a) Signs a statement expressing a religious, philosophical, or personal objection; or
- (b) Furnishes a physician's statement of a valid medical reason for the exemption.
- (6) Program. Staff shall daily observe and screen the child for signs of illness. The licensee shall care for or discharge home the ill child based on the center's policies concerning the ill child.
- (a) When the child has a severe illness or is injured, tired, or upset, staff shall separate the child from other children and attend the child continuously until:
 - (i) The child is able to rejoin the group;
 - (ii) Staff return the child to the parent; or
- (iii) Staff secure((s)) appropriate health care for the child.
- (b) The licensee shall provide a quiet, separate care room or area allowing the child requiring separate care an opportunity to rest.
- (c) Staff shall sanitize equipment used by the child if staff suspects the child has a communicable disease.
- (d) The licensee may use the separate care room or area for other purposes when not needed for separation of the child.
 - (7) Staff shall wash, or assist the child to wash hands:
 - (a) After the child's toileting or diapering;
 - (b) Before the child eats; and
 - (c) Before the child participates in food activities.
- (8) Staff shall clean and disinfect toys, equipment, furnishings, and facilities according to the center's cleaning and disinfecting policies, as needed.
- (9) The licensee shall have appropriate extra clothing available for the child who wets or soils clothes.
- (10) Staff shall ensure the child does not share personal hygiene or grooming items.
- (11) Staff. Each center employee, volunteer, and other person having regular contact with the child in care shall have a tuberculin (TB) skin test, by the Mantoux method, upon employment or licensure, unless against medical advice.
- (a) The person whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within thirty days following the skin test.
- (b) The licensee shall not require the person to obtain routine periodic TB retesting or x-ray (biennial or otherwise) after entry testing unless directed to obtain retesting by the person's health care provider or the local health department.
- (12) The licensee shall not permit the person with a reportable communicable disease to be on duty in the center or have contact with the child in care unless approved in writing by a health care provider.
 - (13) Staff shall wash hands:

- (a) After toileting and diapering the child;
- (b) After personal toileting;
- (c) After attending to an ill child; and
- (d) Before serving or preparing food.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-240 Nutrition. (1) The licensee shall provide food meeting the nutritional needs of the child in care, taking into consideration the:

- (a) Number of children in care;
- (b) Child's age and developmental level;
- (c) Child's cultural background;
- (d) Child's handicapping condition; and
- (e) Hours of care on the premises.
- (2) The licensee shall provide only pasteurized milk or a pasteurized milk product.
- (3) The licensee shall provide only whole milk to the child twenty-three months of age or younger except with written permission of the child's parent.
- (4) The licensee may serve the child twenty-four months of age or older powdered Grade A milk mixed in the center provided the licensee completes the dry milk mixture, service, and storage in a safe and sanitary manner.
- (5) The licensee may provide the child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with written permission of the child's health care provider. The licensee shall obtain from the parent or child's health care provider a written list of foods the child cannot consume.
 - (6) The licensee shall:
 - (a) Record food and portion sizes planned and served;
- (b) Prepare and date menus one week or more in advance, containing meals and snacks to be served, including parent-provided snacks; and
- (c) Specify on the menu a variety of foods enabling the child to consume adequate nutrients.
- (7) The licensee shall provide two weeks or more of meal and snack menu variety before repeating the menu.
- (8) The licensee shall only make nutrition substitutions of comparable nutrient value and record changes on the menu.
- (9) The licensee shall use the following meal pattern to provide food to the child in care in age-appropriate servings:
 - (a) Providing the child in care for nine or less hours:
 - (i) Two or more snacks and one meal; or
 - (ii) Two meals and one snack.
 - (b) Providing the child in care for nine or more hours:
 - (i) Two or more meals and two snacks; or
 - (ii) One meal and three snacks.
 - (c) Providing the child arriving after school a snack;
- (d) Providing the child food at intervals not less than two hours and not more than three and one-half hours apart; and
- (e) Allowing the occasional serving of party foods not meeting nutritional requirements.
- (10) When serving food, the licensee shall provide the child the following:
 - (a) At a minimum, the child's breakfast must contain:
- (i) A dairy product, including fluid milk, cheese, yogurt, or cottage cheese;

- (ii) Cereal or bread, whole grain or enriched; and
- (iii) Fruit or vegetable or juice containing a minimum of fifty percent real juice.
- (b) At a minimum, the child's lunch or dinner must contain:
 - (i) A dairy product;
- (ii) A protein food including lean meat, fish, poultry egg, legumes, nut butters, or cheese;
- (iii) Bread or bread alternate, whole grain or enriched and
 - (iv) Fruit or vegetable, two total servings.
- (c) In centers not serving full meals, the child's snacks must include one or more dairy or protein source provided daily, and contain a minimum of two of the following four components at each snack:
 - (i) A dairy product;
 - (ii) A protein food;
 - (iii) Bread or bread alternate; or
- (iv) Fruit or vegetable or juice containing a minimum of fifty percent real juice.
 - (d) The child's food must contain:
- (i) A minimum of one serving of Vitamin C fruit vegetable, or juice, provided daily; and
- (ii) Servings of food high in Vitamin A, provided three or more times weekly.
 - (11) The licensee shall provide:
- (a) Dinner to the child in evening care when the child did not receive dinner at home before arriving at the center
 - (b) A bedtime snack to the child in nighttime care; and
- (c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time.
- (12) The licensee shall monitor sack lunches, snacks and other foods brought from the child's home for consumption by the child, all children, or a group of children in care ensuring safe preparation, storage, and serving and nutrition al adequacy.
- (13) For the center permitting sack lunches, the licensed shall have available food supplies to supplement food deficient in meeting nutrition requirements brought from the child's home and to nourish the child arriving without home supplied food.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-250 Kitchen and food service. (1 The licensee shall provide equipment for the proper storage preparation, and service of food to meet program needs.

- (2) The licensee shall meet food service standards by requiring:
- (a) The staff person preparing full meals have a valid food handler permit;
- (b) The staff person preparing and serving meals was hands before handling food;
- (c) Handwashing facilities be located in or adjacent to food preparation areas;
- (d) Food be stored in a sanitary manner, especially milk shellfish, meat, poultry, eggs, and other protein food sources
- (e) Food requiring refrigeration be stored at a tempera ture no warmer than forty-five degrees Fahrenheit;
- (f) Frozen food be stored at a maximum temperature o zero degrees Fahrenheit;

- (g) Refrigerators and freezers be equipped with thernometers and be regularly cleaned and defrosted;
 - (h) Food be cooked to correct temperatures;
- (i) Raw food be washed thoroughly with clean running vater:
- (j) Cooked food to be stored be rapidly cooled and efrigerated after preparation;
- (k) Food be kept in original containers or in clean, abeled containers and stored off the floor;
- (1) Packaged, canned, and bottled food with a past xpiration date be discarded;
- (m) Food in dented cans or torn packages be discarded;
- (n) When food containing sulfiting agents is served, arents be notified.
- (3) The child may participate in food preparation as an ducation activity. The licensee shall supervise the child when the child is in the kitchen or food preparation area.
- (4) The licensee shall make kitchen equipment inaccesible to the child, except during planned and supervised itchen activities. Staff shall supervise food preparation ctivities. The licensee shall make potentially hazardous ppliances and sharp or pointed utensils inaccessible to the hild when the child is not under direct supervision.
- (5) The licensee shall install and maintain kitchen quipment and clean re-usable utensils in a safe and sanitary nanner ((by:)).
- (((a) Sanitizing)) (6) The licensee shall sanitize reusable tensils in a dishwasher or through use of a three-compartnent dishwashing procedure((; and)).
- (((b) Using)) (7) The licensee shall use only single-use r clean cloths, used solely for wiping food service, preparaon, and eating surfaces.

<u>MENDATORY SECTION</u> (Amending Order 3103, filed 1/20/90, effective 12/21/90)

WAC 388-150-270 Care of young children. (1) The censee shall not accept for care a child under one month of ge.

- (2) Facility. The licensee shall:
- (a) Provide a separate, safe play area for the child under ne year of age, or the child not walking;
- (b) In centers licensed for thirteen or more children, are for the child under one year of age in rooms or areas eparate from older children, with:
- (i) Not more than eight children under one year of age a room or area; and
- (ii) Handwashing facilities in or adjacent to each such som or area.
 - (3) Diapering and toileting. The licensee shall ensure:
 - (a) The diaper changing area is:
 - (i) Separate from food preparation areas;
 - (ii) Adjacent to a handwashing sink; and
 - (iii) Sanitized between use for different children; or
- (iv) Protected by a disposable covering discarded after ach use.
- (b) The designated change area is impervious to noisture and washable;
- (c) Diaper changing procedures are posted at the hanging area;

- (d) Disposable towels or clean, reusable towels, laundered between usage for different children, are used for cleaning the child:
- (e) Staff wash hands after diapering the child or helping the child with toileting;
- (f) Disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family are used;
- (g) Soiled diapers are placed without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to the laundry, parent, or acceptable disposal;
- (h) Soiled diapers are removed from the facility daily or more often unless the licensee uses a commercial diaper service:
- (i) Toilet training is initiated when the child indicates readiness and in consultation with the child's parent;
- (j) Potty chairs, when in use, are located on washable, impervious surfaces; and
 - (k) Toilet training equipment is sanitized after each use.
- (4) Feeding. The licensee and the infant's parent shall agree on a schedule for the infant's feedings.
 - (a) Bottle feedings.
- (i) The licensee or parent may provide the child's bottle feeding in the following manner:
 - (A) A filled bottle brought from home;
 - (B) Whole milk or formula in ready-to-feed strength; or
- (C) Formula requiring no preparation other than dilution with water, mixed on the premises.
- (ii) The licensee shall prepare the child's bottle and nipple in a sanitary manner in an area separate from diapering areas.
- (iii) The licensee shall sanitize the child's bottle and nipple between uses.
- (iv) The licensee shall label the child's bottle with the child's name and date prepared.
- (v) The licensee shall refrigerate a filled bottle if the child does not consume the content immediately and shall discard the bottle's content if the child does not consume the content within twelve hours.
- (b) To ensure safety and promote nurturing, the licensee shall ensure staff:
- (i) Hold in a semi-sitting position for feedings the infant unable to sit in a high chair, unless such is against medical advice:
 - (ii) Interact with the child;
 - (iii) Do not prop a bottle;
- (iv) Do not give a bottle to the reclining child, unless the bottle contains water only;
- (v) Take the bottle from the child when the child finishes feeding; and
- (vi) Keep the child in continuous visual and auditory range.
- (c) The licensee shall provide semi-solid food for the infant, upon consultation with the parent, not before the child is four months of age and not later than ten months of age, unless such is not recommended by the child's health care provider.
- (5) Sleeping equipment. The licensee shall furnish the infant a single-level crib, infant bed, bassinet, or play pen for napping until such time the licensee and parent concur the infant can safely use a mat, cot, or other approved sleeping equipment.

- (6) When the licensee furnishes the infant or child a crib, the licensee shall ensure the crib is:
- (a) Sturdy and made of wood, metal, or plastic with secure latching devices; and
- (b) Constructed with two and three-eighths inches or less space between vertical slats when the crib is used for an infant six months of age or younger. The licensee may allow an infant to use a crib not meeting the spacing requirement provided the licensee uses crib bumpers or another effective method preventing the infant's body from slipping between the slats.
- (7) The licensee shall not allow the infant or child to use a stacked crib.
- (8) The licensee shall ensure the infant's or child's crib mattress is:
- (a) Snug fitting, preventing the infant from being caught between the mattress and crib side rails; and
 - (b) Waterproof and easily sanitized.
- (9) Program and equipment. The licensee shall provide the infant a daily opportunity for:
 - (a) Large and small muscle development;
 - (b) Crawling and exploring;
 - (c) Sensory stimulation;
 - (d) Social interaction;
 - (e) Development of communication; and
 - (f) Learning self-help skills.
- (10) The licensee shall provide the infant safe, noningestible, and suitable toys and equipment for the infant's mental and physical development.
- (11) Nursing consultation. The licensee licensed for the care of four or more infants shall arrange for regular nursing consultation to include one or more monthly on-site visits by a registered nurse trained or experienced in the care of young children.
- (12) In collaboration with the licensee, the nurse shall advise the center on the:
 - (a) Operation of the infant care program; and
 - (b) Implementation of the child health program.
- (13) The licensee shall obtain a written agreement with the nurse for consultation services.
- (14) The licensee shall document the nurse's on-site consultations.
- (15) The licensee shall ensure the nurse consultant's name and telephone number is posted or otherwise available on the premises.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

WAC 388-150-280 General safety, maintenance, and site. (1) The licensee shall operate the center:

- (a) On an environmentally safe site;
- (b) In a neighborhood free from a condition detrimental to the child's welfare; and
- (c) In a location accessible to other services to carry out the program.
- (2) The licensee shall maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. The licensee shall ensure furniture and equipment are safe, stable, durable, child-sized, and free of sharp, loose, or pointed parts.
 - (3) The licensee shall:

- (a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;
- (b) Maintain a flashlight or other emergency lighting device in working condition;
- (c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the preschool age and younger child;
- (d) Finish or cover rough or untreated wood surfaces;
- (e) Maintain one or more telephones on the premises in working order, accessible to staff.
- (4) The licensee shall supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring.
- (5) The licensee caring for the preschool age and younger child shall equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.
- (6) The licensee shall ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.
- (7) The licensee shall shield light bulbs and tubes in child-accessible areas.
- (8) The licensee shall keep the premises free from rodents, fleas, cockroaches, and other insects and pests.
- (9) The licensee shall use a housekeeping sink or another appropriate method for drawing clean mop water and disposing waste water.
- (10) The licensee shall ensure the mop storage area is ventilated.
- (11) The licensee shall ensure no firearm or another weapon is on the premises.
- (12) The licensee shall comply with fire safety regulations adopted by the state fire marshal's office.
- (13) The licensee shall ensure that rooms or closets to be made inaccessible to children shall be equipped with a lock or approved safety latch.

NEW SECTION

- WAC 388-150-295 Water supply, sewage, and liquid wastes. (1) The licensee shall obtain approval of a private water supply by the local health authority or department.
- (2) The licensee shall ensure sewage and liquid wastes are discharged into:
 - (a) A public sewer system; or
- (b) An independent sewage system approved by the local health authority or department.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

- WAC 388-150-330 Indoor play area. (1) The center's indoor premises shall contain adequate area for child play and sufficient space to house a developmentally appropriate program for the number and age range of children served. The licensee shall provide a minimum of thirty-five square feet of usable floor space per child, exclusive of a bathroom, hallway, and closet. If the staff removes mats and cots when not in use, the licensee may use and consider the napping area as child care space.
- (2)(a) The licensee may consider the kitchen usable space if:

- $((\frac{a}{a}))$ (i) Appliances and utensils do not create a safety hazard;
- (((b))) (ii) Toxic or harmful substances are not accessible to the child;
- (((e))) (iii) Food preparation and storage sanitation is maintained; and
- $((\frac{d}{d}))$ (iv) The space is located safely and appropriately for use as a child care activity area.
- (((2))) (b) The department may allow the licensee the use of a kitchen for occasional activities, but not include the kitchen in calculating the center's capacity.
- (c) The department may allow the licensee to count the kitchen in calculating the center's capacity if the kitchen is:
 - (i) Adjacent to the care area;
 - (ii) Available for more than an occasional activity; and
 - (iii) Large enough for group activities.
- (3) The licensee shall provide a minimum of fifty square feet of usable floor space per child for the play and napping of the infant and other child requiring a crib.
- $((\frac{(3)}{(3)}))$ (4) The licensee may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided the:
 - (a) Room is of sufficient size; and
- (b) Room's usage for one purpose does not interfere with usage of the room for another purpose.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

- WAC 388-150-340 Toilets, handwashing sinks, and bathing facilities. (1) The licensee shall provide a minimum of one indoor flush-type toilet and one adjacent nandwash sink for every fifteen ((persons)) children normally on site, except:
- (a) The child eighteen months of age or younger and other children using toilet training equipment need not be neluded when determining the number of required flush-type oilets;
- (b) If urinals are provided, the number of urinals shall not replace more than one-third of the total required toilets; and
- (c) For the center serving the school age child only, the number of sinks and toilets for the child shall equal or exceed the number required by the local school district.
- (2) The licensee shall supply the child warm running vater for hand((-))washing at a temperature range ((no)) not ess than eighty-five degrees Fahrenheit and ((no)) not more han one hundred and twenty degrees Fahrenheit.
- (3) The licensee shall locate the child's handwashing acilities in or adjacent to rooms used for toileting.
- (4) The licensee shall provide toileting privacy for the hild of opposite sex six years of age and older and for other hildren demonstrating a need for privacy.
- (5) The licensee shall provide toilets, urinals, and landwashing sinks of appropriate height and size for the hild in care or furnish safe, easily cleanable platforms mpervious to moisture.
- (6) The licensee shall provide a mounted toilet paper lispenser for each toilet.
- (7) The licensee shall ensure rooms used for toileting re ventilated to the outdoors.

- (((7))) (8) When the center serves the child not toilet trained, the licensee shall provide developmentally appropriate equipment for the toileting and toilet training of the young child. The licensee shall sanitize the equipment after each child's use.
- (((8))) (9) The licensee shall provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.
- $((\frac{9}{9}))$ (10) If the center is equipped with a bathing facility, the licensee shall:
- (a) Make the bathing facility inaccessible to the child; or
- (b) Ensure the preschool age and younger child is supervised while using the bathing facility; and
- (c) Equip the bathing facility with a conveniently located grab bar or other safety device such as a nonskid pad.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

WAC 388-150-390 Discrimination prohibited. ((The licensee shall comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and elient services)) (1) Child day care centers are defined by state and federal law as places of public accommodation and shall not discriminate in employment practices and client services on the basis of race, creed, color, nation origin, sex, age, or handicap.

- (2) Day care centers shall:
- (a) Post a nondiscrimination poster;
- (b) Have a nondiscrimination plan;
- (c) Have a nondiscrimination policy; and
- (d) Comply with the requirements of the Americans with Disabilities Act in respect to accessibility.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-460 Program records. The licensee shall maintain the following documentation on the premises:

- (1) The daily attendance record:
- (a) The parent, or other person authorized by the parent to take the child to or from the center, shall sign in the child on arrival and shall sign out the child at departure, using a full, legal signature; and
- (b) When the child leaves the center to attend school or participate in off-site activities as authorized by the parent, the staff person shall sign out the child, and sign in the child on return to the center.
- (2) A copy of the report sent to the licensor about the illness or injury to the child in care requiring medical treatment or hospitalization;
- (3) Copies of meal and snack menus for a minimum of six months;
- (4) The twelve month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;
- (5) A written plan for staff development, specifying the content, frequency, and manner of planned training;
 - (6) Activity program plan records; ((and))

- (7) Nursing consultation records, if applicable, including:
 - (a) A copy of the written agreement with the nurse; and
- (b) A summary of the nurse's on-site consultation activities.
 - (8) A record of:
 - (a) Accidents;
 - (b) Injuries; and
 - (c) Incidents requiring restraint.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-470 Personnel policies and records.

- (1) Each employee and volunteer having unsupervised or regular access to the child in care shall complete and submit to the licensee or director by the date of hire:
- (a) An application for employment on a departmentprescribed form, or its equivalent; and
 - (b) A criminal history and background inquiry form.
- (i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check.
- (ii) The department shall discuss the inquiry information with the licensee or director, when applicable.
- (2) The licensee employing five or more persons shall have written personnel policies describing staff benefits, if any, duties, and qualifications.
- (3) The licensee shall maintain a personnel recordkeeping system, having on file, on the premises, for the licensee, staff person, and volunteer:
- (a) An employment application, including work and education history;
- (b) Documentation of criminal history and background inquiry form submission;
- (c) A record of tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;
 - (d) Documentation of HIV/AIDS education and training;
- (e) A record of participation in staff development training;
 - (f) Documentation of orientation program completion;
- (g) Documentation of a valid food handler permit, when applicable; and
- (h) Documentation of current first aid and CPR training, when applicable.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-490 Reporting of circumstantial changes. A child day care center license is valid only for the address, person, and organization named on the license. The licensee shall promptly report to the licensor any major changes in administrative staff, program, or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

- (1) Center's address, location, space, or phone number;
- (2) Maximum number((,)) and age ranges((, and sex)) of children the licensee wishes to serve as compared to current license specifications;

- (3) Number and qualifications of the center's staffing pattern that may affect staff competencies to implement the specified program, including:
- (a) Change of ownership, chief executive, director, c program supervisor; and
 - (b) The death, retirement, or incapacity of the licensed
- (4) Name of the licensed corporation, or name by whic the center is commonly known, or changes in the center' articles of incorporation and bylaws;
- (5) Occurrence of a fire, major structural change, c damage to the premises; and
- (6) Plans for major remodeling of the center, includin planned use of space not previously department((-))approved

AMENDATORY SECTION (Amending Order 3103, file 11/20/90, effective 12/21/90)

- WAC 388-150-500 Posting requirements. (1) Th licensee shall post the following items, clearly visible to the parent and staff:
- (a) The center's child care license issued under the chapter;
- (b) A schedule of regular duty hours with the names ((earegiving)) staff;
- (c) A typical activity schedule, including operating hou and scheduled mealtimes;
 - (d) Meal and snack menus;
- (e) Evacuation plans and procedures, including diagram of exiting routes; ((and))
- (f) Emergency telephone numbers $\underline{\text{near the telephon}}$ and
 - (g) Nondiscrimination poster.
 - (2) For the staff, the licensee shall post:
- (a) Dietary restrictions and nutrition requirements for particular children;
 - (b) Handwashing practices; and
 - (c) Diaper changing procedures, if applicable.

WSR 93-13-059 PROPOSED RULES DEPARTMENT OF TRANSPORTATION

[Filed June 17, 1993, 8:50 a.m.]

Original Notice.

Title of Rule: WAC 468-300-700 Preferential loadin Purpose: To handle livestock during peak summ

Statutory Authority for Adoption: RCW 47.56.030 at 47.60.326.

Statute Being Implemented: RCW 47.60.326.

Summary: To revise the preferential loading schedul Name of Agency Personnel Responsible for Draftin Implementation and Enforcement: Michael T. McCarth Seattle Ferry Terminal, (206) 464-6428.

Name of Proponent: Washington State Department Transportation, governmental.

Rule is not necessitated by federal law, federal or stacourt decision.

Explanation of Rule, its Purpose, and Anticipat Effects: To revise the preferential loading to handle liv stock during the peak summer season.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Transportation Building, Boardroom 1D2, Olympia, Washington 98504, on August 19, 1993, at 9:15 a.m.

Submit Written Comments to: Ben Klein, Department of Transportation, Marine Division, Olympia, Washington 98504-7318, by August 18, 1993.

Date of Intended Adoption: August 19, 1993.

June 10, 1993 Norm McKibben, Chairman Transportation Commission

AMENDATORY SECTION (Amending Order 61, Resolution No. 298, filed 5/21/87)

WAC 468-300-700 Preferential loading. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on ((the)) single occupant private automobiles:

- (1) Preferential loading privileges on vessels operated by Washington state ferries, exempting vehicles from the standard ((first-come first-serve)) first-come first-served rule, shall be granted((7)) in the order set forth below, to:
- (a) Emergency vehicles ((aetually)) involved in ((emergency operations)) or returning from their particular operations, and medical personnel traveling to unscheduled emergency calls (but not when returning from such calls, and not when traveling to or from their place of employment or to or from operations or procedures, whether emergency or not, which are scheduled enough in advance to allow ferry ravel without preferential loading);
- (b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise ((result would)) cause health risks((rundue train or undue discomfort)) to those persons;
- (c) Public ((transportation and/)) or pupil transportation vehicles owned or operated by public or private transportation operators providing transit or charter service under a certificate of public convenience and necessity issued by the itilities and transportation commission of the state of Washington or owned and operated by a local school district or private school system;
- (d) Commuter vanpools which are certified in the nanner set forth in WAC 468-300-020;
- (e) Commuter car pools which shall consist of a ninimum number of persons as determined by ferry system nanagement((: Provided, That)); and such minimum number shall in no case be less than three((, and provided urther that)); and a formal registration system may be equired ((as determined)) by ferry system management;
- (f) Vehicles carrying livestock and traveling on routes where Washington state ferries is the only major access for and-based traffic, where such livestock (i) is raised for ommercial purposes and is recognized by the department of griculture, county agriculture soil and conservation service s raised on a farm; or (ii) is traveling to participate in a 4H vent sanctioned by the county extension agent;
- (g) Commercial vehicles traveling on routes where Vashington state ferries is the only major access for (landbased)) land-based traffic, provided that the vehicles

- are carrying wholesale perishable article(s) of commerce to be bought or sold in commercial activity or to be used in the production of other such articles;
- (h) Overweight or oversize vehicles requiring transport at special times due to tidal conditions, vessel assignments, or availability of space.
- (2) Such preferential loading privileges shall be subject to the following conditions:
- (a) Privileges shall be granted only where physical facilities are deemed by ferry system management to be adequate to ((achieve)) allow granting the privilege and achieving an efficient operation;
- (b) Documentation outlining <u>qualifications for preferential loading and</u> details of travel will be required in advance from all agencies, companies, or individuals requesting such privileges;
- (c) Privileges may be limited to specified time periods as determined by ferry system management;
- (d) Privileges may require a minimum frequency of travel, as determined by ferry system management;
- (e) Privileges may be limited to a specific number of vehicle spaces for any one sailing, and,
- (f) Privileges may require arriving at the ferry terminal a specified time prior to the scheduled sailing.
- (3) To obtain more information about the documentation required and conditions imposed under subsection (2) of this section, call Washington state ferries' general information number, (206) 464-6400, or a terminal on a route for which the preferential boarding right is requested.

WSR 93-13-061 PROPOSED RULES GAMBLING COMMISSION

[Filed June 17, 1993, 10:10 a.m.]

Original Notice.

Title of Rule: WAC 230-12-030 No beer or liquor as prizes; 230-02-400 Card game; and 230-20-070 Regulation of managers, operators, and other employees.

Purpose: WAC 230-12-030, amend RCW reference and add reference for liquor board rule allowing liquor to be raffled during members only raffles with a permit; WAC 230-02-400 and 230-20-070, amend RCW reference.

Statutory Authority for Adoption: WAC 230-12-030 is RCW 9.46.070, [9.46.]0321, and [9.46.]0315; WAC 230-02-400 is RCW 9.46.070, [9.46.]0281 and [9.46.]0325; and WAC 230-20-070 is RCW 9.46.070, [9.46.]0315, [9.46.]0321, [9.46.]0205, and [9.46.]0277.

Summary: WAC 230-12-030, amends RCW reference and adds liquor board rule allowing liquor to be raffled during members only raffle; and WAC 230-02-400 and 230-20-070, amends RCW reference.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Neal S. Nunamaker, Deputy Director, Lacey, 438-7691; and Enforcement: Frank L. Miller, Director, Lacey, 438-7640.

Name of Proponent: Staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Pasco Red Lion Hotel, 2525 North 20th, Pasco, WA 99301, on August 13, 1993, at 10:00 a.m. Submit Written Comments to: Sharon M. Tolton, Rules Coordinator, Washington State Gambling Commission, P.O.

Box 42400, Olympia, WA 98504-2400, by August 11, 1993. Date of Intended Adoption: August 13, 1993.

June 17, 1993 Sharon M. Tolton Rules Coordinator

AMENDATORY SECTION (Amending Order 51, filed 4/30/76)

WAC 230-12-030 No beer or liquor as prizes. No beverages containing alcohol, including but not limited to, beer or liquor, shall be offered or awarded as a prize or in lieu of a prize for winning at any of the activities authorized by ((RCW 9.46.030)) chapter 9.46 RCW: Provided, That this section does not apply to activities that are authorized by RCW 9.46.0305 (Dice or coin contests for music, food, or beverage payment), and RCW 9.46.0315 (Raffles-No license required, when) conducted by bona fide charitable or bona fide nonprofit organizations. No such alcoholic beverages shall be furnished to any person participating in the activity by anyone except upon the participant paying the market price therefor. If liquor is offered for sale upon the premises where an authorized activity is being conducted then no one under the age of eighteen years shall be admitted to that portion of the premises used to conduct the authorized activity. The licensee and each person conducting the activity and each person physically operating the activity shall be responsible to see that no unauthorized person is admitted to that portion of the premises.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-02-400 Card game. A card game for the purposes of these rules, is a social card game as defined by RCW ((9.46.020(20))) 9.46.0281 and authorized under RCW ((9.46.030)) 9.46.0325, played by consenting adults wherein wagers are made and collected by the participants based upon the outcome of the game.

AMENDATORY SECTION (Amending Order 138, filed 11/15/83)

WAC 230-20-070 Regulation of managers, operators, and other employees. (1) Amusement games and raffles. No person other than a bona fide member of a qualified

bona fide charitable or qualified bona fide nonprofit organization, shall take any part in the management or operation of, including (with respect to amusement games) the furnishing of equipment for, or work as an employee upon, amusement games or raffles conducted by that organization under a license from the commission: *Provided*, *however*, That, except as to persons operating without a license under RCW ((9.46.030 (2))) 9.46.0315 and (((3))) 9.46.0321, employees of the organization on a regular or part time basis employed primarily for purposes other than the conduct of such activities, shall be considered members of the organization for the purposes of this subsection.

(2) Bingo.

- (a) No person other than a bona fide member or an employee of a charitable or nonprofit organization licensee shall take any part in the management or operation of bingc conducted under a license issued to that organization by the commission, and no licensee shall allow any person not one of its members or employees to do so. No person other than a bona fide member of a charitable or nonprofit organization operating without a license under RCW ((9.46.030(3))) 9.46.0321 shall take any part in the management or operatior of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.
- (b) No person who takes any part in the management of operation of a bingo game conducted by one licensee shall take any part in the management or operation of any bingogame conducted by any other organization, or any other branch of the same organization: *Provided*, That
- (i) A person participating in the conduct of bingo games by one Class A, B, or C licensee may also participate in the conduct of bingo games by other Class A, B, or C licensees on a voluntary basis only when such person receives no remuneration for services to other licensees and when the requirements of subsection (3) below are satisfied; or
- (ii) A person participating in the operation of binggames conducted by one licensee under any class of license may also participate in the operation of bingo game conducted by other licensees under any class of bingo license, but only when that person has no managerial of supervisory responsibilities in connection with the operation of bingo activities by any licensee and when the require ments of subsection (3) below are satisfied. An assistan bingo game manager as defined by WAC 230-02-418 shal not be deemed a person having managerial or supervisor responsibilities for the purpose of this section and maparticipate as an hourly employee in the bingo operations of other bingo licensees.
- (3) Any licensee which desires to have any person whe participates in any manner in the conduct of bingo games for another licensee participate in the conduct of its bingo game shall notify the commission, and local police officials, i writing, of the name and address of that person, the name and address of any licensees for whom that person is working, and the capacity in which that person is working for each licensee prior to the time that person participates in the conduct of the licensee's bingo games. In addition, the licensee shall notify any other licensees for which the person works that the individual is now also working for it.

(4) No licensee shall allow any person to take any part in the management, supervision or operation of a bingo game except in conformance with this rule.

(5) Certain premises excepted. The limitations set forth above in (1) and (2) shall not apply to qualified agricultural fairs conducting amusement games or bingo.

WSR 93-13-067 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 17, 1993, 11:40 a.m.]

Original Notice.

Title of Rule: Chapter 388-11 WAC, Child support—Obligations.

Purpose: Update language and cross references. WAC 388-11-015 revises credits for dependent disability benefits under RCW 26.18.190. WAC 388-11-120 amendment and 388-11-115 repealment enhance the ability of service recipients to reopen adjudicative proceedings closed due to the recipient's failure to appear. New WAC 388-11-035 complies with federal regulations requiring support enforcement agencies to provide services to Medicaid recipients.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Establishes a notice and finding of medical responsibility. The proposed amendments update several sections, corrects outdated cross-references, and improves readability.

Reasons Supporting Proposal: Provides a mechanism or establishing a medical support obligation without the accompanying cash support obligation. This is required by ederal regulations. The amendments update several secions, corrects outdated cross-references, and improves eadability.

Name of Agency Personnel Responsible for Drafting, mplementation and Enforcement: Bill Kellington, Office of Support Enforcement, 586-3426.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 45 CFR 302-33 (a)(5).

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 equired for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Dlympia, Washington, on August 10, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 27, 1993. TDD #753-0699

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5808, Department of Social nd Health Services, Olympia, 98504, FAX 664-0118 or ICAN 366-0118, by August 3, 1993.

Date of Intended Adoption: August 16, 1993.

June 17, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-015 Credits allowed—Debt satisfaction.

(1) After the ((office of support enforcement (OSE) serves a notice and finding of financial responsibility or a notice and finding of parental responsibility on the responsible parent)) responsible parent has been advised of the obligation to make payments to the Washington state support registry (WSSR) by service of a notice under WAC 388-11-030, 388-11-032, 388-14-415, or 388-14-435, or by entry of a support order requiring payments to WSSR, the responsible parent may only obtain credit against the parent's ((eurrent and future)) support obligation:

- (a) By cash, check, <u>electronic funds transfer</u>, or money order payments through ((OSE)) <u>WSSR</u> or payment of health insurance premiums; or
- (b) As provided under subsections (3) and $((\frac{6}{})))$ of this section.
- (2) OSE shall <u>only</u> allow credit against a responsible parent's support debt for family needs provided directly to a caretaker/custodian, a child, or provided through a vendor or third party ((only if)) when the:
- (a) ((The)) Items are provided before service of the notice ((and finding of financial responsibility or the notice and finding of parental responsibility)) on a responsible parent;
- (b) ((A)) Responsible parent proves the items provided were intended to satisfy the responsible parent's support obligation; and
- (c) ((The)) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.
- (3) After service of the notice, a parent may <u>only</u> obtain credit against ((the parent's)) their current support obligation ((only if)) when the responsible parent proves that the payments were made and:
 - (a) The department determines there:
 - (i) Is no prejudice to:
 - (A) A custodial parent, a child, or other person; or
 - (B) An agency entitled to receive the support payments.
- (ii) Are special circumstances of an equitable nature justifying credit for payments((-)); or
- (b) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.
- (4) ((The parent shall prove credit should be given for the payments.
- (5))) The department shall not allow credit for shelter payments made before service of the notice ((shall not be)) in an amount more than the greater ((than)) of the:
- (a) Shelter allocation in the public assistance standards for the period when payments were made; or
- (b) One-half of the actual shelter payment((, whichever is the greater)).
- (5) The department shall not allow credit for shelter payments made after service of the notice.

- (((6)(a))) (6) Effective with benefits paid on or after July 1, 1990, ((and for months thereafter,)) the department shall give credit for disability benefits ((made)) paid on behalf of the responsible parent's child as a result of the responsible parent's injury or illness, by:
- (((i))) (a) Labor and industries or a self-insurer under chapter 51.32 RCW; or
 - (((ii))) (b) The Social Security Administration.
- (((b) The department shall only give credit against the current support obligation owed for the month in which the benefit is paid.
- (e))) (7) The department shall credit disability payments under subsection (6) of this section:
- (a) First against the current support obligation for the month in which the benefit is paid for the dependant child to whom the benefit was paid; and
- (b) Second to the responsible parent's support debt for the child and physical custodian to whom the benefit was paid. In crediting the benefit amount against the support debt, the department shall credit:
- (i) First against any support debt owned to the nonassistance support enforcement services recipient to whom the benefit was paid; and
- (ii) Any remaining benefit amount against the responsible parent's support debt to the department for the dependent child and/or physical custodian to whom the benefit was paid.
- (8) A responsible parent must prove payment of these benefits((...(d) A responsible parent)) and has no right to:
- (a) Reimbursement ((of disability benefits)) because of a credit allowed under this subsection;
- (b) Credit for benefits actually paid prior to July 1, 1990.
- (((e))) (9) The department shall mail a notice of credit to the custodial parent if the department ((gives)) agrees to credit the responsible parent ((eredit)) for disability benefits under this section ((without giving the custodial parent an epportunity to object)) unless the agreement to credit occurred during a negotiation or an adjudicative proceeding in which the custodial parent was present and a party. The notice shall:
 - (a) State the amount of the credit; and
 - (b) Advise the custodial parent that:
- (i) The parent may request an adjudicative proceeding to contest the credit((-
- (i) The custodial parent shall file)) by filing a written application for an adjudicative proceeding with the office of support enforcement within twenty-three days of the date of mailing of the notice((-)); and
- (ii) If the custodial parent files an application for an adjudicative proceeding, the department shall give the responsible parent notice of and an opportunity to participate in the proceeding.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-030 Notice and finding of financial responsibility. (1) The office of support enforcement's (OSE) notice and finding of financial responsibility shall include the:

- (a) Amount the responsible parent owes as a support debt, and a demand for payment;
- (b) Amount the responsible parent should pay for current and future support using:
 - (i) Actual income, if known;
 - (ii) ((Inputted)) Estimated income, if OSE has:
 - (A) Incomplete information;
- (B) Information based on prevailing wages in the responsible parent's trade or profession; or
 - (C) Information that is not current.
- (iii) Imputed income ((from the approximate median net income chart, when actual income is not known and cannot be inputted)) under RCW 26.19.071(6).
- (c) Responsible parent's responsibility for medical support under WAC 388-11-215.
- (2) OSE's notice and finding of financial responsibility shall also include the following information, when known:
- (a) The residential parent's name and Social Security number;
- (b) Each child's name, birthdate, and Social Security number on whose behalf support is sought;
- (c) The responsible parent's name, address, and Social Security number;
 - (d) The responsible parent's employer; and
 - (e) A statement that:
- (i) If the responsible parent objects to all or part of the notice and finding of financial responsibility, the responsible parent shall have a right, for not more than twenty days from date of service, to request a hearing to show cause why the finding of responsibility or the amounts stated are incorrect;
- (ii) The responsible parent shall serve a written objection on the OSE field office issuing the notice and finding of financial responsibility;
- (iii) The support debt or current support amount become final and subject to collection action without further action or notice if the responsible parent fails to object in writing, within twenty days;
- (iv) OSE may issue a notice of payroll deduction under chapter 26.23 RCW or take other income withholding action under chapters 26.18 or 74.20A RCW, without further notice to the responsible parent, at any time;
- (v) After service of the notice, the responsible parent shall make all payments intended to satisfy a current support obligation or support debt alleged in the notice directly to ((OSE)) the Washington state support registry (WSSR). ((OSE)) The WSSR shall not credit payments made to any other party against the support obligation whether or not the payment is in cash, check, money order, in-kind services, merchandise, or anything else of value, except as provided under WAC 388-11-015.

NEW SECTION

WAC 388-11-035 Notice and finding of medical responsibility. (1) The office of support enforcement (OSE) may serve a notice and finding of medical responsibility on the responsible parent when:

(a) The physical custodian or dependent child is receiving or is certified to be eligible to receive medical assistance and is not receiving AFDC benefits;

- (b) The physical custodian has chosen medical support enforcement activity only, and has asked OSE in writing not to collect monetary child support; and
 - (c) There is no court order governing child support.
- (2) OSE shall serve the notice and finding of medical responsibility like a summons in a civil action, or by certified mail, return receipt requested.
- (3) The notice and finding of medical responsibility shall include:
 - (a) A statement of the:
- (i) Responsible parent's obligation to provide health insurance coverage for the dependant children under WAC 388-11-215;
- (ii) Maximum premium amount the responsible parent is obligated to pay; and
- (iii) Income basis for the maximum premium amount, based on the basic child support obligation according to the washington state child support schedule, or upon the best interests of the child.
 - (b) Notice that:
 - (i) OSE is not seeking a cash child support award;
- (ii) The physical custodian may seek a cash child support award at any time;
- (iii) The responsible parent may request a hearing under subsection (7) of this section;
- (iv) The income stated in the notice, or in any subsequent order based on the notice, shall not be binding in any later action to set a cash child support award;
- (v) Twenty days from the date of service, the notice and finding of medical responsibility will become an order, and OSE will take direct enforcement action under RCW 26.18.170, if the responsible parent fails to:
- (A) Sign an agreed settlement with OSE establishing the obligation to provide medical insurance and authorizing the department to enroll the children in a medical insurance plan when a plan becomes available;
- (B) Start a proceeding to contest the notice in superior court; or
- (C) Request an adjudicative proceeding under subsection (7) of this section.
- (vi) That the responsible parent keep OSE informed of the availability of health insurance and of the policy numbers and extent of the health insurance coverage.
 - (4) OSE shall:
- (a) Compute the basic support obligation under chapter 26.19 RCW;
- (b) Compute the maximum premium amount under chapter 26.19 RCW; and
- (c) Attach worksheets completed through the basic support obligation to the notice and finding of medical responsibility.
- (5) OSE may only serve a notice and finding of medical responsibility seeking a maximum premium amount of more than twenty-five percent of the basic support obligation, if it is in the best interest of the child to exceed twenty-five percent of the basic support obligation. When OSE seeks to establish a medical support obligation exceeding twenty-five percent of the basic support obligation, OSE shall include in the notice the:
 - (a) Maximum premium amount sought; and

- (b) Circumstances justifying a claim for a medical support obligation exceeding twenty-five percent of the basic support obligation.
- (6) The notice and finding of medical responsibility will become an order, and OSE shall take direct enforcement action under RCW 26,.18.170, if the responsible parent fails to:
- (a) Provide policy information for existing coverage for the dependent children;
- (b) Sign an agreed settlement with OSE establishing the obligation and authorizing OSE to enroll the children in a medical insurance plan when a plan becomes available:
- (c) Start a proceeding to contest the notice in superior court; or
- (d) Request an adjudicative proceeding under subsection (4) of this section, within twenty days of the date OSE serves the notice.
- (7) The responsible parent may request an adjudicative proceeding to contest the notice and finding of medical responsibility.
 - (a) The responsible parent shall:
- (i) Request an adjudicative proceeding within twenty days of the date OSE serves the notice and finding of medical responsibility; and
- (ii) Make the request in writing, and serve the request on OSE like a summons in a civil action, or by any form of mail requiring a return receipt.
 - (b) The department shall:
- (i) Schedule an adjudicative proceeding to consider the responsible parent's objections to the notice and finding of medical responsibility; and
- (ii) Notify the responsible parent and the physical custodian of the time and place of the adjudicative proceeding.
- (c) A physical custodian who appears for an adjudicative proceeding shall be allowed to participate. Participation includes:
 - (i) Giving testimony;
 - (ii) Presenting evidence;
- (iii) Being present for or listening to other evidence in the proceeding; and
- (iv) Offering rebuttal to other evidence in the proceeding.
- (8) If the responsible parent starts a proceeding in superior court, the responsible parent shall serve OSE and the office of the attorney general with notice of the proceeding.
- (9) The responsible parent may petition for a late hearing under WAC 388-11-055.
- (10) The responsible parent, the department, or a physical custodian may petition for a prospective modification of the maximum premium amount under WAC 388-11-140
- (11) In any adjudicative proceeding to consider the merits of an objection to a notice and finding of medical responsibility, or a petition for prospective modification of medical responsibility, the presiding officer shall determine:
 - (a) The basic support obligation, without deviations;
- (b) The maximum premium amount under chapter 26.19 RCW and WAC 388-11-215;
- (c) Whether or not it is in the best interests of the dependent children to require the responsible parent to

provide health insurance at a cost exceeding twenty-five percent of the basic support obligation; and

- (d) Whether or not any order entered under this subsection by the presiding officer in a prior proceeding should be modified under WAC 388-11-140.
- (12) In any adjudicative proceeding under this section, the responsible parent shall show cause why the:
- (a) Presiding officer should not enter an order requiring the responsible parent to provide medical support; or
- (b) Maximum premium amount is incorrect under RCW 26.09.105.
- (13) OSE and the presiding officer shall include in agreed settlements and administrative orders for medical responsibility:
 - (a) Findings of fact regarding the:
 - (i) Basic support obligation;
 - (ii) Maximum premium amount; and
- (iii) Reasons for finding that the order is in the best interest of the child, if the order requires the responsible parent to provide insurance at a cost greater than twenty-five percent of the basic support obligation.
 - (b) Notice that:
 - (i) The responsible parent shall:
- (A) Keep OSE informed of the availability of health insurance and of the policy numbers and extent of the health insurance coverage;
- (B) Enroll the children in a health insurance plan under WAC 388-11-215(2) and (3).
- (ii) The department will take direct action under WAC 388-14-480, if the responsible parent fails to comply with WAC 388-11-215, or upon the next open enrollment date if the responsible parent agrees to allow OSE to enroll the children in the health insurance plan.
- (c) The name, address, employment information, and social security number of the responsible parent;
- (d) Policy information of any health insurance coverage currently in effect, covering the dependent children;
- (e) Names, social security number, and dates of birth of the dependent children;
- (f) Each parent shall notify SE of a change in resident address; and
- (g) A medical support obligation established under this chapter shall continue until:
 - (i) Modified under WAC 388-11-140;
 - (ii) Superseded by a superior court order; or
- (iii) The child for whom support is assessed reaches the age of majority or is emancipated, unless the child is a full-time student in high school or its vocational equivalent, and is reasonably expected to graduate before turning nineteen years of age, in which case the support obligation will continue until earlier of the child's graduation from high school or the child's nineteenth birthday.
- (14) Upon receipt of a request for full support enforcement services, OSE may, at any time before the entry of the initial decision and order, in an adjudicative proceeding requested under subsection (7) of this section, convert the proceeding to a proceeding on a notice and finding of financial responsibility under WAC 388-11-030. To convert the proceeding, OSE shall:
- (a) File a copy of the notice and finding of financial responsibility with the presiding officer, and serve the notice on the responsible parent; and

- (b) Agree to one continuance, if a party requests additional time to respond to the claim for monetary child support.
- (15) The administrative law judge shall allow the office of support enforcement to orally amend the notice at the hearing to conform to the evidence. The administrative law judge may grant a continuance, when deemed necessary, to allow the parties additional time to present rebutting evidence or argument as to the amendment.
- (16) The administrative law judge shall not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses to liability. However, this rule shall not apply to relevant, nonconfidential information or documents that the office of support enforcement has in its possession.

AMENDATORY SECTION (Amending Order 3344, filed 3/24/92, effective 4/24/92)

WAC 388-11-055 Petition for hearing after twenty days—Stay. (1) Any party expressly entitled to an adjudicative proceeding under provisions of chapters 388-11, 388-13, or 388-14 WAC may, at any time after the designated time period for filing a timely request for an adjudicative proceeding has expired, petition the secretary or the secretary's designee for a late adjudicative proceeding. The department shall schedule adjudicative proceedings to make findings and determinations as outlined in subsections (4) and (6) of this section. ((Throughout this section)) "Petitioner" means the individual petitioning for a late hearing ((shall be referred to as the petitioner)).

- (2) The petitioner shall also serve a copy of the petition by certified mail, return receipt requested, or like a summons in a civil action on the office of support enforcement.
- (3) The filing of a petition for a late adjudicative proceeding shall not stay:
- (a) Any collection action ((being)) taken under chapters 26.18, 26.23, or 74.20A RCW;
- (b) The effect of any qualified domestic relations order;
- (c) Certification of the support debt to the Internal Revenue Service for income tax refund offset.
- (4) The department shall schedule an adjudicative proceeding to determine whether or not the petitioner has good cause for failing to file a timely adjudicative proceeding request when the petitioner files the petition more than:
- (a) Twenty days after the date of service of the notice the petitioner is objecting to, and the notice the petitioner is objecting to is a:
 - (i) Notice of proposed settlement;
- (ii) Notice and finding of financial responsibility served before September 1, 1991;
 - (iii) Notice to payee;
 - (iv) Notice of support owed.
- (b) Ninety days from the date of a notice described under WAC 388-14-270(11); or
 - (c) One year after the date of service of a:
 - (i) Notice and finding of parental responsibility;
- (ii) Notice and finding of financial responsibility served after September 1, 1991; ((or))
 - (iii) Debt adjustment notice; or

- (iv) Notice and finding of medical responsibility.
- (5) If in any proceeding under subsection (4) of this section, the presiding officer finds that the petitioner has good cause for failing to make a timely adjudicative proceeding request:
- (a) The presiding officer shall conduct an adjudicative proceeding on the merits of the petitioner's objection to the notice served; and
- (b) If the petitioner is the responsible parent, any further collection or enforcement based on the notice served shall be stayed, except for any amounts exempted from a stay on collections by the regulations authorizing the notice when a timely request is filed.
- (6) The department shall schedule an adjudicative proceeding to hear the merits of the petitioner's objection to the notice served if the petitioner:
- (a) Files the petition for a late adjudicative proceeding more than twenty days, but one year or less from the date of service of the notice; and
 - (b) The petitioner is objecting to a:
- (i) Notice and finding of financial responsibility served after September 1, 1991;
 - (ii) Debt adjustment notice; ((or))
 - (iii) Notice and finding of parental responsibility; or
 - (iv) Notice and finding of medical responsibility.
- (7) If the responsible parent fails to make a timely request for an adjudicative proceeding, after proper service of a notice and finding of financial or parental responsibility, the department shall retain or distribute and shall not refund moneys withheld as a result of collection action taken more than twenty days after the date of service of a notice and finding of parental responsibility, or notice and finding of financial responsibility served after September 1, 1991. OSE shall disburse temporary current and future support paid, or collected during the pendency of the hearing or appeal when OSE receives such support.

AMENDATORY SECTION (Amending Order 3512, filed 2/10/93, effective 3/13/93)

- WAC 388-11-120 Default—Vacate. (1) If the responsible parent fails to appear at a hearing, the administrative law judge shall, upon a showing of valid service, enter an initial decision and default order. The administrative law judge shall state in the decision that the:
- (a) Support debt and the current support obligation stated in the notice and finding of financial or parental responsibility are assessed, determined, and subject to collection action; or
- (b) Health insurance provisions of the notice and finding of medical responsibility are subject to direct enforcement action.
- (2) Decisions and orders on default become final wenty-one days from the date of mailing under WAC 388-38-464.
- (3) Any party against whom the administrative law udge has entered an initial decision and order on default nay petition the secretary or the secretary's designee for vacation of the default order.
 - (4) The petitioning party shall:

- (a) File the petition within the time periods set forth in superior court civil rule 60, provided the time limit for seeking vacation of default orders shall be the longer of one year from the:
 - (i) Effective date of this subsection; or
 - (ii) Date of notice of default.
- (b) Serve a copy of the petition on the office of support enforcement like a summons in a civil action, or by any form of mail requiring a return receipt.
 - (5) The department shall:
- (a) Schedule an adjudicative proceeding to determine whether or not the petitioner has good cause for vacating the default order; and
- (b) Give any other parties to the proceeding notice of the time and date of the proceeding.
- (6) If, in any proceeding under subsection (3) of this section, the presiding officer finds that the petitioner has good cause for vacating the default order, the presiding officer shall:
- (a) Conduct an adjudicative proceeding on the merits of the petitioner's objection to the notice that was the basis for the proceeding at which the petitioner failed to appear; and
- (b) Stay any further collection to the extent provided for under the regulations authorizing the notice the responsible parent originally objected to, if the petitioner is the responsible parent.
- (7) "Good cause" is the same standard as that prescribed for failure to make a timely hearing request under WAC 388-11-011(13).

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

- WAC 388-11-135 Service. Service of the decision and order or notice of hearing pursuant to WAC 388-11-100 or 388-11-120 ((or 388-11-130)) shall be by mailing a copy of the decision and order or notice of hearing to the last known address of the:
- (1) Appellant by certified mail((,)); and ((by mailing a copy of said decision and order or notice of hearing to the last known address of))
- (2) Appellant's attorney or other representative at the hearing, if any.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

- WAC 388-11-145 Notice to ((appellant)) parties. (1) It shall be the responsibility of the ((appellant)) parties to notify the department of ((his or her)):
- (a) Their mailing ((address)) addresses at the time the request for hearing is made; and ((also to notify the department of))
- (b) Any subsequent change of mailing address during the pendency of the appeal including any review by the courts.
- ((Whenever)) (2) When the department has notified ((the appellant)) a party of this responsibility, mailing by the department by certified mail to the ((appellant's)) party's last known address constitutes service of notice under chapters 388-11, 388-13, and 388-14 WAC.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-170 Collection of debts determined. (1) As authorized under chapters 26.18, 26.23, 74.20, and 74.20A RCW, the office of support enforcement (OSE):

(a) Shall take action enforcing and collecting support obligations((. OSE)); and

(b) May take collection action against the responsible parent's income and assets to collect a support debt even if the parent makes payments under a support order, unless OSE agrees, in writing, to limit OSE's right to take action.

(2) If a responsible parent fails to make the total support payment when due under an administrative order:

(a) The entire support debt shall become due in full; and

(b) The portion of the administrative order designating periodic payments to satisfy the support debt shall be deemed vacated without the necessity of further action by the presiding officer.

(3) After ((vacating)) a responsible parent fails to make payments when due, the presiding officer may not stop collection action by OSE and the ((action is subject only to review by the)) responsible parent may only seek review of collection in:

(a) Superior court under RCW 74.20A.200 or other applicable state statutes; or

(b) A conference board under WAC 388-14-385.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-11-115 Fraud—Vacation of decision.

WSR 93-13-069 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 17, 1993, 2:31 p.m.]

Original Notice.

Title of Rule: WAC 388-83-03101 Postpregnancy family planning extension; and 388-86-035 Family planning.

Purpose: HB 1408 extended family planning to twelve months for medical care eligible clients after the end of the pregnancy.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Defines family planning services. Extends family planning services for eligible medical care pregnant women for up to twelve months.

Reasons Supporting Proposal: RCW 74.09.790 extends family planning for medical care clients.

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, 14th and Franklin, Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 17, 1993
Rosemary Carr
Acting Director
Administrative Services

NEW SECTION

WAC 388-83-03101 Postpregnancy family planning extension. A woman eligible for medical care from the department during her pregnancy shall continue to be eligible for family planning services until the end of the twelfth month following the date the pregnancy ends.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-035 Family planning. (1) The department shall ((make known to)) inform clients of the availability of family planning services including information about the synthetic progestin capsule implant form of contraception

(2) For the purpose of this section, "family planning services" mean services to plan the number of one's children by use of contraceptive techniques.

(3) For eligible clients, the department shall provide ((te eligible eategorically needy recipients necessary)) physicians' services, advanced registered nurse practitioners' services clinic or hospital services, <u>laboratory services</u>, supplies and drugs needed in conjunction with family planning.

(((2) Under the limited easualty program medically needy only physicians' services and supplies will be provided.))

WSR 93-13-076 PROPOSED RULES OLYMPIC AIR POLLUTION CONTROL AUTHORITY

[Filed June 17, 1993, 2:57 p.m.]

Original Notice.

Title of Rule: Regulation 1, Article 5, Registration; and Regulation 1, Article 6, Operating Permits.

Purpose: Amending Article 5, requires air contaminan sources to register annually with OAPCA; and new section

Article 6, requires all major sources to apply for and obtain a 5 year renewable operating permit.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: Registration program, RCW 70.94.151; and Operating permit program, RCW 70.94.161.

Summary: Article 5, Section 5.04 was amended to incorporate an increase in annual registration fees and to achieve consistency with RCW 70.94.151. Article 6 establishes an operating permit program pursuant to RCW 70.94.161. Article 5 and 6 may be included in the Washington State implementation plan.

Reasons Supporting Proposal: RCW 70.94.151 requires that the registration program be self supporting through funding from annual fees. Renewable operating permits are required by law.

Name of Agency Personnel Responsible for Drafting: Mark Goodin, 909 Sleater Kinney, Lacey, 483-8768 ext. 108; Implementation: Jim Wilson, 909 Sleater Kinney, Lacey, 438-8768 ext. 101; and Enforcement: Jim Werner, 909 Sleater Kinney, Lacey, 438-8768 ext. 105.

Name of Proponent: Olympic Air Pollution Control Authority, governmental.

Rule is necessary because of federal law, Title V of the 1990 Clean Air Act.

Explanation of Rule, its Purpose, and Anticipated Effects: Article 5, currently in Regulation 1, Article 5 establishes OAPCA's registration program which is an ongoing program for maintaining a current and accurate record of all air contaminant sources and their status of compliance with applicable air quality regulations and standards. Article 5 requires sources to register annually with OAPCA and pay annual fees. Article 5 was amended to increase the annual fees charged to sources and to include an additional requirement that sources devise and implement an operation and maintenance plan for maintaining air pollution control devices and to minimize air contaminant emissions where feasible. Article 6, pursuant to RCW 70.94.161, Article 6 was added to Regulation 1 to establish an Operating Permit program. Article 6 requires that major sources of air contaminant emissions apply for and obtain a five year renewable operating permit.

Proposal Changes the Following Existing Rules: Amendments to Article 5 fee provisions result in increased fees for all sources requiring registration under Article 5.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Olympic Air Pollution Control Authority, 909 Sleater Kinney Road S.E. #1, Lacey, WA 98503, on August 11, 1993, at 10:15 a.m.

Submit Written Comments to: Olympic Air Pollution Control Authority, 909 Sleater Kinney Road S.E. #1, Lacey, WA 98503, by August 11, 1993.

Date of Intended Adoption: August 11, 1993.

June 14, 1993 Mark Goodin Mechanical Engineer

Reviser's note: The material contained in this filing will appear in the 93-14 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-13-077 PROPOSED RULES OLYMPIC AIR POLLUTION CONTROL AUTHORITY

[Filed June 17, 1993, 2:58 p.m.]

Original Notice.

Title of Rule: Regulation 1 Article 1 Policy and Definitions; Article 3 General Provisions; Article 7 Notice of Construction and Application for Approval; Article 10 Wastewood Burners; Article 12 Standards for motor vehicles; Article 13 Recordkeeping and Reporting; Article 14 Asbestos; Article 15 Vapor Recovery.

Purpose: To achieve consistency with Washington Clean Air Act, chapter 70.94 RCW.

Statutory Authority for Adoption: Chapter 70.94 RCW. Summary: The reason for the amendments is to incorporate new regulations and programs mandated by the Washington Clean Air Act of 1991.

Reasons Supporting Proposal: Amendments to Regulation 1 are required by chapter 70.94 RCW.

Name of Agency Personnel Responsible for Drafting: Mark Goodin, 909 Sleater Kinney, Lacey, 438-8768 ext. 108; Implementation: Robert Moody, Jim Werner, Greg O'Connor, 438-8768; and Enforcement: Charles Peace, SAME, 438-8768 ext. 100.

Name of Proponent: Olympic Air Pollution Control Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Regulation 1 contains regulations and standards that apply to new and existing sources of air pollution in Thurston, Clallam, Jefferson, Mason, Grays Harbor, and Pacific counties. The purpose of amending Regulation 1 is to incorporate new regulations and programs mandated by the Washington Clean Air Act of 1991 (WCAA) and the federal Clean Air Act Amendments of 1990 (CAA). Amendments to Regulation 1 include the following changes and additions: Minor changes to Articles 1 and 3 to eliminate inconsistencies with WCAA and CAA; changes to Article 7, Notice of Construction and New Source Review regulations pursuant to RCW 70.94.152; changes to Article 9 pertaining to open burning, visual emissions, particulate emissions, wood stoves, and incinerators pursuant to WCAA; changes to Article 14, Asbestos regulations to upgrade and clarify current enforcement standards; addition of a vapor recovery regulation applicable to bulk gasoline distribution facilities.

Proposal Changes the Following Existing Rules: Amendments to Article 9, section 9.01, Open Fires, augments the existing open burning rules and requires a burning permit from an authorized agent to burn. Amendments to Article 14, Asbestos regulations upgrade and clarify current enforcement standards and increase fees associated with approval of asbestos removal.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Olympic Air Pollution Control Authority, 909 Sleater Kinney Road S.E. #1, Lacey, WA 98503, on September 8, 1993, at 10:15 a.m.

Submit Written Comments to: Olympic Air Pollution Control Authority, 909 Sleater Kinney Road S.E. #1, Lacey, WA 98503, by September 8, 1993.

Date of Intended Adoption: September 8, 1993.

June 14, 1993 Mark Goodin Mechanical Engineer

Reviser's note: The material contained in this filing will appear in the 93-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-13-079 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 18, 1993, 9:40 a.m.]

Original Notice.

Title of Rule: WAC 388-83-015 Citizenship and alien status.

Purpose: This amendment provides for full scope CN or MN medical coverage for pregnant undocumented alien women instead of emergency/labor and delivery only.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Provides for full scope categorically needy (CN) or medically needy (MN) medical coverage for pregnant undocumented alien population instead of emergency/labor and delivery services only.

Reasons Supporting Proposal: Expansion of services to pregnant undocumented alien women allowed per budget.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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, 14th and Franklin, Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 18, 1993 Rosemary Carr Acting Director Administrative Services

AMENDATORY SECTION (Amending Order 3532, filed 4/7/93, effective 5/8/93)

WAC 388-83-015 Citizenship and alien status. (1) The department shall provide Medicaid to an otherwise eligible person who is:

- (a) A citizen of the United States; or
- (b) A North American Indian born in Canada:
- (i) Claiming fifty percent Indian blood; or
- (ii) Claiming fifty percent or less Indian blood and maintains United States residency since before December 25, 1952; or
- (c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or
- (d) An alien who is lawfully present in the United States according to provisions of sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or
- (e) An alien granted lawful temporary residence, or permanent residence according to provisions of section 245(a), 210, 210(f) and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA) unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or
- (f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.
- (2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five-year disqualification period, the department shall provide Medicaid to an otherwise eligible person when ((an)) the alien is:
 - (a) Aged, blind, or disabled;
 - (b) Seventeen years of age or under;
 - (c) Pregnant; or
- (d) A Cuban/Haitian entrant as defined under sections 501 (e)(1) and (2)(A) of P.L. 96-422.
- (3) ((All other aliens, including)) When an alien as described ((in)) under subsection (1)(e) or (f) of this section ((who)) is still under the five-year disqualification period and is not described under subsection (2) of this section ((and who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, or described in subsection (2) of this section shall be eligible for Medicaid as follows:
- (a))), the department shall provide medical care and services ((are)) as necessary for treatment of the alien's emergency medical condition((... For purposes of this subsection, the term emergency medical condition means a medical condition (including emergency labor and delivery manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in
 - (i) Placing the alien's health in serious jeopardy;
 - (ii) Serious impairment to bodily functions; or

- (iii) Serious dysfunction of any bodily organ or part;
- (b) Such alien meets the eligibility requirements of a medical assistance program as described under chapters 388-82, 388-83, 388-92, 388-95, and 388-99 WAC)) as defined under WAC 388-80-005(22).
- (4) For all other aliens, when such alien meets the eligibility requirements of a medical assistance program as described under chapters 388-82, 388-83, 388-92, 388-95, or 388-99 WAC, the department shall provide Medicaid as follows:
 - (a) Full scope medical services for a pregnant woman;
- (b) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-80-005(22).

WSR 93-13-080 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 18, 1993, 9:41 a.m.]

Original Notice.

or

Title of Rule: WAC 388-86-200 Limits on scope of medical program services.

Purpose: To correct unsuitable wording and add an exception as to when the service may be a covered service. Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: To correct unsuitable language and add an exception as to when the service may be covered.

Reasons Supporting Proposal: To respond to legal concerns.

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 equired for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Dlympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Dffice of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or 3CAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 18, 1993 Rosemary Carr Acting Director Administrative Services AMENDATORY SECTION (Amending Order 3536, filed 5/19/93, effective 6/19/93)

WAC 388-86-200 Limits on scope of medical program services. (1) The medical assistance administration (MAA) shall pay only for equipment, supplies, and services that are listed as covered in MAA published issuances, including Washington Administrative Code (WAC), billing instructions, numbered memoranda, and bulletins, and when the items or services are:

- (a) Within the scope of an eligible client's medical care program;
 - (b) Medically necessary;
- (c) Within accepted medical, dental, or psychiatric practice standards and are:
 - (i) Consistent with a diagnosis; and
- (ii) Reasonable in amount and duration of care, treatment, or service.
 - (d) Not listed under subsection (2) of this section; and
- (e) Billed according to the conditions of payment under WAC 388-87-010.
- (2) Unless required under EPSDT/healthy kids program; included as part of a managed care plan service package; included in a waivered program; or part of one of the Medicare programs for the qualified Medicare beneficiaries, the MAA shall specifically exclude from the scope of covered services:
- (a) Nonmedical equipment, supplies, personal or comfort items and/or services, including, but not limited to:
- (i) Air conditioners or air cleaner devices, dehumidifiers, other environmental control devices, heating pads;
 - (ii) Enuresis (bed wetting) training equipment;
 - (iii) Recliner and/or geri-chairs;
 - (iv) Exercise equipment;
 - (v) Whirlpool baths;
 - (vi) Telephones, radio, television;
- (vii) Any services connected to the telephone, television, or radio;
 - (viii) Homemaker services;
 - (ix) Utility bills; or
 - (x) Meals delivered to the home.
- (b) Services, procedures, treatment, devices, drugs, or application of associated services which the department or HCFA consider investigative or experimental on the date the services are provided;
 - (c) Physical examinations or routine checkups;
- (d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;
 - (e) Routine foot care that includes, but not limited to:
 - (i) Medically unnecessary treatment of mycotic disease;
 - (ii) Removal of warts, corns, or calluses;
 - (iii) Trimming of nails and other hygiene care; or
 - (iv) Treatment of asymptomatic flat feet.
- (f) More costly services when less costly equally effective services as determined by the department are available;
- (g) Procedures, treatment, prosthetics, or supplies related to ((intersex surgery)) gender dysphoria surgery except when recommended after a multidisciplinary evaluation including but not limited to urology, endocrinology, and psychiatry;

- (h) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for sterilization reversals and donor ovum, sperm, or womb;
 - (i) Acupuncture, massage, or massage therapy;
 - (i) Orthoptic eye training therapy;
- (k) Weight reduction and control services not provided in conjunction with a MAA medically approved program. This includes food supplements and educational products;
- (1) Parts of the body, including organs tissues, bones, and blood;
 - (m) Blood and eye bank charges;
- (n) Domiciliary or custodial care, excluding nursing facility care;
 - (o) Hair pieces, wigs, or hair transplantation;
 - (p) Biofeedback or other self-help care;
 - (q) Home births;
 - (r) Marital counseling or sex therapy; and
 - (s) Any service specifically excluded by statute.
- (3) Clients shall be responsible for payment as described under WAC 388-87-010 for services not covered under the client's medical care program.

WSR 93-13-090 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed June 21, 1993, 9:42 a.m.]

Original Notice.

Title of Rule: WAC 16-354-020 Field standards for production of certified hop rootstock.

Purpose: To facilitate earlier field planting dates for greenhouse grown certified hop plants.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Statute Being Implemented: Chapter 15.14 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max G. Long, 2015 South 1st Street, MS:3, Yakima, WA 98903, (509) 575-2750

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: See Purpose above.

Proposal Changes the Following Existing Rules: To facilitate earlier field planting dates for greenhouse grown certified hop plants.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Department of Agriculture, Agricultural Service Center, Conference Room, 2015 South 1st Street, MS:3, Yakima, WA, on July 27, 1993, at 2:00 p.m.

Submit Written Comments to: K. Diane Dolstad, Washington State Department of Agriculture Plant Services, P.O. Box 42560, Olympia, WA 98504-2560, by July 27, 1993.

Date of Intended Adoption: August 10, 1993.

June 21, 1993 K. Diane Dolstad Acting Assistant Director

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-020 Field standards for production of certified hop rootstock. (1) Land requirements:

(a) New land (land that has never grown hops), proposed for the establishment of certified mother blocks, shall be approved by the department prior to planting.

- (b) A certified mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production for three years (poles and trellis removed). The site shall be inspected the season prior to planting. Provided that greenhouse grown certified plants may be planted the same year of site approval, with planting starting on or after August 15th. Sites with residual hop plants or with hop hullings present shall be rejected.
- (c) Hop hullings shall not be spread over proposed planting

sites prior to and/or during certified rootstock production.

- (2) Isolation requirements:
- (a) A field to be eligible for production of certified hop rootstock shall be separated by a strip of ground at least twenty-one feet in width from any other hop plants.
- (b) A grower of certified hop rootstocks may grow more than one hop variety or strain: *Provided*, That each variety or strain is separated by a hop plant free buffer strip not less than twenty-one feet in width.
 - (3) Plant requirements:
- (a) Only foundation rootstock shall be planted to establish a certified mother block for the production of certified rootstock.
- (b) Certified mother blocks shall remain in place no more than four growing seasons: *Provided*, That after four years, rootstock to be certified may be moved, if approved by the department after consultation with a Washington State University pathologist, to a new approved site.
- (c) If, during inspection, a male plant is found and that plant has pollinated female hop plants (seeded), the mother block site will be disqualified beginning in the year following discovery of the male plants. For the growing season is which the male plants are detected, the rootstock from that site may be dug and sold as certified while in the dorman stage.
- (d) In roguing, growers shall dig and immediately destroy all low yielding, unhealthy appearing, diseased of otherwise abnormal plants.
 - (e) Plant pests and weeds shall be effectively controlled

WSR 93-13-091 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed June 21, 1993, 9:45 a.m.]

Original Notice.

Title of Rule: WAC 16-462-030 Certified grape nurser stock—Application and fees.

Purpose: A proposal to increase inspection fees from \$18.00 to \$25.00 per hour for mother block and nursery stock.

Other Identifying Information: There has been no increase in fees since 1986.

Statutory Authority for Adoption: Chapter 15.14 RCW. Statute Being Implemented: Chapter 15.14 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: The increase is needed to meet the rising cost of carrying out the certification program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max G. Long, 2015 South 1st Street, MS:3, Yakima, WA, (509) 575-2750.

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: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Department of Agriculture, Agricultural Service Center, 2015 South 1st Street, Conference Room, Yakima, WA 98903, on July 27, 1993, at 1:15 p.m.

Submit Written Comments to: Max G. Long, 2015 South First Street, MS:3, Yakima, WA 98903, by July 27, 1993.

Date of Intended Adoption: August 10, 1993.

June 21, 1993 K. Diane Dolstad Acting Assistant Director

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-030 Certified grape nursery stock—Application and fees. (1) Application.

- (a) The applicant shall furnish information requested and shall give his consent to the department to take plants or plant parts from any planting for inspection or testing purposes.
- (b) Application for inspection shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.
- (c) Inspection fees established shall be payable upon completion of the work to be done and shall be for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.
- (d) Payment for inspection of mother blocks and nursery stock for registration and certification shall be made upon completion of the inspection. Billing to the applicant to be made by the chemical and plant division, seed branch.
 - (2) Inspection fees.
- (a) The inspection tags shall be furnished by the department of agriculture.
- (b) The mother block and nursery stock inspection fee shall be ((eighteen)) twenty-five dollars per hour, and

mileage shall be charged at a rate established by the state office of financial management.

WSR 93-13-102 PREPROPOSAL COMMENTS DEPARTMENT OF REVENUE

[Filed June 21, 1993, 1:31 p.m.]

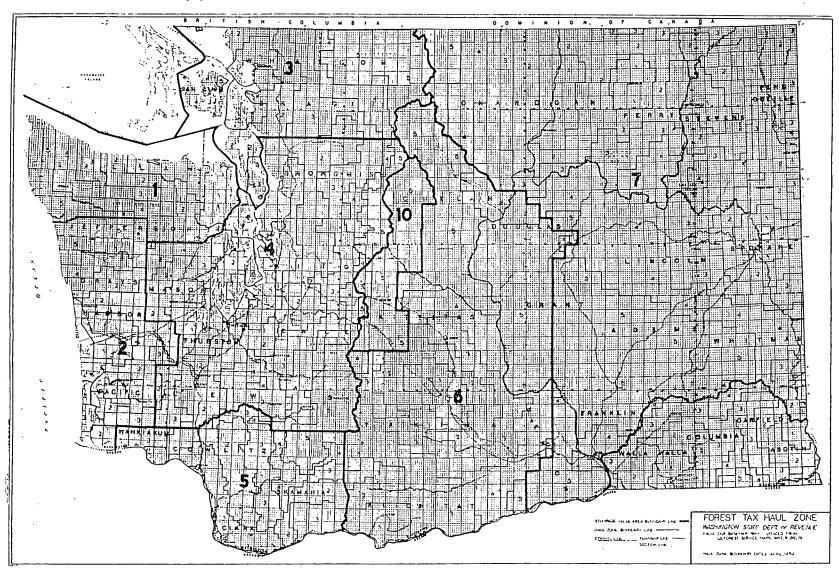
Subject of Possible Rule Making: The Department of Revenue establishes stumpage values as WAC rules under RCW 84.33.091. The department is considering changes to stumpage value area (SVA) boundaries, specifically SVA 10 and adjoining SVAs 4 and 6.

Persons may Comment on this Subject in the Following Ways: By written or oral presentation. Written presentations may be submitted prior to the meeting. The meeting will be committee format with free and open discussion of all proposals. Mailing address: Department of Revenue, Special Programs Division, P.O. Box 47472, Olympia, WA 98504-7472. Olympia, Target Place, 2735 Harrison Avenue N.W., Department of Revenue Conference Room, at 10:00 a.m. to 3:00 p.m. on July 15, 1993.

Other Information or Comments by Agency at this Time, if any: Stumpage value area 10 is an area on the east slope of the Cascade summit. It does not contain a major market center. There are no usable sales now or in the foreseeable future. We will be discussing solutions to valuations in this area. Some solutions that have been offered include: Combine stumpage value area 10 with stumpage value area 4; split stumpage value area 10 and combine part of it with stumpage area 4 and part of it with stumpage value area 6; allow destination reporting of the timber from stumpage value area 10; or adjust stumpage value area 4 values for additional hauling distance and lower quality.

WAC 458-40-640 Timber excise tax—Stumpage value area (map). The stumpage value area and hauling distance zone map contained in this section shall be used to determine the proper stumpage value table and haul zone to be used in calculating the taxable stumpage value of timber harvested from private land. [Statutory Authority: RCW 84.33.096 and 82.32.300. 90-14-033, § 458-40-640, filed 6/29/90, effective 7/30/90. Statutory Authority: Chapter 84.33 RCW. 87-0∠-023 (Order 86-4), § 458-40-640, filed 12/31/86.]

WAC 458-40-640 STUMPAGE VALUE AREA AND HAUL DISTANCE ZONE--MAP Those harvesters who want a larger scale map may obtain one by writing to State of Washington, Department of Revenue, Forest Tax Section, P.O. Box 47472, Olympia, WA 98504-7472, or calling 1-800-548-8829 or (206) 753-7086.



June 21, 1993 Gary K. O'Neil Assistant Director Special Programs

WSR 93-13-119 PROPOSED RULES WASHINGTON STATE PATROL

[Filed June 22, 1993, 10:55 a.m.]

Original Notice.

Title of Rule: Chapter 446-80 WAC, Stopping at scales exemption.

Purpose: To maintain economic efficiency of the ogging industry.

Statutory Authority for Adoption: RCW 46.44.105(12). Statute Being Implemented: Chapter 46.44 RCW.

Summary: Establish standards for size, weight, and load nforcement activities.

Reasons Supporting Proposal: Maintain economic fficiency of the logging industry and to utilize the state atrol's resource effectiveness.

Name of Agency Personnel Responsible for Drafting, mplementation and Enforcement: Captain Richard landolph, 515 15th, Olympia, 586-2229.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state ourt decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The adoption of this rule will eliminate unnecessary tops for unladen log trucks.

Proposal Changes the Following Existing Rules: Adds ew section explaining the scale exemptions.

No small business economic impact statement is equired for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Patrol, Research and Development Section, Room G-130, General Administration Building, P.O. Box 42607, Olympia, WA 98504-607, on August 19, 1993, at 1:30 p.m.

Submit Written Comments to: Washington State Patrol, O. Box 42607, Olympia, WA 98504-2607, by August 19, 993

Date of Intended Adoption: August 27, 1993.

June 21, 1993 Roger W. Bruett Chief

Chapter 446-80 WAC EXEMPTION TO WEIGHING REQUIREMENT

IEW SECTION

WAC 446-80-005 Promulgation. By authority of CW 46.44.105(12), the Washington state patrol hereby dopts the following rules establishing standards for size, eight, and load enforcement activities authorized in chapter 6.44 RCW.

NEW SECTION

WAC 446-80-010 Stopping at scales exemption. The requirement to stop at a weighing facility when traffic control signs indicate the weighing facility is open does not apply to: Unladen trucks towing or carrying a pole trailer, as defined in RCW 46.04.414, whose design and use is for transporting logs, except at the points of entry weighing facilities listed below.

Points of entry are:

Vancouver Port of Entry	I-5 MP 15
Bow Hill Port of Entry	I-5 MP 235
Plymouth Port of Entry	I-82 MP 1
Spokane Port of Entry	I-90 MP 300
Wallula Port of Entry	SR-12 MP 308
Home Valley	SR-14 MP 50
Goldendale	SR-97 MP 13
Tonasket	SR-97 MP 315
Kettle Falls	SR-395 MP 239

WSR 93-13-120 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 22, 1993, 11:36 a.m.]

Original Notice.

Title of Rule: WAC 388-81-047 Recovery from estates. Purpose: State law (SB 5723) changed the amount that can be recovered from the estate of a deceased person for the cost of medical care. The department may recover the medical care costs except when there is a surviving spouse or minor or disabled child, or for heirlooms, collectibles, antiques, papers, jewelry, photos, or other personal effects not to exceed \$2000.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Law changed the guidelines for recovery costs of medical care provided to the aged. The change in the law specifies the department shall recover medical costs except where there is a surviving spouse, minor or disabled child, or for family belongings not to exceed \$2,000.

Reasons Supporting Proposal: State law change (SB 5723).

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, 14th and Franklin, Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 22, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3338, filed 3/10/92, effective 4/10/92)

WAC 388-81-047 Recovery from estates. (1) The department shall recover the cost of ((medical eare)) public assistance benefits provided under a program under chapter 74.09 RCW provided to a ((recipient)) client, who was sixty-five years ((old)) of age or older, upon the ((recipient's)) client's death, except:

(a) ((Where)) When there is a surviving spouse; or

(b) ((Where)) When there is a surviving child ((who is)):

(i) Twenty years of age and under; or

- (ii) Blind or disabled as defined ((in)) under chapter 388-92 WAC; or
- (c) ((Where there are surviving children, other than defined in (b) of this subsection, recovery shall not include:
- (i) The first fifty thousand dollars of the estate value at the time of death; and
- (ii) Sixty five percent of the remainder)) For family heirlooms, collectibles, antiques, papers, jewelry, photos, or other personal effects that have been held in the possession of the deceased client to which a surviving child may otherwise be entitled not to exceed a total fair market value of two thousand dollars.
- (2) The department shall assert and enforce a claim against the estate of the deceased ((recipient)) client for the debt in subsection (1) of this section, in accordance with chapter 11.40 RCW.
- (3) The department shall file a lien against any real property which was in the name of the ((recipient)) client just ((prior to)) before the client's death.
- (a) The <u>department shall file the</u> lien ((shall be filed)) with the county auditor of the county in which the property is located; and
- (b) The <u>department shall deem the</u> lien ((shall be deemed)) effective as of the date of the ((recipient's)) client's death; and
- (c) The department's recovery of property shall be upon the next sale or transfer of the property.
- (4) If a surviving spouse or child, as defined ((in)) under subsection (1)(b) of this section, is discovered or contacts the department ((prior to)) before recovery, the department shall release the lien.
- (5) The term "child" shall include both natural and adopted children.

(6) The value of the estate shall be the total estate value less any liabilities on any real property outstanding at the time of the client's death.

WSR 93-13-122 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 22, 1993, 11:39 a.m.]

Original Notice.

Title of Rule: WAC 388-84-115 Effective date o eligibility.

Purpose: This amendment clarifies the effective date o eligibility for categorically needy, and clarifies technica language and the addition of appropriate cross-references.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Clarifies effective date of eligibility fo categorically needy (CN). Adds cross-references concerning effective date of eligibility for MN and MI.

Reasons Supporting Proposal: Clarification of technica language.

Name of Agency Personnel Responsible for Drafting Implementation and Enforcement: Joanie Scotson, Medica Assistance Administration, 753-7462.

Name of Proponent: Department of Social and Healt Services, governmental.

Rule is not necessitated by federal law, federal or stat court decision.

Explanation of Rule, its Purpose, and Anticipate Effects: Same as above.

Proposal Changes the Following Existing Rules: Se above.

No small business economic impact statement i required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin Olympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact th Office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chie Office of Issuances, Mailstop 5805, Department of Socia and Health Services, Olympia, 98504, FAX 664-0118 c SCAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 22, 199
Rosemary Ca
Acting Directo
Administrative Service

AMENDATORY SECTION (Amending Order 2791, file 5/4/89)

WAC 388-84-115 Effective date of eligibility. (The effective date of eligibility for medical assistance shabe no earlier than the third month before the month application provided:

(a) The medical services received were covered((-)); ar

(b) ((Individual)) The client would have been eligib had ((he/she)) the client applied((-)); and

- (c) The ((applicant)) client ((met)) meets all categoricaly needy eligibility factors ((in either chapter 388 83, 388 92, r 388 99 WAC)).
- (2) The effective date of eligibility for <u>categorically</u> <u>needy</u> medical assistance ((is)) <u>shall be</u> the first day of the nonth ((if)) <u>when</u> the ((individual)) <u>client</u> is eligible at any ime during that month.
- (3) The ((month of application)) effective date of ligibility for medical assistance for an SSI ((beneficiaries)) eneficiary shall be the first day of the month ((they apply)) he beneficiary applies for SSI.
- (4) See WAC 388-99-055 for effective date of eligibility or the medically needy program.
- (5) See WAC 388-100-020 for effective date of eligibility for the medically indigent program.

WSR 93-13-123 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 22, 1993, 11:40 a.m.]

Original Notice.

Title of Rule: WAC 388-81-065 Medical care client opayment.

Purpose: SB 5304 Section 231 authorizes the department to establish copayments for medical clients. 42 CFR 47.53 allows certain clients to pay a copayment. This new ule establishes copayments for medical clients and states the imitations and exceptions to copayments.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: New rule establishes copayments for medical lients and states the limitations and exceptions to opayments.

Reasons Supporting Proposal: SB 5304 Section 231 uthorizes the department to establish copayments for nedical clients. 42 CFR 447.53 allows certain clients to pay copayment.

Name of Agency Personnel Responsible for Drafting, mplementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

Name of Proponent: Department of Social and Health ervices, governmental.

Rule is not necessitated by federal law, federal or state ourt decision.

Explanation of Rule, its Purpose, and Anticipated iffects: Same as above.

Proposal Changes the Following Existing Rules: See bove.

No small business economic impact statement is equired for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, llympia, Washington, on July 27, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the office of Issuances by July 13, 1993. TDD #753-0699.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social nd Health Services, Olympia, 98504, FAX 664-0118 or CAN 366-0118, by July 20, 1993.

Date of Intended Adoption: July 28, 1993.

June 22, 1993 Rosemary Carr Acting Director Administrative Services

NEW SECTION

WAC 388-81-065 Medical care client co-payment.

- (1) The department shall require a client to pay one dollar for each office call, eyeglasses or contact lens fitting fee, and prescription drug dispensing fee to the following providers, unless the client meets an exemption in subsection (2) of this section:
- (a) Physicians and persons working under the physician's supervision, advanced registered nurse practitioners, podiatrists, and optometrists;
 - (b) Dentists and hygienists;
- (c) Opticians, optometrists, and ophthalmologists when providing eyeglasses and contact lens; and
 - (d) Pharmacists.
- (2) The following services do not require client copayments:
- (a) Services covered under department managed care including services covered through the primary care case management program;
 - (b) Family planning services;
- (c) Services provided to a client under twenty-one years of age;
- (d) Services provided to a client who resides in a medical institution;
 - (e) Hospice services;
- (f) Services provided to a pregnant woman, including services during the sixty-day postpartum;
- (g) Emergency services as defined under WAC 388-80-005;
- (h) Services provided in a certified rural health clinic or Indian health clinic;
- (i) Services covered by private insurance or Medicare; and
- (j) Services provided by a community mental health or chemical dependency treatment center.
- (3) The provider shall be responsible for determining when a client meets the criteria listed in subsection (2) of this section.
- (4) The provider shall not deny services based on the client's inability to pay the copayment.

WSR 93-13-124 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed June 22, 1993, 3:27 p.m.]

Original Notice.

Title of Rule: Chapter 246-976 WAC, Emergency medical services and trauma care systems.

Purpose: To implement the EMS and Trauma Act of 1990; and remove inconsistencies and clarify intent of existing rule.

Statutory Authority for Adoption: Chapters 18.71, 18.73, and 70.168 RCW.

Statute Being Implemented: Chapters 18.71, 18.73, and 70.168 RCW.

Summary: Establish standards for designated rehabilitation services; and housekeeping in existing sections of WAC, including establishment of fees for designation.

Reasons Supporting Proposal: Clarify intent of existing language in rule, by removing inconsistencies; and implement rehabilitation portions of Washington EMS and Trauma Care Systems Act.

Name of Agency Personnel Responsible for Drafting: Scott Hogan, 2725 Harrison Avenue, Mailstop 7853, 705-6700; Implementation and Enforcement: Janet Griffith, 2725 Harrison Avenue, Mailstop 7853, 705-6700.

Name of Proponent: EMS and Trauma Systems, Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Existing WAC implements Washington EMS and Trauma Care Systems Act.

Proposal Changes the Following Existing Rules: Housekeeping changes to clarify intent and inconsistencies. Amend existing WAC to specify fees required for designation on-site reviews, add new sections regarding designation of trauma rehabilitation services.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Small business impact not required because the impact of voluntary designation for physician's offices and medical clinics is minor or negligible. Rules do not affect over 10% of category or 20% of all businesses.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on July 27, 1993, at 2:00 p.m.

Submit Written Comments to: Rules Coordinator, Department of Health, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by July 26, 1993.

Date of Intended Adoption: August 2, 1993.

June 21, 1993 Bruce Miyahara Secretary

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-470 Trauma care facilities— Designation process. (1) The department shall develop a request for proposal (RFP) for facilities seeking designation or renewal of designation as trauma care services. The RFP shall include:

- (a) System standards for facility level and category of designation sought;
 - (b) Application requirements;
 - (c) Evaluation criteria;
 - (d) Goals and objectives of the facility;
 - (e) Capability to provide trauma care;
- (f) Commitment to serve the trauma care needs of the state-wide system;
- (g) Compliance with goals of the regional EMS/TC plan; and
 - (h) Geographic coverage.

- (2) The applicant for designation as a trauma care service shall:
- (a) Submit a completed proposal packet to the department ((within ninety days of receipt of the RFP:
 - (a) A completed proposal packet; and
 - (b) Fees)) according to a published schedule;
- (b) Have no less than ninety days to complete a proposal in response to the department's RFP; and
- (c) Submit fees as required by WAC 246-976-990, no later than thirty days prior to the scheduled on-site review.
 - (3) The department may:
- (a) Consider and approve requests for designation for more than one level or category of trauma service from a single facility at one time;
- (b) Consider and approve single proposals from two or more facilities for joint provision of a single level or category of trauma service. If the department grants joint designation, it shall resurvey the facilities at the end of twelve months of operation, to confirm compliance with the provisions of this chapter; and/or
- (c) In order to ensure adequate trauma care, grant provisional designation, for a period not exceeding one year, to facilities that are currently unable to fully meet the standards of this chapter.
 - (4) The department shall:
- (a) Conduct on-site review of applicant's facilities in accordance with WAC 246-976-475;
- (b) Consider proposals from facilities located and licensed in adjacent states in the same manner as proposals received from facilities located and licensed in Washington; and
- (c) Evaluate applications for joint designation following the same criteria as for a single-facility application.
- (5) After an evaluation to determine the current capability of each applicant to meet or exceed the requirements of this chapter, the department shall designate the health care facilities it deems most qualified to provide trauma care services, based on:
 - (a) Evaluation of the proposals submitted;
 - (b) Recommendations from the on-site review team;
- (c) Trauma patient outcomes during the previous designation period;
 - (d) The best interests of the patients of the area;
 - (e) Expected patient volume of the area;
- (f) The number and levels of designated health care facilities established by the state and regional EMS/TC plans;
- (g) Ability of each applicant to comply with goals of the state and regional EMS/TC plans; and
- (h) Compliance with contractual obligations to the department during the previous designation period.
 - (6) The department shall:
- (a) Notify the applicant in writing of designation or denial of designation. Notification shall include a written report of the on-site review; and
- (b) Notify regional EMS/TC councils of the name location, level, and category of service of facilities that have been designated in their regions.
- (7) The department and the designated facility shall enter into a contractual agreement. The contract shall:
- (a) Authorize the facility to provide trauma care service for a three-year period;

- (b) Identify the contractual and financial requirements and responsibilities of both the facility and the department;
- (c) Allow the department to monitor compliance with egulations and standards during the contract period, including access to:
 - (i) Patient discharge summaries;
 - (ii) Patient care logs;
 - (iii) Patient care records;
- (iv) Hospital trauma care quality assurance program ecords, including minutes; and
 - (v) Other relevant documents; and
- (d) Require confidentiality of information relating to ndividual patient's, provider's, and facility's care outcomes.
- (8) The department shall issue a new RFP as described n this section, for all interested health care facilities, ncluding those currently designated, no later than one undred fifty days prior to the expiration of each service's current designation.

<u>AMENDATORY SECTION</u> (Amending Order 323, filed 2/23/92, effective 1/23/93)

WAC 246-976-510 Designation standards for level I rauma care hospitals—Basic resources and capabilities.

- 1) A level I trauma care hospital shall have an ED with:
 - (a) A physician director who is:
 - (i) Board certified or eligible in emergency medicine;
 - (ii) ATLS trained; and
 - (iii) ACLS trained;
 - (b) Emergency physicians who are:
- (i) Board certified or eligible in emergency medicine, or who are practicing emergency medicine as their primary ractice with special competency in care of trauma patients; this requirement may be met by a surgical resident post raduate year two who is ATLS, ACLS, and PALS or pproved equivalent trained, working under the direction of he physician director of the emergency department);
- (ii) In-house and available within five minutes to patient in arrival to ED;
- (iii) ATLS trained ((except that this requirement shall ot apply to board certified emergency physicians));
 - (iv) ACLS trained;
 - (v) PALS or approved equivalent trained; and
 - (vi) Designated members of the trauma team;
 - (c) ED registered nurses who:
 - (i) Are ACLS trained;
 - (ii) Are PALS or approved equivalent trained;
 - (iii) Have taken a trauma life support course; and
- (iv) Are in the ED and available to the patient within ive minutes; with at least two RNs on duty per shift;
- (d) Equipment for resuscitation and life support of ediatric and adult trauma patients, including:
 - (i) Airway control and ventilation equipment including:
 - (A) Airways;
 - (B) Laryngoscopes, including curved and straight;
 - (C) Endotracheal tubes of all sizes;
- (D) Bag-mask resuscitator, with full range of sizes, eonatal to adult;
 - (E) Sources of oxygen; and
 - (F) Mechanical ventilation;
 - (ii) Suction devices, including:
 - (A) Back-up suction source;

- (B) Pediatric and adult suction catheters; and
- (C) Tonsil suction tip;
- (iii) Electrocardiograph;
- (iv) Cardiac monitor;
- (v) Defibrillator, including pediatric paddles;
- (vi) All standard apparatus to establish central venous pressure monitoring;
- (vii) All standard intravenous fluids and administering devices for adult and pediatric patients, including intravenous and intraosseous needles;
- (viii) Sterile surgical sets for procedures standard for ED such as thoracostomy and cut down, including adult and pediatric sets;
 - (ix) Gastric lavage equipment;
- (x) Drugs and supplies necessary for emergency care, including pediatric emergency care;
 - (xi) Capability for rapid infusion of fluids;
 - (xii) Capability for rapid fluid recovery and transfusion;
- (xiii) X-ray capability with twenty-four hour coverage by in-house technician;
 - (xiv) Thermal control equipment for:
 - (A) Patient;
 - (B) Blood;
 - (xv) Two-way radio linked with EMS/TC vehicles;
- (xvi) Pneumatic anti-shock garments, all sizes; except, pediatric are sizes optional depending on local protocol;
 - (xvii) Cervical injury immobilization device;
 - (xviii) Long-bone stabilization device;
 - (xix) Backboard;
- (xx) Equipment specific to pediatric trauma care, including:
 - (A) Traction splint;
 - (B) Blood pressure cuffs in infant, child sizes;
 - (C) Foley catheters;
 - (D) Rigid cervical collars;
 - (E) Doppler;
- (F) Infant scale for accurate weight measurement under twenty-five pounds;
 - (G) ((Backboard;
- (H))) Temperature controlled heating units, with/without open crib;
 - (((1))) (H) Heating/cooling blankets;
 - (((J))) (I) Heat lamp;
 - (((K))) (J) Hypothermia thermometers;
 - (((L))) (K) Expanded scale electronic thermometers;
- (((M))) (<u>L</u>) Device for assuring maintenance of infant warmth during evaluation and transport;
 - (((N))) (M) Nasogastric/feeding tubes;
 - (((O))) (N) Noninvasive BP monitor; and
 - (((P))) (O) Pulse oximetry.
- (2) A level I trauma care hospital shall have a general surgery department including:
- (a) An attending surgeon who is in-house and available upon the patient's arrival in the ED, assuming five minute notification. The attending surgeon shall:
- (i) Be board certified; or have graduated from a residency program accredited by the accreditation council of graduate medical education, but who is less than five years out of training;
 - (ii) Have general surgery privileges;
- (b) A post-graduate year four or above surgical resident may initiate evaluation and treatment upon the patient's

arrival in the ED until the arrival of the attending surgeon. The resident shall have <u>ATLS and</u> PALS or approved equivalent training.

- (c) All trauma surgeons certified in ACLS;
- (d) All trauma surgeons trained in ATLS ((except that this requirement shall not apply to board certified surgeons)); and
 - (e) All trauma surgeons trained in PALS or equivalent.
- (3) A level I trauma care hospital shall have an operating suite with:
- (a) An operating room adequately staffed and available within five minutes after notification;
- (b) Essential personnel, including at least one OR nurse, ((readily)) in-house and available twenty-four hours a day;
- (c) A documented method for prompt mobilization of consecutive surgical teams for trauma patients; and
 - (d) Equipment or capabilities including:
 - (i) Cardiopulmonary bypass capability;
 - (ii) Operating microscope;
 - (iii) Thermal control equipment for patients;
 - (iv) Thermal control equipment for blood;
 - (v) Rapid infusion capability;
 - (vi) Rapid fluid recovery capability;
 - (vii) X-ray capability;
 - (viii) Bronchoscope in operating room;
 - (ix) Endoscopes available from elsewhere in the facility;
 - (x) Craniotome;
 - (xi) Monitoring equipment; and
- (xii) Instruments and equipment appropriate to pediatric trauma care.
- (4) A level I trauma care hospital shall have a post anesthetic recovery unit with:
- (a) Essential personnel, including at least one nurse with critical post anesthetic nurse training, ((readily)) in-house and available twenty-four hours a day;
 - (b) All nurses ACLS trained; and
 - (c) Appropriate monitoring and resuscitation equipment.
- (5) A level I trauma care hospital shall have an intensive care unit with:
 - (a) A medical director who is:
- (i) Board certified or eligible in critical care, pulmonary medicine, cardiology, or surgery;
 - (ii) ACLS trained; and
 - (iii) ATLS trained.
- (b) A physician on duty in the ICU twenty-four hours a day, or who is in-house and available within five minutes;
 - (c) A physician directed code team;
 - (d) ICU registered nurses who:
 - (i) Are ACLS trained; and
 - (ii) Have taken a trauma life support course;
 - (e) Immediate access to clinical laboratory services;
- (f) Equipment appropriate for adult and pediatric patients, including:
 - (i) Airway control and ventilation devices;
 - (ii) Oxygen source with concentration controls;
 - (iii) Cardiac emergency cart;
 - (iv) Temporary transvenous pacemaker;
 - (v) Electrocardiograph-cardiac monitor-defibrillator;
 - (vi) Cardiac output monitoring;
 - (vii) Electronic pressure monitoring;
 - (viii) Mechanical ventilator-respirators;
 - (ix) Patient weighing devices;

- (x) Pulmonary function measuring devices;
- (xi) Temperature control devices;
- (xii) Drugs, intravenous fluids, and supplies; and
- (xiii) Intracranial pressure monitoring devices.
- (6) A level I trauma care hospital shall have a clinical laboratory available within five minutes, including:
- (a) Standard analysis of blood, urine, and other body fluids;
 - (b) Coagulation studies;
 - (c) Blood gases and Ph determination;
 - (d) Serum and urine osmolality;
 - (e) Microbiology;
 - (f) Serum alcohol determination;
 - (g) Drug screening; and
 - (h) Microtechnique.
- (7) A level I trauma care hospital shall have transfusion services including:
- (a) Blood and blood components available from inhouse or through community services, to meet patient needs in a timely fashion;
- (b) Noncrossmatched blood available on patient arrival in ED;
 - (c) Massive transfusion protocols in place;
- (d) Ability to perform massive transfusions and autotransfusion; and
 - (e) Blood storage capability.
- (8) A level I trauma care hospital shall have radiological services, including:
- (a) The following services in-house and available withir five minutes:
 - (i) Computerized tomography; and
 - (ii) X-ray capability;
- (b) The following services on-call and available withir twenty minutes:
 - (i) Angiography;
 - (ii) Sonography; and
 - (iii) Nuclear scanning.
- (9) A level I trauma care hospital shall have acute hemodialysis capability, or a written transfer agreement.
 - (10) A level I trauma care hospital shall have:
- (a) A physician-directed burn unit which is staffed by nursing personnel trained in burn care; and is equipped to care for extensively burned patients; or
- (b) Written transfer agreement with a burn center o hospital with burn unit.
- (11) A level I trauma care hospital shall be able to manage acute head and/or spinal cord injury; or have written transfer agreements with a facility with such capabilities Early transfer to an appropriate designated rehabilitation facility shall be considered.
- (12) A level I trauma care hospital shall have a traum rehabilitation coordinator.
 - (13) A level I trauma care hospital shall have:
- (a) A physician-directed rehabilitation medicine servic which is staffed by personnel trained in rehabilitation care and is equipped to care for the trauma patient; or
- (b) Written agreements to transfer patients to a designal ed rehabilitation service when medically feasible.

Proposed [62]

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-520 Designation standards for level I trauma care hospitals—Outreach, training, and public education. A level I trauma care hospital shall have:

- (1) An outreach program with telephone and on-site consultations with physicians of the community and outlying areas regarding trauma care;
 - (2) Training, including:
- (a) A formal program of continuing trauma care education for:
 - (i) Staff physicians;
 - (ii) Nurses;
 - (iii) Allied health care professionals;
 - (iv) Community physicians; and
 - (v) Prehospital personnel;
- (b) A residency program accredited by the accreditation council of graduate medical education, ((eommitted)) with a commitment to training physicians in trauma management;
- (c) In-house initial and maintenance training of invasive manipulative skills for prehospital personnel;
 - (3) A public education program addressing:
 - (a) Injury prevention:
 - (i) In the home;
 - (ii) In industry and the work place;
 - (iii) On the highways;
 - (iv) On athletic fields; and
 - (v) For recreational or sports related activities;
 - (b) First aid or CPR;
- (c) Problems confronting the public, the medical profession, and hospitals regarding optimal care for the injured.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-560 Designation standards for level II trauma care hospitals—Basic resources and capabilities.

- (1) A level II trauma care hospital shall have an ED with:
- (a) A physician director who is board certified or eligible in emergency medicine;
 - (b) Emergency physicians who are:
- (i) Board certified or eligible in emergency medicine, or who are practicing emergency medicine as their primary practice with special competency in care of trauma patients;
- (ii) In-house and available within five minutes to patient on arrival to ED:
- (iii) ATLS trained ((except that this requirement shall not apply to board certified emergency physicians));
 - (iv) ACLS trained;
 - (v) PALS or approved equivalent trained; and
 - (vi) Designated members of the trauma team;
 - (c) ED registered nurses who:
 - (i) Are ACLS trained;
 - (ii) Are PALS or approved equivalent trained;
 - (iii) Have taken a trauma life support course; and
- (iv) Are in the ED and available to the patient within five minutes; with at least two RN's on duty per shift;
- (d) Equipment for resuscitation and life support of adult and pediatric trauma patients, including:
 - (i) Airway control and ventilation equipment including:
 - (A) Airways;

- (B) Laryngoscopes, including curved and straight;
- (C) Endotracheal tubes of all sizes;
- (D) Bag-mask resuscitator, with full range of sizes, neonatal to adult;
 - (E) Sources of oxygen; and
 - (F) Mechanical ventilation;
 - (ii) Suction devices, including:
 - (A) Back-up suction source;
 - (B) Pediatric and adult suction catheters; and
 - (C) Tonsil suction tip;
 - (iii) Electrocardiograph;
 - (iv) Cardiac monitor;
 - (v) Defibrillator, including pediatric paddles;
- (vi) All standard apparatus to establish central venous pressure monitoring;
- (vii) All standard intravenous fluids and administering devices for adult and pediatric patients, including intravenous catheters and intraosseous needles;
- (viii) Sterile surgical sets for procedures standard for ED such as thoracostomy and cut down, including adult and pediatric sets;
 - (ix) Gastric lavage equipment;
- (x) Drugs and supplies necessary for adult and pediatric emergency care;
 - (xi) Capability for rapid infusion of fluids;
 - (xii) Capability for rapid fluid recovery and transfusion;
- (xiii) X-ray capability with twenty-four hour coverage by in-house technician;
 - (xiv) Thermal control equipment for:
 - (A) Patient; and
 - (B) Blood;
 - (xv) Two-way radio linked with EMS/TC vehicles;
- (xvi) Pneumatic anti-shock garments, all sizes; except, pediatric sizes are optional, depending on local protocol;
 - (xvii) Cervical injury immobilization device;
 - (xviii) Long-bone stabilization device;
 - (xix) Backboard;
 - (xx) Equipment specific to pediatric care, including:
 - (A) Traction splint;
- (B) Blood pressure cuffs in infant, child, and toddler sizes;
 - (C) Foley catheters;
 - (D) Rigid cervical collars;
 - (E) Doppler;
- (F) Infant scale for accurate weight measurement under twenty-five pounds;
 - (G) ((Backboard;
- (H))) Temperature controlled heating units with/without open crib;
 - (((1))) (H) Heating/cooling blankets;
 - (((J))) (I) Heat lamp;
 - (((K))) (J) Hypothermia thermometers;
 - (((L))) (K) Expanded scale electronic thermometers;
- (((M))) (L) Device for assuring maintenance of infant warmth during transport;
 - (((N))) (M) Nasogastric/feeding tubes;
 - (((O))) (N) Noninvasive BP monitor; and
 - (((P))) O Pulse oximetry.
- (2) A level II trauma care hospital shall have a general surgery department including:

- (a) An attending surgeon who is on-call and available upon the patient's arrival in the ED, assuming twenty minute notification. The attending surgeon shall:
- (i) Be board certified; or have graduated from a residency program accredited by the accreditation council of graduate medical education, but who is less than five years out of training;
 - (ii) Have general surgery privileges;
- (b) A post-graduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the ED until the arrival of the attending surgeon. The resident shall have PALS or approved equivalent training;
- (c) All trauma surgeons trained in ATLS ((except that this requirement shall not apply to board certified surgeons.)); and
 - (d) All trauma surgeons trained in PALS or equivalent.
- (3) A level II trauma care hospital shall have an operating suite with:
- (a) An operating room adequately staffed with one ((RN)) operating room nurse or operating-room-qualified designee who is in-house and available to the operating suite within five minutes and the remainder of the staff on-call and available within twenty minutes;
- (b) Essential personnel, including at least one OR nurse, ((readily)) available twenty-four hours a day;
- (c) A documented method for prompt mobilization of consecutive surgical teams for trauma patients; and
 - (d) Equipment or capabilities including:
 - (i) Operating microscope;
 - (ii) Thermal control equipment for patients;
 - (iii) Thermal control equipment for blood;
 - (iv) Rapid infusion capability;
 - (v) Rapid fluid recovery capability;
 - (vi) X-ray capability;
 - (vii) Bronchoscope in operating room;
- (viii) Endoscopes available from elsewhere in the facility;
 - (ix) Craniotome;
 - (x) Monitoring equipment; and
- (xi) Instruments and equipment appropriate to pediatric trauma care.
- (4) A level II trauma care hospital shall have a post anesthetic recovery unit with:
- (a) Essential personnel, including at least one nurse with critical post anesthetic nurse training, ((readily)) on-call and available twenty-four hours a day;
 - (b) All nurses ACLS trained;
 - (c) Appropriate monitoring and resuscitation equipment.
- (5) A level II trauma care hospital shall have an intensive care unit with:
 - (a) A medical director who is:
- (i) Board certified, board eligible, or who has expertise in critical care, pulmonary medicine, cardiology, surgery, internal medicine, or anesthesiology; and
 - (ii) ACLS trained;
- (b) A physician on duty in the ICU twenty-four hours a day, or who is in-house and available within five minutes;
 - (c) A physician directed code team;
 - (d) ICU registered nurses that:
 - (i) Are ACLS trained;
 - (ii) Have taken a trauma life support course;

- (e) Immediate access to clinical laboratory services;
- (f) Equipment appropriate for adult and pediatric patients, including:
 - (i) Airway control and ventilation devices;
 - (ii) Oxygen source with concentration controls;
 - (iii) Cardiac emergency cart;
 - (iv) Temporary transvenous pacemaker;
 - (v) Electrocardiograph-cardiac monitor-defibrillator;
 - (vi) Cardiac output monitoring;
 - (vii) Electronic pressure monitoring;
 - (viii) Mechanical ventilator-respirators;
 - (ix) Patient weighing devices;
 - (x) Pulmonary function measuring devices;
 - (xi) Temperature control devices;
 - (xii) Drugs, intravenous fluids, and supplies; and
 - (xiii) Intracranial pressure monitoring devices.
- (6) A level II trauma care hospital shall have clinical laboratory services available within five minutes, including:
- (a) Standard analysis of blood, urine, and other body fluids;
 - (b) Coagulation studies;
 - (c) Blood gases and pH determination;
 - (d) Serum and urine osmolality;
 - (e) Microbiology;
 - (f) Serum alcohol determination;
 - (g) Drug screening; and
 - (h) Microtechnique.
- (7) A level II trauma care hospital shall have transfusion services including:
- (a) Blood and blood components available from inhouse or through community services, to meet patient needs in a timely fashion;
- (b) Noncrossmatched blood available on patient arrival in ED;
 - (c) Massive transfusion protocols in place;
- (d) Ability to perform massive transfusions and autotransfusion; and
 - (e) Blood storage capability.
- (8) A level II trauma care hospital shall have radiological services, including:
- (a) X-ray capabilities in-house and available within five minutes;
- (b) The following services on-call and available within twenty minutes:
 - (i) Computerized tomography;
 - (ii) Angiography; and
 - (iii) Sonography.
- (9) A level II trauma care hospital shall have acute hemodialysis capability, or a written transfer agreement.
 - (10) A level II trauma care hospital shall have:
- (a) A physician-directed burn unit which is staffed by nursing personnel trained in burn care; and is equipped to care for the extensively burned patient; or
- (b) Written transfer agreement with a burn center or hospital with burn unit.
- (11) A level II trauma care hospital shall be able to manage acute head and/or spinal cord injuries, or have written transfer agreements with facility with such capabilities. Early transfer to an appropriate designated rehabilitation center shall be considered.
- (12) A level II trauma care hospital shall have a trauma rehabilitation coordinator.

- (13) A level II trauma care hospital shall have:
- (a) A physician-directed rehabilitation medicine service which is staffed by personnel trained in rehabilitation care, and is equipped to care for the trauma patient; or
- (b) Written agreements to transfer patients to a designated rehabilitation service when medically feasible.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-600 Designation standards for level III trauma care hospitals—Administration and organization. (1) For the purpose of administering trauma care, a designated level III hospital shall have a trauma service, including:

- (a) Organization and direction by a general surgeon or other physician who is expert in, and committed to, care of the injured;
- (b) Ongoing coordination of the trauma service by a registered nurse;
- (c) A multidisciplinary trauma committee with input to hospital management, including:
 - (i) An emergency physician;
 - (ii) An ED registered nurse;
 - (iii) A trauma surgeon;
 - (iv) An orthopaedic surgeon;
 - (v) An anesthesiologist;
 - (vi) A pediatrician;
 - (vii) Director of intensive care unit; and
 - (viii) An intensive care registered nurse;
- (d) A trauma resuscitation team to provide initial evaluation and treatment:
- (i) The team shall be organized and directed by a general surgeon who is expert in, and committed to, care of the injured, and who assumes responsibility for coordination of overall care of the trauma patient. The <u>attending</u> surgeon shall be on-call and available within ((twenty)) thirty minutes of being called;
- (ii) All members of the team, except the surgeon and anesthesiologist, shall be in-house and available within five minutes;
 - (iii) The team shall include an emergency physician:
- (A) Responsible for activating the trauma resuscitation team, using an approved scoring system; and
- (B) Responsible for providing team leadership and care for the trauma patient until the arrival of the surgeon in the resuscitation area;
- (iv) Other members of the team shall be as specified in the hospital's application for designation.
- (e) Specific delineation of trauma surgery privileges by the medical staff.
- (2) A level III trauma care hospital shall have an ED with established standards and procedures to ensure immediate and appropriate care for adult and pediatric trauma patients.
- (3) A level III trauma care hospital shall have a surgery department with:

An attending surgeon who is on-call and available within thirty minutes, and:

- (a) Has general surgery privileges;
- (b) Has ATLS training.

- (4) A level III trauma care hospital shall have nonsurgical specialties including:
- (a) Anesthesiology, with an anesthesiologist or nationally certified registered nurse anesthetist who is:
- (i) On-call and available within ((twenty)) thirty minutes;
 - (ii) ACLS trained; and
- (b) The following services on-call and available within thirty minutes:
 - (i) Internal medicine; and
 - (ii) A radiologist.
- (5) A level III trauma hospital shall have a pediatric trauma policy that:
- (a) Provides for initial stabilization and resuscitation for pediatric trauma patients including ED and surgical interventions; and
- (b) If it is not a level III pediatric hospital, includes written provision to transfer patients to the appropriate level designated pediatric trauma facility after initial resuscitation and stabilization.
- (6) A level III trauma hospital shall have an approved policy to divert patients to other designated facilities, based on it's ability to manage each patient at a particular time.
- (7) A level III trauma care hospital shall have a quality assurance program in accordance with WAC 246-976-880.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-610 Designation standards for level III trauma care hospitals—Basic resources and capabilities. (1) A level III trauma care hospital shall have an ED with:

- (a) A physician director;
- (b) A physician in-house and available within five minutes of patient's arrival in the ED, who is:
- (i) Experienced in the resuscitation and care of trauma patients;
 - (ii) ATLS trained;
 - (iii) PALS or equivalent trained:
 - (iv) ACLS trained; and
 - (v) A designated member of the trauma team;
 - (c) ED registered nurses who:
 - (i) Are ACLS trained;
 - (ii) Are PALS or equivalent trained;
 - (iii) Have taken a trauma life support course; and
- (iv) Are in the ED and available to the patient within five minutes;
- (d) Equipment for resuscitation and life support of pediatric and adult trauma patients, including:
 - (i) Airway control and ventilation equipment including:
 - (A) Airways;
 - (B) Laryngoscopes, including curved and straight;
 - (C) Endotracheal tubes of all sizes;
- (D) Bag-mask resuscitator, with full range of sizes, neonatal to adult;
 - (E) Sources of oxygen; and
- (F) Mechanical ventilation available to the patient within five minutes;
 - (ii) Suction devices, including:
 - (A) Back-up suction source;
 - (B) Pediatric and adult suction catheters; and

- (C) Tonsil suction tip;
- (iii) Electrocardiograph;
- (iv) Cardiac monitor;
- (v) Defibrillator, including pediatric paddles;
- (vi) All standard apparatus to establish central venous pressure monitoring;
- (vii) All standard intravenous fluids and administering devices appropriate for adult and pediatric patients, including intravenous catheters and intraosseous needles;
- (viii) Sterile surgical sets for procedures standard for ED such as thoracostomy and cut down, including both adult and pediatric sets;
 - (ix) Gastric lavage equipment;
- (x) Drugs and supplies necessary for adult and pediatric emergency care;
 - (xi) Capability for rapid infusion of fluids;
- (xii) X-ray capabilities, with a technician on-call and available within twenty minutes;
 - (xiii) Thermal control equipment for:
 - (A) Patient; and
 - (B) Blood;
 - (xiv) Two-way radio linked with EMS/TC vehicles;
- (xv) Pneumatic anti-shock garments, all sizes; except, pediatric sizes are optional, depending on local protocol;
 - (xvi) Cervical injury immobilization device;
 - (xvii) Long-bone stabilization device;
 - (xviii) Backboard;
 - (xix) Equipment specific to pediatric care, including:
 - (A) Traction splint;
 - (B) Blood pressure cuffs in infant, child sizes;
 - (C) Foley catheter;
 - (D) Rigid cervical collars;
 - (E) Doppler;
- (F) Infant scale for accurate weight measurement under twenty-five pounds;
 - (G) ((Backboard;
- (H))) Temperature-controlled heating units with/without open crib available within five minutes;
 - (((1))) (H) Heating/cooling blankets;
 - (((J))) (I) Heat lamp;
 - (((K))) (J) Hypothermia thermometers;
 - (((L))) Expanded scale electronic thermometers;
- ((((M))) (<u>L)</u> Device for assuring maintenance of infant warmth during evaluation and transport;
 - (((N))) (M) Nasogastric/feeding tubes;
 - (((O))) (N) Noninvasive BP monitor; and
 - (((P))) O Pulse oximetry.
- (2) A level III trauma care hospital shall have an operating suite adequately staffed with one ((RN)) operating room nurse or operating-room-qualified designee who is inhouse and available to the operating suite within five minutes and the remainder of the staff on-call and available within ((twenty)) thirty minutes.
- (a) Essential personnel, including at least one OR nurse, readily available twenty-four hours a day;
- (b) A documented method for prompt mobilization of consecutive surgical teams for trauma patients; and
 - (c) Equipment or capabilities including:
 - (i) Thermal control equipment for patients;
 - (ii) Thermal control equipment for blood;
 - (iii) X-ray capability;
 - (iv) Bronchoscope in operating room;

- (v) Endoscopes available from elsewhere in the facility;
- (vi) Monitoring equipment; and
- (vii) Instruments and equipment appropriate to pediatric trauma care.
- (3) A level III trauma care hospital shall have a post anesthetic recovery unit with:
- (a) Essential personnel, including registered nurses with ACLS certification, ((readily)) on-call and available twenty-four hours a day;
 - (b) Appropriate monitoring and resuscitation equipment.
- (4) A level III trauma care hospital shall have an intensive care unit with:
 - (a) A medical director who is ACLS trained;
 - (b) A physician-directed code team;
 - (c) ICU registered nurses who: Are ACLS trained;
 - (d) Immediate access to clinical laboratory services;
- (e) Equipment appropriate for adult and pediatric patients, including:
 - (i) Airway control and ventilation devices;
 - (ii) Oxygen source with concentration controls;
 - (iii) Cardiac emergency cart;
 - (iv) Artificial pacing capabilities;
 - (v) Electrocardiograph-defibrillator;
 - (vi) Electronic pressure monitoring;
- (vii) Mechanical ventilator-respirators available within five minutes;
 - (viii) Patient weighing devices;
 - (ix) Pulmonary function measuring devices;
 - (x) Temperature control devices; and
 - (xi) Drugs, intravenous fluids, and supplies.
- (5) A level III trauma care hospital shall have clinical laboratory services available within twenty minutes, including:
- (a) Standard analysis of blood, urine, and other body fluids;
 - (b) Coagulation studies;
 - (c) Blood gases and pH determination;
 - (d) Microbiology;
 - (e) Serum alcohol determination; and
 - (f) Microtechnique.
- (6) A level III trauma care hospital shall have transfusion services including:
- (a) Blood and blood components available from inhouse or through community services, to meet patient needs in a timely fashion;
- (b) Noncrossmatched blood available on patient arrival in ED;
 - (c) Massive transfusion protocols in place;
- (d) Ability to perform massive transfusions and autotransfusion; and
 - (e) Blood storage capability.
- (7) A level III trauma care hospital shall have acute hemodialysis capability, or written transfer agreements.
 - (8) A level III trauma care hospital shall have:
- (a) A physician-directed burn unit staffed by nursing personnel trained in burn care, and equipped to care for extensively burned patients; or
- (b) Written transfer agreements with burn centers or hospitals with burn units.
- (9) A level III trauma care hospital shall be able to manage acute head and/or spinal cord injuries, or have written transfer agreements with facilities with such capabili-

ties. Early transfer to an appropriate designated rehabilitation facility shall be considered.

- (10) A level III trauma care facility shall have a trauma rehabilitation coordinator.
 - (11) A level III trauma care hospital shall have:
- (a) A physician-directed rehabilitation medicine service staffed by personnel trained in rehabilitation care; and equipped to care for the trauma patient; or
- (b) Written agreements to transfer patients to a designated rehabilitation service when medically feasible.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-650 Designation standards for level IV trauma care facilities—Resources and capabilities. (1) A level IV trauma care hospital shall have an ED with:

- (a) A physician who is experienced in resuscitation and care of trauma patients, who is:
 - (i) On-call and available within twenty minutes;
 - (ii) ATLS trained; and
 - (iii) ACLS trained;
- (b) An ED registered nurse in-house and available within five minutes, who:
 - (i) Is ACLS trained; and
 - (ii) Has taken a trauma life support course;
 - (c) Basic emergency services including:
- (i) Assessment of the patient's condition, in person by a registered nurse, physician, physician's assistant, physician extender, or advanced registered nurse practitioner;
- (ii) Determination of the nature and urgency of the patient's medical need, including the timing and place of care; and
- (iii) Immediate diagnosis and treatment of any life threatening condition, including procedures to minimize aggravation of the patient's condition during transport to another health care facility;
- (d) Equipment for resuscitation and life support of adult and pediatric trauma patients, including:
 - (i) Airway control and ventilation equipment including:
 - (A) Laryngoscope;
 - (B) Endotracheal tubes of all sizes;
- (C) Bag-mask resuscitator with full range of mask sizes, neonatal to adult;
 - (D) Sources of oxygen; and
 - (E) Suction devices;
 - (ii) Electrocardiograph;
 - (iii) ((Oseilloscope)) Cardiac monitor;
 - (iv) Defibrillator;
- (v) All standard intravenous fluids and administering devices, including intravenous catheters and intraosseous needles:
 - (vi) Sterile surgical sets for procedures standard for ED;
 - (vii) Gastric lavage equipment;
- (viii) Drugs and supplies necessary for adult and pediatric emergency care;
- (ix) X-ray capability, with technician on-call and available within twenty minutes;
 - (x) Thermal control equipment for patient;
 - (xi) Two-way radio linked with EMS/TC vehicles;
- (xii) Pneumatic anti-shock garments; if use of this device is allowed in hospital protocols;

- (xiii) Cervical injury immobilization device;
- (xiv) Long-bone stabilization device; and
- (xv) Backboard.
- (2) A level IV trauma care hospital shall have surgery capabilities, including:
 - (a) Adequate staff, including:
- (i) A physician on-call and available within thirty minutes, who:
 - (A) Has surgical privileges;
 - (B) Is ACLS trained; and
 - (C) Is ATLS trained;
- (ii) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist, who has ACLS certification, and is on-call and available within ((twenty)) thirty minutes;
- (b) An operating suite with one RN or qualified designee who is in-house and available to the operating suite within five minutes and the remainder of the staff on-call and available within twenty minutes. The operating suite shall be equipped with:
 - (i) Thermal control equipment for patients;
 - (ii) X-ray capability;
- (iii) Endoscopes available from elsewhere in the facility; and
 - (iv) Monitoring equipment.
- (3) A level IV trauma care hospital shall have a post anesthetic recovery unit with appropriate monitoring and resuscitation equipment.
 - (4) A level IV trauma care hospital's shall have:
- (a) An ICU which meets requirements for a designated level III trauma hospital as described in WAC 246-976-610, except for availability of a mechanical ventilator-respirator and a temporary transvenous pacemaker; or
- (b) Written agreements with appropriate facilities to transfer patients requiring intensive care.
- (5) A level IV trauma care hospital shall have ((a)) clinical laboratory ((readily)) services available, including:
- (a) Standard analysis of blood, urine, and other body fluids;
 - (b) Blood gases and pH determination.
- (6) A level IV trauma care hospital shall have transfusion services including:
- (a) Blood and blood components available from inhouse or through community services, to meet patient needs in a timely fashion;
- (b) Ability to perform massive transfusions, or written transfer agreements with facilities having such capability; and
 - (c) Blood storage capability.
- (7) A level IV trauma care hospital shall be able to perform acute hemodialysis, or have written transfer agreements with facilities having such capability.
 - (8) A level IV trauma care hospital shall have:
- (a) A physician-directed burn unit staffed by nursing personnel trained in burn care, and equipped to care for extensively burned patients; or
- (b) Written transfer agreement with a burn center or hospital with burn unit.
- (9) A level IV trauma care hospital shall be able to manage acute head and/or spinal cord injuries, or have written transfer agreements with facilities that have such capabilities. Early transfer to an appropriate designated trauma rehabilitation facility shall be considered.

(10) A level IV trauma care hospital shall have a qualified person assigned to coordinate trauma rehabilitation activities and referrals.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-680 Designation standards for level V trauma care facilities—Administration and organization. For the purpose of administering trauma care, a designated level V trauma care facility shall:

- (1) Have written policy and patient care procedures for providing emergency medical care, consistent with regional patient care procedures; and
- (2) Establish emergency care services with a nature and scope consistent with community needs, the regional plan, and the facilities capabilities.
- (3) ((Have an organized trauma care quality assurance program with:
 - (a) A special audit process for all trauma deaths;
- (b) Participation)) Participate in the state trauma registry as required in WAC ((246-976-420; and
- (e))) 246-976-430 with a person identified as responsible for coordination of trauma registry activities.
- (4) Participate in the regional trauma network quality assurance program as required in WAC 246-976-910.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-720 Designation standards for level I pediatric trauma care hospitals—Administration and organization. (1) For the purpose of administering trauma care, a designated level I pediatric hospital shall have a trauma service, including:

- (a) Organization and direction by a general surgeon who is expert in, and committed to, care of the injured child;
- (b) Ongoing coordination of the trauma service by a registered nurse;
- (c) A multidisciplinary trauma committee with input to hospital management, including:
 - (i) A pediatric emergency physician;
 - (ii) An ED registered nurse;
 - (iii) A trauma surgeon;
 - (iv) A neurosurgeon;
 - (v) An orthopaedic surgeon;
 - (vi) An anesthesiologist;
 - (vii) Director of pediatric intensive care service;
 - (viii) A pediatric intensive care registered nurse; and
 - (ix) A pediatric intensivist;
- (d) A trauma resuscitation team to provide initial evaluation and treatment.
- (i) The team shall be organized and directed by a surgeon who is expert in and committed to care of the injured child, and who assumes responsibility for coordination of overall care of the pediatric trauma patient.
- (ii) All members of the team, including the surgeon, shall be in-house and available within five minutes.
 - (iii) The team shall include an emergency physician:
- (A) Responsible for activating the trauma resuscitation team, using an approved scoring system; and

- (B) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the surgeon in the resuscitation area.
- (iv) Other members of the team shall be as specified in the hospital's application for designation.
- (v) The team shall work in conjunction with a pediatrics intensive care physician or pediatric emergency physician.
- (e) Specific delineation of trauma surgery privileges by the medical staff.
- (2) A level I pediatric trauma care hospital shall have an ED with established standards and procedures to ensure immediate and appropriate care for pediatric trauma patients.
- (3) A level I pediatric trauma care hospital shall have a surgery department, including:
- (a) General surgery in-house and available upon patient's arrival in the ED, assuming a five-minute notification:
 - (b) Neurosurgery:
- (i) In-house and available within five minutes. In-house coverage shall be provided by a <u>board certified</u> neurosurgeon((,)) or surgeon((, or other physician)) who has beer judged competent by the ((neurologie)) neurosurgical consultants on staff to initiate measures directed toward stabilizing the pediatric patient and to initiate diagnostic procedures; and
- (ii) With a neurosurgeon on-call and available withir thirty minutes.
- (c) The following services on-call and available withir thirty minutes:
 - (i) Cardiac surgery;
 - (ii) Microsurgery;
 - (iii) Gynecologic surgery;
 - (iv) Hand surgery;
 - (v) Ophthalmic surgery;
 - (vi) Oral/dental surgery;
 - (vii) Orthopaedic surgery;
 - (viii) Otorhinolaryngologic surgery;
 - (ix) Plastic and maxillofacial surgery;
 - (x) Thoracic surgery; and
 - (xi) Urologic surgery.
- (4) A level I pediatric trauma care hospital shall have nonsurgical specialties with special expertise in pediatric care, including:
 - (a) Anesthesiology, with an anesthesiologist who is:
 - (i) ATLS trained;
 - (ii) ACLS trained;
 - (iii) PALS or equivalent trained; and
- (iv) In-house and available on patient's arrival in EC assuming five-minute notification;
- (b) General pediatrics in-house and available or patient's arrival in ED, assuming five-minute notification with pediatricians who are:
 - (i) Board certified; and
 - (ii) PALS or equivalent trained;
 - (iii) These requirements may be met by a PL 2;
- (c) The following services on-call and available withit thirty minutes:
 - (i) Cardiology;
 - (ii) ((Chest-medicine;
 - (iii))) Gastroenterology;
 - (((iv))) (iii) Hematology/pathology;
 - (((v))) (iv) Infectious diseases;

- (((vi))) (v) Nephrology;
- (((vii))) (vi) Neuro-radiology;
- (((viii))) (vii) Pediatric cardiology;
- (((ix))) (viii) Pediatric hematology/oncology;
- (((x))) (ix) Pediatric pulmonology;
- (((xi))) (x) Psychiatry; and
- (((xii))) (xi) A radiologist((; and
- (xiii) Social work)).
- (d) Pediatric neurology on-call and available within one hour.
- (5) A level I pediatric trauma care hospital shall have an approved policy to divert patients to other designated facilities, based on it's ability to manage each patient at a particular time.
 - (6) A level I pediatric trauma care hospital shall:
- (a) Have a quality assurance program in accordance with WAC 246-976-880; and
- (b) Cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-730 Designation standards for level I pediatric trauma care hospitals—Resources and capabilities. (1) A level I pediatric trauma care hospital shall have an ED with:

- (a) A physician director who is:
- (i) Board certified or eligible in emergency medicine or pediatric emergency medicine;
 - (ii) ATLS trained;
 - (iii) ACLS trained; and
 - (iv) PALS or approved equivalent trained;
 - (b) Emergency physicians who are:
- (i) Board certified or eligible in emergency medicine, or pediatric emergency medicine, or in a specialty practicing emergency medicine as their primary practice with special competence in the care of the pediatric trauma patient; (this requirement may be met by a surgical resident post graduate year two who is ATLS, ACLS, and PALS or approved equivalent trained, working under the direction of the physician director of the emergency department);
- (ii) In-house and available within five minutes of the patient's arrival in the ED;
 - (iii) ATLS trained;
 - (iv) ACLS trained;
 - (v) PALS or equivalent pediatric ALS trained; and
 - (vi) Designated members of the trauma team;
 - (c) ED registered nurses who:
 - (i) Are ACLS trained;
 - (ii) Have completed a trauma life support course;
 - (iii) Are PALS or approved equivalent trained;
 - (iv) Are in the ED and available within five minutes;
- (d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including:
 - (i) Airway control and ventilation equipment including:
 - (A) Airways;
 - (B) Laryngoscopes, including curved and straight;
 - (C) Endotracheal tubes of all sizes;
 - (D) Bag-valve-mask resuscitator with all mask sizes;

- (E) Sources of oxygen;
- (F) Child and neonatal BVM resuscitation device designed to deliver one hundred percent oxygen; and
 - (G) Mechanical ventilation;
 - (ii) Suction devices including:
 - (A) Back-up suction source;
 - (B) Pediatric suction catheters; and
 - (C) Tonsil suction tip;
- (iii) Electrocardiograph-cardiac monitor-defibrillator appropriate to pediatric patients;
- (iv) All standard apparatus to establish central venous pressure monitoring;
- (v) All standard IV fluids and administering devices appropriate for pediatric patients, including:
 - (A) IV catheters;
 - (B) Intraosseous needles;
 - (C) Infusion sets;
- (D) Infusion pumps including micro-infusion capabilities;
 - (E) Infusion controllers; ((and))
 - (F) Pediatric dosages/dilutions of medications; and
 - (G) IV fluid/blood warmer.
- (vi) Sterile surgical sets appropriate for pediatric patients, for standard ED procedures including:
 - (A) Thoracostomy set;
 - (B) Chest tubes;
 - (C) Tracheostomy set;
 - (D) Spinal tap set;
 - (E) Peritoneal lavage set; and
 - (F) Cricothyrotomy set;
 - (vii) Gastric lavage equipment;
- (viii) Drugs and supplies necessary for pediatric emergency care;
- (ix) X-ray capability with twenty-four-hour coverage by in-house technicians;
 - (x) Respiratory therapy available within five minutes;
 - (xi) Two-way radio linked with EMS/TC vehicles;
- (xii) Pneumatic anti-shock garment, if included in local protocols for pediatric patients;
 - (xiii) Skeletal traction device for cervical injuries;
 - (xiv) Backboard;
- (xv) Equipment specific to pediatric trauma care, including:
 - (A) Traction splint;
 - (B) Blood pressure cuffs in infant and child sizes;
 - (C) Foley catheters;
 - (D) Rigid cervical collars;
 - (E) Doppler;
- (F) Infant scale for accurate weight measurement under twenty-five pounds;
 - (G) ((Backboard;
- (H))) Temperature controlled heating units with/without open crib;
 - (((I))) (H) Heating/cooling blankets;
 - (((J))) (I) Heat lamp;
 - (((K))) (J) Hypothermia thermometers;
 - (((L))) (K) Expanded scale electronic thermometers;
- (((M))) (L) Device for assuring maintenance of infant warmth during evaluation and transport;
 - (((N))) (M) Nasogastric/feeding tubes;
 - (((O))) (N) Noninvasive BP monitor; and
 - (((P))) (O) Pulse oximetry.

- (2) A level I pediatric trauma care hospital shall have a general surgery department including:
- (a) An attending surgeon with pediatric expertise who is in-house and available upon the patient's arrival in the ED, assuming five minute notification. The attending surgeon shall:
- (i) Be board certified; or have graduated from a residency program accredited by the accreditation council of graduate medical education, but who is less than five years out of training;
 - (ii) Have PALS or approved equivalent training;
 - (iii) Be ATLS trained;
 - (iv) Have general surgery privileges;
- (b) A post-graduate year four or above surgical resident who may initiate evaluation and treatment upon the patient's arrival in the ED until the arrival of the attending surgeon. The resident shall have PALS or approved equivalent training;
 - (c) All trauma surgeons trained in ATLS.
- (3) A level I pediatric trauma care hospital shall have an operating suite with:
- (a) An operating room adequately staffed and available within five minutes of notification;
- (b) Essential personnel, including at least one OR nurse, in-house and available twenty-four hours a day;
- (c) A documented method for prompt mobilization of consecutive surgical teams for pediatric trauma patients;
 - (d) Equipment or capabilities including:
 - (i) Cardiopulmonary bypass;
 - (ii) Operating microscope;
 - (iii) Thermal control equipment for patient;
 - (iv) Thermal control equipment for blood;
 - (v) X-ray capability;
 - (vi) Pediatric endoscopes/bronchoscopes;
 - (vii) Craniotomy set;
 - (viii) Monitoring equipment; and
 - (ix) Pediatric instruments and equipment.
- (4) A level I pediatric trauma care hospital shall have a postanesthetic recovery room with:
- (a) Essential personnel, including at least one nurse with critical post anesthetic nurse training, ((readily)) in-house and available twenty-four hours a day;
 - (b) All nurses ACLS trained;
 - (c) All nurses PALS or equivalent trained;
 - (d) Appropriate monitoring and resuscitation equipment.
- (5) A level I pediatric trauma care hospital shall have a pediatric intensive care unit exclusively for children, with:
- (a) A medical director or co-director who is a board certified or eligible pediatric intensivist, with:
 - (i) PALS or approved equivalent training;
- (ii) Responsibility for coordinating the care of pediatric trauma patients, including:
 - (A) Development and implementation of policies;
 - (B) Supervision of resuscitation;
 - (C) Coordination of medical care;
 - (D) Determination of patient isolation;
 - (E) Ultimate authority for triage decisions;
 - (F) Maintenance of equipment;
 - (G) Coordination of staff education;
 - (H) Maintenance of statistics; and
- (I) Reviewing quality of care on all pediatric trauma patients;

- (b) A physician with expertise in pediatric critical care in-house and available within five minutes;
- (c) A nurse manager responsible for training and coordination of nurses, physicians, and community agencies or services;
 - (d) Nurses with PALS or equivalent training;
 - (e) Patient isolation capacity; and
- (f) Equipment appropriate for pediatric patients, including:
 - (i) Airway control and ventilation including:
- (A) Oral and nasopharyngeal airways, all sizes neonatal through adult;
- (B) Child, infant and neonatal bag-mask resuscitators, able to deliver one hundred percent oxygen;
 - (C) Endotracheal tubes with stylet;
 - (D) Infant and child laryngoscopes, curved and straight;
 - (E) Suction catheters; and
 - (F) Tonsil suction tip;
 - (ii) Oxygen source with concentration controls;
 - (iii) Cardiac emergency cart;
 - (iv) Temporary transvenous pacemaker;
 - (v) Electrocardiograph-cardiac monitor-defibrillator;
 - (vi) Electronic pressure monitoring;
 - (vii) Automated blood pressure apparatus;
- (viii) Mechanical ventilator-respirator appropriate for entire pediatrics spectrum including:
 - (A) Air/oxygen blenders; and
 - (B) Oxygen analyzers;
 - (ix) Patient weighing devices, including infant scale;
 - (x) Pulmonary function measuring devices;
 - (xi) Temperature control devices including:
- (A) Temperature controlled heating units with/without open crib;
 - (B) Heating/cooling blankets; and
 - (C) Heat lamp;
 - (xii) Drugs, IV fluids, and supplies including:
 - (A) Intravenous and intraosseous needles and catheters
 - (B) Pediatric infusion sets;
 - (C) Pediatric dosages/dilutions;
 - (D) Infusion pumps;
 - (E) Infusion controllers; and
 - (F) IV fluid warmer;
 - (xiii) Spotlight;
 - (xiv) Doppler ultrasound BP device;
 - (xv) Suction machine;
 - (xvi) Refractometer;
 - (xvii) Otoscope/ophthalmoscope;
 - (xviii) Thermometers;
 - (xix) Pressor infuser pumps;
 - (xx) Portable EEG;
 - (xxi) Bedside EKG;
 - (xxii) Bedside echocardiography;
 - (xxiii) Bedside ultrasound;
 - (xxiv) Nuclear scan;
 - (xxv) Noninvasive oximetry and capnometry;
 - (xxvi) Portable transport monitor;
- (xxvii) Specialized pediatric sets for thoracostomy tracheostomy, spinal tap, cricothyroidotomy, and peritonea lavage;
 - (xxviii) Foley catheters;
 - (xxix) Chest tubes;
 - (xxx) Capability for continuous monitoring of:

- (A) EKG, heart rate;
- (B) Respiration;
- (C) Temperature;
- (D) Arterial pressure; and
- (E) Central venous pressure;
- (xxxi) High/low alarms for heart rate, respiratory rate, nd all pressures;
- (xxxii) Provision for life support and cardiopulmonary nonitoring; and
 - (xxxiii) Hard copy monitor recording capability.
- (6) A level I pediatric trauma care hospital shall esignate a physician, who has an established relationship to he pediatric critical care team, to respond to pediatric irway emergencies. This requirement may be met by an mergency physician or an ICU physician.
- (7) A level I pediatric trauma care hospital shall have linical laboratory services available within five minutes, acluding:
 - (a) Micro-technique capability;
- (b) Standard analyses of blood, urine, and other body luids:
 - (c) Blood typing and cross-matching;
 - (d) Coagulation studies;
- (e) Comprehensive blood bank, or access to a communiy central blood bank, and adequate hospital storage facili-
 - (f) Blood gases and pH determination;
 - (g) Serum and urine osmolality;
 - (h) Microbiology;
 - (i) Serum alcohol determination; and
 - (i) Drug screening.
- (8) A level I pediatric trauma care hospital shall have adiological services, staffed and equipped including:
- (a) The following services in-house and available within ive minutes:
 - (i) Routine radiological procedures; and
 - (ii) Computerized tomography;
- (b) The following services on-call and available within wenty minutes:
 - (i) Angiography of all types;
 - (ii) Sonography;
 - (iii) Nuclear scanning;
 - (iv) Fluoroscopy;
- (v) Contrast studies, including intravenous pyelograms, sophagrams, and barium enemas.
- (9) A level I pediatric trauma care facility shall have cute hemodialysis capability, or a written transfer agree-
 - (10) A level I pediatric trauma care hospital shall have:
- (a) A physician-directed burn unit which is staffed by ursing personnel trained in burn care, and equipped to care or extensively burned patients; or
- (b) Written transfer agreement with a burn center or ospital with burn unit.
- (11) A level I pediatric trauma care hospital shall be ble to manage acute head and/or spinal cord injuries, or ave written transfer agreements with facility with such apabilities. Early transfer to a designated pediatric trauma ehabilitation facility shall be considered.
- (12) A level I pediatric trauma care hospital shall have espiratory therapy in-house and available within five

- minutes to the patient in the ED or ICU, with a therapist who has special pediatric training and/or experience.
- (13) A level I pediatric trauma care hospital shall have a trauma rehabilitation coordinator and:
- (a) A physician-directed pediatric rehabilitation medicine service which is staffed by nursing personnel trained in rehabilitation care, and is equipped to care for the pediatric trauma patient; or
- (b) Written agreements to transfer patients to designated pediatric rehabilitation services when medically feasible.
- (14) A level I pediatric trauma care hospital shall have ancillary services including:
 - (a) Pharmacy, with pharmacist in-house;
 - (b) Pediatric therapeutic recreation;
 - (c) Clergy or pastoral care;
- (d) Social work, with social workers on-call and available within thirty minutes, and with written policies and procedures, including comprehensive case-finding mechanisms:
 - (e) Child protection services;
 - (f) Nutritionist services;
 - (g) Physical therapy services;
- (h) Occupational therapy and therapeutic recreation services.
- (15) A level I pediatric trauma care hospital shall have a heliport or landing zone located close enough to permit the facility to receive or transfer patients by air.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-770 Designation standards for level II pediatric trauma care hospitals—Administration and organization. (1) For the purpose of administering trauma care, a designated level II pediatric hospital shall have a trauma service, including:

- (a) Organization and direction by a general surgeon who is expert in, and committed to, care of the injured child;
- (b) Ongoing coordination of the trauma service by a registered nurse;
- (c) A multidisciplinary trauma committee with input to hospital management, including:
 - (i) An emergency physician;
 - (ii) An ED registered nurse;
 - (iii) A trauma surgeon;
 - (iv) A neurosurgeon;
 - (v) An orthopaedic surgeon;
 - (vi) An anesthesiologist;
 - (vii) Director of pediatric intensive care service;
 - (viii) A pediatric intensive care registered nurse; and
 - (ix) Pediatric intensivist;
- (d) A trauma resuscitation team to provide initial evaluation and treatment.
- (i) The team shall be organized and directed by a ((trauma)) surgeon expert in, and committed to, care of the injured child, who assumes responsibility for coordination of overall care of the pediatric trauma patient.
- (ii) The team shall work in conjunction with a pediatric intensive care physician or pediatric emergency physician.
- (iii) All members of the trauma team, except the surgeon, shall be in-house and available within five minutes.
 - (iv) The team shall include an emergency physician:

- (A) Responsible for activating the trauma resuscitation team, using an approved scoring system;
- (B) Responsible for providing team leadership and care of the pediatric trauma patient until the arrival of the surgeon in the resuscitation area.
- (v) Other members of the team shall be as specified in the hospital's application for designation.
- (e) Specific delineation of trauma surgery privileges by the medical staff.
- (2) A level II pediatric trauma care hospital shall have an ED with established standards and procedures to ensure immediate and appropriate care for pediatric trauma patients.
- (3) A level II pediatric trauma care hospital shall have a surgery department, including:
- (a) General surgery, with ((a trauma)) an attending surgeon on-call and available on the patient's arrival in the ED, assuming a twenty-minute notification;
 - (b) Neurosurgery:
- (i) In-house and available within five minutes. In-house coverage shall be provided by a neurosurgeon, surgeon, or other physician who has been judged competent by the neurologic consultants on staff to initiate measures to stabilize the patient, and to initiate diagnostic procedures; and
- (ii) With a neurosurgeon on-call and available within thirty minutes;
- (c) The following services on-call and available within thirty minutes:
 - (i) Ophthalmic surgery;
 - (ii) Orthopedic surgery;
 - (iii) Otorhinolaryngologic surgery;
 - (iv) Plastic and maxillofacial surgery;
 - (v) Thoracic surgery; and
 - (vi) Urologic surgery.
- (4) A level II pediatric trauma care hospital shall have nonsurgical specialty capabilities with pediatric expertise, including:
 - (a) Anesthesiology, with an anesthesiologist who:
 - (i) Is PALS or equivalent trained; and
 - (ii) Is on-call and available within twenty minutes;
- (b) The following ((pediatrie)) specialty services on-call and available within thirty minutes:
 - (i) Cardiology;
 - (ii) ((Chest medicine)) Pulmonology;
 - (iii) Gastroenterology;
 - (iv) Hematology/pathology;
 - (v) Infectious disease specialists;
 - (vi) Nephrology;
 - (vii) Neuro-radiology;
- (viii) General pediatrics, with board-certified pediatricians who are PALS or equivalent trained; and
 - (ix) A radiologist((; and
 - (x) Social work)).
- (5) A level II pediatric trauma care hospital shall have an approved policy to divert patients to other designated facilities, based on it's ability to manage each patient at a particular time.
- (6) A level II pediatric trauma care hospital shall have a quality assurance program in accordance with WAC 246-976-880.

AMENDATORY SECTION (Amending Order 323, file 12/23/92, effective 1/23/93)

WAC 246-976-780 Designation standards for level I pediatric trauma care hospitals—Resources and capabilities. (1) A level II pediatric trauma care hospital shall have an ED with:

- (a) A physician director who is:
- (i) Board certified or eligible in emergency medicine o pediatric emergency medicine;
 - (ii) ATLS trained; ((and))
 - (iii) ACLS trained; and
 - (iv) PALS or equivalent trained.
 - (b) Emergency physicians who are:
- (i) Board certified or eligible in emergency medicine, o pediatric emergency medicine, or in a specialty practicin emergency medicine as their primary practice with special competency in the care of the pediatric trauma patient;
 - (ii) In-house and available within five minutes;
- (iii) ATLS trained((, except that this requirement shall not apply to board certified emergency physicians));
 - (iv) ACLS trained;
 - (v) PALS or equivalent trained; and
 - (vi) Designated members of the trauma team;
 - (c) ED registered nurses who:
 - (i) Are ACLS trained;
 - (ii) Have completed a trauma life support course;
 - (iii) Are PALS or approved equivalent trained;
- (iv) Are in the ED and available to the patient within five minutes;
- (d) A designated area for pediatric resuscitation wit equipment for pediatric resuscitation and life suppor including:
 - (i) Airway control and ventilation equipment including
 - (A) Airways;
 - (B) Laryngoscopes, including curved and straight;
 - (C) Endotracheal tubes of all sizes;
- (D) Bag-valve-mask resuscitator with all mask size: designed to deliver one hundred percent oxygen;
 - (E) Sources of oxygen; and
 - (F) Mechanical ventilation;
 - (ii) Suction devices including:
 - (A) Back-up suction source;
 - (B) Suction catheters; and
 - (C) Tonsil suction tip;
 - (iii) Electrocardiograph/cardiac monitor/defibrillator;
- (iv) Apparatus to establish central venous pressur monitoring;
- (v) All standard IV fluids and administering device including:
 - (A) IV catheters;
 - (B) Intraosseous needles;
 - (C) Infusion sets;
- (D) Infusion pumps including micro-infusion capabil ties;
 - (E) Infusion controllers;
 - (F) Pediatric dosages/dilutions of medications; and
 - (G) IV fluid/blood warmer;
- (vi) Sterile surgical sets for procedures standard for EI including:
 - (A) Thoracostomy set;
 - (B) Chest tubes;

- (C) Tracheostomy set;
- (D) Spinal tap set;
- (E) Peritoneal lavage set; and ·
- (F) Cricothyrotomy set;
- (vii) Gastric lavage equipment;
- (viii) Drugs and supplies necessary for pediatric emergency care;
- (ix) X-ray capability with twenty-four-hour coverage by n-house technicians;
 - (x) Respiratory therapy available within five minutes;
 - (xi) Two-way radio linked with EMS vehicles;
- (xii) Pneumatic anti-shock garment, if included in local pediatric protocols;
 - (xiii) Skeletal traction device for cervical injuries;
 - (xiv) Backboard;
 - (xv) Specialized pediatric equipment including:
 - (A) Traction splint;
 - (B) Blood pressure cuffs in infant, child sizes;
 - (C) Foley catheters;
 - (D) Rigid cervical collars in pediatric sizes;
 - (E) Doppler;
- (F) Infant scale for accurate weight measurement under wenty-five pounds;
 - (G) ((Backboard;
- (H))) Temperature controlled heating units with/without pen crib;
 - (((1))) (H) Heating/cooling blankets;
 - (((J))) (I) Heat lamp;
 - (((K))) (J) Hypothermia thermometers;
 - (((L))) (K) Expanded scale electronic thermometers;
- (((M))) (<u>L</u>) Device for assuring maintenance of infant varmth during evaluation and transport;
 - (((N))) (M) Nasogastric/feeding tubes;
 - (((O))) (N) Noninvasive blood pressure monitor; and
 - (((P))) (O) Pulse oximetry.
- (2) A level II pediatric trauma care hospital shall have general surgery department including:
- (a) An attending surgeon who is on-call and available pon the patient's arrival in the ED, assuming twenty minute otification. The attending surgeon shall:
- (i) Be board certified; or have graduated from a resideny program accredited by the accreditation council of raduate medical education, but who is less than five years ut of training;
 - (ii) Have general surgery privileges;
- (b) A post-graduate year four or above surgical resident nay initiate evaluation and treatment upon the patient's rrival in the ED until the arrival of the attending surgeon;
- (c) All trauma surgeons trained in ATLS((, except that is requirement shall not apply to board certified surgeons));
- (d) All trauma surgeons trained in PALS or approved quivalent.
- (3) A level II pediatric trauma care hospital shall have n operating suite adequately staffed with one ((RN)) perating room nurse or operating-room-qualified designee tho is in-house and available to the operating suite within twe minutes and the remainder of the staff on-call and vailable within twenty minutes. The operating suite shall ave equipment appropriate for pediatric surgery, including:
 - (a) Thermal control equipment for patient;
 - (b) Thermal control equipment for blood;
 - (c) X-ray capability;

- (d) Endoscopes/bronchoscopes; and
- (e) Monitoring equipment.
- (4) A level II pediatric trauma care hospital shall have a postanesthetic recovery room with:
- (a) Essential personnel, including at least one nurse with critical post anesthetic nurse training, ((readily)) on-call and available twenty-four hours a day; and
 - (b) Appropriate monitoring and resuscitation equipment.
- (5) A level II pediatric trauma care hospital shall have a pediatric intensive care service, including:
- (a) A medical director or co-director who is board certified or eligible in pediatric intensive care, who has:
 - (i) PALS or approved equivalent training;
 - (ii) Responsibility for pediatric trauma care, including:
 - (A) Development and implementation of policies;
 - (B) Supervision of resuscitation;
 - (C) Coordination of medical care;
 - (D) Determination of patient isolation;
 - (E) Ultimate authority for triage decisions;
 - (F) Maintenance of equipment;
 - (G) Coordination of staff education;
 - (H) Maintenance of statistics; and
- (I) Reviewing quality of care on all pediatric trauma patients;
 - (b) Patient isolation capacity;
- (c) A physician with expertise in pediatric critical care in-house and available within five minutes;
 - (d) Pediatric intensive care nursing with:
- (i) A pediatric nurse manager responsible for training and coordination of nurses, physicians, administration, and community agencies or services;
- (ii) Nurses caring for pediatric trauma patients who have completed PALS or approved equivalent training; and
- (e) Equipment appropriate for pediatric patients including:
 - (i) Airway control and ventilation including:
 - (A) Airways;
- (B) Child and neonatal BVM designed to deliver one hundred percent oxygen;
 - (C) Bag-mask resuscitators, all sizes;
 - (D) Endotracheal tubes with stylet;
 - (E) Infant and child laryngoscopes, curved and straight;
 - (F) Suction catheters; and
 - (G) Tonsil suction tip;
 - (ii) Oxygen source with concentration controls;
 - (iii) Cardiac emergency cart;
 - (iv) Temporary transvenous pacemaker;
 - (v) Electrocardiograph-cardiac monitor-defibrillator;
 - (vi) Electronic pressure monitoring;
- (vii) Mechanical ventilator-respirator appropriate for entire pediatrics spectrum including:
 - (A) Air/oxygen blenders;
 - (B) Oxygen analyzers;
 - (viii) Patient weighing devices, including infant scale;
 - (ix) Pulmonary function measuring devices;
 - (x) Temperature control devices including:
- (A) Temperature controlled heating units with/without open crib;
 - (B) Heating/cooling blankets; and
 - (C) Heat lamp;
 - (xi) Drugs, IV fluids and supplies, including:
 - (A) Needles and catheters;

WSR 93-13-124

Washington State Register, Issue 93-13

- (B) Infusion sets;
- (C) Infusion pumps;
- (D) Infusion controllers; and
- (E) IV fluid warmer;
- (xii) Intraosseous needles and catheters;
- (xiii) Spotlight;
- (xiv) Doppler ultrasound BP device;
- (xv) Suction machine;
- (xvi) Refractometer;
- (xvii) Otoscope/ophthalmoscope;
- (xviii) Thermometers;
- (xix) Pressor infuser pumps;
- (xx) Portable EEG;
- (xxi) Bedside EKG;
- (xxii) Noninvasive oximetry and capnometry;
- (xxiii) Portable transport monitor;
- (xxiv) Sets for thoracostomy, tracheostomy, spinal tap, cricothyroidotomy, and peritoneal lavage;
 - (xxv) Foley catheters;
 - (xxvi) Chest tubes;
 - (xxvii) Capability for continuous monitoring of:
 - (A) EKG, heart rate;
 - (B) Respiration;
 - (C) Temperature;
 - (D) Arterial pressure; and
 - (E) Central venous pressure;
- (xxviii) High/low alarms for heart rate, respiratory rate, and all pressures;
- (xxix) Provision for life support and cardiopulmonary monitoring; and
 - (xxx) Hard copy monitor recording capability.
- (6) A level II pediatric trauma care hospital shall designate one or more physicians, who have an established relationship to the pediatric trauma resuscitation team, to respond to pediatric airway emergencies. This requirement may be met by an emergency physician or an ICU physician.
- (7) A level II pediatric trauma care hospital shall have clinical laboratory services ((readily)) available twenty-four hours a day, including:
 - (a) Laboratory technician in-house;
 - (b) Micro-technique capability;
- (c) Standard analyses of blood, urine, and other body fluids;
 - (d) Blood typing and cross-matching;
 - (e) Coagulation studies;
- (f) Comprehensive blood bank, or through access to a community central blood bank, and adequate hospital storage facilities;
 - (g) Blood gases and pH determination;
 - (h) Serum and urine osmolality;
 - (i) Microbiology;
 - (j) Serum alcohol determination; and
 - (k) Drug screening.
- (8) A level II pediatric trauma care hospital shall have radiological services including:
- (a) Routine radiologic procedures in-house and available within five minutes;
- (b) Contrast studies including intravenous pyelograms, esophagrams, and barium enemas, on-call and available within twenty minutes;
- (c) The following services on-call and available within twenty minutes:

- (i) Angiography of all types;
- (ii) Sonography;
- (iii) ((In-house)) Computerized tomography; and
- (iv) Fluoroscopy.
- (9) A level II pediatric trauma care hospital shall have respiratory therapy with a trained therapist in-house.
- (10) A level II pediatric trauma care hospital shall hav a pharmacy, with pharmacist on-call and available with twenty minutes.
- (11) A level II pediatric trauma care hospital shall havacute hemodialysis capability, or a transfer agreement.
 - (12) A level II pediatric trauma care hospital shall hav
- (a) A physician-directed burn unit which is staffed the nursing personnel trained in burn care; and is equipped care for extensively burned patients; or
- (b) Written transfer agreement with a burn center chospital with burn unit.
- (13) A level II pediatric trauma care hospital shall l able to manage acute head and/or spinal cord injuries, have written transfer agreements with a facility that has succapabilities. Early transfer to an appropriate designate rehabilitation facility shall be considered.
- (14) A level II pediatric trauma care hospital shall have a ((nurse)) designated ((as)) trauma rehabilitation coordin tor; and:
- (a) A physician-directed rehabilitation medicine service which is staffed by nursing personnel trained in pediatr rehabilitation care; and is equipped to care for pediatr trauma patients; or
- (b) Written agreements to transfer patients to a designal ed pediatric rehabilitation services when medically feasible
- (15) A level II pediatric trauma care hospital shall har ancillary services including:
 - (a) Clergy or pastoral care;
- (b) Social work, with social workers on-call ar available within thirty minutes, and with written policies as procedures including comprehensive case-finding mech nisms;
 - (c) Child protection services;
 - (d) Nutritionist services;
 - (e) Physical therapy services;
- (f) Occupational therapy and therapeutic recreatic services.
- (16) A level II pediatric trauma care hospital shall ha a heliport or landing zone located close enough to permit t facility to receive or transfer patients by air.

AMENDATORY SECTION (Amending Order 323, file 12/23/92, effective 1/23/93)

WAC 246-976-790 Designation standards for level pediatric trauma care hospitals—Education and training programs. A level II pediatric trauma care hospital shave:

- (1) A public education program addressing:
- (a) Injury prevention;
- (b) Standard first aid;
- (c) Problems confronting the public, medical professic and hospitals regarding optimal care for the injured child
- (2) A formal program of continuing education provid by the facility for staff physicians, nurses, allied heal personnel, community physicians, and prehospital personn

(3) Make the facility available for initial and maintenance training of invasive manipulative skills for prehospital personnel.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

- WAC 246-976-810 Designation standards for level III pediatric trauma care hospitals—Administration and organization. (1) For the purpose of administering trauma care, a designated level III pediatric trauma care hospital shall have a trauma service including:
- (a) Organization and direction by a general surgeon or physician expert in, and committed to, care of the injured child:
- (b) Ongoing coordination of the trauma service by a registered nurse;
- (c) A multidisciplinary trauma committee with input to hospital management, including:
 - (i) An emergency physician;
 - (ii) An ED registered nurse;
 - (iii) A trauma surgeon;
 - (iv) An anesthesiologist;
 - (v) Director of pediatric intensive care unit;
 - (vi) A pediatric intensive care registered nurse; and
 - (vii) A pediatrician;
- (d) A trauma resuscitation team to provide initial evaluation and treatment.
- (i) The team shall be organized and directed by a surgeon who is expert in and committed to care of the injured child; who assumes responsibility for coordination of overall care of the pediatric trauma patient; and who is on-call and available within ((twenty)) thirty minutes;
- (ii) All members of the team, except the surgeon, shall be in-house and available within five minutes;
 - (iii) The team shall include an emergency physician:
- (A) Responsible for activating the trauma resuscitation team, using an approved scoring system; and
- (B) Responsible for providing team leadership and care for the trauma patient until the arrival of the surgeon in the resuscitation area:
- (iv) Other members of the team shall be as specified in he hospital's application for designation.
- (e) Specific delineation of trauma surgery privileges by he medical staff.
- (2) A level III pediatric trauma care hospital shall have in ED with established standards and procedures to ensure mmediate and appropriate care for pediatric trauma patients.
- (3) A level III pediatric trauma care hospital shall have a surgery department that includes an attending surgeon who s on-call and available within ((twenty)) thirty minutes; and
 - (a) Has general surgery privileges;
 - (b) Has PALS or equivalent training;
 - (c) Has ATLS training.
- (4) A level III pediatric trauma care hospital shall have mesthesiology, by an anesthesiologist or certified registered turse anesthetist, who is PALS or equivalent trained, and who is on-call and available within ((twenty)) thirty minutes.
- (5) A level III pediatric trauma care hospital shall have in approved policy to divert patients to other designated acilities, based on it's ability to manage each patient at a particular time.

(6) A level III trauma care hospital shall have a quality assurance program in accordance with WAC 246-976-880.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-820 Designation standards for level III pediatric trauma care hospitals—Resources and capabilities. (1) Level III pediatric trauma care hospitals shall have an ED with:

- (a) A physician director who is:
- (i) Board certified or eligible in emergency medicine or pediatric emergency medicine; or in a specialty practicing emergency medicine as their primary practice with special competency in the care of the pediatric trauma patient;
 - (ii) ATLS trained; and
 - (iii) ACLS trained;
 - (b) Emergency physicians who are:
- (i) Qualified and experienced in caring for pediatric patients with traumatic injuries;
 - (ii) Capable of initiating resuscitation measures;
 - (iii) In-house and available within five minutes;
 - (iv) ATLS trained;
 - (v) ACLS trained;
 - (vi) PALS or equivalent trained; and
 - (vii) Designated members of the trauma team;
 - (c) ED registered nurses who are:
 - (i) ACLS trained;
 - (ii) ((ATLS)) Trained in a trauma life support course;
 - (iii) PALS or approved equivalent trained; and
 - (iv) In-house and available within five minutes;
- (d) A designated area for pediatric resuscitation, with equipment for resuscitation and life support for the pediatric trauma patient, including:
 - (i) Airway control and ventilation equipment including:
 - (A) Airways;
 - (B) Laryngoscopes including curved and straight;
 - (C) Endotracheal tubes of all sizes;
 - (D) Bag-valve-mask resuscitator with all mask sizes;
 - (E) Sources of oxygen;
- (F) Child and neonatal BVM resuscitation device designed to deliver one hundred percent oxygen; and
 - (G) Mechanical ventilator;
 - (ii) Suction devices, including:
 - (A) Back-up suction source:
 - (B) Suction catheters; and
 - (C) Tonsil suction tip;
 - (iii) Electrocardiograph-cardiac monitor-defibrillator;
- (iv) Standard IV fluids and administering devices, including:
 - (A) IV catheters;
 - (B) Intraosseous needles;
 - (C) Infusion sets:
- (D) Infusion pumps including micro-infusion capabilities;
 - (E) Infusion controllers;
 - (F) IV fluid/blood warmer;
- (v) Sterile surgical sets for pediatric ED procedures, including:
 - (A) Thoracostomy set;
 - (B) Chest tubes;
 - (C) Tracheostomy set;

- (vii) Patient weighing devices;
- (viii) Pulmonary function measuring devices;
- (ix) Temperature control devices; and
- (x) Drugs, IV fluids, and supplies.
- (5) A level III pediatric trauma care hospital shall have clinical laboratory services available within twenty minutes, including:
- (a) Standard analyses of blood, urine, and other body fluids:
 - (b) Blood typing and cross-matching;
 - (c) Coagulation studies;
- (d) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities; ((and))
 - (e) Blood gases and pH determination; and
 - (f) Micro-technique.
 - (6) A level III pediatric trauma care hospital shall have:
- (a) A physician-directed burn unit staffed by nursing personnel trained in burn care, and equipped to care for the extensively burned pediatric patient; or
- (b) Written transfer agreement with a burn center or hospital with burn unit.
- (7) A level III pediatric trauma care hospital shall be able to manage acute head and/or spinal cord injuries, or have written transfer agreements with facility with such capabilities. Early transfer to an appropriate designated rehabilitation facility shall be considered.
- (8) A level III pediatric trauma care hospital shall have routine radiological capabilities available within five minutes.
- (9) A level III pediatric trauma care hospital shall have a trauma rehabilitation coordinator to facilitate the pediatric trauma patient's access to a designated pediatric rehabilitation center and:
- (a) A physician-directed rehabilitation medicine service staffed by nursing personnel trained in pediatric rehabilitation; and equipped to care for pediatric trauma patients; or
- (b) Written agreements to transfer patients to a designated pediatric rehabilitation service when medically feasible.
- (10) A level III pediatric trauma care hospital shall have ancillary services, including clergy/pastoral care, and child protection services.
- (11) A level III pediatric trauma care hospital shall have a heliport or landing zone located close enough to permit the facility to receive or transfer patients by air.

NEW SECTION

WAC 246-976-830 Designation standards for level I trauma rehabilitation services. (1) Level I trauma rehabilitation services shall:

- (a) Treat inpatients and outpatients, regardless of leve of severity or complexity, who are over fifteen years of age
- (b) Have and retain one-year or three-year accreditation by the commission on accreditation of rehabilitation facilities (CARF) for hospital-based comprehensive inpatient rehabilitation;
- (i) Abeyance or deferral status from CARF do no qualify an applicant for designation;
- (ii) If the applicant holds one-year accreditation, it application shall include a copy of the CARF survey repor and recommendations;

- (D) Spinal tap set;
- (E) Peritoneal lavage set; and
- (F) Cricothyrotomy set;
- (vi) Gastric lavage equipment;
- (vii) Drugs and supplies necessary for pediatric emergency care;
- (viii) X-ray capability, with technician on-call and available within twenty minutes;
- (ix) Two-way radio linked with vehicles of the EMS/TC system;
- (x) Pneumatic anti-shock garment, if included in local pediatric protocols;
 - (xi) Backboard;
 - (xii) Specialized pediatric equipment including:
 - (A) Traction splint;
 - (B) Blood pressure cuffs in infant, child sizes;
 - (C) Foley catheters:
 - (D) Rigid cervical collars;
 - (E) Doppler;
- (F) Infant scale for accurate weight measurement under twenty-five pounds;
 - (G) ((Backboard;
- (H))) Temperature controlled heating units with/without open crib;
 - (((1))) (H) Heating/cooling blankets;
 - (((J))) (I) Heat lamp;
 - (((K))) (J) Hypothermia thermometers;
 - (((L))) (K) Expanded scale electronic thermometers;
- (((M))) (L) Device for assuring maintenance of infant warmth during evaluation and transport; and
 - (((N))) (M) Nasogastric/feeding tubes.
- (2) A level III pediatric trauma care hospital shall have an operating suite adequately staffed with one RN who is inhouse and available to the operating suite within five minutes and the remainder of the staff on-call and available within twenty minutes. The operating suite shall be equipped with:
 - (a) Thermal control equipment for patient;
 - (b) Thermal control equipment for blood;
 - (c) X-ray capability; and
 - (d) Monitoring equipment.
- (3) A level III pediatric trauma care hospital shall have a post anesthetic recovery room with appropriate monitoring and resuscitation equipment, or a policy that pediatric patients recover in the pediatric ICU if the postanesthetic recovery room is not available.
- (4) A level III pediatric trauma care hospital shall have a pediatric intensive care service for trauma patients with:
 - (a) A medical director;
 - (b) Nurses with((÷
 - (i))) PALS or approved equivalent training; and
 - (((ii) Completion of a trauma life support course;))
- (c) Immediate access to clinical laboratory services ((with miero-technique capabilities));
- (d) Equipment specific to infant/pediatric trauma care, including:
 - (i) Airway control and ventilation devices;
 - (ii) Oxygen source with concentration controls;
 - (iii) Cardiac emergency cart;
 - (iv) Temporary transvenous pacemaker;
 - (v) Electrocardiograph-cardiac monitor-defibrillator;
 - (vi) Mechanical ventilator-respirators;

- (c) House patients on a designated rehabilitation nursing unit;
- (d) Provide a peer group for persons with similar disabilities;
- (e) Be directed by a physiatrist who is in-house or oncall and responsible for rehabilitation concerns on a seven day a week, twenty-four hour basis;
- (f) Have a diversion or transfer policy with protocols on an individual patient basis, based on its ability to manage that patient at that time;
- (g) In addition to the CARF consultative service requirements, have the following services in-house or on-call on a seven day a week, twenty-four hour basis:
 - (i) Anesthesia;
 - (ii) Pulmonary medicine; and
 - (iii) A radiologist;
- (h) Provide rehabilitation nursing personnel on a seven day a week, twenty-four hour basis, with:
 - (i) Management by a registered nurse;
- (ii) At least one certified rehabilitation registered nurse (CRRN) on duty each day and evening shift when trauma patients are present;
- (iii) Adequate staffing to provide a minimum of six clinical nursing care hours per patient day for trauma patients;
- (iv) The initial care plan and weekly update reviewed and approved by a CRRN; and
- (v) An orientation and training program for all levels of ehabilitation nursing personnel;
- (i) Provide the following allied health personnel and services on a seven day a week, twenty-four hour basis:
- (i) Access to pharmaceuticals, with a pharmacist in nouse;
 - (ii) Personnel trained in intermittent catheterization; and
 - (iii) Respiratory therapy;
- (j) Provide the following rehabilitation services with staff who are licensed, registered, or certified, and in house or on call for daily treatment when indicated in the rehabilitation plan:
 - (i) Occupational therapy;
 - (ii) Physical therapy;
 - (iii) Psychology, including:
 - (A) Neuropsychological services;
- (B) Clinical psychological services, including testing and ounseling; and
 - (C) Substance abuse counseling;
 - (iv) Social services;
 - (v) Speech/language pathology;
- (k) Provide the following services in-house or through ffiliation or consultative arrangements with staff who are icensed, registered, certified, or decreed:
 - (i) Communication augmentation;
 - (ii) Driver evaluation and training;
 - (iii) Orthotics;
 - (iv) Prosthetics;
- (v) Rehabilitation engineering for device development nd adaptations;
 - (vi) Therapeutic recreation; and
 - (vii) Vocational rehabilitation;
- (I) Provide the following diagnostic services in-house or arough affiliation or consultative arrangements with staff the are licensed, registered, certified, or decreed:

- (i) Diagnostic imaging, including computerized tomography, magnetic resonance imaging, nuclear medicine, and radiology;
 - (ii) Electrophysiologic testing, to include:
 - (A) Electroencephalography;
 - (B) Electromyography;
 - (C) Evoked potentials;
 - (iii) Laboratory services; and
 - (iv) Urodynamic testing;
- (m) Serve as a regional referral center for patients in their geographical area needing only level II or III rehabilitation care;
- (n) Have an outreach program regarding trauma rehabilitation care, consisting of telephone and on-site consultations with physicians and other health care professionals in the community and outlying areas;
- (0) Have a formal program of continuing trauma rehabilitation care education, both in-house and outreach, provided for nurses and allied health care professionals;
- (p) Conduct and disseminate research in rehabilitation of trauma patients.
- (2) A level I rehabilitation service shall have a quality assurance program in accordance with WAC 246-976-880.
- (3) This section shall not restrict the authority of a rehabilitation service to provide services which it has been authorized to provide by state law, except as addressed by chapter 70.168 RCW.

NEW SECTION

- WAC 246-976-840 Designation standards for level II trauma rehabilitation service. (1) Level II rehabilitation services shall:
- (a) Treat inpatients and outpatients based on delineated admission criteria that are based on diagnosis and severity of impairment, who are over fifteen years of age;
- (b) Have and retain one-year or three-year accreditation by the commission on accreditation of rehabilitation facilities (CARF) for hospital-based comprehensive inpatient rehabilitation;
- (i) Abeyance or deferral status do not qualify an applicant for designation;
- (ii) If the applicant holds one-year accreditation, its application shall include a copy of the CARF survey report and recommendations;
- (c) House patients on a designated rehabilitation nursing unit;
- (d) Provide a peer group for persons with similar disabilities;
- (e) Be directed by a physiatrist who is in-house or oncall and responsible for rehabilitation concerns on a seven day week, twenty-four hour basis;
- (f) Have a diversion or transfer policy with protocols on an individual patient basis, based on the ability to manage that patient at that time;
- (g) In addition to the CARF consultative service requirements, provide the following services in-house or oncall on a seven day a week, twenty-four hour basis:
 - (i) Anesthesia;
 - (ii) Pulmonary medicine; and
 - (iii) A radiologist;

- (h) Provide rehabilitation nursing personnel on a seven day a week, twenty-four hour basis with:
 - (i) Management by a registered nurse;
- (ii) At least one certified rehabilitation registered nurse (CRRN) on duty each day when trauma patients are present;
- (iii) Adequate staffing to provide a minimum of six clinical nursing care hours per patient day for trauma patients;
- (iv) The initial care plan and weekly update reviewed and approved by a CRRN; and
- (v) An orientation and training program for all levels of rehabilitation nursing personnel;
- (i) Provide appropriate access to pharmaceuticals on a seven day a week, twenty-four hour basis, with a pharmacist on call and available within thirty minutes;
- (j) Provide the following rehabilitation services with staff who are licensed, registered, or certified, and who are in-house or on-call for daily treatment when indicated in the rehabilitation plan:
 - (i) Occupational therapy;
 - (ii) Physical therapy;
 - (iii) Psychology, including:
 - (A) Neuropsychological services;
- (B) Clinical psychological services, including testing and counseling;
 - (C) Substance abuse counseling;
 - (iv) Social services;
 - (v) Speech/language pathology;
- (k) Provide the following services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or decreed:
 - (i) Communication augmentation;
 - (ii) Driver evaluation and training;
 - (iii) Orthotics;
 - (iv) Prosthetics;
- (v) Rehabilitation engineering for device development and adaptations;
 - (vi) Therapeutic recreation; and
 - (vii) Vocational rehabilitation;
- (l) Provide the following diagnostic services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or decreed:
- (i) Diagnostic imaging, including computerized tomography, magnetic resonance imaging, nuclear medicine, and radiology;
 - (ii) Electrophysiologic testing, to include:
 - (A) Electroencephalography;
 - (B) Electromyography; and
 - (C) Evoked potentials;
 - (iii) Laboratory services;
 - (iv) Urodynamic testing;
- (m) Have an outreach program regarding trauma rehabilitation care, consisting of telephone and on-site consultations with physicians and other health care professionals in the community and outlying areas;
- (n) Have a formal program of continuing trauma rehabilitation care education, both in-house and outreach, provided for nurses and allied health care professionals.
- (2) A level II rehabilitation service shall have a quality assurance program in accordance with WAC 246-976-880.
- (3) This section shall not restrict the authority of a rehabilitation service to provide services which it has been

authorized to provide by state law, except as addressed by chapter 70.168 RCW.

NEW SECTION

WAC 246-976-850 Designation standards for level III trauma rehabilitation service. (1) Level III rehabilitation services shall:

- (a) Provide a community based program of coordinated and integrated outpatient trauma rehabilitation services, evaluation, and treatment to those persons with traumarelated functional limitations that require services available in, but not limited to, the following settings:
 - (i) Freestanding outpatient rehabilitation centers;
- (ii) Organized outpatient rehabilitation programs in acute hospital settings;
 - (iii) Day hospital programs; and
 - (iv) Other community settings;
- (b) Treat patients according to admission criteria based on diagnosis and severity;
- (c) Be directed by a physiatrist, or a physician with training and/or experience in rehabilitation, who participates in the quality assurance program;
- (d) Provide patient care under the direction of a physiatrist or a physician with appropriate training and experience in physical medicine;
- (e) Provide the following rehabilitation services by staff who are licensed, registered, or certified:
 - (i) Occupational therapy;
 - (ii) Physical therapy;
 - (iii) Social services;
 - (iv) Speech/language pathology;
- (f) Provide or assist the patient to obtain the following as appropriate to the rehabilitation plan:
 - (i) Audiology;
 - (ii) Chaplaincy;
 - (iii) Dentistry;
 - (iv) Dietetics;
 - (v) Driver evaluation and training;
 - (vi) Education;
 - (vii) Nursing;
 - (viii) Orthotics;
 - (ix) Prosthetics;
 - (x) Psychology;
- (xi) Rehabilitation engineering for device developmen and adaptations;
 - (xii) Respiratory therapy;
 - (xiii) Substance abuse counseling;
 - (xiv) Therapeutic recreation;
 - (xv) Vocational rehabilitation;
- (g) Have an organized trauma rehabilitation quality assurance program with:
- (i) A special audit process for rehabilitation trauma patients to identify the rehabilitation standards and indicators which monitor this program;
- (ii) A multidisciplinary team, to include the physicial identified as responsible for coordination of rehabilitation trauma activities.
- (2) This section shall not restrict the authority of a rehabilitation service to provide services which it has been authorized to provide by state law, except as addressed by chapter 70.168 RCW.

NEW SECTION

WAC 246-976-860 Designation standards for level I pediatric trauma rehabilitation service. (1) Level I pediatric rehabilitation services shall:

- (a) Treat inpatients and outpatients, regardless of level of severity or complexity, who are fifteen years old or less;
- (b) Treat inpatients and outpatients older than fifteen for whom educational goals or premorbid learning or developmental disability dictates treatment in a pediatric setting;
- (c) Have and retain one-year or three-year accreditation by the commission on accreditation of rehabilitation facilities (CARF) for hospital-based comprehensive inpatient rehabilitation:
- (i) Abeyance or deferral status do not qualify an applicant for designation;
- (ii) If the applicant holds one-year accreditation, its application shall include a copy of the CARF survey report and recommendations;
- (d) House patients in a designated pediatric rehabilitation area, providing a pediatric milieu;
- (e) Provide a peer group for persons with similar disabilities;
- (f) Be directed by a physiatrist who is in-house or oncall and responsible for rehabilitation concerns on a seven day a week, twenty-four hour basis;
- (g) Have a diversion or transfer policy with protocols on an individual patient basis, based on its ability to manage that patient at that time;
- (h) In addition to the CARF consultative service requirements, have the following services in-house on a seven day a week, twenty-four hour basis:
 - (i) Anesthesia;
 - (ii) Pediatrics;
 - (iii) Pulmonary medicine;
 - (iv) A radiologist;
- (i) Provide rehabilitation nursing personnel on a seven day a week, twenty-four hour basis with:
 - (i) Management by a registered nurse;
- (ii) At least one certified rehabilitation registered nurse (CRRN) on duty each day and evening shift when trauma patients are present;
- (iii) All nursing personnel trained and/or experienced in pediatric rehabilitation;
- (iv) The initial care plan and weekly update reviewed and approved by a CRRN; and
- (v) An orientation and training program for all levels of rehabilitation nursing personnel;
- (j) Provide the following allied health personnel and services on a seven day week, twenty-four hour basis:
 - (i) Access to pharmaceuticals, with pharmacist in house;
 - (ii) Personnel trained in intermittent catheterization; and
 - (iii) Respiratory therapy;
- (k) Provide the following rehabilitation services with staff who are licensed, registered, or certified, who are trained and/or experienced in pediatric rehabilitation, and who are in-house or on-call for daily treatment when indicated in the rehabilitation plan:
 - (i) Occupational therapy;
 - (ii) Physical therapy;
 - (iii) Psychology, including:
 - (A) Neuropsychological services;

- (B) Clinical psychological services, including testing and counseling; and
 - (C) Substance abuse counseling;
 - (iv) Social services:
 - (v) Speech/language pathology;
- (l) Provide the following diagnostic services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or decreed:
 - (i) Communication augmentation;
- (ii) Educational component of the program appropriate to the disability and developmental level of the child, to include educational screening, instruction, and discharge planning coordinated with the receiving school district;
 - (iii) Orthotics;
- (iv) Appropriate play space, with supervision by a pediatric therapeutic recreation specialist or child life specialist, to provide assessment and play activities;
 - (v) Prosthetics;
- (vi) Rehabilitation engineering for device development and adaptations;
 - (vii) Therapeutic recreation;
- (m) Provide the following diagnostic services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or decreed:
 - (i) Electrophysiologic testing, to include:
 - (A) Electroencephalography;
 - (B) Electromyography;
 - (C) Evoked potentials;
- (ii) Diagnostic imaging, including computerized tomography, magnetic resonance imaging, nuclear medicine, and radiology;
 - (iii) Laboratory services; and
 - (iv) Urodynamic testing;
- (n) Have an outreach program regarding pediatric trauma rehabilitation care, consisting of telephone and on-site consultations with physicians and other health care professionals in the community and outlying areas;
- (0) Have a formal program of continuing pediatric trauma rehabilitation care education, both in-house and outreach, provided for nurses and allied health care professionals:
- (p) Conduct and disseminate research in rehabilitation of pediatric trauma patients.
- (2) A level I pediatric rehabilitation service shall have a quality assurance program in accordance with WAC 246-976-880.
- (3) This section shall not restrict the authority of a pediatric rehabilitation service to provide services which it has been authorized to provide by state law, except as addressed by chapter 70.168 RCW.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-990 Fees and fines. (1) ((The department shall establish and publish a fee structure for applicants for designation as trauma care facilities, to help defray the costs to the department of inspections and review of applications. Such fees shall not be assessed to health care facilities applying to provide level IV and V trauma care services.

(2))) The department shall assess individual health care facilities submitting a proposal to be designated as a level I

general trauma care facility a fee, not to exceed seven thousand dollars, to help defray the costs to the department of inspections and review of applications.

(2) The department shall assess individual health care facilities submitting a proposal to be designated as a level II general trauma care facility a fee, not to exceed six thousand dollars, to help defray the costs to the department of inspections and review of applications.

(3) The department shall assess individual health care facilities submitting a proposal to be designated as a level III general trauma care facility a fee, not to exceed one thousand nine hundred fifty dollars, to help defray the costs to the department of inspections and review of applications.

(4) The department shall assess individual health care facilities submitting a proposal to be designated as a level I pediatric trauma care facility a fee, not to exceed nine thousand two hundred dollars, to help defray the costs to the department of inspections and review of applications.

(5) The department shall assess individual health care facilities submitting a proposal to be designated as a level II pediatric trauma care facility a fee, not to exceed eight thousand dollars, to help defray the costs to the department of inspections and review of applications.

(6) The department shall assess individual health care facilities submitting a proposal to be designated as a level III pediatric trauma care facility a fee, not to exceed two thousand dollars, to help defray the costs to the department of inspections and review of applications.

(7) The department shall assess health care facilities submitting a joint proposal to be jointly designated as a level I general or pediatric trauma care facility a fee, of at least seven thousand dollars, and based upon a determined hourly rate and per diem expense per inspection team member, not to exceed fourteen thousand five hundred dollars to help defray the costs to the department of inspections and review of applications.

(8) The department shall assess health care facilities submitting a joint proposal to be jointly designated as a level II general or pediatric trauma care facility a fee, of at least six thousand dollars, and based upon a determined hourly rate and per diem expense per inspection team member, not to exceed twelve thousand five hundred dollars to help defray the costs to the department of inspections and review of applications.

(9) The department shall assess health care facilities submitting a joint proposal to be jointly designated as a level III general or pediatric trauma care facility a fee, of at least one thousand nine hundred fifty dollars, and based upon a determined hourly rate and per diem expense per inspection team member, not to exceed three thousand one hundred dollars to help defray the costs to the department of inspections and review of applications.

(10) The department shall assess health care facilities submitting a proposal to be designated at multiple levels to provide adult and pediatric care a fee, not to exceed nine thousand two hundred dollars to help defray the costs to the department of inspections and review of applications.

(11) The department shall not assess such fees to health care facilities applying to provide level IV and V trauma care services.

(12) The department may assess fines for ambulance or aid services failing to license within the specified periods.

Delinquent fines shall be one hundred dollars for a service and twenty-five dollars per vehicle, and shall not exceed five hundred dollars.

WSR 93-13-125 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed June 22, 1993, 3:30 p.m.]

Original Notice.

Title of Rule: Sanitary control of shellfish, WAC 246-282-990.

Purpose: To increase license fees and bring them in line with costs.

Statutory Authority for Adoption: RCW 43.70.040. Statute Being Implemented: RCW 43.20B.020.

Summary: This proposed rule change is to increase the income generated through fees charged for licenses issued to the shellfish industry from 10% to 30% of the cost of services provided to the shellfish industry.

Reasons Supporting Proposal: To recover a greater percentage of the actual cost of services provided to shellfish industry.

Name of Agency Personnel Responsible for Drafting: Frank Cox, Building 4, Airdustrial Complex, 753-5994; Implementation and Enforcement: Maryanne Guichard, Building 4, Airdustrial Complex, 753-5992.

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: The rule change allows the department to collect a greater percent of the cost of services provided to the shellfish industry.

Proposal Changes the Following Existing Rules: It increases the cost for a shellfish license and certificate of approval.

Small Business Economic Impact Statement: The Department of Health, Office of Shellfish Programs, administers State Board of Health rules that require the licensing of commercial shellfish operations including, but not limited to inspection of shellfish processing facilities, evaluating the sanitary quality of shellfish growing areas, marine biotoxin monitoring, shellfish relays and inspection of interstate shipments of shellfish products. In order for the shellfish firms to ship their products interstate, they must be licensed and certified by the Office of Shellfish Programs who submits their name for inclusion on the Interstate Shippers List maintained by the Food and Drug Administration in Washington D.C. Each year, there are approximately three hundred firms licensed and certified by the Office of Shellfish Programs. Historically, the fees collected have covered one FTE, a clerical position in the program. The fees are set on a scale that corresponds with the size of the shellfish operation. The smaller operations are charged a smaller fee even though they must be inspected at the same frequency as the larger firms.

The Regulatory Fairness Act, chapter 19.85 RCW, require that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of

the businesses in any one industry (as defined by the 3 digit SIC Code) be reviewed and altered to minimize their impact on small business. Small shellfish industries as identified under SIC Code 091, make up more than 10 percent of the industries in this category and therefore fall under the requirements of this act.

The fees being revised under WAC 246-282-990 clearly have a direct economic impact on shellfish operations licensed and certified by this office. The department has determined that the best way to minimize the impact on small shellfish operations is to charge a smaller fee than is charged to large shellfish operations which must submit and maintain the same category of documents for departmental review and approval. One example would be where a small shucker-packer operation with one shellfish growing area submits an application form for a license and certificate of approval with the corresponding fee of \$700.00. A comparable large shucker-packer operation with multiple growing areas would be charged \$1500.00 for the same license and certificate of approval.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, WA 98504, on July 27, 1993, at 2:30 p.m.

Submit Written Comments to: Ann Foster, Department of Health Rules Coordinator, P.O. Box 47902, Olympia, WA 98504-7902, by July 26, 1993.

Date of Intended Adoption: August 2, 1993.

June 21, 1993 Bruce Miyahara Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-282-990 Shellfish program certification fees. (1) Annual certificate fees shall be:

Type of Operation	Annual Fee
((Reshipper	\$110.
Repacker	\$290.))
Shellstock Shipper	
((0 - 10 Aeres	\$110.
11 49 - Aeres	\$150.
-50-99 Aeres	\$180.
100 +	\$255.))
Base Fee - includes one growing area	\$400.
Additional fee for multiple growing	
areas	\$500 .
Shucker-Packer	<u> </u>
((1 - 5 Shuckers	\$180.
6 10 Shuckers	\$225.
11 15 Shuckers	<u>\$255</u>
16 30 Shuckers	\$290.
-30 50 Shuckers	\$300.
50 +	
Plants with floor space < 5000 sq. ft.	
Fee includes one growing area	\$700.
Plants with floor space > 5000 sq. ft.	<u> </u>
Fee includes one growing area	\$1000.
Additional fee for multiple growing	<u> </u>
areas	\$500 .
	+200.

(2) Type of operations are defined as follows:

(((a) "Reshipper" shall mean shippers transshipping hucked stock in original containers, or shellstock from sertified shellfish shippers to other dealers or to final

eonsumers. (Reshippers are not authorized to shuck or repack shellfish.)

- (b) "Repacker" shall mean shippers, other than the original shucker, packing shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish or act as a shellstock shipper if the repacker has the necessary facilities.
- (e)) (a) "Shellstock shipper" shall mean shippers growing, harvesting, buying, or selling shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.
- (b) ((d))) "Shucker-packer" shall mean shippers shucking and packing shellfish. A shucker-packer may act as a shellstock dealer.

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 93-13-127 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 92-53—Filed June 22, 1993, 4:43 p.m.]

Original Notice.

Title of Rule: Chapter 173-50 WAC, Accreditation of environmental laboratories; chapter 173-216 WAC, State waste discharge permit program; chapter 173-220 WAC, NPDES permit program; and chapter 173-226 WAC, Waste discharge general permit program.

Purpose: Ecology, through various programs, requires data to be submitted to the department based on laboratory analyses of environmental samples. Fundamental is the need to assure labs providing data have a demonstrated capability to accurately perform the analyses.

Statutory Authority for Adoption: RCW 43.21A.230. Statute Being Implemented: Chapter 43.21A RCW.

Summary: Amendments to the first rule in Title of Rule above would eliminate deficiencies in the existing lab accreditation program, enhance program efficiency, and increase fees to make the program self supporting. Proposed amendments to the latter add specific parameters to those currently excluded from accreditation.

Reasons Supporting Proposal: Proposed amendments support Puget Sound Water Quality Management Plan requirements, and legislative intent that the laboratory accreditation program be self supporting.

Name of Agency Personnel Responsible for Drafting and Implementation: Cliff Kirchmer, EILS/Manchester, SCAN 744-4649; and Enforcement: Mike Llewelyn, Water Quality Program, SCAN 585-7090.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule amendment process involves four existing rules. Chapter 173-50 WAC establishes procedures and a fee schedule associated with accreditation of laboratories submitting analytical data to ecology. It does not require

any specific labs to be accredited, nor does it require specific data to come from accredited labs. Chapters 173-216, 173-220, and 173-226 WAC require permitted wastewater dischargers to use accredited labs when reporting permitlimited analytical parameters to ecology.

Proposal Changes the Following Existing Rules: Proposed amendments to chapter 173-50 WAC would eliminate previous regulatory deficiencies in the environmental laboratory accreditation program, enhance program efficiency, and increase fees to make the program self supporting. Proposed amendments to chapters 173-216, 173-220, and 173-226 WAC would add specific parameters to those currently excluded from the accreditation requirement. The current WACs exclude flow and temperature and those parameters analyzed solely for process control purposes. The amendments would also exclude settleable solids and, under certain circumstances, pH and conductivity.

Small Business Economic Impact Statement

Amendment of

CHAPTER 173-50 WAC

"ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM"

Requirement for Small Business Economic Impact Statement (SBEIS)

The Regulatory Fairness Act, Chapter 19.85 RCW, requires that rules having an economic impact on more that 20% of all industries, or more than 10% of the businesses in any one industry, be reviewed and altered to minimize their impact upon small businesses. Further, the Economic Policy Act, Chapter 43.21H RCW, suggests consideration of economic values in general during the rule making process. The regulatory proposals in amending Chapter 173-50 WAC (Accreditation of Environmental Laboratories) have been reviewed in light of both requirements. Conclusions of that review are summarized in this small business economic impact statement (SBEIS) which is designed to satisfy the intent of Chapter 43.21H RCW while concentrating on the specific requirements of Chapter 19.85 RCW.

Scope of SBEIS

As intended by the cited acts, this statement deals primarily with laboratories operated within the private sector of the economy. These are addressed in Section I. Some laboratories affected by the rule are also operated by government entities (cities, counties, water and sewer districts, publicly-owned utilities, state, and federal agencies). The impact of fees on these government entities is examined in Section II. Sections I and II address impact of fees imposed by Chapter 173-50 WAC which will be a continuing impact. Section III addresses associated (indirect) costs which may be incurred by some entities in preparing for accreditation of their laboratories. Generally, these costs will impose a non-continuing (one-time) impact. Finally, Section IV summarizes actions that have been taken or are proposed to mitigate the impact of accreditation fees. This SBEIS addresses not only the impact of proposed rule amendments as required by the cited acts, but also the impact of the accreditation program in its entirety. (As will be shown later, the proposed amendments will change the impact from negligible to significant for only one industry, hydroelectric plants.)

Summary of Proposed Rule Amendments

Ecology is committed to operating the laboratory accreditation program as a revenue neutral program (i.e., fees taken in should balance program costs). The Department has known since program inception in 1988 that accreditation fees have not offset cost of administering the program. Initially, part of the deficit resulted from the need to maintain a staff large enough to get a new program

going, while the number of participants (i.e., fee payers) was still relatively small. Also a factor was the Department's willingness to subsidize through use of the General Fund, a program which obviously benefits the general public.

Management decisions in 1992 indicate program revisions are required which could necessitate a major increase in accreditation fees (perhaps averaging as much as 80%). The first decision involved combining two previously planned fee increases into one, projecting a balanced budget earlier than originally anticipated. Second, indirect costs are now included in per-FTE cost estimates (only direct costs were used in previous estimates), necessitating a 30% increase in fees. Additionally, a detailed workload study showed some items in the present fee schedule are either absent (e.g., the need to accredit laboratories for Puget Sound Dredged Disposal Analysis (PSDDA) analyses had not been foreseen) or underestimated (e.g., experience has shown the effort required to accredit laboratories for bioassay procedures is greater than earlier estimated).

The foremost issue in this rule amendment involves the proposal to make a substantial increase in the fee structure. Other recognized shortcomings in the current rule will be addressed and changes will be proposed to:

- a. Allow more flexibility in scheduling re-audits of accredited laboratories. Presently, re-audits are required within three years of the original audit date, whether or not the lab may have been re-visited during that period (for example, to evaluate the lab for an additional analytical procedure). Greater flexibility would allow the Department to use travel time more efficiently (e.g., by increasing the number of trips that can be combined to two or more laboratories in a geographical area), at less cost to the program and its participants.
- b. Allow more flexibility in the accreditation process. The accreditation period is currently set at one year. A variable period may allow more efficient administration of the program. Also, all laboratories are now required to undergo an on-site audit which may not be necessary for accrediting laboratories which are reporting only results of simple tests (e.g., pH, residual chlorine, total suspended solids).
- c. Allow future fee increases based on a recognized economic index to preclude future rule amendments just to keep up with inflation.

The first two proposed changes mentioned above, by making the accreditation process more efficient, will reduce program costs and thereby, reduce the magnitude of necessary fee increases. This will, in turn, decrease the economic impact on businesses involved in the program. Other mechanisms for mitigating the economic impact will be aggressively sought during public involvement in rule amendment.

Summary of Economic Impact

Fees imposed by the environmental laboratory accreditation program as amended are expected to have a significant effect on few businesses in the state. While the fees do tend to place a proportionally higher burden on smaller business within a

given industry, the burden is not so substantial that it will reduce competition, reduce employment, reduce new employment opportunities, reduce innovation, or threaten the existence of any small businesses. Accreditation has been shown to be an economic benefit to most commercial testing laboratories (i.e., laboratories which analyze environmental samples as a business).

Laboratory accreditation fees are not expected to have a significantly adverse economic effect on any government entity including small municipalities. The very smallest municipalities are likely to have their wastewater analyzed by a commercial laboratory or another larger municipality and will not be directly affected by the laboratory accreditation fee. They may be indirectly affected if the servicing laboratory increases its charges as a result of its own requirement to pay fees. The \$530 fee for an average small municipality which is likely to do its own analyses (e.g., a town of 2000 residential equivalents) would represent a burden of only \$0.26 per residence per year. The fee anticipated for a large metropolitan area water treatment plant lab (such as the \$940 fee proposed for METRO West Point which serves approximately 250,000 residential equivalents) would represent a burden of less than one cent (\$0.004) per residence per year. In neither case is the fee considered an undue burden.

Associated (i.e., non-fee) costs are not readily quantifiable and not justifiably attributable to the laboratory accreditation program. Associated costs will be realized by activities whose laboratories are not meeting scientific standards inherent in doing accurate analyses (standards imposed by others---for example, EPA---and not the accreditation program). Associated costs will also be felt by dischargers who choose to contract with commercial laboratories rather than having their own lab accredited.

SECTION I - IMPACT ON BUSINESSES

Background

As required by RCW 19.85.040, this analysis compares the cost of complying with the rule for small businesses (those employing fewer than 50 people) to the cost of compliance for large businesses. To do this, it is necessary to distinguish between two types of laboratories which will participate in the accreditation program. One type is a commercial laboratory (i.e., a laboratory which performs analytical services for hire). Presently, 51 commercial laboratories in the state are involved in the accreditation program. Approximately 100 additional commercial laboratories could become involved as the accreditation requirements expand to include sample matrices other than water. Washington businesses in this category are generally small, although two large laboratories are participating in the program.

The other type of laboratory is operated by businesses which are required to report environmental data in compliance with a permit issued by the Department of Ecology. Some of these businesses hire commercial laboratories to perform all or some of their required analyses, while others conduct the analyses in their own laboratories. Presently, 638 businesses, all permitted wastewater dischargers, have been identified which could be operating laboratories to be affected by laboratory accreditation. A preliminary study shows that less than half of these, generally the larger businesses with a given industry, will actually require

accreditation of their laboratories. Wastewater dischargers not operating their own laboratories may be affected by the fees imposed by the accreditation program. The commercial laboratories to which they send their samples for analysis may spread out their costs of being accredited over their clients.

A basic assumption of this analysis is that all affected businesses will pay a fee, and that in most cases the fee will increase as a result of rule amendment. The fee will be direct if they operate their own laboratory, or indirect if the commercial laboratories they contract increase their charges for analyses. From a standpoint of economic impact on businesses, this assumption presents a worst case situation. A best case situation would involve no indirect fee charges. The actual impact will probably be closer to the best case situation than to the situation presented in this statement.

When WAC 173-50 was promulgated, the following were used as the basis for determining economic impact. The 1982 Census of Manufacturers: Washington, the 1982 Census of Service Industries: Miscellaneous Subjects, and the 1982 Census of Wholesale Trade: Washington (all U.S. Department of Commerce, Bureau of the Census, 1985) were used to estimate average sales to payroll ratios. The 1987 Employment and Payrolls in Washington State by County and Industry (Washington State Department of Employment Security, 1988) was used to determine average number of employees and total 1987 wages paid per industry. The average wages paid within a business and the sales to payroll ratio were used to estimate the average sales. From these, estimates were made of the fee imposed by this rule as a percentage of sales (one of the methods of estimating economic impact allowed by RCW 19.85.040). For this SBEIS, comparable documents were used by the Department to compile a list of industries showing "minor and negligible" thresholds for most Washington industries based on 1990 data. For some industries where 1990 data was insufficient to establish the "M&N" threshold, data derived from earlier studies was used. Such industries are identified by Note #3 in Table 1, page 6.

Determining Program Cost

The accreditation process involves: submittal by each laboratory of a comprehensive application, a quality assurance (QA) manual, and performance evaluation sample analysis results; and an on-site audit. The cost of reviewing the application, the laboratory's accreditation manual, and the results of the performance evaluation sample analysis were considered in determining the cost to the Department.

The primary factor in determining cost to the Department, however, is the system audit, or on-site inspection, which must be conducted at each laboratory prior to accreditation and every three years thereafter. Generally, the effort required of the Department in conducting the system audit is directly proportional to the scope of the laboratory's analytical operations. The accreditation fee is therefore directly determined by the number and complexity of analytical parameters for which the laboratory seeks accreditation. Within the commercial testing laboratory industry (SIC 873*), small laboratories will analyze fewer

^{*} SIC - Standard Industrial Classification numbers of parameters and consequently be charged proportionally smaller fees.

Larger, multi-discipline laboratories will be charged higher fees commensurate with the increased effort required in the accreditation process. For other businesses, the fee is also proportional to the scope (and size) of the laboratory, but not necessarily to the size of the business. Large businesses discharging few potentially harmful materials into the environment may be required to analyze only a few parameters and would therefore have a small laboratory and pay a small fee. However, within each business there is a direct correlation between business size and the fee imposed by this rule.

Potentially, each business discharging wastewater in accordance with permits issued pursuant to WAC's 173-220 and 173-216 (NPDES and State wastewater discharge permit regulations, respectively) could be affected by the fees imposed in the accreditation program. The impact on affected industries in the state is discussed in the remainder of this section and summarized in Table 1 on Page 6.

As shown in Note #1 of Table 1, the only businesses where proposed fee increases will cause the fee to be significant where it is presently negligible are hydroelectric plants (SIC 491). Although not shown in Table 1, another important aspect of this fee program is that in no case is the fee significant for a small business while being negligible for large businesses within the same industry (which could be very unfavorable to the small business). Even for commercial testing lab, for example, the fee is significant for both small and large businesses. Unfortunately, the smaller the lab, the more significant the fee becomes (generally speaking). At least one state (New York) has attempted to account for this inequity by establishing a fee schedule based on the number of samples analyzed by the lab---large laboratories would analyze more samples and pay the larger fee. All other things considered, Ecology's fee schedule, which relates the fee to the effort required of the Department to accredit the lab, is considered more equitable for all concerned.

Within most affected industries (e.g., pulp and paper), essentially all businesses in the industry are impacted by these rules because all are wastewater discharge permit holders. Many permitted dischargers (probably the majority of state-permitted dischargers, for example) will not be affected by Chapter 173-50 WAC because their permits do not require reporting of accreditable analytical data (e.g., some report only temperature and/or tlow, neither of which require accreditation). The majority of industries in the state as defined in RCW 19.85 will not be affected directly or indirectly by the accreditation program.

Throughout this analysis, where the fee as a percent of sales for <u>large</u> businesses in a given industry is estimated to be less than 0.00001 percent, the conclusion will be made that the fee is negligible without further elaboration. This is not to be interpreted as meaning more specific information is not available, but rather that the fee actually is negligible for the large businesses and therefore not worth further explanation.

Following is an industry-by-industry discussion of the anticipated impact of fees imposed by WAC 173-50 in order of SIC code. Impacts are summarized in Table 1 which shows the following:

industries in the state having small businesses likely to be affected by the accreditation program (industries having only large business are not included);

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	Industries

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sic	INDUSTRY	UNITS	AVG SALES \$K	% PROFIT	X MEN	THRESHOLD \$	FEE NOW	PROJ FEE	SIGNIFICANT?	NOTE	
104	METALS MINING	6	6491	1	0.001	64.91	95	195	YES .	1,2	
149	NONMETALLIC MINERALS	18	439	1	0.001	4.39	30	70	YES	1,2,3	NOTES
201	MEAT PACKING PLANTS	39	14871	4.08	0.0041	607.3	190	375	NO		
202	DAIRY PRODUCTS	12	25393	2.2	0.0022	558.66	155	320	NO		1. Impact would be
203	FRUITS/JUICE CANNING	76	5390	2.6	0.0026	140.15	47	97	NO		significant even if
208	BEVERAGE PROCESSING	12	13326	3.96	0.004	527.94	60	140	NO		rule not amended
209	SEAFOOD CANNING	35	3294		0.0038	124.22	30	70	ио		
242	SAWMILLS	7	8179	2.52	0.0025	226.46	90	150	NO		2. Percent profit
243	PLYWOOD	11	6102	1.6	0.0016	· 97.83	30	70	NO		arbitrarily set at
249	WOOD PRODUCTS	2	26231	1.4	0.0014	369.05	30	70	NO		1% (no specific
261	PULP MILLS	4	30040	6.29	0.0063	1889.06	124	238	ИО		data available)
262	PAPER MILLS	8	8037	4.9	0.0049	393.85	90	210	ИО		
281	INDUSTRIAL GASES	2	4716	4.79	0.0048	225.7	30	70	ИО		3. 1988 sales data
291	PETROLEUM REFINING	5	14271	3.5	0.0035	499.5	171	373	ИО		(1990 not available)
327	CONCRETE/CEMENT	9	4361	1,.93	0.0019	84.29	90	210	YES	1	
333	ALUMINUM	3	15697	3	0.003	470.93	190	. 369	ИО		
339	PRIMARY METALS	3	3578	2.8	0.0028	100.19	165	385	YES	1	
347	ELECTROPLATING	5	2543	2.1	0.0021	53.41	105	165	YES	1	
367	ELECTRONICS	8	9256	3.8	0.0038	351.57	60	80	NO		
371	MOTOR VEHICLE MFG	2	2008	5	0.004	80.44	30	70	NO .		
372	AIRCRAFT MFG	9	10112	7.03	0.007	710.67	345	592	ио		
373	SHIP BUILDING/REPAIR	4	4496	1.6	0.0016	71.95	30	70	NO		
423	TRUCK TERMINALS	3	869	1	0.001	8.69	30	70	YES	1,2,3	
491	HYDROELECTRIC	29	33059	1	0.001	330.59	328	602	YES		
495	SANITARY SERVICES	12	22159	7.8	0.0078	1728.47	245	530	NO		
516	CHEMICALS	21	52818	2.66	0.0027	1403.1	205	358	NO		
517	PETROLEUM SALES	21	143321	1.08	0.0011	1547.12	430	570	ИО		
651	REAL PROPERTY	6	1681	1.3	0.0013	21.86	227	510	YES	1	
701	HOTELS/RESORTS	11	1753	3.9	0.0039	68.37	245	530	YES	1	
822	UNIVERSITIES	22	. 426	1.34	0.0013	5.71	478	1065	YES	1	
873	TESTING LABS	151	3732	6.06	0.0061	226.1	977	1696	YES	1	

[88]

the number of units (small businesses) in that industry likely to be involved;

the average annual sales (in thousands of dollars) for the small units;

the **percent profit** realized in 1990 by each industry (unless otherwise indicated by notes in which case a 1% profit was assigned, representing a worst case since profit margins for all other affected industries were greater than 1%);

the percent limit below which a fee would be minor and negligible (% M&N) for the industry, set as 0.1% of the percent profit;

the "M&N" threshold in dollars (i.e., average sales times % M&N);

average fee now (before rule amendment);

average projected fee (following rule amendment); and

whether the projected fee is significant (yes) or negligible (no).

Metals Mining (SIC 104)

Very few metals mines (e.g., gold mines) are affected by laboratory accreditation and essentially all are small. Because their discharge permits require monitoring of trace metals, the accreditation fee for which is relatively high, their fee, both current and projected, is relatively high. Based on an assumed profit margin of 1%, the projected \$195 annual fee is significant. If the profit margin is assumed to be as little as 3%, which is not unreasonable, the fee is negligible. Criticality of accuracy of the trace metals analyses dictates accreditation for those parameters; complexity of the analyses dictates an involved and therefore costly accreditation process. It is unlikely any actions other than those mentioned in Section IV can be undertaken to significantly mitigate the economic impact.

Non-metallic Minerals (SIC 149)

Sand and gravel companies fall in this category which includes quarriers of non-metallic minerals (SIC 149). Of the potentially affected businesses in SIC 149, essentially all are small. The average proposed fee is \$70 which is considered significant. The single parameter analyzed by most SIC 149 laboratories is pH, a relatively simple test, the accuracy of which is not critical. It is likely the fee for accreditation for pH can be reduced if not eliminated through the rule amendment process, thus mitigating the economic impact on SIC 149 businesses.

Food Processors (SIC 200-series)

Food processors (SIC 200) likely to be involved in laboratory accreditation include meat packers (SIC 201), processors of dairy products (SIC 202), fruit and vegetable canners (SIC 203), beverage and flavor extract processors (SIC 208), and

seafood packers (SIC 209). Approximately 174 small businesses in SIC 200 may be affected by accreditation. Most businesses in SIC 200 (and in related SICs, such as fruit growers, SIC 017) are not required to monitor their wastewater for any parameters which will require use of an accredited laboratory. Most fruit processors, for example, report only flow which is not an accreditable parameter). Consequently, those businesses are not affected by this fee program. Others are required to report data for one or more parameters for which the fee is projected to be from the lowest of \$70 to the highest of \$375. As shown in Table 1, the fee is negligible for all businesses in the SIC 200-series. The number of parameters reported, and hence the fee, is directly related to the type of pollutants potentially found in the wastewater discharge and not necessarily related to the size of the business. Generally, however, the larger businesses will pay the larger fee. The fee is also negligible for all large businesses in this industry.

Sawmills (SIC 242)

Most sawmills in the state are large and often co-located with plants belonging to the same corporation but operating under another industrial classification (e.g., pulp, SIC 262). Seven are small and are projected to pay an average fee of \$150, considered to be negligible. Impact on large sawmills is also negligible.

Plywood Plants (SIC 243)

The majority of plywood plants in the state are large. Generally the number of parameters such plants are required to report is related to size, the small plants being expected to pay an accreditation fee averaging only \$70 which is negligible. Fees projected for large plants are also negligible.

Wood Products (SIC 249)

Wood preservers and manufacturers of unfinished wood products in this industry tend to be small businesses. Generally, each is required to use an accredited lab for only one parameter and the projected fee is therefore small, \$70, and determined to be negligible.

Pulp Mills (SIC 261)

Some of the largest and most profitable businesses in the state are pulp mills. Even for the four small mills in the state, the projected fee of \$238 is well below the M&N threshold of \$1889, making the fee negligible. The fee is also negligible for large businesses in the SIC.

Paper Mills (SIC 262)

Paper mills in Washington are also generally profitable. The projected fee of \$210 for small mills is considered negligible as is the fee for large paper mills.

Petroleum Refineries (SIC 291)

Petroleum refineries report a large number of parameters with accreditation fees anticipated to average \$373. They are also profitable businesses and the fee is considered to be negligible, as it is for large refineries.

Concrete/Cement Manufacturers (SIC 327).

This group includes cement, concrete, and glass manufacturers, not a particularly profitable industry which is required to report an average of three parameters to Ecology. They are expected to pay an average fee of \$210 which is significant compared to their average annual profits. Larger businesses in the same industry report even more parameters and pay higher fees, also significant compared to their profits. It is unlikely any change in the accreditation program would effectively negate the economic impact (i.e., make it negligible) within this industry, although some possible changes may mitigate the impact.

Aluminum Producers (SIC 333)

Aluminum producers currently are required by their wastewater discharge permits to monitor and report several complex parameters. Consequently, accreditation fees for this category are relatively high, expected to average \$369. However, the industry is a profitable industry and the projected fee falls below the M&N threshold making the fee negligible. The majority of business in the aluminum industry are large and the impact of fees on those businesses is also negligible.

Primary Metal Producers (SIC 339)

There are three small SIC 339 businesses in the state. For the same reasons stated in the "Metals Mining" discussion above, the projected fee is high, above the M&N threshold making it significant, and unlikely to be mitigated by rule amendments. Likewise, the fee has a significant impact on the large businesses in this industry.

Electroplating (SIC 347)

Electroplaters and other metals finishers in the state likely to be involved in laboratory accreditation are all small. Like "Metals Miners" and "Primary Metals Producers," their projected fee is high, above the M&N threshold making it significant, and unlikely to be mitigated by rule amendments.

Electronics (SIC 367)

Producers of electronics parts produce very few toxic materials in their discharges and consequently are required to report few parameters to Ecology, generally only one organic. The fee anticipated for the average small lab is \$80 which is considered negligible as is the fee for large businesses in the same SIC.

Motor Vehicle Manufacturers (SIC 371)

Small businesses in SIC 371 support major producers of motor vehicles and are generally required to report only one parameter which makes their accreditation fee small, \$70, and negligible. The fee is also negligible for large businesses in the same industry.

Aircraft Manufacturers and Supporting Businesses (SIC 371)

Aircraft manufacturers involved in the lab accreditation program are all large. While there is only one company involved, there are eight separate plants and eight laboratories, all of which are considered large for the purposes of this

statement. Proposed fees for the various laboratories range from \$900 to \$1325. Because aircraft sales are so large (in excess of \$10 billion annually), the average fee represents much less than 0.001% of sales and is therefore negligible for those large businesses. For small businesses supporting the aircraft industry, the average fee proposed is \$592. As shown in Table 1, that fee is considered negligible for those small businesses.

Ship Building/Repair (SIC 373)

Most SIC 373 businesses expected to be in the accreditation program are large but are required to report few parameters and will be charged relatively small, negligible fees. The average small business will likewise be charged a low fee (\$70) for the one parameter requiring accreditation which is negligible.

Hydroelectric Plants (SIC 491)

The electrical power plants required to submit data from an accredited laboratory include both small and large businesses. Fees are anticipated to average \$602 for small businesses which is relatively high but necessitated by the number of parameters the plants report to Ecology. This is the only business involved in accreditation which will go from a negligible to a significant impact because of proposed rule amendments (the fee is marginally negligible before rule amendment). Complexity and number of parameters reported by hydroelectric plants makes it unlikely the fees will mitigated by unforeseen rule amendments.

Sanitary Services (SIC 495)

Privately owned water plants and landfills are included in SIC 495 for the purposes of this analysis. All those which will be affected by the laboratory accreditation program are small. Fees are expected to average \$530 which is relatively high, but profits for the industry are also high and the fee is negligible.

Chemical Manufacturers (SIC 516)

Potentially affected chemical manufacturers are divided among small and large businesses. Fees for both small and large businesses are considered negligible. The average fee for small businesses is \$358 compared to an M&N threshold of \$1403.

Petroleum Sales (SIC 517)

Most petroleum wholesalers in the state are large. Those which are small are expected to pay fees averaging \$570 which is considered negligible, as is the average fee for large businesses in the SIC grouping.

Real Property Lessors (SIC 651)

Businesses in this group expected to be involved in laboratory accreditation are operators of industrial parks having permitted discharges, all of which are small. Because of the diversity of businesses in the industrial parks, the number of parameters reported under discharge permits is relatively high as is the expected average fee (\$510). Businesses in SIC 651 operate at a low profit margin and the

anticipated fee is significant. Complexity and number of parameters reported by industrial parks makes it unlikely impact of the fees will mitigated by unforeseen rule amendments.

Hotels/Resorts (SIC 701)

Some of the larger resorts in the state are issued discharge permits which require them to report several parameters to Ecology. All such resorts are small for the purposes of this SBEIS. Although their profit margin is relatively high, average sales are relatively low and the average fee (\$530) is considered significant. It is unlikely impact of the fees will mitigated by unforeseen rule amendments.

Thus far, this statement has addressed impact of the lab accreditation program only on wastewater dischargers who either conduct analyses in their own laboratory or contract a commercial testing laboratory to do the work (or a combination of both). The next two subsections of the statement analyze the impact of the program on the entities whose primary function is to analyze materials which includes laboratories operated by universities, and commercial testing laboratories.

University Laboratories (SIC 822)

The major state universities (UofW, WSU, WWU, CWU, and EWU) operate at least one laboratory and some operate several which analyze environmental samples and submit resulting data to Ecology. While these laboratories could be considered government entities and addressed in Section II of this SBEIS, they are considered in this section to demonstrate impact of the rule as if the laboratories were operating as a business, in which case they would all be small businesses. The sales, profit margin, and M&N threshold figures cited in Table 1 are for private universities and are used only for comparison. As shown, the average fee of \$1065 would be considered significant compared to the university M&N threshold. From a practical standpoint, however, the fees are more likely to have a lesser impact on the university laboratories. All submit data under grants funded by Ecology and direct cost of accreditation (i.e., the fee) can be added to the grants as often as necessary if requested by the lab.

Commercial Testing Laboratories (SIC 873)

Not all laboratories in SIC 873 will be affected by the accreditation program. There are several which test materials other than those of interest to the Department of Ecology, such as construction materials, food, and other products. However, many test environmental materials (e.g., water, hazardous waste) and submit data to the Department.

Accreditation fees are directly proportional to the number and complexity of analytical parameters for which a laboratory is to be accredited and therefore are directly related to the size of the laboratory. Small laboratories with limited capabilities generally analyze few parameters and will therefore be charged a relatively small fee while large, multi-functional laboratories will be charged larger fees. The minimum possible fee for a given laboratory is \$55, although no such uni-functional laboratory has been identified. A more probable minimum fee is \$250 which would be the fee for a laboratory conducting limited microbiology tests (e.g., fecal coliforms only). At least one such laboratory exists in the state. The maximum possible fee following proposed rule amendments will be \$6000

(compared to \$2670 presently). Here again, it is unlikely such an omni-functional laboratory exists although some come close (Columbia Analytical and Laucks Analytical, the only large environmental laboratories in the state, are projected to pay \$4665 and \$4310, respectively). The most probable maximum fee is \$5000.

The fee projected for an average small commercial testing laboratories is \$1696 which is well above the M&N threshold of \$226 for the industry making the fee significant. While the fee is also significant for the two large laboratories mentioned previously, the smaller the lab, the more significant the fee becomes. This inequity in favor of the large laboratories is not easily avoidable. Fees for the smaller laboratories are in accordance with the effort required of Ecology in the accreditation process. These fees cannot be reduced if the program is expected to be self supporting. Fees for the large laboratories cannot be equitably increased without also increasing fees for the smaller laboratories.

Neither group's fee is considered to be excessive, however, considering the economic value of the accreditation itself. For a commercial laboratory, the ability to produce quality data, and evidence attesting to that fact (i.e., an accreditation) is a marketable commodity. Furthermore, most of the laboratories, and particularly the smaller laboratories, should benefit in terms of increased efficiency. Thereby, they should increase their productivity by going through the accreditation process. Experience gained in implementing the accreditation program to date has shown this to be the case for most laboratories.

Impact of Fees on Profits

Laboratory accreditation fees are not taxes on profits but rather a cost of doing business which may be incorporated into the price of a laboratory's (or its parent organization's) output. Because the fees are generally such a small percentage of sales, large businesses and most small businesses will probably not find it necessary to raise prices because of current or projected accreditation fees. The exception might be very small commercial laboratories (i.e., those with only one or two employees).

For most commercial laboratories, the cost of accreditation fees can be passed on to customers in the form of increased prices for analytical services. Since all laboratories in the state performing environmental analyses will be affected by the fees, in a manner designed to be as equitable as possible, the economic impact will affect most laboratories equally. As previously mentioned, the exception could be the very small lab that performs a specialized type of analysis. Because the fee for such a lab could be a significant percentage of sales, the lab might be forced to increase prices significantly to recover costs. Larger, multidiscipline laboratories performing the same type of analysis would not be required to increase prices for the same test to the same extent as the smaller, unidiscipline lab. This may appear to give the larger lab an unfair advantage. The advantage is possible already enjoyed because the larger lab, with more capital, is more likely to be operating efficiently and charging less than the small lab. However, it is perceived that there is more analytical work to be done than can be accomplished only by the larger laboratories in the state. Illustrating this point, 61 of the 201 laboratories accredited to date are out-of-state laboratories analyzing Washington samples. In some cases, a significant portion of their workload comes from Washington clients (e.g., 30% for one large lab in Stockton, CA). This significant analytical workload has resulted in the recent establishment of many new laboratories and significant growth of existing

laboratories. This trend is expected to continue and, because of it, small laboratories should not be adversely affected even if they increase charges for analyses beyond those of their larger competitors.

A significant portion of the analytical work performed by commercial testing laboratories involved in this fee program is contract work for Ecology. The Department has published a policy statement and promulgated rules which require use of accredited laboratories. Other state and private entities, including outof-state entities, require (or at least prefer) use of Ecology-accredited laboratories to do their environmental analyses. These requirements should result in increased sales for accredited laboratories. Because neither neighboring state has an environmental lab accreditation program, Washington commercial testing laboratories are perhaps better able to compete against neighboring state laboratories for environmental analyses. Additionally, most accredited laboratories realize enhanced efficiency and consequent reduction in sample turnaround time and increased sales as a result of going through the accreditation process. For all these reasons, accreditation is an economic benefit for the accredited commercial lab. The benefit should exceed any adverse impact of increased charges for analysis to recover fees. Realizing this, many laboratories opt to initially absorb accreditation costs within their profit margin, anticipating that the profit margin will eventually increase as a result of accreditation.

Section I Summary

Proposed fees imposed by the environmental laboratory accreditation program are expected to have a significant affect on a few industries representing only a few business in the state. While the fees do tend to place a proportionally higher burden on smaller business within a given industry, the burden is not so significant that it will reduce competition, reduce employment, reduce new employment opportunities, reduce innovation, or threaten the existence of any small businesses. Accreditation is expected to be an economic benefit to most commercial testing laboratories.

SECTION II - IMPACT ON GOVERNMENT ENTITIES

City/County/District Entities

Municipalities and other government entities (e.g., county sewer districts, public utility districts, and state parks, salmon hatcheries, and correctional facilities) which discharge wastewater are required by their discharge permits to report analytical data to Ecology. They will thus be affected by Chapter 173-50 WAC. Fees for these government entities will vary from \$70 (some report only one general chemistry parameter) to \$3715 for the activities reporting the largest number of parameters (e.g., METRO Environmental Lab which monitors many conventional and priority pollutants and coliforms, and conducts bioassays). Generally, the larger the activity, the more complex their wastewater discharge and therefore the larger their accreditation fee. The fee is therefore generally proportional to the tax base from which the government entities have the opportunity to recover the cost of participating in the laboratory accreditation program.

State Entities

State owned dischargers include salmon and trout hatcheries, rearing and holding ponds, correctional facilities, and state parks. Fees projected for the fish-related activities under current discharge permit rules would be \$70 (all report only one accreditable parameter, total suspended solids). The correctional facilities and state parks would pay fees of either \$300 or \$350 depending on the nature of their discharge.

Federal Entities

Because Ecology does not have primacy over wastewater discharge permits issued to federal entities (e.g., Army, Navy, Air Force), such entities are not required to submit data from accredited laboratories. One, Puget Sound Naval Shipyard, volunteered to have its lab accredited. Proposed fee increases will affect federal laboratories just as they will other laboratories in the program. Increases are not expected to be a determining factor for the federal entities in deciding whether or not to have their laboratories accredited.

Section II Summary

Fees imposed by the environmental laboratory accreditation program are not expected to have a significantly adverse economic effect on any government entity including small municipalities. The very smallest municipalities (e.g., Stella with seven residential equivalents in 1988) are likely to have their wastewater analyzed by a commercial laboratory or another larger municipality and will not be directly affected by the laboratory accreditation fee. They may be indirectly affected if the servicing laboratory increases its charges as a result of its own requirement to pay fees.

The \$530 fee for an average small municipality which is likely to do its own analyses (e.g., a town of 2000 residential equivalents) would represent a burden of only \$0.26 per residence per year. The fee anticipated for a large metropolitan area water treatment plant lab (such as the \$940 fee proposed for METRO West Point which serves approximately 250,000 residential equivalents) would represent a burden of less than one cent (\$0.004) per residence per year. In neither case is the fee considered an undue burden.

SECTION III - IMPACT OF ASSOCIATED (INDIRECT) COSTS

The principal cost of complying with WAC 173-50 is the annual fee charged by the Department of Ecology. In addition to paying the fee, participating laboratories will be required to obtain and analyze performance evaluation samples and report the results of analyses to the Department. These samples are available at no charge from the Environmental Protection Agency. The cost of their analyses should be considered a normal cost of proper operations for each laboratory (part of their internal quality assurance program). Additionally, each participating laboratory will be required to submit a quality assurance manual for review by the Department. Such manuals should already exist in environmental laboratories. For those which must prepare a manual to comply with this rule, assistance is available from the Department to minimize cost of preparation (see Section IV).

Associated costs (indirect costs other than fees) for laboratories currently practicing what would normally be considered acceptable laboratory procedures will be minimal. These costs will consist primarily of costs associated with completing the accreditation application and time lost in undergoing the on-site audit. Such well-prepared laboratories would already be analyzing performance evaluation samples, would have a formal quality assurance (QA) program as documented in a QA manual, would need no new equipment or additional personnel or training, would be performing QA tests such as duplicate and spiked samples, and would be keeping adequate QA records.

Other laboratories will lack some or all of these elements of good laboratory practices, necessitating expenditures to bring the laboratory up to acceptable standards. The extent of the expenditures will vary depending upon the requirements. The associated costs cannot be readily quantified or even estimated without knowing the status of an individual laboratory. The most common deficiency is likely to be lack of a formal QA program as documented in a QA manual. To minimize expense to deficient laboratories, assistance is available from Ecology in preparation of such manuals and in training laboratory personnel in QA procedures. Laboratories most likely to be deficient are those operated by small municipalities and small industries. Generally, such laboratories are scheduled for accreditation in Chapter 173-216 WAC and Chapter 173-220 WAC by July 1, 1994 giving them more than three years to prepare (since the requirement was announced). To mitigate the impact during preparation, WAC 173-50 was amended in 1990 to allow a period of "registration" during which small laboratories prepare for accreditation. By so doing, a lab can spread any cost associated with preparation over several years.

Section III Summary

Associated costs are not readily quantifiable and not justifiably attributable to the laboratory accreditation program. Associated costs will be imposed on activities whose laboratories are not currently meeting acceptable standards. Associated costs will also be felt by dischargers who choose to contract with commercial laboratories.

SECTION IV - MITIGATION

Several actions have been taken since the laboratory accreditation was initiated in 1989 to make the program more efficient, thus reducing program costs and allowing fees to be as low as possible. Accreditation in recognition of a third party's certification has been emphasized which accomplishes program objectives with less effort from Ecology, thus reducing program costs. Extensive use of word processing and data base programs has decreased time required to evaluate, track, and report lab performance. The frequency of updating scopes of accreditation was reduced without degradation of program quality. Added emphasis has been placed on combining on-site visits to several laboratories in a geographical area, thus making more efficient use of time and travel expenses. Staff has been crosstrained so one staff member can audit in a number of different technical areas, reducing the requirement for multiple auditors for any given lab. Other program efficiency moves could be implemented if necessary without rule amendment (e.g., reduce the number of performance audits from two to one annually), but to do so might degrade quality of the accreditation program and will be avoided.

To mitigate the impact of indirect costs on laboratories entering the accreditation program, several actions have already been taken by Ecology. For example, a model quality assurance manual was written and has been made available

gratis to any lab entering the program. Likewise, a LOTUS program which automates the process of monitoring results of quality control tests in the lab was written by Ecology and made available to laboratories in exchange for a blank floppy disk.

Three actions which would potentially mitigate the impact of fees and possibly reduce the magnitude of proposed fee increases have been identified and will be pursued during the rule amendment process. One involves the process by which small laboratories (e.g., those doing only simple tests such as pH and residual chlorine) are accredited. If, for example, the on-site audit can be eliminated, the fee for laboratories doing only those tests could be reduced. The other action would involve elimination of the requirement for simple tests such as pH and residual chlorine to be done by accredited laboratories. This would reduce or eliminate accreditation costs for all laboratories doing those tests. The third involves making the requirement for re-audits more flexible, possibly expanding the requirement from three to four years.

During the rule amendment process, other mitigating actions will be sought and aggressively pursued.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT ADDENDUM

Amendment of

CHAPTER 173-216 WAC "State Waste Discharge Permit Program"

and

CHAPTER 173-220 WAC "National Pollutant Discharge Elimination System Program"

and

CHAPTER 173-226 WAC "Waste Discharge General Permit Program"

Requirement for Small Business Economic Impact Statement (SBEIS)

The Regulatory Fairness Act, Chapter 19.85 RCW, requires that rules having an economic impact on more that 20% of all industries, or more than 10% of the businesses in any one industry, be reviewed and altered to minimize their impact upon small businesses. Further, the Economic Policy Act, Chapter 43.21H RCW, suggests consideration of economic values in general during the rule making process. The regulatory proposals in amending Chapter 173-50 WAC (Accreditation of Environmental Laboratories) have been reviewed in light of both requirements. Conclusions of that review are summarized in the base small business economic impact statement (SBEIS) dated January 14, 1993 to which this is an addendum. The addendum addresses the effect of proposed amendments to Chapters 173-216, 173-220, and 173-226 on the base SBEIS.

Scope of SBEIS Addendum

WACs 173-216, 173-220, and 173-226 require permitted wastewater dischargers to use accredited labs for reporting permit-limited analytical parameters with certain parameters excluded from the requirement. Proposed amendments to the WACs would add specific parameters to those currently excluded from the accreditation requirement. The current WACs exclude flow and temperature and those parameters analyzed solely for process control purposes. The amendments would also exclude settleable solids and, under certain circumstances, pH and conductivity. Many and industries and government entities, all small, report only one or a combination of the excluded parameters to Ecology as permit-limited parameters. Proposed amendments exclude such entities from the requirement for use of accredited labs. The economic impact will be favorable for all and especially significant for the smallest entities.

Summary of Proposed Rule Amendments

The amendments would exclude settleable solids and, if no other accreditable parameters are reported by the entity, pH and conductivity from the requirement that the parameters be analyzed in an accredited lab.

Summary of Economic Impact

Many (approximately 90) very small industries and government entities report only pH as a permit-limited parameter to Ecology pursuant to their wastewater discharge permit. A few additionally report conductivity and/or settleable solids. Under the current WACs 173-216, 173-220, and 173-226, these analyses would have to be done in an accredited laboratory. This would require the discharger's lab to become accredited, or to send samples to an accredited lab which is not feasible for all parameters. Accreditation (or, alternatively, registration for some small dischargers) requires the lab to develop a formal quality assurance program and document it in a quality assurance manual, and to analyze blind performance evaluation samples. Although the labs should be doing these actions whether or not they are accredited/registered, in practice, most do not, and to impose the requirement would add costs to their operations. The amendments to WACs 173-216, 173-220, and 173-226 would avoid those costs for the smallest dischargers.

SECTION I - IMPACT ON BUSINESSES

Proposed amendments to WACs 173-216, 173-220, and 173-226 do not change anything in this section in the base SBEIS, although they further emphasize the need for reducing the negative economic impact on small businesses. For many SICs, there are no small business to which these amendments would apply. For other SICs, the amendments would apply only the smallest businesses within the SIC.

SECTION II - IMPACT ON GOVERNMENT ENTITIES

Proposed amendments to WACs 173-216, 173-220, and 173-226 do not change anything in this section in the base SBEIS, although they further emphasize the need for reducing the negative economic impact on small municipalities and other governmental entities.

SECTION III - IMPACT OF ASSOCIATED (INDIRECT) COSTS

For those labs affected by the proposed amendments, the associated (indirect) costs of accreditation do not materialize.

SECTION IV - MITIGATION

The proposed amendments to WACs 173-216, 173-220, and 173-226 were initiated primarily to mitigate the economic impact of the accreditation program on small businesses and municipalities. While there is some risk associated with not requiring the smallest dischargers to use accredited labs, this risk can be minimized by other, less effective, means of monitoring lab performance. These means may have some economic impact on the permitted discharger, but it is not anticipated to approach the potential impact imposed by accreditation.

Hearing Location: On August 5, 1993, at 1:00 p.m., Holiday Inn - Spokane, 4212 Sunset Boulevard, Spokane, WA; and on August 6, 1993, at 10:00 a.m., 1st Floor Auditorium, General Administration Building, Capitol Grounds, Olympia, Washington.

Submit Written Comments to: Cliff Kirchmer, Washington State Department of Ecology, P.O. Box 488, Manchester, WA 98353-0488, by August 13, 1993.

Date of Intended Adoption: September 21, 1993.

June 17, 1993 Mary Riveland Director

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-040 Definitions. Definitions set forth in this section shall apply throughout this chapter, unless context clearly indicates otherwise.

- (1) "Accreditation" means the formal recognition by the department that an environmental laboratory is capable of producing accurate analytical data, signified by the issuance of a written certificate accompanied by a scope of accreditation indicating those parameters and methods for which the laboratory has been accredited. The term "accredit" as used in this chapter is intended to have the same meaning as the term "certify" as used in RCW 43.21A.230. Any laboratory accredited under this chapter shall be deemed to have been certified under RCW 43.21A.230. The department does not, by certifying or accrediting any laboratory pursuant to this chapter, vouch for or warrant the accuracy of any particular work done or report issued by the laboratory.
- (2) "Analytical data" means the recorded qualitative and/ or quantitative results of a chemical, physical, biological, microbiological, ((radiological)) radiochemical, or other scientific determination.
- (3) "Department" means the state of Washington department of ecology.
- (4) "Environmental laboratory" means any facility under the ownership and technical management of a single entity in a single geographical locale, where scientific examinations are performed on samples taken from the environment, the data from which is submitted to the department under the provisions of a department regulation, permit, or contractual agreement.
- (5) "Mandatory analytical method" means a recognized written procedure for acquiring analytical data which is required by law or a regulatory agency of the federal or state government.
- (6) "Matrix" means the substance from which a material to be analyzed is extracted, such as ground or surface water, wastewater, air, solid waste, nuclear waste, and hazardous waste.
- (7) "Parameter" means a single determination or group of related determinations using a specific written method chosen by an applying laboratory.
- (8) "Performance audit" means evaluation of the results of analyses of unknown samples whose true values are unknown to the laboratory conducting the analyses and which are provided by a source external to the environmental laboratory. Such samples may be referred to as performance evaluation samples.

- (9) "Quality control" means those activities designed to assure analytical data produced by an environmental laboratory meet data quality objectives for accuracy. Those activities include routine application of statistically based procedures to evaluate and control the accuracy of analytical results.
- (10) "Quality assurance (QA)" means those activities whose purpose is to assure that a quality control program is effective. A quality assurance program is a totally integrated program for assuring reliability of measurement data.
- (11) "Quality assurance manual" means a written record of the policies, organization, objectives, and specific quality control and quality assurance activities established for use in an environmental laboratory to assure accuracy of analytical results. Volume and scope of quality assurance manuals vary with complexity of laboratory mission.
- (12) "Recognized analytical method" means a documented analytical procedure for analysis of an environmental sample which was developed through collaborative studies by organizations or groups recognized by the department.
- (13) "System audit" means an on-site inspection of laboratory capabilities by an agency external to the laboratory.
- (14) "Registration" means participation of a laboratory in a program to prepare the laboratory for accreditation, signified by issuance of a written certificate accompanied by a scope of registration indicating those parameters for which the laboratory has achieved registration status.
- (15) "Registered" means the status of continued participation in the preparatory program. Only laboratories owned and operated by municipalities, industries, and other activities which are dischargers as defined in chapter 173-220 or 173-216 WAC shall be eligible for participation in the preparatory program. Such laboratories are also eligible for accreditation. The department does not, by registering any laboratory pursuant to these rules, vouch for or warrant the accuracy of any particular work done or report issued by the laboratory.

Note: Above referenced chapters are available through the Department of Ecology, ((Mailstop PV-1+)) P.O. Box 47600, Olympia, WA ((98504-871+)) 98504-7600.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

- WAC 173-50-050 Responsibilities. (1) The department shall require persons and organizations submitting analytical data to the department under the purview of department programs to use environmental laboratories which are accredited or registered under the provisions of this chapter.
- (2) The department shall not require use of accredited or registered laboratories for determination of analytical parameters for which no suitable accreditation process can be reasonably devised as determined by the quality assurance section.
- (3) The department shall develop a procedural manual describing specifics of the accreditation process. As a minimum, the procedural manual shall describe in detail the procedures to be followed for: Submitting an application; preparing a quality assurance manual; system (on-site) audits; performance audits; accreditation of out-of-state

laboratories; determination and payment of fees; issuance, denial, <u>suspension</u>, and revocation of accreditation or registration; and methods for notifying laboratories and authorized department officials of accreditation actions. The procedural manual shall be made available to all interested persons.

(4) Managers of environmental laboratories desiring accreditation or registration shall submit an application along with appropriate fees to the department fiscal officer, submit results of performance evaluations, a quality assurance manual and other required documentation to the quality assurance section, and assist/accommodate department personnel during system audits as required.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-070 Performance audit. (1) The quality assurance section shall advise applying laboratories of specific requirements for performance audits which shall be completed for applicable parameters no more frequently than twice annually (see exception in subsection (4) of this section). Current performance audits conducted under the provisions of other recognized programs may be used to satisfy the accreditation program performance audit requirement. Sufficiency of such audits shall be determined by the quality assurance section.

(2) Submission of raw data along with the report of analysis of the performance evaluation sample may be required at the discretion of the quality assurance section.

- (3) Performance audits for certain accreditation parameters may be waived at the discretion of the quality assurance section if performance evaluation samples are not available or for other valid reasons.
- (4) Accredited laboratories and laboratories seeking accreditation which fail to accurately analyze a performance evaluation sample may be allowed a second performance audit. If necessitated by a second failure, a third performance audit may be allowed (as an exception to subsection (1) of this section) only after the laboratory has investigated cause for failure in the preceding audits and completed corrective actions.
- (5) Registered laboratories shall submit results of performance evaluation sample analyses to the quality assurance section. Registration status shall not be denied or revoked solely for failure to accurately analyze performance evaluation samples. Registered laboratories shall investigate causes for errors in performance evaluation sample analysis results which have been identified as unacceptable or otherwise in error. The results of this investigation shall be reported to the quality assurance section within forty-five days of receipt of the performance evaluation report. The report to the quality assurance section shall identify probable causes for error and corrective actions taken to preclude recurrence.
- (6) Applying laboratories shall be responsible for obtaining performance evaluation samples. No fee shall be charged to the department for analysis of performance evaluation samples.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-080 System audit. The laboratory shall undergo a system audit by the department to assess critical elements and areas of recommended practices.

- (1) Critical elements for accreditation. Those elements of an environmental laboratory's operations which are critical to the consistent generation of reliable, accurate data are critical elements for accreditation. Those critical elements shall be the subject of intense scrutiny throughout the accreditation process and deficiencies in critical elements may be the basis for denial or revocation of accreditation status. Functional areas within which there are critical elements are:
- (a) Analytical methods. The system audit shall seek to determine if documentation of mandatory or recognized analytical methods are present at the laboratory, readily available to analysts, and being routinely followed. If a locally-developed method is being followed, the audit may include an evaluation of the adequacy of that method.
- (b) Equipment and supplies. The system audit shall seek to determine if sufficient equipment and supplies as required by analytical methods are available, being adequately maintained, and are in a condition to allow successful performance of applicable analytical procedures.
- (c) Quality assurance. The laboratory quality assurance manual shall be reviewed for adequacy prior to the system audit. The system audit shall include a review of quality assurance plans and quality assurance/quality control records for programs/projects within which the laboratory is generating analytical data for submission to the department.
- (d) Sample management. The system audit shall include a review of applicable procedures for receipt, preservation transportation, and storage of samples. The laboratory shal be held responsible only for those elements of sample management over which it has direct control.
- (e) Data management. The system audit shall include a review of applicable procedures for checking documentation of raw data, calculations, transcription and compute data entry, reports of analytical results, and other activities necessary to assure accurate management of laboratory data
- (2) Recommended practices. Those elements o laboratory operations which might affect efficiency, safety and other administrative functions, but do not normally affect quality of analytical data, shall be brought to the attention o laboratory management under the heading of "recommender practices" and individually, shall not be the basis for denia or revocation of accreditation status. Functional areas within which recommended practices may be noted are:
- (a) Personnel. The system audit shall seek to determine if managerial, supervisory, and analytical personnel have adequate training and experience to allow satisfactor; completion of analytical procedures and compilation o reliable, accurate data. Minimum recommended education and experience criteria for laboratory personnel shall be specified in the program procedural manual.
- (b) Facilities. The system audit shall seek to determine if laboratory facilities allow efficient generation of reliable accurate data in a safe environment.

(c) Safety. When the system audit notes laboratory safety problems, those judged serious shall be referred to appropriate state or federal agencies.

(3) Registered laboratories shall be advised in a written system audit report prepared by the department of deficiencies in meeting critical element and recommended practice standards. The laboratory must respond in writing to the department within forty-five days of receipt of the system audit report concerning corrective actions taken as a result of the system audit report.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-090 Evaluation and issuance of certificate. (1) Accreditation. Following receipt of an application and completion of a performance audit and system audit, the quality assurance section shall submit a report to the affected laboratory concerning the results of the overall accreditation process. The report shall list findings. assess the importance of each finding, and make recommendations concerning actions necessary to ensure resolution of problems. After completing the accreditation review, the quality assurance section shall decide, based on information in the application and results of the system audit, performance audit, and review of the quality assurance manual, whether accreditation should be granted. If this decision is affirmative, a certificate shall be issued authorizing the affected laboratory to submit analytical data to the department as specified on an accompanying scope of accreditation. The certificate shall remain the property of the department and shall be surrendered to the department upon revocation of accreditation status. If accreditation is not justified, the department shall issue a report specifying areas of deficiency and steps necessary to upgrade the laboratory to accredited status. In such cases, the laboratory shall ((be allowed thirty days in which to)) provide documentation that the specified deficiencies have been corrected. Based on such documentation the department shall decide whether to grant, renew, deny, or revoke accreditation.

(2) Registration. Registered laboratories shall be issued a certificate and accompanying scope of registration. The certificate shall remain the property of the department of ecology and shall be surrendered to the department upon revocation of the registration status.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-100 Interim accreditation. If for valid reasons based on a deficiency in the department and not the laboratory, the quality assurance section cannot conduct a complete assessment of laboratory capabilities ((within six months of receipt of an application)) in a timely manner, an interim accreditation may be granted. The accreditation shall be based on submission of an application and fees by the laboratory, successful completion of a performance audit where appropriate, and ((an update)) department approval of the laboratory's quality assurance manual.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-120 Accreditation and registration categories. Environmental laboratories shall be accredited or registered within the broad categories Chemistry I (general), Chemistry II (trace metals), Organics I (gas chromatography (GC), high pressure liquid chromatography (HPLC) methods), Organics II (gas chromatography/mass spectrometry (GC/MS) methods), ((Radiological, Microbiological)) Radioactivity, Microbiology, and Bioassay/Toxicity. Within those broad categories, laboratories shall specifically be accredited or registered to perform within the welldefined parameters identified in WAC 173-50-190 or as requested by the applying laboratory, using specific, recognized analytical methods chosen by the applying laboratory. Additional parameters may be designated in the program procedural manual without amendment of this chapter if required to allow more efficient execution of the accreditation program.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-130 Requirements for maintaining accreditation and registration status. (1) Accreditation shall be granted for a one-year period and shall expire one year after the effective date of accreditation. Exceptions to the one year accreditation may be made for documented cause. In such cases, accreditation may be granted for a period up to two years. Renewal shall require submission of an application and appropriate fees, an update of the laboratory's quality assurance manual, and successful completion of ((a new)) performance audit requirements. System audits shall be required for renewal of accreditation at periods not to exceed three years from the previous system audit. For documented cause, system audits can be extended up to four years from the previous audit.

(2) Registration shall be granted for a one-year period and shall expire one year after the effective date of registration. Renewal shall require submission of an application and appropriate fees, an update of the laboratory's quality assurance manual, and completion of a new performance audit. System audits shall be required for renewal of registration at periods not to exceed three years from the previous system audit.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-190 Fee structure. (1) Fees in this chapter are ((those)) established ((for initiation of)) to cover costs of administering the accreditation program. ((The fee structure shall be reviewed annually and modified as necessary to reflect currency value fluctuations or changes in program administration costs. Laboratory directors may request addition of parameters within given categories.)) The fee per parameter and maximum fee per category are identified in Table 1. Laboratory directors may request addition of parameters within given categories.

WSR 93-13-127

Washington State Register, Issue 93-13

	TABLE 1 - FEE SCHEDULE	MAX FEE PER		Thallium Tin Titanium	
CATEGORY	PARAMETER FEE/PARAM	ETER CATEGORY		Vanadium	
Chemistry I (General)	Calcium ((\$30)) \$55 Chloride Fluoride	((\$700)) <u>\$1000</u>	Organics I	Zinc Acrolein/Acrylonitrile((\$60))	((\$300))
	Magnesium		(GC, HPLC	Phenols	\$850
	pН		methods)	Purgeable (volatile)	
	Potassium Sodium			Halocarbons	
	Specific Conductance			Purgeable (volatile) Aromatics	
	Sulfate			Benzidines	
	Total Alkalinity			Phthalate ((Ester)) Esters	
	Total Dissolved Solids (TDS)			Nitrosamines	
	Total Hardness			((Chlorinated Hydrocarbon - Pesticides and Polychlor-	
	Ammonia (NH3-N)			inated Biphenyls (PCBs)	
	Kjeldahl Nitrogen			Organochlorine Pesticides	
	Nitrate (NO3-N)			Polychlorinated Biphenyls (PCBs)	
	Nitrate-Nitrite (NO3-NO2)			Nitroaromatics/Isophorone	
	Nitrite (NO2-N)			((Polynuclear)) <u>Polycyclic</u> Aroma Hydrocarbons	ic
	Orthophosphate			Haloethers	
	Phosphorous (total)			Chlorinated Hydrocarbons	
	Biochemical Oxygen Demand		((Organies II	- Purgeables (volatiles) \$150	\$350
	(BOD)/Carbonaceous BOD (CBOD)		(GC/MS	Base/Neutrals and Acids	Ψ550
	Chemical Oxygen Demand		-methods)	(semivolatiles)))	
	(COD)			Organophosphorus Pesticides	
	Total Organic Carbon			Chlorinated Herbicides	
	(TOC) Acidity			Gasoline Diesel Fuel	
	Anionic Surfactants (LAS)				£000
	Bromide		Organics II	Purgeable (volatile) \$300 Organics	\$900
	Color		(GC/MS Methods)	Extractable Base/Neutral	
	Cyanide (total)		Methodsy	and Acid (Semivolatile)	
	Dissolved Oxygen (DO) Nonfilterable Residue/			Organics	
	Total Suspended			Dioxin (2,3,7,8-Tetra-	
	Solids (TSS)			chlorodibenzo-p-dioxin)	
	Total Solids		((Radiological	Alpha \$60	\$120
	Volatile Solids			Beta Bodium)	
	Oil/grease Phenolics (total)		Radioactivity	Radium)) Gross Alpha \$125	\$1200
	Salinity	*	Radioactivity	Gross Beta	<u> </u>
	Silica			Cesium 134	
	Sulfide			Cesium 137	
	Sulfite		•	Cobalt 60	
	Total Organic Halides Total Petroleum Hydrocarbons			Radium 226 Radium 228	
	Total Residual Chlorine			Tritium	
	Turbidity			Total Uranium	
Chemistry II	Aluminum ((\$35)) <u>\$55</u> (6	(\$450)) \$850		lodine 131	
(Trace Metals)	Antimony	(T 10 0)/ <u>T 10 1</u>		Strontium 89 Strontium 90	
(Trace Metals)	Arsenic			Strontium 90	
	Barium		((Microbiological))	a v.c. (c. v. ((0.105)) 5000	· ((#200\) # (0(
	Beryllium Cadmium		Microbiology	Coliform (fecal) ((\$125)) \$205 Coliform (total)	((\$300)) <u>\$600</u>
	Chromium			((Feeal streptococci))	
	Chromium (hexavalent)			Enterococci/Fecal	
	Cobalt			Streptococci	
	Copper			E. coli	
	lron Land		Bioassay/Toxicity	Fish ((\$125)) <u>\$20</u> 0) ((\$450)) <u>\$125(</u>
	Lead Manganese		, 	Rat .	
	Mercury			Amphipod	
	Molybdenum			Bivalve Larvae	
	Nickel				•
	Selenium				
	Silver Strontium				
	SHOHHAIII				

\$500

Chromosomal abnormality

\$100

Microtox Daphnid Echinoderm Mysid

Algae

<u>lediment</u>

Antimony Arsenic Cadmium

Copper Lead

Mercury Nickel Silver Zinc

Polycyclic Aromatic Hydrocarbons Extractable Base/Neutral

and Acid (semivolatile) Organics

- (2) Out-of-state laboratories shall coordinate directly vith the quality assurance section to determine the anticipatd cost of completing the accreditation process. ((The fee ssessed shall be the projected)) Reimbursement of the cost of travel and per diem shall be added to the normal fee ndicated in WAC 173-50-190(1).
- (3) On-site inspections shall not be conducted nor shall nterim or provisional or other accreditations be granted until ppropriate fees have been received by the department.
- (4) The fee to defray costs to the department ((for ecognition of a laboratory under a reciprocity agreement WAC 173-50-160) or)) recognition of third-party accreditaion (WAC 173-50-170) shall be ((fifty)) three hundred ollars. The fee for recognition of a laboratory under a eciprocity agreement (WAC 173-50-160) shall be three undred dollars, or as specified in the reciprocity agreement, ut not less than three hundred dollars.
- (5) Apart from the fee process, applicant laboratories hall be required to acquire and analyze performance valuation (PE) samples for parameters specified by the uality assurance section. The source of PE samples, if ther than the federal Environmental Protection Agency, hall be approved by the quality assurance section. To the xtent feasible as determined by the quality assurance ection, performance evaluation samples already being nalyzed by the applicant laboratories, shall be used to fulfill erformance audit requirements of this chapter.
- (6) In addition to fees as determined by the number of arameters and methods in WAC 173-50-190(1), laboratories eeking registration status are required to pay an annual fee f ((four hundred fifty)) six hundred dollars.
- (7) If a laboratory withdraws from the accreditation rocess after the application has been processed, but before ccreditation or registration is granted, the fee will be onrefundable up to an amount of two hundred dollars as simbursement for costs of processing the application.
- (8) Dollar amounts listed in subsections (1), (4), (6), and 1) of this section may be adjusted every two years based on iflation as indicated by the implicit price deflator for state nd local government services as published by the economic nd revenue forecast council. Dollar amounts listed in absections (1), (4), (6), and (7) of this section may be ecreased at any time the department determines they are igher than needed to meet program requirements. The

department shall notify affected parties of any fee adjustment at least thirty days prior to making any fee adjustment.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-50-200 Appeals. An environmental laboratory manager may appeal final accreditation and registration actions (((awards, denials, revocations) in writing to the director of the department)) within thirty days of notification of final action in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-216-125 Monitoring. Use of registered or accredited laboratories:

(1) Except as established in subsection (3) of this section, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory accredited under the provisions of chapter 173-50 WAC no later than July 1, 1993, for all state permittees with a permitted average flow rate greater than five million gallons per day.

((Note. Chapter 173-50 WAC is available at:

Department of Ecology Records Management Mailstop PV-11 Olympia, WA-98504-8711))

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

(2) Except as established in subsection (3) of this section, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC no later than July 1, 1994, for all state permittees not covered under subsection (1) of this section.

((Note. Chapter 173-50 WAC is available at:

Department of Ecology Records Management Mailstop PV-11 Olympia, WA 98504-8711))

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

- (3) The following parameters need not be accredited or registered:
 - (a) Flow;
 - (b) Temperature; ((and))
 - (c) Settleable solids;
- (d) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;
- (e) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited; and
- (f) Parameters which are used solely for internal process control.

AMENDATORY SECTION (Amending Order 90-21, filed 10/19/90, effective 11/19/90)

WAC 173-220-210 Monitoring, recording and reporting. (1) Monitoring.

- (a) Any discharge authorized by a permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include:
 - (i) Flow (in gallons per day);
- (ii) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;
- (iii) Pollutants which the department finds could have a significant impact on the quality of surface waters; and
- (iv) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring.
- (b) Each effluent flow or pollutant required to be monitored pursuant to (a) of this subsection shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant.

Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels which may be monitored at less frequent intervals.

- (c) Monitoring of intake water, influent to treatment facilities, internal waste streams, and/or receiving waters may be required when determined necessary by the department to verify compliance with net discharge limitations or removal requirements, to verify that proper waste treatment or control practices are being maintained, or to determine the effects of the discharge on the surface waters of the state.
- (2) Recording of monitoring activities and results. Any permit which requires monitoring of the authorized discharge shall require that:
- (a) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;
- (b) Any records of monitoring activities and results shall include for all samples:
 - (i) The date, exact place, and time of sampling;
 - (ii) The dates analyses were performed;
 - (iii) Who performed the analyses;
 - (iv) The analytical techniques/methods used; and
 - (v) The results of such analyses; and
- (c) The permittee shall be required to retain for a minimum of three years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.
 - (3) Reporting of monitoring results.
- (a) The permittee shall periodically report (at a frequency of not less than once per year) on the proper reporting

form, the monitoring results obtained pursuant to monitoring requirements in a permit. In addition to the required reporting form, the department at its discretion may require submission of such other results as it determines to be necessary.

- (b) Monitoring reports shall be signed by:
- (i) In the case of corporations, by a responsible corporate officer or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.
 - (ii) In the case of a partnership, by a general partner.
- (iii) In the case of a sole proprietorship, by the proprietor.
- (iv) In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
 - (4) Use of registered or accredited laboratories:
- (a) Except as established in (c) of this subsection, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory accredited under the provisions of chapter 173-50 WAC no later than indicated by the appropriate date below:

July 1, 1992, major dischargers;

July 1, 1993, all permittees with a permitted average flow rate greater than five million gallons per day.

((Note. Chapter 173-50 WAC is available at:

Department of Ecology Records Management Mailstop PV-11 Olympia, WA 98504-8711))

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

(b) Except as established in (c) of this subsection, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC no later than July 1, 1994, for all NPDES permittees not covered under (a) of this subsection.

((Note: Chapter 173-50 WAC is available at:

Department of Ecology Records Management Mailstop PV-11 Olympia, WA 98504-8711))

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

- (c) The following parameters need not be accredited or registered:
 - (i) Flow;
 - (ii) Temperature; ((and))
 - (iii) Settleable solids;
- (iv) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;
- (v) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited; and
- (vi) Parameters which are used solely for interna process control.

AMENDATORY SECTION (Amending Order 92-55, filed 5/5/93, effective 5/19/93)

WAC 173-226-090 Monitoring, recording, and reporting. (1) Monitoring

- (a) Any discharge authorized by a general permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include but are not limited to:
 - (i) Flow (in gallons per day or other appropriate units);
- (ii) All pollutants on which limitations have been placed pursuant to WAC 173-226-070;
- (iii) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) that are subject to reduction or elimination under the terms and conditions of the permit;
- (iv) Pollutants that the department finds could have a significant impact on the quality of waters and sediments of the state; and
- (v) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring.
- (b) Each effluent flow or pollutant required to be monitored pursuant to (a) of this subsection shall be monitored at intervals sufficiently frequent to yield data that reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant.
- (c) Monitoring for compliance with limitations imposed pursuant to WAC 173-226-070 shall be no less than once per year.
- (d) Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels, which may be monitored at less frequent intervals.
- (e) Monitoring of intake water, influent to treatment facilities, internal waste streams, and/or receiving waters may be required by the department, to verify compliance with net discharge limitations or removal requirements, to verify that proper waste treatment or control practices are being maintained, or to determine the effects of the discharge on the waters and sediments of the state.
- (2) Recording of monitoring activities and results. Any general permit which requires monitoring of an authorized lischarge shall require that:
- (a) The permittee maintain records of all information resulting from any monitoring activities required as a condition of the application for, or as a condition of coverage under a general permit;
- (b) Any records of monitoring activities and results shall nelude for all samples:
 - (i) The date, exact place, and time of sampling;
 - (ii) The dates analyses were performed;
 - (iii) Who performed the analyses;
 - (iv) The analytical techniques/methods used; and
 - (v) The results of such analyses; and
- (c) The permittee retain for a minimum of five years my records of monitoring activities and all results of those activities including all original strip chart recording for continuous monitoring instrumentation and calibration and

maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee, or when requested by the department or regional administrator.

- (3) Reporting of monitoring results.
- (a) The department may require the permittee to periodically report on the proper reporting form, the monitoring results obtained pursuant to monitoring requirements in a general permit. In addition to the required reporting form, the department may require submission of such other reports as it determines to be necessary.
 - (b) Monitoring reports shall be signed by:
- (i) In the case of corporations, a responsible corporate officer or duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.
 - (ii) In the case of a partnership, a general partner.
 - (iii) In the case of a sole proprietorship, the proprietor.
- (iv) In the case of a municipal, state, or other public facility, either a principal executive officer, ranking elected official, or other duly authorized employee.
- (4) Except ((for flow, temperature, and internal process control parameters)) as provided in subsection (5) of this section, all monitoring data required as a condition of a general permit, or required as part of an application for coverage under a general permit shall be prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC within one year of first being covered under a general permit or by July 1, 1995, whichever is later.
- (5) The following parameters need not be accredited or registered:
 - (a) Flow;
 - (b) Temperature;
 - (c) Settleable solids;
- (d) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;
- (e) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited; and
- (f) Parameters which are used solely for internal process.

WSR 93-13-128 PROPOSED RULES BENTON FRANKLIN WALLA WALLA COUNTIES AIR POLLUTION CONTROL AUTHORITY

[Filed June 22, 1993, 4:48 p.m.]

Original Notice.

Title of Rule: Regulation 1 of the Benton Franklin Walla Walla Air Pollution Control Authority.

Purpose: Establish general and specific regulations governing the control of air contaminant emissions in Benton, Franklin, and Walla Walla counties. Bring local regulation up-to-date and make consistent with current state law, chapter 70.94 RCW.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: Chapter 70.94 RCW.

Summary: The proposed regulation establishes agency policy, powers and duties, administrative procedures, and penalty provisions. It describes variance procedures, conditions open and agricultural burning, prohibits transfer of uncertified wood stoves, regulates residential asbestos removal, establishes an air emissions source registration program and establishes general office charges. The regulation also sets specific fees including: Source registration fees, notice of construction fees, temporary source fees, asbestos removal fees, interim operating permit fees and special open burning permit fees. It also sets operating permit fee determination procedures. Regulation 1 will replace the existing, out-of-date, local air pollution regulation—General Regulation 80-7 of the Benton Franklin Walla Walla Counties Air Pollution Control Authority.

Reasons Supporting Proposal: To bring the local regulation up-to-date and make it consistent with state law chapter 70.94 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David A. Lauer, Benton Franklin Walla Walla Counties Air Pollution Control Authority, 650 George Washington Way, Richland, WA 99352, (509) 545-2354.

Name of Proponent: Benton Franklin Walla Walla Counties Air Pollution Control Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Regulation 1 establishes general and specific requirements for the control of air pollution within Benton, Franklin, and Walla Walla counties. The proposed regulation establishes agency policy, powers, duties, administrative procedures and penalty provisions. It describes variance procedures, conditions open as well as agricultural burning, prohibits the transfer of uncertified wood stoves, regulates residential asbestos removal activity and establishes an air contaminant emissions source registration program. It establishes general office charges and specific fees (including: source registration fees, notice of construction fees, temporary source fees, asbestos removal fees, interim operating permit fees and special open burning permit fees.) The regulation also sets operating permit program fee determination procedures. Regulation 1 is intended to replace the existing, out-of-date, local air pollution regulation: General Regulation 80-7 of the Benton Franklin Walla Walla Counties Air Pollution Control Authority. The regulation will be consistent with current state law, chapter 70.94 RCW.

Proposal does not change existing rules.

The proposal, if adopted, is intended to replace an existing, out-of-date regulation: General Regulation 80-7 of the Benton Franklin Walla Walla Counties Air Pollution Control Authority.

No small business economic impact statement required by chapter 19.85 RCW.

Hearing Location: Columbia Basin College, Student Union Building, Dining/Conference Room, 2600 North 20th, Pasco, WA, on September 2, 1993, at 8:00 p.m.

Submit Written Comments to: David A. Lauer, Benton Franklin Walla Walla Counties Air Pollution Control Authority, 650 George Washington Way, Richland, WA 993529 [99352], by September 10, 1993.

Date of Intended Adoption: October 7, 1993.

June 21, 1993 David A. Lauer Control Officer

Reviser's note: The material contained in this filing will appear in the 93-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-13-136 PROPOSED RULES DEPARTMENT OF WILDLIFE

[Filed June 23, 1993, 9:02 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-417 1993-94 Migratory waterfowl seasons and regulations; and repealing WAC 232-28-416 1992-93 Migratory waterfowl hunting seasons and regulations.

Purpose: To establish the 1993-94 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: This rule establishes the season length, bag limits, area restrictions, and special regulations for hunting migratory waterfowl.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, A.D., Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Migratory waterfowl seasons are designed to allow recreational harvest of waterfowl without impacts to the stability of waterfowl populations.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Colville Community Center, 430 East Hawthorne, Colville, WA 99114, on August 14, 1993, at 8:00 a.m.

Submit Written Comments to: Rich Poelker, 600 Capitol Way North, Olympia, WA 98501-1091, by August 6, 1993.

Date of Intended Adoption: August 14, 1993.

June 22, 1993 Rich Poelker Administrative Rules Officer

NEW SECTION

WAC 232-28-417 1993-94 Migratory waterfowl seasons and regulations DUCKS

Western Washington

8:00 a.m. Oct. 16-24, 1993 and Nov. 14, 1993-Jan. 2, 1994

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex) and not more than 2 redheads, 2 canvasbacks, or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex) and not more than 4 shall be canvasbacks and/or redheads.

Eastern Washington

Noon Oct. 16-24, 1993 and Nov. 7, 1993-Jan. 2, 1994

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex) and not more than 2 redheads, 2 canvasbacks, or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex), and not more than 4 shall be canvasbacks and/or redheads.

COOT (Mudhen)

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 25 coots. Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 8 snipe. Possession limit: 16 snipe.

Caution: Hunters must take care in their identification of common snipe. Many species of estuarine shorebirds, similar in appearance to common snipe, are found in the same areas, particularly in Western Washington. Common snipe do not fly in flocks.

GEESE (except Brant, Cackling, and Aleutian Canada Geese) Western Washington

Oct. 16, 1993-Jan. 2, 1994 in Island, Skagit, and Snohomish counties.

Daily bag limit: 3 geese. Possession limit: 6 geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain written authorization from a Washington Department of Wildlife office. Application forms must be delivered to a Department office no later than September 10 or postmarked on or before September 10. With the authorization, hunters will receive a hunter activity and harvest report form. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the narvest report form to the Department of Wildlife by January 31, 1994 will be ineligible to participate in the 1994 snow goose season.

Oct. 16, 1993-Jan. 23, 1994 in all other parts of Western Washington EXCEPT: Canada geese in Clark, Cowlitz, Pacific, and Wahkiakum counties. (See seasons and special requirements for these counties below.)

Daily bag limit: 4 geese. Possession limit: 8 geese.

*Special Canada Goose Season for Clark, Cowlitz, Pacific, and Wahkiakum counties:

Special season for 1993-94 arranged cooperatively by the Washington Department of Wildlife and the U.S. Fish and Wildlife Service.

The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 90 geese.

Canada goose season is OPEN in Clark County and on all lands in Cowlitz County south of the Kalama River only on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 28, 30, 1993

Dec 4, 8, 12, 14, 18, 22, 26, 28, 1993

Jan. 2, 4, 8, 12, 16, 18, 22, 1994

Canada goose season is OPEN in Pacific and Wahkiakum counties, and on all lands in Cowlitz County north of the Kalama River from 8:00 a.m. to 4:00 p.m., Saturdays, Sundays, and Wednesdays only, Nov. 27, 1993-Jan. 23, 1994.

Bag limits for both areas:

Season limit: 1 dusky Canada goose.

Daily bag limit: 3 geese, only one of which may be a dusky Canada goose.

Possession limit: 6 geese, only one of which may be a dusky Canada goose.

Hunting only by written authorization from the Washington Department of Wildlife. Hunters who maintained a valid 1992 written authorization will be mailed a 1993 authorization card prior to the 1993 season. Hunters who did not maintain a valid 1992 authorization must attend a goose identification class at a Department of Wildlife office to receive authorization. With the authorization, hunters will receive a hunter activity and harvest report form. Hunters must carry the authorization card and harvest report form while hunting. Immediately after taking a Canada goose into possession, hunters must record in ink the information required on the harvest report form. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. Written authorization will be revoked in the event that a hunter takes a dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report form.

Eastern Washington

Eastern Washington Goose Management Area 1

Saturdays, Sundays, and Wednesdays only, from noon Oct. 16, 1993-Jan. 16, 1994; Nov. 11, 25, 26, Dec. 24, 1993, and Dec. 31, 1993; and every day Jan. 16-23, 1994.

Eastern Washington Goose Management Area 2

Saturdays, Sundays, Tuesdays, and Wednesdays only, from noon Oct. 16, 1993-Jan. 17, 1994; Nov. 11, 25, 26, Dec. 24, 27, 30, 31, 1993; and every day Jan. 17-23, 1994.

Eastern Washington Goose Management Area 3

Noon Oct. 16, 1993-Jan. 23, 1994.

Bag limits for all areas: Daily bag limit: 4 geese. Possession limit: 8 geese.

BRANT

Open in Skagit, Pacific, and Whatcom counties on the following dates: Dec. 4, 5, 7, 8, 9, 11, 12, 14, 16, 18, and 19, 1993.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain written authorization from Washington Department of Wildlife. Hunters who held a 1992 authorization and returned a harvest report prior to the deadline will be mailed a 1993 authorization in October. Hunters who did not possess a 1992 authorization must fill out an application (available at Washington Department of Wildlife regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10. With the authorization, hunters will receive a hunter activity and harvest report form. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by Jan. 31, 1994 will be ineligible to participate in the 1994 brant season.

Daily bag limit: 2 brant. Possession limit: 4 brant.

Cackling and Aleutian Canada Geese, Swans

Season closed statewide.

EASTERN WASHINGTON GOOSE MANAGEMENT AREA 1

All of Lincoln, Spokane, and Walla Walla counties, and these parts of the following counties listed below:

Grant County: Those parts east of line beginning at the Douglas-Lincoln County line on State Highway 174, southwest on State Highway 174 to State Highway 155, south on State Highway 155 to U.S. Highway 2, southwest on U.S. Highway 2 to the Pinto Ridge Road, south on Pinto Ridge Road to State Highway 28, east on State Highway 28 to the Stratford Road, south on the Stratford Road to State Highway 17, south on State Highway 17 to the Grant-Adams County line.

Adams County: Those parts east of State Highway 17.

Franklin County: Those parts east and south of a line beginning at the Adams-Franklin County line on State Highway 17, south on State Highway 17 to U.S. Highway 395, south on U.S. Highway 395 to U.S. Interstate I-182, west on U.S. Interstate I-182 to the Franklin-Benton County line.

Benton County: Those parts south of U.S. Interstates I-182 and I-82.

Klickitat County: Those parts east of U.S. Highway 97.

EASTERN WASHINGTON GOOSE MANAGEMENT AREA 2

All of Okanogan, Douglas, and Kittitas counties and those parts of Grant, Adams, Franklin, and Benton counties not included in Eastern Washington Goose Management Area 1.

EASTERN WASHINGTON GOOSE MANAGEMENT AREA 3

All other parts of eastern Washington not included in Eastern Washington Goose Management Areas 1 and 2.

STEEL SHOT ZONES

It is unlawful to possess while hunting for or to take ducks geese, or coots with shotshells or a muzzleloader shotgun loaded with any **metal** other than steel in all areas of Washington.

Skagit Wildlife Area Restrictions. It is unlawful to possess while hunting, shotshells or a muzzleloader shotgun loaded with any metal other than steel on the Skagit Wildlife Area This change will reduce the lead shot availability in waterfowl feeding areas.

SPECIAL CLOSURES AND REGULATIONS

Special Closures

Columbia River:

It is unlawful to hunt waterfowl, coot, or snipe on or withir one-fourth mile of the Columbia River in the following areas:

- —Between the railroad bridge at Wishram and east along the Columbia River to the grain elevator at Roosevelt.
- —Between Rock Island Dam and the Chelan County substation at Winesap in Chelan County and between Rocl Island Dam and a point in Douglas County perpendicular to the Chelan County substation at Winesap.
- —Between Chief Joseph Dam and the mouth of Nespelen Creek in Okanogan and Douglas counties.
- —From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (High way 24).
- —On or within one-fourth mile of Badger and Foundation Islands in Walla Walla County.

It is unlawful to hunt game birds on the Columbia River o from any island in the Columbia River in the followin; areas:

- —From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area (Check with Umatilla National Wildlife Refuge for othe federal regulations for this area.)
- —Between the public boat launch at Sunland Estates i Grant County (Wanapum Pool) and a point perpendicular i Kittitas County; upstream to the posted marker 200 yard north of Quilomene Bay and a point perpendicular in Gran County, including islands.

The U.S. Department of Energy retains security closures on the Hanford Reservation along the Columbia River.

Snake River

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

- —On or within one-half mile of the Snake River from the Highway 12 bridge upriver to Lower Monumental Dam.
- —On or within one-fourth mile of the Snake River between the Interstate Highway 12 bridges at Clarkston, downstream to the Lower Granite Dam.

Yakima River

It is unlawful to hunt waterfowl, coot, or snipe within one-fourth mile of the Yakima River in the following areas:

- —From the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).
- -From the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

I-82 Ponds

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

—Those waters under Department of Wildlife ownership known as Ponds 1, 2, 3, and 6 north and east of Interstate 82 and south and east of S.R. 12 from the city limits of Union Gap to the Zillah/Toppenish Road.

Padilla Bay

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—Swinomish Spit Game Reserve—Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; then in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); thence 6,000 feet ENE (East-northeast)/thence 3,300 feet SSE (South-southeast); thence 4,200 feet SW (southwest) to the dike at the south end of Padilla Bay; thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

—Bayview Game Reserve—Beginning at a point on the Bayview-Edison Road 750 feet south of the intersection of the Bayview Cemetery Entrance road; thence 4,000 feet WNW (west-northwest); thence 5,750 feet NNW (northnorthwest); thence 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay Tract No. 532; thence east to the northeast corner of Padilla Bay Tract No. 532; thence SSE (south-southeast) to the Bayview-Edison Road; thence southerly along said road to the point of beginning.

Special Regulations

Skagit Wildlife Area Shotgun Shell Restriction

It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

It is unlawful to hunt waterfowl from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

Belfair - Hood Canal

It is unlawful to have in possession more than 15 shot shells or to fire more than 15 shot shells in one day, on Hood Canal east of Belfair State Park.

It is unlawful to hunt waterfowl in Lynch Cove and the Union River except in designated blinds. The western and southern boundaries of this closure are posted with red steel markers. (This includes all of the Washington Department of Wildlife and Thelar Wetlands lands.)

FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, an Eastern Washington Upland Bird Permit or the Western Washington Upland Bird Permit is required for pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl are required. A 1994 hunting license, 1994 falconry license, and a 1994 Eastern or Western Washington Upland Bird Permit is required for pheasant, partridge, and grouse after Dec. 31.

Ducks, Coots, and Snipe

(Bag limits include geese and mourning doves.)

Western Washington

Oct. 15-30, 1993 - Jan. 30, 1994

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

Eastern Washington

Oct. 16-24; Nov. 7, 1993-Jan. 2, 1994; Jan. 29-Mar. 10, 1994

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

Geese

(Bag limits include ducks, coot, snipe, and mourning doves)

Oct. 16, 1993-Jan. 30, 1994, statewide

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-416

1992-93 Migratory waterfowl hunting seasons and regulations

WSR 93-13-137 PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed June 23, 1993, 10:00 a.m.]

Original Notice.

Title of Rule: Commissioner approved training.

Purpose: To amend WAC 192-12-180, 192-12-182, 192-12-184, and 192-12-186. The amendments are to clarify the policy of the department regarding commissioner approved training.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.20.043.

Summary: The department is amending existing regulations to establish consistency of policy and equity for the worker and employer community. The amendments are consistent and equitable for all claimants when considering approval for commissioner approved training.

Reasons Supporting Proposal: The department believes the equity these amendments provide to unemployed workers drawing UI benefits to attend training will maximize the interests of both the workers and employers.

Name of Agency Personnel Responsible for Drafting: Bob Wagner, 212 Maple Park, (206) 586-8486; Implementation and Enforcement: Marie Brillante, 212 Maple Park, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules identified in this notice all relate to the waiver of certain eligibility requirements for unemployment insurance benefits during a course of training approved by the commissioner. WAC 192-12-180 defines the term "training" as it relates to commissioner approved training; WAC 192-12-182 describes the elements to be considered during the evaluation of an application for commissioner approval of training; WAC 192-12-184 sets out eligibility standards for the receipt of unemployment insurance benefits while in commissioner approved training; and WAC 192-12-186 states that decisions by the commissioner must be in writing and delivered to the individual.

Proposal Changes the Following Existing Rules: WAC 192-12-180 is amended to broaden the range of training opportunities available under commissioner approved training; WAC 192-12-182 amends the approval process to include assessment, training plans and an evaluation of the supply of workers in the labor market; WAC 192-12-184 is amended to address full-time training, satisfactory progress and describes conditions under which an individual may leave work to enter or return to approved training; and WAC 192-12-186 is amended to require that decisions concerning

commissioner approved training be directed to all interested parties.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Job Service Center, Ponderosa Room, Second Floor, South 130 Arthur, Spokane, WA 98220, on July 27, 1993, at 10:00 a.m.-1:00 p.m.; and at the Tacoma Public Library, Olympic Room, 1102 Tacoma Avenue South, Tacoma, WA 98402, on July 27, 1993, at 6:30 p.m.-8:30 p.m.

Submit Written Comments to: Employment Security Department, Attn: Bob Wagner, UI Tax Administration, P.O. Box 9046, Olympia, WA 98507-9046, by July 27, 1993.

Date of Intended Adoption: July 28, 1993.

June 23, 1993 Israel David Mendoza, Director Office of Policy Support and Comm.

AMENDATORY SECTION (Amending Order 2-89, filed 1/18/89)

WAC 192-12-180 Training defined. (1) As used in RCW 50.20.043 the term "training" means ((vocational or technical training or retraining (including but not limited to field or laboratory work and remedial or related academic and technical instruction incident thereto) which is being conducted as a program designed to prepare individuals for gainful employment in recognized occupations and in new and emerging occupations,)) a course of education with the primary purpose of training the applicant in skills that will allow him or her to obtain employment.

(((2) The term "training" does not include basic education or training that has for its purpose the preparation of individuals for employment in occupations generally classified as professional or which require a baccalaureate or higher degree from institutions of higher education.))

(2) The term training does not include a course of education primarily intended to meet the requirements of any degree from a college, community college, or university.

(((3) The assistant commissioner for unemployment insurance may determine that a course of education or training is "training" for the purposes of RCW 50.20.043, notwithstanding subsections (1) and (2) of this section. Any determination made under this subsection (3) must be made in writing.))

AMENDATORY SECTION (Amending Order 2-89, filed 1/18/89)

WAC 192-12-182 Training—Approval by commissioner. Conditions for approval of training by the commissioner are as follows:

(1) ((No vocational training course, or courses in basic educational skills as a prerequisite for such vocational training,)) No training shall be considered for approval by the commissioner or his or her authorized representative unless:

An application to take such training ((eourse)) is made in writing and ((filed with)) submitted to the commissioner at any local office of the Washington employment security department, or in the case of an individual in another state, ((with)) to the local office of such state through which the

individual is filing his <u>or her</u> claim for unemployment compensation against the state of Washington. ((Such application must be filed prior to payment.))

- (2) In the approval of any ((program of)) training, the commissioner shall ((consider)) assess, among other factors, the following:
- (a) The applicant's plan for completion of the training, and
- (((a))) (b) The nature of the facility and the quality of the ((program of instruction)) training, and
- (((b))) (c) Whether ((such program of instruction)) the training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in the ((state)) labor market in which the individual intends to seek work, and
- $((\frac{(e)}{(e)}))$ (d) Whether an oversupply of qualified workers exists, and
- (((e))) (e) Whether the individual has the qualifications and aptitudes to successfully complete such ((program of instruction)) training; and further
- (((d))) (f) Whether employment opportunities for which the individual is fitted by past training and experience do not exist or have substantially diminished in the labor market due to business or economic conditions in the area, or because of conditions peculiar to the individual such as health, physical stature, criminal background, or other circumstances of a similar nature, to the extent that in the judgment of the commissioner the individual will experience an extended period of unemployment and dependence upon the unemployment compensation program.
- (3) Any training ((program)) required ((as a condition of continued employment)) within ((the)) an occupation shall be approved by the commissioner: PROVIDED, That:
- (a) The training ((program is vocational training, or basic education that is a prerequisite for vocational training)) is a condition of continued employment, and
- (b) The scheduling of the training is determined by a work related entity ((other than)), and not by the claimant, and
- (c) The training ((program)) meets the requirements of subsections (2)(a), (b), ((and)) (c), (d), and (e) of this section. ((Requirements of subsection (2)(d) of this section do not apply to training programs which meet the requirement of this subsection.))
- (4) An academic training course may be approved if the conditions of subsections (1) and (2) of this section are met, and the training meets specific requirements for certification, licensing, or specific skills necessary for the occupation.
- (((a) The duration of the course of study is less than six months, and
- (b) The course meets specific requirements for certification, licensing, or specific skills necessary for the occupation, and
- (e) The assistant commissioner for unemployment insurance reviews and approves, in writing, the application for approval of training.))
- (5) In the case of individuals with physical or sensory handicaps or other unusual individual circumstances, a written decision of the ((assistant)) commissioner ((for unemployment)) may waive any of the requirements of this section on an individual basis.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 4-80, filed 8/6/90)

WAC 192-12-184 Training—Unemployment benefits while pursuing ((a course)) <u>Training</u>. The commissioner prescribes the following requisites:

- (((1) Individuals eligible for unemployment compensation under the provisions of RCW 50.20.010 shall not be ineligible for such benefits because of enrollment and attendance in a vocational training course, or a course in basic educational skills as a prerequisite for such vocational training, that is approved by the commissioner provided that an application to take such training course therefor is made in writing and filed with the commissioner at any local office of the Washington employment security department, or in the case of an individual in another state, with the local office of such state through which the individual is filing his claim for unemployment compensation against the state of Washington.
- (2) Any claimant who, during a week, fails to attend half or more of the scheduled class days of the approved training, or a course in basic educational skills as a prerequisite for such training, will not be excused from meeting the availability for work and active search for work requirements of RCW 50.20.010(3) and the provisions of RCW 50.20.080 relating to failure to apply for, or refusal to accept suitable work, unless the training facility or organization certifies that such absence will not cause the claimant to be unsuccessful in completing the course.
- (3) The claimant will certify his/her record of attendance each week, subject to verification by the Washington employment security department. Such certification shall include the claimant's attendance and a supporting statement explaining any absences. The department may contact the school regarding any absence to determine whether or not such absence will cause the claimant to be unsuccessful in completing the course.
- (4) A claimant making application for unemployment compensation pursuant to the Employment Security Act and these regulations must comply with all other requirements of the Employment Security Act and commissioner's regulations.))
- (1) Training shall be full-time and the training facility will determine whether the claimant is enrolled in training on a full-time basis and whether he or she is making satisfactory progress.
- (2) The claimant shall notify the department if he or she discontinues or suspends the training, or reduces enrollment to less than full-time.
- (3) If enrollment drops below full-time or satisfactory progress is not being made, the claimant may be required to show that he or she is meeting the availability for work and active search for work requirements of RCW 50.20.010(3) and the provisions of RCW 50.20.080 relating to failure to apply for, or refusal to accept suitable work.
- (4) For the purposes of RCW 50.20.050(3), participation in training previously approved by the commissioner works an unreasonable hardship on the individual when he or she

would be required to continue in employment beyond the start or resumption date of the training.

AMENDATORY SECTION (Amending Order 2-73, filed 11/15/73)

WAC 192-12-186 Training—Commissioner approval or denial of training ((Denial of commissioner approval or continued approval of claim for unemployment benefits while pursuing a training course)). The decision of the commissioner ((or his authorized representative)) to approve or disapprove an application ((of an individual-or deny continued approval of an individual's claim for unemployment benefits under the provisions of the Employment Security Act and these regulations)) for training shall be in writing and shall set forth the reasons therefor. Decisions of the commissioner pursuant to these regulations shall be served upon ((the individual by personal delivery or by mailing to the individual's last known address of record with the employment security department)) all interested parties and shall be subject to appeal and review as provided under RCW 50.32.020, 50.32.070, and these regulations.

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 93-13-138 PROPOSED RULES DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed June 23, 1993, 10:25 a.m.]

Original Notice.

Title of Rule: Amending chapter 365-195 WAC, Procedural criteria for adopting comprehensive plans and development regulations; adding Part Seven (Relationship of Growth Management Planning to Other Laws) and Part Eight (Development Regulations).

Purpose: To complete the procedural criteria by adding the final two parts to the basic regulation. The criteria as a whole are adopted to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of the Growth Management Act.

Statutory Authority for Adoption: RCW 36.70A.190

(4)(b).

Statute Being Implemented: Chapter 36.70A RCW.

Summary: New sections address other laws which may affect or be affected by growth management planning and development regulations for implementing comprehensive plans.

Reasons Supporting Proposal: The department's technical assistance program is required by statute to include procedural criteria to assist local jurisdictions.

Name of Agency Personnel Responsible for Drafting: Wick Dufford, Criteria Coordinator, Olympia, (206) 586-1274; Implementation and Enforcement: Mike McCormick, Assistant Director, Olympia, (206) 753-2222.

Name of Proponent: [Department of Community Development], governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Part Seven (Relationship of Growth Management Planning to Other Laws) identifies other legal requirements of which growth management planners should be aware and discusses ways to integrate consideration of those requirements with the products of growth management. Also addressed is compliance with growth management plans and regulations by state agencies and special districts. Part Eight (Development Regulations) recommends the creation of an implementation strategy for development regulations and discusses various specific types of regulations which will be needed, including regulations about concurrency and the siting of essential public facilities. The purpose of these new sections is to provide assistance to counties and cities in carrying out functions under the Growth Management Act. The affects cannot be precisely anticipated because local jurisdictions may adopt other approaches to compliance with the act.

Proposal Changes the Following Existing Rules: The existing chapter will be amended to add a definition of "affordable housing" to WAC 365-195-210 and to clarify provisions for submissions by counties and cities to the state in WAC 365-195-620.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not for the following reasons: The rules are procedural, interpretive, and optional. The rules do not impose regulatory burdens or other restrictions on business, and include no requirements for forms, fees, appearances or compliance actions by business. The rules are addressed to government entities to assist them in making choices that will ultimately be reflected in local land use regulations. The economic affect of these rules on industry, if any, is therefore indirect, subject to intervening decisions which are as yet unknown. Such affect cannot be ascertained and meaningfully evaluated.

Hearing Location: State General Administration Building, Main Floor Auditorium, Olympia, Washington, on July 28, 1993, commencing at 1:30 p.m.; and at the Hal Holmes Center, 201 North Ruby, Ellensburg, WA, on July 29, 1993, commencing at 1:30 p.m.

Submit Written Comments to: Wick Dufford, Department of Community Development, P.O. Box 48300, Olympia, WA 98504-8300, by July 30, 1993.

Date of Intended Adoption: August 5, 1993.

June 23, 1993 Barbara Gooding Director

AMENDATORY SECTION (Amending WSR 92-23-065 filed 11/17/92, effective 12/18/92)

WAC 365-195-210 Definitions of terms as used in this chapter. The following are definitions of terms which are not defined in RCW 36.70A.030 but which are defined here for purposes of these procedural criteria. The department recommends that counties and cities planning under the act adopt these definitions in their plans:

- (((1))) "Act" means the Growth Management Act as enacted in chapter 17, Laws of 1990 1st ex. sess., and chapter 32, Laws of 1991 sp. sess., state of Washington.
- (((2))) "Adequate public facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
- (((3))) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

"Available public facilities" means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

- $((\frac{(4)}{)})$ "Concurrency" means that adequate public facilities are available when the impacts of development occur. This definition includes the two concepts or "adequate public facilities" and of "available public facilities" as defined above.
- $((\frac{5}{)})$ "Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.
- (((6))) "Coordination" means consultation and cooperation among jurisdictions.
- $((\frac{7}{(7)}))$ "Contiguous development" means development of areas immediately adjacent to one another.
- (((8))) "Demand management strategies," or "transportation demand management strategies (TDM)" means strategies aimed at changing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies, telecommuting.
- (((9))) "Domestic water system" means any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended use of a development.
- (((10))) "Financial commitment" means that sources of public or private funds or combinations thereof have been identified which will be sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.
- (((11))) "Growth Management Act" see definition of Act."
- (((12))) "Level of service" means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.
- (((13))) "Master planned resort" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.
- (((14))) "New fully contained community" is a development proposed for location outside of the existing designated urban growth areas which is characterized by urban densi-

- ties, uses, and services, and meets the criteria of RCW 36.70A.350.
- (((15))) "Planning period" means the twenty-year period following the adoption of a comprehensive plan or such longer period as may have been selected as the initial planning horizon by the planning jurisdiction.
- (((16))) "Public service obligations" means obligations imposed by law on utilities to furnish facilities and supply service to all who may apply for and be reasonably entitled to service.
- (((17))) "Regional transportation plan" means the transportation plan for the regionally designated transportation system which is produced by the regional transportation planning organization.
- (((18))) "Regional transportation planning organization (RTPO)" means the voluntary organization conforming to RCW 47.80.020, consisting of local governments within a region containing one or more counties which have common transportation interests.
- (((19))) "Rural lands" means all lands which are not within an urban growth area and are not designated as natural resource lands having long term commercial significance for production of agricultural products, timber, or the extraction of minerals.
- (((20))) "Sanitary sewer systems" means all facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment, or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial, or industrial waste.
- (((21))) "Solid waste handling facility" means any facility for the transfer or ultimate disposal of solid waste, including land fills and municipal incinerators.
- (((22))) "Transportation facilities" includes capital facilities related to air, water, or land transportation.
- (((23))) "Transportation level of service standards" means a measure which describes the operational condition of the travel stream and acceptable adequacy requirements. Such standards may be expressed in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety.
- (((24))) "Transportation system management (TSM)" means the use of low capital expenditures to increase the capacity of the transportation system. TSM strategies include but are not limited to signalization, channelization, and bus turn-outs.
- (((25))) "Utilities" or "public utilities" means enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage.
- (((26))) "Visioning" means a process of citizen involvement to determine values and ideals for the future of a community and to transform those values and ideals into manageable and feasible community goals.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-220 Additional definitions to be adopted locally. In addition to adopting definitions of terms set forth in the preceding section, planning jurisdictions should consider developing local definitions of the following, to the extent such terms are used in local plans. The definitions should in every case be consistent with countywide planning policies:

(((1) "Affordable housing."

(2))) "Development rights."

(((3))) "Essential public facilities."

(((4))) "Rural governmental services."

(((5))) "Objectives, principles, and standards."

(((6))) "Related regional issues."

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-620 Submissions to state. (1) Each county or city proposing adoption of a comprehensive plan or development regulations shall notify the department of its intent at least sixty days prior to final adoption. Notification shall be made by filing with the department two complete copies of the plan or development regulation(s), or one copy and a computer disc containing the plan or development regulation(s). State agencies including the department many provide comments, during the public review process prior to adoption.

(2) Each county or city planning under the act shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3) Any proposed amendments for permanent changes to a comprehensive plan or development regulation shall be submitted to the department in the same manner as initial plans and development regulations. Adopted amendments shall be transmitted to the department in the same manner as the initial plans and regulations.

PART SEVEN RELATIONSHIP OF ((GMA)) GROWTH MANAGEMENT PLANNING TO OTHER LAWS

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-700 ((Analysis of preemption.))

Background. (((Reserved.))) For local jurisdictions subject to its terms, the Growth Management Act mandates the development of comprehensive plans and development regulations that meet statutory goals and requirements. These plans and regulations will take their place among existing laws relating to resource management, environmental protection, regulation of land use, utilities and public facilities. Many of these existing laws were neither repealed nor amended by the act.

This circumstance places responsibilities both on local growth management planners and on administrators of preexisting programs to work toward producing a single harmonious body of law.

The need to consider and recognize other laws should profoundly influence, limit and shape planning and decision making under the act. At the same time, in recognition of the broad and fundamental changes intended by creation of the growth management scheme, prior programs should be interpreted and directed, to the maximum extent possible, in a manner consistent with the products of the comprehensive new land use management system.

The far-reaching nature of the act and the wide variety of possible outcomes under its authority dictate that identification of all the points of contact between its products and other laws will have to be elaborated over time. The entire process of determining how the act fits into the overall legal framework will, of necessity, be an incremental one. Nonetheless, for growth management to succeed, this process must be begun at the outset.

At the planning stage, this means that a conscious effort to address the requirements of other existing law is needed as an essential initial step in the process. This need poses an unprecedented challenge to all governmental entities—municipalities, counties, regional authorities, special districts and state agencies—to communicate and collaborate. The act is a mandate to government at all levels to engage in coordinated planning and cooperative implementation.

NEW SECTION

WAC 365-195-705 Basic assumptions. (1) Where the legislature has spoken expressly on the relationship of the act to other statutory provisions, the explicit legislative directions should be carried out. Examples of such express provisions are set forth in WAC 365-195-750.

(2) Absent a clear statement of legislative intent or judicial interpretation to the contrary, it should be presumed that neither the act nor other statutes are intended to be preemptive. Rather they should be considered together and, wherever possible, construed as mutually consistent.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-710 ((Takings analysis.)) Identification of other laws. (((Reserved.))) (1) In the development of their comprehensive plans and implementing regulations cities and counties planning under the act should attempt to identify other statutes and legal authorities affecting subjects addressed by the plans and regulations.

(2) To aid in this identification, state agencies, regiona authorities, special districts and utilities should implement programs to inform the planning entities of relevant programs and provisions within their jurisdiction or expertise Every effort should be made to provide this information before the plan drafting process is complete.

(3) Opportunities to comment on draft comprehensive plans or on related SEPA documents should be used by commenting agencies as additional occasions for advising planning jurisdictions of preexisting programs and related legal authorities.

- WAC 365-195-715 Integrating external considerations. (1) Agencies administering existing programs have already generated data, performed analyses and developed effective approaches to many of the challenges posed by the act. Planners should take advantage of such experience and use it to shape the form and content of plans and regulations under the act where relevant.
- (2) Governmental entities with expertise in subjects affecting or affected by the act and private companies which provide public services should, as practicable, offer assistance to counties and cities planning under the act in formulating their plans and regulations, through model ordinances, model plan provisions, direct drafting assistance, or other technical advice.
- (3) The drafting of comprehensive plans and development regulations should involve the identification of other related laws, an evaluation any potential areas of conflict and an effort to avoid such conflicts. Where the text of outside sources can appropriately serve local needs, consideration should be given to adoption of that text in local plans or regulations.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-720 ((State agency compliance.))
Sources of law. (((Reserved.))) (1) In seeking to identify other relevant legal authorities, planners should refer to sources at all levels of government, including federal and state Constitutions, federal and state statutes, federal and state administrative regulations, and judicial interpretations thereof.

(2) The categories set forth in WAC 365-195-725 through 365-195-755 are an attempt to assist planners by highlighting various kinds of external legal provisions with which planning under the act should be concerned. Some of the categories overlap. The listing is not exhaustive. It is intended to supplement, not substitute for the informational efforts of state agencies, regional authorities, special districts and utilities.

NEW SECTION

WAC 365-195-725 Constitutional provisions. (1) Local plans and regulations adopted under the act are subject to the supremacy principle of Article VI, United States Constitution and of Article XI, Section 11, Washington state Constitution.

(2) Counties and cities planning under the act are required to use a process established by the state attorney general to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. This process is set forth in a publication entitled, "State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property," first published in February 1992. Review and updating of this process by the attorney general is required on at least an annual basis to maintain consistency with changes in case law.

NEW SECTION

WAC 365-195-730 Federal authorities. (1) The drafting of plans and development regulations under the act should involve a consideration of the effects of federal authority over land or resource use within the planning area, including:

- (a) Treaties with Native Americans;
- (b) Jurisdiction on land owned or held in trust by the federal government;
- (c) Federal statutes or regulations imposing national standards;
 - (d) Federal permit programs and plans.
- (2) Examples of such federal standards, permit programs and plans are:
- (a) National ambient air quality standards, adopted under the Federal Clean Air Act;
- (b) Drinking water standards, adopted under the Federal Safe Drinking Water Act;
- (c) Effluent limitations, adopted under the Federal Clean Water Act;
- (d) Dredge and fill permits issued by the Army Corps of Engineers under the Federal Clean Water Act;
- (e) Licenses for hydroelectric projects issued by the Federal Energy Regulatory Commission;
- (f) Plans created under the Pacific Northwest Electric Power Planning and Conservation Act;
- (g) Recovery plans and the prohibition on taking listed species under the Endangered Species Act.

NEW SECTION

WAC 365-195-735 State and regional authorities.

- (1) The drafting of plans and development regulations under the act should involve a consideration of numerous state and regional regulatory and planning provisions affecting land use, resource management, environmental protection, utilities, or public facilities including:
- (a) State statutes and regulations imposing state-wide standards;
- (b) Programs involving state-issued permits or certifications:
- (c) State statutes and regulations regarding rates, services, facilities and practices of utilities, and tariffs of utilities in effect pursuant to such statutes and regulations;
 - (d) State and regional plans;
 - (e) Regulations and permits issued by regional entities;
- (f) Locally developed plans subject to approval or review by state or regional entities.
 - (2) Examples of state-wide standards are:
- (a) Water quality standards and sediment standards, adopted by the department of ecology under the state Water Pollution Control Act;
- (b) Drinking water standards adopted by the department of health pursuant to the Federal Safe Drinking Water Act;
- (c) Minimum functional standards for solid waste handling, adopted by the department of ecology under the state Solid Waste Management Act;
- (d) Minimum cleanup standards under the Model Toxics Control Act;
- (e) Statutory requirements under the Shoreline Management Act and implementing guidelines and regulations adopted by the department of ecology;

- (f) Standards for forest practices, adopted by the forest practices board under the state Forest Practices Act;
- (g) Minimum requirements for flood plain management, adopted by the department of ecology under the Flood Plain Management Act.
- (h) Minimum performance standards for construction pursuant to the state building code;
- (i) Safety codes, such as the electrical construction code, adopted by the department of labor and industries.
- (3) Examples of programs involving state issued permits or certifications are:
- (a) Permits relating to forest practices, issued by the department of natural resources;
- (b) Permits relating to surface mining reclamation, issued by the department of natural resources;
- (c) National pollutant discharge elimination permits and waste discharge permits, issued by the department of ecology;
- (d) Water rights permits, issued by department of ecology under state surface and ground water codes;
- (e) Hydraulic project approvals, issued by departments of fisheries and wildlife under the state fisheries code;
- (f) Water quality certifications, issued by the department of ecology;
- (g) Operating permits for public water supply systems, issued by the state health department;
- (h) Site certifications developed by the energy facility site evaluation council.
- (i) Permits relating to the generation, transportation, storage or disposal of dangerous wastes, issued by the department of ecology.
 - (4) Examples of state and regional plans are:
- (a) State implementation plan for ambient air quality standards under the Federal Clean Air Act;
 - (b) State transportation policy plan;
- (c) Instream resource protection regulations for water resource inventory areas adopted under the Water Resources Act of 1971;
- (d) Ground water management area programs, adopted pursuant to the ground water code;
- (e) Puget Sound water quality management plan adopted by the puget sound water quality authority.
 - (f) State outdoor recreation and open space plan;
 - (g) State trails plan.
- (5) Examples of regulations and permits issued by regional entities are:
- (a) Solid waste disposal facility permits issued by health departments under the Solid Waste Management Act;
- (b) Regulations adopted by regional air pollution control authorities.
- (c) Operating permits for air contaminant sources issued by regional air pollution control authorities.
- (6) Examples of locally developed plans subject to approval or review by state or regional agencies are:
- (a) Shorelines master programs, approved by the department of ecology;
- (b) The consistency requirement for lands adjacent to shorelines of the state set forth in RCW 90.58.340.
- (c) Coordinated water system plans for critical water supply service areas, approved by the state health department;

- (d) Plans for individual public water systems, approved by the state health department;
- (e) Comprehensive sewage drainage basin plans, approved by the department of ecology;
- (f) Local moderate risk waste plans, approved by the department of ecology;
- (g) Plans required to be filed with the utilities and transportation commission in accordance with WAC 480-100-251.

WAC 365-195-740 Regional perspective. Some of the above authorities require planning for particular purposes for areas related by physical features, such as watersheds rather than by political boundaries. Moreover, the systems addressed in resource management, service by utilities, fish and wildlife management and pollution control are generally not circumscribed by city and county lines. Planning entities should attempt to identify those subject areas which by law or logic require a regional planning approach and, where this is the case, work toward creating collaborative processes involving all agencies with jurisdiction in the relevant geographical area. This approach, where followed, should assist in achieving interjurisdictional consistency.

NEW SECTION

- WAC 365-195-745 Special siting statutes. (1) Plans and regulations adopted under the act should accommodate situations where the state has explicitly preempted all loca land use regulations, as for example, in the siting of major energy facilities under RCW 80.50.110.
- (2) Where special statutes relate specifically to the setting aside of designated areas for particular purposes and under particular management programs, local land use regulations adopted under the act should be consistent with those purposes and programs. Examples in this category are the statutes relating to:
 - (a) Natural resource conservations areas;
 - (b) Natural area preserves;
 - (c) Seashore conservation area.
 - (d) Scenic rivers.

NEW SECTION

- WAC 365-195-750 Explicit statutory directions. (In approving the Growth Management Act, the legislature expressly amended numerous existing statutes. On the matters they address, these amendments define the relation ship of such existing statutes to comprehensive plans and development regulations under the act. Examples are:
- (a) RCW 19.27.097 (state building code evidence o adequate supply of potable water.)
- (b) RCW 35.13.005 (annexation of unincorporated area prohibited beyond urban growth areas)
- (c) RCW 35.58.2795 (municipal corporations six-yea transit plan consistent with GMA comprehensive plans)
- (d) RCW 35.77.010 (city streets six-year comprehen sive street program consistent with GMA comprehensiv plans)
- (e) RCW 35A.14.005 (annexation by code cities prohibited beyond urban growth areas)

- (f) RCW 36.81.121 (county roads six-year comprehensive road program consistent with GMA comprehensive plans)
- (g) RCW 36.94.040 (sewerage, water, drainage systems incorporation of relevant comprehensive plan provisions nto sewer or water general plan)
- (h) RCW 56.08.020 (sewer districts district comprenensive sewer plan consistent with urban growth area restrictions)
- (i) RCW 57.16.010 (water districts district comprehensive water plan consistent with urban growth area restrictions)
- (j) RCW 58.17.060 (short plats written findings about appropriate provisions for infrastructure)
- (k) RCW 58.17.110 (subdivisions written findings about appropriate provisions for infrastructure)
- (1) RCW 58.18.440 (land development authority of 3MA planning entities to require relocation assistance)
- (m) RCW 86.12.200 (comprehensive flood control nanagement plans may be incorporated into comprehensive plans under the act)
- (2) Approval of the act included the creation of a new chapter (chapter 47.80 RCW) authorizing and assigning luties to regional transportation planning organizations RTPO's). These organizations were given express responsibilities for ensuring the consistency of transportation planning throughout a region containing multiple local governmental jurisdictions.
- (3) Approval of the act included the addition of new sections (RCW 82.02.050 through 82.02.090) concerning mpact fees on development in counties or cities that plan inder the GMA. These sections explicitly authorize and condition the use of such fees as part of the financing of public facility system improvements needed to serve new levelopment.

WAC 365-195-755 Voluntary interjurisdictional planning efforts. Needs for regional and interagency planning coordination have in some areas been responded to n the past by innovative voluntary planning efforts, such as the timber, fish and wildlife agreement and the Chelan agreement regional water resource planning process. Such efforts can provide a valuable source of prior analysis and serve as the basis for plan provisions which accomplish nterjurisdictional consistency. Counties and cities planning under the GMA should evaluate such work for possible ncorporation into their plans and regulations.

NEW SECTION

WAC 365-195-760 Integration of SEPA process with creation and adoption of comprehensive plans and levelopment regulations. (1) The SEPA process is supplementary to other governmental decision-making processes, including the processes involved in creating and adopting comprehensive plans and development regulations under the act. The thoughtful integration of SEPA compliance with the overall effort to implement the act will provide understanding and insight of significant value to the choices growth management requires.

- (2) The growth management process is designed to proceed in phases, moving, by and large, from general policy-making to more specific implementation measures. Phased review available under SEPA can be integrated with the growth management process through a strategy which identifies the points in that process where the requirements of the two statutes are connected and seeks to accomplish the requirements of both at those points.
- (3) In an integrated approach major emphasis should be placed on the quality of SEPA analysis at the front end of the growth management process the local legislative phases of plan adoption and regulation adoption. The objective should be to create programmatic impact statements and progressively more narrowly focused supplementary documents which are sufficiently informative that subsequent environmental analysis at the individual project stage will, ordinarily, need to be neither extensive nor time consuming.
- (4) While not compromising SEPA's basic aim of ensuring consideration of environmental impacts in advance of development, this approach can serve the goal that project applications be processed in a timely manner.
- (5) In the creation of SEPA documents, maximum advantage should be taken of relevant prior environmental analysis through identification and incorporation of statements prepared by other lead agencies in connection with other plans or projects.
- (6) Planners are encouraged to consult the "SEPA/GMA Workbook" published by the department in January of 1993. The workbook deals in detail with the integration of the two statutory processes.

NEW SECTION

WAC 365-195-765 State agency compliance. (1) RCW 36.70A.103 declares that state agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to the act.

- (2) The department construes the provision for state agency compliance to require that each state agency must meet local siting and building requirements when it occupies the position of an applicant proposing development, except where specific legislation explicitly dictates otherwise. Generally this means that the development of state facilities is subject to local approval procedures and substantive provisions, including zoning, density, setbacks, bulk and height restrictions.
- (3) RCW 36.70A.210(4) provides that adopted county-wide planning policies shall be adhered to by state agencies. Consistent with other statutory mandates, state programs should be administered in a manner which does not interfere with implementation of the county framework for interjurisdictional consistency.
- (4) Overall, the broad sweep of policy contained in the act implies a requirement that all programs at the state level accommodate the outcomes of the growth management process wherever possible. State agencies are rarely concerned solely with the rote application of fixed standards. The exercise of statutory powers, whether in permit functions, grant funding, property acquisition or otherwise, routinely involves such agencies in discretionary decision-

making. The discretion they exercise should now take into account the new reality of legislatively mandated local growth management programs.

(5) After local adoption of plans and regulations under the act, state agencies are encouraged to review their existing programs in light of the local plans and regulations. Within relevant legal constraints, this review should lead to redirecting the state's actions in the interests of consistency with the growth management effort.

NEW SECTION

WAC 365-195-770 Compliance by regional agencies and special districts. (1) Regional and special purpose government entities possess statutorily defined powers which include planning, development, regulatory, facility management and taxing functions. Such entities include regional air pollution control authorities, metropolitan municipal corporations, fire protection districts, port districts, public utility districts, school districts, sewer districts, water districts, irrigation districts, flood control districts, diking and drainage districts, park and recreation districts.

(2) Except where any specific enactment may state the contrary, the department interprets the GMA as requiring that regional agencies and special districts comply with the comprehensive plans and development regulations developed under the act.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-800 ((Consistency with)) Relationship to comprehensive plans. (((Reserved.))) (1) Development regulations under the Growth Management Act are specific controls placed on development or land use activities by a county or city. Such regulations must be consistent with comprehensive plans developed pursuant to the act and they must implement those comprehensive plans.

"Implement" in this context has a more affirmative meaning than merely "consistent" (See WAC 365-195-210(5).) "Implement" connotes not only a lack of conflict but sufficient scope to carry out fully the goals, policies, standards and directions contained in the comprehensive plan.

(2) The legislature has specifically provided that the designation of interim urban growth areas shall be in the form of development regulations. Such interim designations shall generally precede the adoption of comprehensive plans.

NEW SECTION

WAC 365-195-805 Implementation strategy. Each county or city planning under the act should develop a detailed strategy for implementing its comprehensive plan. The strategy should describe the regulatory and nonregulatory measures (including actions for acquiring and spending money) to be used in order to apply the plan in full. The strategy should identify each of the specific development regulations needed.

(1) Selection. In determining the specific regulations to be adopted, jurisdictions may select from a wide variety of types of controls. The strategy should include consideration of:

- (a) The choice of substantive requirements, such as the delineation of use zones; general development limitation concerning lot size, setbacks, bulk, height, density; provisions for environmental protection; urban design guideline and design review criteria; specific requirements for afford able housing, landscaping, parking; levels of service concurrency regulations and other measures relating to publifacilities.
- (b) The means of applying the substantive requirements such as methods of prior approval through permits, licenses franchises, or contracts.
- (c) The processes to be used in applying the substantive requirements, such as permit application procedures, hearing procedures, approval deadlines, and appeals.
- (d) The methods of enforcement, such as inspections reporting requirements, bonds, permit revocation, civi penalties, and abatement.
- (2) Identification. The strategy should include a list o all regulations identified as development regulations fo implementing the comprehensive plan. Some of these regulations may already be in existence and consistent with the plan. Others may be in existence, but require amend ment. Still others will need to be written.
- (3) Adoption schedule. The strategy should include a schedule for the adoption or amendment of the developmen regulations identified. Individual regulations or amendment may be adopted at different times. However, all of the regulations identified should be adopted by the applicable final deadline for adoption of development regulations.
- (4) The implementation strategy for each jurisdiction should be in writing and available to the public. A copy should be provided to the department. Completion of adoption of all regulations identified in the strategy will be construed by the department as completion of the task of adopting development regulations for the purposes of deadlines under the statute.

AMENDATORY SECTION (Amending WSR 92-23-065 filed 11/17/92, effective 12/18/92)

WAC 365-195-810 ((Concurrency regulations.) Timing of initial adoption. (((Reserved.))) (1) Except fo interim regulations, required development regulations mus be enacted either at the time for adoption of the comprehen sive plan or within six months thereafter, if an extension i obtained. The possibility of a time gap between the adoption of a comprehensive plan and the adoption of developmen regulations pertains to the time frame after the initia adoption of the comprehensive plan. Subsequent amend ments to the plan should not face any delay before being implemented by regulations. After adoption of the initia plan and development regulations, such regulations should a all times be consistent with the comprehensive plan Whenever amendments to comprehensive plans are adopted consistent implementing regulations or amendments to existing regulations should be enacted and put into effec concurrently. (See WAC 365-195-865.)

(2) To obtain an extension of the deadline for adopting development regulations, a county or city must notify the department of its need by letter prior to the initial deadline Six-month extensions will be granted whenever such letter

<u>ure timely received, but no extensions will be given in esponse to requests received after the initial deadline.</u>

VEW SECTION

- WAC 365-195-815 Review for compliance. (1) When idopting any development regulation intended, in part, to sarry out a comprehensive plan, the proposing jurisdiction hould review its terms to ensure that it is consistent with and implements the comprehensive plan and make a finding o that effect.
- (2) When the implementation strategy has been completely developed, the proposing jurisdiction should review he total package to ensure that such implementation is consistent with the comprehensive plans of other counties or lities with which it shares common borders or related egional issues.
- (3) Planning jurisdictions should consider the use or reation of regional entities (county-wide or broader) to rovide an interjurisdictional overview of consistency issues aised by comprehensive plans and development regulations.

<u>MENDATORY SECTION</u> (Amending WSR 92-23-065, iled 11/17/92, effective 12/18/92)

- WAC 365-195-820 ((Alternative control mechanisms.)) Submissions to state. (((Reserved.))) (1) Development regulations may be submitted to the department and ther state agencies for comment individually as they are rafted. Except as set forth in subsection (2) of this section, he statutory requirement to notify the department of the ntent to adopt development regulations at least sixty days rior to final adoption will apply each time any implementing regulation or amendment is proposed for adoption.
- (2) The department construes the sixty-day notice equirement as inapplicable to interim regulations for natural esource lands and critical areas, and to regulations or mendments which are merely procedural or ministerial.
- (3) Counties and cities should provide the department /ith notice of intent sixty days prior to adopting interim rowth areas.
- (4) Separate notice should be provided to the department f all preexisting regulations that are to be included in the nplementation strategy without change.

IEW SECTION

WAC 365-195-825 Regulations specifically required y the act. (1) Conservation of natural resource lands.

- (a) Lands designated as agricultural, forest and mineral ands of long-term commercial significance are collectively eferred to as natural resource lands.
- (b) "Conservation" in this context is construed to mean reasures designed to assure that the natural resource lands fill remain available to be used for commercial production f the resources designated.
- (c) Classification, designation and designation amendnent. The department has adopted minimum guidelines in hapter 365-190 WAC, detailing the process involved in stablishing a natural resource lands conservation program. neluded are criteria to be considered before any designation hange should be approved. (See WAC 365-190-040((2)(g).)
 - (d) Initial adoption and subsequent review.

- (i) The act requires the designation of natural resources lands by all counties and cities. The adoption of development regulations for the conservation of such lands by jurisdictions planning under the act must occur prior to the adoption of comprehensive plans.
- (ii) Upon the adoption of the comprehensive plans, such designations and regulations must be reviewed and, where necessary altered, to ensure consistency with the plans.
- (e) Review upon adoption of other development regulations.
- (i) In connection with the adoption of the total package of development regulations implementing the comprehensive plan, each planning jurisdiction must again review the regulations for conserving natural resource lands to ensure consistency.
- (ii) If any regulations for conserving natural resource lands are by their terms effective only in the interim before the regulations implementing comprehensive plans are adopted, the subject must be covered in the development regulation package, so that there will be no gap in the effectiveness of a natural resource lands conservation program.
 - (f) Statutory limitations.
- (i) Prior uses. Regulations for the conservation of natural resource lands may not prohibit uses legally existing on any parcel prior to their adoption.
- (ii) Adjacent lands. Such regulations shall assure that the use of lands adjacent to designated natural resource lands does not interfere with the continued use, in the accustomed manner and in accordance with the best management practices, of the natural resource lands.
- (iii) Plats and permits. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet, of designated natural resource lands contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.
- (g) Relationship to comprehensive plans. The act does not explicitly require that comprehensive plans address the conservation of natural resource lands. However, because the required natural resource lands regulations must be consistent with the comprehensive plans, logic dictates that each comprehensive plan should set forth the underlying policies for the jurisdiction's natural resource lands program. In pursuing the natural resource industries goal of the act, such policies should identify nonregulatory measures for assuring the conservation of the designated lands as well as regulatory approaches. When such policies are incorporated into the plan (either as a separate element or as a part of the land use element), the consistency of the regulations can be readily assessed.
- (h) Relationship to other programs. In designing development regulations and nonregulatory programs to conserve designated natural resource lands, counties and cities should endeavor to make such regulations and programs fit together with regional, state and federal resource management programs applicable to the same lands. Local plans and policies may in some respects be adequately implemented by adopting the provisions of such other

Proposed

implemented by adopting the provisions of such other programs as part of the local regulations.

- (2) Protection of critical areas.
- (a) Critical areas include the following areas and ecosystems: Wetlands, areas of critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.
- (b) "Protection" in this context is construed to mean measures designed to preserve the structure, values and functions of the natural environment or to safeguard the public from hazards to health and safety.
- (c) Classification, designation and designation amendment. The department has adopted minimum guidelines in chapter 365-190 WAC detailing the process involved in establishing a program to protect critical areas.
 - (d) Initial enactment and subsequent review.
- (i) The act requires the designation of critical areas and the adoption of regulations for the protection of such areas by all counties and cities. For jurisdictions planning under the act this must occur prior to the adoption of comprehensive plans.
- (ii) Upon the adoption of the comprehensive plans, such designations and regulations should must be reviewed and, where necessary altered, to ensure consistency with the plans.
- (e) Review upon adoption of other development regulations.
- (i) In connection with the adoption of the total package of development regulations implementing the comprehensive plan, each planning jurisdiction should again review the regulations for protecting critical areas to ensure consistency.
- (ii) If any regulations for protecting critical areas are by their terms effective only in the interim before the regulations implementing comprehensive plans are adopted, the subject must be covered in the development regulation package, so that there will be no gap in the effectiveness of a critical area protection program.
- (f) Relationship to comprehensive plans. The act does not explicitly require that comprehensive plans address the protection of critical areas. However, because the required critical area regulations must be consistent with the comprehensive plans, logic dictates that each comprehensive plan should set forth the underlying policies for the jurisdiction's critical areas program. In pursuing the environmental protection and open space goals of the act, such policies should identify nonregulatory measures for protecting critical areas as well as regulatory approaches. When such policies are incorporated into the plan (either in a separate element or as a part of the land use element), the consistency of the regulations can be readily assessed.
- (g) Relationship to other programs. In designing development regulations and nonregulatory programs to protect designated critical areas, counties and cities should endeavor to make such regulations and programs fit together with regional, state and federal programs directed to the same environmental, health, safety and welfare ends. Local plans and policies may in some respects be adequately implemented by adopting the provisions of such other programs as part of the local regulations.
 - (3) Interim urban growth area designations.

- (a) The adoption of interim urban growth area designations shall be preceded by public notice, public hearing, compliance with SEPA and compliance with RCW 36.70A.110.
- (b) The department construes compliance with RCW 36.70A.110 for interim growth areas to require the same consultation and attempted agreement process as is required for the adoption of final urban growth areas. Where an interim urban growth area is adopted without the agreement of any affected city, the county will prepare a written justification.
 - (4) Subdivisions.
- (a) Regulations for subdivision approvals, including approvals of short subdivisions, shall require written findings that "appropriate provisions" have been made for the public health, safety, and general welfare, including open spaces drainage ways, streets or roads, alleys, other public ways transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds.
- (b) Counties and cities may add other items related to the public health, safety and general welfare to the specific listing above, such as protection of critical areas, conservation of natural resource lands and affordable housing for al economic segments of the population.
- (c) In drafting such regulations, "appropriate provisions" should be defined in a manner consistent with the requirements of other applicable laws and with any level of service standards or planning objectives established by the jurisdiction for the facilities involved.
- (d) The definition of "appropriate provisions" could also cover the timing within which the facilities involved should be available for use, requiring, for example, that such timing be consistent with the definition of "concurrency" in this chapter. (See WAC 365-195-210(4).)
 - (5) Potable water.
- (a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an "adequate water supply" for the intended use of the building By statute such evidence may be in the form of a water righ permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water or another form sufficient to verify the existence of an adequate water supply.
- (b) Receipt of one of the statutory forms of evidence may not provide enough information for building depart ments to determine whether the proposed water supply is, it fact, adequate. Local regulations should be designed to produce enough data to make such a determination, addressing both water quality and water quantity issues.
- (c) Planning jurisdictions should give consideration to guidelines promulgated by the departments of ecology and health on what constitutes an "adequate water supply." I addition, Attorney General's Opinion, AGO 1992 No. 17 should be consulted for assistance in determining what substantive standards should be applied.
- (d) If the department of ecology has adopted rules o this subject, or any part of it, local regulations should b consistent with those rules.
- (e) Counties and cities may impose conditions o building permits requiring connection to an existing publi water system where the existing system is willing and abl

to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

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

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-830 ((Impact fees.)) Optional authorizations. (((Reserved.))) (1) Relocation assistance.

- (a) Any county or city required to plan under the act is authorized to require property owners to provide their portion of reasonable relocation assistance to low-income tenants displaced by certain changes to residential property. The changes include demolition, substantial rehabilitation whether due to code enforcement or any other reason), change of use and removal of use restrictions in an assisted-nousing development.
- (b) The regulations implementing the relocation assisance program shall be governed by the provisions of RCW 59.18.440.
- (c) "Low-income tenants" means tenants whose compined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.
- (d) For purposes of determining eligibility, the department shall annually inform counties and cities of the appropriate dollar limits to use for median income, adjusted for family size, in different areas within the state. In leciding on these limits, the department will refer to the county-by-county family income figures published annually by the federal department of housing and urban development. As soon as the federal figures become available each year, he department will review them and advise counties and cities promptly of the appropriate dollar limits and their effective dates.
 - (2) New communities.
- (a) Any county planning under the act may reserve a portion of its twenty-year population projection for new fully contained communities, located outside of the initially lesignated urban growth areas.
- (b) Proposals to authorize such communities shall be processed pursuant to development regulations which mplement the criteria set forth in RCW 36.70A.350.
 - (3) Master planned resorts.
- (a) Any county planning under the act may permit naster planned resorts constituting urban growth outside of irban growth areas.
- (b) Proposals to authorize such resorts shall be proessed pursuant to development regulations which implement policies on the subject in the comprehensive plan. Approval criteria shall conform to the provisions of RCW 36.70A.360.

VEW SECTION

WAC 365-195-835 Concurrency regulations. (1) Each planning jurisdiction should produce a regulation or eries of regulations which govern the operation of that urisdiction's concurrency management system. This egulatory scheme will set forth the procedures and processes o be used to determine whether relevant public facilities

have adequate capacity to accommodate a proposed development. In addition, the scheme should identify the responses to be taken when it is determined that capacity is not adequate to accommodate a proposal. Relevant public facilities for these purposes are those to which concurrency applies under the comprehensive plan. Adequate capacity refers to the maintenance of concurrency.

- (2) Compliance with applicable environmental requirements, such as ambient air quality standards or water quality standards, should have been built into the determination of the facility capacities needed to accommodate anticipated growth.
- (3) The variations possible in designing a concurrency management system are many. However, such a system could include the following features:
- (a) Capacity monitoring a process for collecting and maintaining real world data on use for comparison with evolving public facility capacities in order to show at any moment how much of the capacity of public facilities is being used.
- (b) Capacity allocation procedures a process for determining whether proposed new development can be accommodated within the existing or programmed capacity of public facilities.

This can include preassigning amounts of capacity to specific zones, corridors or areas on the basis of planned growth. For any individual development this may involve:

- (i) A determination of anticipated total capacity at the time the impacts of development occur.
- (ii) Calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of development occur.
- (iii) Calculation of the amount of capacity available for the proposed development.
- (iv) Calculation of the impact on capacity of the proposed development, minus the effects of any mitigation provided by the applicant. (Standardized smaller developments can be analyzed based on predetermined capacity impact values.)
- (v) Comparison of available capacity with project impact.
- (c) Provisions for reserving capacity a process of prioritizing the allocation of capacity to proposed developments. This might include:
- (i) Setting aside a block or blocks of available or anticipated capacity for specified types of development fulfilling an identified public interest.
- (ii) Adopting a first-come, first-served system of allocation, dedicating capacity to applications in the order received.
- (iii) Adopting a preference system giving certain categories or specified types of development preference over others in the allocation of available capacity.
- (d) Provisions specifying the response when there is insufficient available capacity to accommodate development.
- (i) In the case of transportation, an ordinance must prohibit development approval if the development causes the level of service of a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan unless improvements or strategies to accommodate the impacts of development are made concurrent with development.

- (ii) If the proposed development is consistent with the land use element, relevant levels of service should be reevaluated.
 - (iii) Other responses could include:
- (A) Development of a system of deferrals, approving proposed developments in advance but deferring authority to construct until adequate public facilities become available at the location in question. Such a system should conform to and help to implement the growth phasing schedule contemplated in the land use and capital facilities elements of the plan.
- (B) Conditional approval through which the developer agrees to mitigate the impacts.
- (C) Denial of the development, subject to resubmission when adequate public facilities are made available.
- (e) Form, timing and duration of concurrency approvals. The system should include provisions for how to show that a project has met the concurrency requirement, whether as part of another approval document (e.g., permit, platting decisions, planned unit development) or as a separate certificate of concurrency, possibly a transferable document. This choice, of necessity, involves determining when in the approval process the concurrency issue is evaluated and decided. Approvals, however made, should specify the length of time that a concurrency determination will remain effective, including requirements for development progress necessary to maintain approval.
 - (f) Provisions for interjurisdictional coordination.
- (4) Planning jurisdictions should consider integrating SEPA compliance on the project-specific level with the case-by-case process for concurrency management.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-840 ((Method for adjusting regulations when comprehensive plan is amended.)) Essential public facilities. (((Reserved.))) (1) Development regulations for identifying and siting essential public facilities shall be consistent with and implement the process for this purpose set forth in the comprehensive plan.

- (2) The regulations should list those types of facilities which the planning jurisdiction has determined are essential, pursuant to the definition and the criteria established in the comprehensive plan for identifying such facilities. The designated facilities should include those listed by the state office of financial management and those necessary to list in order to comply with county-wide planning policies. In addition, other facilities needed locally should be listed. These may include facilities which receive funding from the state or other governmental units, but which are not identified on the state list or by virtue of county-wide policies.
- (3) Except where county-wide planning policies have otherwise dictated siting choices, provision should be made for the possibility of siting each of the listed essential public facilities somewhere within each jurisdiction's planning area.
- (4) For the purposes of making the threshold determination on whether a proposal presents siting difficulties, the regulations should specify a method for publicizing applications for siting essential public facilities and for soliciting initial comment on the site(s) proposed. The regulations

- should describe how and by whom the threshold decision will be made.
- (5) For proposals involving siting difficulties, the regulations should:
- (a) Provide requirements for notice to other interested jurisdictions, and for public participation in the siting decision;
- (b) Consistent with county-wide planning policies, require an evaluation of feasible alternative sites and of equity in geographical distribution;
- (c) When appropriate interlocal agreements have been made, provide for an interjurisdictional process for facilities of a county-wide, regional or state-wide nature;
- (d) Call for an evaluation of the extent to which design features or operational conditions can eliminate or reduce unwanted project impacts;
- (e) Where appropriate, establish incentives or require amenities for siting in particular areas;
- (f) Include in criteria for siting decisions a consideration of the need for the particular facility in light of established level of service standards or planning assumptions.

NEW SECTION

- WAC 365-195-845 Permit process. The development regulations of planning jurisdictions should include provisions addressing the general procedures for processing applications for development, designed to promote timeliness, fairness and predictability.
- (1) Centralized processing. Consideration should be given to the establishment of a master permit or centralized permit process which would allow an applicant to apply for all needed approvals at once and for the simultaneous processing by the local jurisdiction of all aspects of project approval.
- (2) Time limits. Consistent with the requirements of SEPA, consideration should be given to adopting self-imposed permit processing deadlines, so that applicants will be able to plan with greater certainty in most cases.
- (3) Fast tracking. Consistent with fairness, consideration should be given to expedited permit procedures for developments which include features which the planning jurisdiction particularly wishes to encourage. An example might be the inclusion of affordable housing in a residential development project.
- (4) Vertical integration. In designing permit programs planning entities should review the permit requirements of regional, state and federal agencies on the same subjects and, working with those agencies, attempt to coordinate processing in order to avoid overlapping reviews and unnecessary time delays.

NEW SECTION

WAC 365-195-850 Impact fees. (1) Counties and cities planning under the act are authorized to impose impact fees on development activity as part of the financing for public facilities. However, the financing for system improvements to serve new development must provide a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

Proposed [124]

- (2) The decision to use impact fees should be specifically implemented through development regulations. The impact fees:
- (a) Shall only be imposed for system improvements that are reasonably related to the new development. "System improvements" (in contrast to "project improvements") are public facilities included in the capital facilities plan and designed to provide service to service areas within the community at large;
- (b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and
- (c) Shall be used for system improvements that will reasonably benefit the new development.

The implementing regulation should call for a specific finding on all three of the above limitations whenever an impact fee is imposed.

- (3) Impact fees may be collected and spent only for the following capital facilities owned or operated by government entities: Public streets and roads; publicly owned parks, open space, and recreation facilities; school facilities; and fire protection facilities in jurisdictions that are not part of a fire district. These facilities must have been addressed in a capital facilities plan element which identifies:
- (a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;
- (b) Additional demands placed on existing public facilities by new development; and
- (c) Additional public facility improvements required to serve new development.
- (4) The local ordinance by which impact fees are imposed shall strictly conform to the provisions of RCW 82.02.060. The department recommends that jurisdictions include the authorized exemption for low-income housing.

NEW SECTION

WAC 365-195-855 Protection of private property. In the drafting of development regulations, consideration should be given to the attorney general's process of evaluation issued pursuant to RCW 36.70A.370, to assure that governmental actions do not result in an unconstitutional taking of private property. Procedures for avoiding takings, such as variances or exemptions, should be built into the overall regulatory scheme.

NEW SECTION

WAC 365-195-860 Housing for persons with handicaps. No county or city planning under the act may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION

WAC 365-195-865 Supplementing, amending and monitoring. (1) New development regulations may be adopted from time to time as the need for supplementing the initial implementation strategy becomes apparent. However, because development regulations must be consistent with the comprehensive plans, substantive amendments to such regulations will frequently need to be accompanied by a comprehensive plan amendment. Since comprehensive plans can be amended only once a year (except in emergencies), consideration of significant changes in the land use management scheme will, by and large, become an annual affair.

(2) Cities and counties should institute an annual review of growth management implementation on a systematic basis. To aid in this process, planning jurisdictions should consider establishing a growth management monitoring program designed to measure and evaluate the progress being made toward accomplishing the act's goals and the provisions of the comprehensive plan. This program should be integrated with provisions for continuous public involvement. (See WAC 365-195-600 (2)(b).)

WSR 93-13-139 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed June 23, 1993, 10:29 a.m.]

Original Notice.

Title of Rule: Adopting WAC 480-70-700, 480-70-710, 480-70-720, 480-70-730, 480-70-740, 480-70-750, 480-70-760, 480-70-770, 480-70-780, and 480-70-790 relating to consumer practices required of solid waste collection and disposal companies. The rules are shown below as Appendix A, Docket No. TG-921221.

Purpose: The proposal will establish billing and other consumer practices by rule for solid waste collection and disposal companies. It will standardize, and formalize requirements for, the industry's commercial dealings with consumers.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: The proposal will standardize consumer practices throughout the regulated solid waste industry and provide protection for both consumers and companies.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal addresses consumer practices of regulated solid waste companies. It would identify consumers' right to information from regulated companies; specify when and how companies may discontinue service and when they must reinstate service; specify when and how companies may refuse to provide service; address responsibility for delinquent accounts; specify when regulated solid waste companies may require deposits, the maximum allowed amount of a deposit, and how deposits must be handled; specify when and how refunds must be made; establish a uniform form of billing statement and uniform billing procedures; provide for the tariffing of pass-through disposal fees; and establish procedures for resolving complaints and disputes.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposal would not affect more than ten percent of the pertinent 3-digit standard industrial classification as published by the United States Department of Commerce.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98503, on August 25, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98503-7250, by July 21, 1993.

Date of Intended Adoption: August 25, 1993.

June 23, 1993 Paul Curl Secretary

NEW SECTION

WAC 480-70-700 Availability of information. (1) Business location, business hours, and messaging. Each company shall maintain a business location and a telephone number where the public can contact it during regular business hours.

- (a) Each company shall determine its regular business hours, which shall include at least four hours between 8:00 a.m. and 5:00 p.m. each day, during the Monday through Friday business week.
- (b) Each company shall also make arrangements for messaging via voice mail, answering machine, or answering service to receive calls on business days between 8:00 a.m. and 5:00 p.m., when company personnel are unavailable.
- (2) Filed tariff. Each company shall maintain in its business office, available for public inspection, a copy of the company's current approved tariff.
- (3) Rights and responsibilities guide. As described below, each company shall make available to each of its customers a guide which describes the rights and responsibilities of solid waste customers, the steps which the company or the customer must take to discontinue service, applicable deposit policies and the procedures by which customers can pursue billing or service complaints and disputes. A company may, at its option, reproduce a model guide prepared by the commission which the commission has authorized for current use. A company may supplement the

commission's model guide with appropriate companyspecific information.

- (a) Each company shall make available to each applicant for new service a copy of the guide.
- (b) Each company shall offer each of its current customers, via a bill insert or line item notice on the regularly issued customer bill, a copy of the guide within six months of the effective date of this rule.
- (c) Annually thereafter, each company shall offer each of its customers a copy of the guide via a bill insert or line item reminder on the regularly issued customer billing.

NEW SECTION

WAC 480-70-710 Discontinuance of service. (1) By a customer. A customer may discontinue service by notifying the company to stop service. The notice shall be made to the company at least three full business days before the next scheduled pickup date.

- (2) By a solid waste collection company. A solid waste collection company may discontinue service for any of the following reasons:
- (a) For nonpayment of bills. As provided in WAC 480-70-770, each company bill must state when the customer's account becomes delinquent. The minimum specified time shall be twenty-one days after the bill's mailing date. Service may be discontinued after the specified time if the customer has neither paid the bill nor made acceptable payment arrangements.
- (b) For failure to keep any agreed upon payment arrangement.
 - (c) For abandonment of the premises by the customer.
- (d) For violations by the customer of rules, service agreements or current approved tariffs.
- (e) For any reason for which the company could refuse to provide service under WAC 480-70-730.
- (3) Except when danger to life or property or violation of law require immediate discontinuance, no company shall discontinue service unless it has met the following notice requirements:
- (a) The company shall notify the customer in writing of its intent to discontinue service, stating the reasons for the discontinuance and the time after which it will discontinue service. The company shall maintain a record of the manner and date upon which notice was served.
- (b) The company shall mail or personally deliver the written notice to the customer's address.
- (i) If nonpayment of bill is the reason for discontinuance, the company shall not mail or deliver the notice sooner than one day after the specified payment due date.
- (ii) If the company mails the notice, it shall not discontinue service before the eighth business day following mailing.
- (iii) If the company personally delivers the notice, it shall not discontinue service before 5:00 p.m. of the first business day following delivery. For residential accounts, delivered notice is effective if handed to a person of apparent competence who resides at the residence. For business accounts, delivered notice is effective if handed to a person employed at the place of business who is authorized to accept deliveries. If no one is available to receive the

notice, notice shall be effective if firmly attached to the primary door of the customer's residence or business office.

- (iv) If the company does not discontinue service within ten business days after the first day upon which service can be discontinued, the discontinuance notice shall be void and a new notice required.
- (c) In addition to serving written notice of its intent to discontinue service, the company shall make at least one good faith, bona fide effort to reach the customer either in person, by telephone or by a notice or tag placed on the customer's solid waste can, container or drop box. Telephone, personal contact, or on container notice is not a substitute for written notice of pending discontinuance.
- (i) The company shall attempt at least twice to notify a customer in person or by telephone during the company's business hours. At least one of the attempts must be made more than twenty-four hours before the discontinuance time specified in the written notice.
- (ii) If a residential customer has provided the company with a business or message telephone number, the company shall attempt to notify the customer at that number if it has been unable to notify the customer at the customer's residence.
- (iii) The company shall maintain a log or record of the attempts made to contact the customer. The log or record must show the telephone number called, the time of the call and the call results (i.e., left a message, no answer, busy, etc.)
- (d) When service is provided to an address which is different from the billing address, the company shall also provide notice as specified in (c) of this subsection, to the service location before discontinuing service.
- (e) The notice, as described in section 480-12-710(3)(a), shall explain the reasons for pending discontinuance and the means by which the customer can reach the company to resolve any differences or avail himself or herself of rights and remedies set forth in WAC 480-70-700, 480-70-790, 480-09-150, and RCW 81.04.110.
- (4) Service shall not be discontinued for nonpayment of disputed amounts while a customer is pursuing any remedy or appeal provided for by these rules, if the undisputed amounts are paid or satisfactory payment arrangements have been made. The commission or its staff may direct the company to continue or reinstate service pending resolution of other disputes.

NEW SECTION

WAC 480-70-720 Reinstatement of service following discontinuance. Service shall be reinstated on the next scheduled pickup date when:

- (1) The causes of discontinuance have been removed; or
- (2) The customer pays all proper charges due or makes satisfactory payment arrangements; or
- (3) The commission or its staff directs reinstatement pending resolution of a dispute.

NEW SECTION

WAC 480-70-730 Refusal of service. A solid waste collection company may refuse to provide service for any of the following reasons:

- (1) When a customer has not complied with state, county, or municipal law concerning such service.
 - (2) When providing the service is hazardous.
- (3) When satisfactory service cannot be given or would adversely affect the company's efficiency or the health or safety of its employees.
- (4) When a customer has an overdue, unpaid prior obligation to the company for the same class of service at the same or a different location, and satisfactory arrangements for payment of the overdue obligation have not been made.
- (5) When a customer requests service at a location where there currently resides a former customer who has an overdue, unpaid obligation to the company for the same class of service at the same location, and satisfactory arrangements for payment of the overdue obligation have not been made.
- (6) When a customer has obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of present or prior premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together, for the purpose of avoiding the debts of one or more of those persons, or any similar deceptive devices.

NEW SECTION

WAC 480-70-740 Refusal or discontinuance of service to premises because of former occupant's unpaid account. A company shall not refuse or discontinue service to a customer because of unpaid charges due from the premises on account of the unpaid bill of a former occupant of the premises, unless it has evidence of the current customer's intent to defraud.

NEW SECTION

WAC 480-70-750 Deposits. The purpose of deposits shall be to guarantee payment for the final billing period, plus one month. Prepayments made to secure temporary service shall not be subject to the provisions of this rule.

- (1) Establishment of credit—Residential service. Applicants for residential service may establish credit by demonstrating to the company any one of the following factors:
- (a) That they were a customer of the same company for at least six months during the twelve months prior to application for service and during that period, service was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.
- (b) Prior service with another solid waste collection company with a satisfactory payment record as demonstrated in (a) of this subsection, provided that the reference may be quickly and easily checked, and the necessary information is provided.
- (c) Full-time consecutive employment during the entire twelve months previous to the application for service for with no more than two employers, and the applicant is currently employed or has a regular source of income.
- (d) Ownership of a significant legal interest in the premises to be served.
- (e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount

not to exceed the amount of cash deposit which may be required.

- (f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at the company's business office of credit references which may be quickly and easily checked by the company.
- (2) Establishment of credit—Commercial service. An applicant for commercial service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.
- (3) Deposit requirements. A deposit may be required under the following circumstances:
- (a) Where the applicant has failed to establish a satisfactory credit history as outlined above.
- (b) In any event, a deposit may be required when, within the twelve months prior to the application, the applicant's service of a similar type has been discontinued for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the company to which application is being made or from any other solid waste collection company; or where two or more delinquency notices have been served upon the applicant by any other solid waste collection company during the twelve months previous to the application for service.
- (c) Initiation or continuation of service to a residence when a prior customer still resides and where any balance for such service to that prior customer is past due or owing.
- (4) Amount of deposit. In instances where a deposit may be required by the company, the deposit shall not exceed two-twelfths of estimated annual billings for companies billing monthly, three-twelfths of estimated annual billings for companies billing each two months, and four-twelfths of estimated billings for companies who bill quarterly.
- (5) Transfer of deposit. Where a customer of whom a deposit is required transfers his/her service to a new location within the company's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.
- (6) Interest on deposits. Interest on deposits held shall accrue at a rate equal to a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. The interest rate shall be computed by the commission and notification of applicable interest rate shall be sent to certificated carriers by January 10 of each year. Deposits shall earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.
- (7) Extended payment of deposits. When a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay fifty percent of the deposit amount prior to service, with the remaining amount payable in equal amounts during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8) of this section, Alternative to deposit.

- (8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any reasonably estimated regular service charges at periods corresponding to the company's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.
- (9) A receipt shall be furnished to each applicant or customer for the amount deposited.
- (10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:
- (a) Satisfactory payment. When the customer has for twelve consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:
- (i) The company has not initiated discontinuance proceedings against the customer.
- (iii) No more than two notices of delinquency have been made to the customer of the company.
- (b) Termination of service. Upon termination of service, the company shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the company by the customer for service rendered.
- (c) Refunds how made. Any deposit plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no more than fifteen days following completion of twelve months satisfactory payment as described above, or applied to the customer's bill for service in the thirteenth and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.
- (11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be made in conformity with the standards set forth in this rule.

NEW SECTION

- WAC 480-70-760 Refunds—Other than deposits. (1) Overcharges. Each company shall refund to a customer any overcharge made within three years of the discovery of the overcharge.
- (2) Prepayments. If service is discontinued, other than for nonpayment of bills, during a period for which the customer has prepaid, the company shall refund to the customer a prorated portion of any prepayment of any unearned amount for which service has not been provided.

NEW SECTION

WAC 480-70-770 Form of bills. (1) Companies shall bill customers at intervals not to exceed three months. Companies that issue quarterly bills shall bill no more than two months in advance.

- (2) Each bill shall clearly show the following:
- (a) When the account becomes delinquent.

Proposed [128]

- (b) The company's name or duly registered business name, address and a telephone number where the consumer can call to receive information and resolve disputes.
- (c) The amount or the percentage rate at which service, company or other similar taxes or fees are computed if such taxes or fees are imposed on solid waste collection service by governmental jurisdictions and passed to customers.
- (d) The basis for each charge assessed. Each accessorial charge provided for in the company's tariff and billed to the customer shall be shown as a separate line item on the bill.
 - (e) The total amount due by the customer.
- (f) The percentage amount of any penalty fees which will be assessed to the customer for late payment.
- (g) Other information as may be directed by commission order.
- (3) The solid waste collection company shall provide an itemized statement of all charges to any customer requesting it, within ten business days of the request. An itemized statement includes as separate line items, the total dollar amount for collection service, and each element of the total charge, including but not limited to: Mileage charges, taxes, credits, and miscellaneous or special services.

WAC 480-70-780 Pass through disposal fees. Disposal fees charged to drop box users shall not exceed the actual cost to the company. Solid waste collection companies shall assess the customer the disposal fees contained in their lawfully filed tariffs applicable to the dump site actually used for disposal, and not that of any other site. Each solid waste collection company shall amend its tariff(s) as necessary to track fees imposed at the dump site or sites used.

NEW SECTION

- WAC 480-70-790 Complaints and disputes. Any complaint or dispute involving a company and a customer shall be treated as follows:
- (1) Within five business days of receiving a complaint, the company shall initiate an investigation into each complaint or dispute received and report to the customer the investigation results. When the investigation shows a need for company corrective action, the company shall take such action as soon as possible.
- (2) If unable to resolve a complaint or dispute, company personnel engaged in initial contact with a dissatisfied or complaining customer shall inform the customer that he or she has the right to have the problem considered and acted upon by company supervisory personnel. Company personnel shall provide the customer the name, department and telephone number of supervisory personnel.
- (3) Supervisory personnel shall inform the customer that if dissatisfied with the decision or explanation provided, the customer has the right to have the problem considered by the commission. Supervisory personnel shall provide the customer the commission's toll free telephone number and address.
- (4) Any party to a dispute between a customer and the company shall have the right to bring before the commission

- an informal complaint pursuant to WAC 480-09-040 and/or a formal complaint pursuant to WAC 480-09-050.
- (5) When the commission or its staff refers a complaint to a solid waste collection company, the company shall, within two business days, investigate the complaint and report to the commission the results of its investigation. The commission or its staff may, for good cause, grant an extension of the time allowed for investigation. The company shall continue to keep the commission informed of its efforts to resolve the complaint and the final resolution of the complaint.
- (6) Each company shall keep a record of all service and rate complaints received concerning the company's service or rates. The record shall show at least: The name, address and telephone number of the complainant; the nature and date of the complaint; the action taken; and, the final disposition. Correspondence and records regarding complaints shall be retained for at least three years.
- (7) The commission or its staff may direct the company to initiate, continue or reinstate service pending resolution of a complaint.

WSR 93-13-140 PROPOSED RULES DEPARTMENT OF WILDLIFE

[Filed June 23, 1993, 10:36 a.m.]

Original Notice.

Title of Rule: WAC 232-12-001 Definition of terms; 232-12-619 1994-95 Washington game fish regulations; and 232-28-619 1994-95 Washington game fish seasons and catch limits.

Purpose: To establish the 1994-95 Washington game fish seasons, catch limits, and regulations, and to repeal existing 1992-94 game fish regulations.

Statutory Authority for Adoption: RCW 77.04.055 and 77.12.040.

Statute Being Implemented: RCW 77.04.055 and 77.12.040.

Summary: Establishes game fish seasons, catch limits and regulations for 1994-95 including time, place, manner and methods that may be used to fish for game fish.

Reasons Supporting Proposal: Game fish resource management.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony de la Torre, A.D., Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: Proposes game fish seasons, catch limits, and regulations for 1994-95. Major changes are described below:

WASHINGTON DEPARTMENT OF WILDLIFE PROPOSED FISHING REGULATION CHANGES FOR 1994-95

Highlights

LAKES

- Open general lake seasons year-around, unless specifically changed for management purposes.
- Open the traditional lowland lake season on Saturday, instead of Sunday.
- Simplify the season and catch limit options.
- Standardize bass daily limit statewide to 5, no more than 3 over 15".

STREAMS

- Reduce the daily catch limit on trout from streams from 8 to 2
- Change the minimum size on trout in streams from none to 8" statewide.

ANADROMOUS

- Extend wild steelhead release regulations to all waters in Regions 1, 2, and 3 from June 1-November 30.
- Protect depressed and unknown steelhead stocks through wild steelhead release regulations and earlier season closures.
- Adopt standardized seasons for steelhead.
- Restrict Dolly Varden/bull trout harvest in Regions 4 and 6.

GENERAL REGULATIONS

- Standardize possession limits for all species to two daily limits
- Allow boats with electric motors on Selective Fishery waters.
- Convert all bait prohibited waters to Selective Fishery waters.

Lakes, ponds and reservoirs

Current: Season: April 25 to October 31, unless specified otherwise under exceptions.

Proposed: Season: Year around, unless specified otherwise under exceptions.

Reason: To simplify the regulations and enhance recreational opportunity; and to increase catches on lakes with high bird predation.

Current: Season exceptions: 45 different configurations.

Proposed: Season exceptions: Standardize to 7 options; March 1 - July 31; April opener - Sep. 30; April opener - Oct. 31; April opener - Feb. 28; June 1 - Oct. 31; December 1 - March 31; and CLOSED.

Reason: To provide more visibility of waters managed based on biological rationale for recreational opportunity by listing in pamphlet under specific seasons. Reduction from 45 different season configurations will aid in reduced complexity of the regulations and aid in pamphlet simplification, also.

Current: Sunday lowland lake opener.

Proposed: Saturday lowland lake opener.

Reason: To expand fishing opportunity to allow for a full weekend "opening day." This will also help improve business for fishing and travel-related ventures.

Current: Catch limits (trout:) 10 options.

Proposed: Catch limits (trout:) standardize to 1, 2, 5 or 16 trout. Limit for nonexception lakes is 5.

Reason: To simplify regulations.

Current: Trout possession limit: 1 catch limit and (in addition) 2 steelhead over 20".

Proposed: Trout possession limit: 2 catch limits.

Reason: To standardize regulations.

Current: Trout selective fishery regulations: Various waters are managed under both or either of bait prohibited and selective fishery regulations.

Proposed: Trout selective fishery regulations: Change all references to "bait prohibited" to "selective fishery regulations;" and allow electric motors.

Reason: To simplify regulations.

Current: Bass catch limits: 5 fish, not more than 3 over 15"; or 5 fish, not more than 2 over 15".

Proposed: Bass catch limits: Standardize statewide. — 5 fish, not more than 3 over 15".

Reason: To standardize regulations.

Current: No standards for quality regulations.

Proposed: Quality bass waters: Option 1: 1 fish, minimum size 18". Option 2: Slot limit 12"-18" - 5 fish limit, not more than 1 over 18".

Reason: To establish quality bass water standard regulations.

Rivers, streams and beaver ponds

Current: Catch limit: Eastern Washington - 8 fish, with no more than 2 fish over 12", no minimum size limit; western Washington - 8 fish, with no more than 2 fish over 12", minimum size 8".

Proposed: Catch limit: 2 fish, minimum size limit 8".

Reason: To protect sensitive stream populations to allow fish to reach a size to reproduce, and to help protect steelhead and salmon smolts.

Current: Bait prohibited waters: Various regulations statewide.

Proposed: Bait prohibited waters: Standardized to selective fishery regulations.

Reason: To standardize regulations.

Anadromous

Current: Wild steelhead release in major streams in Regions 1, 2 & 3.

Proposed: Wild steelhead release on all waters in Regions 1, 2 & 3 June 1 - Nov. 30.

Reason: Extend protection of wild steelhead to small streams not listed in pamphlet and for consistency with west side regions.

Current: Some depressed/unknown stocks are currently not protected from harvest during a part or all of the oper season.

Proposed: Adopt wild steelhead release on all unknowr or depressed steelhead stocks unless there is justification no to do so.

Reason: To increase wild spawning escapement and rebuild stocks to healthy levels.

Current: Streams with depressed wild winter stocks and commingled early return hatchery fish are closed either at the end of February or March. Many small streams with no commingled hatchery fish are open until the end of February.

Proposed: Close streams with depressed wild steelhead stocks and commingled early return hatchery fish no later than March 15. Close small streams with depressed wild stocks and no hatchery fish November 1.

Reason: To avoid hooking mortality, assist with the enforcement on poaching and reduce harassment of depressed wild stocks after March 15.

Current: Steelhead seasons: Eleven variations.

Proposed: Option A: Steelhead seasons: Nine variations; June 1 - Oct. 31; June 1 - Feb. 28(9); June 1 - March 15; June 1 - March 31; June 1 - April 15; June 1 - April 30; June 15 - Nov. 30; and year around.

Option B: Standardize to 5 options; June 1 - Oct. 31; June 1 - Feb. 28(9); June 1 - Mar. 31; June 1 - Apr. 30; and year around.

Reason: Establish standardized seasons for steelhead.

Current: Fishing for Dolly Varden/bull trout is CLOSED in Regions 1, 2, 3 and 5 and OPEN in Regions 4 and 6.

Proposed: Close fishing statewide except on healthy populations which would be noted under individual water listings.

Reason: To protect populations with unknown or depressed status.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: On July 31, 1993, at 8:00 a.m., Tyee Hotel, 500 Tyee Drive, Olympia, WA 98502; and on August 7, 1993, at 8:00 a.m., West Coast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367.

Submit Written Comments to: Richard J. Poelker, 600 Capitol Way North, Olympia, WA 98501-1091, by July 16, 1993.

Date of Intended Adoption: October 1-2, 1993.

June 22, 1993 Richard J. Poelker Administrative Regulations Officer

Reviser's note: The text of the following material has been drawn from a computer diskette filed by the agency along with a written copy. Due to the length of the material and the short filing schedule, it has not been proofread by the staff of the Code Reviser's Office and may contain errors or changes not shown by the addition and deletion marks required by RCW 34.05.395.

AMENDATORY SECTION (Amending Order 524, filed 12/16/91)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless the context clearly requires otherwise:

- (1) Snagging, gaffing, or spearing means: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices.
- (2) A valid license, permit, tag, stamp or punchcard means: A license, permit, tag, stamp, or punchcard that was issued to the bearer for the current season by the commission

and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

- (3) Hook means: One single, double, or treble hook.
- (4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.
- (5) Falconry means: Possession, control, or use of a raptor for the purpose of hunting and free flight training.
 - (6) Anadromous game fish means:
 - (a) Steelhead trout, Oncorhynchus mykiss
 - (b) Searun cutthroat, Oncorhynchus clarkii
 - (c) Searun Dolly Varden, Salvelinus malma
- (7) Handgun means: Any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.
- (8) ((A-1)) Lure or fly means: A manufactured article ((with no more than three hooks attached, utilized for attraction or enticement of game fish.)) constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. A lure or fly may not have more than three hooks attached. When fishing with a lure or fly, fish may be released until the catch limit is retained.
- (9) Bait means: ((A natural substance, fresh or proeessed, utilized for attraction or enticement of wildlife and game fish.)) Any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.
- (10) Steelhead means: A searun rainbow trout over twenty inches in length.
- (11) Possession limit means: A two-day catch limit of game fish allowed to be retained in the field or in transit.
- (12) Selective fishery regulations: Only artificial flies or lures with a barbless hook are allowed; bait is prohibited; fish may be released until the catch limit is retained. No one may fish from any floating device equipped with an internal combustion motor, except where specifically allowed under special regulations for individual waters. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.
- (13) Fly fishing means: In waters designated as "Fly Fishing Only" an angler may use: a dry fly, bucktail fly, wet fly, nymph or streamer with a barbless hook; a conventional fly line at least twenty-five feet in length, with a back-up line of any kind behind the fly line. In waters designated as "Fly Fishing Only" an angler may not fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. When fishing with a lure or fly, fish may be released until the catch limit is retained.
- (14) Boat fishing: Fishing while in or on a boat, raft, or any other floating device.
- (15) Catch-and-release: A type of angling where none of the fish caught are retained by the angler.
- (16) Daily catch limit: The maximum number of fish of a given species and size which a person may legally retain in a single day. When you are fishing with bait, all legal trout are counted as part of the daily catch limit, whether kept or released. Steelhead may be caught and

released while using bait until the daily catch limit is retained.

(17) Fish in possession: Any fish retained, secure from escape, whether dead or alive.

(18) Mouth of stream, river, or slough: Those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

(19) Maximum size limit: The longest length of a fish of a given species that an angler may keep, measured from

snout to tip of tail (not fork).

(20) Minimum size limit: The shortest length of a fish of a given species that an angler may keep, measured from snout to tip of tail (not fork).

(21) Night closure: On those waters where night closures are specified, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(22) Slough: Any swamp, marsh, bog, pond, sidechannel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

(23) Wild cutthroat release: Only cutthroat trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.

(24) Wild steelhead release: Only steelhead with missing adipose or ventral fins may be possessed. There must be a healed scar in the location of the missing fin. It is unlawful to use a gaff hook to land steelhead in waters designated "wild steelhead release."

(25) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends fishing licenses will not be required to fish for game fish, except steelhead trout. These free fishing days are valid for everyone, regardless of residency or age. All other regulations remain in effect. Only waters open to fishing may be fished; lure and/or bait restrictions and size and catch limits currently in place must be followed.

AMENDATORY SECTION (Amending Order 600, filed 4/30/93)

WAC 232-12-619 $199((2))\underline{4}-9((4))\underline{5}$ Washington game fish regulations. These regulations are effective from April 16, ((1992)) 1994, to April 15, ((1994))1995, both dates inclusive.

((Definitions:

Boat fishing: Fishing while in or on a boat, raft, or any other floating device.

Catch and release: A type of angling where none of the fish caught are retained by the angler.

Daily catch limit: The maximum number of fish of a given species and size which a person may legally retain in a single day. When you are fishing with bait, all legal trout are counted as part of the daily catch limit, whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained.

Fish in possession: Any fish-retained, secure from escape, whether dead or alive.

In waters designated as "fly fishing only" an angler may not fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters.

Mouth of stream, river, or slough: Those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

Maximum size limit: The longest length of a fish of a given species that an angler may keep, measured from snout to tip of tail (not fork).

Minimum size limit: The shortest length of a fish of a given species that an angler may keep, measured from snout to tip of tail (not fork).

Night closure: On those waters where night closures are specified, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.))

Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

((Possession limit: The maximum number of fish allowed to be retained in the field, in transit, in the home, and/or in a food storage facility.

Selective fishery regulations: Only artificial flies or lures with a barbless single pointed hook are allowed; bait is prohibited; fish may be released until the eatch limit is retained. No one may fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Slough: Any swamp, marsh, bog, pond, side channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

Wild-cutthroat release: Only cutthroat trout with missing adipose fins may be possessed. There must be a healed sear in the location of the missing fin.

Wild-steelhead release: Only steelhead with missing adipose or ventral fins may be possessed. There must be a healed sear in the location of the missing fin. It is unlawful to use a gaff hook to land steelhead in waters designated "wild steelhead release."))

State-wide regulations.

Taking and possessing game fish.

It is unlawful to:

Use a gaff hook to land steelhead in waters designated as "wild steelhead release."

Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

Feed or use any substance to attract game fish unless specifically authorized by special regulations.

Fish for game fish with a bow and arrow or spear.

Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

Annual limit - steelhead trout only: Each angler who possesses a valid steelhead permit card may retain thirty steelhead over twenty inches in length per year (May 1 to April 30).

((Exception for rehabilitated lakes.

Lakes have no size, eatch, or possession limits on the day of their rehabilitation and for ten days following. Dir nets are allowed for the taking of fish during this period All-fishing license requirements apply.))

Licenses - requirements.

When taking bullfrogs, a hunting or fishing license is required.

((Free fishing-weekends:

The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends fishing licenses will not be required to fish for game fish, except steelhead trout. These free fishing days are valid for everyone, regardless of residency or age. All other regulations remain in effect. Only waters open to fishing may be fished; lure and/or bait restrictions and size and eatch limits currently in place must be followed.))

19((92-94))94-95 license fees.

Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

STATEWIDE REGULATIONS:

LAKES, PONDS, & RESERVOIRS, AND RIVERS, STREAMS & BEAVER PONDS:

STATEWIDE REGULATIONS APPLY TO ALL WATERS, UNLESS WATERS ARE MODIFIED UNDER EXCEPTIONS TO REGIONAL REGULATIONS.

OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:

YEAR AROUND, unless specified otherwise under Exceptions - Regional Regulations.

RIVER STREAMS AND BEAVER PONDS:

JUNE 1 THROUGH OCTO-BER 31, unless specified otherwise under Exceptions - Regional Regulations.

Note: Dates
Reser

Waters managed under April through October seasons are listed under the Exceptions - Regional Regulations.

GAME FISH SPECIES

BASS

DAILY CATCH LIMIT MINIMUM SIZE LIMIT

Five - not more than three over fifteen

None

inches

GRASS CARP....It is unlawful to fish for or retain grass carp.

TROUT*
(See listing below for species included.)

A combined total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds.

Ponds, and Reservoirs. Eight inches in Rivers, Streams and

Beaver Ponds.

None in Lakes,

No more than two of the combined trout daily catch limit of 5 may be Steelhead. Wild Steelhead Release June 1-November 30.

The daily catch limit for trout caught in either lakes or streams is a combined total and must not exceed five.

Dolly Varden/Bull Trout:

All waters, statewide, are CLOSED YEAR AROUND to the taking of Dolly Varden/Bull Trout.

It is unlawful to fish for or retain Dolly Varden/Bull Trout, statewide.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the Exceptions - Regional Regulations, Dolly Varden/Bull Trout count as part of the combined trout daily catch limit of five (above).

WALLEYE	Five, not more than one over twenty-four inches	Eighteen inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	Ten	None

*TROUT: Game fish species managed as "Trout" include the following:

Brook Trout

Brown Trout

Cutthroat Trout

<u>Dolly Varden/Bull Trout: Note: (See Dolly Varden/Bull Trout entry above).</u>

Golden Trout

Kokanee (Silver Trout)

Lake Trout (Mackinaw)

Landlocked Atlantic Salmon

Rainbow Trout

Steelhead: Note: (See Steelhead entry above).

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily catch limit whether kept or released.

Steelhead may be caught and released while using bait until the daily catch limit is retained.

Where use of bait is prohibited, or

where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained.

If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

AMENDATORY SECTION (Amending Order 524, filed 12/16/91)

WAC 232-28-619 $199((2))\underline{4}-9((4))\underline{5}$ Washington game fish seasons and catch limits. Region I.

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

All state-wide ((and Region I)) regulations (((given below))) apply to all Region I waters unless specifically exempted or amended by ((special)) Exceptions - Region I regulations (listed for separate waters and categories of waters).

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

((Region I regulations. Open seasons:

Note: All waters are closed year around to the taking of Dolly Varden/ bull trout and grass-earp. All waters in Lincoln and Whitman counties: Year around season, unless specified otherwise under special regulations.

Lakes, ponds, and reservoirs in other Region I counties: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds in other Region I counties: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations.

(For Columbia River reservoirs, see page . . .)

Catch, size, and possession limits: The eatch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general eatch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH	CATCH	DAILY-	MINIMUM POSSESSION
SPECIES SPECIES	LIMITS	LIMITS	LIMITS
Bass	. Five not more than three over fifteen inches	None	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout :	It is unlawful to fish for or retain Dolly Varden or trout	bull	
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kekanee and steelhead)	Eight, of which not more than two may be over twelve inches if taken from rivers, streams,		One-eatch limit and-(in addition) two steelhead over twenty inches
Walleye	and beaver ponds	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	. Fifteen	None	One eatch limit
All other game fish	No limit	None	- No limit
Bullfrogs	Ten	None	One eatch limit

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eateh limit whether kept or released. Steelhead may be eaught and released while using bait until the daily eateh limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily eateh limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Special)) Exceptions - Region I $((\pm))$ Regulations $((\pm))$ \underline{S} tate-wide $((\pm)$ regulations apply to all waters except where modified in special regulations below.

Amber Lake: April ((26, 1992,)) 30 through ((September 30, 1992, and April 25, 1993, through September 30, 1993,))October 31 season((s)). Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations((, except electric motors allowed)). Additional season

October 1 through November 30, catch-and-release only, single barbless hooks ((-bait prohibited)). selective fishery regulations.

Alpowa Creek: April (($\frac{26}{1992}$, through June 30, $\frac{1992}{1992}$, and April 25, $\frac{1993}{1992}$)) 30 through June 30(($\frac{1993}{1992}$)) season(($\frac{1993}{1992}$)).

Asotin Creek, from mouth upstream to SR129 Bridge: Year around season. ((Retaining steelhead over twenty inches in length is prohibited.)) Closed to fishing for steelhead.

From SR129 Bridge upstream((, South Fork and North Fork from mouth to USFS boundary: Retaining steelhead over twenty inches in length is prohibited.)) to the forks: Trout - catch limit - eight. Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from ((USFS boundary upstream and all other tributaries:))mouth upstream to USFS boundary: Trout (((including steelhead))) - catch limit - ((two))eight, ((minimum length twelve inches. Retaining steelhead over twenty inches in length is prohibited. Bait prohibited.)) Closed to fishing for steelhead. Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: April 30 through October 31 season.

Badger Lake: April (($\frac{26}{1992}$, through September 30, $\frac{1992}{1993}$, and April 25, $\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)).

Bayley Lake (Stevens County) ((including inlet stream)):
April ((26, 1992, through July 4, 1992, and April 25, 1993,))30 through ((July 4, 1993,))October 31 season((s)).
Trout - catch limit - ((one)) two, minimum length fourteen inches. Only eastern brook trout between twelve inches and sixteen inches or rainbow over sixteen inches may be retained. Fly fishing only, ((barbless hook)). Use of motors prohibited.

From July 5 through October 31 ((season.)), Catch-and-release, fly fishing only((, barbless hook)). Use of motors prohibited. Inlet stream: Closed waters.

Big Meadow Lake: April 30 through October 31 season.

((Bead Lake: Year around season.))

Beaver Lake (Columbia County): March 1 through ((October)) July 31 season. Fishing from any floating device prohibited.

((Bergevin Ranch Pond: June 1 through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.))

Big Four Lake: March 1 through ((October))July 31 season. Trout - catch limit - two. Fly fishing only. Fishing from any floating device prohibited.

Black Lake (Stevens County): April 30 through October 31 season.

Blue Creek (Walla Walla County): April ((26, 1992, through June 30, 1992, and April 25, 1993,))30 through June $30((\frac{1993}{2}))$ season($\frac{1}{2}$).

Blue Lake (Columbia County): March 1 through ((October)) July 31 season. Fishing from any floating device prohibited.

((Blue Lake (Pend Oreille County): Year around season.))

((Bonnie Lake: Year around season.))

Browns Lake and inlet streams (Pend Oreille County): April 30 through October 31 season. Fly fishing only.

Burbank Slough: ((Year around season.)) Fishing from any floating device prohibited.

Caldwell Lake: April 30 through October 31 season.

Trout - catch limit - two over twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: ((June 1 through October 31 season. Trout - minimum length eight inches; bait-prohibited.))Selective fishery regulations.

Carl's Lake: April 30 through October 31 season.

((Casey Pond (Walla Walla County): Year around season.))

Cedar Lake (Stevens County): April 30 through October 31 season.

Chapman Lake: April ((26, 1992, through November 15, 1992, and April 25, 1993,))30 through ((November 15, 1993,))October 31 season((s)). Trout - catch limit - ((sixteen))ten, at least ((eight))five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: ((Trout-minimum length eight inches; bait-prohibited.))Selective fishery regulations.

((Clear Lake: April 26, 1992, through September 30, 1992, and April 25, 1993, through September 30, 1993, seasons.))

Columbia River and impoundments and all connecting sloughs—see regulations page . . .

Colville River, from mouth to bridge at Town of Valley: Year around season.

From Valley upstream and tributaries: ((June 1 through October 31 season. Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Conger Pond: April 30 through October 31 season.

((Cooks Lake (Pend Oreille County): Year around season.))

Coppei Creek: April (($\frac{26}{1992}$, through June 30, $\frac{1992}{1993}$, and April 25, $\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)).

Cottonwood Creek (Asotin County): Closed to ((the taking of))fishing for steelhead ((over twenty inches)).

Cottonwood Creek (Lincoln County), outside city limits of Davenport: April ((26, 1992, through September 30, 1992, and April 25, 1993,))30 through September 30((, 1993,)) season((s)).

<u>Crescent Lake (Pend Oreille County): April 30 through October 31 season.</u>

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

((Curlew Lake: Year around season.

Curlew Pond (Walla Walla County): Year around season.))

<u>Davis Lake (Ferry County): April 30 through October 31 season.</u>

((Davis Lake (Pend Oreille County): Trout - eatch limit - eight, no more than two over twenty inches.))

Dayton Pond (Columbia County): ((March 1 through October 31 season.)) Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

<u>Deep Lake (Stevens County): April 30 through October 31 season.</u>

Deer Lake (Columbia County): March 1 through ((October)) July 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): April (($\frac{26}{1992}$, through September 30, 1992, and April 25, 1993,))30 through September 30(($\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)).

Deer Lake (Stevens County): April 30 through October 31 season. Trout ((-catch limit - eight)), no more than two over twenty inches.

Diamond Lake: April 30 through October 31 season.

Downs Lake: ((April))March 1 through ((September 30))July 31 season.

Dry Creek (Walla Walla County): April (($\frac{26, 1992}{1993}$, through June 30, $\frac{1992}{1993}$, and April 25, $\frac{1993}{1993}$,)) season(($\frac{1}{3}$)).

Elbow Lake (Stevens County): April 30 through October 31 season.

Ellen Lake (Ferry County): April 30 through October 31 season.

((Eloika-Lake: -Year around season:))

Empire Lake (Ferry County): April 30 through October 31 season.

((Evans Pond (Asotin County): Year around season.))

Fan Lake: April ((26, 1992, through September 30, 1992, and April 25, 1993,))30 through September 30((, 1993,)) season((s)). Internal combustion engines prohibited.

((Ferry Lake: Year around season.))

Fishhook Pond (Walla Walla County): <u>April 30 through October 31 season.</u> Fishing from any floating device prohibited.

Fish Lake (Ferry County): April 30 through October 31 season.

Fish Lake (Spokane County): April ((26, 1992, through September 30, 1992, and April 25, 1993,))30 through September 30((, 1993,)) season((s)). Internal combustion engines prohibited.

Fishtrap Lake: April (($\frac{26}{1992}$, through September 30, $\frac{1992}{1993}$, and April 25, $\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)).

Fourth of July Lake: December 1 through March 31 season. Trout ((-eatch limit - five)), no more than two over fourteen inches. Internal combustion engines prohibited.

Frater Lake: April 30 through October 31 season.

Garfield Juvenile Pond (Whitman County): ((Year around season.)) Juveniles only (under fifteen years old).

Gillette Lake: April 30 through October 31 season.

((Golf-Course Pond (Asotin County): Year around season.))

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout ((-eateh limit - two)), minimum length twelve inches, maximum length twenty inches. Retaining steelhead ((over twenty-inches in length)) is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through April ((15))30 season.

Note: Cottonwood Creek is closed to ((the taking of))fishing for steelhead ((over twenty inches)). Trout ((eatch limit two)), minimum length twelve inches; selective fishery regulations June 1 through August 31. Only steelhead with missing adipose fins may be possessed September 1((, 1992, through April 15, 1993, and September 1, 1993,)) through April 15((, 1994)). There must be a healed scar in the location of the missing fin.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: ((Trout-minimum length eight inches; bait prohibited.))Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Headgate Pond: <u>April 30 through October 31 season.</u> Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: April 30 through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout ((-eateh limit - five)), no more than two over fourteen inches.

Horseshoe Lake (Pend Oreille County): April 30 through October 31 season. Trout - catch limit - ((sixteen))ten, at least ((eight))five of which must be kokanee. Feeding (chumming) permitted.

Huff Lake (Pend Oreille County): Closed waters.

((J-Line Pond (Walla Walla County): Year around season.))

Jefferson Park Pond (Walla Walla County): <u>April 30</u> through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: April 30 through October 31 season.

Kalispell Creek and tributaries: April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October 31((7, 1993,)) season((8)). ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Kettle River, from the Burlington-Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - catch limit - eight no more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept Trout ((-eatch limit - two)), minimum length twelve inches

From Napoleon Bridge upstream: ((All tributaries elosed. June 1 through October 31 season.)) Trout ((—eatel limit—two)), minimum length twelve inches; ((bait prohibit ed))selective fishery regulations. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch-and-release only, ((barbless hooks, bait prohibit ed))selective fishery regulations. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: April 30 through October 31 season.

Ledking Lake: April 30 through October 31 season.

Leo Lake: April 30 through October 31 season.

Liberty Lake: April (($\frac{26}{1992}$, through September 30($\frac{1992}{1993}$)) season(($\frac{1993}{1993}$)) season(($\frac{1993}{1993}$)).

Little Lost Lake (Pend Oreille County): April 3(through October 31 season.

Little Spokane River, from mouth to SR 291 Bridge Year around season.

From SR 291 Bridge upstream to the West Branch April ((26, 1992, through October 31, 1992, and April 25 1993,))30 through October 31((, 1993,)) season((s)) Additional December 1 through March 31 season fo whitefish only.

((West Branch and Little Spokane River upstream: June 1-through October-31 season.))

Little Twin Lake (Stevens County): April 30 through October 31 season.

Long Lake (Ferry County): <u>April 30 through October 31 season</u>. Fly fishing only.

Long Lake (Spokane River Reservoir): ((Year around season.)) Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

Loon Lake: April 30 through October 31 season. Trout (-eatch limit - eight)), no more than two over twenty nches.

Lyons Park Pond (College Place): April 30 through October 31 season. Juveniles only (under fifteen years old).

((Marmes Pond (Franklin County): November 1 hrough March 31 season: Fishing from any floating device prohibited.))

Marshal Lake: April 30 through October 31 season.

McDowell Lake (Stevens County): <u>April 30 through</u> <u>October 31 season</u>. Catch-and-release, fly fishing only((, varbless hook)).

Medical Lake: ((May 1))April 30 through ((June 14 and September 1 through)) September 30 season((s)). Trout - atch limit - ((one))two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: April ((26, 1992, through July 6, 992, and April 25, 1993, through July 6, 1993, and September 1))30 through September 30 season((s)).

Mill Creek (Walla Walla County), from mouth to 9th St. 3ridge: June 1 through April ((15))30 season. Open only o ((the taking of)) fishing for steelhead ((over twenty nehes)) from September 1 through April ((15))30. Wild teelhead release.

From 9th St. Bridge to ((Wilbur)) Roosevelt St. Bridge, vithin city limits of Walla Walla: Closed ((year around)) vaters.

From ((Wilbur)) Roosevelt St. Bridge to Oregon state ne: ((June 1 through October 31 season.)) Trout - catch mit - five.

Mill Creek Reservoir: ((Year around season.)) Internal ombustion engines prohibited.

Mill Pond: April 30 through October 31 season.

((Mud Lake (Ferry County): Year around season.))

Mudget Lake: April 30 through October 31 season.

Muskegon Lake: April 30 through October 31 season.

Mystic Lake: April 30 through October 31 season.

Negro Creek (Lincoln County): June 16 through March 1 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): ((April 26, 1992, wough July 15, 1992, and April 25, 1993,))30 through July 5((, 1993,)) season((s)).

Newman Lake: ((Year around season.))Tiger musky - atch limit - one, minimum length thirty-six inches.

Nile Lake: April 30 through October 31 season.

No Name Lake: April 30 through October 31 season.

Pampa Pond (Whitman County): April ((26, 1992, through July 15, 1992, and April 25, 1993,))30 through ((July 15, 1993,))September 30 season((s)). Fishing from any floating device prohibited.

Parker Lake: April 30 through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October $31((\frac{1993}{2}))$ season(($\frac{1}{2}$)). Juveniles only (under fifteen years old).

Remainder of creek: ((June 1 through October 31 season. Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: <u>April 30 through October 31 season</u>. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): April 30 through October 31 season.

Potter's Pond: April 30 through October 31 season.

Quarry Pond (Walla Walla County): ((March 1 through October 31 season.)) Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through ((October)) July 31 season. Fishing from any floating device prohibited.

((Red Lake: Year around season.))

Renner Lake: April 30 through October 31 season.

Rigley Lake: April ((26, 1992, through May 31, 1992, and April 25, 1993,))30 through ((May 31, 1993, and September 1 through)) October 31 season((s)). Trout - catch limit - ((three over twelve))two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): April ((26, 1992, through May 31, 1992, and April 25, 1993,))30 through ((May))October 31((, 1993,)) season((s)). From June 1 through October 31 catch and release only, selective fishery regulations.

Roosevelt Lake (Columbia River): ((Year around season.)) Trout ((-eatch limit - five)), no more than two over twenty inches. Trout - closed March 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Walleye - catch limit - eight, not more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge; in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges; in San Poil arm upstream from mouth of Manilla Creek.

Sacheen Lake: April 30 through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: from the mouth upstream to the hatchery boat dock December 1 through August 31 season.

Sherry Lake: April 30 through October 31 season.

((Sileot Pond (Asotin County): Year around season.

Silver Lake (Spokane County): April 26, 1992, through September 30, 1992, and April 25, 1993, through September 30, 1993, seasons.

Silver Lake, North: April 26, 1992, through June 14, 1992, and April 25, 1993, through June 14, 1993, seasons.))

Skookum Lake, North: April 30 through October 31 season.

Skookum Lake, South: April 30 through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - catch limit - six over ten inches, no more than two over twenty inches. Retaining steelhead ((over twenty inches in length)) is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily catch limit even if licensed by both states.

Spokane River, from the mouth at Lake Roosevelt upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - catch limit - five, no more than two over twenty inches. Walleye - catch limit - eight, no more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: ((June 1 through December 31 season.)) Year around season. Trout - catch limit - one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.) Selective fishery regulations.

From Monroe Street Dam upstream to ((Greene Street Bridge in Spokane))Upriver Dam: Year around season.

From ((Greene Street Bridge in Spokane)) Upriver Dam upstream to the Idaho/Washington state line: ((June 1 through October 31 season.)) Trout - catch limit - one,

minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: ((Year around season. Trout - eatch limit - five.)) Channel catfish - catch limit - five. Bass only bass less than twelve inches or over ((seventeen))fifteen inches may be kept. Closed waters: ((Oetober 1 through May 31 in the area southwest of Harper Island and posted markers on shore.))March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on the lake shore southwest of Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through ((October))July 31 season. Fishing from any floating device prohibited.

Starvation Lake: April ((26, 1992, through May 31, 1992, and April 25, 1993,))30 through ((May))October 31((, 1993,)) season((s)). ((Additional season))From June 1 through October 31, catch-and-release only((. Single barbless hooks bait prohibited.)), selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: ((Trout-minimum length eight inches; bait prohibited.))Selective fishery regulations.

((Sullivan Lake (Pend Oreille County): Year around season:))

Summit Lake (Stevens County): April 30 through October 31 season.

Swan Lake (Ferry County): April 30 through October 31 season.

Thomas Lake: April 30 through October 31 season.

Touchet River, from mouth to Highway 12 Bridge at Waitsburg: June 1 through April ((15))30 season. Open only to ((the taking of))fishing for steelhead ((over twenty inches)) from September 1 through April ((15))30. Wild steelhead release.

From Highway 12 Bridge at Waitsburg to Wolf Fork Bridge: June 1 through ((August 31))April 30 season. Wild steelhead release. ((See page . . . Additional September 1 through April 15 season. Trout (including steelhead) minimum length twenty inches. Wild steelhead release, see page . . .))Open only to fishing for steelhead and brown trougover twenty inches September 1 through April 30.

From Wolf Fork Bridge upstream and all tributaries ((June 1 through October 31 season.)) Trout ((—catch limi—two)), minimum length twelve inches, ((bait prohibit ed))selective fishery regulations.

Trout Lake (Ferry County): April 30 through Octobe 31 season.

Tucannon River, note: All tributaries closed. Wile steelhead release.

Mouth to Highway 261 Bridge: Year around season Closed to fishing for all trout April 16 through May 31.

From ((mouth))the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season

Open only to ((the taking of))fishing for steelhead ((overtwenty inches)) and whitefish ((September))November 1 through April ((15))30.

From the Highway 12 Bridge ((to the Little Tueannon River))upstream to the mouth of Cummings Creek: ((June 1 through October 31 season.)) Open only to ((the taking of))fishing for steelhead ((over twenty inches)) and whitefish November 1 through April ((15))30. ((The Tueannon River is closed to fishing from the mouth of Cummings Creek upstream to the Tueannon Hatchery Bridge.))

From the mouth of Cummings Creek upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

From a point four hundred feet upstream of the hatchery intake dam to the mouth of Panjab Creek: Trout - catch limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches may be retained as part of the trout daily catch limit.

From the Little Tucannon River upstream: ((June 1 through October 31 season.)) Trout ((-eatch limit - two)), minimum length twelve inches((; bait prohibited)), selective fishery regulations.

From the mouth of Panjab Creek upstream: Closed waters.

Vanes Lake: April 30 through October 31 season.

Waitts Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,))30 through ((last day of)) February 28 ((1994)) season((s)).

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to ((the taking of)) fishing for all trout April 1 hrough May 31((, from Highway 12 Bridge at Wallula unction upstream)). Wild steelhead release.

From the Touchet River upstream to state line: June 1 hrough ((August 31)) April 30 season. ((Additional September 1 through April 15 season; o)) Open only to ((the taking f)) fishing for steelhead ((over twenty inches)) November 1 hrough April 30.

Ward Lake (Ferry County): April 30 through October 1 season.

Watson Lake: March 1 through ((October))July 31 eason. Fishing from any floating device prohibited.

Williams Lake (Spokane County): April ((26, 1992, hrough September 30, 1992, and April 25, 1993,))30 hrough September $30((\frac{1993}{2}))$ season(($\frac{1993}{2}$)).

Williams Lake (Stevens County): December 1 through 4arch 31 season.

Yokum Lake: April 30 through October 31 season.

Region II.

Description: That area of the state contained within the oundaries of Adams, Douglas, Franklin, Grant, and Ikanogan counties.

All state-wide ((and Region II)) regulations (((given elow))) apply to all Region II waters unless specifically

exempted or amended by ((special))exceptions - Region II regulations (listed for separate waters and categories of waters).

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

((Region II regulations. Open seasons:

Note: All waters are closed year around to the taking of Dolly Varden/ bull trout and grass earp.

All waters in Adams, Franklin, and Grant counties: Year around season, unless specified otherwise under special regulations.

Lakes, ponds, and reservoirs in Douglas and Okanogan counties: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds in Douglas and Okanogan counties: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations.))

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River). ((See also Columbia River regulations and Region I, Snake River for other exceptions.

(For Columbia River reservoirs, see page x.)

Catch, size and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general eatch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

•	DAILY	MINIMUM	
GAME FISH		SIZE	- POSSESSION
SPECIES	LIMITS	LIMITS	LIMITS
Bass	. Five not more	None	Ten not more
	than three over		than six over
	fifteen inches	_	fifteen inches
Dolly Varden/			
Bull Trout	· · · · · · · · · · · · · · · · · · ·		
	fish for or retain		
	Dolly Varden or bu	#	
	trout		
Grass Carp	It is unlawful to		
	fish for or retain		
	grass carp		
Trout*			
(Including			
kokanee and			
steelhead):			
All waters in	Five, of which	None	One catch limit
Adams, Frankli	n, not more than		and (in addition)
and Grant	two may be over		two steelhead over
eounties	twelve inches		twenty inches
	if taken from		and and an arrangement of the second
	rivers, streams,		
	and beaver ponds		
	—— OR		
All-waters in	Eight, of which	None	One eatch limit
Douglas and	not more than		- and (in addition)
Okanogan – –	-two may be over		two-steelhead-over
counties	-twelve inches		twenty-inches

if taken from rivers, streams, and beaver ponds

Walleye Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish Fifte	en None-	One-eatch limit
All other game fish No l	limit None	- No limit
Bullfrogs Ten	None	One eatch limit

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eatch limit whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily eatch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Special)) Exceptions - Region II ((+)) Regulations ((-Region II. Basic s)): State-wide ((and regional)) regulations apply to all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): April 30 through October 31 season. ((Trout - eateh limit - five.)) Fly fishing only((, barbless hook)).

Alta Lake (Okanogan County): April ((26, 1992, through July 31, 1992, and April 25, 1993,))<u>30</u> through ((July 31, 1993,))September <u>30</u> season((s)).

((Banks Lake (Grant County): Trout - eatch limit - eight.))

Big Twin Lake (Okanogan County): <u>April 30 through</u> October 31 season. Trout - catch limit - one; selective fishery regulations.

((Billy Clapp Lake (Grant County): Trout - eatch limit - eight.

Black Pine Lake (Okanogan County): Year around season.))

Blue Lake (Grant County): April ((26, 1992, through September 30, 1992, and April 25, 1993,))30 through September 30((, 1993,)) season((s)). ((Trout - eatch limit eight.))

Blue Lake (Sinlahekin, Washington - Okanogan County): April 30 through October 31 season. Trout - catch limit - one; selective fishery regulations((, except electric motors allowed)).

Blue Lake (near Wannacut Lake - Okanogan County):

<u>April 30 through October 31 season.</u>

Trout - catch limit - one; selective fishery regulations((, except electric motors allowed)).

Bobcat Creek Ponds (Grant County): March 1 through ((September 30))July 31 season.

Bonaparte Lake (Okanogan County): ((Year around season:)) Trout ((-eatch limit - eight)), no more than one over twenty inches.

((Buck Lake (Okanogan County): Year around season.))

Burke Lake (Grant County): March 1 through July 31 season.

((Buzzard Lake (Okanogan County): Year-around season.))

Caliche Lake (lower) (Grant County): March 1 through July 31 season.

Caliche Lake (upper) (Grant County): March 1 through July 31 season.

Campbell Lake (Okanogan County): ((September))December 1 through ((last day of February-))March 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cattail Lake (Grant County): March 1 through July 31 season.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout ((-eatch limit - two)), minimum length twelve inches. ((Bait prohibited.))Selective fishery regulations. ((Wild steelhead release.)) Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): April 30 through October 31 season. Trout - catch limit - one. Fly fishing only((, barbless hook)).

Cliff Lake (Grant County): March 1 through July 31 season.

Columbia River and impoundments and all connecting sloughs - see regulations, page . . .

Conconully Lake (Okanogan County): April 30 through October 31 season.

Conconully Reservoir (Okanogan County): April 30 through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Cougar Lake (near Winthrop - Okanogan County) ((September)) <u>December</u> 1 through ((last day of Febru ary))March 31 season.

Cow Lake (Adams County): Channel catfish - catcl limit - five. Bass - only bass less than twelve inches or ove ((seventeen))fifteen inches may be kept.

Coyote Creek Ponds (Adams County): March 1 through ((September 30))July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March through July 31 season. Trout - catch limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through

September 30 season. Trout - catch limit - five. Fishing rom any floating device prohibited.

<u>Crawfish Lake (Okanogan County): April 30 through</u> October 31 season.

((Crumbacher Lake (Okanogan County): April 26, 1992, through July 31, 1992, and April 25, 1993, through uly 31, 1993, seasons.))

Crystal Lake (Grant County): March 1 through July 31 eason.

Cup Lake (Grant County): March 1 through July 31 eason.

Davis Lake (Okanogan County): ((Septemver))December 1 through ((last day of February))March 31 eason. ((Trout eateh limit five.))

Deadman Lake (Adams County): March 1 through (September 30)) July 31 season.

Deep Lake (Grant County): April ($(\frac{26}{1992}, \frac{1992}{1993}, \frac{1992}{1993}, \frac{1992}{1993}, \frac{1993}{1993})$ through September $30((\frac{1993}{1993}, \frac{1993}{1993}))$ season((s)). ((Trout eateh limit ight.

Dibble Lake (Okanogan County): Year around season.))

Dollar Lake (Grant County): March 1 through July 31 eason.

Dot Lake (Grant County): March 1 through July 31 eason.

Dry Falls Lake: April ((26, 1992, through November 10, 1992, and April 25, 1993,))30 through ((November 30, 993,))October 31 season((s)). Trout - catch limit - one. selective fishery regulations.

((Duck Lake, including adjacent Fry Lake (Okanogan County): Year around season.))

Dusty Lake (Grant County): March 1 through ((Sepember 30))July 31 season.

Ell Lake (Okanogan County): <u>April 30 through October 1 season</u>. Trout - catch limit - one. Selective fishery egulations.

Finnel Lake (Adams County): Channel catfish - catch imit - five. Bass - only bass less than twelve inches or over (seventeen))fifteen inches may be kept.

Fish Lake (Okanogan County): April ((26, 1992, hrough July 31, 1992, and April 25, 1993,))30 through (July 31, 1993,))September 30 season((s)).

Fourth of July Lake (Adams County): December 1 rough March 31 season. Trout ((-eateh limit - five)), no nore than two over fourteen inches. Internal combustion ngines prohibited.

Gadwall Lake (Grant County): March 1 through July 1 season.

George Lake (Grant County): March 1 through July 31 eason.

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: ((Trout - minimum length eight inches. Bait prohibited.))Selective fishery regulations.

Green Lake (Okanogan County): ((Oetober))December 1 through ((April 30))March 31 season. ((Trout eateh limit five.))

Green Lake, lower (Okanogan County): ((Oetober))December 1 through ((April 30))March 31 season. ((Trout -eatch limit - five.))

Grimes Lake: June 1 through August 31 season. Trout - catch limit - one. Selective fishery regulations((, except electric motors allowed)).

Hallin Lake (Adams County): Channel catfish - catch limit - five. Bass - only bass less than twelve inches or over ((seventeen))fifteen inches may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through ((September 30)) July 31 season.

Hourglass Lake (Grant County): March 1 through July 31 season.

Hutchinson Lake (Adams County): March 1 through ((September 30)) July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): April ((26, 1992, through July 4, 1992, and April 25, 1993,))<u>30</u> through ((July 4, 1993, and October 1 through October 31))<u>September 30</u> season((s)).

Jasmine Creek: Juveniles only (under fifteen years old).

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. ((Trout-minimum length eight inches. Bait prohibited.)) Selective fishery regulations.

<u>Leader Lake (Okanogan County): April 30 through</u> October 31 season.

Lemna Lake (Grant County): March 1 through July 31 season.

Lenice Lake: April (($\frac{26}{1992}$, through October 31, $\frac{1992}{1992}$, and April 25, $\frac{1993}{1992}$) through October 31(($\frac{1993}{1992}$)) season(($\frac{1993}{1992}$)). Trout - catch limit - one. Selective fishery regulations.

Lenore Lake (Grant County): Closed: December 1 through ((last day of)) February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations((, except electric motors allowed)). June 1 through November 30 season. Trout - catch limit - one. Selective fishery regulations((, except electric motors allowed)). Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through ((May))March 31 season. ((Trout eateh limit five.))

Long Lake (Okanogan County): April ((26, 1992,))30 through ((July 31, 1992, and April 25, 1993, through July 31, 1993,)) September 30 season((s)). ((Trout eateh limit - five.))

Lost River (Okanogan County): From one-quarter mile above bridge to ((Pasayten Wilderness boundary)) mouth of Monument Creek: Trout ((-eateh limit - two)), minimum length twelve inches. ((Bait prohibited))Selective fishery regulations.

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

((Lyman Lake (Okanogan County): Year around season.))

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Merry Lake: April (($\frac{26}{1992}$, through October 31, $\frac{1992}{1992}$, and April 25, $\frac{1993}{1992}$)) through October 31(($\frac{1993}{1992}$)) season(($\frac{1993}{1992}$)). Trout - catch limit - one. Selective fishery regulations.

Methow River, from mouth (railroad bridge) upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout ((-catch limit-two)), minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Trout ((-eatch limit-two)), minimum length twelve inches; ((bait prohibited))Selective fishery regulations June 1 through September 30((-)), Wild steelhead release.

Migraine Lake (Grant County): March 1 through July 31 season.

Mirror Lake: April ((26, 1992, through September 30, 1992, and April 25, 1993,)) $\underline{30}$ through September $30((\frac{1993}{5}))$ season((s)). ((Trout - eatch limit - eight.

Moceasin Lake (Okanogan County): Trout - catch limit - five. Fly fishing only, barbless hook.

Molson Lake (Okanogan County): Year around season.))

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - catch limit - five. Only crappie more than ten inches long may be kept. Bluegill - catch limit - five. Only bluegill more than eight inches long may be kept.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October 31((, 1993,)) season((s)). Trout - catch limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle

((Osoyoos Lake (Okanogan County): Year around season.))

Palmer Lake (Okanogan County): ((Year around season.)) Bass - only bass less than twelve inches or over ((seventeen))fifteen inches may be kept. Set lines may be used for burbot. An angler may use no more than one seline having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season ((Trout - eatch limit - five.)) Juveniles only (under fifteer years old).

Park Lake: April ((26, 1992, through September 30 (1992, and April 25, 1993,))30 through September 30((1993,)) season((s)). ((Trout eateh limit eight. Additional season October 1 through October 31, eateh and release only, single barbless hook bait prohibited.))

Patterson Lake: April 30 through October 31 season.

Pearrygin Lake (Okanogan County): April (($\frac{26}{1992}$) through July 31, 1992, and April 25, 1993,)) 30 through ((July 31, 1993,)) September 30 season(($\frac{1}{9}$)).

Perch Lake: April ((26, 1992, through September 30 1992, and April 25, 1993,))30 through September 30((1993,)) season((s)). ((Trout—eatch limit—eight.))

Pillar Lake (Grant County): March 1 through July 3 season.

Poacher Lake (Grant County): March 1 through July 3 season.

Potholes Reservoir: ((Year around season.)) Crappiand bluegill - catch limit - twenty-five (species combined)

<u>Proctor Lake (Okanogan County): Trout - catch limit</u> one. Selective fishery regulations.

Quail Lake: ((March 1 through September 30 season:) Catch-and-release ((only)), fly fishing only((, barbles hook)).

Quincy Lake (Grant County): March 1 through July 3 season.

Rat Lake (Okanogan County): ((November)) <u>December</u> 1 through ((May)) March 31 season.

Ringold Springs Creek (Hatchery Creek): Close

((Rock Island Ponds (Douglas County): Year aroun season.))

Rocky Ford Creek and Ponds (Grant County): Trout - catch limit - one. Fly fishing only((, barbless hook)). Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

Round Lake (Okanogan County): April ((26, 1992, through July 31, 1992, and April 25, 1993,))30 through ((July 31, 1993,)) September 30 season((s. Trout eateh limit five)).

Royal Lake (Adams County): April ((26, 1992, through September 30, 1992, and April 25, 1993,))30 through September $30((\frac{1993}{2}))$ season($(\frac{1993}{2})$). Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): ((Year around season.)) Trout (including kokanee) - catch limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through July 31 season.

Salmon Creek, North Fork: ((Trout - minimum length eight inches. Bait prohibited.))Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: ((Trout - minimum length eight inches. Bait prohibited))Selective fishery regulations.

Scabrock Lake (Grant County): March 1 through July 31 season.

Shiner Lake (Adams County): March 1 through ((September 30))July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

((Sidley Lake: Year around season. Trout - eatch limit - three.))

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Trout ((-eatch limit two)), minimum length twelve inches. ((Bait prohibited))Selective fishery regulations June 1 through September 30((-)), Wild steelhead release.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. ((Trout minimum length eight inches. Bait prohibited.))Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Snake River: See Region I.

Snipe Lake (Grant County): March 1 through July 31 season.

Spectacle Lake (Okanogan County): April ((26, 1992, through July 31, 1992, and April 25, 1993,))<u>30</u> through ((July 31, 1993,))<u>September 30</u> season((s)). Possession of fish other than trout is prohibited.

Sprague Lake: ((Year around season. Trout eatch limit five.)) Channel catfish - catch limit - five. Bass only bass less than twelve inches or over ((seventeen))fifteen inches may be kept. Closed waters: ((Oetober 1 through May 31 in the area southwest of Harper Island and posted markers on shore.))March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted makers on lake shore southwest of Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lakes (Quincy, Washington - Grant County): March 1 through July 31 season.

((Sullivan Pond (Okanogan County): Year around season.

Summit Lake (Okanogan County): Year around season.))

Twisp River (Okanogan County), from mouth to War Creek: Trout ((-eatch limit - two)), minimum length twelve inches. ((Bait prohibited. Wild steelhead release.))Selective fishery regulations.

Vic Meyers (Rainbow) Lake: April ((26, 1992, through September 30, 1992, and April 25, 1993,))<u>30</u> through September 30((, 1993,)) season((s)). ((Trout - eatch limit eight.))

Wannacut Lake (Okanogan County): April 30 through October 31 season.

Warden Lake (Grant County): March 1 through July 31 season.

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than twelve inches or over ((seventeen)) <u>fifteen</u> inches may be kept. Internal combustion engines prohibited.

((Wells Ponds (Okanogan County): Year around season.))

Whitestone Lake (Okanogan County): ((Year around season.)) Bass - only bass less than twelve inches or over ((seventeen))fifteen inches may be kept.

Widgeon Lake (Grant County): March 1 through July 31 season.

Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

All state-wide ((and Region III)) regulations (((given below))) apply to all Region III waters unless specifically exempted or amended by ((special))Exceptions - Region III regulations (listed for separate waters and categories of waters).

When fishing or hunting within the boundaries of the Yakima Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakima Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

((Region III regulations. Open seasons:

Note: All waters are closed year around to the taking of Dolly Varden/ bull trout and grass earp.

Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations and except:)) In Benton County: Rivers, Streams and Beaver Ponds: Year around, and all waters lying within the following boundaries: Roza Canal starting at Terrace Heights Drive, easterly to the Yakima/Benton County line, south along that line to the Yakima River, westerly along the Yakima River to Terrace Heights Drive: Year around.

((Rivers, streams, and beaver ponds: June 1 through October 31 (both 1992 and 1993), unless specified otherwise under special regulations and except: In Benton County: Year around. (See special regulations for Yakima and Columbia rivers.)

Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

CAME FISH	DAILY	-MINIMUM - SIZE	POSSESSION
SPECIES	LIMITS	LIMITS	LIMITS
Bass	Five not-more than three over fifteen inches	None	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout	. It is unlawful to fish for or retain Dolly Varden or I trout	oull	
Grass Carp	. It is unlawful to fish for or retain grass earp		
Kokaneo*	. Eight	None	One eatch limit
Trout* (Including steelhead)			One eateh limit and (in addition) two steelhead over twenty inches
Walleye	. Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish	. Fifteen	None	One eatch limit
All other game fish	. No limit	None	No limit
Bullfrogs	Ten	None-	One eateh limit

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily catch limit whether kept or released. Steelhead may be caught and released while using bait until the daily catch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Special regulations. Region III. Basic s))Exceptions - Region III Regulations. State-wide ((and regional)) regula-

tions apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: ((Trout minimum length eight inches; bait prohibited.))Selective fishery regulations.

Bachelor Creek: Year around season. <u>Trout - catch</u> limit - eight, no minimum length.

Beehive (Lake) Reservoir: April ((26, 1992, through July 4, 1992, and April 25, 1993,))30 through ((July 4, 1993,))October 31 season((s)). From July 5 through October 31 catch and release, selective fishery regulations.

((Berglund Lake: Year around season.))

Black Lake (Lower Wheeler Reservoir): April ((26, 1992, through July 4, 1992, and April 25, 1993,))30 through ((July 4, 1993,))October 31 season((s)). From July 5 through October 31 catch and release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): ((Year around season.)) Kokanee catch limit - ((thirty-three))sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: ((Trout—minimum length eight inches; bait prohibited))Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

((Byron Pond: August 1 through October 31 season.))

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: Year around season. Juveniles only (under fifteen years old).

Chelan Lake: ((Year around season.)) Trout - catch limit - two, minimum length fifteen inches and kokanee - catch limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout ((-eatch limit - eight)), minimum length eight inches, not more than two over fifteen inches and kokanee - catch limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Chelan River: Year around season. Trout ((-eatch limit - two)), minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: ((Trout-minimum length eight inches; bait prohibited.))Selective fishery regulations.

Clear Lake (Chelan County): April ((26, 1992, through July 4, 1992, and April 25, 1993,))30 through ((July 4, 1993,))October 31 season((s)). From July 5 through October 31 catch and release, selective fishery regulations.

Cle Elum Lake (Reservoir): ((Year around season.))
Trout - catch limit - two, minimum length twelve inches.
Kokanee catch limit - sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

Columbia Park Pond: ((Year around-season.)) Juveniles only (under fifteen years old).

Columbia River and impoundments and all connecting sloughs - see Columbia River regulations page . . .

((Dry Lake (near Roses Lake): Year around season.))

Eightmile Lake: Trout - catch limit - five, not more than two mackinaw.

North Elton Ponds: ((Year around season.))December 1 through March 31 season. Trout - catch limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout ((-eateh limit - two)), minimum length twelve inches; ((bait prohibited))selective fishery regulations June 1 through November 30. Wild steelhead release.

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): ((Year around season.)) Trout ((-eatch limit - five)), no more than two over fifteen inches.

((Freeway Lake: See Rotary Lake.))

Gold Creek, from mouth to Wilderness Boundary: Closed waters.

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout ((-eatch limit - two)), minimum length twelve inches. Wild steelhead release. From Rock Island Bridge upstream to Leland Creek: ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): ((Year around season.))
Trout - catch limit - two, minimum length twelve inches.
Kokanee catch limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): ((Year around season.))
Trout - catch limit - two, minimum length twelve inches.
Kokanee catch limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout ((-eateh limit-eight)), no more than two over twelve inches, fly fishing only except electric motors allowed.

Lilly Lake (Chelan County): April ((26, 1992, through July 4, 1992, and April 25, 1993,))30 through ((July 4, 1993,))October 31 season((s)). From July 5 through October 31 catch and release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: ((Trout minimum length eight inches; bait prohibited.))Selective fishery regulations.

Mad River, from Pine Flat Campground upstream to Jimmy Creek: ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

McCabe Pond: Eight fish catch limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - catch limit - five, no minimum length.

Merritt Lake: Trout - catch limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

Myron Lake: ((Year-around season.)) Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: ((June 1 through March 31 season.)) Trout (((including steelhead) - eatch limit - two)), minimum length twelve inches, ((no more than one over twenty inches. Wild steelhead release.))maximum length twenty inches. Closed

to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for steelhead. ((June 1 through November 30 season. Wild steelhead release. Steelhead over twenty inches eatch limit one.)) Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - catch limit - eight, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): ((Year around season. Kokanee eatch limit sixteen.))Trout catch limit sixteen, at least eight of which must be kokanee. Feeding (chumming) permitted.

Roses Lake: December 1 through March 31 season.

((Rotary Lake (Freeway Lake): Year around season.))

Schaefer Lake: Trout - catch limit - sixteen.

Sorenson Pond: ((May 15 through September 1 season.)) Trout - catch limit - two. Fishing from any floating device prohibited.

Spectacle Lake (Kittitas County): Trout - catch limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout ((-eateh limit - two)), minimum length fifteen inches; ((bait prohibited))selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: ((Trout-minimum length eight inches; bait prohibited.))Selective fishery regulations.

Taneum Creek: ((Trout - minimum length eight inches; bait prohibited.))Selective fishery regulations.

((Three Lake: Year around season.))

Tieton River: <u>Trout - catch limit - eight, no minimum length.</u> Lawful to fish to bases of Clear Lake Dam and Tieton (Rimrock) Dam. ((Additional)) December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to the base of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel of Clear Lake Dam.

Trapper Lake: Trout - catch limit - two((, minimum length twelve inches. Selective fishery regulations.))

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: April ((26, 1992, through July 31, 1992, and April 25, 1993,))30 through ((July 31, 1993,))October 31 season((s)). ((Additional season))From August 1 through October 31((, single barbless hooks—bait prohibited, and all trout must be released August 1 through October 31)) Trout—catch and release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: ((Year around season:)) Trout - catch limit - eight, of which not more than two may be brown trout.

Wenatchee Lake: ((Year around season.)) Trout ((eatch limit - two)), minimum length twelve inches. Kokanee catch limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee and under the jurisdiction of the department of wildlife while those sixteen inches and over will be considered sockeye salmon and under the jurisdiction of department of fisheries.

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout ((-catch limit - two)), minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout ((-eatch limit - two)), minimum length twelve inches, maximum length twenty inches Retaining steelhead ((over twenty inches in length))is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: ((Trout - minimum length eigh inches; bait prohibited.)) Selective fishery regulations.

Wide Hollow Creek: Trout - catch limit - eight, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout catch limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below ((Wapato))Roza Dam: Year around season. Closed: Apri 1 through May 31 for trout ((and steelhead)). Trout ((-eatel limit - two)), minimum length twelve inches maximum length twenty inches; ((steelhead eateh limit - one. Wiksteelhead release.))Closed to fishing for steelhead in the Yakima River including tributaries and drains.

((From Wapato Dam to four hundred feet below Roz. Dam: June 1-through March 31 season. Trout—eatch limitwo, minimum length twelve inches; steelhead eatch limitume. Wild steelhead release.))

From Roza Dam to four hundred feet below Eastor Dam: Year around season. Trout (((including steelhead):))

Catch-and-release ((only)), selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through ((last day of)) February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: ((Trout-minimum length eight inches; bait prohibited.))Selective fishery regulations.

Yakima Sportsmen's Park Ponds: ((Year around season.)) Juveniles only (under fifteen years old).

Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

All state-wide ((and Region IV)) regulations (((given below))) apply to all Region IV waters unless specifically exempted or amended by ((special))Exceptions - Region IV regulations (listed for separate waters and categories of waters).

((Region IV regulations. Open seasons:

Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations. Night closure: August 1 through October 31.

*Note: See wild steelhead release requirement under "trout daily eateh

Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
Bass	No limit until possession limit retained	Less than twelve inches or over fifteen inches	Five not more than two over fifteen inches Only bass less than twelve inches or over fifteen inches may be kept
Dolly Varden/			
Bull Trout	Counts as part of trout eatch limit	Twentyinches	Counts as part of trout possession limit
Grass-Carp	- It is unlawful to fish for or retain		

Trout* (Including kokanee, land locked Atlantic salmon, and steelhead)	no more than	rivers, streams, and beaver ponds	One eatch limit and (in addition) two steelhead over twenty inches
Grayling	. Catch-and-release only		
Walleye	Five	Eighteen inches	Ten not-more than two over twenty four inches
Whitefish	. Fifteen	None	One eatch limit
All other game fish	. No limit	None	No limit
Bullfrogs	. Ten	None	One catch limit
*Note: When	fishing with bait, a	all-trout equal to o	r greater than-the

: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eateh limit whether kept or released. Steelhead may be caught and released while using bait until the daily eateh limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily eateh limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Special regulations.))Exceptions - Region IV Regulations. ((Basie s))State-wide ((and regional)) regulations apply to all waters except where modified in special regulations below.

((Alder Lake (Reservoir): Year around season.))

American Lake: ((Year around season.)) Feeding (chumming) permitted.

((Angle Lake: Year around season.))

Baker Lake: April 30 through October 31 season. Trout - no more than ((three))two over fourteen inches. Feeding (chumming) permitted. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: ((Year around season:))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Barnaby Slough: Closed waters.

((Bass Lake: Year around season.))

Bearpaw Lake (Whatcom County): <u>April 30 through October 31 season</u>. Trout - catch and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Beaver Lake (Skagit County): Year around season.))

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Bitter Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Blackman's Lake: Year around season. Trout - catch limit - five.))

Boren Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Boundary Lake: Year around season:

Bow Lake: Year around season.))

Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): April 30 through October 31 season. Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): April 30 through October 31 season. Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

((Bryant Lake: Year around season.

Bug Lake: Year around season:))

Cain Lake: April 30 through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through ((last day of)) February <u>28</u> season. Trout ((eateh limit two)), minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout ((-eateh limit - two)), minimum length fourteen inches. Additional February 1 through March 31 season: ((Selective fishery regulations.))Trout, minimum length fourteen inches. Wild steelhead release.

Cascade Lake (San Juan County): April 30 through October 31 season.

Cascade River: June 1 through ((last day of)) February 28 season. Trout ((-eatch limit -two)), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily catch limit, minimum length twenty inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is closed June 1 through September 30.

Cassidy Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River, from its mouth to the Landsburg diversion dam: June 1((5)) through September 1 season. Trout ((eatch limit - two)), minimum length fourteen inches. ((Baiprohibited.))Selective fishery regulations.

From its mouth to the Landsburg Highway Bridge Additional December 1 through ((last day of)) February 25 season. Trout ((-eateh limit -two)), minimum length fourteen inches. Fishing from any floating device prohibited Fishing unlawful between 7:00 p.m. and 5:00 a.m. ((Wile steelhead release.))

From Landsburg diversion dam upstream to Chester Morse Reservoir: Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer grave pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation) Trout - catch-and-release only. Selective fishery regulations((, except-electric motors allowed)). Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

((Clay Pit Pond: Year around season.))

Clear Lake (Pierce County): ((September 1 through June 30 season. (Closed July 1 through August 31.))
Feeding (chumming) permitted.

Clear Lake (Skagit County): ((Year around season.))Bass - only bass less than twelve inches or over fifteer inches may be kept.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - catch limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closec waters.

Coal Creek, (near Snoqualmie) from Highway 1(downstream: April ((26, 1992, through October 31, 1992 and April 25, 1993,))30 through October 31((, 1993,) season((s)). Trout - no minimum length. Juveniles only (under fifteen years old).

County Line Ponds: Closed Waters.

((Cranberry Lake (Island County): Year around season

Dakota Creek: June 1-through last day of February season. Trout - eatch limit - two, minimum length fourteer inches.

Day Creek, mouth to Day Lake: Trout - eatch limittwo, minimum length fourteen inches.))

De Coursey Pond: <u>April 30 through October 31 season</u> Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Desire, Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Diablo Lake: Year around season.

Doloff Lake: April 26, 1992, through November 30, 1992, and April 25, 1993, through November 30, 1993, seasons.

Dugualla Bay (Lake): Year around season.))

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - catch limit - one, minimum length eighteen inches.

Echo Glen Pond: ((Year around season.))

Note: No public access. (State corrections facility.)

((Echo Lake (Snohomish County, near Maltby): September 1 through June 30 season. (Closed July 1 through August 31.)

Egg Lake (San Juan County): Year around season.))

Erie Lake (Skagit County): April 30 through October 31 season.

Fazon Lake: ((February 1))April 30 through October 31 season. Channel catfish - possession limit - two. Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Fenwick Lake (King County): Year around season.))

Findley Lake: Closed waters.

((Finney Creek (Skagit River), from its mouth to falls: Trout - eateh limit - two, minimum length fourteen inches.))

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout ((-eatch limit - two)), minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June I through October 31 season. Trout ((-eatch limit - two)), minimum length fourteen inches.

((Fishtrap Creek (Whatcom County): From Kok-Road to Bender Road: June 15 through October 31 season. Juveniles only (under fifteen years old).))

Flowing Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Fortson Mill Pond #2: April 30 through October 31 season. Juveniles only (under fifteen years old).

Gissberg Ponds: ((Year around season.))Closed to fishing for channel catfish.

Goodwin Lake: ((Year-around season.)) Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches may be kept.

<u>Granite Lakes (Skagit County - near Marblemount):</u> Closed to fishing for grayling.

((Green Lake (King County): Year around season.

Green Lake (Whatcom County): Year around season.))

Green (Duwamish) River, from its mouth to the First Avenue Bridge: ((Year around season.))June 15 through February 28 season. Trout ((-eateh limit two)), minimum length fourteen inches. Exempt from wild steelhead release June 15 through February 28. It is unlawful to fish with more than one single hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait.

From the First Avenue Bridge to Tacoma Headworks Dam: June 1((5)) through ((last day of)) February 28 season. Trout ((leath limit two)), minimum length fourteen inches. Exempt from wild steelhead release June 15 through February 28. Fishing from any floating device prohibited November 1 through ((last day of)) February 28 ((season)). Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the ((First Avenue))SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 31 season. Trout ((-eatch limit - two)), minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.

Greenwater River, from mouth to Greenwater Lakes: Trout ((-eateh limit - two)), minimum length twelve inches. ((Bait prohibited.))Selective fishery regulations.

((Haller Lake: Year around season.))

Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Heart Lake (Skagit County, near Anacortes): April ((26, 1992, through July 31, 1992, and April 25, 1993,))<u>30</u> through ((July))October 31((, 1993,)) season((s)).

Hozomeen Lake (Whatcom County): June 1 through October 31 season.

Hummel Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Issaquah Creek: Closed waters.

Jennings Park Pond: <u>April 30 through October 31 season.</u> Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).

((K-Mart Lake: Year around season.

Kapowsin Lake: Year around season.))

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Keevies Lake: Year around season.))

Kelsey Creek (tributary of Lake Washington): Closed waters.

((Killarney Lake: Year around season.))

Kimball Creek (near Snoqualmie): April ((26, 1992, through October 31, 1992, and April 25, 1993,))<u>30</u> through October 31((, 1993,)) season((s)). Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): April 30 through October 31 season. Trout - catch limit - two, minimum length fourteen inches. Selective fishery regulations.

Lake Washington Ship Canal: See Washington, Lake; Union, Lake; Portage Bay and Salmon Bay.

Little Bear Creek (tributary of Sammamish River): Closed waters.

((Little Cranberry Lake: Year around season:

Lone Lake: Year around season.

Lost Lake (Snohomish County): September 1 through June 30 season: (Closed July 1 through August 31.)))

Lucas Slough: Closed waters.

((Marcel Lake: Year around season.))

Marine areas: (See page . . .).

((Martha Lake (Warm Beach): Year around season.))

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): April 30 through October 31 season.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): April 30 through October 31 season. Juveniles only (under fifteen years old).

((Minkler Lake (Skagit County): Year around season.

Morton Lake: September 1 through June 30 season. (Closed July 1 through August 31.)))

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

Mud Lake (Skagit County): ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Mud-Lake (Whateom County, near Deming): Year around season.

Mudd Lake (Island County): Year around season.))

New Mire Creek (tributary of Lake Sawyer): April $((26, 1992, \text{through October } 31, 1992, \text{and April } 25, \frac{1993}{}))30$ through October $31((\frac{1993}{}))$ season((s)). Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters. Nisqually River: See Region VI. ((Nooksack River, all tributary streams to the Nooksack River system: June 15 through October 31 season.))

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1((5)) through March ((31))15 season. Trout ((-eatch limit - two)), minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March ((31))15.

South Fork, from its mouth to source: ((June 15 through October 31 season.)) Trout ((-eateh limit - two)), minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

South Fork, ((F)) from its mouth to Skookum Creek: Additional November 1 through March ((3+))15 season. Trout ((-eath limit - two)), minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

North Creek (tributary of ((Lake)) Sammamish River): Closed waters.

Northern State Hospital Pond: <u>April 30 through</u> October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Old Fishing Hole Pond (Kent): <u>April 30 through</u> October 31 season. Juveniles only (under fifteen years old).

Padden Lake: <u>April 30 through October 31 season.</u>
Internal combustion engines prohibited.

Pass Lake: ((Year around season:)) Trout - catch limit - one, minimum length eighteen inches. Fly fishing only((, barbless hook)).

((Peterson Lake: Year around season.))

<u>Phantom Lake: Bass - only bass less than twelve inches</u> or over fifteen inches may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout ((-catch limit - two)), minimum length fourteen inches. ((Bait prohibit-ed-))Selective fishery regulations. Additional December 1 through ((last day of)) February 28 season. Trout ((-catch limit - two)), minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through ((last day of)) February 28 season. Trout ((-eateh limit two)), minimum length fourteen inches. Fishing from any floating device prohibited.

Pipers Creek (Carkeek Creek), from its mouth to ((eonerete culvert adjacent the Metro plant (including Venema Creek)its source, including tributaries: Closed waters.

((From concrete culvert adjacent the Metro plant to source: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout no minimum length. Juveniles only (under fifteen years old).

Pondilla Pond: Year around season.))

Portage Bay: ((Year around season.)) Feeding (chumming) permitted.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout ((eatch limit - two)), minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout ((-eateh limit - two)), minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through ((last day of)) February 28 season. Trout ((-eateh limit - two)), minimum length fourteen inches.

Rapjohn Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Rattlesnake Lake: <u>April 30 through October 31 season.</u> Selective fishery regulations((, except electric motors allowed.))

Ravensdale Lake: <u>April 30 through October 31 season.</u>

Trout - catch limit - two, minimum length twelve inches. Selective fishery regulations.

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - catch and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Rock Creek (below Landsburg): Closed waters.

Roesiger Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - catch limit - ((three, possession limit - six))two, minimum length thirteen inches. ((Bait prohibited.))Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one-quarter mile (see special ((regulation for)) Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Salmon Bay, all waters from the Chittenden Locks (in Ballard) upstream (east) to the Fremont Bridge: July 1 through ((last day of)) February <u>28</u> season. Trout - no more than two over twenty inches. Wild steelhead release.

Salmon Bay, from the east end of the north wing wall of the Chittenden Locks to a line approximately one hundred seventy-five feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure

near the south shore: December 1 through ((last day of)) February 28 season. Trout ((-eateh limit two)), minimum length ((twelve))fourteen inches. ((Wild steelhead release.)) It is unlawful to fish with more than one hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait. Fishing from any floating device prohibited. This area is closed March 1 through November 30. See also department of fisheries' regulations.

Samish, Lake: ((Year around season.)) April 30 through February 28 season. Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Samish River, from its mouth to the old Highway 99 Bridge and from the department of fisheries' rack to the Hickson Bridge: June 1 through March ((31))15 season. Trout ((eatch limit two)), minimum length fourteen inches. December 1 through March 31 wild steelhead release. Note: Closed from Highway 99 Bridge to department of fisheries' salmon rack.

Sammamish Lake: ((Year around season.)) Trout - no more than ((three))two over fourteen inches ((or two over twenty inches)). Kokanee may not be kept. ((Bass - daily eath limit - five, not more than three over fifteen inches, no minimum size limit, and possession limit - ten, not more than six over fifteen inches.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: June 1 through August 31 and December 1 through ((last day of)) February <u>28</u> seasons. Trout ((-eatch limit - two)), minimum length twenty inches. Wild steelhead release. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 1((5)) through ((last day of)) February 28 season. Trout ((-eatch limit two)), minimum length fourteen inches. June 15 through October 31 wild steelhead release. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout ((-eateh limit -two)), minimum length fourteen inches. ((Bait prohibited.)) Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

Sawyer, Lake: ((Year around season.)) Feeding (chumming) permitted.

Sequallitchew Lake: ((June 1 through October 31 season.)) Contact Ft. Lewis for land use permit.

((Serene, Lake: September 1 through June 30 season: (Closed July 1 through August 31.)))

Shady Lake: June 1 through ((July 4 and September 1 through)) October 31 season((s)). Trout ((-eateh limit-four)), no more than ((one))two over twelve inches.

Shannon, Lake: April 30 through October 31 season.

Trout - no more than ((three))two over sixteen inches.

Feeding (chumming) permitted.

Shoecraft Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Silver Lake (Island County): Year around season.))

Silver Lake (Pierce County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Silver Lake (Whatcom County): April 30 through October 31 season.

Sixteen Lake (Skagit County): April 30 through October 31 season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout ((—eatch limit—two)), minimum length fourteen inches. Retaining steelhead ((over twenty inches in length)) is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through ((last day of)) February <u>28</u> season. Trout ((catch limit two)), minimum length fourteen inches. <u>Dolly Varden/Bull Trout</u>: <u>Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.</u>

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout ((-eatch limit-two)), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout ((<u>eatch limit—two</u>)), minimum length fourteen inches. <u>Dolly Varden/Bull Trout</u>: <u>Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.</u> Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through ((last day-of)) February 28 season. Trout ((-eatch-limit -two)), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through ((last day of)) February 28

from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout ((-eatch limit - two)), minimum length fourteen inches. Wild steelhead release((-)) March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through ((last day of)) February 28 season. Trout ((-eatch limit - two)), minimum length fourteen inches. ((Wild steelhead release.)) Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to headwaters: ((Trout - eateh limit - two, minimum length fourteen inches. Bait prohibited. Catch and release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through ((last day of)) February 28 season. Trout ((eatch limit - two)), minimum length fourteen inches. ((Wild steelhead release.)) Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout ((-eatch limit - two)), minimum length fourteen inches. ((Bait prohibited:))Selective fishery regulations. Additional ((November))December 1 through ((last day of)) February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) From Puger Sound to Highway 529: Year around season. Trout ((eatch limit—two)), minimum length fourteen inches. Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout ((-eatch limit - two)) minimum length fourteen inches.

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout ((-eateh-limit - two)) minimum length fourteen inches. June 1 through November 30 ((bait-prohibited)) selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp a Plumb access, about one-quarter mile. Note: Waters within

the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (south pank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout ((-eateh limit - two)), minimum length ten nches. ((Bait prohibited)) Selective fishery regulations. Additional November 1 through ((last day of)) February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source includng all tributaries: Catch-and-release only, and selective ishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June I through August 31 season. Trout ((-eateh limit - two)), ninimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): April 30 through October 31 season. Trout - catch limit - ((five))two, minimum length welve inches. ((Bait prohibited))Selective fishery regulations. Internal combustion engines prohibited. Note: All ributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam approximately 800 feet): Year around season.

Sportsman's Lake: ((Year around season.))Bass - only pass less than twelve inches or over fifteen inches may be tept.

Spring Lake (King County): Bass - only bass less than welve inches or over fifteen inches may be kept.

((Squalicum Creek, mouth to outlet of Bug Lake: Additional November 1 through last day of February season. Frout—catch limit—two, minimum length fourteen inches.))

Squalicum Lake: ((Year around season.)) Trout - catch imit - two. Fly fishing only.

((Steilacoom Lake: Year around season.))

Stetattle Creek, from its mouth for one and one-half niles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: ((Year around season.)) Feeding chumming) permitted. Bass - possession limit - one over ighteen inches.

Stillaguamish River, and all sloughs, downstream of Varm Beach-Stanwood Highway: Year around season. Frout ((-eatch limit - two)), minimum length fourteen nches.

Stillaguamish River, upstream from the Warm Beachstanwood Highway to the forks (except Harvey Creek, ioneer Ponds, and Portage Creek are closed): June 1 hrough March 31 season. Trout ((-eateh limit - two)), ninimum length fourteen inches. Dolly Varden/Bull Trout: egal to retain Dolly Varden/Bull Trout as part of trout daily atch limit, minimum length twenty inches. Closed waters rom the barrier dam (downstream of I-5) downstream two undred feet.

Stillaguamish River, North Fork, from its mouth to wede Heaven Bridge: Year around season. Trout ((-eateh

limit - two)), minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through ((last of)) February 28 season. Trout ((eatch limit two)), minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

((Stitch Lake: Year around season.))

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through ((last day of)) February <u>28</u> season. Trout ((catch limit two)), minimum length fourteen inches. <u>Dolly Varden/Bull Trout</u> as part of trout daily catch limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

((Sunday Lake (Snohomish County): Year around season.))

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: ((Year around season.)) Bass - only bass less than twelve inches or over fifteen inches may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: ((Year around season.)) Fishing from any floating device prohibited from <u>first Friday in October</u> ((+3)) through January 15. <u>Bass - only bass less than twelve inches or over fifteen inches may be kept.</u>

Terrell, Lake: ((Year around season.)) Fishing from any floating device prohibited from <u>first Friday in</u> October ((13)) through January 15 except fishing from floating dock permitted. <u>Bass - only bass less than twelve inches or over fifteen inches may be kept.</u>

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad, Lake (Whatcom County): April 30 through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout ((-eatch limit - two)), minimum length fourteen inches. This area is closed daily from 5:00 p.m. to 7:00 a.m. This area is closed to all fishing from April 1 through November 30.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.

Tolt River, from its mouth to the USGS trolley cable at the confluence of the North and South Forks: June 1 through ((last day of)) February 28 season. Trout ((-eatch limit two)), minimum length fourteen inches. June 1 through November 30 ((bait prohibited))selective fishery regulations.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout ((-eateh limit-two)), minimum length ten inches. ((Bait prohibit-ed.))Selective fishery regulations.

<u>Tradition Lake: Bass - only bass less than twelve</u> inches or over fifteen inches may be kept.

Troublesome Creek: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches.

Tye River: Trout ((<u>-eateh limit - two</u>)), minimum length fourteen inches. ((<u>Bait prohibited</u>))<u>Selective fishery regulations</u>. Additional November 1 through ((<u>last day of</u>)) February <u>28</u> season for whitefish only.

Union, Lake: ((Year around season.)) Feeding (chumming) permitted.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout ((—eateh limit—two)), minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catch limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through ((last day of)) February 28 season. Trout ((-eateh limit -two)), minimum length fourteen inches. Fishing from any floating device prohibited.

Wapato Lake: ((Year around season.)) Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: ((Year around season.)) Trout - no more than two over twenty inches. Wild steelhead release December 1 through May 31. May 1 through June 30 season: Trout - catch limit - eight, minimum length twelve inches. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under twenty inches will be considered kokanee and under the jurisdiction of the department of wildlife while those twenty inches and over will be considered sockeye salmon and under the jurisdiction of the department of fisheries. ((Bass - daily eatch limit - five, not more than three over fifteen inches, no minimum size limit, and possession limit - ten, not more than six over fifteen inches.))

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through ((last day of)) February 28 season. Trout ((-eateh limit - two)), minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October $31((\frac{1993}{1992}, 1993))$ season((s)). Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: April 30 through October 31 season. Trout - no more than one over fourteen inches. Bass - only bass less than twelve inches or over fifteen inches may be kept. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outled dam.)

Whistle Lake (Skagit County): ((Year around season.))Bass - only bass less than twelve inches or over fifteer inches may be kept.

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: Trout ((- eateh limit - two)), minimum length twelve inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout minimum length twelve inches. Wild steelhead release.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish and Dolly Varden/Bul Trout((bull trout))) only.

Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily catel limit; minimum length twenty inches.

Willow Lake (Whatcom County): July 1 through October 31 season. Trout - catch and possession limit - one minimum length eighteen inches. Selective fishery regulations

((Winter's Lake: Year around season.))

Wiser Lake: ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

((Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

All state wide ((and Region IV regulations (given below) apply to all Region IV waters unless specifically exempted or amended by special regulations (listed for separate waters and categories of waters).

Region IV regulations. Open seasons:

Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations. Night closure: August 1 through October 31.

*Note: See wild steelhead release requirement under "trout daily eatch

Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general eatch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH SPECIES Bass	No limit until possession limit retained	Less than twelve inches or over fifteen inches	Five not more than two over fifteen inches. Only bass less than twelve inches
Dolly Varden/ Bull Trout	Counts as part	Twenty	or over fifteen inches may be kept Counts as part of trout possession
Grass-Carp	limit It is unlawful to fish for or retain grass earp		-limit
Trout* (Including kokanee, land locked Atlantic salmon, and steelhead)	Eight, of which no more than two may be over twelve inches if taken from rivers, streams, and beaver ponds. *Wild steelhead release June 1 through November	None in lakes, ponds, and reservoirs. Eight inches in rivers, streams, and beaver ponds	One eatch limit and (in addition) two steelhead over twenty inches
Grayling	Catch and release only		

Walleye	Five	Eighteen inches	Ten not more than two over twenty-four inches
Whitefish-	-Fifteen	-None	One eateh limit
All other game fish	No limit	None	No limit
Bullfrogs	Ten -	None	One eatch limit

When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eatch limit whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily eatch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Special regulations. Region IV. Basic state wide and regional regulations apply to all waters except where modified in special regulations below.

Alder Lake (Reservoir): Year around season.

American Lake: Year around season. Feeding (chumming) permitted.

Angle Lake: Year-around season.

Baker Lake: Trout—no more than three over fourteen inches. Feeding (chumming) permitted. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: Year around season.

Barnaby Slough: Closed waters.

Bass Lake: Year around season.

Bearpaw Lake (Whatcom County): Trout—eatch and possession limit—one, minimum length eighteen inches. Selective fishery regulations.

Beaver Lake (Skagit County): Year around season.

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big-Lake: Year around season.

Bitter Lake: Year around season.

Blackman's Lake: Year around season. Trout - catch limit - five.

Boundary Lake: Year around season.

Bow Lake: Year around season.

Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): Trout - catch limit - two, minimum length fourteen inches. Selective fishery-regulations. Bridges Lake (the inlet and outlet are closed waters): Trout—eatch limit—two, minimum length fourteen inches. Selective fishery regulations.

Bryant Lake: Year around season.

Bug Lake: Year around season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: Year around season.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through last day of February season. Trouteatch limit - two, minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162
Bridge: June 1 through January 31 season. Trout—eatch
limit—two, minimum length fourteen inches. Additional
February 1 through March 31 season: Selective fishery
regulations. Wild steelhead release.

Cascade River: June 1 through last day of February season. Trout - eateh limit - two, minimum-length fourteen inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is-closed June 1 through September 30.

Cassidy Lake: Year around season.

Cavanaugh Lake: Feeding (chumming) permitted:

Cedar River, from its mouth to the Landsburg diversion dam: June 15 through September 1 season. Trout - eatch limit - two, minimum length fourteen inches. Bait prohibited.

From its mouth to the Landsburg Highway Bridge: Additional December 1 through last day of February season. Trout—eatch limit—two, minimum length fourteen inches. Fishing from any floating device prohibited. Fishing unlawful between 7:00 p.m. and 5:00 a.m. Wild steelhead release.

From Landsburg diversion dam upstream to Chester Morse Reservoir: Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation):
Trout—eatch and release only. Selective fishery regulations,
except electric motors allowed. Contact Ft. Lewis for a land
use permit.

Chaplain Lake: Closed waters.

Clay Pit Pond: Year around season.

Clear Lake (Pierce County): September 1 through June 30 season. (Closed July 1 through August 31.) Feeding (ehumming) permitted.

Clear Lake (Skagit County): Year around season.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - eateh limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout no minimum length. Juveniles only (under fifteen years old).

County Line Ponds: Closed Waters.

Cranberry Lake (Island County): Year around season.

Dakota Creek: June 1 through last day of February season. Trout eatch limit two, minimum length fourteen inches.

Day Creek, mouth to Day Lake: Trout - catch limit - two, minimum length fourteen inches.

De Coursey Pond: Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Desire, Lake: Year around season.

Diable Lake: Year around season.

Doloff Lake: April 26, 1992, through November 30, 1992, and April 25, 1993, through November 30, 1993, seasons.

Dugualla Bay (Lake): Year around season.

Eagle-Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - catch limit - one, minimum length eighteen inches.

Echo Glen Pond: Year around season.

Note: No public access. (State corrections facility.)

Echo Lake (Snohomish County, near Maltby): September 1-through June 30 season. (Closed July 1-through August 31.)

Egg Lake (San Juan County): Year around season.

Fazon Lake: February 1 through October 31 season. Channel eatfish - possession limit - two.

Fenwick Lake (King County): Year around season.

Findley-Lake: Closed waters.

Finney Creek (Skagit River), from its mouth to falls: Trout - catch limit - two, minimum length fourteen inches.

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout—eatch limit—two, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout—eatch limit—two, minimum length fourteen inches.

Fishtrap Creek (Whatcom County): From Kok Road to Bender Road: June 15 through October 31 season. Juve niles only (under fifteen years old).

Flowing Lake: Year around season.

Fortson Mill Pond #2: Juveniles only (under fifteen years old).

Gissberg Ponds: Year around season.

Goodwin Lake: Year around season. Feeding (chumming) permitted.

Green-Lake (King County): Year around season.

Green Lake (Whatcom County): Year around season.

Green (Duwamish) River, from its mouth to the First Avenue Bridge: Year around season. Trout—eatch limit—two, minimum length fourteen inches. It is unlawful to fish with more than one single hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait.

From the First Avenue Bridge to Tacoma Headworks
Dam: June 15 through last day of February season. Trout
eatch limit—two, minimum length fourteen inches. Fishing
from any floating device prohibited November 1 through last
lay of February season. Note: Area from the Auburn Black
Diamond Bridge downstream to the 8th St. N.E. Bridge in
Auburn is closed September 1 through October 15 and area
from the Auburn Black Diamond Bridge downstream to the
Highway 18 Bridge is closed September 1 through October
31.

From the First Avenue Bridge to the Tacoma leadworks Dam: Additional March 1 through March 31 leason. Trout - catch limit - two, minimum length fourteen nehes. Wild steelhead release. Fishing from any floating levice prohibited.

Greenwater River, from mouth to Greenwater Lakes: Frout - eateh limit - two, minimum length twelve inches. 3ait prohibited.

Haller Lake: Year around season.

Hancock Lake: June 1 through October 31 season. All ributary streams and the upper third of the outlet are closed vaters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): Year around season.

Heart Lake (Skagit County, near Anacortes): April 26, 992, through July 31, 1992, and April 25, 1993, through uly 31, 1993, seasons.

Hozomeen Lake (Whateom County): June 1 through tober 31 season.

Hummel Lake: Year around season.

Issaquah Creek: Closed waters.

Jennings Park Pond: Juveniles only (under fifteen years ld).

Johnson Creek (Whatcom County), from Northern racific Railroad tracks to the Lawson Street footbridge in rumas: Juveniles only (under fifteen years old).

K-Mart-Lake: Year around season.

Kapowsin Lake: Year around season.

Keevies Lake: Year around season.

Kelsey Creek (tributary of Lake Washington): Closed waters.

Killarney Lake: Year around season.

Kimball Creek (near Snoqualmie): April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout—no minimum length. Juveniles only (under fifteen years old).

Kings Lake (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): Trout—eatch limit—two, minimum length fourteen inches. Selective fishery regulations.

Lake Washington Ship Canal: See Washington, Lake; Union, Lake; Portage Bay and Salmon Bay.

Little Bear Creek (tributary of Sammamish River): Closed waters.

Little Cranberry Lake: Year-around season.

Lone Lake: Year around season.

Lost Lake (Snohomish County): September 1 through June 30 season. (Closed July 1 through August 31.)

Lucas Slough: Closed waters.

Marcel Lake: Year around season.

Marine areas: (See page . . .).

Martha Lake (Warm Beach): Year around season.

May Creek (tributary of Lake Washington): Closed waters.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): Juveniles only (under fifteen years old).

Minkler Lake (Skagit County): Year around season.

Morton-Lake: September 1 through June 30 season. (Closed July 1 through August 31.)

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout eatch and release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

Mud Lake (Skagit County): Year around season.

Mud Lake (Whatcom County, near Deming): Year around season.

Mudd Lake (Island County): Year around season.

New Mire Creek (tributary of Lake Sawyer): April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

Nisqually River: See Region VI.

Nooksack River, all tributary streams to the Nooksack River system: June 15 through October 31 season.

North Fork to Nooksack Falls: June 15 through March 31 season. Trout eateh limit two, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 31.

South Fork, from its mouth to source: June 15 through October 31 season. Trout eateh limit two, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

From its mouth to Skookum Creek: Additional November 1 through March 31 season. Trout - eatch limit - two, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

North Creek (tributary of Lake Sammamish River): Closed waters.

Northern State Hospital Pond: Juveniles only (under fifteen years old).

Ohop Lake: Year around season.

Old Fishing Hole Pond (Kent): Juveniles only (under fifteen years old).

Padden Lake: Internal combustion engines prohibited.

Pass Lake: Year around season. Trout - catch limit one, minimum length eighteen inches. Fly fishing only, barbless hook.

Peterson Lake: Year around season.

Philippa Creek (tributary to N.F. Snoqualmic River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout—eatch limit—two, minimum length fourteen inches. Bait prohibited. Additional December 1 through last day of February season. Trout—eatch limit—two, minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day of February season. Trout—eateh limit—two, minimum length fourteen inches. Fishing from any floating device prohibited.

Pipers Creek (Carkeek Creek), from its mouth to concrete culvert adjacent the Metro plant (including Venema Creek): Closed waters.

From concrete culvert adjacent the Metro plant to source: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout - no minimum length. Juveniles only (under fifteen years old).

Pondilla Pond: Year around season.

Portage Bay: Year around season. Feeding (chumming) permitted.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout eatch limit - two, minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trouteatch limit—two, minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through last day of February season. Trout—eatch limit—two, minimum length fourteen inches.

Rattlesnake Lake: Selective fishery regulations, except electric motors allowed.

Ravensdale Lake: Trout eatch limit two, minimum length twelve inches. Selective fishery regulations.

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout—catch and possession limit—one; minimum length eighteen inches.—Selective fishery regulations.

Rock Creek (below-Landsburg): Closed waters.

Roesiger Lake: Year around season.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - eatch limit - three, possession limit - six, minimum length thirteen inches. Bait prohibited.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek (see special regulation for Big Beaver Creek, Ruby Creek, entire stream. All other tributaries one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Salmon Bay, all waters from the Chittenden Locks (in Ballard) upstream (east) to the Fremont Bridge: July 1 through last day of February season. Trout—no more than two over twenty inches. Wild steelhead release.

Salmon Bay, from the east end of the north wing wall of the Chittenden Locks to a line approximately one hundred seventy five feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure near the south shore: December 1 through last day of February season. Trout—eatch limit—two, minimum length twelve inches. Wild steelhead release. It is unlawful to fish with more than one hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait. Fishing from any floating device prohibited. This area is closed March 1 through November 30. See also department of fisheries' regulations.

Samish, Lake: Year around season. Feeding (chumming) permitted.

Samish River, from its mouth to the old Highway 99. Bridge and from the department of fisheries' rack to the Hickson Bridge: June 1 through March 31 season. Trouteatch limit—two, minimum length fourteen inches. December 1 through March 31 wild steelhead release. Note Closed from Highway 99 Bridge to department of fisheries salmon rack.

Sammamish Lake: Year around season. Trout - no more than three over fourteen inches or two over twenty inches. Kokanee may not be kept. Bass - daily eatch limit - five, not more than three over fifteen inches, no minimum size limit, and possession limit - ten, not more than six over fifteen inches.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: June 1-through August 31 and December 1 through last day of February seasons. Trouteatch limit - two, minimum length twenty inches. Wild steelhead release. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 15 through last day of February season. Trout—eatch limit—two, minimum length fourteen inches. June 15 through October 31 wild steelhead release.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout eatch limit two, minimum length fourteen inches. Bait prohibited.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch and release only, and selective fishery regulations.

Sawyer, Lake: Year around season. Feeding (chumming) permitted.

Sequallitchew Lake: June 1 through October 31 season. Contact Ft. Lewis for land use permit.

Serene, Lake: September 1 through June 30 season. (Closed July 1 through August 31.)

Shady Lake: June 1 through July 4 and September 1 through October 31 seasons. Trout catch limit four, no more than one over twelve inches.

Shannon, Lake: Trout no more than three over sixteen inches: Feeding (chumming) permitted.

Shoecraft Lake: Year around season.

Silver Lake (Island County): Year around season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout—eatch limit—two, minimum length fourteen inches. Retaining steelhead over twenty inches in length is prohibited from April 1 through May 31. (See Fisher Slough.)

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through last day of February season. Trout – eatch limit – two, minimum length fourteen inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout - eatch limit two, minimum length fourteen inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season.

Trout - catch limit - two, minimum length fourteen inches.

Note: Closed waters from the pipeline crossing at Sedro

Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch and release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through last day of February season. Trout eateh limit—two, minimum length fourteen inches. Fishing from any floating device prohibited November 1 through last day of February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trouteateh and release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout—eatch limit—two, minimum length fourteen inches. Wild steelhead release. March 1 through March 31. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day of February season. Trout—eatch limit—two, minimum length fourteen inches. Wild steelhead release. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to headwaters: Trout - eatch limit - two, minimum length fourteen inches. Bait prohibited.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day of February season. Trout eateh limit two, minimum length fourteen inches. Wild steelhead release. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: Trout—eatch limit—two, minimum length fourteen inches. Bait prohibited. Additional November 1 through last day of February season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) From Puget Sound to Highway 529: Year around season. Trout eateh limit two, minimum length fourteen inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout—catch limit—two, minimum length fourteen inches.

Snoqualmic River, from its mouth to the falls: June 1 through March 31 season. Trout—eatch limit—two, minimum length fourteen inches. June 1 through November 30 bait prohibited. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul

Creek downstream to boat ramp at Plumb access, about onequarter mile. Note: Waters within the Puget Power tunnel at the falls are closed.

From Snoqualmie Falls, including the North and South Forks: Trout eatch limit two, minimum length ten inches. Bait prohibited. Additional November 1 through last day of February season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout - eatch limit - two, minimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): Trout - eateh limit - five, minimum length twelve inches. Bait prohibited. Internal combustion engines prohibited. Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: Year around season.

Squalicum Creek, mouth to outlet of Bug Lake: Additional November 1 through last day of February season. Trout—eatch limit—two, minimum length fourteen inches.

Squalicum Lake: Year around season. Trout - catch limit - two. Fly fishing only.

Steilacoom Lake: Year around season.

Stetattle Creek, from its mouth for one and one half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: Year around season. Feeding (chumming) permitted. Bass - possession limit - one over eighteen inches.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season.

Trout—eatch limit—two, minimum length fourteen inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout—catch limit—two, minimum length fourteen inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout—eateh limit—two, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last of February season. Trout eatch limit - two, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls down-

stream to a point four hundred feet below the outlet of the end of the fishway.

Stitch Lake: Year around season.

Stuck River: See White River.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through last day of February season. Trout eateh limit two, minimum length fourteen inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmic River): Closed waters.

Sunday-Lake (Snohomish County): Year around season.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Year around season.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmic River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch and release only, and selective fishery regulations.

Tennant Lake: Year around season. Fishing from any floating device prohibited from October 13 through January 15.

Terrell, Lake: Year around season. Fishing from any floating device prohibited from October 13 through January 15 except fishing from floating dock permitted.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout—eatch limit—two, minimum length fourteen inches. This area is closed daily from 5:00 p.m. to 7:00 a.m.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing.

Tolt River, from its mouth to the USGS trolley cable at the confluence of the North and South Forks: June 1 through last day of February season. Trout—catch limit—two, minimum length fourteen inches. June 1 through November 30 bait prohibited.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - eatch and release only, selective fishery regulations.

South Fork above the dam: Trout - catch limit - two; minimum length ten inches. Bait prohibited.

Tye River: Trout - eatch limit - two, minimum length fourteen inches. Bait prohibited. Additional November 1 through last day of February season for whitefish only.

Union, Lake: Year around season. Feeding (chumming) permitted.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout—eateh limit—two, minimum length fourteen inches. Note: Closed waters from the first Burlington Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through last day of February season. Trouteatch limit—two, minimum length fourteen inches. Fishing from any floating device prohibited.

Wapato Lake: Year around season. Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: Year around season. Trout - no more than two over twenty inches. Wild steelhead release December 1 through May 31. May 1 through June 30 season: Trout -catch limit - eight, minimum length twelve inches. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under twenty inches will be considered kokanee and under the jurisdiction of the department of wildlife while those twenty inches and over will be considered sockeye salmon and under the jurisdiction of the department of fisheries. Bass - daily eatch limit - five, not more than three over fifteen inches, no minimum size limit, and possession limit - ten, not more than six over fifteen inches.

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through last day of February season. Trout—catch limit—two, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, seasons. Trout—no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: Trout - no more than one over fourteen inches. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

Whistle Lake (Skagit County): -Year around season.

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: Trout—eatch limit—two, minimum length twelve inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November I through January 31 season for whitefish and Dolly Varden (bull trout) only.

Willow Lake (Whatcom County): July 1-through October 31 season: Trout - eatch and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Winter's Lake: Year around season.

Wiser Lake: Year around season.))

Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

All state-wide ((and Region V)) regulations (((given below))) apply to all Region V waters unless specifically exempted or amended by ((special))Exceptions - Region V regulations (listed for separate waters and categories of waters).

((Region V regulations: Open seasons:

Note: All waters are closed year around to the taking of Dolly Varden/ bull trout and grass earp.

Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations:

*Note: See wild steelhead release requirement under "trout daily eatch limit" below.

(For Columbia River reservoirs, see page x.)

Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general catch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH		NIMUM	
SPECIES	• • • • • • • • • • • • • • • • • • • •	MITS	POSSESSION LIMITS
Bass	Five not more No than three over fifteen inches	one	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout	It is unlawful to fish for or retain Dolly Varden or bull trout	-	
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee and steelhead)	not more than lak two may be over por twelve inches res if taken from Eig	nds, and ervoirs. tht inches rivers,	One catch limit and (in addition) two steelhead over twenty inches

*Wild steelhead — beaver ponds release June 1 through November 20

Walleye Five	Eighteen inches	Ten not more than two over twenty four inches
Whitefish Fifteen	None	One eatch limit
All other game fish No limit	None	No limit
Bullfrogs Ten	None -	One eatch limit

Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eatch limit whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily eatch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Special))Exception - Region V regulations. ((Region V. Basie s))State-wide ((and regional)) regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March ((3+1))15 season. Trout ((-eatch limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Alder Creek: Closed waters.

((Alder Lake (Reservoir): Year around season.))

Battle Ground Lake: April 30 through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): ((Trouteatch limit—two, minimum length eight inches. Bait prohibited.))Selective fishery regulations.

Big White Salmon River, from mouth to within four hundred feet of Northwestern Dam: Year around season. Trout ((-eatch-limit-two)), minimum length fourteen inches. Wild steelhead release ((May 16 through October 31)).

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout ((-eateh-limit - two)), minimum length twelve inches. ((Bait-prohibited.))Selective fishery regulations.

Bird Creek: Trout - catch limit - five.

Blockhouse Creek: Trout - catch limit - five.

Bloodgood Creek: Trout - catch limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): April 30 through October 31 season. Catch-and-release only. Selective fishery regulations.

Boman Creek: Trout - catch limit - five.

Butter Creek: Trout ((-eateh limit - two)), minimum length ten inches. ((Bait prohibited.))Selective fishery regulations.

Canyon Creek: Trout - catch limit - five.

Carlisle Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,))30 through ((last day of)) February 28 ((1994)) season((s)). Internal combustion engines prohibited. Bass - minimum length fourteen inches.

((Carp-Lake: Year around season.))

Castle Lake: Trout - catch limit - ((two))one, minimum length ((fourteen))sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March 31 season. Trout ((-eatch limit - two)), minimum length twelve inches.

((Chamberlain Lake: Year around season.))

Chehalis River: See Region VI, page . . .

Chehalis River, South Fork from mouth to highway bridge at Boistfort: June 1 through March 31 season. Trout ((-eatch limit - two)), minimum length fourteen inches.

Cispus River, North Fork: Trout ((-eatch limit-eight)), no more than one over twelve inches.

Clear Creek (tributary to Muddy River, Skamania County): Trout ((<u>eatch limit two</u>)), minimum length twelve inches. ((<u>Bait prohibited</u>.))<u>Selective fishery regulations</u>.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout ((<u>eatch limit two</u>)), minimum length twelve inches. ((<u>Bait prohibited</u>.))<u>Selective fishery regulations</u>.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through ((last day of)) February 28 season. Trout ((-eateh limit - two)), minimum length fourteen inches.

Coldwater Lake: ((Closed waters.))All inlet streams and outlet streams closed waters. Trout - catch limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

Columbia River and impoundments and all connecting sloughs - see regulations page . . .

Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March ((31))15 season. Trout ((-eateh limit -two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - catch limit - ((eight))five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Exempt from wild steelhead release June 1 through October 31. Wild steelhead release November 1 through May 31. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From Mill Creek to the barrier dam, it is unlawful to (((1))) fish from any floating device((; (2))) or fish ((during night elosure, April 1 through September 30; and (3) fish)) with nonbuoyant artificial lures having more than one single-pointed hook. Night closure April 1 through September 30.

From Mayfield Dam to mouth of Muddy Fork: Year around season.

Cowlitz River, Clear Fork and Muddy Fork: Trout - catch limit - ((eight))five, no more than one over twelve inches.

Davis Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,))30 through ((last day of)) February 28 ((1994)) season(<math>(s)).

Deep River: Year around season. Trout ((-eateh limit -two)), minimum length fourteen inches.

Drano Lake: See Columbia River regulations, page . . .

Elochoman River, from mouth to West Fork: June 1 through March ((31))15 season. Trout - catch limit - ((eight))five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

From Beaver Creek Road Bridge to two hundred feet below weir at Beaver Creek hatchery: Closed waters.

From West Fork to source: Closed waters.

Fort Borst Park Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,))30 through ((last day of)) February 28 ((1994)) season((s)). ((Trout eateh limit five.)) Juveniles only (under fifteen years old).

Franz Lake: ((Year around season.))Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March ((31))15 season. Trout ((-eateh limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Gobar Creek (tributary to Kalama River): June 1 through March ((31))15 season. Trout ((-eatch-limit-two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

((Grant Lake: Year around season.))

Grays River, from mouth to mouth of South Fork: June 1 through March ((31))15 season. Trout ((-eateh limit-two)), minimum length ((fourteen))twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout ((- eatch limit - two)), minimum length fourteen inches. ((Bait prohibited.))Selective fishery regulations.

Green River, from mouth to 2800 Bridge: June 15 through November 30 season. <u>Trout, minimum length twenty inches.</u> Open only to <u>fishing for steelhead</u> ((fishing, eatch limit—two, minimum length twenty inches.)) <u>Exempt from wild steelhead release.</u>

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March ((3+))15 season. Trout ((-eatch limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season.

((Hewitt Lake: Year around season.))

Horseshoe Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,))30 through ($(\frac{1}{2} \text{ through } (\frac{1}{2} \text{ through$

Horsethief Lake: April 30 through February 28 season.

Icehouse Lake: April 30 through February 28 season.

Jewitt Creek: Trout - <u>catch limit - five</u>, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout ((-eateh limit - two)), minimum length ten inches. ((Bait prohibited.))Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout ((-eatch limit - two)), minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) night closure, April 1 through October 31; (3) fly fishing only, from September 1 through October 31 from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (4) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (5) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

Kidney Lake: April 30 through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 15 through November 30 season. Trout ((-eatch limit-two)), minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the Yakima Indian Reservation boundary: June 1 through November 30 season. Trout ((-eateh limit - two)), minimum length twelve inches. Additional December 1 through March 31 season for whitefish only.

From the Yakima Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: April 30 through February 28 season.

Kress Lake: April ((26, 1992, through last day of February 1993 and April 25, 1993,))30 through ((last day of)) February 28 ((1994)) season((s)). Bass - only bass less than twelve inches or over ((seventeen))eighteen inches may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through ((last day of)) February 28 season. Trout ((-eateh limit - two)), minimum length fourteen inches.

((Lacamas Lake: April 26, 1992, through March 31, 1993, and April 25, 1993, through March 31, 1994, seasons.))

Lewis River, from mouth to forks: Year around season. Trout ((-eateh limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork, from mouth to overhead powerlines below Merwin Dam: Year around season. Trout ((-eatch limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout ((-eatch limit - two)), minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October 31((, 1993,)) season((s)). Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls: Trout ((-eatch limit - two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to

four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: ((Year around season.)) June 1 through March 15 season. Trout ((-eateh limit two)), minimum length fourteen inches. Wild steelhead release. Night closure April 1 through October 31.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout ((-eateh-limit -two)); minimum length fourteen inches. Wild steelhead release.

Little Ash Lake: April 30 through February 28 season.

Little Klickitat River, within Goldendale city limits: April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October 31((, 1993,)) season((s)). Trout - catch limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout ((-eateh limit - two)), minimum length ten inches. ((Bait prohibited.)) Selective fishery regulations.

Little White Salmon River, from fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

((Locke Lake: Year around season.

Long Bell-Pond (Cowlitz County): Year around season:))

Love Lake: Closed waters.

Mayfield Lake (Reservoir): ((Year around season.)) Tiger musky - catch limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - catch limit - two, maximum length twelve inches. Fly fishing only, except motors allowed.

Merwin (Lake) Reservoir: ((Year around season.))
Trout - minimum length six inches.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March ((31))15 season. Trout ((-eateh limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mineral Creek (tributary to Nisqually River): Trout ((eateh limit—two)), minimum length twelve inches. ((Bail prohibited.)) Selective fishery regulations.

Mineral Creek, North Fork: Trout ((-eateh limit-two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Mineral Lake: April ((26, 1992, through September 10 1992, and April 25, 1993,))30 through September ((10 1993,))30 season((s)).

Muddy River (tributary to N.F. Lewis River): Trout ((eatch limit two)), minimum length twelve inches. ((Baiprohibited-)) Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout ((-eateh limit - two)), minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout ((-eateh limit - two)), minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: April 30 through February 28 season.

Ohanapecosh Creek (tributary to Cowlitz River): Trout ((-eatch limit - two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Olequa Creek: June 1 through ((last day of)) February <u>28</u> season. Trout ((- eatch limit - two)), minimum length fourteen inches.

Outlet Creek: Trout - catch limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. April 30 through October 31 season. Trout ((-eatch limit - five)), minimum length ten inches. ((Bait prohibited.)) Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout ((-catch limit - two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout ((-eateh limit - two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Plummer Lake: April ((26, 1992, through last day of February, 1993, and April 25, 1993,))30 through ((last day of)) February 28 ((1994)) season((s)).

((Railroad Island Pond: Year around season.))

Riffe (Lake) Reservoir: ((Year around season.))
Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March ((31))15 season. Trout ((-eateh limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

((Round Lake: April 26, 1992, through March 31, 1993, and April 25, 1993, through March 31, 1994, seasons.))

Rowland Lakes: April ((26, 1992, through last day of February 1993 and April 25, 1993,))30 through <math>((last day of)) February 28 ((1994)) season((s)).

((Saeajawea Lake: Year around season.))

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March ((31))15 season. Trout ((-eatch limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout ((-eateh limit - two)), minimum

length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Silver Lake: ((Year around season.)) Bass - minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: June 1 through March ((3+))15 season. Trout ((-eateh limit - two)), minimum length ((fourteen)) twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - catch limit - ((eight)) five, no more than one over twelve inches.

Skookumchuck River: See Region VI.

((Skookumehuek Slough (Hayse Lake): Year around season.))

Spearfish Lake: April 30 through February 28 season.

Spring Creek: Trout - catch limit - five.

((Sundale Pond: Year around season.))

Swofford Pond: ((Year around season.)) Bass - possession limit - two. Only bass less than twelve inches or over ((seventeen)) eighteen inches may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - catch limit - ((eight)) five, no more than one over twelve inches.

Tilton River, South Fork and East Fork: Trout ((-eateh limit - two)), minimum length ten inches. ((Bait prohibit-ed.)) Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout ((-eatch-limit-two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 15 through November 30 season. Exempt from wild steelhead release. ((Open only to the taking of steelhead over twenty inches.)) Trout, minimum length twenty inches. Open only to fishing for steelhead.

((Toutle River, North Fork, from mouth to the posted deadline below the fish collection facility: June 15 through November 30 season. Wild steelhead release. Open only to the taking of steelhead over twenty inches.))

From the mouth of the Green River to the posted deadline below the fish collection facility: ((June 15 through November 30 season. It is unlawful to (1) fish during)) night closure((÷)) and (((2))) it is unlawful to fish with nonbuoyant artificial lures having more than one single-pointed hook.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

Toutle River, South Fork, mouth to ((4100 Road Bridge))source (note: All tributaries closed): June 15

through ((January 31)) November 30 season. Trout, minimum length twenty inches. Open only to ((the taking of))fishing for steelhead ((over twenty inches)). Exempt from wild steelhead release. ((Catch and possession limit two, minimum length twenty inches. Additional February 1 through March 31 season, open on Fridays and Saturdays only. Steelhead eatch and possession limit one, minimum length twenty inches. Open only to steelhead fishing.))

((From)) Mouth to 4100 Road Bridge ((to source, including all tributaries: Closed waters.)): Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.

Trout Creek (tributary to Wind River): Trout ((-eateh limit - two)), minimum length fourteen inches. ((Bait prohibited.)) Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: April 30 through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River: ((Year around season.)) Trout - catch limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. April 30 through October 31 season. Trout ((-eatch limit - five)), minimum length ten inches. ((Bait prohibited.)) Selective fishery regulations.

Washougal River, from mouth to bridge at Salmon Falls: ((Year around season.)) June 1 through March 15 season. Trout ((-eatch limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release. Night closure April 1 through October 31.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North Fork), from mouth to the water intake at the department of wildlife hatchery: Closed waters.

From intake at department of wildlife hatchery to source: ((Year around season.)) June 1 through March 15 season. Trout ((-eatch limit - two)), minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: April 30 through October 31 season.

Trout - catch limit - two, minimum length fifteen inches.

((Bait prohibited:)) Selective fishery regulations.

Wind River, Burlington-Northern Railroad bridge to four hundred feet below Shipherd Falls (note: Waters south of the Burlington-Northern Railroad bridge are considered part of the Columbia River): June 15 through March 31 season. Trout ((-eatch limit - two)), minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 15 through November 30 season. Trout ((-eateh limit - two)), minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout ((-eateh limit two)), minimum length ten inches. ((Bait prohibited:)) Selective fishery regulations.

((Wishram Pond: Year around season.))

Yale Reservoir: Kokanee - catch limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout ((-eatch limit - two)), minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations.

Yellowjacket Ponds: April 30 through February 28 season. Trout ((-eatch limit - eight)), no more than one over twelve inches.

Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

All state-wide ((and Region VI-))regulations (((given below))) apply to all Region VI waters unless specifically exempted or amended by ((special)) Exceptions - Region VI regulations (listed for separate waters and categories of waters).

((Region VI regulations. Open seasons:

Lakes, ponds, and reservoirs: April 26, 1992, through October 31, 1992, and April 25, 1993, through October 31, 1993, unless specified otherwise under special regulations.

Rivers, streams, and beaver ponds: June 1 through October 31 (both, 1992 and 1993), unless specified otherwise under special regulations.

*Note: See wild steelhead release requirement under "trout daily catch

Catch, size, and possession limits: The catch limit for trout caught in either lakes or streams is an aggregate total and must not exceed eight. The following represents general eatch, size, and possession limits for game fish (before fishing, check individual waters listed under special regulations for exceptions):

GAME FISH	DAILY————————————————————————————————————	MINIMUM SIZE LIMITS	POSSESSION LIMITS
Bass	Five not more than three over fifteen inches	None	Ten not more than six over fifteen inches
Dolly Varden/ Bull Trout	Counts as part of trout eatch	Twenty inches	Counts as part of trout possession limit
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee and locked Atlantic salmon and steelhead)	Eight, of which not more than two may be over twelve inches if taken from rivers, streams,	None in lakes, ponds, and reservoirs. Eight inches in rivers,	- One catch limit - and (in addition) - two steelhead over - twenty inches

and beaver ponds. streams, and *Wild steelhead beaver ponds release June 1 through November 20

Valleye Eighteen not more inches than two over twenty four inches Fifteen One eatch limit **Vhitefish** III other No limit No limit ome fish Jullfrogs One catch limit None

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eatch limit whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily eatch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.))

((Special))Exceptions - Region VI regulations. ((Region VI. Basic s))State-wide((and regional)) regulations apply to ill waters except where modified in special regulations below. For regulations within Olympic National Park, call 206) 452-4501.

Aberdeen Lake: April 30 through October 31 season.

((Alder Reservoir: Year around season.))

Aldrich Lake: April 30 through October 31 season.

Aldwell Lake: April 30 through October 31 season. Frout - catch limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any loating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. April((-26, -1992, through August 31, -1992, and April 25, -1993,))30 through ((August))October <math>((-1993, -1

((Additional season)) From September 1 through October 31((-)) Catch-and-release only, ((single barbless hooks. Bait prohibited)) selective fishery regulations.

Bay Lake: April (($\frac{26}{1992}$, through July 5, $\frac{1992}{1993}$, and April 25, $\frac{1993}{1993}$, through July 5, $\frac{1993}{1993}$, and September 1)) $\frac{30}{1993}$ hrough (($\frac{8}{1993}$))October 31 season(($\frac{1}{1993}$)).

Bear River: June 1 through ((last day of))February 28 leason. Trout - ((eateh limit - two,))minimum length ourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds((, all ponds)) in Kitsap County, and those conds in Mason County on Tahuya Peninsula west of 3elfair-Bremerton Highway (S.R. 3): April ((26, 1992, hrough October 31, 1992, and April 25, 1993,))<u>30</u> through October 31((, 1993,)) season((s)). Trout - no minimum ength.

Benson Lake: April 30 through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through((-last-day of)) February 28 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

Black Lake (Pacific County): April 30 through October 31 season.

((Black Lake (Thurston County): Year around season.))

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: ((Trout eateh limit two, minimum length twelve inches. Bait prohibited))Selective fishery regulations. Wild cutthroat release.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout - ((eateh limit - two,-))minimum length fourteen inches.

Buck Lake: April 30 through October 31 season.

Burley Creek: June 1 through((-last day of)) February 28 season. Trout - ((eateh limit - two,))minimum length fourteen inches. Wild steelhead release.

Cady Lake: <u>April 30 through October 31 season.</u> Trout - catch limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

South Fork from mouth to National Park boundary: June 1 through ((last day of))February <u>28</u> season. Trout - ((eateh limit two.)) minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through ((March))July 31 season. Trout - (((including steelhead) eatch limit - two over fourteen inches))catch limit - eight, minimum length eight inches. ((Possession limit of steelhead is four fish.—))Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. WAC 236-16-020 Motorboats—Prohibitions. The operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - catch limit - two, minimum length fourteen inches.

Carney Lake: April ((26, 1992, through June 30, 1992, and April 25, 1993,))30 through June 30((, 1993,)) and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: April 30 through October 31 season.

Cases Pond: Juveniles only (under fifteen years old).

((Cattail Lake (on the Bangor Military Base): Year around season.))

Cedar Creek (Jefferson County): June 1 through((-last day of)) February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches.

((Chambers Lake: Year around season.))

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser logging road #17 (approximately seven miles south of Pe Ell): June 1 through April 15 season. ((Trout - eatch limit - two, minimum length twelve inches.))Wild cutthroat release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): ((Basic lake regulations apply.))April 30 through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout - ((eateh limit two,))minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout - ((eatch limit - two,)) minimum length fourteen inches.

((Chinook River: June 1 through August 31 and November 1 through last day of February seasons. Trout-((eatch limit - two,))minimum length fourteen inches.))

Clallam River: June 1 through ((last day of))February 28 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

Clara Lake: April 30 through October 31 season.

Clear Lake: April 30 through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout - ((eateh limit two.))minimum length fourteen inches.

From Snahapish River upstream: Trout - ((eatch limit - two;))minimum length fourteen inches.

Cloquallam Creek, from mouth to second bridge on Cloquallum Road: June 1 through ((last day of))February 28 season. Trout - ((eatch limit - two,)) minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout - ((eateh-limit-two,))minimum length twelve inches. Wild cutthroat release.

Columbia River and impoundments and all connecting sloughs—See regulations page . . .

Copalis River: June 1 through ((last day of))February 28 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

Coulter Creek: ((June 1 through last day of February season.)) Trout - ((eateh limit - two, -))minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

((Crocker-Lake: Year around season.))

Curley Creek: June 1 through ((last day of))February 28 season. Trout - ((eatch limit - two,))minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden((-(bull trout)))/Bull Trout.

Deep Creek: ((June 1 through last day of February season. Trout - eatch limit - two, minimum length fourteer inches.))Closed to fishing for game fish.

Deep Lake: April 30 through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: April 30 through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout ((eateh limit - two,))minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred fee below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: April 30 through October 31 season

Devil's Lake: April 30 through October 31 season.

Dewatto River: Trout - ((eateh limit - two, -))minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road ((Additional November 1)) June 1 through ((January 31)) February 28 season. Trout - ((eatch limit - two,)) minimum length twelve inches. Wild steelhead release and Wild cutthroat release.

((From mouth to bridge on Dewatto Bay Road Additional February 28 1 through last day of February season. Trout eatch limit two, minimum length twelve inches. Wild cutthroat release and wild steelhead release.)

Dickey River (includes all forks): June 1 through Apri 30 season. Trout - ((eateh limit - two,))minimum lengtl fourteen inches.

Dosewallips River, from mouth to Olympic Nationa Park boundary about three-quarters mile downstream of falls June 1 through ((last-day of-))February 28 season. Trout ((eatch limit—two,-))minimum length twelve inches. Wile steelhead release and Wild cutthroat release.

((From mouth to U.S. Forest Service Six Mile Bridge Additional March 1 through March 31 season. Trout - catel limit - two, minimum length twelve inches. Wild cutthros release.

Duck Lake: - Year around season:))

Duckabush River, from mouth to the ((Forest Service Bridge just beyond the Six-Mile Marker))Olympic Nationa Park Boundary: June 1 through ((last day of))February 2 season. Trout - ((eatch limit - two,)) minimum length twelve inches. Wild steelhead release and Wild cutthroat release.

((From mouth to falls at the Ranger Hole (access a Interorrem Guard Station): Additional March 1 throug March 31 season. Trout - catch limit - two, minimum lengt twelve inches. Wild cutthroat release.))

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through ((last day of))February 28 season. Trout - ((eatch limit two,))minimum length ourteen inches. Wild ((eutthroat))steelhead release.

From junction of Gray Wolf River upstream to headwaers: Trout - ((eateh limit - two,-))minimum length fourteen nches.

East Twin River: June 1 through ((last day of))February 28 season. Trout - ((eateh limit - two,))minimum length ourteen inches.

((Elbow Lake: Year around season.))

Elk River, from the Highway 105 Bridge upstream: June 1 through ((last day of))February 28 season. Trout - (eatch limit - two,)) minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout - ((eateh limit two,))minimum ength fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout - ((eatch limit-:wo,))minimum length twelve inches; selective fishery regulations.

Failor Lake: April 30 through October 31 season.

((Fort Columbia Pond: Year around season.))

Goldsborough Creek: June 1 through ((March 34))February 28 season. Trout - ((eatch limit two,))mininum length twelve inches. Wild steelhead release and Wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through ((last day of))February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout - ((eateh limit - two;)) minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake [sabella, Mason County): Trout - ((eateh limit—:wo;))minimum length fourteen inches.

Grass Lake: April 30 through October 31 season.

Grays River: See Region V.

Gray Wolf River: Trout - ((eatch limit - two,))minimum length fourteen inches. ((Bait prohibited))Selective fishery regulations.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through ((last day of))February 28

season. Trout - ((eatch limit - two,))minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: April 30 through October 31 season.

Haven Lake: April 30 through October 31 season.

Heins Lake (Kitsap County): Closed waters.

((Hewitt-Lake: Year around season.))

Hicks Lake: April 30 through October 31 season.

Hoh River, from mouth to National Park boundary and in South Fork outside National Park boundary: June 1 through April 15 season. Trout - ((eatch limit two,))minimum length fourteen inches.

Hoko River: Trout - ((eateh limit - two,))minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout - ((eateh limit - two, -))minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release((-only,)) and fly fishing only.

((Holiday Lake: Year around season.))

Hoquiam River (includes all forks): June 1 through March 31 season. Trout - ((eatch limit - two,))minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): April 30 through October 31 season.

<u>Horseshoe Lake (Kitsap County): April 30 through October 31 season.</u>

Howell Lake: April 30 through October 31 season.

Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout - ((eateh limit two,))minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: June 1 through April 30 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road #2302 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout - ((eateh limit - two,))minimum length twelve inches. Selective fishery regulations.

((Isabella Lake: Year around season.

Island Lake (Mason County): Year around season.

Jackson Lake: Year around season.))

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through ((last day of)))February 28 season. Trout - ((eateh limit - two, -))minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through ((last day of))February <u>28</u> season. Trout - ((eatch limit - two,)) minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through ((March 31))February 28 season.

Trout - ((eatch limit - two,)) minimum length fourteen inches. Wild steelhead release.

Kennedy Creek Pond: April 30 through October 31 season.

((Kitsap Lake: Year around season.))

Koeneman Lake (formerly Fern Lake) (Kitsap County): ((Trout - catch limit - two, maximum length twelve inches-))April 30 through October 31 season. Selective fishery regulations.

<u>Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches may be kept.</u>

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through ((last day of))February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches. Wild steelhead release.

((Long Beach Peninsula, all lakes, ponds, and sloughs (Pacific County): Year around season. Does not include Loomis Lake.))

Long Lake (Kitsap County): ((Year around season.))Bass - only bass less than twelve inches or over fifteen inches may be kept.

Long Lake (Thurston County): April 30 through October 31 season.

Loomis Lake: April 30 through October 31 season.

Lost Lake (Jefferson County): April 30 through October 31 season. Trout - catch limit - two, minimum length fourteen inches.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Lyre River, from mouth to falls near river mile 3: June 1 through ((last day of))February 28 season. Trout - ((eateh limit two,)) minimum length fourteen inches.

Remainder of river: Trout - ((eateh limit - two,-))minimum length twelve inches.

Maggie Lake: April 30 through October 31 season.

((Mason Lake: Year around season.))

Marine Areas: See page . . .

McAllister Creek: Trout - ((eateh limit - two, -))minimum length fourteen inches.

McDonald Creek (Clallam County): Trout - ((eatellimit - two.)) minimum length fourteen inches.

((From mouth to Highway 101 Bridge: Additional November 1 through last day of February season. Trouteatch limit - two, minimum length fourteen inches.))

McIntosh Lake: April 30 through October 31 season.((Trout - catch limit - four, no more than two over fourteen inches.))

McLane Creek, from the south bridge on Highway 101 upstream: Trout - ((eateh-limit - two,-))minimum length fourteen inches.

McLane Creek Pond: April 30 through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: April 30 through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Clallam County): April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October 31((, 1993,)) season((s)). Juveniles only (under fifteen years old). Trout - no minimum length.

Mill Creek (Mason County): June 1 through ((last-day of))February 28 season. Trout - ((eatch-limit-two,))minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout - ((eateh limit - two,))minimum length fourteen inches. Area from department of fisheries intake dam downstream to mouth: Closed waters.

Mission Lake: April 30 through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through ((last day of))February 28 season. Trout - ((eateh limit two,))minimum length fourteen inches.

Mooses Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through ((last day of))February 28 season. Trout - ((enter limit - two,))minimum length fourteen inches. Wilc steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through ((last day of))February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches.

Mud Lake (Mason County): April 30 through October 31 season.

Munn Lake: April 30 through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout - ((eateh limit - two,))minimum length fourteen inches.

Note: Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout - ((eatch limit two,))minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through ((last day of))February 28 season. Trout - ((eatch limit - two,)) minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through ((last day of)) February 28 season. Trout - ((eatch limit two.))minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through ((last day of))February 28 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through ((April 30))March 31 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

((From the McKenna Highway Bridge to four hundred feet below the LaGrande Powerhouse: Additional March 1 through April 15 season. Catch and release only. Selective fishery regulations.))

North River, from Highway 105 Bridge upstream: Trout - ((eateh limit - two,))minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through ((last day of))February 28 season. Trout - ((eatch limit two,)) minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offutt Lake: April 30 through October 31 season.

Osborne Lake: April 30 through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through ((last day of))February 28 season. Trout - ((eateh limit - two,))minimum length fourteen inches.

Palix River (includes all forks): June 1 through ((last day-of-)) February 28 season. Trout - ((eateh limit-two,))minimum length fourteen inches.

Panhandle Lake: April 30 through October 31 season.

Panther Lake: April 30 through October 31 season.

Pattison Lake: April 30 through October 31 season.

Peabody Creek (Clallam County): April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October 31((, 1993,)) season((s)). Juveniles only (under fifteen years old). ((Trout—minimum length eight inches.))

Percival Creek: Trout - ((eateh-limit - two,-))minimum length fourteen inches.

Pine Lake: April 30 through October 31 season.

Pleasant Lake: ((Year around season.—))Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: April 30 through October 31 season. Selective fishery regulations, catch-and-release only.

Puget Sound: See marine area regulations, page . . .

Purdy Creek (Mason County): June 1 through August 15 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

Pysht River: June 1 through ((last day of))February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to ((Highway 101 Bridge))upper boundary of Falls View Campground: June 1 through ((March 31))February 28 season. Trout - ((eatch limit - two,))minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From ((electric-weir at the Quileene National Fish Hatchery))the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: ((June 1 through March 31 season.))Trout - no minimum length.

Quillayute River: June 1 through April 30 season. Trout - ((eateh limit - two,)) minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout - ((eatch limit two,))minimum length fourteen inches.

Raft River: June 1 through ((last day of))February <u>28</u> season. Trout - ((eateh limit two,))minimum length fourteen inches.

Robbins Lake: April 30 through October 31 season.

Rose Lake: April 30 through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek (((Pacific County))Naselle River): June 1 through ((last day of-))February 28 season. Trout - ((eateh limit - two,)) minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through ((last day of)) February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches.

Salt Creek: Trout - ((eatch limit—two,))minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through ((last day of)))February 28 season. Trout - ((eatch limit - two,)) minimum length fourteen inches.

Satsop Lake: April 30 through October 31 season.

Satsop River (includes all forks): Trout - ((eatch limit - two,)) minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. ((Bait prohibited))Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March ((31))15 season. Trout - ((eateh limit - two,))minimum length twelve inches. Wild steelhead release and Wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through ((January 31))February 28 season. Trout - ((eateh limit - two,))minimum length twelve inches. Wild steelhead release and Wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November I through ((January 31)) February 28 season. Trout - ((eatch limit - two,)) minimum length twelve inches. Wild steelhead release and Wild cutthroat release.

((Scott Lake: Year around season.))

Sekiu River: Trout - ((eateh limit - two,))minimum length fourteen inches.

From mouth to forks: Additional November 1 through ((last day of)) February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: ((June 1 through last day of February season.)) Trout - ((eateh limit - two,-))minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season.

Shoe Lake: April 30 through October 31 season.

Siebert Creek: Trout - ((eatch limit - two, -))minimum length fourteen inches.

((From mouth to Highway 101 Bridge: Additional November 1 through last day of February season. Trouteatch limit—two, minimum length fourteen inches.))

Silent Lake: April 30 through October 31 season.

Skokomish River, mouth to forks: June I through ((March 31))February 28 season. Trout - ((eatch limit-two;))minimum length twelve inches. Wild steelhead release and Wild cutthroat release. ((February 1 through March 31 wild steelhead release.))

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout - ((eatch limit - two,))minimum length twelve inches. Wild steelhead release and Wild cutthroat release.

Mouth of Church Creek to headwaters: Trout - ((eateh limit - two,)) minimum length twelve inches. ((Bait prohibited.))Selective fishery regulations. Wild cutthroat release.

((Mouth to cement bridge at Browns Creek: Additional November 1 through last day of February season. Trouteatch limit - two, minimum length twelve inches. Wild cutthroat release. February 1 through last day of February wild steelhead release.))

Mouth to Vance Creek: Additional March 1 through March 31 season. Trout—catch limit—two, minimum length twelve inches. Wild cutthroat release and wild steelhead release.))

Skokomish River, North Fork, mouth to ((Lake Cushman))lower dam: June 1 through February 28 season.

Trout - ((eateh limit - two,)) minimum length twelve inches.

Wild steelhead release and Wild cutthroat release.

North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout - ((eateh limit - two,)) minimum length twelve inches. ((Bait prohibited.)) Selective fishery regulations. Closed to ((the taking of))fishing for Dolly Varden((-(bull trout)))/Bull Trout

((Mouth to lower dam: Additional November 1 through last day of February season. Trout—eatch limit—two, minimum length twelve inches. Wild cutthroat release. February 1 through last day of February wild steelhead release.))

Skookum Creek (Mason County): June 1 through ((last day of)) February 28 season. Trout - ((eatch limit two,))minimum length fourteen inches. Wild steelhead release.

Skookumchuck Reservoir: June 1 through October 31 season. Trout - catch limit - two, minimum length twelve inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout - ((eatch limit-two,))minimum length twelve inches. ((Bait prohibited.))Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/WDW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout - ((eateh limit - two, -))minimum length twelve inches. Wild steelhead release and Wild cutthroat release.

Smith Creek (Pacific County near North River): June 1 through ((last day of))February 28 season. Trout - ((catch limit - two,)) minimum length fourteen inches.

Snow Creek (includes all tributaries except Crocker Lake): Closed waters.

Soleduck River, from mouth to National Park boundary: Trout - ((eateh limit - two,))minimum length fourteen inches.

From mouth to the first Highway 101 Bridge ((downstream))upstream from ((Snider-Creek))WDF Salmon Hatchery: Additional November 1 through April 30 season. Trout - ((eatch limit - two,))minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).

((Square Lake: Year around season.

St. Clair Lake: Year around season.))

Stevens Creek, mouth to Highway 101 Bridge: June 1 through ((last day of))February 28 season. Trout - ((eateh limit - two,))minimum length fourteen inches.

Steves Lake: April 30 through October 31 season.

Stump Lake: April 30 through October 31 season.

Suez River (Sooes River): June 1 through ((last day of))February <u>28</u> season. Trout - ((eatch limit - two,))minimum length fourteen inches.

Summit Lake: April 30 through October 31 season.

Sutherland Lake: ((Year around season. Trout eateh limit eight.—))Feeding (chumming) permitted.

Sylvia Lake: April 30 through October 31 season.

Tahuya River: Trout - ((eateh limit - two,-))minimum length twelve inches. Wild cutthroat release.

From mouth to the Bear Creek-Dewatto Road crossing: ((Additional November 1))June 1 through ((January 31))February 28 season. Trout - ((eatch limit - two,))minimum length twelve inches. Wild steelhead and Wild cutthroat release.

From mouth to bridge on the Haven Lake Road: Additional February 1 through ((last day of))February 28 season. Trout - ((eatch limit - two,))minimum length twelve inches. Wild cutthroat release and wild steelhead release.

Tarboo Lake: April 30 through October 31 season.

Tenas Lake: April 30 through October 31 season.

Tiger Lake: April 30 through October 31 season.

Twin Lake: April 30 through October 31 season.

U Lake: April 30 through October 31 season.

Uncle John Creek: Closed waters.

Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.

From mouth to watershed boundary: Trout - ((eatch limit two,)) minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through ((March 31))February 28 season. Trout - ((eatch limit - two,))minimum length fourteen inches. Wild steelhead release.

Valley Creek (Clallam County): April ((26, 1992, through October 31, 1992, and April 25, 1993,))30 through October 31((, 1993,)) season((s)). Juveniles only (under fifteen years old). ((Trout - minimum length eight inches.))

Vance Creek (Mason County): Trout - ((eateh limit-two,-))minimum length fourteen inches. ((Bait prohibit-ed.))Selective fishery regulations.

((Additional November 1 through last-day of February season. Trout eateh limit two, minimum length fourteen inches.))

<u>Vance Creek/Elma Ponds: April 30 through October 31</u> season.

Waddell Creek: See Black River.

Ward Lake: April 30 through October 31 season.

West Twin River: June 1 through ((last day of))February 28 season. Trout - ((eateh limit - two,))minimum length fourteen inches.

Wildberry Lake: April 30 through October 31 season.

Wildcat Lake: April 30 through October 31 season.

Willapa River (includes all forks) upstream from department of wildlife boat launch in South Bend: Trout - ((eatch limit - two,)) minimum length fourteen inches.

From department of wildlife boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout - ((eatch limit - two,))minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through ((last-day of))February 28 season. Trout - ((eatch limit-two,))minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through ((last day of)) February 28 season. Trout - ((eateh limit two,))minimum length fourteen inches.

Wishkah River (includes all forks): Trout - ((eatch limit - two,)) minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout - ((eatch limit-two,))minimum length twelve inches. Wild cutthroat release. Exempt from wild steelhead release, December 1 through March 31. East and West forks: Closed waters.

Wood Lake: April 30 through October 31 season.

Woodland Creek: Trout - ((eatch limit - two,))minimum length fourteen inches.

Wooten Lake: April 30 through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout - ((eatch limit - two,))minimum length ((fourteen))twelve inches. Wild cutthroat release.

From mouth to road access approximately one-quarter mile above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout - ((eateh limit two,))minimum length ((fourteen)) twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - catch limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

Note: The above described waters lying within the boundaries of Clallam, Jefferson, Grays Harbor, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island are administered from the Region VI office in ((Aberdeen))Montesano, telephone (206) ((533-9335))249-6522. The above described waters lying within the boundaries of Island, King, Pierce, San Juan, Skagit, Snohomish, and Whatcom counties are administered from the Region IV office in Mill Creek, telephone (206) 775-1311.

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of wildlife fishing license is required to fish for game fish in marine waters.

Note: The Washington state department of fisheries (WDF) requires persons taking Pacific salmon, food fish, shrimp, and razor clams to possess separate licenses for these species. See WDF regulations pamphlet((or call (206) 753-6600.))

Permit requirements: A valid current steelhead fishing permit is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead permit using the words Marine Area and followed by the appropriate marine area code number, see page . . .

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

MARINE WATERS REGULATIONS
CATCH AND ((POSSESSIONS))MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	((POSSESSION LIMITS))
Trout* (Including steelhead)	Two, wild cutthroat release in Marine Areas 12-	Fourteen inches	((One eatch limit and (in addition) two steelhead over twenty inches))

(Hood Canal) and 13- (South Puget Sound) Wild steelehad release in Marine Areas one through thirteen.

Dolly Varden

Counts as part of trout catch limit Twenty inches

((Counts as part of trout possession limit.))

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily catch limit whether kept or released. Steelhead may be caught and released while using bait until the daily catch limit is retained. Where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Marine area codes and boundaries.

- (1) Ilwaco-West of the Megler-Astoria Bridge-North to Leadbetter Point.
- (2) Westport-Ocean Shores—From Leadbetter Point north to the Queets River.
- (3) LaPush—From the Queets River north to Cape Alava.
- (4) Neah Bay—From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.
- (5) Sekiu and Pillar Point—From mouth of the Sekiu River east to Low Point, mouth of the Lyre River.
- (6) East Juan de Fuca Strait—From Low Point east to the Partridge Point-Point Wilson Line north to the line from Trial Island (near Victoria, B.C.)—Navigation Buoy BW "R"—Smith Island—The most northeasterly of the Lawson Reef lighted buoys (RB1 QK F1 Bell)—Northwest Island—The Initiative 77 marker on Fidalgo Island.
- (7) San Juan Islands—All marine waters north of the Trial Island Line described under Area 6 to the United States-Canadian boundary.
- (8) Deception Pass, Hope, and Camano Islands—A line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point Shipwreck Line.
- (9) Admiralty Inlet—All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point one hundred ten degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.
- (10) Seattle-Bremerton area—From the Apple Cove Point-Edwards Point Line to the north tip of Vashon Island (east-west).
- (11) Tacoma-Vashon Island—From the north tip of Vashon Island to the Tacoma Narrows Bridge.
- (12) Hood Canal—All waters south of the Hood Canal Bridge.
- (13) South Puget Sound—All waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

Catch, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily catch limits, and mini-

mum size limits((, and possession limits,)) for game fish are as follows:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	((POSSESSION LIMITS))
Bass	Five—not more than three over fifteen inches	None	((Ten not more than six over fifteen inches))
Dolly Varden/ Bull Trout	It is unlawful to fish for or retain Dolly Varden or trout	bull	
Grass Carp	It is unlawful to fish for or retain grass carp		
Trout* (Including kokanee and steelhead)	Two	((Twelve)) Eight inches	((One eatch limit and (in addition) two steelhead over twenty inches))
Walleye	Five, not more than one over twenty-four inches	Eighteen inches	((Ten not more than two over twenty four inches))
Whitefish	Fifteen	None	((One catch limit))
All other game fish	No limit	None	((No limit))
Bullfrogs	Ten	None	((One eateh limit))

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily catch limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily catch limit whether kept or released. Steelhead may be caught and released while using bait until the daily catch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River, from the Megler-Astoria Bridge to the I-5 Bridge: Year around season. Wild steelhead release and wild cutthroat release see page . . . Closed to ((the taking of))fishing for steelhead April 1 through May 15. ((Wild steelhead release May 16 through October 31. (Open to the taking of both hatchery and wild steelhead November 1 through March 31.)))

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake, 100: Year around season. Wild steelhead release. Closed to ((the taking of))fishing for steelhead April 1 through June 15. ((Wild steelhead release June 16 through December 31, from the I-5 Bridge to

boundary markers located six hundred feet below the fish ladder at Bonneville Dam and June 16 through March 31 from Bonneville Dam to the Highway 395 Bridge at Pasco. (Open to the taking of both hatchery and wild steelhead January 1 through March 31 from the I-5 Bridge to the boundary markers located six hundred feet below the fish ladder at Bonneville Dam.)))

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck

downstream four	hundred	feet to	boundary	marker in
Okanogan County.				

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

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

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

REPEALER:

The following sections of the Washington Administrative Code are repealed:

e Code are repealed:	
WAC 232-28-61901	1992-94 Washington Game Fish Seasons and Catch Limits - Lake Desire.
WAC 232-28-61902	1992-94 Washington Game Fish Seasons and Catch Limits - Pipers Creek.
WAC 232-28-61904	1992-94 Washington Game Fish Seasons and Catch Limits - Walleye.
WAC 232-28-61905	1992-94 Washington Game Fish Seasons and Catch Limits - Skykomish River.
WAC 232-28-61906	1992-94 Washington Game Fish Seasons and Catch Limits - Tokul Creek.
WAC 232-28-61907	1992-94 Washington Game Fish Seasons and Catch Limits - Bass Daily Catch Limits (Re-
WAC 232-28-61908	gion 4). 1992-94 Washington Game Fish Seasons and Catch Limits - Kettle River.
WAC 232-28-61909	1992-94 Washington Game Fish Seasons and Catch Limits - Deep Creek.
WAC 232-28-61910	1992-94 Washington Game Fish Seasons and Catch Limits - Winter Steelhead Regulations - Cowlitz River.
WAC 232-28-61911	1992-94 Washington Game Fish Seasons and Catch Limits - Winter Steelhead Regulations - Big White Salmon River.
WAC 232-28-61912	1992-94 Washington Game Fish Seasons and Catch Limits - Stan Coffin, H, and Ancient Lakes, Unnamed Pond in Desert Unit of the Columbia Basin TWN (18N), RGE (26E), Sec (11,14) In Region 2, Bingen Lake in Region 5 and Buck Lake in Region 6.

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WAC 232-28-61913	1992-94 Washington Game Fish Seasons and Catch Limits -
	Burke and Quincy Lakes.
WAC 232-28-61916	1992-94 Washington Game
	Fish Seasons and Catch Limits -
	Steelhead Regulations — Ma-
WA C 222 20 (1017	rine Areas 1 Through 13.
WAC 232-28-61917	1992-94 Washington Game Fish Seasons and Catch Limits -
	Region Three Regulations -
	Exceptions.
WAC 232-28-61918	1992-94 Washington Game
	Fish Seasons and Catch Limits -
	Long Beach Peninsula, All
	Lakes, Ponds and Sloughs
	(Pacific County).
WAC 232-28-61919	1992-94 Washington Game
	Fish Seasons and Catch Limits -
	Mill Creek Pond (Grays Harbor Co.).
WAC 232-28-61923	1992-94 Washington Game
WAC 232-26-01723	Fish Seasons and Catch Limits -
	Channel Catfish Regulations -
	Gissberg Ponds.
WAC 232-28-61924	1992-94 Washington Game
	Fish Seasons and Catch Limits -
TV 1 C 202 20 (1025	Newman Lake.
WAC 232-28-61925	1992-94 Washington Game Fish Seasons and Catch Limits
	- Spokane River in Region 1.
WAC 232-28-61926	1992-94 Washington Game
10 232 20 01720	Fish Seasons and Catch Limits -
	Piper's Creek in Region 4.
WAC 232-28-61927	1992-94 Washington Game

Fish Seasons and Catch Limits Blue Lake in Region 5.

WAC 232-28-61928 1992-94 Washington Game
Fish Seasons and Catch Limits Yale Reservoir in Region 5.

WAC 232-28-61929 1992-94 Washington Game

Fish Seasons and Catch Limits Tiger Musky Regulations Mayfield Lake.
WAC 232-28-61930 1992-94 Washington Game
Fish Seasons and Catch Limits -

Fish Seasons and Catch Limits
- Coldwater Lake
(Cowlitz/Skamania Co.).
WAC 232-28-61935 1992-94 Washington Game
Fish Seasons and Catch Limits -

Green River (Region 4).

WSR 93-13-141 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed June 23, 1993, 10:45 a.m.]

Original Notice.

Title of Rule: Chapter 16-403 WAC, Marketing standards for apples.

Purpose: To amend the rule to require origin labeling of apples which were produced outside the state of Washington and are graded, packed, or repacked within the state of Washington.

Statutory Authority for Adoption: Chapter 15.17 RCW. Statute Being Implemented: Chapter 15.17 RCW.

Summary: The rule will require that fresh market apples shall be labeled as to state or country of origin if produced outside the state of Washington and graded, packed, or repacked within the state of Washington.

Reasons Supporting Proposal: The buyers and consumers of fresh market apples will be provided assurance that the product is not being misrepresented as to origin. The Washington state producers will be provided additional protection and assurance that apples grown outside the state of Washington are not being misrepresented as a Washington state product. Enactment of this rule improves the ability to protect the reputation of Washington fresh market apples.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James R. Archer, Olympia, Washington, (206) 902-1832.

Name of Proponent: Washington Association of Apple Growers by petition to the Director of Agriculture, private.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule requires labeling of fresh market apples as to country or state of origin when produced outside the state of Washington and graded, packed, or repacked within the state of Washington.

Proposal Changes the Following Existing Rules: The origin labeling is a new requirement.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Tree Fruit Research Center, 1100 North Western Avenue, Wenatchee, WA 98801; and WSDA Conference Room, 2015 South First Street, Yakima, WA 98903, on July 27 and July 28, 1993, at 10:00 a.m. both days.

Submit Written Comments to: James R. Archer, F/V Program Manager, Washington State Department of Agriculture, Commodity Inspection Division, P.O. Box 42560, Olympia, WA 98504-2560, by July 28, 1993.

Date of Intended Adoption: August 17, 1993.

June 23, 1993 J. Allen Stine Assistant Director Commodity Inspection

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-220 Marking requirements—Open or closed containers. (1) The containers shall bear the correct name of the variety or "variety unknown," the name of the

grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.

- (a) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof or in terms of whole grams.
- (b) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Red Delicious	Golden Delicious
2 1/8 in. or 65 grams	63 grams
2 1/4 in. or 75 grams	70 grams
2 3/8 in. or 84 grams	82 grams
2 1/2 in. or 100 grams	95 grams
2 5/8 in. or 115 grams	109 grams
2 3/4 in. or 139 grams	134 grams

- (c) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.
- (2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.
- (3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)
- (4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.
- (5) Grade markings on consumer-type packages must be at least one-fourth inch in height.
- (6) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

WSR 93-13-143 PROPOSED RULES DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking)
[Filed June 23, 1993, 11:10 a.m.]

Original Notice.

Title of Rule: Bond for applicants engaging in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose.

Purpose: To make rule consistent with changes in the statute passed by the 1993 legislature (amending RCW 31.45.030), chapter 176, Laws of 1993, relating to bonding and security requirements for check sellers.

Statutory Authority for Adoption: RCW 31.45.200.

Statute Being Implemented: RCW 31.45.030.

Summary: Amends WAC 50-30-030 relating to bond requirements for check sellers.

Reasons Supporting Proposal: Brings the rule into conformance with the statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Edward E. Burgert, 1400 South Evergreen Park Drive S.W., #120, Olympia, 753-6520.

Name of Proponent: Division of Banking, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments bring the rule into conformance with changes in the statute due to amendments in the statute passed by the 1993 legislature, outlining specific liabilities of the required surety bond.

Proposal Changes the Following Existing Rules: Amendments to WAC 50-30-030 delineating bond requirements for check sellers.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

No fiscal impact will result from the proposed amendments.

Hearing Location: Division of Banking, 1400 South Evergreen Park Drive S.W., #120, Olympia, WA 98504-1026, on July 27, 1993, at 10:00 a.m.

Submit Written Comments to: Division of Banking, P.O. Box 41026, Olympia, WA 98504-1026, by July 26, 1993.

Date of Intended Adoption: July 27, 1993.

June 23, 1993 John L. Bley Supervisor of Banking

AMENDATORY SECTION (Amending WSR 92-24-028, filed 11/24/92, effective 12/25/92)

WAC 50-30-030 Bond for applicants engaging in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose. (1)(a) RCW 31.45.030 (5)(a) requires a licensee engaged in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose to obtain at the beginning of each calendar year and file with the supervisor a bond running to the state of Washington, which bond shall be (("for the protection of the public against loss suffered through embezzlement by any person-having access to funds collected by or for the licensee or having authority to draw against such funds or from mysterious disappearance, theft, holdup, or burglary." Such bond shall be)) issued by a surety insurer which meets the requirements of chapter 48.28 RCW, and be in a format acceptable to the supervisor. This surety bond shall be conditioned upon the licensee paying all persons who purchase checks, drafts, or money orders from the licensee the face value of any check, draft, or money order which is dishonored by the drawee bank, savings bank, or savings and loan association due to insufficient funds or by reason of the account having been closed. The bond shall only be liable for the face value of the dishonored check, draft, or money order, and shall not be liable for any interest or consequential damages.

The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the supervisor and licensee of its intent to cancel the bond. The cancellation is effective thirty days after the notice is received by the supervisor. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any liability of the licensee for tortious acts, whether or not such liability is imposed by statute or common law, or is imposed by contract. The bond shall not be a substitute or supplement to any liability or other insurance required by law or by the contract. If the surety desires to make payment without awaiting court action against it, the penal sum of the bond shall be reduced to the extent of any payment made by the surety in good faith under the bond.

Any person who is a purchaser of a check, draft, or money order from the licensee having a claim against the licensee for the dishonor of any check, draft, or money order by the drawee bank, savings bank, or savings and loan association due to insufficient funds or by reason of the account having been closed, may bring suit upon such bond or deposit in the superior court of the county in which the check, draft, or money order was purchased, or in the superior court of a county in which the licensee maintains a place of business. Jurisdiction shall be exclusively in the superior court. Any such action must be brought not later than one year after the dishonor of the check, draft, or money order on which the claim is based. In the event said claims against a bond or deposit exceed the amount of the bond or deposit, each claimant shall only be entitled to a pro rata amount, based on the amount of the claim as it is valid against the bond, or deposit, without regard to the date of filing of any claim or action.

(b) The penal sum of the surety bond that shall be filed by each licensee shall not be less than the amount established in the following table:

Highest Monthly Liability*	Required Bond	Plus Percentage of Excess Over
Up to \$50,000	Highest Monthly	Highest Monthly
-	Liability	Liability
\$50,001 to \$100,000	\$50,000	.5 above \$50,000
\$100,000 plus	\$75,000	.25 above \$100,000
The maximum fidelity co	verage required shall b	e three million dollars.

The monthly liability is the total sum of checks for a given month. The "Highest Monthly Liability" shall be determined by the highest monthly liability of checks from the preceding calendar year multiplied by seventy-five percent.

- (2) In lieu of such surety bond, the applicant may deposit with such banks, savings banks, savings and loan associations, or trust companies in this state as such applicant may designate and the supervisor may approve, bonds, notes, debentures, or other obligations of the United States or any agency or instrumentality thereof or guaranteed by the United States or of the state of Washington or of a municipality, county, school district, or instrumentality of the state of Washington or guaranteed by the state to an aggregate amount, based on principal amount or market value, whichever is lower, of not less than the amount of the required fidelity bond or portion thereof. The securities shall be deposited as aforesaid and held to secure the same obligations as would the fidelity bond, but the depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the supervisor, to substitute other qualified securities for those deposited, and shall be required so to do on written order of the supervisor made for good cause shown.
- (3) In lieu of such surety bond, the applicant may deposit with the supervisor an irrevocable letter of credit drawn in favor of the supervisor for an amount equal to or greater than the required bond. The irrevocable letter of credit must be issued by a bank, savings bank, or savings and loan association in this state as such applicant may designate and the supervisor may approve.

WSR 93-13-144 PROPOSED RULES DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking) [Filed June 23, 1993, 11:12 a.m.]

Original Notice.

Title of Rule: Restrictions as to charges for consumer loan companies.

Purpose: To make the rule consistent with changes in the statute passed by the 1993 legislature (amending RCW 31.04.105), chapter 190, Laws of 1993, relating to allowable fees in connection with delinquent debts, repossession, and foreclosures for consumer loan companies.

Statutory Authority for Adoption: RCW 31.04.165. Statute Being Implemented: RCW 31.04.105.

Summary: Deleting subsection (9) from WAC 50-20-130 as the statute now allows licensees to collect from the debtor reasonable attorneys' fees, expenses, and costs incurred as a result of collection efforts.

Reasons Supporting Proposal: Brings the rule into conformance with the statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Edward E. Burgert, 1400 South Evergreen Park Drive S.W., #120, Olympia, 753-6520.

Name of Proponent: Division of Banking, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment brings the rule into conformance with the statute due to amendments in the statute passed by the 1993 legislature. Licensees are now

allowed to collect reasonable fees and costs from the debtor in connection with the collection of a debt.

Proposal Changes the Following Existing Rules: Amends WAC 50-20-130 by deleting subsection (9) pertaining to collection of fees related to foreclosure or repossession.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

No fiscal impact will result from the proposed amendment.

Hearing Location: Division of Banking, 1400 South Evergreen Park Drive S.W., #120, Olympia, WA 98504, on July 27, 1993, at 9:00 a.m.

Submit Written Comments to: Division of Banking, P.O. Box 41026, Olympia, WA 98504-1026, by July 26, 1993.

Date of Intended Adoption: July 27, 1993.

June 23, 1993 John L. Bley Supervisor of Banking

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-130 Restrictions as to charges. (1) No licensee shall charge or collect from the borrower any funds for the cost of filing, recording, releasing, or reconveyance of mortgages, deeds of trust, security agreements, or other documents, or for transferring title certificates to vehicles, or for any other fees paid or to be paid to public officials, unless such charges are paid or are to be paid within one hundred eighty days by the licensee to public officials or other third parties for such filing, recording, transferring, releasing, or reconveyance thereof. Fees for releasing or reconveying security for the obligation owed to the licensee may be charged and collected at the time of final payment of the loan.

- (2) No licensee may charge and collect an annual fee in excess of thirty-five dollars payable each year in advance for the privilege of opening and maintaining an open-end loan account.
- (3) No licensee may charge or collect a fee in excess of twenty-five dollars for a check returned unpaid by the bank drawn upon. Only one fee may be collected with respect to a particular check in the event it has been redeposited and returned a second time.
- (4) No licensee may charge or collect an appraisal fee incurred or to be incurred in appraising security offered by the borrower in excess of the actual costs paid or to be paid to an independent third party professional appraiser. Such charge may be made or collected from the borrower for costs of an appraisal at the time of application for the loan or at any time thereafter except as prohibited herein. If the appraisal fee is not collected at the time of the application, the licensee's good faith estimate of that fee shall be given to the borrower at the time of the application.
- (5) A licensee may agree with the borrower for the payment by the borrower of the fees charged by a title company in connection with title insurance required by the licensee in connection with a loan. The borrower has the right to select the person or company by or through whom such title insurance will be offered, subject to the licensee's

reasonable conditions, such as type of coverage or endorsements, or financial soundness and proper licensing of the company to do business in the state of Washington. The licensee may select the person or company by or through whom such title insurance will be offered if the borrower does not do so within a reasonable time before the loan transaction is consummated.

(6) A licensee may include the premiums for noncredit insurance in the principal amount of the loan, provided that purchase of the insurance is not required to obtain a loan and that this fact is disclosed to the borrower in writing.

(7) In the event a licensee makes a new loan where any part of the proceeds is used to pay the amount due it on an existing loan within four months from date of origination or of the most recent advance upon an existing loan, an origination fee shall be permitted only to the extent that new money is advanced or the existing credit line increased, unless the origination fee on the existing loan is refunded.

(8) A licensee may not collect a prepayment penalty except as preempted by federal law.

(((9) A licensee may not collect fees related to forcelosure or repossession except for reasonable costs incurred relating to post-judgment collections or as preempted under federal law.))

WSR 93-13-145 PROPOSED RULES DEPARTMENT OF HEALTH

(Board on Fitting and Dispensing of Hearing Aids)
[Filed June 23, 1993, 11:15 a.m.]

Original Notice.

Title of Rule: Model procedural rules for boards.

Purpose: To establish rules for adjudicative proceedings authorized by boards having disciplinary authority.

Statutory Authority for Adoption: RCW 18.35.161(3). Statute Being Implemented: RCW 18.130.050.

Summary: Establishes rules for adjudicative proceedings authorized by boards having disciplinary authority.

Reasons Supporting Proposal: Rule standardizes process for adjudicative processes for prehearings, conforming with secretary's professions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice K. Boden, 1300 Quince, Olympia, (206) 753-3199.

Name of Proponent: Board on Fitting and Dispensing of Hearing Aids, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes rules for adjudicative proceedings.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Doubletree at Southcenter, 205 Strander Boulevard, Seattle, WA 98188, on August 6, 1993, at 9:00 a.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 Quince S.E., P.O. Box 47902, Olympia, WA 98504-7902, by August 6, 1993.

Date of Intended Adoption: August 6, 1993.

May 21, 1993 Dorothy Muto-Coleman Board Chair

NEW SECTION

WAC 246-828-570 Adjudicative proceedings procedural rules for board on fitting and dispensing of hearing aids. The board adopts the Model Procedural Rules for Adjudicative Proceedings as adopted by the Department of Health and contained in chapter 246-11 WAC, including subsequent amendments, with the following exceptions:

1. WAC 246-11-290 is hereby changed to read as follows:

WAC 246-11-290 Scheduling Orders

- (1) Within thirty days after receipt of the application for adjudicative proceeding, the disciplinary authority shall:
 - (a) Examine the application;
- (b) Notify the respondent of any obvious errors or omissions;
- (c) Request any additional information the disciplining authority wishes or is permitted by law to require; and
- (d) Notify the respondent of the name, mailing address, and telephone number of an office that may be contacted regarding the application.
- (2) Within ninety days after receipt of any additional information required to be submitted under subsection (1)(c) of this section or receipt of an application without obvious errors or omissions, whichever comes later, the disciplinary authority shall:
- (a) Approve the application for full adjudicative procedure and issue and serve on the parties a scheduling order specifying:
- (i) The date, time and place of a settlement conference, a prehearing conference and the hearing;
- (ii) The deadlines for completion of discovery and submission of prehearing motions; and
- (iii) The name, address and telephone number of the assistant attorney general or other department representative who will represent the state in the matter; or
 - (b) Deny the application in accord with RCW 34.05.416.
- (3) A request for a change in the Scheduling Order shall be made by motion showing good cause to the administrative hearings unit within thirty (30) days after service of the Scheduling Order. Copies of the request shall be served on the opposing party and upon the disciplining authority. Any changes granted shall be by written order and served on the parties.
- (4) The Scheduling Order may be modified by order of the presiding officer or hearings officer.
- 2. WAC 246-11-370 is hereby changed to read as follows:

WAC 246-11-370 Discovery

- (1) Methods, scope and limits shall be as follows.
- (a) Parties may obtain discovery by the following methods: production of records, documents or things; deposition upon oral examination; requests for admission; or, if ordered by the presiding officer or hearings officer, written interrogatories.

- (b) Unless otherwise limited by order of the presiding officer or hearings officer in accord with these rules, the scope of discovery shall be as follows.
- (i) Parties may obtain discovery regarding any matter not privileged, which is relevant to the subject matter involved in the pending action. It is not grounds for objection that the information sought will be inadmissible at the adjudicative proceeding if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- (ii) The frequency or extent of use of the discovery methods set forth in these rules shall be limited by the presiding officer or designee if the presiding officer or designee determines that:
- (A) The discovery sought is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive; or
- (B) The party seeking discovery has had an ample opportunity by discovery to obtain the information sought; or
- (C) The discovery is unduly burdensome or expensive, taking into account the needs of the case, limitations of the parties, resources, and the importance of the issues at stake.
- (iii) The presiding officer or hearings officer may limit discovery upon his or her own initiative after reasonable notice or pursuant to a motion submitted by a party.
- (2) Production of records, documents or things shall be as follows.
- (a) Upon written request of a party the opposing party shall identify experts and other witnesses to be called at hearing and shall provide other information necessary to enable the opposing party to conduct depositions of the witnesses.
- (b) Any party may serve on any other party a request, which must be signed by the party or designated representative:
- (i) to produce and permit the party making the request or designee to inspect and copy any designated documents, or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of discovery and which are in the possession, custody or control of the party upon whom the request is served; or
- (ii) to permit entry onto designated land or other property which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying, photographing, testing or sampling the property or designated object or operation hereon which is within the scope of discovery.
- (c) Any party who produces documents for inspection shall produce them as they are kept in the usual course of pusiness or may, if the parties agree, organize and label them o correspond with the categories in the request.
- (d) The party upon whom a request is made may, by notion to the presiding officer or designee, move for an order denying the request to produce or modifying the conditions of the request. Denial of the request or change in he conditions of the request shall be within the discretion of he presiding officer or designee and shall be made by written order.
- (3) Depositions may be taken subject to the following conditions.

- (a) Within the United States or a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held. Within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the disciplining authority or agreed upon by the parties by stipulation in writing filed with the disciplining authority. Except by stipulation, no deposition shall be taken before a person who is a party or a privy of a party, or a privy of any representative of a party, or who is financially interested in the proceeding.
- (b) A party desiring to take the deposition of a person upon oral examination shall give reasonable notice of not less than five days in writing to the person to be deposed and to the opposing party. The notice shall state the time an place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a description sufficient to identify the person to be examined or the particular class or group to which the person to be examined belongs. On motion of a party upon whom the notice is served, the presiding officer or hearings officer may for cause shown, lengthen or shorten the time.
- (c) After notice is served for taking a deposition, upon his/her motion or upon motion reasonably made by any party or by the person to be examined, and upon notice and for good cause, the presiding officer may issue an order that the deposition shall not be taken or that it may be taken subject to specified restrictions, conditions, or limitations.
 - (d) Depositions shall be recorded.
- (i) The officer before whom the deposition is taken shall put the witness on oath or affirmation and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony.
- (ii) The officer or person acting under the officer's direction shall transcribe the testimony at the request of any party, provided that any expenses shall be paid by the requesting party.
- (iii) The transcribed testimony shall be submitted to the person deposed for review and signature, unless review and signature are waived by that person. The officer shall append to the transcript any changes in form or substance that may be submitted by the parties.
- (iv) Copies of the transcribed and, unless review and signature has been waived, signed testimony shall be served upon the person deposed and upon the parties.
- (e) If the parties so stipulate in writing or on the record, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken, may be used as any other deposition.
- (4) Following motion of a party and opportunity for response by the opposing party, the presiding officer or hearings officer may order a party to respond to written interrogatories and may order that the interrogatories be subject to specified restrictions, conditions or limitations.
- 3. WAC 246-11-403 is hereby changed to read as follows:

WAC 246-11-403 Motions

- (1) The presiding officer shall rule on motions or may appoint a hearings officer to rule on motions. The presiding officer or hearings officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer or hearings officer.
- (2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing to the presiding officer or designated hearings officer prior to the dates set in the scheduling order.
- (3) Motions for continuance must be made in writing within forty five (45) days following service of the scheduling order. If the adjudicative proceeding is scheduled to take place less than forty five (45) days from service of the scheduling order, motions for continuance must be made within ten (10) days of service of the scheduling order, but in no event less than five (5) days prior to the hearing.
- (4) The decision of the hearings officer shall be final unless a party appeals the decision or requests reconsideration from the presiding officer.
- (a) The appeal must be filed with the disciplining authority within ten (10) days of service of the ruling or order on the parties, but in no event less than three (3) days prior to hearing. If the prehearing order is served on the parties less than ten (10) days prior to the hearing, the appeal must be served on the department no less than three (3) days prior to the hearing.
- (b) The presiding officer shall afford the party opposing the appeal an opportunity for written response, shall review the documents submitted by the parties and the transcript or recording of the proceedings, if submitted by the parties and relevant to the appeal, and shall issue a written ruling.
- (c) If the presiding officer determines that there has been an error of fact or law, or that the matter is not within the jurisdiction or authority of the hearings officer, the presiding officer may reverse or modify a hearings officer's ruling.
- (d) Appeal or request for reconsideration under this subsection is not necessary to preserve the record for judicial review
- (5) The presiding officer or hearings officer may grant a continuance when a motion for continuance is not submitted within the time limits contained of subsection (3) in a bona fide emergency.
- 4. WAC 246-11-404 is hereby changed to read as follows:

WAC 246-11-404 Prehearing Conference

- (1) Unless waived by the presiding officer or hearings officer, a prehearing conference shall be held prior to the hearing. Parties shall be notified of the time and place of the conference in the scheduling order.
- (2) The presiding officer or hearings officer shall conduct the prehearing conference and shall issue rulings related to prehearing motions and evidentiary issues. The rulings shall govern the conduct of subsequent proceedings.
- (3) The prehearing conference shall be recorded unless recording is waived by the parties. All offers of proof and objections concerning matters raised at the prehearing conference must be made on the record at the prehearing conference.

- (4) Following the prehearing conference, the presiding officer or hearings officer shall issue a written prehearing order which will:
- (a) Identify the issues to be considered at the hearing and indicate which party has the burden of proof on these issues:
- (b) Specify the facts which are admitted or not contested by the parties;
- (c) Identify those documents and exhibits that will be admitted at hearing and those which may, by agreement, be distributed prior to hearing;
- (d) Identify expert and lay witnesses that my be called at hearing and the issues to which those witnesses may testify;
 - (e) Rule on motions;
 - (f) Accept amendments to the pleadings;
- (g) Address such other issues or matters as may be reasonably anticipated to arise and which may aid in the disposition of the proceedings; and
 - (h) Rule on objections made in any preserved testimony.
- (5) Following the prehearing conference, the presiding officer or hearings officer may issue an order directing that the matter be heard as a brief adjudicative proceeding.
- (6) Documentary evidence not offered in the prehearing conference and witnesses not identified at the prehearing conference shall not be received into evidence at the adjudicative proceeding in the absence of a clear showing that the offering party had good cause for failing to produce the evidence at the prehearing conference.
- (7) If the authenticity of documents submitted at the prehearing conference is not challenged at the prehearing conference, the documents shall be deemed authentic. However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to object at the prehearing conference.
- (8) Any ruling in a prehearing order of a hearings officer may be appealed to the presiding officer as provided in WAC 246-11-403(4).
- (9) Nothing in these rules shall prohibit the presiding officer or hearings officer from conducting a conference at any time, including during the hearing. The presiding officer or hearings officer shall state on the record the results of such conference.
- (10) A party bound by a stipulation or admission of record may withdraw it in whole or in part only upon a determination by the presiding officer or hearing officer that:
- (a) The stipulation or admission was made inadvertently or as a bona fide mistake of fact or law; and
- (b) The withdrawal will not unjustly prejudice the rights of the other parties.
- (11) In an appeal to superior court relating to issues addressed in the prehearing order, the record of the prehearing conference, the prehearing order and any orders issued by the presiding officer or hearings officer pursuant to WAC 246-11-403, shall be the record.

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

WSR 93-13-146 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed June 23, 1993, 11:24 a.m.]

Original Notice.

Title of Rule: WAC 308-17-150 Private detective agency, private detective and armed private detective fees.

Purpose: Fee setting.

Statutory Authority for Adoption: RCW 18.165.170(1). Statute Being Implemented: Chapter 18.165 RCW.

Summary: Proposed rule change to increase licensing fees

Reasons Supporting Proposal: Lower than anticipated evenue does not support current program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Schneider and Mary Jelvik, 2424 Bristol Court S.W., Olympia, WA, (206) 564-9070.

Name of Proponent: Department of Licensing, Professional Licensing Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: By rule, licensing fees are set for private detective agencies and all private detective licensees. The anticipated effect of this revision will be to increase licensing fees to cover the cost of revenue shortfalls.

Proposal Changes the Following Existing Rules: Increase licensing fees.

No small business economic impact statement is equired for this proposal by chapter 19.85 RCW.

Hearing Location: St. Martins Pavilion, 5300 Pacific Avenue, Lacey, WA 98503, on July 27, 1993, at 1:30 p.m.

Submit Written Comments to: Michael Schneider, Acting Program Manager, Department of Licensing, P.O. 3ox 9045, Olympia, WA 98507, by July 26, 1993.

Date of Intended Adoption: July 27, 1993.

June 22, 1993 Jon Clark Acting Assistant Director

AMENDATORY SECTION (Amending WSR 91-22-111, iled 11/6/91, effective 12/17/91)

WAC 308-17-150 Private detective agency, private letective, and armed private detective fees. The following ees for a one-year period shall be charged by professional icensing services of the department of licensing:

Title of Fee Fee

Private detective agency:

Application/examination ((\$300.00)) \$350.00 Reexamination ((200.00)) 275.00 License renewal Late renewal with penalty ((300.00)) 350.00 Certification

Private detective:

Original license ((50.00)) 75.00 Certified trainer examination/ reexamination 25.00 ((40.00)) 75.00 License renewal

Late renewal with penalty ((50.00)) 100.00 Certification 25.00

Armed private detective:

Original license ((25.00)) 50.00 Certified trainer examination/ reexamination 25.00 License renewal ((40.00)) 75.00 Late renewal with penalty ((50.00)) 100.00Certification

WSR 93-13-147 PREPROPOSAL COMMENTS OFFICE OF THE SECRETARY OF STATE

[Filed June 23, 1993, 11:40 a.m.]

Subject of Possible Rule Making: All fees charged by the divisions of the Office of the Secretary of State, primarily the Corporations Division. Authority to establish certain fees by rule, excluding initial corporate filing and renewal fees, was granted to the secretary by chapter 269, Laws of 1993. These fees are deposited in the state general fund or the secretary of state's revolving fund according to RCW 43.07.130.

Persons may comment on this subject by telephone. 753-1485 to Barbara Brown, or Linda Mackintosh, 753-2896; or by mail, Office of the Secretary of State, Attention: Barbara Brown, Corporations Division, 505 East Union, P.O. Box 40234, Olympia, WA 98504-0234, until proposed adoption on October 1, 1993.

Other Information or Comments by Agency at this Time, if any: Proposed wording will be available in mid-July and filed on August 4, 1993; public hearing will be on September 8, 1993. Time and place will be announced in a later register.

> June 23, 1993 Donald F. Whiting Assistant Secretary of State

WSR 93-13-004 PERMANENT RULES DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators) [Order 371B—Filed June 3, 1993, 4:08 p.m.]

Date of Adoption: May 21, 1993.

Purpose: To further define legislation adopted March 26, 1992 [1993], and also to incorporate housekeeping type corrections necessary as a result of the legislation.

Citation of Existing Rules Affected by this Order: Amending WAC 246-843-001, 246-843-010, 246-843-090, 246-843-180, and 246-843-205.

Statutory Authority for Adoption: RCW 18.52.061. Pursuant to notice filed as WSR 93-08-105 on April 7, 1993.

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

May 27, 1993 Ted Day

Chair

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-001 Source of authority—Title. The rules and regulations herein contained constitute and shall be known as the rules and regulations of the board ((of examiners for the licensing)) of nursing home administrators of the state of Washington, and are hereby promulgated pursuant to the authority granted to said board pursuant to RCW ((18.52.100(11))) 18.52.061(1).

<u>AMENDATORY SECTION</u> (Amending Order 217B, filed 11/27/91, effective 12/28/91)

- WAC 246-843-010 General definitions. Whenever used in these rules and regulations, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the following meanings:
- (1) (("Board" means the state board of examiners for the icensing of nursing home administrators representative of he professions and institutions concerned with the care of he chronically ill and infirm aged patients.
- (2) "Nursing home" means any facility or portion hereof licensed under state law as a nursing home.
- (3) "Nursing home administrator" means an individual nactive administrative charge of nursing homes as defined terein, whether or not having an ownership interest in such tomes, and although functions and duties may be shared with or delegated to other persons.
- (4))) "Nursing home administrator-in-training" means an ndividual registered as such with the board, under and pursuant to these rules and regulations.
- (((5))) (2) "Person" or "individual" means an individual and does not include the terms firm, institution, public body, oint stock association or any other group of individuals.
- $((\frac{(6)}{(6)}))$ "Secretary" means the secretary of the lepartment of health or the secretary's designee.
- (4) "Active administrative charge" is the ongoing direct participation in the operating concerns of a nursing home. Departing concerns shall include, but not be limited to, nteraction with staff and residents, liaison with the commu-

- nity, liaison with regulatory agencies, pertinent business and financial responsibilities, planning and other activities as identified in the most current role delineation study of the National Association of Boards of Examiners for Nursing Home Administrators. The role delineation study is available from National Association of Boards of Examiners for Nursing Home Administrators, 808 17th Street NW #200, Washington, DC 20006.
- (5) "On-site, full-time administrator" shall be defined as an individual in active administrative charge at the premises of only one nursing home facility, a minimum of four days and an average of forty hours per week, except: "On-site, full-time administrator with small resident populations," or in "rural areas," shall be defined as an individual in active administrative charge at the premises of only one nursing home facility:
- (a) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or
- (b) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds.
- (6) "Collocated facilities" means that more than one licensed nursing facility is situated on a single contiguous piece of property, intersecting streets or roads allowing pedestrian crossing notwithstanding.
- (7) "Nursing homes temporarily without an administrator." Upon the administrator's position becoming vacant, a nursing home may operate up to two continuous weeks under a responsible person authorized to act as administrator designee. Such person shall be qualified by experience to assume delegated duties. The nursing home shall have a written agreement with a licensed administrator who shall be available to consult with such person.

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-090 Preexamination requirements. No person shall be admitted to or permitted to take an examination for licensure as a nursing home administrator without having first submitted evidence satisfactory to the board that the applicant meets the following requirements:

- (1) All applicants shall be at least twenty-one years of age, and in addition, shall otherwise meet the requirements of suitability and character set forth in WAC 246-843-200.
- (2) All applicants shall complete an application for licensure provided by the division of professional licensing, department of health, and shall include all information requested in said application.
- (3)(((a))) All applicants shall submit documentation demonstrating that they meet the minimum requirements set forth in RCW ((18.52.070(2) relative to training and experience in nursing home or health facility administration)) 18.52.071. ((Applicants who, when graded according to the criteria set forth in (e) of this subsection, accumulate a total of eight points, including at least three points in each management and health care, shall be deemed to have satisfied the statutory requirements.
- (b) For the purposes of applying the evaluation criteria set forth below, the following definitions apply:

HEALTH-CARE-EXPERIENCE

Experience in health care can include employment in any job position which would permit the person to become acquainted with the typical duties, functions of health care personnel and to otherwise become familiar with the terms and language unique to the field of health care. This may include employment as a nurse, physician, pharmacist, orderly, corpsman, etc.

MANAGEMENT-EXPERIENCE

Management is considered to be an upper level of supervision which includes directing and guiding the operations of the organization towards established goals.

(e) The following criteria shall be utilized to determine if an individual applicant's prior training and/or experience meets the qualification requirement set forth in RCW 18.52.070(2). Training or experience acquired more than seven years prior to the date of application shall accumulate points at one half the value listed.

TRAINING: (NOTE: Courses which incorporate principles of both management and health—such as hospital or health care administration—accumulate points only in one field.)

Manage- Health ment Care

A. MANAGEMENT

College College courses in management, including business administra-Credit tion, finance, public adminirelated to stration, etc. Four points shall management be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this area not leading to a degree shall receive one point for each 45 quarter hours or the equivalent. Graduate courses specifically related to this area shall be allowed one point for each academic year or the equivalent up to a maximum of two points for a graduate

Noncredit Noncredit courses specifically
courses related to management such as
related to courses offered by the military
management or industry. Points allowed
shall be one half for each 100
elassroom and/or correspondence
hours with a maximum of one
point (1/2-1)

Board One half point shall be allowed approved for each fifty classroom hours courses of instruction with a maximum related to of one point (1/2 1)

B. HEALTH CARE

College College courses in the field of Credit health care such as nursing, related to medicine, public health, social health care services, etc. Four points shall be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this area not leading to a degree shall receive one point for each 45 quarter hours or the equivalent. Graduate courses

	specifically related to this
	area-shall-be-allowed-one-point
	for each academic year or the
	equivalent up to a maximum of
	two points for a graduate degree
Noneredit	- Noneredit courses specifically
eourses	related to health. Points al-
related to	lowed would be one half for each
health-care	- 100 classroom and/or correspon-
	dence hours with a maximum of
	one point
Board	One half point would be allowed
approved -	for each 50 classroom hours of
eourses	- instruction with a maximum of
related to-	one point (1/2-1)
health-care	•
C UNDEL	ATED TO HEALTH CARE OR MANACEMENT

College College courses not specifically
Credit related to either management or
not re health care, such as education,

hated to science, etc. shall receive a management maximum of two points for bac or health calaureate degree, or one half point for each 45 quarter hours or the equivalent, whether at the undergraduate or graduate level. Points shall accumulate toward satisfaction of the management requirement (1/2 2 1/2)

II. EXPERIENCE:

A. HEALTH CARE MANAGEMENT

One point for each six months of experience in a management position requiring expertise in the health eare field. Examples include, but are not limited to, the following:
Nursing home administrator, hospital administrator, assistant administrator of a large health care facility, executive in health care related industry, director of nursing service in a health care facility. Points accumulate in management and health care.

B. NONHEALTH CARE MANAGEMENT

One point for each six months of experience in management not involving health care as an essential element

C. RELATED HEALTH CARE

One point for each six months of experience in the field of health eare not involving substantial managerial responsibility

(4) Applicants not ((meeting the minimum requirement set forth in subsection (3) of this section may apply to the board for permission to)) having completed at least a one thousand hour practical experience requirement in a nursing home, included in a degree program, shall undertake ((an) and complete a one thousand five hundred hour administrator-in-training program ((as a substitute for said criteria)) in a nursing home. Such a program shall ((be on such terms a the board feels necessary to assure that the applicant meet the minimum statutory requirements for licensure set forth in RCW 18.52.070, and shall)) include, without limitations, the following:

- (a) The program shall be under the guidance and supervision of a licensed nursing home administrator, as preceptor, and shall be conducted for a period of ((not less than six months and not more than two years)) one thousand five hundred hours;
- (b) The program shall be designed to provide for individual learning experiences and instruction based upon the person's academic backgrounds, training, and experience;
- (c) The prospectus for the program shall be signed by the preceptor, submitted and approved by the board prior to its commencement. Any changes in the program shall be immediately reported in writing to the board, and the board may withdraw the approval given, or alter the conditions under which approval was given, if the board finds that the program as originally submitted and approved has not been or is not being followed;
- (d) The program shall include the following components:
- (i) A planned systematic rotation through each department of a nursing home;
 - (ii) Planned reading and ((written)) writing assignments;
- (iii) Project assignment including at least one problemsolving assignment to be submitted in writing to the board or a designated board member. Problem-solving project should indicate the definition of an acknowledged problem, he method of approach to the problem such as data gatherng, the listing of possible alternatives, the conclusions, and final recommendations to improve the facility or procedure.
- (iv) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community; and
- (v) A quarterly written report to the board by the applicant including a detailed outline of activities and earning experiences of the reporting period.
- (e) The program shall provide for a broad range of experience with a close working relationship between preceptor and trainee. Toward that end, as a general rule, no program shall be approved which would result in an individual preceptor supervising more than two trainees, or if the acility in which the program is to be implemented has a capacity of fewer than 50 beds. Exceptions to this general rule may be granted by the board in unusual circumstances.
- (((f) In addition, the board may in an individual case, equire up to 150 contact hours of board approved education, pased upon the individual applicant's background, experience, and training.))

AMENDATORY SECTION (Amending Order 216B, filed 1/25/91, effective 12/26/91)

WAC 246-843-180 Registration of licenses. (1) Every person who holds a valid nursing home administrator's license, active or inactive, shall reregister ((it innually with the secretary)) on dates specified by the ecretary ((by making application for reregistration on forms revided by the secretary)). Such ((reregistration)) elicensure shall be granted ((automatically)) upon receipt of he annual fee, ((provided, however, that the requirement of ontinuing education as described in WAC 246-843-150 is ully met)) and upon fulfilling the continuing competency equirements by submitting proof of completing fifty-four

hours of continuing education as described in WAC 246-843-150.

(2) Any active or inactive license holder not ((reregistered within thirty days after the date for reregistration specified by the secretary,)) relicensed will be charged a penalty fee as set forth in WAC 246-843-990 ((annually)) in addition to the annual ((registration)) fee and all delinquent fees that are in arrears. In the event that the license of an individual is not ((reregistered)) relicensed within two years from the most recent date for ((reregistration)) relicensure, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant.

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-205 Standards of conduct. Licensed nursing home administrator shall be in active administrative charge of the nursing home ((or homes)) in which they have consented to serve as administrator.

WSR 93-13-005 PERMANENT RULES DEPARTMENT OF HEALTH

[Order 369-Filed June 3, 1993, 4:10 p.m.]

Date of Adoption: June 1, 1993.

Purpose: To establish rules for adjudicative proceedings for the secretary programs and professions.

Citation of Existing Rules Affected by this Order: See Repealer sections.

Statutory Authority for Adoption: RCW 43.70.040.

Pursuant to notice filed as WSR 93-08-071 on April 5, 1993.

Changes Other than Editing from Proposed to Adopted Version: Nonsubstantive changes were made in WAC 246-10-102, 246-10-204, 246-10-302, and 246-10-501 to define presiding officer, default order, and to address dates.

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

June 1, 1993

Bruce Miyahara

Secretary

NEW SECTION

WAC 246-08-101 Declaratory orders—Forms, content, and filing. A petition for a declaratory order shall generally adhere to the following form:

- (1) At the top of the page shall appear the wording "Before the Washington state department of health." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the foregoing caption shall appear the word "petition."
- (2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts

of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

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

NEW SECTION

rights of persons in relation to petition. If a petition for a declaratory order is set for specified proceedings under RCW 34.05.240 (5)(b), the department shall give not less than seven days advance written notice of the proceedings to the petitioner and all persons described under RCW 34.05.240(3). The notice shall contain the time, date, place, and nature of the proceedings and shall describe how interested persons may participate in the proceeding.

NEW SECTION

WAC 246-08-103 Declaratory orders—Disposition of petition. A declaratory order entered by the department or a decision declining to enter a declaratory order shall be in writing and shall be served upon the petitioner and all other persons described under RCW 34.05.240(3).

NEW SECTION

WAC 246-08-104 Petition for rule making—Form, content, and filing. A petition for adoption, amendment, or repeal of a rule shall generally adhere to the following form:

- (1) At the top of the page shall appear the wording "Before the Washington state department of health." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for rule making." Opposite the foregoing caption shall appear the word "petition."
- (2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the adoption of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.
- (3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The

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

NEW SECTION

WAC 246-08-105 Petition for rule making—Consideration and disposition. (1) Each petition for the adoption, amendment, or repeal of a rule shall be considered by the department and the department may, in its discretion, solicit comments or invite discussion concerning the matter before disposition of the petition.

(2) If the department denies the petition, the denial shall be served upon the petitioner.

NEW SECTION

WAC 246-08-106 Updating mailing lists. (1) Periodically, the department may cause the following notice, or a notice substantially similar, to be mailed: "In order to maintain as current a mailing list as possible, and to eliminate mailing notices to those who no longer have need for such notices, the department will discontinue use of its old mailing lists, effective (date to be specified). If you wish to continue receiving copies of notices of intention to adopt, amend, or repeal rules after that date, please fill out the attached form and return it to the department at the address indicated on the form. If you do not return the form indicating your desire to continue to receive notices to adopt amend, or repeal rules, your name or the names of your organization will be removed from the mailing lists."

- (2) The notice regarding updating of mailing lists is to be mailed by first-class mail.
- (3) The form to be filled out by those persons of organizations wishing to continue to receive department notices to adopt, amend, or repeal rules shall specify interest areas covered by these notices, thereby enabling those or mailing lists to limit correspondence received.

Chapter 246-10 WAC ADMINISTRATIVE PROCEDURE—ADJUDICATIVE PROCEEDINGS

SECTION I PRELIMINARY MATTERS

NEW SECTION

WAC 246-10-101 Application of chapter. (1) This chapter shall apply to adjudicative proceedings authorized to be conducted under the authority of the department of health

(2) This chapter applies to adjudicative proceeding begun on or after the effective date of this chapter in programs administered by the department of health. Fo purposes of this section, "begun" shall mean the receipt by

the appropriate office of an application for an adjudicative proceeding. These rules shall be the exclusive rules governing adjudicative proceedings under the jurisdiction of the department.

- (3) To the extent that these rules differ by inclusion, deletion, or content from the model rules adopted by the chief administrative law judge pursuant to RCW 34.05.250, this chapter shall prevail in order to provide a process consistent with the organization of the department.
- (4) Where a provision of this chapter conflicts with another chapter of this title, the provision of this chapter shall prevail.
- (5) Where a provision of this chapter conflicts with a provision of the Revised Code of Washington, the statute shall prevail.

NEW SECTION

WAC 246-10-102 Definitions. As used in these rules of practice and procedure, the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise. Other terms shall have their ordinary meaning unless defined elsewhere in this chapter.

"Adjudicative proceeding" or "hearing" shall mean a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the department prior to the entry of a final order under this chapter.

"Brief adjudicative proceeding" shall mean an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

"Department" shall mean the Washington state department of health and, where appropriate, the secretary of the Washington state department of health.

"Filing" shall mean receipt by the office of professional standards.

"Initiating document" shall mean a written agency document which initiates action against a license holder or applicant for license or recipient of benefits and which creates the right to an adjudicative proceeding. It may be denominated a statement of charges, notice of intent to deny, order, or by any other designation indicating the action or proposed action to be taken.

"License" shall have the meaning set forth in RCW 34.05.010, and includes any license, certification, registration, permit, approval, or any similar form of authorization required by law to be obtained from the department.

"Office of professional standards" shall mean the unit responsible for prehearing adjudicative proceedings, whose address is:

> Department of Health Office of Professional Standards 2413 Pacific Avenue P.O. Box 47872 Olympia, WA 98504-7872

"Presiding officer" shall mean the person who is assigned to conduct an adjudicative proceeding. The presiding officer may be an employee of the department who is authorized to issue a final decision. "Program" shall mean the administrative unit within the department responsible for implementation of a particular statute or rule.

"Prompt adjudicative proceeding" or "prompt hearing" shall mean a hearing conducted at the request of the license holder or applicant for license following summary action taken in accord with this chapter against that license holder or applicant.

"Protective order" shall mean an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

"Recipient of benefits" shall mean an individual who has qualified for benefits administered by the department.

"Respondent" shall mean a person eligible to request an adjudicative proceeding in a program under the jurisdiction of the department who is named in an initiating document.

"Secretary" shall mean the secretary of the department of health or his/her designee.

"Summary action" shall mean an agency action to address an immediate danger to the public health, safety, or welfare and shall include, but not be limited to, a cease and desist order, an order of summary suspension, and an order of summary restriction of a license.

NEW SECTION

WAC 246-10-103 Signature authority. (1) A person designated by the program shall sign all initiating documents and orders issued under this chapter.

(2) Authority to sign shall be indicated by designation of the title of the person signing and shall not require any other affirmation, affidavit, or allegation.

NEW SECTION

WAC 246-10-104 Appearance of parties. If a respondent requests an adjudicative proceeding to contest the action, that party shall appear at all stages of the proceeding except as otherwise provided in this section.

- (1) If the respondent is represented as provided in this chapter, the respondent shall appear personally at the hearing and at any scheduled settlement conference but need not appear at the prehearing conference or at presentation of motions.
- (2) Parties may be represented by counsel at all proceedings.
- (3) The respondent may appear by telephone at any portion of the proceedings conducted by telephone, in the discretion of the presiding officer following reasonable advance notice to the presiding officer and to the opposing party.
- (4) The requirement of personal appearance may be waived for good cause in the discretion of the presiding officer.
- (5) Failure to appear as provided in this chapter shall be grounds for taking final action by default.

NEW SECTION

WAC 246-10-105 Computation of time. (1) When computing a period of time prescribed or allowed by an applicable statute or rule, the day of the act, event, or default

[5] Permanent

from which the designated period of time begins to run shall not be included.

- (2) The last day of the computed period shall be included unless the last day is a Saturday, Sunday, or legal holiday.
- (3) When the last day is a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.
- (4) When the period of time prescribed or allowed is seven days or less, any intermediate Saturday, Sunday, and legal holiday shall be excluded from the computation.

NEW SECTION

WAC 246-10-106 Notarization, certification, and authentication. (1) A person's sworn written statement, declaration, verification, certificate, oath, or affidavit may be authenticated by an unsworn written statement which is executed in substantially the following form:

I certify (or declare) under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

(date and place)

(Signature)

- (2) Documents or records may be authenticated by a certification, as provided in subsection (1) of this section, from the custodian of the records or other qualified person that the documents or records are what they purport to be.
- (3) Signature of any attorney shall be accompanied by and authenticated by that attorney's Washington State Bar Association number.
- (4) Documents prepared and submitted by a party who is not represented by an attorney shall be signed and dated by that party and shall include that party's current address.
- (5) Signature by a party or an attorney on a document shall constitute a certificate by the party or attorney that he/she has read the document, believes there are grounds to support it, and has not submitted the document for delay, harassment, or needless increase in the cost of a proceeding.
- (6) Compliance with certification requirements of subsections (1) and (2) of this section creates a rebuttable presumption that a document is authentic.

NEW SECTION

WAC 246-10-107 Persons who may request adjudicative proceedings. The persons indicated may request an adjudicative proceeding under this chapter.

- (1)(a) With respect to the denial of applications made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, and 246-290-140, the aggrieved applicant may request an adjudicative proceeding.
- (b) A person whose application for the approval of a new public water system is denied under WAC 246-293-190, a purveyor whose license is adversely affected by a departmental decision under WAC 246-293-190 or the county legislative authority having jurisdiction in the area affected by the decision may request an adjudicative proceeding under this chapter.
- (c) A purveyor affected by the decision of the department under WAC 246-293-430 or the county legislative

- authority having jurisdiction in the area may request an adjudicative proceeding with respect to a decision made under WAC 246-293-430.
- (2) With respect to all other matters involving the issuance, denial of, or adverse action against, a license, the applicant or licensee;
- (3) With respect to matters involving receipt of benefits or application therefor, the recipient of or applicant for the benefits.
- (4) With respect to an application for approval of a school or curriculum, the person or authority that applied for such approval.
- (5) With respect to the department's final threshold determination that an environmental impact statement (EIS) is or is not necessary and with respect to the adequacy of a final EIS, any person who:
- (a) Is seeking to protect an interest within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question; and
- (b) Will be specifically and perceptibly harmed by the proposed action.
- (6) Any application for an adjudicative proceeding that on its face demonstrates that the person making the application does not have standing under this rule may be summarily dismissed by entry of a decision pursuant to RCW 34.05.416. A motion to dismiss a matter for lack of standing may be made at any time prior to entry of the final order.

NEW SECTION

WAC 246-10-108 Representation. (1) Persons requesting an adjudicative proceeding may be represented subject to the following conditions:

- (a) A person requesting an adjudicative proceeding may represent himself/herself or may be represented by an attorney who has complied with the admission to practice rules of the supreme court of the state of Washington;
- (b) Every attorney representing a person requesting an adjudicative proceeding shall file a notice of appearance with the office of professional standards upon commencing representation, and shall file a notice of withdrawal of counsel with the office of professional standards upon terminating representation.
- (c) No person requesting an adjudicative proceeding may be represented in an adjudicative proceeding by an employee of the department.
- (2) No current or former employee of the department may appear as an expert, character witness, or representative of any party other than the state of Washington if he/she took an active part in investigating or evaluating the case or represented the agency in the matter, unless written permission of the secretary is granted. No current or former member of the attorney general's office staff who participated personally and substantially in investigating or evaluating the matter at issue while so employed may represent a party or otherwise participate in a related proceeding without first having obtained the written consent of the attorney general's office.

- WAC 246-10-109 Service and filing. (1) A party filing a pleading, brief, or paper other than an initiating document or application for an adjudicative proceeding as required or permitted by these rules, shall serve a copy of the paper upon the opposing party or any designated representative of the opposing party prior to or simultaneous with filing.
- (2) Unless otherwise provided by law, filing and service shall be made by personal service; first class, registered, or certified mail; or commercial parcel delivery company.
- (3) Filing shall be complete upon actual receipt during normal business hours at the office of professional standards when filing is with the office of professional standards.
- (4) Service shall be complete when personal service is made; mail is properly stamped, addressed, and deposited in the United States mail; or a parcel is delivered to a parcel delivery company with charges prepaid.
- (5) Proof of service shall consist of filing as required by these rules, together with one of the following:
 - (a) An acknowledgement of service;
- (b) A certificate of service including the date the papers were served, the parties upon whom served, the signature of the serving party, and a statement that service was completed by:
 - (i) Personal service; or
- (ii) Mailing in the United States mail or shipping by commercial parcel service a copy properly addressed with postage and fees prepaid to each party and each designated representative.
- (6) For the purpose of service on a licensee or a person requesting an adjudicative proceeding, service shall be made at the last known address provided to the department in accordance with WAC 246-01-100, unless the program has actual knowledge of a different correct address for the person being served.

NEW SECTION

WAC 246-10-110 Jurisdiction. (1) The department has jurisdiction over all licenses issued by the department and over all holders of and applicants for licenses. Such jurisdiction is retained even if an applicant requests to withdraw the application, or a licensee surrenders or fails to renew a license.

(2) The department has jurisdiction over unlicensed practice of any activity for which a license is required.

NEW SECTION

WAC 246-10-111 Telephone proceedings. (1) The presiding officer may conduct all or part of the proceedings or permit a party or witness to appear by telephone or other electronic means if each participant in the proceedings has an opportunity to participate in, hear, and, if technically and economically feasible, see the entire proceeding while it is taking place. Cost of such appearance may be assessed to the party so appearing or on whose behalf the witness appears.

(2) If all or part of the proceedings is conducted as provided in subsection (1) of this section, the parties shall file and serve copies of all documentary evidence no less

than three days prior to the proceeding. The presiding officer may, for good cause, allow exceptions to this requirement.

NEW SECTION

WAC 246-10-112 Hearing location. The presiding officer shall designate sites for the conduct of proceedings taking into account accessibility, efficiency, and economy.

NEW SECTION

WAC 246-10-113 Good faith requirement. Good faith shall be the standard for compliance with these rules. Failure to make a good faith effort to comply with these rules shall be grounds for sanctions as provided in this chapter.

NEW SECTION

- WAC 246-10-114 Public records. (1) All papers, exhibits, transcripts, and other materials required by or submitted in accordance with this chapter shall be considered public records.
- (2) Release of information upon request for public records shall be subject to the following limitations:
- (a) Release of health care information shall comply with chapter 70.02 RCW and rules promulgated thereunder;
- (b) Protective orders issued pursuant to WAC 246-10-405 shall prevail;
- (c) Initiating documents may be released after service upon the person eligible to request an adjudicative proceeding but no other records shall be released until a final order is entered and served; and
- (d) Chapter 42.17 RCW shall govern the release of records.

NEW SECTION

WAC 246-10-115 Expenses and witness fees. (1) Fees and expenses shall be paid at the following rates to witnesses appearing under subpoena by the party requesting the appearance:

- (a) Fees shall be paid at the daily rate established for jurors in superior court of Thurston County; and
- (b) Expenses shall be paid at the rate established for employees of the state of Washington, or as otherwise required by law.
- (2) Fees for an expert witness shall be negotiated by and paid by the party requesting services of the expert.
- (3) All expenses incurred in connection with proceedings under this chapter shall be paid by the party incurring the expense.
 - (4) The program shall pay expenses associated with:
 - (a) The facility in which proceedings are conducted; and
 - (b) Recording of the proceedings.
- (5) Expenses related to preparation and distribution of the transcript of proceedings shall be paid by the party filing a motion or request for review of an initial order or petition for reconsideration, appealing a final order, or otherwise requesting the transcript.

WAC 246-10-116 Immunity. The legislature has determined that persons who file complaints with or provide information to the department regarding health care practitioners licensed by the department are immune from civil liability, provided that such persons have acted in good faith. RCW 4.24.240 through 4.24.260, 18.130.170, 18.130.180, and 18.130.300 set forth the provisions under which immunity is granted.

NEW SECTION

- WAC 246-10-117 Official notice and agency expertise. (1) Official notice may be taken as provided in RCW 34.05.452(5).
- (2) The department, through its designated presiding officer, may use its expertise and specialized knowledge to evaluate and draw inferences from the evidence presented to it.

NEW SECTION

WAC 246-10-118 Sanctions. (1) Orders may include sanctions against either party.

- (2) Grounds for sanctions may include:
- (a) Failure to comply with these rules or orders of the presiding officer; and
- (b) Willful interference with the progress of proceedings.
 - (3) Sanctions may include:
 - (a) Dismissal of the matter;
 - (b) Proceeding in default; and
 - (c) Other sanctions as appropriate.
- (4) The order shall state the grounds upon which any sanctions are imposed.

NEW SECTION

- WAC 246-10-119 Intervention. (1) The presiding officer may grant a petition for intervention pursuant to RCW 34.05.443.
- (2) A request to intervene shall be handled as a prehearing motion and shall be subject to the dates contained in the scheduling order. Within the sound exercise of discretion, the presiding officer may allow intervention if:
- (a) The intervenor is not a party to the matter but has a substantial interest in outcome of the matter and the interest of the intervenor is not adequately represented by a party, or other good cause exists; and
- (b) Any representative of the intervenor meets the requirements of WAC 246-10-108.
- (3) A person shall not be allowed to intervene if that person had notice of the agency's decision and, upon timely application, would have been able to appear as a party in the matter in which intervention is sought, but failed to make such timely application.
- (4) If intervention is granted, the intervenor shall be subject to these rules on the same basis as the other parties to the proceeding, unless otherwise limited in the order granting intervention.

NEW SECTION

WAC 246-10-120 Form of pleadings and orders. (1) Pleadings, orders, and other papers filed, served, or entered under this chapter shall be:

- (a) Captioned with the name of the state of Washington, department of health and the title of the proceeding; and
- (b) Signed by the person filing, serving, or entering the document. When that person is an attorney representing a party, the signature block shall include the attorney's Washington State Bar Association number.
- (2) All orders shall comply with RCW 34.05.461 and the requirements of this chapter.

NEW SECTION

WAC 246-10-121 Notice to limited-English-speaking parties. When the program or the office of professional standards is notified or otherwise made aware that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and, if necessary, responding to the notice.

NEW SECTION

- WAC 246-10-122 Interpreters. (1) A "hearing impaired person" means a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate in spoken language. A "hearing impaired person" includes a person who is deaf, deaf and blind, or hard of hearing.
- (2) A "limited-English-speaking person" means a person who because of a non-English-speaking cultural background cannot readily speak or understand the English language.
- (3) If a hearing impaired person or a limited-English-speaking person is involved in an adjudicative proceeding and a need for an interpreter is made known to the office of professional standards, the presiding officer shall appoint an interpreter who is acceptable to the parties or, if the parties are unable to agree on an interpreter, the presiding officer shall select and appoint an interpreter.
- (4) Before beginning to interpret, an interpreter shall take an oath or make affirmation that:
- (a) A true interpretation shall be made to the impaired person of all the proceedings in a language or in a manner the impaired person understands; and
- (b) The interpreter shall repeat the statements of the impaired person to the presiding officer, in the English language, to the best of the interpreter's skill and judgment.
 - (5) When an interpreter is used in a proceeding:
- (a) The interpreter shall translate all statements made by other participants in the proceeding;
- (b) The presiding officer shall ensure sufficient extra time is provided to permit translation; and
- (c) The presiding officer shall ensure that the interpreter translates the entire proceeding to the hearing impaired person or limited-English-speaking person to the extent that the person has the same opportunity to understand the

statements made as would a person not requiring an interpreter.

- (6) An interpreter appointed under this section shall be entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The program shall pay the interpreter fee and expenses incurred for interpreters for license holders, applicants, or recipients of benefits. The party on whose behalf a witness requiring an interpreter appears shall pay for interpreter services for that witness.
- (7) All proceedings shall be conducted consistent with chapters 2.42 and 2.43 RCW.

NEW SECTION

- WAC 246-10-123 Subpoenas. (1) The presiding officer, the secretary or designee, and attorneys for parties may issue subpoenas to residents of the state of Washington, to license holders and applicants for license, and to other persons or entities subject to jurisdiction under RCW 4.28.185.
- (2) The presiding officer shall issue subpoenas pursuant to RCW 34.05.446(1) for parties not represented by counsel upon request of the party and upon a showing of relevance and reasonable scope of the testimony or evidence sought.
- (3) The person on whose behalf the subpoena is issued shall pay any witness fees and expenses as provided in WAC 246-10-115 or costs for interpreters for such witnesses as provided in WAC 246-10-122.
- (4) Attendance of persons subpoenaed and production of evidence may be required at any designated place in the state of Washington.
 - (5) Every subpoena shall:
 - (a) Comply with WAC 246-10-120;
 - (b) Identify the party causing issuance of the subpoena;
 - (c) State the title of the proceeding; and
- (d) Command the person to whom the subpoena is directed to attend and give testimony and/or produce designated items under the person's control at a specified time and place.
- (6) A subpoena may be served by any suitable person eighteen years of age or older by:
- (a) Giving a copy to the person to whom the subpoena is addressed;
- (b) Leaving a copy at the residence of the person to whom the subpoena is addressed with a person of suitable age and discretion;
- (c) Sending a copy by mail to the current address on file with the department if the person is licensed by the department or has filed an application for a license with the department; or
- (d) Sending a copy by certified mail with proof of receipt if the person is neither licensed by nor has applied for a license with the department.
 - (7) Proof of service may be made by:
 - (a) Affidavit of personal service;
- (b) Certification by the person mailing the subpoena to a license holder or applicant; or
- (c) Return or acknowledgment showing receipt by the person subpoenaed or his/her representative. Any person accepting certified or registered mail at the last known

- address of the person subpoenaed shall be considered an authorized representative.
- (8) The presiding officer, upon motion made promptly and before the time specified for compliance in the subpoena, may:
- (a) Quash or modify the subpoena if the subpoena is unreasonable or requires evidence not relevant to any matter at issue; or
- (b) Condition denial of the motion upon just and reasonable conditions, including advancement of the reasonable cost by the person on whose behalf the subpoena is issued of producing the books, documents, or tangible things; or
 - (c) Issue a protective order under RCW 34.05.446.
- (9) The department may seek enforcement of a subpoena under RCW 34.05.588(1) or proceed in default pursuant to WAC 246-10-204.

NEW SECTION

- WAC 246-10-124 Preliminary requirements. (1) An aggrieved applicant for an initial license or renewal of an existing license shall not be entitled to an adjudicative proceeding unless the applicant has submitted:
- (a) A completed initial application or renewal application, as appropriate; and
- (b) All applicable application, examination, or renewal fees payable in connection with such application or license.
- (2) An aggrieved applicant shall not be entitled to an adjudicative proceeding with respect to the denial of an application submitted under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, or 246-290-140 unless the applicant has submitted to the district engineer or other departmental employee responsible for reviewing the submittal, a certification that, to the best of the applicant's knowledge and belief, the submittal is complete and demonstrates compliance with the state's drinking water regulations. Certification with respect to water system plans, project reports, construction documents and other submittals requiring preparational review by a licensed professional engineer shall be provided on behalf of the applicant by the licensed professional engineer preparing or reviewing the submittal. Failure to comply with these preliminary requirements shall result in the denial of the application for adjudicative proceeding without further review.
- (3) An affected party shall not be entitled to an adjudicative proceeding with respect to a decision made under WAC 246-293-190 unless:
- (a) Except with respect to a county legislative authority, the applicant shall have complied with all preliminary requirements established under the coordinated water system plan approved by the county legislative authority and the department or, if the critical water supply service area's external boundaries have been approved but a coordinated water system plan has not been approved and adopted, then with any interim requirements imposed by the county legislative authority; and
- (b) Within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant submits copies of the complete record of all proceedings conducted under the applicable coordinated water system plan or interim requirements. If such proceedings were taped or

otherwise recorded, the record submitted to the department shall include a transcript of the hearing or hearings which shall be prepared and certified as correct by a registered professional court reporter.

- (c) Failure to comply with the preliminary requirements outlined herein shall result in a denial of the hearing application without further review.
 - (4) WAC 246-293-430.
- (a) An adjudicative proceeding shall not be conducted with respect to a departmental decision made under WAC 246-293-430 unless, within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant has, at his or her own expense, submitted a transcript of the hearing conducted under WAC 246-293-430 from tapes or other record of the hearing which the department shall make available for that purpose. The transcript shall be prepared and certified as correct by a registered professional court reporter. Failure to comply with preliminary requirements established under this section shall result in the dismissal of the hearing application without further review.
- (b) If a request for an adjudicative proceeding has been timely filed under this section and a transcript of the record has been timely submitted, the department shall promptly provide the presiding officer with copies of all documents and exhibits admitted at the hearing conducted under WAC 246-293-430.
- (c) The departmental employee responsible for the department's decision under WAC 246-293-430 shall provide a copy of his or her decision to the presiding officer and may submit documents or evidence not made part of the record at the hearing conducted under WAC 246-293-430. Copies of all such documents shall be provided to all other parties involved in the proceeding.

SECTION II INITIATING ACTIONS

NEW SECTION

WAC 246-10-201 Form and content of initiating documents. (1) Initiating documents shall include a clear and concise statement of the:

- (a) Identity and authority of the person issuing the document;
- (b) Factual basis for the action or proposed action set forth in the document;
 - (c) Statutes and rules alleged to be at issue;
- (d) Identity of the party against whom the action is taken or proposed to be taken;
- (e) Action or proposed action or penalties, including the statutory or rule authority for those actions or penalties; and
- (f) Signature of the person issuing the document and the date signed.
- (2) Initiating documents shall be accompanied by the following documents:
- (a) Notice that the respondent may defend against the action or proposed action; and
 - (b) Form for requesting adjudicative proceeding.
- (3) Initiating documents shall be served as described in WAC 246-10-109.

NEW SECTION

- WAC 246-10-202 Amendment of initiating documents. (1) Prior to the hearing date, initiating documents may be amended subject to the following conditions:
- (a) Amended initiating documents shall meet the requirements of WAC 246-10-201(1);
- (b) Amended initiating documents shall be accompanied by the documents described in WAC 246-10-201(2);
- (c) Whenever amended initiating documents are issued, a new interval for response will begin, as described in WAC 246-110-203, unless the amendment benefits the respondent; and
- (d) Issuance of amended initiating documents ends all obligations of the parties under the prior initiating documents.
- (2) On the hearing date, the initiating documents may be amended subject to the following conditions:
- (a) The documents may be amended upon motion of the state:
- (b) The documents may not be amended without the approval of the presiding officer; and
- (c) Upon motion of a party or upon his/her own initiative, the presiding officer may grant a continuance on all or part of the matter if necessary to afford the respondent an opportunity to prepare a defense to the amended documents.

NEW SECTION

WAC 246-10-203 Request for adjudicative proceeding. A respondent may respond to an initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding.

- (1) If the respondent wishes to file an application for an adjudicative proceeding:
- (a) An application for adjudicative proceeding must be filed in accordance with the following time periods:
- (i) For matters under chapter 18.130 RCW, the Uniform Disciplinary Act, within twenty days of service of the initiating documents; and
- (ii) For all other matters, within twenty-eight days of service of the initiating documents, unless otherwise provided by statute.
- (b) The application for adjudicative proceeding shall be made on the Request for Adjudicative Proceeding Form accompanying the initiating documents or by a writter document including substantially the same information.
- (c) By filing a request for adjudicative proceeding, the responding party agrees to appear personally at the adjudicative proceeding or, if otherwise approved by the presiding officer, by telephone, unless appearance is waived as authorized in WAC 246-10-104(4).
- (d) The application for adjudicative proceeding shal contain a response to the initiating documents, indicating whether each charge is admitted, denied, or not contested and responses shall be subject to the following conditions:
- (i) Once admitted or not contested, an allegation may not be denied; and
- (ii) An allegation denied or not contested may later be admitted.

- (e) When an allegation is admitted or not contested, it shall be conclusively deemed to be true for all further proceedings. No proof of the allegation need be submitted.
- (f) The application for adjudicative proceeding shall specify the representative, if any, designated pursuant to WAC 246-10-108 and any request for interpreter. The responding party shall amend the name of the representative and need for interpreter immediately if circumstances change prior to the hearing.
- (g) The application for adjudicative proceeding shall be filed at the office of professional standards at the address specified in WAC 246-10-102.
- (2) A respondent may waive an adjudicative proceeding and submit a written statement and other documents in defense or in mitigation of the charges. Such waiver and documents shall be filed:
- (a) In accordance with the timelines in subsection (1)(a) of this section; and
- (b) At the address indicated in subsection (1)(g) of this section.

- WAC 246-10-204 Default. (1) If a party fails to respond to initiating documents according to WAC 246-10-203, that party will be deemed to have waived the right to a hearing, and the secretary shall enter a final order without further contact with that party.
- (2) If a party requests an adjudicative proceeding but fails to appear, without leave to do so, at a scheduled settlement or prehearing conference, the presiding officer may issue an order of default. The order shall include notice of opportunity to request that the default order be vacated pursuant to RCW 34.05.440(3).
- (3) If a party requests an adjudicative proceeding but fails to appear at the hearing, the presiding officer may issue an order of default in the same manner as subsection (2) of this section, or may proceed to hear the matter in the absence of the party and issue a final order.
- (4) Final orders entered under this section shall meet the requirements of WAC 246-10-702 and shall contain:
- (a) Findings of fact and conclusions of law based upon prima facie proof of the allegations contained in the initiating documents;
- (b) A finding that there is no reason to believe that the party in default is in active military service;
- (c) The penalties or conditions imposed by the order; and
- (d) Notice of the opportunity to request reconsideration pursuant to RCW 34.05.470.
- (5) Final and default orders entered under this section shall be served upon the parties in accordance with WAC 246-10-109.

NEW SECTION

- WAC 246-10-205 Scheduling orders. (1) Within thirty days after receipt of the application for adjudicative proceeding, the department shall:
 - (a) Examine the application;
- (b) Notify the respondent of any obvious errors or omissions;

- (c) Request any additional information the department wishes or is permitted by law to require; and
- (d) Notify the respondent of the name, mailing address, and telephone number of an office that may be contacted regarding the application.
- (2) Within ninety days after receipt of any additional information required to be submitted under subsection (1)(c) of this section or receipt of an application without obvious errors or omissions, whichever comes later, the office of professional standards shall:
- (a) Approve the application for full adjudicative procedure and issue and serve on the parties a notice of the date, time, and place of the hearing; or
- (b) Approve the application for a brief adjudicative procedure and issue and serve a notice of the date by which any additional written materials are to be submitted for consideration; or
 - (c) Deny the application according to RCW 34.05.416.
- (3) The presiding officer may issue a scheduling order governing the course of the proceeding and the scheduling order may be modified by order of the presiding officer.

SECTION III EMERGENCY ADJUDICATIVE PROCEEDINGS

NEW SECTION

WAC 246-10-301 Conduct of emergency adjudicative proceedings. (1) Summary action may be taken only after a review by the secretary or designee of such evidence, including affidavits, if appropriate, to establish:

- (a) The existence of an immediate danger to the public health, safety, or welfare;
- (b) The department's ability to address the danger through a summary action; and
 - (c) The summary action necessary to address the danger.
- (2) No notice to any person potentially affected by a summary action shall be required prior to issuance of a summary action.

NEW SECTION

- WAC 246-10-302 Effect of summary action. (1) Summary action takes effect upon entry of the order. Entry shall be the date of signature unless otherwise specified.
- (2) No person shall be required to comply with a summary action until service has been made or the person has knowledge of the order, whichever occurs first.
- (3) A summary action shall be served as promptly as practicable, in accordance with WAC 246-10-109.
- (4) A summary action shall not be subject to the posthearing process provided in WAC 246-10-701, et seq., but a summary action may be appealed to superior court as provided by law.

NEW SECTION

WAC 246-10-303 Form and content of summary actions. (1) A summary action shall be entered in the form of an order containing findings of fact, conclusions of law, and the summary action imposed, as well as a statement of policy reasons for the decision.

- (2) A summary action imposed by emergency adjudicative proceeding shall be limited to those actions necessary to alleviate an immediate danger to the public health, safety, or welfare.
- (3) Initiating documents, and all other documents required by WAC 246-10-201, shall accompany a summary action order when served.

WAC 246-10-304 Adjudicative proceedings upon summary action. Following summary action taken by the department, the respondent may:

(1) Request a prompt adjudicative proceeding conducted in accordance with this chapter; or

(2) Waive the prompt adjudicative proceeding and request an adjudicative proceeding conducted in accordance with this chapter;

(3) Waive the right to an adjudicative proceeding and submit a written statement to be considered prior to the entry of the final order; or

(4) Waive the opportunity to be heard.

NEW SECTION

WAC 246-10-305 Opportunity for prompt adjudicative proceeding. (1) Any respondent affected by a summary action shall be provided the opportunity to request a prompt adjudicative proceeding. Notice of the opportunity shall be provided in the notice of opportunity to defend against the allegations that are the basis for the summary action. The form for requesting an adjudicative proceeding shall include the option of requesting a prompt adjudicative proceeding.

- (2) Any respondent affected by a summary action may request a prompt adjudicative proceeding, may elect a regularly scheduled adjudicative proceeding in lieu of a prompt adjudicative proceeding, or may waive the opportunity for adjudicative proceeding in accordance with WAC 246-10-203.
- (3) Any request for a prompt adjudicative proceeding must be filed within ten days of the service of the summary action
- (4) If requested by the respondent, a prompt adjudicative proceeding shall be conducted within twenty days of service of a summary action.
- (5) Regardless of whether a prompt adjudicative proceeding is requested, the matter shall be resolved as quickly as feasible in accordance with all other applicable rules.

NEW SECTION

WAC 246-10-306 Proceedings prior to prompt adjudicative proceeding. A settlement conference may be requested, a settlement may be offered, and a prehearing conference may be conducted prior to a prompt adjudicative proceeding. Prehearing proceedings shall not delay a prompt adjudicative proceeding except by mutual agreement of the parties.

SECTION IV SETTLEMENT AND PREHEARING PROCEDURE

NEW SECTION

WAC 246-10-401 Settlement conference. (1) Following a request for an adjudicative proceeding, the office of professional standards may schedule a settlement conference. The parties shall be notified of the date, time, and place of the settlement conference.

(2) The purpose of the settlement conference shall be to attempt to reach agreement on the issues and the order to be entered. Any agreement of the parties is subject to final approval by the secretary or designee.

(3) The respondent shall attend the settlement conference as scheduled and may also be represented as provided in WAC 246-10-108. Representatives of the department will also attend. Other persons may attend by agreement of the parties.

(4) Either party may bring documents or other materials to the settlement conference for the purpose of settlement negotiations. No testimony will be taken. No documents or information submitted at the settlement conference will be admitted at the adjudicative proceeding unless stipulated by the parties or otherwise admitted into evidence by the presiding officer.

(5) If a settlement offer has been made in writing to the respondent and it is signed and returned by the respondent to the office of professional standards prior to the settlement conference, all subsequent scheduled dates are continued pending final review of the settlement by the secretary or designee.

NEW_SECTION

WAC 246-10-402 Discovery. The parties are encouraged to exchange information and documents related to the case prior to the adjudicative proceeding. Formal discovery may be had at the discretion of the presiding officer.

NEW SECTION

WAC 246-10-403 Motions. (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing to the presiding officer prior to the dates set in the scheduling order.

- (3) Motions for continuance must be made in writing within forty-five days following service of the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than forty-five days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing.
- (4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section in a bona fide emergency.

- WAC 246-10-404 Prehearing conference. (1) The presiding officer may schedule a prehearing conference to be held prior to the hearing. Parties shall be notified of the time and place of the conference in the scheduling order.
- (2) The presiding officer shall conduct the prehearing conference and shall issue rulings related to prehearing motions and evidentiary issues. The rulings shall govern the conduct of subsequent proceedings.
- (3) The prehearing conference shall be recorded unless recording is waived by the parties. All offers of proof and objections concerning matters raised at the prehearing conference must be made on the record at the prehearing conference.
- (4) Following the prehearing conference, the presiding officer shall issue a written prehearing order which will:
- (a) Identify the issues to be considered at the hearing and indicate which party has the burden of proof on these issues:
- (b) Specify the facts which are admitted or not contested by the parties;
- (c) Identify those documents and exhibits that will be admitted at hearing and those which may, by agreement, be distributed prior to hearing;
- (d) Identify expert and lay witnesses that may be called at hearing and the issues to which those witnesses may testify;
 - (e) Rule on motions;
 - (f) Accept amendments to the pleadings;
- (g) Address such other issues or matters as may be reasonably anticipated to arise and which may aid in the disposition of the proceedings; and
 - (h) Rule on objections made in any preserved testimony.
- (5) Following the prehearing conference, the presiding officer may issue an order directing that the matter be heard as a brief adjudicative proceeding, pursuant to WAC 246-10-501, et seq.
- (6) Documentary evidence not offered in the prehearing conference shall not be received into evidence at the adjudicative proceeding in the absence of a clear showing that the offering party had good cause for failing to produce the evidence at the prehearing conference.
- (7) Witnesses not identified during the prehearing conference shall not be allowed to testify at the adjudicative proceeding in the absence of a clear showing that the party offering the testimony of such witness had good cause for failing to identify the witness at the prehearing conference.
- (8) If the authenticity of documents submitted at the prehearing conference is not challenged at the prehearing conference, the documents shall be deemed authentic. However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to object at the prehearing conference.
- (9) Nothing in these rules shall prohibit the presiding officer from conducting a conference at any time, including during the hearing. The presiding officer shall state on the record the results of such conference.
- (10) A party bound by a stipulation or admission of record may withdraw it in whole or in part only upon a determination by the presiding officer or hearing officer that:

- (a) The stipulation or admission was made inadvertently or as a bona fide mistake of fact or law; and
- (b) The withdrawal will not unjustly prejudice the rights of the other parties.
- (11) In an appeal to superior court involving issues addressed in the prehearing order, the record of the prehearing conference, the prehearing order, and any orders issued by the presiding officer pursuant to WAC 246-10-403, shall be the record.

NEW SECTION

WAC 246-10-405 Protective orders. The presiding officer may issue a protective order at his or her discretion:

- (1) To protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense;
- (2) To preserve confidentiality related to health care records or provider-client information;
 - (3) To protect examination processes;
- (4) To protect the identity of a person supplying information to the department where the person indicates a desire for nondisclosure unless that person testifies or has been called to testify at an adjudicative proceeding; or
 - (5) To comply with applicable state or federal law.

SECTION V BRIEF ADJUDICATIVE PROCEDURES

NEW SECTION

- WAC 246-10-501 Application of brief adjudicative proceedings. (1) If an adjudicative proceeding has been requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:
- (a) A determination of whether an applicant for a professional, business, or facility license meets the minimum criteria for an unrestricted license and the department proposes to deny such a license or to issue a restricted license;
- (b) An application to approve a water system plan under WAC 246-290-100;
- (c) An application to approve a project report under WAC 246-290-110;
- (d) An application for source approval under WAC 246-290-130;
- (e) An application to approve construction documents under WAC 246-290-120;
- (f) An application to approve an existing water system under WAC 246-290-140;
- (g) An application to approve a new public water system within a critical water supply service area under WAC 246-293-190;
- (h) A decision with respect to service area conflicts under WAC 246-293-430;
- (i) A determination as to whether a person is in compliance with the terms and conditions of a final order previously issued by the department;
- (j) Any approval of a school or curriculum when such approval by the department is required or authorized by statute or rule.
- (2) If an adjudicative proceeding has been requested, a brief adjudicative proceeding may be conducted at the discretion of the presiding officer when it appears that

protection of the public interest does not require that the department provide notice and an opportunity to participate to persons other than the parties and:

- (a) Only legal issues exist; or
- (b) Both parties have agreed to a brief proceeding.

NEW SECTION

WAC 246-10-502 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for a professional, business, or facility license shall consist of the following, or for approval of a school or curriculum:

- (a) The application for the license or approval and all associated documents;
- (b) All documents relied on by the program in proposing to deny the application;
- (c) All correspondence between the applicant for license or approval and the program regarding the application.
 - (2) Preliminary record.
- (a) The preliminary record with respect to decisions made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, and 246-290-140 shall consist of the decision document, all documents constituting the applicant's submittal and such other documents as the applicant or the departmental employee reviewing the submittal may wish to include in the preliminary record.
 - (b) WAC 246-293-190.
- (i) If proceedings are required and have been conducted by local agencies under the applicable CWSP, the preliminary record shall consist of the record submitted to the department under WAC 246-10-124(3).
- (ii) If hearings are not required or have not been conducted by local agencies under the applicable CWSP or if the external boundaries of the coordination act area have been approved but a CWSP has not been adopted, then the preliminary record shall consist of such documents as the presiding officer may solicit from the affected parties.
- (c) The preliminary record with respect to a decision made under WAC 246-293-430 shall consist of the record submitted to the presiding officer under WAC 246-10-124(4).
- (3) The preliminary record with respect to compliance with prior department orders shall consist of:
- (a) The official department file of the proceeding in which the order was issued;
- (b) All matters submitted by the person to whom the order is directed purporting to demonstrate compliance with the order;
- (c) All documents relied on by the department in asserting noncompliance; and
- (d) All correspondence between the department and the person to whom the order is directed respecting compliance.
- (4) The preliminary record with respect to matters submitted to a brief adjudicative proceeding under WAC 246-10-501(2) shall be as agreed by the parties.

NEW SECTION

Permanent

WAC 246-10-503 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer designated by the assistant secretary having responsibility for the program that issued

- the initiating document that is the subject of the proceeding. The presiding officer shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.
- (2) The parties or their representatives may present written documentation in addition to the preliminary record. The presiding officer shall designate the date by which written documents must be submitted by the parties.
- (3) The presiding officer may, in his or her discretion, entertain oral argument from the parties or their representatives.
 - (4) No witnesses may appear to testify.
- (5) In addition to the record, the presiding officer may consider agency expertise as a basis for decision.
- (6) Within fifteen days of the final date for submission of materials or oral argument, if any, the presiding officer shall enter an initial order in accordance with WAC 246-10-608.

NEW SECTION

WAC 246-10-504 Effectiveness of orders on brief adjudicative proceedings. (1) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the order unless:

- (a) Review has been requested pursuant to WAC 246-10-701; or
- (b) On his or her own initiative, the secretary determines to review the matter and provides notice to the parties of the date by which a determination shall be made.
- (2) If review is taken under subsection (1) of this section, a written order containing findings of fact, conclusions of law, and order shall be entered and served upon the parties.

NEW SECTION

WAC 246-10-505 Agency record in brief proceedings. The agency record of brief adjudicative proceedings shall consist of:

- (1) The preliminary record as set forth in WAC 246-10-502:
- (2) All initiating documents including the notice of opportunity to defend;
 - (3) The request for adjudicative proceeding;
 - (4) All documents submitted in the proceeding;
- (5) Any transcript or recording of any arguments presented; and
 - (6) All orders issued in the case.

SECTION VI HEARING

NEW SECTION

WAC 246-10-601 Notice of adjudicative proceeding. Notice of an adjudicative proceeding shall be issued pursuant to RCW 34.05.434.

- WAC 246-10-602 Conduct of adjudicative proceeding. (1) The adjudicative proceeding shall be conducted as provided in RCW 34.05.449 through 34.05.455.
- (2) The presiding officer may take the following actions to the extent not already determined in a prehearing order:
 - (a) Conduct the hearing de novo;
 - (b) Determine the order of presentation of evidence;
 - (c) Administer oaths and affirmations;
 - (d) Issue subpoenas;
- (e) Rule on procedural matters, objections, motions, and offers of proof;
 - (f) Receive relevant evidence;
- (g) Interrogate witnesses called by the parties in an impartial manner to develop any facts necessary to fairly and adequately decide the matter;
- (h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for crossexamination and rebuttal by all parties;
- (i) Take any appropriate action necessary to maintain order during the adjudicative proceeding;
- (j) Determine whether to permit or require oral argument or briefs and determine the time limits for submission thereof;
- (k) Permit photographic and recording equipment at hearing subject to conditions necessary to preserve confidentiality and prevent disruption;
- (1) Permit a person to waive any right conferred upon that person by chapter 34.05 RCW or this chapter, except as precluded by law; and
- (m) Take any other action necessary and authorized by applicable law or rule.
 - (3) The presiding officer shall:
- (a) Apply as the first source of law governing an issue those statutes and rules deemed applicable to the issue;
- (b) If there is no statute or rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington constitutions, statutes, rules, and court decisions; and
 - (c) Not declare any statute or rule invalid.
- (4) If the validity of any statute or rule is raised as an issue, the presiding officer may permit arguments to be made on the record concerning the issue for the purpose of subsequent review.
- (5) A party may move to disqualify the presiding officer pursuant to RCW 34.05.425(3).

NEW SECTION

- WAC 246-10-603 Evidence. (1) The presiding officer shall rule on objections to the admissibility of evidence pursuant to RCW 34.05.452 unless those objections have been addressed in the prehearing order.
- (2) The refusal of a witness to answer any question ruled proper shall be grounds for the presiding officer, at his/her discretion, to strike some or all prior testimony by that witness on related matters or to grant a continuance to allow a party to seek a court order to compel the witness to answer.

(3) Each person called as a witness in an adjudicative proceeding shall swear or affirm that the evidence about to be given in the adjudicative proceeding shall be the truth under the provisions of RCW 5.28.020 through 5.28.060.

NEW SECTION

WAC 246-10-604 Proposed order. At the conclusion of the hearing or by a date specified by the presiding officer, each party shall submit to the presiding officer proposed findings of fact and conclusions of law and a proposed order, except as may be ordered by the presiding officer.

NEW SECTION

- WAC 246-10-605 Issuance of final order. If the adjudicative proceeding is conducted by a presiding officer authorized to make the final decision, the presiding officer shall:
- (1) Issue a final order containing findings of fact and conclusions of law and an order; and
- (2) Serve a copy of the order on each party and any designated representative of the party.

NEW SECTION

WAC 246-10-606 Standard of proof. The order shall be based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. In all cases involving an application for license the burden shall be on the applicant to establish that the application meets all applicable criteria. In all other cases the burden is on the department to prove the alleged factual basis set forth in the initiating document. Except as otherwise provided by statute, the burden in all cases is a preponderance of the evidence.

NEW SECTION

- WAC 246-10-607 Consolidated proceedings. (1) When two or more applications for adjudicative proceeding involve a similar issue, the applications may be consolidated by the presiding officer and the hearings conducted together. The presiding officer may consolidate on his/her own motion or upon the request of a party.
- (2) A party scheduled for a consolidated proceeding may request to withdraw from the consolidated proceeding in favor of an individual proceeding. A request to withdraw from a consolidated proceeding shall be granted if the motion is filed before the presiding officer has made any discretionary ruling in the matter and before the hearing date. The presiding officer may grant a motion to withdraw from a consolidated proceeding at any time when good cause is shown.
- (3) Each respondent in a consolidated proceeding shall retain the right to representation.

NEW SECTION

WAC 246-10-608 Initial order. If the adjudicative proceeding is conducted by a presiding officer who is not authorized to make the final decision, the presiding officer shall:

- (1) Issue an initial order containing proposed findings of fact, conclusions of law, and a proposed order;
- (2) Serve a copy of the initial order on each party and any designated representative of a party; and
- (3) Forward the initial order and record of the adjudicative proceeding to the office of professional standards.

SECTION VII POSTHEARING PROCESS

NEW SECTION

WAC 246-10-701 Appeal from initial order. (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-10-503 or 246-10-608 stating the specific grounds upon which exception is taken and the relief requested.

- (2) Petitions for administrative review must be served upon the opposing party and filed with the office of professional standards within twenty-one days of service of the initial order.
- (3) The opposing party may file a response to a petition for administrative review filed as provided in this section. The response shall be filed at the place specified in subsection (2) of this section. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-10-503, the response shall be filed within ten days of service of the petition. In all other matters, the response shall be filed within twenty days of service of the petition.

NEW SECTION

WAC 246-10-702 Final orders. (1) The form and content of final orders shall be as follows:

- (a) Final orders shall contain findings of fact, conclusions of law, and an order, and shall be signed by the secretary or by a designee of the secretary.
- (b) Final orders may adopt by reference the initial order in whole or in part.
- (c) Final orders may modify or revise the initial order in whole or in part.
- (2) Final orders shall be served upon the parties and their representatives as provided in WAC 246-10-109.
 - (3) Final orders shall be issued following:
 - (a) A review of the record;
 - (b) A review of the initial order, if any;
- (c) A review of any request for review of the initial order and any response thereto; and
- (d) Consideration of protection of the public health and welfare.
- (4) Unless a later date is stated in the final order, final orders shall be effective when entered but a party shall not be required to comply with a final order until the order is served upon that party.
- (5) Final orders may contain orders that specified portions of the agency record shall not be disclosed as public records if necessary to protect privacy interests, the public welfare, or vital governmental functions. Such orders shall include but are not limited to protective orders issued during the proceeding or pursuant to WAC 246-10-405.

NEW SECTION

WAC 246-10-703 Stay of final orders. No final order will be stayed except by its own terms or by order of a court of competent jurisdiction.

NEW SECTION

WAC 246-10-704 Reconsideration of final orders.

- (1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.
 - (2) Grounds for reconsideration shall be limited to:
 - (a) Specific errors of fact or law; or
- (b) Implementation of the final order would require department activities inconsistent with current department practice.
- (3) Petitions for reconsideration must be served upon the opposing party and filed with the office of professional standards within ten days of service of the final order.
- (4) If reconsideration is requested based on an error of fact, the request for reconsideration shall contain specific reference to the record. If reconsideration is requested based on testimony of record, the party requesting consideration shall submit a copy of the transcript of the adjudicative proceeding or shall specify the date by which the transcript will be submitted, and shall submit specific reference to the transcript by a date determined by the presiding officer.
- (5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the secretary or designee:
 - (a) Denies the petition;
 - (b) Does not act upon the petition; or
- (c) Does not serve the parties with notice of the date by which he/she will act on the petition.
- (6) If the secretary or designee determines to act upon the petition, the opposing party shall be provided at least ten days in which to file a response to the petition.
- (7) Disposition of petitions for reconsideration shall be in the form of a written order denying the petition, granting the petition, and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

NEW SECTION

WAC 246-10-705 Agency record of adjudicative proceedings. (1) The department shall maintain an official record of each adjudicative proceeding.

- (2) The record shall include:
- (a) Notices of all proceedings;
- (b) Any prehearing order;
- (c) Any motions, pleadings, briefs, petitions, requests, and rulings thereon;
 - (d) Evidence received or considered;
 - (e) A statement of matters officially noted;
 - (f) Offers of proof and objections and rulings thereon;
- (g) Any proposed findings, requested orders, and exceptions;
- (h) Any recording of the hearing and any transcript of all or part of the hearing considered before final disposition of the matter;

- (i) Any final order, initial order, or order on reconsideration; and
- (j) Matters placed on the record following an ex parte communication, if any.
- (3) The record shall be subject to disclosure as provided by chapter 42.17 RCW, the Public Records Act, and by WAC 246-10-114, except as limited by protective orders and orders contained in the final order.

WAC 246-10-706 Judicial review. (1) Judicial review of actions taken under this chapter shall be as provided in RCW 34.05.510, et seq.

(2) Notice of the opportunity for judicial review shall be provided in all final orders.

NEW SECTION

WAC 246-10-707 Vacating an order for reason of default or withdrawal. (1) A party against whom an order for reason of default is entered shall have the right to file a written petition requesting that the order be vacated.

- (2) The petition to vacate shall state the grounds relied upon.
- (3) The petition shall be filed at the office of professional standards.
- (4) If, in the opinion of the presiding officer, good cause to grant the motion to vacate is shown, the presiding officer shall grant the motion and reinstate the application for adjudicative proceeding and may impose conditions on licensure pending final adjudication of the matter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-08-001	Application of chapter 248-08
	WAC.
WAC 246-08-020	Application for an adjudicative
	proceeding.
WAC 246-08-030	Administrative law judge—
	Authority—Application of
	law—Assignment—
	Disqualification.
WAC 246-08-040	Representation.
WAC 246-08-050	Prehearing conference.
WAC 246-08-060	Notice of hearing.
WAC 246-08-070	Filing and service of papers.
WAC 246-08-080	Vacating an order of dismissal
	for reason of default or with-
W. A. G. Q. 4. C. 00. 000	drawal.
WAC 246-08-090	Subpoenas.
WAC 246-08-100	Teleconference hearing.
WAC 246-08-110	Rules of evidence.
WAC 246-08-120	Contents of orders.
WAC 246-08-130	Petition for review—Response
	to petition—Disqualification of
WAC 246 00 140	review judge.
WAC 246-08-140	Reconsideration.

WAC 246-08-150	Adjudicative proceedings-
	Notice to limited-English-
	speaking parties.
WAC 246-08-160	Interpreters.
WAC 246-08-170	Group hearing.
WAC 246-08-180	Continuance.
WAC 246-08-190	Computation of time.
WAC 246-08-200	Judicial review of final adjudi- cative order
WAC 246-08-210	Variances, waivers, and exemp-
WAC 246-08-320	Delegation of authority by secretary.
WAC 246-08-330	Declaratory orders—Forms, content, and filing.
WAC 246-08-340	Declaratory orders—Procedural rights of persons in relation to
WAC 246-08-350	petition.
WAC 240-06-330	Declaratory orders—
WAC 246 00 260	Disposition of petition.
WAC 246-08-360	Petition for rule making—
WAG 244 00 250	Form, content, and filing.
WAC 246-08-370	Petition for rule making—
	Consideration and disposition.
WAC 246-08-380	Updating mailing lists.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-293-440 Adjudicative proceeding.

WSR 93-13-011 PERMANENT RULES DEPARTMENT OF ECOLOGY

[Order 92-47—Filed June 7, 1993, 8:07 a.m.]

Date of Adoption: June 7, 1993.

Purpose: To control the release of gasoline vapors from bulk terminals during transfer. This revision provides for a more workable schedule in eastern Washington for portions of the regulation requiring controls during fuel transfer.

Citation of Existing Rules Affected by this Order: Amending WAC 173-491-020 and 173-491-040, emission standards and controls for sources emitting gasoline vapors.

Statutory Authority for Adoption: RCW 70.94.331.

Pursuant to notice filed as WSR 93-04-108 on February 3, 1993.

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

June 3, 1993

Mary Riveland

Director

AMENDATORY SECTION (Amending Order 90-63, filed 7/2/91, effective 8/2/91)

WAC 173-491-020 Definitions. The definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter. Unless a different meaning is clearly required by context, the following words

and phrases, as used in this chapter, shall have the following meanings:

- (1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.
- (2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.
- (3) "Certified vapor recovery system" means a vapor recovery system which has been certified by the department of ecology. Only Stage II vapor recovery systems with a single coaxial hose can be certified. The department may certify vapor recovery systems certified by the California Air Resources Board as of the effective date of the regulation.
- (4) "Eastern Washington counties" means the following counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.
- (5) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C, and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C shall be considered "gasoline" for purpose of this regulation.
- $((\frac{5}{(5)}))$ (6) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.
- (((6))) (7) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.
- (((7))) (8) "Leak free" means a liquid leak of less than four drops per minute.
- (((8))) (9) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.
- (((9))) (10) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks
- (((10))) (11) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:
 - Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;
 - Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.
- (((11))) (12) "Submerged loading" means the filling of a tank with a submerged fill line.
- (((12))) (13) "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.
- (((13))) (14) "Throughput" means the amount of material passing through a facility.

- (((14))) (15) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.
- (((15))) (16) "Transport tank" means a container used for shipping gasoline over roadways.
- (((16))) (17) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute Bulletin 2517, 1980.
- (((17))) (18) "Upgraded" means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping.
- (((18))) (19) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.
- (((19))) (20) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.
- (((20))) (21) "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.
- (((21))) (22) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.
- (((22))) (23) "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.
- (((23))) (24) "Western Washington counties" means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

AMENDATORY SECTION (Amending Order 90-63, filed 7/2/91, effective 8/2/91)

WAC 173-491-040 Gasoline vapor control requirements. (1) Fixed-roof gasoline storage tanks.

- (a) All fixed-roof gasoline storage tanks having a nominal capacity greater than forty thousand gallons shall comply with one of the following:
- (i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).
- (ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in (a)(i) of this subsection or its equivalent.
- (iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

- (b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes; tears, or other openings.
- (c) All openings not related to safety are to be sealed with suitable closures.
- (d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.
 - (2) Gasoline loading terminals.
- (a) This chapter shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons according to the schedule of compliance in WAC 173-491-050.
- (b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:
- (i) The loading facility shall employ submerged or bottom loading for all transport tanks.
- (ii) The VCS shall be connected during the entire loading of all transport tanks.
- (iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.
- (iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.
- (c) Vapor control system (VCS). The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:
- (i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (three hundred twenty-two milligrams per gallon) of gasoline loaded.
- (ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.
- (iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.
 - (3) Bulk gasoline plants.
- (a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons according to the schedule of compliance in WAC 173-491-050.
 - (b) Deliveries to bulk gasoline plant storage tanks.
- (i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering he ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.
- (ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty gallons and used for the storage of gasoline shall comply with the ollowing conditions:

- (A) Each storage tank shall be equipped with a submerged fill line.
- (B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.
- (C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.
- (D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.
- (iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:
- (A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.
- (B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.
- (C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.
 - (c) Gasoline transfer operations.
- (i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:
- (A) The transport tanks are being submerged filled or bottom loaded.
- (B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.
- (C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.
- (D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.
- (ii) Transport tanks used for gasoline and meeting ((all of)) the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:
- (A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and (((B))) the transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings; or
- (B) In eastern Washington counties, a transport tank with a total nominal capacity less than four thousand gallons shall be exempt from the requirement to be fitted with any attachment fitting for vapor balance lines if the transport tank was in use prior to July 1, 1993. Replacement transport tanks or new equipment put into use July 1, 1993, or later are exempt from vapor balance requirements only as specified in (c)(ii)(A) of this subsection.
 - (4) Gasoline dispensing facilities (Stage I).

- (a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons in accordance with the schedule of compliance in WAC 173-491-050 and all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than ten thousand gallons.
- (b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.
- (c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.
- (d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings from a transport tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.
 - (5) Gasoline dispensing facilities (Stage II).
- (a) This section shall apply to the refueling of motor vehicles from stationary tanks at all gasoline dispensing facilities located in western Washington counties with an annual gasoline throughput greater than eight hundred forty thousand gallons with the exception of Clark, King, Pierce, and Snohomish counties where this section shall apply to gasoline dispensing facilities with an annual gasoline throughput greater than six hundred thousand gallons in accordance with the schedule of compliance in WAC 173-491-050 and all new gasoline dispensing facilities with greater than ten thousand gallons gasoline nominal storage capacity in western Washington counties.
- (b) All gasoline dispensing facilities subject to this section shall be equipped with a certified Stage II vapor recovery system.
- (c) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.
- (d) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.
- (e) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.
- (f) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of ecology's toll free telephone number for complaints regarding the operation and condition of the vapor recovery nozzles.
 - (6) Equipment or systems failures.
- (a) Specific applicability. This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading

terminals, bulk gasoline plants, and gasoline dispensing facilities as described in subsections (2) through (5) of this section.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year.

- (b) Provisions for specific processes.
- (i) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle. Certification is required annually.
- (ii) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank has successfully completed the annual certification testing requirements in (c) of this subsection, and such certification is confirmed either by:
- (A) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or
- (B) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:
- (I) Shows the date that the gasoline tank truck last passed the test required in (c) of this subsection;
- (II) Shows the identification number of the gasoline tank truck tank; and
- (III) Expires not more than one year from the date of the leak tight test.
- (iii) The owner or operator of a vapor collection system shall:
- (A) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:
- (I) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water
- (II) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at al points a distance of one inch from potential leak sources and
- (III) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the produc loading connection during delivery.
- (IV) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnec averaged over three disconnects.
- (B) Repair and retest a vapor collection system tha exceeds the limits of (b)(iii)(A) of this subsection within fifteen days.
- (iv) The department or local air authority may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the

procedure in (c) of this subsection to confirm continuing compliance with this section.

- (c) Testing and monitoring.
- (i) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with (a) and (b) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.
- (ii) Testing to determine compliance with this section shall use procedures approved by the department.
- (iii) Monitoring to confirm continuing leak tight conditions shall use procedures approved by the department.
 - (d) Recordkeeping.
- (i) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.
- (ii) The records of certification tests required by this section shall, as a minimum, contain:
 - (A) The transport tank identification number;
 - (B) The initial test pressure and the time of the reading;
 - (C) The final test pressure and the time of the reading;
 - (D) The initial test vacuum and the time of the reading;
 - (E) The final test vacuum and the time of the reading;
- (F) At the top of each report page the company name, date, and location of the tests on that page; and
 - (G) Name and title of the person conducting the test.
- (iii) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.
- (iv) Copies of all records required under this section shall immediately be made available to the department, upon written request, at any reasonable time.
- (e) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

WSR 93-13-012 PERMANENT RULES DEPARTMENT OF COMMUNITY DEVELOPMENT

[Order 93-05—Filed June 7, 1993, 10:32 a.m., effective January 1, 1994]

Date of Adoption: June 7, 1993.

Purpose: Amend bond cap allocation program rules. Clarify refunding procedures; establish criteria for exempt facility bonds; modify and add to definitions in chapter 365-135 WAC.

Citation of Existing Rules Affected by this Order: Amending chapter 365-135 WAC.

Statutory Authority for Adoption: Chapter 39.86 RCW. Pursuant to notice filed as WSR 93-09-061 on April 20, 1993.

Effective Date of Rule: January 1, 1994.

June 7, 1993 Barbara B. Gooding Director AMENDATORY SECTION (Amending Order 87-18, filed 9/16/87)

WAC 365-135-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly provides otherwise.

Allocation ((assessment)) fee: The ((fee which is comprised of both the issuer's filing fee and approval fee and)) total fee paid by the issuer to the department for receiving allocation from the BCAP. It is assessed by the department ((upon an issuer,)) based ((upon)) on the following formula: 1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater. The allocation fee, which includes the nonrefundable five hundred dollar filing fee, is due from the issuer upon filing an application.

((Approval fee: The amount of an issuer's allocation assessment less the filing fee.))

Department: The Washington state department of community development.

Extension fee: The fee the department may assess when an issuer requests and is granted an extension for issuing the allocation or carryforward of the allocation. The amount of the fee will not exceed two hundred fifty dollars and is nonrefundable.

Filing fee: ((A fee which is payable to the department in the amount of three hundred dollars and is due from the issuer upon filing an allocation request.))

The nonrefundable five hundred dollar portion of the allocation fee.

Reallocation: The assignment of an unused portion of the state ceiling from one bond use category to another or the provision of a certificate of approval to any issuer for an allocation amount which previously had been returned to the department.

Statute: Chapter ((297, Laws of 1987)) 39.86 RCW.

AMENDATORY SECTION (Amending Order 87-18, filed 9/16/87)

WAC 365-135-040 Procedure for obtaining an allocation, extension, or carryforward. No issuer may receive an allocation of the state ceiling without a certificate of approval from the department.

Issuers may apply for a certificate of approval by submitting a completed allocation request form to the department and paying ((a three hundred dollar filing)) an allocation fee. An allocation request form will be available from the department.

The department will respond to any such completed request in accordance with the statute. ((Each issuer that receives a certificate of approval for allocation will be concurrently notified of an approval fee due. The issuer must either confirm its intention to use its allocation by paying the approval fee in accordance with WAC 365-135-050 (3)(b) or lose the allocation approval.)) If an issuer does not issue private activity bonds or mortgage credit certificates in the amount and by the date for which it has received a certificate of approval, the unused amount shall revert to the department for reallocation, unless an extension or carryforward is granted.

An issuer may apply for an extension or carryforward of its allocation by submitting its request to the department and supplying any additional information required by the department. The department will promptly notify the issuer if any fees are due and respond to the request for extension or ((allocation)) carryforward in a timely manner.

AMENDATORY SECTION (Amending Order 87-18, filed 9/16/87)

- WAC 365-135-050 Fees. (1) A fee schedule is hereby established, which will consist of:
- (((1) A filing)) (a) An allocation fee, due at the time a request is filed with the department of community development; and
- (((2) An approval fee, due after the department approves an allocation amount for an issuer; and
- (3))) (b) In certain cases, an extension or carryforward fee.

If an issuer's allocation request is denied, ((only the filing fee is due. The filing fee and the approval fee together comprise the issuer's allocation assessment, the total amount of which is based on the following formula:

1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater)) the allocation fee, less the five hundred dollar filing fee, will be refunded.

Annually, the department will determine if an adjustment of the fees is warranted by reviewing the account of BCAP revenues and expenses for the preceding fiscal year and by considering BCAP budget projections for the following fiscal year.

- (2) Payment of the fees will occur as indicated by the schedule below.
- (a) Filing. Upon filing an allocation request, the issuer must submit ((a nonrefundable filing fee of three hundred dollars, which will count as part of the total allocation assessment if an allocation of the state ceiling is granted. The issuer may also elect to pay in advance any additional amount toward the balance of its anticipated allocation assessment)) the total allocation fee, of which the five hundred dollar filing fee is nonrefundable.
- (b) ((Approval. Any request that receives allocation approval will be concurrently notified of the approval fee amount due. The approval fee represents the unpaid balance of the allocation assessment. Within fifteen business days from the date the department of community development grants an allocation approval, the issuer must submit the approval fee or lose the allocation approval, except that any amount of the approval fee greater than one thousand dollars may be payable within ten business days from the date the bond sale is closed or at such date as agreed upon by both the department and the issuer.
- (e))) Extensions and carryforwards. The department may assess an ((additional filing)) extension fee, not to exceed two hundred fifty dollars, upon any request for extension or carryforward. The extension fee must be paid prior to the extension being granted. However, if the BCAP administrator determines that an issuer's allocation ((assessment includes)) fee included a sufficient amount to pay for the additional administrative expenses associated with granting or denying such a request, the additional fee shall be waived.

(((d))) (c) Refunds. If a requesting issuer pays any fee greater than the amount assessed by the department, that amount shall be refunded by the department.

If the allocation request is denied or a partial allocation is approved, the issuer will receive either a full or partial refund of the allocation fee, less the five hundred dollar filing fee. Once the allocation amount is approved, the allocation fee is not refundable, even if the issuer does not issue all or any of the approved allocation.

NEW SECTION

- WAC 365-135-070 Criteria for exempt facility bonds. (1) In addition to the state statute, the following guidelines will be used as criteria for evaluating exempt facility requests:
- (a) Until September 1st of each year, any one exempt facility project may not receive more than thirty percent of the initial allocation amount available in the exempt facility category.
- (b) The level of unemployment in a particular community within a county, to the extent that figures are available from the Washington state employment security department.
- (c) The number of direct jobs and secondary or spin-off jobs expected to be generated by the project.
- (d) The environmental benefit of the project to the particular community, the county or the state.
- (e) Exempt facility applications will not be considered for allocation until:
 - (i) The department receives:
- (A) A list of all permits required to complete the project and the date each permit application was submitted to and/or granted by the appropriate authority;
 - (B) A copy of any environmental impact statements; and
- (ii) Significant progress is demonstrated in securing project financing.
- (2) After September 1st of each year, the department may approve an allocation amount prior to the issuer completing all of the criteria listed above.

WSR 93-13-013 PERMANENT RULES HARDWOODS COMMISSION

[Filed June 7, 1993, 3:28 p.m.]

Date of Adoption: May 27, 1993.

Purpose: To promote the general welfare of the state by assisting in the retention, expansion and attraction of hardwood related industries in the state of Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 244-12-060.

Statutory Authority for Adoption: Chapter 15.74 RCW. Pursuant to notice filed as WSR 93-09-053 on April 19, 1993

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

June 1, 1993 David A. Sweitzer Executive Director

WAC 244-12-100 Hardwood processors quarterly assessment report form.

HARDWOOD PROCESSORS QUARTERLY ASSESSMENT REPORT	RT Quarter	
Processor Name:		
Address:		· · · · · · · · · · · · · · · · · · ·
Phone Number: Fax:		
Prepared By:		• • • • • • • • • • • • • • • • • • • •
QUARTERLY QUANTITY	OF LOGS PRO	CESSED
Tons		
Red Alder Logs:		
Other Hardwood:		
Total Tons of Logs:		· · · · · · · · · · · · · · · · · · ·
Assessment to be paid pursuant to WAG report:		
I hereby certify that the information con and complete to the best of my knowle	tained on this for	
Signed:	Date:	
Title:		
PRINCIPAL PRODUCTS PRODUCEI	VOLUME	
Kiln Dried Hardwood Lumber Green Hardwood Lumber Hardwood Veneer Hardwood Log Export Hardwood Chips Hardwood Firewood Other Hardwood Products (List)	BF BF SqF BF Cord	Dry Tons
*Upon receipt by the Commission, this i	nformation will b	e excised from the

*Upon receipt by the Commission, this information will be excised from the report form to ensure processor anonymity. This information will be used to compile aggregate industry volumes to determine the size and scope of various products.

AMENDATORY SECTION (Amending WSR 91-14-055, filed 6/27/91)

WAC 244-12-060 ((Time—Place—Method for payment and collection of assessments.)) Volume reporting and assessment payment procedures. ((Effective July 1, 1991, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.74.060 and WAC 244-12-020. All assessments in a quarter are due to the commission within forty-five days after the end of the quarter. Assessments shall be determined on a quarterly basis. The first quarter shall commence on July 1, 1991.))

(1) Effective July 1, 1993, each affected processor, and each person who has been an affected processor during one or more of the preceding four quarters, shall, on a quarterly basis, complete and submit to the commission a hardwood processors quarterly assessment report form, as set forth in WAC 244-12-100.

- (2) Each affected processor levied a quarterly assessment pursuant to RCW 15.74.060 and WAC 244-12-020 shall remit said assessment to the commission on a quarterly basis, along with the affected processor's quarterly assessment report.
- (3) Quarterly assessments and quarterly assessment reports required by this section are due to the commission within forty-five days after the end of the quarter.

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

WSR 93-13-015 PERMANENT RULES DEPARTMENT OF HEALTH

[Order 367—Filed June 7, 1993, 3:42 p.m.]

Date of Adoption: June 7, 1993.

Purpose: Changes dialysis station need methodology to reflect actual practice of patient shift scheduling; need formula based on trending of patient census and services data.

Citation of Existing Rules Affected by this Order: Amending WAC 246-310-280.

Statutory Authority for Adoption: RCW 70.38.135 (3)(c).

Pursuant to notice filed as WSR 93-08-070 on April 5, 1993.

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

June 7, 1993

Bruce Miyahara Secretary

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-310-280 Kidney disease treatment centers. (((1) To receive approval, a kidney disease treatment center must meet the following standards in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

- (2) End stage renal disease planning areas shall be health service areas. The health service areas are as follows:
- (a) Health service Area I includes Clallam, Jefferson, San Juan Island, Kitsap, Pierce, King, Snohomish, Skagit, and Whateom counties.
- (b) Health service Area II includes Thurston, Mason, Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, and Klickitat counties.
- (e) Health service Area III includes Okanogan, Chelan, Douglas, Grant, Kittitas, Yakima, Benton, and Franklin counties.
- (d) Health service Area IV includes Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Walla Walla, Columbia, Garfield, and Asotin counties.
- (3) The maximum number of dialysis stations needed in an end stage renal disease planning area shall be determined using the following data:
 - (a) Utilization of a dialysis station or a center.

- (i) One hundred percent utilization equals twelve dialyses per week.
- (ii) Eighty percent utilization equals 9.6 dialyses per week.
- (iii) When determining the utilization of an existing center each station on which at least six patients have been self/home trained annually shall be deducted from the approved stations.
- (iv) When determining the utilization of an existing center, the utilization rate may be reduced to seventy-five percent and seventy percent in facilities with ten percent and twenty percent peritoncal dialysis patients respectively.
- (b) At the time of the application, the most recent Washington state office of financial management population data.
 - (e) Historical data of the Northwest renal network.
- (d) The health service area's most recent three year average shall be used for incidence, death, transplant, and home training rates.
- (4) The maximum number of dialysis stations projected as needed in an ESRD planning area shall be determined using the following methodology:
- (a) Identify the number of incenter patients expected in the planning area in the year in which the application is submitted.
- · (i) Add-expected new ESRD and re-entry cases per year.
 - (ii) Subtract expected ESRD patient deaths per year.
- (iii) Subtract expected ESRD home training patients per year.
- (iv) Subtract the number of expected functional transplants per year.
- (b) Calculate the number of expected dialyses by multiplying the number of incenter patients by three treatments per week.
- (e) Calculate the number of dialysis stations needed in the applicant's projected third full year of operation using eighty percent utilization.
- (5) All-kidney disease treatment centers within a reasonable driving time must be operating at an eighty percent utilization rate before additional stations are approved.
- (6) New kidney disease treatment centers must reasonably project an eighty percent utilization rate by the third year of operation.)) (1) To receive approval, a kidney disease treatment center providing hemo or peritoneal dialysis, training, or backup must meet the following standards in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.
 - (2) Definitions:
- (a) "Base year" means the last full calendar year preceding the first year of dialysis station need projections.
- (b) "Projection year" means the base year plus three years.
- (c) "End of year incenter patients" means the number of patients receiving incenter dialysis at the end of the calendar year.
- (d) "End stage renal dialysis service areas" means each individual county, designated by the department as the smallest geographic area for which dialysis station need projections are calculated, or other service area documented by patient origin.

- (e) "Justified home training station" means a dialysis station designated for home hemo dialysis and/or peritoneal dialysis training. When no dialysis stations have been designated for home training at a given dialysis treatment center, one station for every six patients trained for home hemo dialysis, and one station for every twenty patients for peritoneal dialysis, will be considered a justified home training station. In no case shall all stations at a given dialysis treatment center be designated as justified home training stations unless the center can document that at least six patients are projected to be trained for home hemo dialysis or twenty patients for peritoneal dialysis for each dialysis station at the center.
- (3) The number of dialysis stations needed in an ESRD service area shall be determined using the following data of the Northwest Renal Network:
- (a) The ESRD service area's total number of incenter dialyses provided for the previous five years.
- (b) The number of end of year incenter patients for the ESRD service area for the previous five years.
- (c) The number of patients trained for home hemo and peritoneal dialysis for the ESRD service area for the previous five years.
- (4) The number of dialysis stations projected as needed in an ESRD service area shall be determined using the following methodology:
- (a) Project the number of incenter dialyses needed in the ESRD service area through a three-year future regression analysis of the previous five years' data.
- (b) Project the number of incenter dialyses needed to serve residents of the ESRD service area by projecting the number of end of year incenter patients through a three-year future regression analysis of patient origin adjusted data for the previous five years. Multiply this result by one hundred fifty-six dialyses per year.
- (c) Project the number of patients to be trained for home hemo and peritoneal dialysis in the service area through a three-year regression analysis of the previous five years' data.
- (d) Determine the number of dialysis stations needed for incenter dialysis by dividing the result of (a) of this subsection by 748.8 (equivalent to eighty percent of a three-patient shift schedule).
- (e) Determine the number of dialysis stations needed for incenter dialysis to serve residents of the service area by dividing the result of (b) of this subsection by 748.8 (equivalent to eighty percent of a three-patient shift schedule).
- (f) Determine the number of stations needed for home hemo and peritoneal training in the service area by dividing the projected number of home hemo patients to be trained by six and peritoneal patients to be trained by twenty.
- (g) Determine the number of dialysis stations needed in a service area by the projection year as the total of:
- (i) The result of (e) of this subsection, designated as the number of resident stations;
- (ii) The result of (d) of this subsection, minus the resul of (e) of this subsection, designated as visitor stations;
- (iii) The result of (f) of this subsection, designated as the number of training stations.
- (h) To determine the net station need for an ESRI service area, subtract the number calculated in (g) of this

subsection from the total number of certificate of need approved stations.

- (5) All kidney disease treatment centers that would stand to lose market share by approval of the applicant's facility, must be operating at 748.8 dialyses per nontraining station per year before additional nontraining stations are approved.
- (6) New incenter kidney disease treatment stations must reasonably project to be operating at 748.8 dialyses per nontraining station per year by the third year of operation.
- (7) The department shall not issue certificates of need approving more than the number of stations identified as being needed in a given ESRD service area unless:
- (a) The department finds such additional stations are needed to be located reasonably close to the people they serve; or
- (b) Existing nontraining dialysis stations in the treatment facility are operating at nine hundred thirty-six dialyses per year (three-patient shifts); or
- (c) The applicant can document a significant change in ESRD treatment practice has occurred, affecting dialysis station utilization in the service area; and

The department finds that an exceptional need exists and explains such approval in writing.

WSR 93-13-019 PERMANENT RULES DEPARTMENT OF HEALTH

[Order 372—Filed June 8, 1993, 1:25 p.m.]

Date of Adoption: June 8, 1993.

Purpose: The proposed rule change will revise the current fee schedule for users of radiation machines and adioactive materials.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-053, 246-254-070, 246-254-080, 246-254-090, 246-254-100, and 246-254-120.

Statutory Authority for Adoption: RCW 43.70.110 and 43.70.]250.

Other Authority: Chapter 70.98 RCW.

Pursuant to notice filed as WSR 93-08-069 on April 5, 993.

Changes Other than Editing from Proposed to Adopted /ersion: The revised radiation machine fees have been owered. In addition, the wording of the proposed fee for adioactive waste processing was modified to make it clear hat a resident inspector is not being imposed by this rule.

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

June 8, 1993 Bruce Miyahara Secretary

MENDATORY SECTION (Amending Order 208, filed 0/29/91, effective 11/29/91)

WAC 246-254-053 Radiation machine facility egistration fees. (1) Persons owning and/or leasing and sing radiation-producing machines shall submit ((a sixty)) n eighty dollar registration fee to the department at the time f application and every two years thereafter. In addition:

(a) For dentists, veterinarians, and podiatrists, add:

- (i) ((Seventy)) Eighty-five dollars for the first tube; and
- (ii) ((Twenty five)) Thirty-five dollars for each additional tube.
- (b) For hospitals and medical or chiropractic facilities, add:
 - (i) Two hundred thirty dollars for the first tube; and
- (ii) ((Seventy)) One hundred dollars for each additional tube.
 - (c) For industrial, research, and other uses, add:
 - (i) One hundred thirty dollars for the first tube; and
- (ii) ((Thirty)) Thirty-five dollars for each additional tube.
- (2) The department shall charge a maximum total fee of ((four)) <u>five</u> thousand dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.
- (3) For any facility with a mammographic x-ray machine, add a biennial surcharge of two hundred <u>fifty</u> dollars.
- (4) A penalty fee of ((sixty)) eighty dollars shall be charged for late registration or late re-registration.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

- (a) ((Eight thousand seven hundred dollars for operation of a single radioactive waste facility allowing processing, volume reduction, or waste treatment, but not permitting commercial on site disposal.
- (b))) Three thousand ((five)) eight hundred thirty dollars for operation of a single nuclear pharmacy.
- (((e))) (b) Six thousand five hundred sixty dollars for operation of a single nuclear laundry.
- (((d))) (c) Six thousand five hundred sixty dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.
- (((ee))) (d) Two thousand ((ene)) three hundred dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.
- (((f))) (e) Six hundred dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.
- (f) Four thousand three hundred eighty dollars for a license authorizing decontamination services operating from a single facility.
- (g) ((One thousand nine hundred)) Two thousand eighty dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.
- (h) ((Eight hundred fifty)) Nine hundred thirty dollars for a license authorizing equipment servicing involving:

- (i) Incidental use of calibration sources;
- (ii) Maintenance of equipment containing radioactive material; or
- (iii) Possession of sealed sources for purpose of sales demonstration only.
- (i) One thousand ((six)) seven hundred fifty dollars for a license authorizing health physic services, leak testing, or calibration services.
- (j) One thousand <u>ninety</u> dollars for a civil defense license.
- (k) Three hundred thirty dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.
- (2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:
- (a) ((Twelve)) Thirteen thousand one hundred thirty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.
- (b) ((Five thousand five hundred)) Six thousand twenty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.
- (c) Four thousand ((five)) <u>nine</u> hundred <u>twenty</u> dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.
- (3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:
 - (a) An initial application fee of one thousand dollars;
- (b) Billing at the rate of eighty dollars for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and
- (c) Any fees for additional services as described in WAC 246-254-120.
- (d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise nonrefundable.
- (4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:
- (a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and
- (b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

- WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:
- (a) Three thousand ((two)) <u>five</u> hundred dollars for operation of a mobile nuclear medicine program from a single base of operation.
- (b) Two thousand ((two)) four hundred ten dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.
- (c) ((One thousand nine hundred)) Two thousand eighty dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.
- (d) Three thousand two hundred eighty dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.
- (e) One thousand ((six)) seven hundred fifty dollars for a license authorizing groups VI of WAC 246-235-120 for brachytherapy at a single facility.
- (f) One thousand <u>ninety</u> dollars for a license authorizing brachytherapy <u>or gamma stereotactic therapy</u> or teletherapy at a single facility.
- (g) One thousand ((five)) six hundred forty dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.
- (h) One thousand ((two)) three hundred ten dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive materia at a single facility.
- (i) Nine hundred <u>eighty</u> dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material a a single facility.
- (j) Eight hundred seventy dollars for a license authoriz ing group I as defined in WAC 246-235-120 or in vitro use of radioactive material at a single facility.
- (k) Five hundred <u>fifty</u> dollars for a license authorizing medical or veterinary possession of a sealed source fo diagnostic use at a single facility.
- (2) Persons with licenses authorizing multiple location of use shall increase the annual fee by fifty percent for eacl additional location or base of operation.

AMENDATORY SECTION (Amending Order 208, file 10/29/91, effective 11/29/91)

- WAC 246-254-090 Fees for industrial radioactiv material licenses. (1) Persons licensed or authorized t possess or use radioactive material in the following industria categories shall forward annual fees to the department a follows:
- (a) ((Three thousand seven hundred)) Four thousan fifty dollars for a license authorizing the use of radiographi exposure devices in one or more permanent radiographi vaults in a single facility.

- (b) ((Four thousand seven hundred)) Five thousand one hundred fifty dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.
- (c) Two thousand ((three)) five hundred twenty dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.
- (d) Five hundred <u>fifty</u> dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.
- (e) ((Five)) Six hundred ((fifty)) dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in gas chromatograph at a single facility.
- (f) Three hundred ((fifty)) eighty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.
- (g) ((Nine hundred fifty)) One thousand forty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.
- (h) Five thousand <u>five hundred</u> dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.
- (i) Four thousand ((four)) eight hundred ten dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.
- (j) One thousand ((four)) five hundred thirty dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.
- (k) Two hundred fifty dollars for a license authorizing possession of static elimination devices not covered by a general license.
- (2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.
- (3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of ((fifty)) fifty-five dollars to the department.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

- WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:
- (a) Two thousand ((four)) six hundred thirty dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:
 - (i) One millicurie of I-125 or I-131; or
 - (ii) One hundred millicuries of H-3 or C-14; or
 - (iii) Ten millicuries of any single isotope.
- (b) One thousand ((two)) three hundred ten dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
- (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or
- (iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.
- (c) One thousand <u>ninety</u> dollars for a license authorizing possession at a single facility of unsealed sources in amounts ((less than or equal to)):
- (i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or
- (ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or
- (iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.
- (d) Three hundred eighty dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:
- (i) Less than or equal to 0.01 millicurie of I-125 or I-131; or
- (ii) Less than or equal to one millicurie of H-3 or C-14;
- (iii) Less than or equal to 0.1 millicurie of any other single isotope.
- (e) Five hundred dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcuries per gram.
- (2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.
- (3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of ((fifty)) fifty-five dollars to the department.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

- WAC 246-254-120 Fees for licensing and compliance actions. (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:
- (a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of eighty dollars per hour of direct staff time associated with the follow-up inspection, not to exceed eight hundred dollars per follow-up inspection. Hours are calculated in half-hour increments.
- (b) For each environmental cleanup monitoring visit, a fee of eighty dollars per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand dollars per visit. Hours are calculated in half-hour increments.
- (c) For each new license application, the fee of one hundred fifty dollars in addition to the required annual fee.
- (d) For each sealed source and device evaluation, a fee of eighty dollars per hour of direct staff time associated with each sealed source and device evaluation, not to exceed two thousand four hundred dollars per evaluation.
- (e) For review of air emission and environmental programs and data collection and analysis of samples, and

review of decommissioning activities by qualified staff in those work units, a fee of eighty dollars per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of eighty dollars per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

WSR 93-13-020 PERMANENT RULES DEPARTMENT OF ECOLOGY

[Order 93-01—Filed June 9, 1993, 8:20 a.m.]

Date of Adoption: June 1, 1993.

Purpose: Adoption of revised shoreline master program for the city of Edmonds into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-3903 City of Edmonds shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 93-03-091 on January 20, 1993.

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

June 1, 1993

Mary Riveland

Director

AMENDATORY SECTION (Amending Order DE 86-09, filed 6/4/86)

WAC 173-19-3903 Edmonds, city of. City of Edmonds master program approved January 23, 1976. Revision approved March 5, 1979. Revision approved May 6, 1980. Revision approved April 30, 1984. Revision approved June 3, 1986. Revision approved June 1, 1993.

WSR 93-13-021 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3567—Filed June 9, 1993, 11:35 a.m.]

Date of Adoption: June 9, 1993.

Purpose: WAC 388-15-132 amendment includes an existing statutory authority not previously written in Washington Administrative Code. WAC 388-15-136 is repealed and removes references to the obsolete central registry of child abuse which was discontinued by the 1987 legislature.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-136 Central registry—Duty to maintain; and amending WAC 388-15-132 Child protective services—Acceptance of reports—Eligibility for services and limits to authority.

Statutory Authority for Adoption: RCW 26.44.050 and 26.44.070.

Pursuant to notice filed as WSR 93-10-093 on May 4, 1993.

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

June 9, 1993
Dewey Brock
for Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 2773, filed 3/8/89)

WAC 388-15-132 Child protective services—Acceptance of reports—Eligibility for services and limits to authority. (1) Acceptance of reports. The department shall accept a report of CA/N from any source, including ((one)) a report made anonymously. Reports shall be made directly to the department's division of children and family services (DCFS) local office per RCW 26.44.030. The department shall:

(a) ((The department shall)) Determine whether reports allege incidents, conditions, or circumstances meeting the definition of CA/N in RCW 26.44.020 and WAC 388-15-130((7)); and

(b) ((The department shall)) Have the authority to refuse to investigate reports which do not meet the statutory definition of CA/N.

- (2) Reports to law enforcement. The department shall report to the appropriate law enforcement agency any reported incident of death, sexual abuse, or nonaccidental physical injury of a child and any incident where the CPS investigation reveals reasonable cause to believe a crime ((in)) has been committed against a child. The department shall create and send the incident report to law enforcement ((shall be made)) within three working days following:
- (a) Receipt of a complaint alleging death, sexual abuse, or nonaccidental physical injury of a child; ((or))
- (b) ((During a CPS investigation,)) Discovery of information during a CPS investigation, creating reasonable cause to believe a child died, suffered sexual abuse, or hac a nonaccidental physical injury; or
- (c) ((During a CPS investigation,)) Discovery of information during a CPS investigation, creating reasonable

cause to believe a crime ((is)) has been committed against a child.

- (3) Investigation. The department, except as provided by RCW 26.44.050 and WAC 388-15-130(2), shall be responsible for investigation of reports of suspected CA/N.
- (a) The department shall begin its investigation within twenty-four hours for all CA/N reports where ((ehildren are)) a child is assessed to be at risk of imminent harm((;)).
- (b) The department shall investigate all other reports meeting the legal definition of CA/N, but may determine an appropriate response time based on the assessed risk of CA/ $N((\frac{\cdot}{\cdot})$).
 - (c) The department:
- (i) Shall develop and maintain records of ((its)) department investigations of CA/N per RCW 26.44.035((-,)); and
- (ii) May arrange for ongoing services by another agency.
- (d) Upon receiving a report of incidents, conditions, or circumstances of CA/N, the department shall:
- (i) Have access to any and all records of the child in the possession of mandated reporters and ((their)) reporters' employers;
- (ii) Have the authority to interview ((ehildren)) a child without prior parental notification or consent;
- (iii) Have authority to interview ((ehildren)) a child outside of the presence of parents at locations determined by the department to be suitable for an interview. The child or the department may have a third party present at the interview ((so long as)) when the third party does not jeopardize the investigation ((is not jeopardized)) per RCW 26.44.030; ((and))
- (iv) <u>Have authority to photograph the child victims for</u> the purpose of documenting the physical condition of the child per RCW 26.44.050; and
- (v) Notify the child's parent, guardian, or caretaker about the interview per RCW 26.44.030(9).
- (e) The department shall complete the investigation within ninety days from the date of report. The department shall make written findings of all investigations including:
- (i) A description of any injuries or harm inflicted on the child((5));
 - (ii) An account of the department's investigation((7));
 - (iii) The findings regarding specific allegations((7));
 - (iv) An assessment of risk to the child((7)); and
- (v) The department's disposition of the case (($\frac{1}{2}$)) as described under RCW 13.34.120 and 26.44.040($\frac{1}{2}$).
 - (4) Limits to authority. The department:
- (a) Shall have the authority to share information for case planning and case consultation purposes with mandated reporters and agencies which have provided or will provide services to the child and family per RCW 26.44.030; and
- (b) May share information with community child protection teams, designated members of Washington Indian tribes, and/or citizen advisory groups to assist in case planning, consultation, and policy review per RCW 26.44.030.
- (5) Service options (ninety-day rule). Within ninety days of receipt of a report alleging a child is at risk of CA/N, the department shall:
- (a) Develop, with the family, a mutually agreed upon written service plan;

- (b) File a dependency petition with the juvenile court; or
- (c) Close the case.
- (6) Juvenile court case plans. When the department files a dependency petition, the department shall develop a written social study and proposed case plan for the court to consider at the dispositional hearing per RCW 13.34.120. The department shall:
- (a) Mail a <u>dependency petition</u> copy to the ((parent or)) parents and ((their)) the parents' attorney ((at least)) ten <u>or</u> more days ((prior to)) before the disposition hearing((5)); and
- (b) Provide the ((parent or)) parents an opportunity to review and comment on the plan at the local DCFS office.
- (7) Reopening closed cases. The department may reopen any closed case ((may be reopened by the department)) for good cause including, but not limited to:
 - (a) Further allegations of CA/N;
- (b) Additional information pertaining to the department's investigation; or
- (c) When necessary witnesses or other persons, ((e.g.)) for example, parent or child, are located or become available to complete the investigation.
- (8) Length of eligibility. Any child reported to the department shall be eligible for child protective services. A child shall remain eligible until ((he or she)) the child is no longer:
 - (a) Abused or neglected; or ((is no longer))
- (b) At risk of CA/N subject to the provisions of WAC 388-15-130 and 388-15-132.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-136 Central registry—Duty to maintain.

WSR 93-13-026 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed June 10, 1993, 10:55 a.m.]

Date of Adoption: May 21, 1993.

Purpose: To update the handbook referenced in WAC 180-27-070 to reflect the latest edition, i.e. the eleventh edition of the American Institute of Architects Handbook of Professional Practices.

Citation of Existing Rules Affected by this Order: Amending WAC 180-27-070.

Statutory Authority for Adoption: RCW 28A.525.020. Other Authority: Section 24 (8)(e), chapter 233, Laws of 1992.

Pursuant to notice filed as WSR 93-08-041 on April 2, 1993.

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

June 10, 1993

Dr. Monica Schmidt

Executive Director/Secretary,

AMENDATORY SECTION (Amending Order 1-84, filed 3/20/84)

WAC 180-27-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable to the district; and, in making its determination, the district shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

The allocation of state moneys for matching purposes for a school facility project shall be based on the basic architectural and engineering services as defined by the American Institute of Architects Handbook of Professional Practice, ((Number Nine, Owner Architects Agreements, thirteenth)) eleventh edition, ((July 1977)) 1988, and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 180-27-040 and project type, as set forth below:

(1) New construction projects:

Architectural and Engineering Team Fee Matching Limitations

Square Feet of Construction	Percent of Construction Cost
Under 3,700 ((or under))	10.0
3,700	9.0
7,350	8.75
11,000	8.5
14,650	8.25 ·
18,300	8.0
25,700	7.75
36,700	7.5
55,000	7.25
73,400	7.0
101,000	6.75
128,450	6.5
156,000	6.25
183,500 & above	6.0

Note: Compensation for projects with square foot area of construction between the values shown shall be established for matching purposes by the process as indicated in the example below.

Example:

Assume: Area of construction = 75,000 sq. ft. Area cost allowance = \$90/sq. ft.

73,400 sq. ft. x \$90/sq. ft. x 7.0% = \$462,420.00 1,600 sq. ft. x \$90/sq. ft. x 6.75% = 9,720.00 75,000 sq. ft. \$472,140.00

State share = \$472,140.00 x state matching percentage

(2) Modernization projects:

For modernization projects, the limits of state participation shall be one and one-half times the amount calculated for new construction as set forth in subsection (1) of this section.

(3) Combination projects:

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

WSR 93-13-048 PERMANENT RULES DEPARTMENT OF WILDLIFE

[Order 610-Filed June 15, 1993, 1:10 p.m.]

Date of Adoption: April 16, 1993.

Purpose: To amend game management units (GMUs)—Special game areas—Boundary descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-022.

Statutory Authority for Adoption: RCW 77.12.040. Pursuant to notice filed as WSR 93-06-074 on March 2, 1993.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions, differs from the proposed version filed with the code reviser in the following specifics. The boundary description of GMU 405 (Chuckanut) in Whatcom and Skagit counties was amended to include Guemes Island in this GMU; the boundary description of GMU 410 (Islands) in San Juan and Island counties was amended to exclude Guemes Island from this GMU; the boundary description of GMU 417 (Bald Mountain) in Whatcom and Skagit counties was amended to describe the boundary with roads and trails instead of elevation lines; the boundary description of GMU 418 (Nooksack) in Whatcom and Skagit counties was amended to delete the closed area (Bald Mountain) from within the external boundaries of GMU 418 (Nooksack); the boundary description of GMU 478 (Mashel) in Pierce County was amended to exclude that area north of Champion's Kapowsin Tree Farm; the boundary description of GMU 484 (Puyallup) in Pierce County was amended to include that part of GMU 478 north of Champion's Kapowsin Tree Farm; and a new muzzleloader area, Muzzleloader Area 926 (Guemes) in Skagit County was adopted.

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

June 15, 1993 Dean A. Lydig, Chair Wildlife Commission

AMENDATORY SECTION (Amending Order 556, filed 6/1/92, effective 7/2/92)

WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

REGION ONE

GMU 100-Curlew (Ferry and Okanogan counties): Beginning at Republic; then south along Highway 21 to the northern boundary of the Colville Indian Reservation; then east along the Reservation boundary to the Stall Creek Road, USFS #310; then north on #310 to USFS Road #250; then north to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek-Boulder Creek Road; then west on the

Permanent [30]

Deer Creek-Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then west along the border to the Kettle river near the Ferry Customs Office; then south along the Kettle River to the mouth of Toroda Creek and the Toroda Creek Road; then southwest along the Toroda Creek Road to Wauconda and Highway 20; then southeast on Highway 20 to Republic to the point of beginning. (See Colville National Forest map)

GMU 103-Boulder (Ferry County): Beginning at Lake Roosevelt at the mouth of the Kettle River; then south along Lake Roosevelt to the north boundary of the Colville Indian Reservation; then west along the Reservation boundary to the Stall Creek Road, USFS Road #310; then north on #310 to USFS Road #250; then north on #250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then west on the Deer Creek-Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then east along the border to the Kettle River near Laurier then south along the Kettle River to its mouth to the point of beginning. (See Colville National Forest map)

GMU 105-Kelly Hill (Stevens County): Beginning at the Kettle River on the Canadian border near Laurier; then south along the Kettle River to its mouth at Lake Roosevelt; then northeast along Lake Roosevelt to the Canadian border; then west along the border to the Kettle River near Laurier to the point of beginning. (See Washington Atlas and Gazetteer)

GMU 108-Douglas (Stevens County): Beginning at the bridge over Lake Roosevelt near Northport; then southwest along Lake Roosevelt to the bridge over Lake Roosevelt near Kettle Falls (Highway 395); then south east on Highway 395 into Colville and Highway 20; then east on Highway 20 the edge of town and the Colville-Aladdin-Northport Road; then north and west on the Colville-Aladdin-Northport Road to the town of Northport and Highway 25; then through town to the Lake Roosevelt bridge to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 111-Aladdin (Stevens and Pend Oreille counties): Beginning at Lake Roosevelt at the Canadian Border; then south along Lake Roosevelt to the bridge over the lake near Northport (Highway 25); then into Northport on Highway 25 to the Colville-Aladdin-Northport Road; then east and south along the Colville-Aladdin-Northport Road to Highway 20 near Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then north along the Pend Oreille river to the Canadian border; then west along the border to Lake Roosevelt to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 113-Selkirk (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; then south along the Pend Oreille River to the Idaho border near Newport; then north along the Idaho-Washington border to the Canadian border; then west along the Canadian border to the Pend Oreille River to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map)

GMU 118-Chewelah (Stevens and Pend Oreille counties): Beginning at Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then north on Highway 395 to Colville to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 119-Boyer (Stevens and Pend Oreille counties): Beginning on the Pend Oreille River at the bridge near Usk; then west on the McKenzie Road to the Westside Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then south on Highway 395 to Highway 231; then south on Highway 395 at Loon Lake; then east on Highway 395 to Deer Park; then east on the Deer Park-Milan Road to Highway 2, then northeast on Highway 2 to the Idaho border at Newport; then north along the Idaho border to the Pend Oreille River; then north along the Pend Oreille River to the bridge at Usk and point of beginning. (See Washington Atlas & Gazetteer)

GMU 121-Huckleberry (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls; then south on Highway 395 to Highway 231; then south on Highway 231 to the northeast corner of the Spokane Indian Reservation; then west along the north boundary of the Reservation to Lake Roosevelt; then north along Lake Roosevelt to the Highway 395 bridge near Kettle Falls to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 124-Mount Spokane (Spokane, Stevens and Pend Oreille counties): Beginning at the Idaho-Washington border at Newport; then south on Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and Highway 395; then north on Highway 395 to Highway 292 at Loon Lake; then west on Highway 292 to Springdale and Highway 231; then south on Highway 231 to the northeast boundary of the Spokane Indian Reservation; then south along the east boundary of the Indian Reservation (Chamokane Creek) to the Spokane River; then east along the Spokane River to the Washington-Idaho border; then north along the border to Newport and point of beginning. (See Washington Atlas & Gazetteer)

GMU 127-Mica Peak (Spokane County): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then east along Spokane-Whitman County line to the Washington-Idaho line; then north along the Washington-Idaho line to the Spokane River; then west along the Spokane River to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 130-Cheney (Spokane and Lincoln counties): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then west along the north boundary of Whitman and Adams counties to U.S. Highway No. 395; then northeast along U.S. Highway 395 to Sprague; then north along State Highway No. 231 to its junction with U.S. Highway No. 2; then east along U.S. Highway No. 2 to Reardan; then north along state Highway No. 231 to the Spokane River; then up the Spokane River to Spokane to the point of beginning. (See Washington Atlas & Gazetteer)

[31] Permanent

GMU 133-Roosevelt (Lincoln County): Beginning at Reardan; then north along State Highway 231 to the Spokane River; then west along the Spokane River to Lake Roosevelt; then west along Lake Roosevelt to Coulee Dam; then southeast on State Highway 174 to Wilbur and U.S. Highway 2; then east along Highway 2 to Reardan and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 136-Harrington (Lincoln County): Beginning at the town of Grand Coulee; then southeast along State Highway No. 174 to its junction with U.S. Highway No. 2 at Wilbur; then east along U.S. Highway No. 2 to its junction with U.S. Highway No. 231 three miles west of Reardan; then south along Highway No. 231 to its junction with U.S. Highway No. 395; then southwest along U.S. Highway No. 395 to the Adams County line at Sprague Lake; then west along the Adams-Lincoln County line to the Grant County line; then north along the Grant-Lincoln County line to Grand Coulee and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 139-Steptoe (Whitman County): Beginning at Colfax; then west along State Highway 127 to Dusty and continuing west along State Highway No. 26 through LaCrosse to the west Whitman County line (Palouse River); then north along the west Whitman County line, east along the north Whitman County line and south along the east Whitman County line to the Moscow-Pullman Highway; then west along the Moscow-Pullman-Colfax Highway to Colfax and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 142-Almota (Whitman County): Beginning at Clarkston; then down the Snake River to the mouth of the Palouse River; then up the Palouse River to the Washtucna-LaCrosse Highway (State Highway No. 26); then east along the highway through LaCrosse to State Highway 127 to Dusty; then continuing east along State Highway 127 to Colfax; then southeast along the Colfax-Pullman-Moscow Highway to the Washington-Idaho line; then south along the state line to Clarkston and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 145-Mayview (Garfield and Asotin counties): Beginning at the mouth of Alpowa Creek and its junction with U.S. Highway No. 12; then west along U.S. Highway No. 12 to its junction with State Highway 127 (Central Ferry Highway); then north along the Highway to the Snake River; then east up the Snake River to the mouth of Alpowa Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 148-Starbuck (Walla Walla, Columbia, and Garfield counties): Beginning at Central Ferry; then south along State Highway No. 127 to Dodge Junction; then southwest along U.S. Highway No. 12 to the town of Waitsburg and the Touchet River; then west along the river to its junction with the Ayer Road at Harsha; then north along the Ayer Road to the Snake River at Ayer; then east along the Snake River to Central Ferry and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 151-Eureka (Walla Walla County): Beginning at the Washington-Oregon State line on the Columbia River (near Wallula Junction); then north up the Columbia River to the Snake River; then northeast up the Snake River to Ayer; then south along the Ayer Road to State Highway No. 124 and the Touchet River at Harsha; then east up the river to Waitsburg and U.S. Highway 12; then southwest along Highway 12 to Walla Walla and State Highway No. 125; then south along State Highway No. 125 to the Washington-Oregon State line; then west along the state line to the Columbia River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 154-Blue Creek (Walla Walla and Columbia counties): Beginning at the Washington-Oregon State line on State Highway No. 125 (south of Walla Walla); then north along State Highway No. 125 to U.S. Highway No. 12; then northeast along Highway 12 to the Payne Hollow Road at Long Station; then south along the Payne Hollow-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south along the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail; then southwest along the trail to the Washington-Oregon State line; then west along the state line to State Highway No. 125 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 157-Watershed, Mill Creek Watershed area (Walla Walla, Columbia counties): Starting at the Mill Creek Watershed Intake Trail (No. 3211) on the Washington-Oregon State line; then northeast along the Intake Trail to the Skyline Drive Road (No. 64); then south along the road to the Washington-Oregon State line; then due west to the point of beginning. (See Umatilla Forest map)

GMU 160-Touchet (Walla Walla, and Columbia counties): Beginning at Dayton; then south along the North Touchet River Road to its junction with the Skyline Drive Road at Manila Springs; then southwest along the Skyline Road to its junction with the Mill Creek Watershed Intake Trail (No. 3211); then west along the Intake Trail to the Lewis Peak Road; then north along the Lewis Peak-Mt. Pleasant-Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station: then north along said highway to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 161-Eckler (Columbia County): Beginning at Dayton; then east along the Patit Creek Road to its junction with the Hartsock-Maloney Mountain Road; then south and west along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the North Touchet River Road at Manila Springs; then north along the North Touchet River Road to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 163-Marengo (Columbia, and Garfield counties): Beginning at Dayton; then east along the Main Patit Road to its junction with the Hartsock-Maloney Mountain Road; then north down the Hartsock Grade Road to the Tucannon Road; then south along the Tucannon Road to the Blind Grade Road; then east up the Blind Grade Road to the Linville Gulch Road; then north down the Linville Gulch Road to U.S. Highway No. 12; then west and south along Highway 12 to Dayton and the point of beginning. (See Washington Atlas & Gazetteer)

Permanent [32]

GMU 166-Tucannon (Columbia, and Garfield counties): Beginning on the Tucannon River Road at its junction with the Hartsock Grade Road; then south up the Hartsock Grade Road to its junction with the Maloney Mountain Road; then southwest along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east along the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then north along the Mountain Road to its junction with the elk drift fence at the Forest Boundary; then north and west along the fence to the Tucannon Road; then north along the Tucannon Road to the Hartsock Grade Road and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 169-Wenaha (Columbia, Garfield and Asotin counties): Beginning on the Skyline Drive Road at the Washington-Oregon State line; then north along the road to Godman Springs and the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then south along the Mountain Road to the South Boundary Road (No. 4039); then west along the road to the Three Forks Trail (No. 3133); then west down said trail to Crooked Creek; then south on Crooked Creek to the Washington-Oregon State line; then due west along the line to Skyline Road and the point of beginning. (See Umatilla National Forest map)

GMU 172-Mountview (Garfield and Asotin counties): Beginning at the junction of State Highway 129 and Mill Road at Anatone; then southwest on the Mill Road & Bennett Ridge Road-West Mountain Road (No. 1290) to the Big Butte-Mt. Misery Road (No. 4304); then west along the road to the Mountain Road (No. 40); then south on the road to the South Boundary Road (No. 4039); west along the South Boundary Road to the Three Forks Trail (No. 3133); then down said trail to Crooked Creek; then down the creek to the Washington-Oregon State line; then east along the line to State Highway No. 129; then north on Highway 129 to Anatone and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 175-Lick Creek (Garfield and Asotin counties): Beginning at the junction of the Mountain Road (No. 40) and National Forest Boundary (south of Pomeroy); then south along the Mountain Road to its junction with the Wenatchee Guard Station-Anatone Road; then east along the road to the National Forest Boundary at Big Butte; then northwest along the boundary fence to the Cloverland-Wenatchee Guard Station Road; then northeast along the Cloverland Road to the Campbell Grade Road; then down the Campbell Grade Road to the South Fork Asotin Creek Road; then down South Fork Asotin Creek Road to Asotin Creek; then down Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then west along the elk fence to its junction with the Mountain Road (No. 40) and the point of beginning. (See Umatilla National Forest map)

GMU 178-Peola (Garfield and Asotin counties): Beginning on the Snake River at the mouth of Asotin Creek; then up Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then northwest along the fence to the Tucannon Road; then down the Tucannon Road to the Blind Grade Road; then up Blind Grade to the Linville Gulch Road; then down the Linville Gulch Road to U.S. Highway No. 12; then east along Highway 12 to the mouth of Alpowa Creek on the Snake River; then up the Snake River to the mouth of Asotin Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 181-Couse (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River; then south along the Snake River to the Grande Ronde River; then west up the Grande Ronde River to State Highway No. 129; then northeast along Highway 129 to Anatone; then west and south along the Mill Road-Bennett Ridge Road-West Mountain Road to the National Forest Boundary at Big Butte (Road No. 4304); then northwest along the Forest Boundary fence to the Cloverland Road; then northeast on that road to the Campbell Grade Road; then down that road to the South Fork Asotin Creek Road; then down that road to Asotin Creek; then down Asotin Creek to the Snake River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 184-Joseph (Asotin County): Beginning at the mouth of the Grande Ronde River; then west along the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon state line; then east along the line to the Snake River; then north down the Snake River to the Grande Ronde River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 185-Black Butte (Asotin County): Beginning at State Highway No. 129 on the Washington-Oregon State line; then north along Highway 129 to the Grande Ronde River; then east down the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon state line; then west along the line to State Highway No. 129 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION TWO

GMU 200-Tunk (Okanogan and Ferry counties): Beginning at Tonasket, then south along the Okanogan River to the north boundary of the Colville Indian Reservation, then east along the Reservation boundary to State Route 21 south of Republic, then north along State Route 21 to Republic and State Route 20, then west along State Route 20 to Tonasket to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-Pasayten (Okanogan and Whatcom counties): Beginning at the eastern boundary of the Pasayten Wilderness and its junction with the Canadian border, then south along the wilderness boundary to Trail #341, then west along Trail #341 to the Iron Gate Road and Trail #343, then west along Trail #343 to its junction with the Pasayten Wilderness boundary, then west along the wilderness boundary to the Hidden Lakes Trail (#477) then west along Hidden Lakes

Trail to Drake Creek, then southwest down Drake Creek and the Lost River to the Pasayten Wilderness boundary and the Robinson Creek Trail #478, then north up the Robinson Creek Trail to the junction of the Ferguson Lake Trail, then west to Silver Lake, then west to the West Fork Trail crossing of the West Fork of the Pasayten River, then west to Oregon Basin and the Pasayten Wilderness boundary, then west and north along the boundary to the Canadian border, then east along the border to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-Bonaparte (Okanogan and Ferry counties): Beginning at the town of Tonasket, then north along the Okanogan River and the east shore of Osoyoos Lake to the Canadian border, then east along the Canadian border to the Kettle River near the Ferry Customs office, then south along the Kettle River to the mouth of Toroda Creek, then southwest along Toroda Creek to Toroda Creek Road (#502 and #9495), then southwest along Toroda Creek Road to its junction with State Route 20 at Wauconda, then west along State Route 20 to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-Wannacut (Okanogan County): Beginning at the Canadian border on Lake Osoyoos, then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket, then south on County Road #7 (#9437) to the North Pine Creek-Aeneas Lake Road (#9400) junction, then southwest on that road to the Horse Springs Coulee Road (#4371) junction, then northwest on that road to the Loomis-Nighthawk Highway (#9425) junction near Spectacle Lake, then west on Loomis-Nighthawk Highway (#9425) past Palmer Lake to the Canadian border station near Nighthawk, then east on the U.S.-Canada boundary to Lake Osoyoos and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-Sinlahekin (Okanogan County): Beginning at the Canadian border station near Nighthawk, then south through Nighthawk and past Palmer Lake on the Nighthawk-Loomis Highway (#9425) to Loomis, then east on the Loomis-Tonasket Highway (#9425) to the Horse Springs Coulee Road (#4371) junction near Spectacle Lake, then south on that road to the North Pine Creek-Aeneas Lake Road (#9400), then east on that road to the Okanogan River, then south along the Okanogan River to the town of Riverside, then north on U.S. Highway 97 to its junction with the South Pine Creek Road (#9410), then west on South Pine Creek Road to its junction with the Conconully-Loomis Road (#4015), then south on Road #4015 to Conconully, then north on the North Fork Salmon Creek Road (#2361, Road 38 and 2820) over Lone Frank Pass to the junction with Road #39, then north on Road #39 to Long Swamp, then east along the Middle Fork Toats Coulee Road (#39) to the junction with the Iron Gate Road (#500), then northwest along the Iron Gate Road to its end, then north and east along trails #533 and #341 to the Pasayten Wilderness boundary, then north along that boundary to the Canadian border, then east along the border to the Nighthawk border station and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-Chewuch (Okanogan County): Beginning at the junction of the Iron Gate Road (#500) and the Pasayter Wilderness boundary, then southeast on the Iron Gate Road to the Middle Fork Toats Coulee Creek Road (#39), then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (#37) then southwest down Boulder Creek Road to the East Chewuch River Road (#9137) then south to Winthrop and State Route 20, then northwest on State Route 20 to the Okanogan County line, then northwest along the Okanogar County line through Harts Pass to Oregon Basin, then eas to Silver Lake, then due east to the intersection of Fergusor Lake Trail and Middle Fork Trail #478, then south on Trail #478 to the Pasayten Wilderness boundary, then northeas along that boundary to Lost River, then northeast up Los River and Drake Creek to Hidden Lake Trail #477, then eas along Trail #477 to the Pasayten Wilderness boundary a Eight-Mile Pass, then east along the wilderness boundary to its junction with Trail #342 near Hicky Hump, then north along Trail #342 to its junction with Trail #343 at Two Bear camp, then east along Trail #343 to the Iron Gate Road to the point of beginning. (See Okanogan National Fores Travel Plan)

GMU 224-Pearrygin (Okanogan County): Beginning a the town of Conconully, then north along County Roac 2361, and the N. Fork Salmon Creek Road (#38) to its junction with Road 39, SW along Road 39 to the Boulde Creek Road (#37), then southwest along the Boulder Creel Road to the East Chewuch River Road (#9137), then south down the East Chewuch River Road to Winthrop, then south and east along State Route 20 to the Loup Loup summit then north along the North Summit Road (#42) and County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-Gardner (Okanogan County): Beginning at the town of Twisp, then northwest along State Route 20 to the Okanogan County line, then south along the county line to Copper Pass and the North Fork Twisp River Trail #426 then southeast along Trail #426 to the Twisp River Road then southeast along the Twisp River Road to the town o Twisp and the point of beginning. (See Okanogan Nationa Forest Travel Plan)

GMU 233-Pogue (Okanogan County): Beginning at the town of Riverside, then north along U.S. Highway 97 to the South Pine Creek Road (#9410), then west on South Pine Creek Road to the Conconully-Loomis Road (#4015), then south along Road #4015 to Conconully, then south along County Road 2017 and the North Summit Road (#42) to State Route 20 near Loup Loup summit, then east on Stat Route 20 to the town of Okanogan and the Okanogan River then north up the Okanogan River to Riverside and the poin of beginning. (See Okanogan National Forest Travel Plan

GMU 239-Chiliwist (Okanogan County): Beginning at th town of Okanogan, then west on State Route 20 to Stat Route 153, then south along State Route 153 to Pateros an the Columbia River, then north up the Columbia an Okanogan rivers to Okanogan and the point of beginning (See Okanogan National Forest Travel Plan)

Permanent [34]

GMU 242-Alta (Okanogan County): Beginning at Pateros, then northwest on State Route 153 to Twisp, then west on the Twisp River Road (County Road 9114 and Forest Road #4440) to Roads End Campground, then northwest on the North Fork Twisp River Trail #426 to Copper Pass and the Okanogan County line, then southeast along the county line to the junction of South Fork Gold Creek Road (#4330) and the South Navarre Road (#8200), then southeast along Road (#8020) to the Antoine Creek Road (#8140), then southeast along Road (#8140) to U.S. Highway 97, then north on U.S. Highway 97 to Wells Dam, then upriver to Pateros and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 248-Big Bend (Douglas and Grant counties): Beginning at Mansfield; then west along State Route 172 to Road B N.E.; then north on B N.E. and the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (Road K N.W.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then up the Columbia River to Grand Coulee Dam; then south along the Feeder Canal and the west side of Banks Lake to a point due east from Road 9 N.E.; then west from that point and along Road 9 N.E. through Mold to State Route 17; then north along State Route 17 to Sim's Corner (Jct. State Routes 17 & 172); then west on State Route 172 to Mansfield and the point of beginning. (See official road map of Douglas County)

GMU 254-Saint Andrews (Douglas and Grant counties): Beginning at Sim's Corner (Jct. of State Routes 17 and 172); then south on State Route 17 to Road 9 N.E.; then east on Road 9 N.E. (through Mold) to a point due east on the west shore of Banks Lake; then south along the west shore of Banks Lake to State Route 2; then west along State Route 2 to State Route 172; then north and east along State Route 172 through Mansfield to Sim's Corner and the point of beginning. (See official road map of Douglas County)

GMU 260-Foster Creek (Douglas County): Beginning at Bridgeport; then down the Columbia River to Bonita Flat; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E.; then east along Road 20 N.E. (Dyer Hill Rd.) to the W. Foster Creek Rd.; then north along the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (K N.E.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E.; then north to the Columbia River; then down the Columbia River to Bridgeport and the point of beginning. (See official road map of Douglas County)

GMU 262-Withrow (Douglas County): Beginning at Orondo; then up the Columbia River to the Bonita Flat Road; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E. (Dyer Hill Rd.); then east along Road 20 N.E. to Road B N.E. (W. Foster Ck. Rd.); then south on Road B N.E. to State Route 172; then west and south on State Route 172 to State Route 2; then west

along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 266-Badger (Douglas County): Beginning at Orondo; then down the Columbia River to the Rock Island Grade Road (includes Turtle Rock Island); then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 269-Moses Coulee (Douglas and Grant counties): Beginning near Rock Island Dam at the junction of State Route 28 and the Rock Island Grade Road; then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then east along State Route 2 to the Moses Coulee Road; then south along the Moses Coulee Road to the Grant & Douglas County line; then south along the Sagebrush Flat Road to Road J N.W.; then south along Road J N.W. to the Overen Road (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road; then southwest along the Baird Springs Road across State Route 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Columbia River; then up the Columbia River to the Rock Island Grade Road and the point of beginning. (See official road maps of Douglas and Grant counties)

GMU 272-Beezley (Grant and Douglas counties): Beginning at the town of Grand Coulee, then southwest along the west shore of Banks Lake to State Route 2, then west along State Route 2 to Moses Coulee Road, then south along Moses Coulee Road to the Grant-Douglas County line; then south along the Sagebrush Flats Road to Road J N.W.; then south along Road J N.W. to the Overen Road, (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road, then southwest along Baird Springs Road across State Route 28 to the Crescent Bar Road, then southwest along Crescent Bar Road to the Columbia River. then down the Columbia River to Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.), then south along Beverly Burke Road to Frenchman Hills Road, then east along Frenchman Hills Road to O'Sullivan Dam Road, then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to the Grant-Adams County line (Road 12 S.E.), then east and north along the Grant County line to the town of Grand Coulee and the point of beginning except Private Lands Wildlife Management Area 201 (Wilson Creek). (See official road maps of Grant and Douglas counties)

GMU 278-Wahluke (Grant and Adams counties): Beginning at the Columbia River at Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.); then south along Beverly Burke Road to Frenchman Hills Road; then east along Frenchman Hills Road to O'Sullivan Dam Road; then east along O'Sullivan Dam Road to State Route 17, then south along State Route

17 to State Route 26; then east along State Route 26 to State Route 24 at Othello; then south and west along State Route 24 to the Columbia River at Vernita Bridge; then up the Columbia River to Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281-Ringold (Franklin, Adams, and Grant counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco, then up the Columbia River (including all islands) to State Route 24 at Vernita Bridge; then east and north along State Route 24 to State Route 26 at Othello; then east along State Route 26 to State Route 17; then south along State Route 17 to U.S. Highway 395; then south along U.S. Highway 395 to the Columbia River at Pasco and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284-Kahlotus (Adams and Franklin counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco; then north along U.S. Highway 395 to State Route 17; then north along State Route 17 to the Grant & Adams County line (Road 12 S.E.); then east and north along the Grant & Adams County line to the Lincoln County line; then east along the Adams-Lincoln County line to the Whitman County line; then south along the Adams-Whitman County line to the Palouse River; then down the Palouse River to the Snake River; then down the Snake River to the Columbia River; then up the Columbia River to U.S. Highway 395 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION THREE

GMU 300-Manson (Chelan County): Beginning at the town of Chelan; then down the Chelan River Gorge to the Columbia River; then north along the Columbia River to Wells Dam; then southwest along Highway 97 to the Antoine Creek Road (USFS #8140); then west along Antoine Creek Road to Forest Road #8020 near Cooper Mountain; then northwest along Road #8020 to junction of Road #4330 near Fox Peak; then northwest along the ridge separating the Chelan and Methow-Twisp drainages (Sawtooth Ridge) to McAlester Mountain; then southeast along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then south along Lake Chelan shore to the town of Chelan to the point of beginning. (See Wenatchee National Forest Recreation map and Washington Atlas and Gazetteer)

GMU 301-Clark (Chelan County): That portion of Chelan County that lies within the Glacier Peak Wilderness Area and that portion of the Lake Chelan National Recreation Area west of McAlester Mountain and running southwest along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then continuing south along Lake Chelan to the south boundary of the National Recreation Area. (See Wenatchee National Forest Recreation map)

GMU 302-Alpine (Kittitas and Chelan counties): Those lands within Kittitas and Chelan counties east of the Pacific Crest Trail that lie within the Alpine Lakes Wilderness Area. (See Wenatchee National Forest Recreation map)

GMU 304-Chiwawa (Chelan County): Beginning at Coles Corner on Highway 2; then north along Highway 207 to Highway 209 near Lake Wenatchee; then south on Highway 209 to the Eagle Creek Road #7520; then northeast on Road #7520 to French Corral and Forest Road #5800; then east along Roads #5800 and #5700 to the Entiat River near Ardenvoir; then north along the Entiat River to the Glacier Peak Wilderness Boundary; then south and west along the Glacier Peak Wilderness Boundary to the Pacific Crest Trail; then south to Highway 2 at Stevens Pass; then east on Highway 2 to Coles Corner. (See Wenatchee National Forest Recreation map)

GMU 306-Slide Ridge (Chelan County): Beginning on the Entiat River at the Glacier Peak Wilderness Boundary (near the mouth of Larch Lakes Creek); then south along the Entiat River to the mouth of Fox Creek; then east on Fox Creek to Fourmile Ridge Trail #1445; then east on Trails #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north on Road #8410 to Twenty-five Mile Creek; then north on Twenty-five Mile Creek to Lake Chelan; then north and west along the south shore of Lake Chelan to the Lake Chelan National Recreation Area Boundary near Riddle Creek; then south and west along the Recreation Area and Glacier Peak Wilderness Boundaries to the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 308-Entiat (Chelan County): Beginning at the mouth of the Entiat River near the town of Entiat; then northwest along the Entiat River to the mouth of Fox Creek; then east along Fox Creek to the Fourmile Ridge Trail #1445 then east along Trail #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north along Road #8410 to Twenty-five Mile Creek; then North along Twenty-five Mile Creek to Lake Chelan; then southeast along Lake Chelan and the Chelan River Gorge to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 314-Mission (Kittitas and Chelan counties): Beginning at the mouth of the Colockum Creek on the Columbia River; then west along Colockum Creek and the Colockum Pass Road (#10) to the Naneum Ridge Road (#9); then northwest along Naneum Ridge Road and Mission Ridge to the Liberty-Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak, then north along the Alpine Lakes Wilderness Boundary to Icicle Creek near Black Pine Horse Camp; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek. (See Wenatchee National Forest Recreation map)

GMU 316-Swakane (Chelan County): Beginning at the mouth of the Wenatchee River; then north along the Columbia River to the Entiat River; then north along the Entiat River to Road #5700 near Ardenvoir; then west along Roads #5700 and #5800 to French Corral; then west along the Eagle Creek Road #7520 to Highway 209; then north along Highway 209 to Highway 207 near Lake Wenatchee; then

Permanent [36]

south along Highway 209 to Highway 2 at Coles Corner; then west along Highway 2 to Stevens Pass; then south along the Chelan-King County Line to the Alpine Lakes Wilderness Boundary; then east and south along the Alpine Lakes Wilderness Boundary to Icicle Creek; then east along Icicle Creek to the Wenatchee River; then east along the Wenatchee River to its mouth on the Columbia River. (See Wenatchee National Forest Recreation map)

GMU 328-Naneum (Kittitas and Chelan counties): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along Lower Green Canyon Road to the East Highline Canal (T19N, R18E, S28); then east along the canal to the Colockum Pass Road #10; then northeast along the Colockum Pass Road to the Naneum Ridge Road #9; then northwest along the Naneum Ridge Road and Mission Ridge to the Liberty Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then south along Highway 97 to the Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map)

GMU 329-Quilomene (Kittitas and Chelan counties): Beginning on Interstate 90 at the Columbia River near Vantage; then north along the Columbia River to the mouth of Tekieson Creek; then up Tekieson Creek to Road #14; then north along Roads 14, 14.17 and 14.14 to the top of Cape Horn cliffs; then north along the cliff top to the northern point of Cape Horn; then southwest along the stock fence to Road #14.14; then west on Road 14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19 and 20; Γ20N, R28 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then north along the Columbia River to mouth of Colockum Creek; then southwest along Colockum Creek and Colockum Road (Road #10) to the East Highline Canal (T18N, R20E, S17); then east along the canal and Interstate 90 to the Columbia River at Vantage. (See Department of Wildlife map)

GMU 330-West Bar (Kittitas County): Beginning at the nouth of Tekieson Creek on the Columbia River; then up Tekieson Creek to Road #14; then north on Road 14, 14.14 and 14.17 to the top of the Cape Horn Cliffs; then north along the cliff top to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road #14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19, and 20, T20N, R21 E.W.M. to the soundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then south along the Columbia River to the mouth of Tekieson Creek. (See Department of Wildlife map)

GMU 334-Ellensburg (Kittitas County): Beginning at the ntersection of Highway 97 and Lower Green Canyon Road; hen north along the Lower Green Canyon Road to the East Iighline Canal (Sec. 28, Twp. 19N., R. 18E); then east and outh along the canal past Interstate 90 to the pump station; hen south and west along the upper most branch of the

canal to Highway 821 and the Yakima River (a point about one mile south of Thrall); then north along the Yakima River to Damman Road; then south on Damman Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to where it crosses Manastash Road; then north along the South Branch Canal to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the river to Thorp Highway; then east along the Thorp Highway and Highway 10 to Highway 97; then north along Highway 97 to Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map) (This is a Kittitas County Closure area for high power rifle hunting of both deer and elk. Contact Kittitas County for more details)

GMU 335-Teanaway (Kittitas County): Beginning at Swauk Pass on Highway 97; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then west along the Alpine Lakes Wilderness Boundary to the King-Kittitas County line at Kendal Peak; then south along the King-Kittitas County line to Interstate 90; then east along Interstate 90 to Cle Elum; then east along Highway 10 to Highway 97; then northeast on Highway 97 to Swauk Pass. (See Wenatchee National Forest Recreation map)

GMU 336-Taneum (Kittitas County): Beginning at Cle Elum; then west along Interstate Highway 90 to the Pacific Crest Trail at Snoqualmie Pass; then southeast along the Pacific Crest Trail to Blowout Mountain; then southeast along the divide between the Naches and Yakima River drainages and Trail #1388 to Peaches Ridge and Trail #1363; then north along Trail #1363 to Trail #1367; then east along Trail #1367 to South Fork Taneum Creek; then east along Taneum Creek to the Yakima River; then north (downstream) on the Yakima River to the Thorp Highway Bridge; then northwest along the Thorp Highway, State Highway 10 and State Highway 903 to Cle Elum. (See Wenatchee National Forest Recreation map)

GMU 340-Manastash (Kittitas County): Beginning at the junction of Taneum Creek and the South Branch Highline Canal; then west up Taneum Creek and South Fork Taneum Creek to USFS Trail #1367; then west on Trail #1367 to Trail #1363 (Peaches Ridge Trail), to the Naches-Yakima River Divide; then southeast along Trail #1388 and the ridge top dividing the Manastash and Wenas-Umtanum drainages to the junction of the Observatory Road, (Twp. 17 N., R. 17 E.W.M., Section 20) then south on the Observatory Road to the Wenas-Ellensburg Road; then east on the Wenas-Ellensburg Road to Umtanum Creek; then down Umtanum Creek to the Yakima River; then up the Yakima River to the Damman Road; then south to the Wenas-Ellensburg Road; then south on the Wenas-Ellensburg Road to the South Branch Highline Canal; then along the canal to Taneum Creek and the beginning. (See Wenatchee National Forest Recreation map)

GMU 342-Umtanum (Kittitas and Yakima counties): Beginning at Yakima then north along the Yakima River to Umtanum Creek; then up Umtanum Creek to the Wenas-Ellensburg Road; then west along the Wenas-Ellensburg Road to the Observatory Road; then north along the Observatory Road to the Road junction at the top of the ridge

(Section 20, T17N, R.17 E.W.M.); then west and north along the top of the ridge dividing Manastash and Umtanum-Wenas drainages to USFS Trail #1388 and Forest Road 1701; then along Road 1701 to Highway 410 to the junction of I-82 and the Yakima River. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 346-Little Naches (Yakima & Kittitas counties): Beginning at the Junction of Highway 410 and Forest Road 1701; then north on Road 1701 to Trail #1388; then northwest along Trail #1388 to the Pacific Crest Trail at Blowout Mountain; then south along the Pacific Crest Trail to State Highway 410 at Chinook Pass; then east along State Highway 410 to point of beginning. (See Wenatchee National Forest Recreation map)

GMU 352-Nile (Yakima County): Beginning at Highway 410 at its junction with Forest Road 1500 (Eagle Rock); then west along the 1500 Road to the McDaniel Lake Road (USFS Road #1502); then west along the McDaniel Lake Road to the junction of the North Fork and the South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along Bumping Lake Road to Highway 410; then east along Highway 410 to Eagle Rock and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 356-Bumping (Yakima County): Beginning at the intersection of Highway 12 and USFS Road #1500; then north along Road #1500 to McDaniel Lake Road (USFS Road #1502); then west on McDaniel Lake Road to the junction of North Fork and South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along the Bumping Lake Road to Highway 410; then west along Highway 410 to the Pacific Crest Trail at Chinook Pass; then south along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.) (See Wenatchee National Forest Recreation map)

GMU 360-Bethel (Yakima County): Beginning at the junction of Highway 410 and Highway #12; then west along Highway 12 to the junction with USFS Road #1500; then north and east along Road #1500 to its junction with Highway 410 at Eagle Rock; then southeast along Highway 410 to its junction with Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364-Rimrock (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west along the reservation boundary to the Pacific Crest Trail; then north along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the junction

with Jump-off Road and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366-Rimrock-Cowiche (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche) (See Wenatchee National Forest Recreation map)

GMU 368-Cowiche (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-Off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southwest along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then east along the reservation boundary to the Yakima River and Highway 12; then north and west along Highway 12 to the point of beginning. (See Wenatchee National Forest Recreation map & Washington Atlas & Gazetteer)

GMU 370-Priest Rapids (Kittitas, Yakima and Benton counties): Beginning at the Interstate 90 bridge at Vantage; then west along Interstate 90 to the East Highline Canal (which is approximately 1/4 mile west of Boylston Road); then southwest along the canal to Highway 821 and the Yakima River, at a point about one mile south of Thrall; then southeast along the Yakima River to the Mabton-Sunnyside Road; then south along the Mabton-Sunnyside Road; then south along the Yakima Indian Reservation Boundary to the Yakima-Klickitat county line; then east along the county line to the Alderdale Road; then south along the Alderdale Road to Highway 14 and the Columbia River; then upstream along the Columbia River to the point of beginning at Vantage. (See Washington Atlas & Gazetteer)

REGION FOUR

GMU 405-Chuckanut (Whatcom and Skagit counties): Beginning at the Canadian border and the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to ((the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its mouth: then northwest down the South Fork Nooksack River to Saxon-Bridge; then west on the Saxon Bridge Road to)) Highway 9; then south along Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then down the Stillaguamish River through Stanwood and West Pass to Skagit Bay; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay and Edison; then north along the shoreline to the Whatcom County line; then west and north along the Whatcom County line to the Canadian border; then east along the Canadian border to the point of beginning. (See Washington Atlas & Gazetteer; this description is not easily found on base maps. Contact the ((Region 4)) Mill Creek office for more information.)

GMU 410-Islands (San Juan, Island counties): All islands in San Juan County as well as Whidbey and Camano islands

Permanent [38]

and Cypress and Sinclair islands in Skagit County. (See Washington Atlas & Gazetteer)

GMU 417 Bald Mountain (Whatcom and Skagit counties): Beginning at the intersection of Baker Lake Highway and Grandy Creek (Sec. 31, T35N, R8E); then west along Baker Lake Highway to SW-HO-2400 Road; then north and west along the SW-HO-2400 Road, SW-HO-2000 Road, and SW-HO-2800 Road, and SW-HO-2900 Road (Josephine Truck Trail) to the intersection with the Hamilton Mainline Road; then north along the Hamilton Mainline Road (approximately 25 miles) to the intersection with CP Road #110; then continue west and north along CP Road #110, CP Road 130, CP Road 150, and CP Road 151 to the end of CP Road 151 (Sec. 33, T37N, R5E); then continue north along a straight line to the end of Road CP 151 to the intersection of Skookum Creek and the S.F. Nooksack River; then down the S.F. Nooksack River to the mouth of Hutchinson Creek; then north up Hutchinson Creek to the Mosquito Lake Road; then continue north along Mosquito Lake Road to Porter Creek: then east to the end of Porter Creek; the east along a straight line to the intersection of Rocky Creek and Clearwater Creek; then north and east up Rocky Creek to its headwaters in Sec. 5, T38N, R7E; then north along a straight line to FR 36 Road; then east along FR 39 Road to SR 542 Road; then east and south along SR 542 Road; to its southernmost point (Sec. 30, T39N, R9E); then approximately 0.5 mile along a straight line to Swift Creek; then south down Swift Creek to Baker Lake; then south along the west shoreline of Baker Lake and Lake Shannon to a point due east of the intersection of Baker Lake Road and Burpee Hill Road; then east along a straight line to the intersection of Baker Lake Road and Burpee Hill Road; then west along the Baker Lake Road to Grandy Creek and the point of beginning.

GMU 418-Nooksack (Whatcom and Skagit counties): Beginning at the point where Jackman Creek meets ((State Highway 20)) the Skagit River (east of Concrete); then northeast up Jackman Creek to the range line between Range 9 and 10E; then north along this range line to the boundary of the North Cascades National Park; then north along the North Cascades Park boundary to the Canadian border; then west along the Canadian border to the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to ((the Blue Mountain Road; then east to Peterson-Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its confluence with the South Fork Nooksack River; then west down the South Fork Nooksack River to the Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then east along Highway 20)) Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then west along State Highway 20 to its intersection with Highway 9; then south along Highway 9 to the Skagit River; then east along the main channel of the Skagit River to Jackman Creek (east of Concrete) and the point of beginning except GMU 417 (Bald Mountain) which is within GMU 418 (Nooksack). (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 426-Diablo (Skagit and Whatcom counties): The Ross Lake National Recreation Area and the adjoining corridor between the Pasayten Wilderness Area and the northeast boundary of the south segment of North Cascades National Park. (See Washington Atlas & Gazetteer)

GMU 433-Cavanaugh (Skagit and Snohomish counties): Beginning at the intersection of State Highway ((20 and State Highway 9 at)) 9 and the Skagit River (south of Sedro Woolley); then south along State Highway 9 to Arlington; then east along the Arlington-Darrington Highway 530 to Darrington; then north along the Sauk Valley Road to the Skagit River (at Rockport); then west along the State Highway ((20 to Sedro Woolley)) 9 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 440-Suiattle (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and the Sauk Valley Road at Rockport; then south along the Sauk Valley Road to Darrington and the Sauk River to the Suiattle River; then along that river to the Glacier Peak Wilderness Area boundary; then north and east along that boundary to the line between Ranges 12 and 13 E.; then north on that range line to the North Cascades National Park boundary; then west and north along the North Cascades Park boundary and the Ross Lake National Recreation Area boundary to the range line between range 9 and 10 E; then south along this range line to the Jackman Creek drainage; then southwest down the Jackman Creek drainage to State Highway 20; then east along State Highway 20 to Rockport and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 442-Tulalip (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along the Arlington-Darrington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Monroe; then south on Highway 203 to the Snoqualmie River at Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 448-Stillaguamish (Snohomish and Skagit counties): Beginning at Sultan; then east along U.S. Highway 2 to Stevens Pass; then north along the Pacific Crest Trail to Henry M. Jackson Wilderness Area boundary; then north along this boundary to the North Fork Skykomish Trail No. 1051; then west on Trail No. 1051 to Forest Service Road 63, then west on Forest Service Road 63 to Quartz Creek Trail (No. 1050); then north on Trail 1050 to Curry Gap; then east on Trail 650 along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to June Mountain, near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then north along the Glacier Peak Wilderness Area boundary to the Suiattle River; then west along the

Suiattle River to the Sauk ((River; then south up the Sauk River)) Valley Road (SR 530); then south on the Sauk Valley Road (SR 530) to Darrington; then west along the Darrington-Arlington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission lines; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Highway 2 (Skykomish-Monroe Highway); then east along Highway 2 to Sultan to the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 450-Cascade (Skagit and Snohomish counties): Beginning at the Glacier Peak Wilderness boundary and the Skagit County/Chelan County line at the headwaters of the Middle Fork Cascade River and then west and southerly along the Glacier Peak Wilderness boundary to the Skagit County/Snohomish County line. In Snohomish County, continue south along the Glacier Peak Wilderness boundary to June Mountain near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then west along the 650 trail along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to Curry Gap; then south along the Quartz Creek Trail (No. 1050) to Forest Service Road 63; then east on Road 63 to its end at the 1051 Trail and east up Trail 1051 to the Henry M. Jackson Wilderness boundary; then south and east along that boundary to the Snohomish/Chelan County line; then north along the Snohomish/Chelan County line to the Skagit County line; then north along the Skagit/Chelan County line to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 454-Issaquah (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast up the Snohomish River to Duvall; then south along State Highway 203 to Fall City; then southwest along the Fall City-Preston Road to Interstate 90; then east on Interstate 90 to State Highway 18; then southwest along State Highway 18 to its intersection with the Raging River; then south up that river to its junction with the posted boundary of the City of Seattle Cedar River Watershed; then along that posted boundary to its junction with the boundary of the City of Tacoma Green River Watershed (CTGRW); then south along the CTGRW posted boundary to Weyerhaeuser Road 5200 near Lynn Lake; then down the 5200 Road for approximately 7.6 miles to its junction with U.S. Highway 410; then west along U.S. Highway 410 and State Highway Nos. 164 and 18 through Auburn to U.S. Highway 99; then north along Highway 99 to the Redondo Beach junction; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 460-Snoqualmie (King and Snohomish Counties): Beginning at the intersection of State Highway 203 and U.S. Highway 2; then east along U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south along the Pacific Crest Trail to its junction with the City of Seattle Cedar River Watershed posted boundary; then west along the posted boundary to its intersection with the headwaters of the Raging River; then down the Raging River to its intersection with State Highway 18; then along State Highway 18 to its junction with Interstate Highway 90 (I-90); then west along I-90 to its junction with the Preston-Fall City Road; then north along the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 466-Stampede (King County): Beginning at intersection of the Pacific Crest Trail (USFS Trail 2000) and the posted boundary for the City of Seattle Cedar River Watershed; then south along the Pacific Crest Trail to ((its junction with the Naches Pass Trail at Pyramid Peak; then west on the Naches Pass Trail to Twin Camps and)) USFS Road 7035((; then along)), north of Pyramid Peak; then west on this road to USFS Road ((7035)) 7032 to USFS Trail 1172 and its intersection with USFS Road 7012 (Champion Creek Rd.); then down Road 7012 to the posted boundary of the City of Tacoma Green River Watershed; then east and north along that boundary and the City of Seattle Cedar River Watershed posted boundary to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 472-White River (King and Pierce counties): Beginning at the junction of State Highway 410 and the north boundary of Mount Rainier National Park; then west along the north park boundary to the Carbon River; then down the Carbon River to its intersection with the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road.; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to Weyerhaeuser Road 5200; then up that road for approximately 7.6 miles to its junction with the City of Tacoma Green River Watershed posted boundary; then east along that posted boundary and USFS Trail 1172 to USFS Road ((7035)) 7032; then east along ((that)) this road to ((its intersection with the Naches Pass Trail at Twin Camps)) USFS Road 7035; then east along ((the Naches Pass Trail)) this road to the Pacific Crest Trail (USFS Trail 2000) ((near)) north of Pyramid Peak; then south along the Pacific Crest Trail to the Mount Rainier National Park boundary near Sourdough Gap; then north and west along the park boundary to the point of beginning except Private Lands Wildlife Management Area 401 (Champion). Boundaries of PLWMA 401 are clearly marked. (See Washington Atlas & Gazetteer and Mt. Baker/ Snoqualmie National Forest map)

GMU 478-Mashel (Pierce County): Beginning at the Puyallup River Bridge where the Bonneville Power Transmission line crosses the Orville Road ((at the Puyallup River Bridge)); then ((northerly)) north along the Bonneville Power Transmission line to the Brooks Road BPA Transmission Line; then south on the Brooks Road BPA Transmission Line to Fisk Road; then north on Fisk Road to Champion 12 Road; then northeast on Champion 12 Road to the Carbonado/Electron powerline; then northeast on the Carbonado/Electron powerline to the Carbon River; then along the Carbon River to the west boundary of Mt. Rainier National Park; then south along the park boundary to the Nisqually River; then west down the Nisqually River to Alder Lake; then continuing west down Alder Lake and the Nisqually River to the Weyerhaeuser 1000 (Main) Line (Vail-Eatonville Truck Trail) Bridge; then east on the 1000 line to its junctions with Highway 7 (Mountain Highway) and Highway 161 (Eatonville-LaGrande Road); then east and north along Highway 161 through Eatonville to its junction with Orville Road E. (Kapowsin-Eatonville Road); then north along that road through Kapowsin to the point of beginning at the junction of the Bonneville Power Transmission line and the Orville Road except Private Lands Wildlife Management Area 401 (Champion). Boundaries of PLWMA 401 are clearly marked. (See Mt. Baker/Snoqualmie National Forest map or Washington Atlas & Gazetteer)

GMU 480-South Islands (Pierce County): Anderson and Ketron islands. (See Washington Atlas & Gazetteer)

GMU 484-Puyallup (Pierce and King counties): Beginning at the mouth of the Nisqually River; then up the Nisqually River to its junction with the Weyerhaeuser 1000 line, then east along the Weyerhaeuser 1000 line to its intersection with State Highways 7 and 161; then north along State Highway 161 to its intersection with the Orville Road; then north along the Orville Road to the Puyallup River Bridge where it intersects the Bonneville Power Transmission line; then ((up the)) northeast up the powerline to the Brooks Road BPA powerline; then south down the powerline to Fisk Road; then north on Fisk Road to Champion 12 Road; then northeast on Champion 12 Road to the Carbonado/Electron powerline; then northeast on the powerline to Carbonado and the Carbon River; then northwest up the Carbon River to the BPA powerline; then northeast on the BPA powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road: then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road: then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek; then down Old Pond Creek to the White River; then down White River o the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; hen west along State Highway 410 to where it intersects State Highway 164; then west along State Highway 164 hrough Auburn to Old Highway 99; then north along Old Highway 99 to Redondo Junction; then due west to Puget Sound; then south along the shoreline of Puget Sound to the

mouth of the Nisqually River and the point of beginning except Private Lands Wildlife Management Area 401 (Champion). Boundaries of PLWMA 401 are clearly marked. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 485-Green River (King County): Beginning at the junction of the Green River and the west boundary of the Tacoma Watershed; then south and east along the watershed boundary to the USFS 7012 Road (Champion Creek Road); then northwest along that road and the posted GMU 485 boundary to where it meets USFS Road 5063; then east, then north along that road to its junction with the USFS 5060 Road near the headwaters of Friday Creek; then north along that road to the Tacoma Watershed boundary; then west along the Tacoma Watershed boundary to the Green River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 490-Cedar River (King County): Beginning at the junction of the Cedar River and the western posted boundary of the City of Seattle Cedar River Watershed; then north and east along said posted boundary to Yakima Pass; then continue south and west along that posted boundary and to the point of beginning. Note that the City of Seattle enforces trespass on lands owned or controlled by the city. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

REGION FIVE

GMU 501-Lincoln (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6, then west on State Highway 6 to the Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Rd. to the 7800 Rd., then west on the 7800 Rd. to the 720 Rd., then northeast on the 720 Rd. to Garrard Creek Road, then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12, then east on U.S. 12 to Interstate 5, then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504-Stella (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River, then west down the Columbia to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to the IP 1050 Road, then east on IP 1050 Road to the 2200 Rd., then east and south to the 2000 Rd., then south on the 2000 Rd. to the Delameter Road (Woodside Road), then east on Delameter Road to State Highway 411, then north on Highway 411 to PH 10 Road (Four Corners), then east to Cowlitz River, then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505-Mossyrock (Lewis County): Beginning on Interstate 5 and the Cowlitz River, then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge, then east on Highway 12 to Winston Creek Road, then south and east to Longbell Road and Perkins Road, then

northeast on Perkins Road to Swofford Road, then north on Swofford Road to Ajlune Road, then east on Ajlune Road to Riffe Lake, then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge, then south and east to the C Line Road, then east to the Bennet Road, then east to U.S. Highway 12, then west on Highway 12 to State Highway 7 (Morton), then north on State Highway 7 to State Highway 508, then west on Highway 508 to Centralia/Alpha Road, then west and north on Centralia/Alpha Road to Salzer Valley Road, then west to Summa Street and Kresky Road, then north on Kresky Road to Tower Street, then on Tower Street to State Highway 507, then west on Highway 507 Cherry, Alder and Mellen streets to Interstate 5, then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506-Willapa Hills (Wahkiakum, Pacific, and Lewis counties): Beginning at PeEll and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407; then south on State Highway 407 (Elochoman Valley Road) to State Highway 4; then east on State Highway 4 to State Highway 409; then south on State Highway 409 to the Columbia River/Puget Island Bridge; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the town of PeEll and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 510-Stormking (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 to USFS 85, then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then northwest on the USFS 85 Rd. to Catt Creek, then north on Catt Creek to the Nisqually River, then west down the Nisqually River to State Highway 7, then south on Highway 7 to U.S. Highway 12 (Morton), then east on Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512-Sawtooth (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge, then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 Rd. to USFS 85 Rd., then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then north on 85 Rd. to Catt Creek, then northwest down Catt Creek to the Nisqually River, then east up the Nisqually River to Horse Creek, then east up Horse Creek to USFS 52 Rd. (Skate Creek Road), then southeast on USFS 52 to the Cowlitz River, then southwest down the Cowlitz River to Smith Creek, then up Smith Creek to U.S. Highway 12, then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford

Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-Tatoosh (Lewis County): Beginning at USFS 52 Rd. (Skate Creek) and the Cowlitz River (at Packwood), then northwest on USFS 52 Rd. to Horse Creek, then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park, then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail, then south along the Cascade Crest Trail to U.S. Highway 12, then northwest and southwest on Highway 12 To USFS 1270 Rd., then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the USFS 52 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-Packwood (Lewis and Skamania counties): Beginning at the mouth of Cispus River, then east up the Cispus River to the USFS 56 Rd. (Midway G.S. Road), then east on the USFS 56 Rd. to the USFS 5603 Rd., then east on the USFS 5603 to the Yakima Indian Reservation boundary and the Cascade Crest; then north along the Reservation boundary to Cispus Pass and the Cascade Crest Trail, then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass), then northwest and southwest on Highway 12 to USFS 1270 Rd. (Sec. 31, T14N, R10E), then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the mouth of Smith Creek, then south up Smith Creek to U.S. Highway 12, then southwest down Highway 12 to Bennet Road, then west on the Bennet Road to the C Line Road, then west to the USFS 23 Rd. (Cispus Road), then west and north to the Cowlitz River, then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520-Winston (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River, then south down the Cowlitz River to the Toutle River, then east up the Toutle River to the North Fork Toutle River, then up the North Fork Toutle River to the Green River, then east up the Green River to USFS 2612 Rd., then east on 2612 to USFS 26 Rd. (Ryan Lake Road). then north on USFS 26 Rd. to the Cispus River, then west down the Cispus to the Cowlitz River, then west down the Cowlitz River to Riffe Lake, then west along the south shore to Ajlune Road, then west to Swofford Road, then south or Swofford Road to Perkins Road, then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road, then northwest on Winston Creek Road to State Highway 12, then west on State Highway 12 to the Mayfield Lake bridge, then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522-Loo-wit (Cowlitz and Skamania counties) Beginning on the North Fork Toutle River at the mouth o Hoffstadt Creek, then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Rd., then southeast along the 3001, 3000, and 3090 roads to the headwaters of the South Fork Castle Creek, then due south to the South Forl Toutle River, then east along South Fork Toutle to it headwaters and Mount St. Helens crater edge; then eas along the crater edge to the headwaters of Ape Canyon, their

Permanent [42]

down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then north along USFS 99 to USFS 26, then north to Strawberry Lake Creek, then west down Strawberry Lake Creek to the Green River, then across the Green River to Grizzly Creek, then up Grizzly Creek to Grizzly Lake, then west up the western inlet to its headwaters, then west to the headwaters of Coldwater Creek, then west down Coldwater Creek to Coldwater Lake, then southwest along the northwest shore to the old Weyerhaeuser 3500 Rd., then west along the 3500, 3530, 3540, 3130, 3120 roads to the intersection with Hoffstadt Creek, then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-Margaret (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River, then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek, then up Hoffstadt Creek to the 3120 Rd., then east along the 3120, 3130, 3540, 3530 and 3500 roads to Coldwater Lake, then northeast along the northwest shoreline to Coldwater Creek, then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake, then east down the west inlet creek to Grizzly Lake, then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek, then up Strawberry Lake Creek to the USFS 26 Rd. (Ryan Lake Road), then north on the USFS 26 Rd. to the USFS 2612 Rd., then west on USFS 2612 Rd. to the Green River, then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-Ryderwood (Cowlitz, Lewis, Wahkiakum counties): Beginning south of the town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the IP 1050 Road; then west on the IP 1050 Road to the IP 1000 Road; then south on the IP 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407 (Elochoman Valley Road); then northwest on State Highway 407 (Elochoman Valley Road) to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the 1000 Road; then north on the 1000 Road to the Muller Road; then north on Muller Road to PeEll and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 550-Coweeman (Cowlitz County): Beginning at the mouth of the Cowlitz River, then north to the Toutle River,

then east along the Toutle River to the South Fork Toutle River, then up the South Fork Toutle to the 4950 Rd., then south and east on the 4950 Rd. to the 235 Rd., then south on the 235, 200, 245, 134, 133, 130 and 1680 roads to the 1600 Rd., then southeast along the 1600 and 1400 roads to the Kalama/Coweeman summit, then south along the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest down the 6400 Rd. to the 6000 Rd., then east to the 6450 Rd., then southeast approximately one mile on the 6450 Rd. to the Arnold Creek Road, then southeast on Arnold Creek Road to Dubois Road, then to State Highway 503, then west on State Highway 503 to Cape Horn Creek, then down Cape Horn Creek to Merwin Reservoir and the Lewis River, then down the Lewis River to the Columbia River, then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554-Yale (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek, then east on Highway 503 to 6690 Rd. (Rock Creek Road), then northeast on the 6690 and 6696 roads to West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on Highway 503 to Dog Creek, then down Dog Creek to Yale Reservoir, then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek, then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-Toutle (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. (Merril Lake Road) intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Sec. 1, TWP 8N R4E), then north to the headwaters of South Fork Castle Creek, then down South Fork Castle Creek to Weyerhaeuser 3092 Rd., then west on the 3092 Rd. to 3090 Rd., then northwest on the 3090, 3000 and 3001 roads to the North Fork Toutle River, then down the North Fork Toutle River to the South Fork Toutle River. then south-east up the South Fork Toutle River to the 4950 Rd., then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 roads to the 1600 road, then southeast on the 1600 and 1400 roads to the Kalama/Coweeman summit, then south on the 1420 Rd. to the 1425 Rd., then southwest along the 12425 Rd. to the 6400 Rd., then southwest on the 6400 Rd. to the 6000 Rd., then east up the 6000 Rd. to the 6450 Rd., then southwest on the 6450 Rd. approximately one mile to the Arnold Creek Road, then southeast on Arnold Creek and Dubois roads to State Highway 503, then east on State Highway 503 to the 6690 Rd. (Rock Creek Road); then northeast on the 6690 and 6696 roads to the West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on State Highway 503 to USFS 81 Rd. and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558-Marble (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to

the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon, then east down Ape Canyon Creek to Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then northeast on USFS 99 Rd. to USFS 25 Rd., then south on USFS 25 Rd. to the Muddy River, then south down the Muddy River to the North Fork Lewis River, then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek, then north up Dog Creek to State Highway 503, then southwest to USFS 81 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560-Lewis River (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Rd., then north to ((the)) USFS ((82-Rd.)) 17 Road (Mt. Adams Recreational Road), then northeast to USFS 82 Road, then northeast on the USFS 82 Rd. to the Yakima Indian Reservation boundary (Sec. 16, T7N, R11E), then north along Reservation boundary (Cascade Crest) to USFS 5603 Rd., then west to the USFS 56 Rd., then west to the Cispus River, then northwest down the Cispus River to the USFS 26 Rd. (Ryan Lake Road), then west and south on the USFS 26 Rd. to USFS 99 Rd., then northeast to the USFS 25 Rd., then south to Muddy River, then south down the Muddy River to the North Fork Lewis River, then west to the USFS 90 Rd. bridge (Eagle Cliff), then east on USFS 90 Rd. to USFS 51 Rd., then southeast to USFS 30 Rd., then northeast on the USFS 30 Rd. to USFS 24 Rd., then southeast to the State Highway 141, then northeast on State Highway 141 to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-Battle Ground (Clark and Skamania counties): Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to the County Road 20; then southeast on County Road 20 to the Pup Creek Road; then southeast on Pup Creek Road to County Road 16; then southeast on County Road 16 through Yacolt to County Road 12; then southeast on County Road 12 to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412 Ave.; then south on N.E. 412th Ave. to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "St. Helens West")

GMU 568-Washougal (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz-Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Ave.; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to County Road 12; then northwest on County Road 12 to Moulton and County Road 16; then northwest on County Road 16 through Yacolt and Amboy to the Pup Creek Road; then northwest on the Pup Creek Road to County Road 20; then north on County Road 20 to the transmission line; then north on the transmission line to Merwin Dam on the Lewis River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 572-Siouxon (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning. (See Gifford Pinchot National Forest map, and Forest Protection Map "St. Helens West")

GMU 574-Wind River (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to Old State Road; then east to the USFS Road 60 (Carson-Guler Road); then northeast on USFS Road 60 to USFS Road 24 and State

Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; then northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning. (See Washington Atlas & Gazetteer, Gifford Pinchot National Forest map)

GMU 576-White Salmon (Klickitat, Yakima, and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then west to the B-Z Corners-Glenwood Road, then southwest to Highway 141 (B-Z Corners), then north to Trout Lake, then west on Highway 141 to USFS 86 Rd., then south to the USFS 1840 Rd., then south on the USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road), then south on the 18 Rd. to Willard and the Little White Salmon River, then south down the Little White Salmon River to the Columbia River, then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580-Sixprong (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale, then east to the Goldendale-Goodnoe Hills Road; then northwest along Goldendale-Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale-Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584-Goodnoe (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill), hen north on Highway 97 to Satus Pass and the Yakima Indian Reservation, then east along south Reservation boundary to the Yakima County line, then east to Goldendale/Bickleton Road, then southwest to Cleveland and Dot Road, then south to Goldendale/Goodnoe Hills Road, hen southeast to State Highway 14, then west to Sundale and mouth of Chapman Creek, then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. See Washington Atlas & Gazetteer)

GMU 586-Glenwood (Klickitat County): Beginning at B-Z Corners and State Highway 141, then north on State Highway 141 to Trout Lake and the USFS 80 Rd., then north to the USFS ((82)) 17 Rd., then ((north)) northeast to USFS 82 Rd., then northeast on USFS 82 Rd, to the Yakima Indian Reservation boundary (Sec. 16, T7N, R11E, then ((east)) south along the ((south)) Reservation boundary to (Summit Creek Primary Road, then south to the Klickitat River and the Truck Cut Road, then west) King Mountain and the southwest corner of the reservation (Sec. 27, T7N, R11E.), then east along boundary (approximately one mile) to the end of King Mountain Road, then north to the northern boundary of the Reservation at Sec. 2, T7N, R11E,

then east to the northeastern corner of section 4, T7N, R12E, then southeasterly along boundary to Summit Creek Primary Road, then south to the Glenwood/Goldendale Road, then northwest on the Glenwood/Goldendale Road to the Gravel Pit Road, then south on the Lakeside Road to the B-Z Corners/Glenwood Road, then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer and DNR Mt. Adams Quadrangle map)

GMU 588-Grayback (Klickitat County): Beginning at Highway 97 bridge across Columbia River (Maryhill), then west down the Columbia River to Lyle and the mouth of the Klickitat River, then up the Klickitat River to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Lakeside Road, then north on the Lakeside Road to the Gravel Pit Road, then ((north)) northwest to the Glenwood/Goldendale Road, then east ((to the Truck Cut Road, then north to the Summit Creek Primary Road, then)) and southeast on the Glenwood/Goldendale Road to the Summit Creek Primary Road, then northeast to the Yakima Indian Reservation boundary, then east along the southern boundary of the Reservation to Highway 97 (Satus Pass Highway), then south on Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

REGION SIX

GMU 601-Hoko (Clallam County): Beginning at the mouth of the Hoko River, then up the river to State Highway 112; then southeast along State Highway 112 to its junction with the Hoko-Ozette Road; then southeast along the Hoko-Ozette Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Makah Indian Reservation boundary; then east and north along the Makah Indian Reservation boundary to the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 602-Dickey (Clallam County): Beginning at the mouth of the Clallam River, then up the river to State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then southwest along U.S. Highway 101 to the junction with the LaPush Road; then southwest along LaPush Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Hoko-Ozette Road; then northeast along the Hoko-Ozette Road to its junction with State Highway 112; then northwest along State Highway 112 to the Hoko River; then down the Hoko River to its mouth and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 603-Pysht (Clallam County): Beginning at the mouth of the Clallam River; then up the river to the State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest

along the Burnt Mountain Road to its junction with U.S. Highway 101; then east along U.S. Highway 101 to the point where the highway enters the Olympic National Park, about one mile west of Lake Crescent; then north and east along the Olympic National Park boundary to the Elwha River; then north down the Elwha River to its mouth and the Strait of Juan de Fuca; then west along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 607-Soleduck (Clallam County): Beginning at Forks, then south along U.S. Highway 101 to the Bogachiel River; then east up the Bogachiel River to the Olympic National Park boundary; then north and east along the Olympic National Park boundary to its intersection with U.S. Highway 101; then west and south along U.S. Highway 101 to Forks to the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 612-Goodman (Jefferson and Clallam counties): Beginning at LaPush on the Pacific Ocean, then east along the LaPush Road to its junction with U.S. Highway 101 north of Forks; then south along U.S. Highway 101 to the Pacific Ocean below the mouth of the Hoh River; then north along the Pacific Ocean to LaPush and the point of beginning; EXCEPT that part of the Hoh Indian Reservation and the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 615-Clearwater (Jefferson County): Beginning at the junction of Bogachiel River and U.S. Highway 101, then east up the Bogachiel River to the Olympic National Park boundary; then south, east and west along the Olympic National Park boundary to where it meets the boundary of the Quinault Indian Reservation; then west along the Quinault Indian Reservation boundary to U.S. Highway 101; then north and east along U.S. Highway 101 to the Bogachiel River and point of beginning; EXCEPT that part of the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 618-Matheny (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinault Rivers that are outside the Olympic National Park and outside the Quinault Indian Reservation. (See Olympic National Forest map)

GMU 621-Olympic (Jefferson, Clallam and Mason counties): Beginning at the junction of U.S. Highway 101 and the Elwha River, then south up the Elwha River to the Olympic National Park boundary; then east and south along Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and Hood Canal; then

north along Hood Canal to Dabob Bay and Quilcene Bay to East Quilcene Road at the north end of Quilcene Bay; then west along East Quilcene Road to its junction with Chimacum Center Road; then south along Chimacum Center Road to Quilcene and U.S. Highway 101; then north and west along U.S. Highway 101 to the Elwha River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park mag and Washington Atlas & Gazetteer)

GMU 624-Coyle (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River, then south ur the Elwha River to U.S. Highway 101; then east and south along U.S. Highway 101 to Quilcene; then north on the Chimacum Center Road to its junction with East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay: then south along the east shore of Quilcene Bay to Dabot Bay and Hood Canal; then north along the shore of Hood Canal to Puget Sound; then north through Admirality Inle to Port Townsend and Juan de Fuca Straits (including Marrowstone Island); then west along the south shore line of Juan de Fuca Straits to the mouth of the Elwha River and the point of beginning; EXCEPT all of Indian Island ir Jefferson County. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 625-Indian Island (Jefferson County): Indian Island in Jefferson County. (See Washington Atlas & Gazetteer)

GMU 627-Kitsap (Kitsap, Mason, Pierce and King counties): Beginning at the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Beal Creek-Dewatto Road; then west on Bear Creek-Dewatto Road to the Mason-Kitsap County line; then west along the Mason-Kitsap county line to Hood Canal; then north along the shoreline of Hood Canal to Puget Sound at Hansville then south through Puget Sound to Nisqually Reach and Case Inlet; then north up Case Inlet to the town of Allyn and the point of beginning; also Vashon Island. (See Washing ton Atlas & Gazetteer)

GMU 633-Mason (Mason County): Beginning at the Mason-Thurston County Line on U.S. Highway 101 a Oyster Bay; then north and east through Oyster Bay, Tottel Inlet-Dana Passage and Case Inlet to the town of Allyn of State Highway 3; then north along Highway 3 to Belfair then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on the Bear Creek Dewatto Road to its junction with the Dewatto-Holly Road then west along the Mason-Kitsap County Line to Hood Canal; then south through Hood Canal to Hoodsport and U.S. Highway 101; then south along Highway 101 to the Mason-Thurston County Line and the point of beginning (See the Washington Atlas & Gazetteer)

GMU 636-Skokomish (Grays Harbor and Mason coun ties): Beginning at the junction of the Lake Cushman Hoodsport Road and U.S. Highway 101 at Hoodsport; the south down U.S. Highway 101 to its junction with the Shelton Dayton-Matlock Road (County Road 9010); the west to the town of Matlock; then west on the Matlock

Permanent [46]

Deckerville Road and Middle Satsop Road to the Kelly Road (C-500 Line); then north on the Kelly Road to its junction with the L-600 Line (Canyon River Road, Road 2260); then west on the L-600 line to USFS Road 22 (Montesano-Grisdale Road); then north on USFS Road 22 through Grisdale; then west and south on USFS Road 22 to where it crosses the East Fork of the Humptulips River; then upstream on the East Fork Humptulips River to the most northern point crossed by the range line 7W.W.M. and 8W.W.M., then north on this range line to its junction with Road 2302 (USFS Road 2204-200); then east and north on Road 2302 to the Olympic National Park Boundary; then east along the Olympic Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 638-Quinault Ridge (Grays Harbor and Jefferson counties): Beginning at the Olympic National Park boundary at the northwest corner of Lake Quinault; then southwest along the south shore of Lake Quinault to the boundary of the Quinault Indian Reservation; then southwest along this boundary to U.S. Highway 101; then south along U.S. Highway 101 to Quinault Ridge Road (Forest Service Road #2258); then northeast along the Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along that road to the Forest Service Road #2204; then northeast along Forest Service Road #2204 to the 2204-200 Spur Road; then north along this spur road to the boundary of the Olympic National Park; then west along the Olympic National Park Boundary to Lake Quinault and the point of beginning. (See Olympic National Forest map)

GMU 639-Humptulips (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Quinault Ridge Road (Forest Service Road #2258); then northeast along Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along Forest Service Road #2220 to the Forest Service Road #2204; then northeast along Forest Service Road #2204 and the 2204-200 Spur Road to a point crossed by the range line between range 7W.W.M. and 8W.W.M.; then south on this range line to the most northern point crossed by the East Fork of the Humptulips River; then downstream on the East Fork of the Humptulips to the USFS 22 Road; then west and south along USFS 22 Road to its junction with the Donkey Creek Road; then southwest along the Donkey Creek Road Forest Service Road #22) to its junction with U.S. Highway 101; then north along U.S. Highway 101 to its junction with the Quinault Ridge Road (Forest Service Road #2258) and the point of beginning. (See Olympic National Forest map)

GMU 642-Copalis (Grays Harbor County): Beginning at he U.S. Highway 101 bridge crossing the Hoquiam River in he City of Hoquiam; then north along U.S. Highway 101 to he boundary of the Quinault Indian Reservation; then southwest along the Quinault Indian Reservation boundary

to the Pacific Ocean; then south along the shore of the Pacific Ocean to Grays Harbor; then east along the north shore of Grays Harbor to the mouth of the Hoquiam River; then north along the Hoquiam River to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-Wynoochee (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (Forest Service Road #22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (Forest Service Road #22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (Forest Service Road #22) to the junction with the L-600 line (Canyon River Road, Road 2260); then east along the L-600 line to the concrete bridge over the West Fork of the Satsop River in Sec. 15, T.21N., R.7W.W.M.; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-Satsop (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 Bridge on the Satsop River, then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop to the concrete bridge on the L-600 Road (Canyon River Road, Road 2260); then east on the L-600 Line to its junction with the Kelly Road; then south on the Kelly Road to the Middle Satsop Road; then east on the Middle Satsop and Matlock-Deckerville Roads to the town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route #8, then west on State Route 8 to its junction with U.S. Highway 12; then west along Highway 12 to the Satsop River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-North River (Grays Harbor and Pacific counties): Beginning at the U.S. Highway 101 bridge across the Chehalis River in Aberdeen; then west along the Chehalis River to the river mouth; then west along the southern shore of Grays Harbor to the Pacific Ocean; then south along the Pacific Ocean to Willapa Bay; then east in Willapa Bay to the mouth of the Willapa River; then east up the Willapa River to U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the Chehalis River Bridge and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 660-Minot Peak (Grays Harbor and Pacific counties): Beginning at the junction of U.S. Highway 101 and U.S. Highway 12 in Aberdeen; then south along U.S. Highway 101 to the Smith Creek Road; then east along the Smith Creek Road to its junction with the North River Road; then east along the North River Road through Brooklyn and continuing east along the Brooklyn-Oakville Road to the town of Oakville; then north along U.S. Highway 12 to Elma; then west along U.S. Highway 12 to U.S. Highway

101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 663-Capitol Peak (Grays Harbor and Thurston counties): Beginning at the intersection of Highway 8 and Highway 12 near Elma; then southeast along U.S. Highway 12 to its junction with the Moon Road; then north on the Moon Road to the Gate-Mima Road; then northeast on Gate-Mima Road to Waddell Creek Road; then northeast and then northwest on Waddell Creek Road to Delphi Road; then north on the Delphi Road to U.S. Highway 101; then west on Highway 101 to Highway 8; then west on Highway 8 to Elma and Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 666-Deschutes (Thurston County): Beginning at the mouth of the Nisqually River; then south on the Nisqually River to old Pacific Highway (Mounts Road); then southwest on old Pacific Highway (Mounts Road) to Highway 510; then southeast on Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway S.E. (Old Highway 99); then north on Pacific Highway S.E. (Old Highway 99) to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue; then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on Highway 101 to the Mason-Thurston county Line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 667-Skookumchuck (Thurston and Lewis counties): Beginning at the old Pacific Highway (Mounts Road) Bridge on the Nisqually River; then upstream on the Nisqually River to Alder Lake; then along the north shore of Alder Lake to the town of Elbe and Highway 7; then south on Highway 7 to Highway 508 at Morton; then west on Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road and Salzer Road to Pearl Street; then north on Pearl Street to Highway 507; then northwest on Highway 507 to Interstate 5 then north on Interstate 5 to U.S. Highway 12; then west on Highway 12 to Moon Road; then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road: then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on McCorkle Road to Pacific Highway S.E. (Old Highway 99); then south on Pacific Highway S.E. (Old Highway 99) to Waldrick Road; then east on Waldrick Road to Stedman Road; then north and east on Stedman Road to Rainier Road; then southeast on Rainier Road to Spurgeon Creek Road; then north on Spurgeon Creek Road to the Yelm Highway; then east and northeast on Yelm Highway to Highway 510; then northwest on Highway 510 to Pacific Highway; then northeast on Pacific

Highway to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669-Palix (Pacific County): Beginning at the U.S. Highway 101 Bridge across the Willapa River in Raymond; then west along the Willapa River to Willapa Bay; then south along the east shore of Willapa Bay to the mouth of the North Nemah River; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line; then northeast on the Williams Creek A Line to the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line (on the north side of the Trap Creek Lookout) to the Bonneville Power Line Road; then north on the Bonneville Powerline Road to its junction with State Highway 6; then northwest along Highway 6 to its junction with U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the bridge across the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 672-Fall River (Pacific, Lewis and Grays Harbor counties): Beginning at the junction of U.S. Highway 101 and State Highway 6 in Raymond; then east along State Highway 6 to Doty Road (Stevens Road); then northwest on Stevens Road to the Elk Creek Road (in Doty); then west on the Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then north on the Garrard Creek Road to the Brooklyn-Oakville Road; then east along the Brooklyn-Oakville Road, North River Road, to the Smith Creek Road; then southwest along the Smith Creek Road to U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Highway 6 and the point of the beginning. (See Washington Atlas & Gazetteer)

GMU 678-Nemah (Pacific and Wahkiakum counties): Beginning at the mouth of the North Nemah River on Willapa Bay; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line to the C2000 line to the Trap Creek A Line; then east along the Trap Creek A Line (north side of Trap Creek Lookout) to the Bonneville Powerline Road; then south along the Powerline Road to the Salmon Creek Road; then southwest along the Salmon Creek Road to State Highway 4; then west along State Highway 4 to its junction with U.S. Highway 101 at Johnson's Landing and continuing west along U.S. Highway 101 to the Naselle River bridge; then down the Naselle River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the North Nemah River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 681-Bear River (Pacific and Wahkiakum counties): Beginning at the Deep River Bridge on State Highway 4; then down the Deep River to the Columbia River; then west along the Columbia River to the mouth of the Wallacut River; then up the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway No. 101, north on Alternate U.S. Highway No. 101 and northeast on U.S. Highway 101 to the Bear River; then down the Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of

Permanent [48]

the Naselle River and up the Naselle River to U.S. Highway 101; then east along U.S. Highway 101 to its junction with State Highway 4 at Johnson's Landing; then southeast along State Highway 4 to the Deep River Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 684-Long Beach (Pacific County): The Long Beach Peninsula and those lands west of the following line; beginning at the mouth of Bear River; then up the Bear river to U.S. Highway 101; then southwest along U.S. Highway 101 to Alternate U.S. Highway 101; then south along Alternate U.S. Highway 101 to U.S. Highway 101; then southeast along U.S. Highway 101 to the Wallacut River; then down the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer)

DEER AREA DESCRIPTIONS

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway No. 165; then south and east along State Highway No. 165 to where it intersects the Mt. Rainier National Park boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles NE of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; hen up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road T16N, R6E, Sec. 19, SW 1/2 of SW 1/2); then in a line to he 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it ntersects the 843 Road; then along the 843 Road to where t intersects the 84 Road; then along the 84 Road to where t intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it ntersects the range line between Ranges 4 & 5 East, W.M.; hen north on said line to northwest corner of Sec. 31, T17N, R5E; then east on section line between sections 30 and 31. [17N, R5E to 1/4 corner (Champion ownership); then north rom said corner along ownership line to the point closest to he southernmost extension of the 0-100 Road (approx. 3/4 nile); then in a northwest line to the 0-100 Road, then along

the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of trail #1433 and Butte Trail #1440; then northwest along Butte Trail #1440 to South Pyramid Trail #1439; then southwest to intersection of trail #1437; then due west to Trail #1434; then northwest to Trail #1435; then south to Trail #1400; then southeast to Garland Creek; then west to Garland Peak; then north along trail #1408 to Trail #1515; then south to Trail #1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 030 Squaw Creek (Benton, Kittitas, Yakima counties): That portion of GMU 370 north of State Highway 24. (See Washington Atlas and Gazetteer)

Deer Area No. 031 Patterson (Benton and Klickitat counties): Beginning at the junction of Highway No. 14 at Patterson; then west on Highway No. 14 to Alderdale Road; then north on Alderdale Road (including section 22 of Township 5N, R23E) to Smith Road; then east on Smith Road to McKinley Springs Road; then northeast on McKinley Springs Road; then east on Horrigan Road to Highway No. 221; then south on Highway No. 221 to Highway No. 14 and point of beginning. (See Washington Atlas and Gazetteer)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to Ridge Lake; then in a northwest direction approximately one-half mile to Gravel Lake; then down the Gravel Lake tributary to Goat Creek; then down Goat Creek to its intersection with Alpine Lakes Wilderness Area boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas and Gazetteer)

Deer Area 041 Pilchuck (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along Highway 530 to a point in Section 10, T32N, R7E where it intersects with the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the divide between Jim Creek and the north fork of Canyon Creek (Section 11, T31N, R7E), then down the

north fork of Canyon Creek and Canyon Creek to the south fork Stillaguamish River, then down the Stillaguamish River to Jordan Road, then along Jordan Road to Granite Falls then south along Menzel Lake Road to the Pilchuck River Road (P-5000); then east on P-5000 Road to Culmback Dam (Spada Lake); then southeast on Culmback Dam Road to Sultan Basin Road at Olney Pass; then south on Sultan Basin Road to Kellogg Lake Road to U.S. Highway 2 east of Sultan; then west on Highway 2 to Monroe; then south on Highway 203 to Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas and Gazetteer or Mount Baker/Snoqualmie National Forest map.)

Deer Area 042 Tolt (King and Snohomish counties): Beginning at intersection of Highway 202 and the Tokul Creek Road S.E. (near Snoqualmie Falls); then north on Tokul Creek Road S.E. and onto S.E. 53rd Way then onto the S.E. 53 Road; then along S.E. 53rd Road to its junction with the Weverhaeuser mainline; then north on Weyerhaeuser mainline road through Gate 4 onto the Weyerhaeuser mainline truck road; then north on Weyerhaeuser mainline truck road (approximately 23 miles) to its junction with Proctor Creek Road; then north on Proctor Creek Road to its junction with Highway 2; then west on Highway 2 to its junction with Highway 203 at Monroe; then south on Highway 203 to its junction with Highway 202; then east along Highway 202 to the point of beginning. (See Washington Atlas and Gazetteer or Weyerhaeuser Recreational Map and Thomas Brothers Guide.)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas and Gazetteer)

ELK AREA DESCRIPTIONS

Elk Area No. 001 Trinidad (Grant ((and)), Douglas, Okanogan, Adams, and Franklin counties): All of Douglas ((and)), Grant, Okanogan, Adams, and Franklin counties except closed in the corridor described as follows: Beginning at East Wenatchee and ((following a line parallel to and one-half mile north and east of Highway No. 28 from East Wenatchee to a point in Grant County one-half mile north of SR-28 on)) Highway 28 and proceeding along Highway 28 to Road "U" N.W. in Grant County; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to ((the)) Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Sec. 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia River; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate #90; then west along Interstate #90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Wildlife map)

Elk Area No. 003 Kingsbury (Chelan, Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; ther northwest and southwest along State Highway No. 12 to Coal Creek in Sec. 1, Twp. 13N., R 9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M. across the Cowlitz River to the Gifford Pinchot National Forest boundary in the NE corner of Sec. 1, Twp. 13N., R 9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Sec. 9. Twp 13N., R 9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south Park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway No. 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis ((County)) and Cowlitz counties): Beginning at ((the Cedar Creek Bridge)) Interstate 5 and State Highway 505 junction, then east along State Highway ((No.)) 505((; then northeast up Cedar Creek approximately 4 miles to the Weyco 1970 line; then north and west along the Weyco 1970 line approximately 3.5 miles to the Weyco 1800 line; then north along the Weyco 1800 line approximately 1 mile to the Evans Road; then southwes along the Evans Road to the Layton Road; then south along the Layton Road to State Highway No. 505; then east and southeast along State Highway No. 505 to Cedar Creek Bridge and the)) through the city of Toledo to the Laytor Road, then north along the Layton Road to the Evans Road

then east along the Evans Road to the Weyerhaeuser 1800 line to the Weyerhaeuser 1890 line to State Highway 504, then west along State Highway 504 to the Tower Road, then west on Tower Road to the junction of Tower Road and State Highway 504, then west on State Highway 504 to Interstate 5, then north on Interstate 5 to the junction with State Highway 505 and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road to Umtanum Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approxinately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, Γ20N, R21E); then north and west along North Fork of Farpiscan Creek Road to Colockum Pass Road (Section 9. [20N, R21E]; then south and west on Colockum Pass Road o section line between Sections 8 and 9 as well as Sections 1 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jumpoff Road; then south and west on Jumpoff Road to Shaller Road; then north and west on Shaller Road o Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee leights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest in Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on 'eavine Canyon Road to Number Two Canyon Road; then orth on Number Two Canyon Road to Crawford Street in Venatchee; then east on Crawford Street to the Columbia liver; then south and east along the Columbia River to the owerline south of Colockum Creek and point of beginning. See Washington Atlas and Gazetteer)

Ilk Area No. 033 Peshastin (Chelan County): Beginning t Crawford Street and the Columbia River in Wenatchee; hen west on Crawford Street and Number Two Canyon toad to USFS #7101 Road (Peavine Canyon); then west on JSFS #7101 Road to Mission Creek Road; then north on Aission Creek Road to USFS #7104 Road (Sand Creek); hen west on USFS #7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek rosses USFS #7200 Road, T22N, R18E, Section 4; then

north along USFS #7200 Road to Highway #97; then north on Highway #97 to USFS #7300 Road (Mountain Home Road); then north on the USFS #7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning. (See Department of Wildlife map)

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone) (See Gifford Pinchot National Forest Map)

Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 720 Road, then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek roads to the town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the town of Randle; then east along Highway 12 to the Bennett Road approximately one mile east of Cora Bridge; then west on Bennett and Cline roads to the Cispus Road; then north on said road to the town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Sec. 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Sec. 15, T12N, R4W((++)))); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and

State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of unit 514 (Tatoosh) lying east of Highway No. 123 and north of Highway No. 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest Map)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the eastern most junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9 W.W.M; then east on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkey A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between Twp 20N and 19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen, then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 067 South Willapa (Pacific County) Beginning in the City of South Bend at the junction of U.S Highway 101 and the Skidmore Slough C-line; then south or the Skidmore Slough C-line to its junction with the B-line it Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M. then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, ((Two [Twp.])) Twp. 13 N., R. 8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; ther southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west or Chinook Valley Road to its intersection with the east branch of the Wallicut River; then north along the Wallicut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south or Highway 101 alternate to Highway 101; then east or Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer)

BOW AND ARROW AREA DESCRIPTIONS

Bow Area No. 802 Long Island (Pacific County): Long Island in Pacific County. (See Washington Atlas & Gazet teer map)

Bow Area No. 806 Rattlesnake (Yakima County) Beginning at the point where USFS Road #1500 crosses. Little Rattlesnake Creek, near Hanging Tree Campground then southwest up Little Rattlesnake Creek to USFS Road #1500; then north along Road #1500 to USFS Trail #110 (MJB Trail); then northwest along MJB Trail to USFS Trail #981 then west along Trail #981 to USFS Trail #982; then northeast along Trail #982 to USFS Trail #973; then northwest along Trail #973 to the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road #1502; then east on Road #1502 to USFS Road #1500 then east on Road #1500 to Little Rattlesnake Creek and the point of beginning. (See Wenatchee National Forest map)

Bow Area No. 807 Ahtanum (Yakima County): That par of GMU 368 which lies west of the following boundary beginning at the junction of the North and South fork o Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road #C1050); then north on Road #C1050 to South Fork of Cowiche Creek; then eas down South Fork Cowiche Creek to the power line whicl crosses near the mouth of Reynolds Creek; then northwes along the powerline to Jump-off (USFS Road #1302) Except closed east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two mile west of the Tampico Store. (See Wenatchee National Fores map)

Bow Area No. 808 Acme (Whatcom County): Beginning at the town of Acme; then north on Highway No. 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of Twp. 38 N, R 5 E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway No. 9; then north along Highway No. 9 to Acme and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 820 Malott (Okanogan County): Beginning south of the town of Riverside, then south down the Okanogan River to Highway 97 bridge at mouth of river, then west on Highway 97 through the town of Brewster to the Indian Dan Canyon Road, then north to Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff (approximately 1/2 mile south of Rat Lake Road), then west on Hanford Cutoff to the North Star Road, then north on North Star Road to junction with Chiliwist Road then east on Chiliwist Road to junction with Olema/Cook Mt. Road, then north on Olema/Cook Mt. Road to its junction with Highway 20, then east on Highway 20 to the junction with Buzzard Lake Road, then north on Buzzard Lake Road to the junction with Windy Hill Road, then east on Windy Hill Road to its junction with Spring Coulee/ Salmon Creek Road, then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road, then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff Road, then northeast of the Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 831 Hamilton (Skagit County): Beginning at the point where State Highway No. 20 crosses Child's Creek approximately one mile west of Lyman; then east along Highway No. 20 to the Burpee Hill Road at Concrete; then north along said road to the Baker Lake Highway; then west along said highway to the DNR Road N. 2400; then continue west along said line to the DNR 2000 line; then north along said line to the DNR 2800 line; then west along said line to the Scott Paper Mainline; then north along said line to the Scott Paper Mainline; then north along said line to the Scott Paper 110 line; then continue west along said line to where it crosses Child's Creek; then south down said creek to State Highway No. 20 and point of beginning. (See Washington Atlas & Gazetteer)

MUZZLELOADER AREA DESCRIPTIONS

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to the Fowler Creek Road (4517); southeast on Spur Road 117 to Granite Creek Trail #1326; then south on Trail #1326 to the top of South Cle Elum Ridge; then east along the ridge on Trail #1326 to Spur Road 111; then east on Road 111 to the Peoh Point Road (3350); then southeast on Road 3350 to the junction with Road 3352; then east on Road 3352 to the Cedar Creek Road; then south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road to Interstate Highway 90; then east on I-90 to Exit 106 and junction with Highway 97; then north on Highway 97 to Hungary Junction Road and east on Hungary Junction Road to Look Road; then north on Look Road and east on Alford Road to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reecer Creek Road, USFS Road 35, then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718; then southwest on USFS Road 9718 (Cougar Gulch Road) through the town of Liberty to Highway 97; then north on Highway 97 to USFS 9738, Blue Creek; then west on USFS 9738 to USFS 9702 Dickey Creek; then west on Road 9702 to the North Teanaway Road; then south to the junction with Middle Fork Teanaway Road; then west on Middle Fork Road 1/4 mile to Teanaway Campground; then south up #17 Canyon Road to Cle Elum Ridge Road; then west ((on)) along Cle Elum Ridge Road and south to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map and Washington Atlas and Gazetteer)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line, then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer.)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the town of Ritzville, then south along S.R. 261 to Washtucna, then east on S.R. 26 to the Whitman County line, then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line, then north along the Adams, Lincoln County line to Interstate 90, then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 926 Guemes (Skagit County): That part of GMU 405 (Chuckanut) on Guemes Island.

Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway No. 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hansen Creek; then south down Hansen Creek to State Highway No. 20; then east along State Highway No. 20 to Childs Creek and point of beginning.

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway #410 and USFS Road #1701 (Big Bald Mountain Road); then north to USFS Road #1712; then east on USFS Road #1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway #410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the S.F. Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 [440] Road; then northeast on the 440 [4400] Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Folk Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park boundary near Lake Ozette. (See Olympic National Forest Map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park boundary; then along Olympic National Park boundary to the section line between Sections 32 and 33 of T 30 N, R 7 W. W. M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas and Gazetteer)

Goat Unit 2-1 Mount Chopaka:

Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down said river and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up said creek and north up the North Fork Toats Coulee Creek to Snowshoe Mountain and the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; EXCEPT CLOSED in Township 39 North, Range 25EWM, which includes Grandview Mountain.

Goat Unit 2-2 Methow Area:

Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road #4440)

to roads end; westerly up the Twisp Pass Trail #432 to Twisp Pass and the Okanogan County line; northerly along the Chelan-Okanogan County line through Washington Pass to the Cascade Summit; northerly along the Cascade Summit and the Okanogan County line to Harts Pass; southeast down Harts Pass (Road #5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-1 East Stevens Pass:

Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning EXCEPT those lands within 1/2 mile of Alpine Lookout.

Goat Unit 3-2 North Wenatchee Mountains:

Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

Goat Unit 3-3 Goat and Davis Mountains:

Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

Goat Unit 3-4 Snoqualmie:

Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail #1322; then southwest along the Trail Creek Trail to the Waptus River Trail #1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

Goat Unit 3-5 Cle Elum:

Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and point of beginning.

Permanent [54]

Goat Unit 3-6 Naches Pass:

Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-8 Bumping River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation boundary; then east to USFS Road 1137; then west to USFS Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 4-1 Ruth Creek Area:

Permit Area: Whatcom County within the Mt. Baker Wilderness of the Mt. Baker-Snoqualmie National Forest north of the North Fork Nooksack River.

Goat Unit 4-3 Chowder Ridge:

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

Goat Unit 4-4 Lincoln Peak:

Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the

summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail #603 (5,000 ft.); then west along Baker Pass Trail #603 to the Ridley Creek Trail (#690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

Goat Unit 4-6 Dillard Creek:

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (#603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

Goat Unit 4-7 Avalanche Gorge:

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

Goat Unit 4-8 East Ross Lake:

Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the Park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not

included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

Goat Unit 4-9 Jack Mountain:

Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-10 Majestic Mountain:

Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park boundary; then east along the Park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

Goat Unit 4-12 Mt. Tommy Thompson:

Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northernmost extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southern-most extension of Muchler Creek; then northeast down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

Goat Unit 4-14 Mt. Buckindy:

Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suiattle River; then east up the Suiattle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek; then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then southwest up Muchler Creek to its southern-most extension; then continue southwest over the ridgetop at 6,921 foot elevation to the northern-most extension of Buck Creek; then continue southwest down Buck Creek to the Suiattle River and the point of beginning.

Goat Unit 4-16 Glacier Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately

1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiattle River to Mill Creek; then up the Mill Creek Trail (#790) and the Pacific Crest Trail (#2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest, then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

Goat Unit 4-18 Sauk River Area:

Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail #646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then east along said trail to the Pacific Crest Trail (#2000); then north along the Pacific Crest Trail to White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

Goat Unit 4-21 Liberty Mountain:

Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then east along said highway to the Darrington-Clear Creek Road (USFS Road 20); then southeast along that road to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail #712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

Goat Unit 4-23 Twin Peaks:

Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail #645 to USFS Road 3006; then south down said road to the Mountain Loop Highway; then east and north on said highway to Falls Creek and the point of beginning.

Goat Unit 4-24 Sloan Peak:

Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail #708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down

Permanent [56]

the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

Goat Unit 4-25 Vesper Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail #707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmback Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the Mountain Loop Highway bridge over Bear Creek and the point of beginning.

Goat Unit 4-30 Tolt River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacaed Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to the point of beginning.

Goat Unit 4-32 Foss River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail #1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail #1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction

with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River:

Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass:

Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail #1188; then northwest along said trail to USFS Trail #1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh:

Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek:

Permit area: Lewis County within the following described boundary: Beginning at the town of Randle; then east along U.S. 12 to USFS Road 21; then southeast along USFS Road 21 to Road 22; then northeast and northwest along USFS Road 22 to Road 23; then east and northwest on Road 23 to Road 25; then north along Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks:

Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Goat Unit 6-1 Elwha River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.

Goat Unit 6-2 Quilcene River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

Goat Unit 6-3 Hamma Hamma River:

Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

MOOSE

Moose Unit 1 Selkirk Mountains:

Permit Area: GMU 113.

Moose Unit 2 Mt. Spokane:

Permit Area: GMU 124.

Moose Unit 3 Chewelah:

Permit Area: GMU 118.

Moose Unit 4 Boyer:

Permit Area: GMU 119.

BIGHORN SHEEP

Sheep Unit 1 Okanogan:

Permit Area: Okanogan County west of the Okanogan River.

Sheep Unit 2 Vulcan Mountain:

Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River:

Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 5 Umtanum:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 6 Murray:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 8 Mountainview:

Permit Area: That part of Asotin County within the following described boundary: Beginning at Anatone; thence west along the main Big Butte-Mount Misery Road to its junction with the Mountain Road (#40); thence south along the Mountain Road to the West Fork of Grouse Creek; thence southeast down Grouse Creek to the Oregon-Washington boundary; thence east along said boundary to State Highway 129; thence north along Highway 129 to Anatone and point of beginning.

Sheep Unit 9 Blackbutte:

Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couse) that drains

into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway No. 129.

Sheep Unit 10 Mt. Hull:

Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews, then east to the Dry Gulch Road; then north to the Molson Grade Road; then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness:

Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

LYNX

Permit Area: That part of Okanogan County west of the Okanogan River except closed within the following described boundary: Beginning at Okanogan, then west along State Highway 20 to Twisp; then north along the Methow River to the Chewuch River; then north along the Chewuch River to the Pasayten Wilderness boundary; then east and north along boundary to the U.S.-Canada border; then east along said border to U.S. Highway 97; then south along U.S. Highway 97, to Okanogan and point of beginning.

COUGAR PERMIT AREA DESCRIPTIONS Unit Description

Unit	Description
1	Pend Oreille—GMU 113
2	Colville—GMUs 108, 111, 118, and 119
3	Republic—GMUs 100, 103, 105, 200, and 206
4	Spokane—GMUs 121 and 124
5	Blue Mountains—GMUs 145 through 185
6	Okanogan—GMUs 203, 209-242, and 300
7	Wenatchee—GMUs 301-368
8	Nooksack—GMU 418
9	Skagit-GMUs 426, 433, 440-448, and 450
10	Snoqualmie—GMUs 454, 460, 466, 472, 490
11	Olympic Peninsula—GMUs 601-651, and 663
12	Rainier—GMUs 478, 484, 505, 510, 512, 514,
	516, 666, and 667
13	Cowlitz—GMUs 520, 530, 550, 556, and 558
14	Skamania—GMUs 560, 568, 572, 574, and 576

PRIVATE LANDS WILDLIFE MANAGEMENT AREA

Area Description

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E,; North 1/2 of Section 3, Section 4* except southeast 1/4 of southeast 1/4; Sections 5, 6, 8, and 9. T23N, R29E, Sections 5, 7, 8, 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Sections 31, 32*, 33, 34*, and 35. T23N, R28E, Section 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section 5;

Section 6 except west 1/4; Sections 7 and 8; Section 9 except east 1/2 of southeast 1/4; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; Section 15; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; west 1/4 of Section 24*; Sections 26*, 27, 28, 29, 30, and 33; west 1/2 of Section 34 except south 1/4; Section 35. T24N, R29E, west 1/2 of Section 32. T24N, R28E, Section 35. *Public lands within the external boundaries are not part of the PLWMA.

PLWMA 401 - Champion (Pierce County): Beginning at the intersection of Champion haul road (Champion 1 Rd.) and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to NW corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6. T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to SW corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to SE corner Section 31, T16N, R7E; then north along USFS/Champion ownership to NW corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to NE corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to SE corner Section 32, T16N, R7E; then east along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to NE corner Section 33 T17N, R7E, then following north and east along USFS/Champion ownership line to intersection with SR 165 near the NE corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the Carbonado/Electron powerline; then south and west along the powerline to Champion's 12 road; then south and west along the 12 road to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection with Champion haul road bridge; then south along Champion haul road to point of beginning.

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

WSR 93-13-050 PERMANENT RULES CENTRALIA COLLEGE

[Order A-1(93)-Filed June 15, 1993, 2:30 p.m.]

Date of Adoption: May 6, 1993.

Purpose: To amend hours of operation during the summer months.

Citation of Existing Rules Affected by this Order: Amending WAC 132L-133-020.

Statutory Authority for Adoption: RCW 28B.50.090(10).

Pursuant to notice filed as WSR 93-06-067 on March 1, 1993.

Effective Date of Rule: Thirty-one days after filing.
 May 6, 1993

Jack R. Kalmbach
Dean of Administration

CENTRALIA COLLEGE, DISTRICT 12 CHAPTER 132L-133 ORGANIZATION

[AMENDATORY SECTION (Amending WSR 90-05-005, filed 2/9/90)]

WAC 132L-133-020 Organization—Operation—Information. (a) Organization. Centralia College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(b) Operation. The administrative office is located at the following address: Hanson Administration Building, Corner of Walnut and Rock Streets. The mailing address is 600 West Locust, Centralia, WA 98531.

The operating hours are 8 a.m. to 5 p.m., Monday through Friday, except legal holidays for fall, winter and spring quarters (approximately September 1 through June 15). Summer hours (approximately June 16 through August 31) are 7:30 a.m. to 5:00 p.m. Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday, except holidays. Educational operations are located at the following addresses: 600 West Locust, Centralia and East County Center, Morton.

(c) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Admissions Office, 600 West Locust, Centralia, WA 98531.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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 93-13-055 PERMANENT RULES BOARD OF PILOTAGE COMMISSIONERS

[Filed June 16, 1993, 1:01 p.m.]

Date of Adoption: June 10, 1993.

Purpose: To amend the Grays Harbor pilotage tariff. Citation of Existing Rules Affected by this Order: Amending WAC 296-116-185.

Statutory Authority for Adoption: RCW 88.16.035. Pursuant to notice filed as WSR 93-10-102 on May 5, 1993.

Changes Other than Editing from Proposed to Adopted Version: The adopted version represents a decrease of 12.83753% from the proposed version.

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

June 15, 1993

Thomas F. Heinan

Chair

AMENDATORY SECTION (Amending WSR 93-03-080, filed 1/19/93, effective 2/19/93)

WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ((\$42.92)) \$47.07 per meter (or ((\$13.06)) \$14.32 per foot) and the tonnage charge shall be ((\$0.1369)) \$0.1501 per net registered ton. The minimum net registered tonnage charge is ((\$478.90)) \$525.17. The charge for an extra vessel (in case of tow) is ((\$273.67)) \$300.11.

Boarding fee:

Harbor shifts:

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance ((\$\frac{\pma}{63.53})) \$\frac{\pma}{569.67}

Pilot when traveling to an outlying port to join a vessel or returning through an

outlying port from a vessel which has been piloted to sea shall be paid ((\$478.91)) \$525.18 for each day or fraction thereof, and the travel expense incurred ((\$478.91)) \$525.18

Bridge transit:

Charge for each bridge transited . . . ((\$150.28)) \$164.80

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 93-13-062 PERMANENT RULES GAMBLING COMMISSION

[Order 240-Filed June 17, 1993, 10:15 a.m.]

Date of Adoption: June 11, 1993.

Purpose: WAC 230-04-040, amendment moves the requirement for charitable/nonprofit organizations to submit a plan of operations with their bingo license application from WAC 230-20-064 to WAC 230-04-040 and clarifies the information needed to assess the profitability of their proposed bingo operation and potential for compliance with WAC 230-20-064; WAC 230-08-095, establishes guidelines for bingo operators to follow in capitalizing operating assets, start-up costs and leasehold improvements; WAC 230-20-010, amendment clarifies the requirements for disclosure of prizes, rules of play and any contingencies to bingo players; WAC 230-20-064, amendment sets forth conditions in which bingo licensees may petition staff for relief from prize payout and net income requirements and the corrective action and/or penalties for not meeting the requirements. It also reduces the annual minimum net income requirements for all classes by 1%; WAC 230-20-242, consolidates and clarifies the requirements for conducting activities in conjunction with bingo games such as drawings, creativity contests, good neighbor games and bonus prize schemes; WAC 230-20-246, clarifies requirements for the sale of bingo cards and for the selection of symbols and numbers during bingo games. Also includes requirements for conducting bonus bingo game prize schemes; and WAC 230-40-125, decreased the players collection of a "natural 21" form twice the amount of their bet to 1.5 times the amount of their bet. Allows a player to deal more than one consecutive shoe before passing the deal if there are less than five players at a table and the remaining players have passed the deal. Conditions for doubling down shall be set by a house rule provided that the wager may be doubled and the player received only one more card.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-040, 230-08-095, 230-20-010, 230-20-064, 230-20-246 and 230-40-125; and new section WAC 230-20-242.

Statutory Authority for Adoption: RCW 9.46.070. Pursuant to notice filed as WSR 93-10-042 on April 29, 993.

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

June 17, 1993 Sharon M. Tolton Rules Coordinator

AMENDATORY SECTION (Amending Order 190, filed 4/18/89, effective 7/1/89)

- WAC 230-04-040 Certification procedure—Charitable and nonprofit organizations—Additional information required. (1) Any organization requesting a license to conduct bingo in Group I or any organization requesting a license to conduct nonbingo activities with annual gross gambling receipts of less than \$500,000 shall submit the information required in the annual certification report pursuant to WAC 230-08-122(1) as a condition of certification.
- (2) Any organization requesting a license or license upgrade to conduct bingo in Group II or III, or to conduct any other gambling activity in excess of \$500,000 gross gambling receipts, shall submit the information required in the annual certification report pursuant to WAC 230-08-122 (1), (2), and, if applicable, (3) as a condition of certification.
- (3) Any organization not currently licensed to conduct bingo in any class and applying for a class D or above license or applying for a bingo license for any class and planning to pay premises rent exceeding one thousand dollars per month, including all terms, shall submit a proforma plan of operations, including a market study. The plan shall be detailed enough to allow commission staff the ability to assess the profitability of the planned game and potential for compliance with WAC 230-20-064. The plan shall include at least the following information:
 - (a) Research procedures and planning assumptions used;
 - (b) Planned attendance;
 - (c) Anticipated market area;
 - (d) Bingo card prices and estimated sales per player;
 - (e) Bingo prize payouts and game schedules;
 - (f) Estimated expenses and net income;
- (g) Other income generating activities planned in conjunction with the game or premises, including the estimated net income from these activities; and
 - (h) Other information requested by commission staff.

AMENDATORY SECTION (Amending Order 223, filed 6/17/91, effective 7/18/91)

- WAC 230-08-095 Minimum standards for Class D and ((larger)) above bingo games—Monthly and annual accounting records. Each operator of bingo games licensed in Class D or above shall maintain accounting records necessary to document all receipts and disbursements of the licensee, including but not limited to those related to bingo.
- (1) This accounting system shall be double entry and conform to general accepted accounting principles (GAAP), except as modified by other commission rules and instructions for activity reports((.—All));
- (2) The accrual method of accounting shall be mandatory and all income shall be recorded when earned and all expenses recorded when incurred (((accrual accounting method))): Provided, That the cash, modified cash, or tax basis accounting methods ((shall)) may be allowed if ((they)) such method accurately represents the licensee's financial

- position and results of operations and ((have been approved by the commission. The accrual method is mandatory when a licensee has)) the licensee does not have substantial liabilities or expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.
- (((1))) (3) Organizations shall adopt a capitalization policy that is based on materiality and expected life of operating assets. Class F and above bingo licensees are authorized to use the following guidelines for determining a minimum level for capitalizing assets:
- (a) Assets exceeding two thousand dollars and having a useful life that exceeds one year should be capitalized and depreciated or amortized over the useful life of the asset;
- (b) Preoperating start-up costs related to bingo games that exceed six thousand dollars should be capitalized and amortized over sixty months, beginning with the first month that bingo games are conducted;
- (c) Leasehold improvements related to bingo games and exceeding two thousand dollars should be amortized over a period that does not exceed the life of the lease: *Provided*, That the amortization period may be extended to include any lease option periods if the organization's management states a reasonable expectation that the option will be exercised. All unamortized leasehold improvements shall be charged as an expense of the bingo game in the year that the lease expires.
- (4) The minimum accounting records required shall include:
- (a) A cash disbursements journal and/or check register;
 - (b) A cash receipts and/or sales journal;
 - (c) A listing of all assets and liabilities;
- (d) A complete general ledger system must be maintained if the licensee has substantial assets and/or liabilities or((7)) if licensed to receive more than \$300,000 in gross gambling receipts; and
- (e) Bank statements, related deposit slips, and cancelled checks.
- $((\frac{(2)}{2}))$ (5) All expenditures by the licensee relating to gambling activities, shall be sufficiently documented in the following manner:
- (a) Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:
- (i) The name of the person or entity selling the goods or providing the service;
- (ii) A complete description of goods or services purchased;
- (iii) The amount of each product sold or service provided;
 - (iv) The price of each unit;
 - (v) The total dollar amount billed; and
 - (vi) The date of the transaction.
- (b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, should be supported by other written documentation indicating at least the following details:
 - (i) The name of the person receiving the payment;
 - (ii) The amount;
 - (iii) The date; and
 - (iv) The purpose.

- (c) Normally, cancelled checks and/or bank statements without further support, such as listed in $((\frac{(2)}{(2)}))(5)(a)$ and (b) above, are not considered sufficient documentation.
- (((3))) (6) All expenditures by the licensee relating to nongambling activities shall be sufficiently documented to provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s) and conforms to generally accepted accounting principles.

AMENDATORY SECTION (Amending Order 182, filed 8/16/88)

WAC 230-20-010 Disclosure of prizes and rules. All ((prizes awarded in connection with bingo and amusement games, whether in eash or merchandise, and all))licensees shall inform all persons contemplating participation in bingo or amusement games of the cost to play, rules of play, and prizes available. Notification must be prior to requiring the player to make any payment for the opportunity to take part in the activity.

- (1) Information that must be disclosed:
- (a) All costs to participate;
- (b) A complete list and description of all prizes available, and including any extra cost or conditions of ownership related to prizes;
- (c) The licensee's cost or the retail value for all noncash prizes that exceed five hundred dollars. If the retail value is disclosed, it must be identified as such by including an explanation such as "retail value" or "MSRP."
- (d) All rules by which such prizes may be won((; including all costs to a participant, shall be disclosed to each participant in the licensed activity prior to that participant taking part in the activity or paying for the opportunity to take part in the activity.));
- (e) Any contingencies that may change the cost to play or prizes available; and
 - (f) Whether duplicate cards are in play.
- (2) Disclosure shall be made by conspicuously posting or displaying signs upon the premises where the activity is operated((, the available prizes, or a list and complete description thereof, together with the rules of the activity, an explanation of how each prize can be won, and the cost to participate in the activity)). Disclosure may be made by signs or by printed flyers or handouts available at the premises;
- (3) Any broadcast or published advertisements or ((published)) other printed information ((pertaining)) distributed to the public which pertains to ((bingo prizes,)) game schedules, prizes to be awarded at bingo games, or cost related to play must disclose if there are any contingencies which may result in changes to these ((prizes. In)) terms: Provided, That advertised bingo prizes and game formats may be changed in case of inclement weather, natural disaster, or other unforeseen ((emergency, bingo prizes and game format may be changed; provided, a sign with the changes must be conspicuously posted so that all participants are aware of any changes prior to paying for the opportunity to play.)) emergencies, if players are so informed prior to purchasing cards;
- (4) In those cases where persons are able to pay for the opportunity to participate in the activity after the winner of any one of the prizes offered has been determined, the

licensee shall remove each prize won from any display of prizes, and from any list of prizes which have been posted or displayed upon the premises where the activity is conducted, immediately upon the determination of the winner of that particular prize: *Provided*, That during a bingo session, players may be informed by use of the public address system and prominent display of the game name or number.

AMENDATORY SECTION (Amending WSR 90-10-007, filed 4/19/90, effective 7/1/90)

WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to conduct bingo games must comply with the following limitations:

- (1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-201 ((and)), Table 1. ((below. Any organization not currently licensed to conduct bingo at any class and applying for a Class "D" or above license shall submit with its license application a pro forma plan of operation including a market study with: Planned attendance; prices; prize payout schedules; net income predictions; and any other information requested by the commission), or as restricted by the commission under subsection (6) of this section.
- (2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license, or as restricted by the commission under subsection (6) of this section.
- (3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1. by class of license for any annual license period, or as restricted by the commission under subsection (6) of this section: Provided, That local gambling taxes paid or accrued will be allowed as a credit when computing net income for bingo and punchboards and pull tabs. ((Provided Further, That net income limits, as set out in Table 1. below, for bingo games located in jurisdictions which do not authorize punchboards and pull tabs shall be reduced by the following adjustments:
 - (a) Class D, E, or F: less 1.0%
 - (b) Class G, H, I, or J: less 2.0%
 - (e) Class K and above: less 2.5%
 - (4) Reporting requirements. Any licensee who:
- (a) Exceeds the maximum calendar quarter prize payout limit by more than two percentage points (2.0%) in any quarter must report such to the Commission, no later than 15 days following the end of the quarter and provide the Commission additional reports determined by the staff as necessary to monitor progress toward compliance.
- (b) Exceeds the annual minimum net income requirements by more than two percentage points (2.0%) during any quarter must provide the Commission additional reports determined by the staff as necessary to monitor progress

Permanent [62]

- toward compliance.)) The director may allow a licensee to temporarily exceed the limitations set out in subsection (2) or (3) of this section, or Table 1. of this section when unusual and/or uncontrollable conditions affect the licensee's ability to comply. Any licensee seeking relief from these requirements must petition the commission staff in writing. This petition must set forth the specific circumstances for which such relief is sought and include objective evidence regarding the scope of the impact on the bingo operation. The director may authorize exceptions under the following conditions:
- (a) When a new class D or above bingo licensee or any game not under the jurisdiction of the commission and which operates two or more days per week begins bingo activities within the market area of an operating game. For purposes of this section, "market area" is defined as:
- (i) Primary market area within the area encompassed by a measurement that starts at the premises of an operating class D or above bingo game and extends to a radius that is located five miles from such premises;
- (ii) Secondary market area within the area encompassed by a measurement that starts at a radius that is located five miles from the premises of an operating class D or above bingo game and extends to a radius that is located ten miles from the premises;
- (iii) Rural market area within the area starting at the premises of an operating class D or above bingo game and extending to the twenty-five mile radius from such premises when such premises is located in any county that the total population is less than one hundred thousand.
- (b) When a class D or above game is forced to move its current operations outside their primary market area due to circumstances beyond the control of the organization. Examples of uncontrollable circumstances are:
 - (i) Premises destroyed or condemned;
 - (ii) Lease expiration without an option to renew;
- (iii) Increases to rent that would put the licensee in jeopardy of being in violation of net income requirements;
- (iv) Permanent interruption of customer flow, such as: Closure of arterial exit ramps; loss of customer parking; cancellation of public transportation; etc.; or
 - (v) Other circumstances as approved by the director.
- (c) When an organization not previously licensed to conduct bingo at any class begins operations at the class D or above level;
- (d) When a licensee is required to upgrade their license class in the last quarter of their annual license period; or
- (e) When an organization incurs a temporary interruption of customer flow. A "temporary interruption of customer flow" is defined as an interruption that the licensee can not prevent but which will be corrected within a reasonable time period, such as street repairs, damage to premises, inclement weather, etc.
- (5) Relief granted under subsection (4) of this section shall be limited to adjustment of the requirements in Table 1. as follows:
- (a) Relief for subsection (4)(a) of this section New game operating within the primary market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the primary market area of an operating class D or above bingo game and:

- (i) The new game operates two or more occasions per week that are common to the currently operating game, the annual and calendar quarter prize payout limits shall be increased by two percentage points for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by two percentage points for the first twelve months of operation of the new game; or
- (ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual and calendar quarter prize payouts limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game.
- (b) Relief for subsection (4)(a) of this section New game operating within the secondary or rural market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the secondary or rural market area of an operating class D or above bingo game and:
- (i) The new game operates on two or more occasions common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game; or
- (ii) The new game operates on one or less occasion common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one-half percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one-half percentage point for the first twelve months of operation of the new game.
- (c) Relief for subsection (4)(b) of this section Organizations forced to move their game outside their primary market area shall be authorized an increase in the quarterly prize payout limit of one percentage point, and a decrease in the annual net income limit by one percentage point for the first twelve months of operation in the new location;
- (d) Relief for subsection (4)(c) of this section Organizations not previously licensed to conduct bingo at any level shall be authorized a two percentage point reduction in the net income requirement and a two percentage point increase in the maximum prize payout requirement of Table 1. for the first annual license period;
- (e) Relief for subsection (4)(d) of this section Organizations required to upgrade their license in the last quarter of their annual license period shall be measured for the entire annual license period based on the lower license class limits; and
- (f) Relief for subsection (4)(e) of this section Organizations that have temporary interruption of customer flow shall be measured for the affected period, plus one month, based on performance with the interruption period factored out.
- (6) Enforcement actions. The commission may impose the following corrective requirements and/or penalties on any licensee who fails to meet requirements of this section:
- (a) Any licensee that exceeds the maximum calendar quarter prize payout limit or reports net income that is more

than two percentage points lower than the annual minimum net income requirements during any quarter and whose net income falls below the annual minimum requirements when measured license year-to-date shall:

- (i) Take immediate steps to decrease prizes and/or expenses;
- (ii) Report the violation to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter. This notification shall be separate and additional to the quarterly activity report;
- (iii) Provide a written plan of actions to gain compliance to the commission no later than forty-five days following the end of the quarter. This plan shall be evaluated by commission staff and input provided to the licensee no later than thirty days after receipt;
- (iv) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and
- (v) Upon request, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager responsible for supervising the primary bingo manager, and the primary bingo manager shall meet with commission staff to discuss the action plan.
- (b) Any licensee who fails to achieve the minimum net income requirement for their annual measurement period shall be limited in license class for the next annual license period to the license class equal to the level of net income actually achieved, not to exceed a license class that authorizes at least one-half of the maximum gross gambling receipts of the current license class. The annual measurement period used shall be the licensee's annual fiscal accounting year: Provided, That the reduction for the first violation shall be a maximum of two license classes. A licensee limited under this section will not be granted an increase in their authorized license class until it has demonstrated the ability to maintain net income requirements at or above the minimum level for the class of license sought. Achieving net income requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability: Provided Further, That a licensee may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. Petitions for relief under this section must include: The impact the reduction would have on their programs; what portion of their programs are charitable as compared to nonprofit; and income available from other sources to fund programs. The commission may take testimony from other parties that may be affected by approval of the petition. Any approval granted under this section may be made contingent upon future compliance or other issues as determined by the commission.
- (c) The commission deems the responsibility for maintaining prize payouts at or below the maximum annual limit to be that of the primary bingo manager. The organization's board of directors may relieve the primary bingo manager of this responsibility by informing the commission in writing. Unless relieved by the board of directors, the primary manager shall be responsible for all penalties imposed under this section. If the board relieves the manager of responsibility for prizes, the commission

- shall consider the organization fully responsible for compliance with this section. In this case, prize payouts will be considered when reviewing violations of this section. The primary manager shall not be compensated in any manner during periods of license suspension imposed under this section. Any primary bingo manager who fails to achieve the annual limit for the class of license issued to the organization, as set out in Table 1. below, shall:
- (i) First violation Receive a written warning and be required to demonstrate in-depth knowledge of factors affecting prize payouts including, but not limited to, bingo game prize probabilities, expected payouts for each type of game, factors included in the computation, and methods for analysis of games. The scope and depth of their bingo management knowledge shall be demonstrated by requiring the manager to prepare and submit their current game schedules, records used to analyze games, and the expected payout for each game. The manager will be required to meet with commission staff to discuss the evaluation and other aspects of their game;
- (ii) Second violation Three day suspension that includes at least one operating day;
- (iii) Third violation Ten day suspension that includes at least four operating days;
 - (iv) Fourth violation Thirty-day suspension;
- (v) Fifth violation Revocation of manager's license for at least one year.

Permanent [64]

Annual

Table 1.

					•	Minimum
					Annual	Net Income
					Minimum	Requirements
			Annual	Calendar Quarter	Net Income	- Bingo &
~	License		Prize Payout	Prize Payoùt	Requirements	Punchboards/
Group	Class	Gross Receipts	Limits	Limits	- Bingo *	Pull Tabs **
1	A	Up to \$ 10,000	No Limits	No Limits	No Limits ***	No Limits ***
	В	\$ 10,001- 50,000	No Limits	No Limits	No Limits ***	No Limits ***
	C	50,001- 100,000	No Limits	No Limits	No Limits ***	No Limits ***
	D	100,001- 300,000	Max of 85.0%	Max of 86.5%	At least ((2.0%))	At least ((3.0%))
	Е	300,001- 500,000	Max of 84.0%	Max of 85.0%	At least $((\frac{3.0\%}{3.0\%}))$	At least $((4.0\%))$
II	F	500,001- 1,000,000	Max of 83.0%	Max of 84.0%	At least $((4.5\%))$	At least $((5.5\%))$
	G	1,000,001- 1,500,000	Max of 80.0%	Max of 81.0%	At least $((6.0\%))$	At least $((\frac{4.5\%}{8.0\%}))$
	Н	1,500,001- 2,000,000	Max of 78.0%	Max of 79.0%	At least $((8.0\%))$	At least $(\frac{7.0\%}{10.0\%})$
	I	2,000,001- 2,500,000	Max of 76.0%	Max of 77.0%	7.0% At least ((10.0%))	At least $(\frac{9.0\%}{12.0\%})$
	J	2,500,001- 3,000,000	Max of 74.0%.	Max of 75.0%	At least $((\frac{9.0\%}{12.0\%}))$	At least $((\frac{11.0\%}{14.0\%}))$
III	K	3,000,001- 3,500,000	Max of 72.0%	Max of 73.0%	At least $((\frac{11.0\%}{13.5\%}))$	At least $((\frac{13.0\%}{16.0\%}))$
	L	3,500,001- 4,000,000	Max of 70.0%	Max of 71.0%	At least $((\frac{12.5\%}{14.5\%}))$	At least $((\frac{15.0\%}{17.0\%}))$
	М	Over 4,000,000	Max of 70.0%	Max of 71.0%	13.5% At least ((15.5%)) 14.5%	At least $(\frac{16.0\%}{17.0\%})$

- * = Combined net income from bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.
- ** = Combined net income from punchboards/pull tabs, bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.
- *** = Combined net income must be equal to or greater than zero (0) if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net income.

NEW SECTION

WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions. Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-064. The following activities are authorized:

- (1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if:
- (a) All rules regarding these drawings, including equirements to qualify for participation, time and date of the trawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;
- (b) Tickets or other facsimiles used to enter such trawings are awarded only to players purchasing cards to play in bingo games;

- (c) Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not extend past the end of any month;
- (d) Licensees may restrict the awarding of tickets to players that are: Winners of bingo games; "good neighbors"; or other players that meet predetermined specific requirements; and
- (e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records.
- (2) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:
- (a) The total value of prizes shall not exceed five hundred dollars during any occasion;
- (b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and
- (c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records.
- (3) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:

- (a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and
- (b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records.
- (4) Second element of chance schemes may be used to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:
- (a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules:
- (b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;
- (c) The scheme does not require the player to risk any portion of a prize already won;
- (d) Every possible outcome of the scheme provides the player with an additional prize;
- (e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:
- (i) The players minimum odds of winning the highest prize;
 - (ii) How a winner is determined;
- (iii) Any contingencies or special requirements that may affect the outcome;
 - (iv) The cash value of the highest prize available; and
- (v) Any financial burden that must be borne by the winner, such as taxes or registration fees.
- (f) All requirements of WAC 230-20-010 are met before cards are purchased; and
- (g) The scheme and supporting records contain control factors necessary for commission audit.
- (5) Licensees may award promotional gifts to bingo players on up to six occasions annually if:
- (a) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift, are awarded; and
- (b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records.

AMENDATORY SECTION (Amending Order 228, filed 10/15/91, effective 11/15/91)

- WAC 230-20-246 Manner of conducting bingo. The conducting of a bingo game shall include, but is not limited to, the following rules:
- (1) All sales of bingo cards shall take place upon the <u>licensed</u> premises during or immediately preceding the session for which the card is being sold;
- (2) Bingo cards shall ((normally)) be sold and paid for prior to ((the start-of)) selection of the first symbol or number for a specified game or specified number of games((-)): Provided, That cards may be sold after the start

- of a game, or number of games, if the late sale does not allow any player an advantage over any other player. Hard cards purchased or exchanged after the first symbol or number is selected may only be used during subsequent games. Any sales method that allows a player to select a specific disposable or throwaway card shall be deemed to allow the player an advantage;
- (3) No operator shall reserve, or allow to be reserved, any bingo card for use by players except braille cards or other cards for use by ((legally blind)) visually impaired or disabled players;
- (4) ((Legally blind)) Visually impaired players may use their personal braille cards when a licensee does not provide such cards. The licensee shall have the right to inspect, and to reject, any personal braille card. A ((legally blind)) visually impaired or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;
- (5) ((If a licensee has duplicate cards in play, he shall conspicuously post that fact or notify all players;
- (6) No two or more sets of disposable cards can be used at the same time if they have identical series numbers;
- (7))) All cards sold to participate for a specific prize or set of prizes shall be sold for the same price and be distinct and readily distinguished from all other cards in play: *Provided*, That similar cards used to participate for the same prize or set of prizes may be sold at a discount which is based solely on volume if each separate discount price is recorded using a separate sales identification code and records provide for an audit trail;
- (((8))) (6) All symbols and/or numbers shall be selected on the premises and in the presence of players paying to participate in the game. Immediately following the drawing of each ball in a bingo game, the caller shall display the symbol and/or number on the ball to the participants;
- (((9))) (7) The symbol and/or number on the ball shall be called out prior to the drawing of any other ball;
- (((10))) (8) After the symbol and/or number is called, the corresponding symbol and/or number on the licensee's flashboard, if any, shall be lit for participant viewing;
- (((11))) <u>(9)</u> A game ends when a specific pattern has been achieved by a player or a specific number of symbols and/or numbers has been called. Each game shall be played using a separate selection process: *Provided*, That the same or a continuing selection process may be used to play the following games:
 - (a) Interim or "on-the-way" games; and
- (b) Games for which cards are sold for different prices and players win a different prize depending on the price they pay to play.
- (((12))) (10) No bingo game shall be conducted to include a prize determined other than by the matching of symbols and/or numbers on a bingo card with symbols and/or numbers called by the licensee, in competition among all players in a bingo game((. Provided, That the following activities are considered bingo games when conducted during a bingo occasion and prizes are determined through equal competition among all players paying to participate in that session:
- (a) Drawing. Each licensee shall be allowed to award prizes during each bingo session that is determined by a drawing if:

Permanent [66]

- (i) Tickets or other facsimiles used to enter such drawings shall only be awarded to players purchasing eards to play in bingo games;
- (ii) A record shall be completed setting out the criterion for granting tickets, the number of tickets awarded during each session, the winning ticket, and all details required by WAC 230 08 080 and 230 20-102. Such record shall be maintained as a part of the daily bingo records:
- (iii) Prizes awarded for drawings are limited to maximum of \$1,000 during any calendar month;
- (iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation:
- (b) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:
- (i) The total value of prizes shall not exceed \$500 during any occasion;
- (ii) Only players who have paid to participate in bingo games during the current session may participate in the contest:
- (iii) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230 08 080 and 230 20 102. Such records shall be main-inined as a part of the daily bingo records;
- (iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation)) except as authorized by WAC 230-20-242;
- (((13))) (11) The minimum amount of a prize or prizes available for each bingo game shall be established and disclosed to bingo game players prior to their purchase of a chance to participate in a bingo game. The ((amount of a)) ninimum prize may ((also)) be ((determined)) increased by he primary bingo manager prior to the start of a game or hrough the following schemes during the game((7)):
- (a) Schemes using standard bingo equipment and cards (if:
 - (a) A minimum prize is established and disclosed;
- (b) All rules of the game are explained in detail to the slavers; and
- (c) All requirements of WAC 230 20 010 are met before ards are purchased.

The director may grant approval of the use of other chemes to determine the dollar amount of a bingo prize after eards are purchased if such schemes:

- (i) Contain control factors necessary for commission udit;
- (ii) Are determined to be primarily of an entertainment nature;
- (iii) Do not grant an unfair competitive advantage to any leensee; and
 - (iv) Do not act to defraud the public.
 - (14))) such as:
- (i) Number of symbols or numbers called prior to a vinner;
 - (ii) The specific number or symbol called;
 - (iii) The specific letter called;

- (iv) Position of winning combinations on the card;
- (v) Position of the card on the sheet of cards; and
- (vi) Odd or even numbers or symbol.
- (b) Schemes preprinted on disposable cards that rely on a number or symbol called during a game; or
- (c) Second element of chance schemes authorized by WAC 230-20-242(4).
- (12) Immediately upon a bingo player declaring a winning combination of letters and numbers, the winning card shall be verified by a game employee and at least one neutral player;
- (((15))) (13) Upon a bingo player declaring a winning bingo, the next ball out of the machine shall be removed from the machine prior to shutting the machine off and shall be the next ball to be called in the event the declared winning bingo is not valid;
- (((16))) (14) After a winning bingo is validated, the prize shall be awarded using the following procedures:
- (a) Each winner shall be required to provide proof that they have purchased the winning bingo card. The licensee shall review the prize winner's income receipt and determine that the player has properly purchased all cards played during the games, including the winning card;
- (b) Each prize winner shall be positively identified. The licensee shall require such proof of identification as is necessary to establish the prize winner's identity prior to paying any prize. The winner is responsible for furnishing proof to the licensee that all information required by this rule is true and accurate. Prizes may be withheld until the winner has provided adequate identification;
- (c) The prize shall be awarded and a record made by completing a prize receipt as required by WAC 230-08-080 and 230-20-102. A complete address and tax payer identification number should be recorded for each prize valued at \$1,200 or more;
- (d) All prizes for a particular game must be available prior to starting the game and shall be awarded by the end of the related session;
- (e) All merchandise offered as prizes to bingo players shall have been paid in full, without lien or interest of others, prior to the merchandise being offered as a prize: *Provided*, That the licensee may enter into a contract to immediately purchase the merchandise when it is awarded as a prize, with the contract revocable if prize winners are allowed to exercise an option to receive a cash prize or the prize is no longer offered.
- (((17) Licensees may award promotional gifts to bingo players on up to six occasions annually if:
- (a) Only merchandise with a cost to the licensee of no more than two dollars per gift, are awarded;
- (b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records; and
- (e) All gifts purchased are considered bingo game prizes for purposes of prize payout and net income regulation;
- (18)) (15) No operator shall engage in any act, practice, or course of operation as would operate as a fraud to affect the outcome of any bingo game.

AMENDATORY SECTION (Amending Order 228, filed 10/15/91, effective 11/15/91)

- WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits. Washington blackjack is a nonhouse banking, card game and shall be permitted in Class A and E card rooms only and shall be played only in the following manner:
- (1) One or two standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only: Ace, 1 or 11; face cards (K, Q, J), 10 each; others according to their spots, 10 to 2. One or two decks may be used when there are six or less players. Two decks shall be used when there are seven or more players. The cards shall be dealt from a shoe at all times. The game is played with a dealer/banker and only a player may be a dealer/banker.
- (2) When starting a new table the cards are cut to determine who the first dealer/banker will be. The dealer shall announce the amount of money that he or she will put into the bank. A minimum bank may be established as per individual house rule.
- (3) Once the bank has been established, the player to the immediate left of the dealer places his/her wager on the bet line and the dealer covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer. The maximum wager shall not be more than ten dollars and the minimum wager may be set by house rule. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand. No player may be dealt more than one hand.
- (4) The play begins with the dealer dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects ((twice)) 1.5 times the amount of their bet from the dealer, unless the dealer also has a natural which results in a tie (push). All ties result in the players and the dealer recovering their wagers.
- (5) If the dealer has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer does not have a "natural," he/she pays off any player with a "natural" starting with the one closest to their left. Should the dealer not have enough money in the bank to make up the ((two)) 1.5 for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer cannot cover the ((two)) 1.5 for one, the player shall get the amount of wager that was covered by the dealer.
- (6) If the dealer does not have a "natural," play continues with the player on the dealer's immediate left. The dealer deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If more cards are wanted, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer collects the bet.
- (7) The dealer does the same with each remaining player. Any player who stands must wait while the dealer

- draws his or her cards. If the dealer goes bust, each standing player is paid the amount of their wager. If the dealer "stands," the down card is turned up and players whose totals are higher than the dealer's are paid. The dealer collects from any player whose total is less. Action is always to the left of the dealer. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer from losing wagers the dealer collects. Should the dealer not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the dealer shall announce their bank and shuffle the cards. The same shall apply if the dealer has no money in the bank The dealer may, if allowed by house rule, add to their banl in between hands.
- (8) Upon completion of the shuffle, the player to the right of the dealer shall cut the cards. After the cards have been placed into the shoe the dealer shall insert a blank card approximately three quarters of the way through the deck(s) A dealer may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer may continue dealing that hand, but will not start a new hand The deal must then pass to the player on the dealer immediate left. The discards may only be reshuffled to complete the last hand.
- (9) Once wagers are placed and covered on the bet line no player, including the dealer, may touch those wagers unti the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeit ed.
- (10) Any player who lifts their cards up from the tablor slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.
- (11) No player may "buy" the bank. The deal must pas around the table to the left and no player can authoriz another player to deal for him or her. A new player enterin the game may not participate as the dealer/banker until a least two other players have dealt. ((If a player does now wish to deal and passes the deal, that player may not play it the first two hands conducted by the next dealer. A deale may after completing one full hand, pass the deal and bable to participate in the next hand.)) No player may deamore than one consecutive shoe before passing the deamore than one consecutive shoe onl when the remaining players have passed the deal.
- (12) The dealer must stand on 17 or above and mustake hits on 16 or below. If a dealer has an ace, it shall be counted as 11 (eleven) if it brings his or her total to 17 c more (but not over 21).
- (13) ((If a player's first two cards total exactly 9, 10 c 11, they may double their wager and receive)) The cond tions for doubling down shall be set by house rule, provide that the wager may be doubled and the player received onl one more card. The player must then stand on those thre cards. If the dealer's bank is insufficient to cover a doubl down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover the wager. If the dealer has no bank then a player may no double down.
- (14) If the dealer's face-up card is a ten, face card (ace, he/she may look at their face-down card to see if the

have a natural; if his/her face-up card is anything else, they may not look at their face-down card until their turn comes to draw. Should the dealer violate this rule their hand may be ruled to have been fouled, which shall result in forfeiture of all remaining dealer wagers.

- (15) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. When this player's turn to draw comes, they receive an up-card for each hand and then play each hand in order. If the dealer does not have enough in their bank to cover the doubled bet, the dealer must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer has no bank then the player may divide their wager in any manner between the two hands. If a player's original bet was a minimum allowed in that game then they may not split their pair. A player may only split a pair once.
- (16) The dealer will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.
- (17) There shall be no credit or I.O.U. issued by any player or management.

WSR 93-13-063 PERMANENT RULES GAMBLING COMMISSION

[Order 241—Filed June 17, 1993, 10:20 a.m.]

Date of Adoption: June 11, 1993.

Purpose: To add computerized record-keeping requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-010 and 230-30-072.

Statutory Authority for Adoption: RCW 9.46.070 (7)(8)(9)(17).

Pursuant to notice filed as WSR 93-08-066 on April 5, 1993.

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

June 17, 1993

Sharon M. Tolton
Rules Coordinator

AMENDATORY SECTION (Amending Order 231, filed 9/18/92, effective 10/19/92)

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any authorized gambling activity shall ((keep and)) maintain permanent monthly records of all ((of the activities of the licensee related to each licensed activity)) financial transactions directly or indirectly related to gambling activities. Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records. These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-

080, and 230-08-122. The record for each licensed activity shall be a separate unit, covering all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month. Each record shall include, but not necessarily be limited to, all details of the following:

- (1) The gross gambling receipts from the conduct of each of the activities licensed.
- (2) Full details on all expenses related to each of the activities licensed.
- (3) The total cost of all prizes paid out for each of the activities licensed.
- (4) With respect to those organizations licensed as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records shall clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.
- (5) With respect to commercial stimulant licensees, records shall include at least the following details:
- (a) Gross sales of food and drink for consumption on their licensed premises;
- (b) Gross sales of food and drink for consumption off the licensed premises; and
- (c) Gross sales from all other business activities occurring on the licensed premises.
- (6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission ((and)): Provided, That punchboard and pull tab monthly records may be stored in computer data bases if:
- (a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;
- (b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month.
- (c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;
- (d) Reports generated from the computer data base provides all data required by subsection (7) of this section; and
- (e) Reports generated from the computer data base organizes the required data in an order that approximates the standard format and does not impede audit;
- (7) Monthly records for punchboards and pull tabs shall disclose for each ((set at minimum)) punchboard and pull tab series the following information:
 - (a) The name of the punchboard or pull tab series;
- (b) The Washington state identification and inspection services stamp number ((issued by the commission and placed thereon: *Provided*, That when records entry labels are attached to the punchboard or pull tab series flare, a label shall be attached to the record in lieu of a written

entry)) recorded by attaching a records entry label: Provided, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

- (ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in height with a "quiet zone" on at least one-quarter inch of each side of the bar code;
- (iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon;
 - (c) The date removed from play;
- (d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;
- (e) The number of pull tabs or punches remaining after removal from play;
- (f) The number of pull tabs or punches played from the pull tab series or punchboard;
- (g) The cost to the players to purchase one pull tab or one punch;
- (h) The gross gambling receipts as defined in WAC 230-02-110;
- (i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;
- (j) The net gambling receipts (gross gambling receipts less total prizes paid);
 - (k) The cash over or short determined by:
- (i) Subtracting actual cash from net gambling receipts for punchboards and pull tabs which ((pay)) award cash prizes((7)); and
- (ii) Subtracting actual cash from gross gambling receipts for punchboards and pull tabs which award merchandise prizes; ((and))
- (1) The actual cash received from the operation of each pull tab series or punchboard: Provided, That when more than one series of pull tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series in each dispensing device shall be played out at least once each calendar quarter and the combined cash over or short calculated for all series played from each dispensing device during the period by reconciling the total cash removed from the dispensing device to the total tabs sold from that dispensing device. The combined cash over or short shall be recorded as required by (k) of this subsection; ((and,))

- (m) With written commission approval, licensees operating pull tabs to stimulate food and drink sales may record (k) and (l) of this subsection in total on a daily, weekly, or monthly basis, if their recordkeeping procedures meet commission standards.
- (((7))) (8) Copies of all additional financial data which support tax reports to any and all governmental agencies.

AMENDATORY SECTION (Amending Order 198, filed 10/17/89, effective 11/17/89)

WAC 230-30-072 Punchboard and pull tab inventory and retention requirements. Each punchboard and pull tab series purchased or otherwise obtained by an operator shall be controlled and accounted for in the following manner:

- (1) Each operator shall closely monitor punchboard and pull tab series purchased to assure that all <u>Washington state</u> identification and inspection service stamp numbers are correctly entered in all records and each device purchased is recorded. The following control procedures apply:
- (a) After the close of business on September 30, 1988, and before operating punchboards and pull tabs after that date, each operator shall take a physical inventory of all punchboards and pull tabs in-play and awaiting play and record the following information separately for punchboards and pull tabs:
 - (i) Name of game; and
- (ii) ((I.D.)) Washington state identification and inspection stamp number;
- (b) At the time ((punchboards and pull tabs are)) a punchboard or pull tab series is delivered, each operator will assure that all purchase invoice data is ((correct)) correctly recorded by the distributor by comparing the actual ((HD-)) Washington state identification and inspection stamp number((s on)) attached to each punchboard((f)) and pull tab series to the number((s entered)) recorded on the purchase invoice((s));
- (c) All purchases of punchboards or pull tab((s)) series shall be recorded on a standard distributor's invoice, which will be used by the operator as a record to account for the punchboard or pull tab series between the time it is purchased and removed from play. Each invoice shall include((s)) space for the operator to either attach a records entry label or enter the Washington state identification and inspection services stamp number and the date the device was placed out for play((. For all punchboards or pull tab series purchased, the operator shall enter the date and the identification and inspection service stamp number in the space on the invoice, adjacent to the distributors entry, by attaching a records entry label, or by written entry if record entry labels are not attached to the punchboard or pull tab
- (d))): Provided, That in lieu of the distributor's invoice recording system, licensees may use a separate inventory record to account for purchases and uses of punchboards and pull tabs. The inventory record may be manually maintained or generated from a computer data base. If generated from a computer data base, all requirements relating to computer data base records and printouts, as set out in WAC 230-08-010 (6) and (7) shall be followed. Inventory records shall

include the following entries for each punchboard or pull tab series purchased or otherwise obtained:

- (i) Distributor's name;
- (ii) Invoice number;
- (iii) Date of purchase;
- (iv) Name of the punchboard or pull tab series;
- (v) Date placed into play;
- (vi) The Washington state identification and inspection services stamp number entered by the distributor at the time of purchase; and
- (vii) The Washington state identification and inspection services stamp number entered by the operator by attaching a records entry label at the time placed into play: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label;
- (d) At the time a punchboard or pull tab series is placed into play, each operator shall record in the allotted space on the distributor's invoice or the inventory record the following:
 - (i) Date placed into play; and
- (ii) Washington state identification and inspection services stamp number by attaching a records entry label: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label.
- (e) If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice((: Provided, That licensees may use a commission approved inventory log to comply with subsections (e) and (d) of this section)) or inventory log in the spaces allotted for "date-in-play" and "records entry label";
- (2) Each punchboard or pull tab series which is removed from operation, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator for at least four months following the last day of the month in which it was removed from play. The board, unplayed tabs, flare, and all winning punches or tabs shall remain available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand;
- (3) Each punchboard or pull tab series which is not placed out for public play or returned to the distributor or manufacturer from whom it was originally purchased, must be retained on the licensed premises and made available for inspection by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand;
- (4) Each punchboard or pull tab series which is deemed by the operator to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without approval from the commission. If it is found to be defective after it has been placed out for play, all other rules apply and it must be recorded as required by WAC 230-08-010: *Provided*, That the retention time required by subsection (2) above may be shortened by the commission upon inspection and written release by a commission agent.

WSR 93-13-064 PERMANENT RULES BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed June 17, 1993, 11:00 a.m.]

Date of Adoption: June 4, 1993.

Purpose: To provide a means for applicants to appeal in accordance with the Administrative Procedure Act (APA). A denial that they are eligible for examination or licensure under chapter 18.43 RCW and Title 196 WAC.

Citation of Existing Rules Affected by this Order: New section added WAC 196-24-041.

Statutory Authority for Adoption: RCW 18.43.035. Pursuant to notice filed as WSR 93-09-024 on April 15, 1993.

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

June 16, 1993

Alan E. Rathbun

Executive Director

NEW SECTION

WAC 196-24-041 Brief adjudicative proceedings—Denials based on failure to meet prerequisites for licensure, temporary permit, or examination. The board adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants who are denied a license, temporary permit, or opportunity to take an examination under chapter 18.43 RCW and chapters 196-12, 196-16, and 196-20 WAC, because of failure to meet the prerequisites for said license, temporary permit, or examination. The sole issue at the adjudicative proceeding shall be whether the applicant meets the prerequisites for the license, temporary permit, or examination.

WSR 93-13-065 PERMANENT RULES BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed June 17, 1993, 11:02 a.m.]

Date of Adoption: June 4, 1993.

Purpose: To define the conditions that exist when a professional engineer or professional land surveyor shall affix their signature and seal to a document.

Citation of Existing Rules Affected by this Order: New section added WAC 196-24-097.

Statutory Authority for Adoption: RCW 18.43.035. Pursuant to notice filed as WSR 93-09-022 on April 15, 1993.

Changes Other than Editing from Proposed to Adopted Version: Grammatical edit change in subsection (3); line 7 (subsection (3)); add phrase "The documents for" between "of" and "which"; and line 8 (subsection (3)); delete the work "for."

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

June 16, 1993 Alan E. Rathbun Executive Director

NEW SECTION

WAC 196-24-097 Seal/stamp usage. All individuals registered in accordance with chapter 18.43 RCW shall obtain a seal/stamp of the design as authorized by the board. The use of said seal/stamp shall be in accordance with RCW 18.43.070, WAC 196-24-095, 196-27-020 (1)(b) and (2)(c) and shall further adhere to the following:

- (1) Document stamping: Any final document of a technical nature must contain the seal/stamp of the registrant(s) who prepared or directly supervised the work. For the purposes of this section "document" is defined as plans, specifications, plats and reports.
- (a) Final documents are those documents that are prepared and distributed for agency reviews and approvals, recording with public officials and/or use for public/private construction.
- (b) Preliminary documents are those documents not considered final as defined herein, but are released and/or distributed by or from the registrant(s) control. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document.
- (c) Preliminary documents may or may not be stamped and signed by the registrant: *Provided*, That the identity of the registrant(s) are clearly shown on said document.
- (2) Plan set stamping: Every page of a plan set must contain the seal/stamp of the registrant(s) who prepared or who had direct supervision of the preparation of the work.
- (a) Plans/plats containing work prepared under the direct supervision of more than one registrant shall be sealed/stamped by each registrant and shall clearly note the extent of each registrant's responsibility.
- (b) Plan/plat sheets containing and/or depicting background and/or supporting information that is duplicated from other plans sheets within the same plan set need only be sealed/stamped by the registrant(s) who prepared or were in direct supervision of that plan sheet.
- (c) All design revisions to final plan/plat sheets shall be done in accordance with the provisions of RCW 18.43.070, WAC 196-24-095, 196-27-020 (1)(b) and (2)(c), and shall further be clearly identified on each sheet that is revised with the date the revision was made.
- (3) Specification stamping: Specifications that are prepared by or under the direct supervision of a registrant shall contain the seal/stamp and signature of the registrant. If the specifications prepared by a registrant are a portion of a bound specification document that contains specifications other than that of an engineering or land surveying nature, the registrant need only seal/stamp that portion or portions of the documents for which the registrant is responsible. Nothing herein should be construed to require that each page of an engineering or land surveying specification be sealed/stamped by the registrant.

WSR 93-13-066 PERMANENT RULES BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed June 17, 1993, 11:04 a.m.]

Date of Adoption: June 4, 1993.

Purpose: Defines the provisions in chapter 18.43 RCW and chapters 196-24 and 196-27 WAC that apply to engineering practice by corporations, organizations and/or government.

Citation of Existing Rules Affected by this Order: New section added WAC 196-24-098.

Statutory Authority for Adoption: RCW 18.43.035. Pursuant to notice filed as WSR 93-09-023 on April 15, 1993.

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

June 16, 1993

Alan E. Rathbun

Executive Director

NEW SECTION

WAC 196-24-098 Documents prepared by a corporation, organization, or public agency. When a corporation, organization, or public agency performs engineering and/or land surveying services as defined in RCW 18.43.020 and employs individuals registered in accordance with chapter 18.43 RCW, the registrant(s) signing and sealing the plans, specifications, maps and/or reports prepared by said corporation/agency shall do so in accordance with RCW 18.43.070, WAC 196-24-095, 196-27-020 (1)(b) and (2)(c).

WSR 93-13-068 PERMANENT RULES DEPARTMENT OF ECOLOGY

[Order 92-47-Filed June 17, 1993, 1:30 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To control the release of gasoline vapors from bulk terminals during transfer. This revision provides for a more workable schedule in eastern Washington for portions of the regulation requiring controls during fuel transfer.

Citation of Existing Rules Affected by this Order: Amending WAC 173-491-050 Emission standards and controls for sources emitting gasoline vapors.

Statutory Authority for Adoption: RCW 70.94.331. Pursuant to notice filed as WSR 93-04-108 on February 3, 1993.

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

June 14, 1993

Mary Riveland

Director

[AMENDATORY SECTION (Amending Order 92-42, filed 1/20/93)]

WAC 173-491-050 Compliance schedules. (1) Fixed-roof gasoline storage tanks. All fixed roof gasoline storage tanks subject to WAC 173-491-040(1) in western Washington counties shall comply no later than December 31, 1993. All fixed roof gasoline storage tanks subject to WAC 173-

491-040(1) in eastern Washington counties shall comply no later than July 31, 1996.

- (2) Gasoline loading terminals. All gasoline loading terminals subject to WAC 173-491-040(2) in western Washington counties shall comply no later than December 31, 1993. All gasoline loading terminals subject to WAC 173-491-040(2) in eastern Washington counties shall comply no later than July 31, 1996.
- (3) Bulk gasoline plants. All bulk gasoline plants subject to the requirements of WAC 173-491-040(3) in western Washington counties shall comply no later than December 31, 1993. All bulk gasoline plants subject to WAC 173-491-040(3) in eastern Washington counties shall comply no later than July 31, 1996.
- (4) Gasoline dispensing facilities Stage I. All gasoline dispensing facilities subject to the requirements of WAC 173-491-040(4) shall comply no later than December 31, 1993, or whenever the facility is upgraded, whichever is earliest.
- (5) Gasoline dispensing facilities Stage II. All gasoline dispensing facilities subject to the requirements of WAC 173-491-040(5) shall comply:
- (a) When upgraded except any gasoline dispensing facility upgraded or with new tank(s) installed after the effective date of this regulation but before May 1, 1992, need not comply earlier than May 1, 1992.
- (b) For businesses which own ten or more gasoline dispensing facilities in the state of Washington, facilities subject to Stage II requirements as indicated in WAC 173-491-040 (5)(a) must comply according to the following schedule:
- (i) Fifty percent of all gasoline dispensing facilities with an annual throughput greater than 1.2 million gallons by May 1, 1993.
- (ii) All remaining gasoline dispensing facilities with an annual throughput greater than 1.2 million gallons must comply by May 1, 1994.
- (iii) Businesses which own ten or more gasoline dispensing facilities in King, Pierce, Snohomish, and Clark counties must, in addition, meet the following requirements at their facilities within King, Pierce, Snohomish, and Clark counties:
- (A) At least fifty percent of the gasoline dispensing facilities with an annual throughput greater than 840,000 gallons must comply by May 1, 1994;
- (B) The remaining gasoline dispensing facilities with an annual throughput greater than 840,000 gallons must comply by May 1, 1995.
- (iv) All gasoline dispensing facilities must be in compliance not later than December 31, 1998.
- (v) In meeting this requirement, businesses that lease some facilities and operate others must ensure that the percentage of facilities owned and operated which are required to comply with this provision at least equals the percentage of leased facilities required to comply with this provision.
- (c) For businesses which own fewer than ten gasoline dispensing facilities in the state of Washington:
- (i) All facilities with an annual throughput of 1.2 million gallons must comply by May 1, 1994;
- (ii) All remaining facilities must comply by December 31, 1998.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 93-13-083 PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 93-10-Filed June 18, 1993, 10:50 a.m.]

Date of Adoption: June 18, 1993.

Purpose: To clarify actual depreciation allocation calculation.

Citation of Existing Rules Affected by this Order: Amending WAC 392-142-240.

Statutory Authority for Adoption: RCW 28A.150.290. Other Authority: RCW 28A.160-130-200 [28A.160.130 - 28A.160.200].

Pursuant to notice filed as WSR 93-09-019 on April 15, 1993.

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

June 10, 1993

Judith A. Billings

Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-240 Calculation of annual state depreciation payment for district-owned school buses purchased after September 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for district-owned school buses purchased after September 1, 1982, as follows:

- (1)(a) For district-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155:
- (b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;
- (c) Divide the result obtained in (b) of this subsection by the useful lifetime in months determined in (a) of this subsection; and
- (d) Multiply the result obtained in (c) of this subsection by the number of months remaining in the school year((; and
- (e) Divide the result obtained in (d) of this subsection by twelve)).
- (2)(a) For school buses issued a school bus operation permit prior to the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155:
- (b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;
- (c) Divide the result obtained in (b) of this subsection by the useful lifetime in months determined in (a) of this subsection;
- (d) Multiply the result obtained in (c) of this subsection by the total number of months the school bus has been on the depreciation schedule including the months for the current school year;

- (e) Subtract from the result obtained in (d) of this subsection the total school bus depreciation payments made in prior school years;
- (f) Subtract from the result obtained in (d) of this subsection the imputed interest earnings; and
- (g) Subtract from the result obtained in (f) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

WSR 93-13-097 PERMANENT RULES **CRIMINAL JUSTICE** TRAINING COMMISSION

[Filed June 21, 1993, 10:00 a.m.]

Date of Adoption: June 17, 1993.

Purpose: To set forth the major subject areas and sub areas of instruction which comprise the 440-hour curriculum of this state's basic law enforcement academy program.

Statutory Authority for Adoption: RCW 43.101.010(2). Pursuant to notice filed as WSR 93-08-055 on April 2, 1993.

Changes Other than Editing from Proposed to Adopted Version: Delete the phrase "-Mock Scene" anywhere it appears. Subsection (9)(b) delete "Breathalyzer and."

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

June 18, 1993 James C. Scott **Executive Director**

AMENDATORY SECTION (Amending WSR 86-19-021, filed 9/10/86)

WAC 139-05-250 Basic law enforcement curriculum. The basic law enforcement curriculum of the Washington State Criminal Justice Training Commission shall consist of 440 hours, including the following subject areas:

- (1) Introduction to Law Enforcement
- (a) Introduction to Law Enforcement
- (b) The Criminal Justice System
- (c) Police Power and Execution of Authority
- (d) Civil Rights and Civil Liability
- (e) Police Ethics
- (f) Police Use of Force
- (g) Cultural Awareness
- (h) Harassment in the Workplace
- (i) Critical Incident Stress
- (j) Community Policing
- (2) Criminal Law
- (a) Criminal Law
- (b) Juvenile Law
- (((3) Evidence Law))
- (((4))) (3) Criminal Procedures
- (a) Constitutional Law
- (b) Probable Cause
- (c) Laws of Arrest
- (d) Search and Seizure
- (e) Interrogation, Statements and Confessions
- (f) Field Interrogations and "Stop and Frisk"
- (g) Domestic Violence Law
- (((5))) (4) Patrol Procedures

- (a) Observation and Perception
- (b) Patrol Procedures
- (c) First Aid/Adult and Juvenile CPR
- (d) HIV/HBV Awareness
- (((d))) (e) Community Relations
- (((e))) <u>(f)</u> Crime Prevention
- $((\frac{f}{g}))$ <u>(g)</u> Juvenile Procedures
- (((g))) (h) Traffic Stop((—Mock Scene))
- (((h))) (i) Felony Stop((--Mock Scene))
- (((i))) (i) Field Interview((—Mock Scene))
- (((1))) (k) Building Search((-Mock Scene))
- (((k) Silent Alarm/Felony Arrest Mock Scene))
- (1) Gang Awareness
- (m) K-9 Application
- (n) Hazardous Materials
- (o) ACCESS Training
- (((6))) (5) Communication Skills
- (a) General Writing Skills
- (((a))) (b) Police Report Writing and Notetaking
- (((b))) (c) Oral Communication
- (((7))) (6) Emergency Vehicle Operation Course
- (((8) Crisis Intervention))
- (7) Human Relations
- (a) General Theory
- (b) Recognizing and Handling ((of)) Abnormal Behavior
- (c) Oral and Physical Communication
- (d) Handling Stress
- (e) Family Disturbance((--Mock Scene))
- (f) Victim/Witness
- (g) Family Violence
- (((9))) (8) Traffic Law
- (a) Traffic Law Enforcement
- (b) ((Breathalyzer and)) Impaired Driving
- (c) Accident Investigation
- (d) Vehicle Registration/Licensing
- (e) Drivers' Licensing
- (f) Dept. of Licensing Records
- $\overline{(((10)))(9)}$ Firearms
- (a) Fundamentals of Shooting
- (b) Safe Weapon Handling
- (c) Night/Low Light Shooting
- (d) Range Qualification
- (e) Firearms Training Simulator
- (((11) Physical Training and Self-Defensive Tactics))
- (10) Defensive Tactics
- (((12))) (11) Criminal Investigation
- (a) Crime Scene Search and Protection
- (b) Collection and Preservation of Evidence
- (c) Interviews and Interrogation Techniques
- (d) Crime Scene Protection/Search/Investigation((-
- Mock Scene))
 - (e) Testifying in Court((-Mock Scene))
 - (f) Fingerprinting
 - (g) Child Abuse
 - (h) Sex Crimes
 - (i) Drug Enforcement

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 93-13-098 PERMANENT RULES CRIMINAL JUSTICE TRAINING COMMISSION

[Filed June 21, 1993, 10:03 a.m.]

Date of Adoption: June 17, 1993.

Purpose: To amend WAC 139-05-240 by deleting subsections (2) and (3); renumber subsection (4) as (2). Statutory Authority for Adoption: RCW 43.101.080(2).

Pursuant to notice filed as WSR 93-07-118 on March 24, 1993.

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

June 18, 1993 James C. Scott **Executive Director**

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-240 ((General)) requirements ((for)) of basic law enforcement academy ((attendees)). (1) Each trainee in a basic law enforcement academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training commission. The performance of each trainee shall be evaluated as follows:

- (a) Scholarship. A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission, in evaluating the level of scholastic achievement of each trainee. Such process shall include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment, provided that any unsuccessful trainee whose beginning date of continuous law enforcement employment precedes January 1, 1978, may be allowed to audit the remainder of the academy upon a determination by the coordinator of law enforcement training that such audit would be beneficial to the trainee and have no adverse effect upon the other attendees.
- (b) Physical performance. A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final grade of pass in physical training, including defensive tactics, shall preclude certification.
- (c) Deportment and conduct. Failure to maintain an exemplary standard of deportment and conduct or to adhere to all rules, regulations and policies of a basic law enforcement academy sponsored or conducted by the commission may result in termination of academy assignment.
- (((2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part as

determined by the commission. Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

- (3) In all other instances of termination of a trainee's academy assignment, the commission shall allow such traince's admission to any subsequent academy only if:
- (a) such trainee has been terminated by the employing agency and subsequently is rehired by it; or
- (b) such trainee has been terminated by the employing agency and subsequently is hired by another employing
- (4))) (2) Upon the written request of a trainee, or the head of ((his/her)) a trainee's employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

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 93-13-099 PERMANENT RULES **CRIMINAL JUSTICE** TRAINING COMMISSION

[Filed June 21, 1993, 10:06 a.m.]

Date of Adoption: June 17, 1993.

Purpose: To amend WAC 139-10-220 by deleting subsections (2) and (3); renumber subsection (4) as (2).

Statutory Authority for Adoption: RCW 43.101.080(2). Pursuant to notice filed as WSR 93-07-120 on March 24, 1993.

Effective Date of Rule: Thirty-one days after filing. June 18, 1993 James C. Scott Executive Director

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-220 Requirements of basic corrections academy. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training commission. The performance of each trainee shall be evaluated as follows:

- (a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.
- (b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes

active and full participation in the physical activities required for certification; provided, that any applicant whose beginning date of continuous corrections officer employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections officer training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

- (c) Deportment and conduct. Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.
- (((2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part, as determined by the commission.

Such-certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

- (3) In all other instances of termination of a traince's academy assignment, the commission shall allow such traince's admission to any subsequent academy only if:
- (a) such trainee has been terminated by the employing agency and subsequently rehired by it; or
- (b) such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.
- (4))) (2) Upon the written request of a trainee, or the head of ((his)) a trainee's employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

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 93-13-100 PERMANENT RULES CRIMINAL JUSTICE TRAINING COMMISSION

[Filed June 21, 1993, 11:26 a.m.]

Date of Adoption: June 17, 1993.

Purpose: This section will be replaced in its entirety by WAC 139-05-912.

Statutory Authority for Adoption: RCW 43.101.080(2). Pursuant to notice filed as WSR 93-10-029 on April 28, 1993.

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

June 18, 1993

James C. Scott

REPEALER

The following section of the Washington Administrative Code is repealed:

139-05-910 Requirement of training for fire marshals.

WSR 93-13-101 PERMANENT RULES CRIMINAL JUSTICE TRAINING COMMISSION

[Filed June 21, 1993, 11:27 a.m.]

Date of Adoption: June 17, 1993.

Purpose: To prescribe a responsive training requirement for deputy state fire marshals and resident fire marshals as per RCW 48.48.060, and to provide a recommended training standard for local agencies asked to commission fire personnel

Statutory Authority for Adoption: RCW 43.101.080(2). Pursuant to notice filed as WSR 93-10-030 on April 28, 1993.

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

June 18, 1993

James C. Scott

Executive Director

NEW SECTION

WAC 139-05-912 Requirement of training for fire marshals. (1) The training prescribed herein shall constitute:

- (a) the training requirement which must be met by deputy state fire marshals and resident fire marshals as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060, and
- (b) the training standard recommended by the criminal justice training commission for local agencies employing a training requirement of prerequisite for the purpose of commissioning fire personnel.
- (2) The training requirement herein prescribed for the purpose of RCW 48.48.060 shall be met by:
- (a) obtainment of the training commission's basic law enforcement certificate, or
- (b) obtainment of the training commission's basic law enforcement equivalency certificate, or
- (c) successful completion of a training program of at least one hundred and seventy-six hours, including:

(i) criminal investigation 52 hours
 (ii) criminal law 40 hours
 (iii) criminal procedures 42 hours
 (iv) human relations 38 hours
 (v) use of force 04 hours

(3) No authorization, expressed or implied, to carry a firearm in the performance of official duties may be granted to any deputy state fire marshal or resident fire marshal unless such personnel has successfully completed a basic firearms training program. Such program shall be at least forty hours in length and include instruction in firearms care, handling, and usage, and a range qualification course approved by the training commission. Thereafter such

Executive Director

personnel shall successfully complete an eight-hour firearms requalification course approved by the training commission during each year in which authorization to carry a firearm is granted or remains in effect.

(4) It shall be the responsibility of the state fire marshal to effect and ensure personnel compliance herein, and to provide documentation of such compliance upon the request of the training commission.

WSR 93-13-103 PERMANENT RULES CRIMINAL JUSTICE TRAINING COMMISSION

[Filed June 21, 1993, 3:28 p.m.]

Date of Adoption: June 17, 1993.

Purpose: To establish uniform process and requirements for academy readmission of any student failing to satisfactorily complete academy program.

Statutory Authority for Adoption: RCW 43.101.080(2). Pursuant to notice filed as WSR 93-08-030 on March 1993.

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

June 18, 1993 James C. Scott Executive Director

NEW SECTION

WAC 139-05-242 Readmission to basic law enforcement academy. No person may be readmitted to the basic law enforcement training academy except as provided in this section.

- (1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency.
- (2) Any individual terminated from any academy for academic failure or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:
- (a) the head of the individual's current employing agency submits to the Commission a written request for readmission of the individual to the academy program, and
- (b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met.
- (3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:
- (a) the head of the individual's current employing agency submits to the commission a written request for readmission, and
- (b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

- (4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of any crime involving moral turpitude, shall not be eligible for readmission to any subsequent academy within twenty-four (24) months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.
- (5) An exception to the ineligibility period specified in subsection (4) may be granted in the sole discretion of the director, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made on his or her behalf by the head of the agency employing the individual at the time of the request. Such request may be granted by the director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The director's decision under this subsection shall be subject to further review only for abuse of discretion.
- (6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:
- (a) the head of the individual's current employing agency submits to the commission a written request for readmission, and
- (b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.
- (7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.
- (8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

WSR 93-13-104 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:30 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To set forth college trustee meeting information.

Statutory Authority for Adoption: RCW 28B.50.140 and 42.30.070.

Pursuant to notice filed as WSR 93-09-031 on April 16, 1993.

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

June 14, 1993 Kathleen Searcy Vice-President for Human Resources June 14, 1993 Kathleen Searcy Vice-President for Human Resources

Chapter 495E-104 WAC BOARD OF TRUSTEES

NEW SECTION

WAC 495E-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting on the second Tuesday of each month except July and August at 9:00 a.m. and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at 3000 Northeast Fourth Street, Renton, Washington 98056-4195, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

NEW SECTION

WAC 495E-104-020 Request for items to be placed on board agenda. Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the president no later than twelve o'clock noon five working days before the next scheduled meeting of the board. The president and the board chair will determine whether the item is to be placed on the agenda. The chair or a designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

NEW SECTION

WAC 495E-104-030 Delegation to college president. The board of trustees delegates to the college president its authority and responsibility to administer Renton Technical College in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

WSR 93-13-105 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:31 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To adopt model rules of procedure.

Statutory Authority for Adoption: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].413, [34.05].425, [34.05].446, and [34.05].482.

Pursuant to notice filed as WSR 93-09-032 on April 16, 1993

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

Chapter 495E-108 WAC PRACTICE AND PROCEDURE

NEW SECTION

WAC 495E-108-010 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted by this college, the college rules prevail.

NEW SECTION

WAC 495E-108-020 Appointment of residing officers. The president or president's designee shall designate a presiding officer for an adjudicative proceeding except as otherwise provided by a college rule. Where more than one individual is designated to be the presiding officer, one such individual shall be designated by the president or president's designee, if not by college rule, to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 495E-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, from among those available under the model rules of procedure.

NEW SECTION

WAC 495E-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3000 Northeast Fourth Street, Renton, Washington 98056-4195.

Written application for an adjudicative proceeding must be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 495E-108-050 Brief adjudicative procedure. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings, except as provided ir another rule;
 - (4) Parking and traffic violations;

- (5) Outstanding debts owed by present or former students or employees;
- (6) Loss of eligibility for participation in collegesponsored activities.

WAC 495E-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 495E-108-070 Procedure for closing parts of the hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer, and serve copies on all other parties. If another party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty days of receiving the request.

NEW SECTION

WAC 495E-108-080 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495E-108-070, except for the method of official recording selected by the college.

WSR 93-13-106 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:32 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To adopt rules for pedestrian and vehicular traffic.

Statutory Authority for Adoption: RCW 28B.50.140, 34.05.220, and [34.05].482.

Pursuant to notice filed as WSR 93-09-033 on April 16, 1993.

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

June 14, 1993 Kathleen Searcy Vice-President for Human Resources

Chapter 495E-116 WAC PARKING AND TRAFFIC

NEW SECTION

WAC 495E-116-010 Purpose for adopting parking and traffic rules. Under the authority granted by RCW 28B.50.140(10), the board of trustees of Renton Technical College is granted authority to adopt rules for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these rules are to:

- (1) Protect and control pedestrian and vehicular traffic:
- (2) Assure access at all times for emergency traffic;
- (3) Minimize traffic disturbances during class hours;
- (4) Facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all;
 - (5) Regulate the use of parking spaces;
 - (6) Protect state-owned property;
 - (7) Assure access to the facility by handicapped persons.

NEW SECTION

WAC 495E-116-020 Applicable parking and traffic rules. (1) All rules in this chapter and all motor vehicle and other traffic laws of the state of Washington apply on the campus.

(2) The traffic code of the city of Renton applies upon all lands located within the city of Renton.

NEW SECTION

WAC 495E-116-030 Definitions. The definitions set forth in this section apply throughout this chapter.

- (1) "Campus" means all lands and buildings devoted to, operated by, or maintained by Renton Technical College.
- (2) "Campus security officer" means an employee of the college who is responsible for campus security and who reports to the vice-president for plant operations.
- (3) "Employee" means an individual appointed to the faculty, staff, or administration of the college.
- (4) "Visitors" mean persons who lawfully visit the campus.
- (5) "Vehicle" means an automobile, truck, motor-driven cycle, or scooter, or other powered vehicle.

NEW SECTION

WAC 495E-116-040 Employee and student parking.

- (1) Each employee parking a vehicle in parking space posted as staff parking only shall display on the vehicle a currently valid parking permit obtained from the vice-president for plant operations or designee.
- (2) No student may park in a parking space posted as staff or visitor parking only.

NEW SECTION

WAC 495E-116-050 Delegation of authority. The authority and powers conferred upon the vice-president for plant operations by this chapter are subject to delegation in writing to that individual's subordinates.

WAC 495E-116-060 Enforcement. (1) Failure to enforce parking and traffic rules on one occasion does not waive enforcement later.

(2) The vice-president for plant operations or a designee is responsible for the enforcement of this chapter.

NEW SECTION

WAC 495E-116-070 Violation of parking and traffic rules. (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate means that they are in violation of this chapter.

(2) In instances where violations are repeated, the vehicle may be impounded.

NEW SECTION

WAC 495E-116-080 Issuance of traffic tickets or summons. (1) A campus security officer or a designee may issue a warning or citation for a violation of these regulations. The warning or citation must set forth the date, the approximate time, license information, and the nature of violation.

(2) The warning or citation may be served by attaching or affixing a copy in some prominent place outside the vehicle or by personally serving the operator.

NEW SECTION

WAC 495E-116-090 Penalties. (1) A campus security officer may issue a citation and/or impose a fine up to two hundred fifty dollars for the following violations:

- (a) Visitor parking violations;
- (b) Occupying more than one parking space;
- (c) Occupying a space or area not designated for parking;
 - (d) Handicapped parking violation;
 - (e) Parking in reserved staff space without authorization;
- (f) Blocking or obstructing traffic (may be towed if creating a safety hazard);
- (g) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);
- (h) Parking in a fire lane (may be towed if creating a safety hazard);
 - (i) Parking in a zone or area marked no parking;
 - (i) Other violations of college parking traffic rules.
- (2) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be impounded and taken to a place for storage selected by the vice-president for plant operations or a designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.
- (3) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.
- (4) Persons may appeal the issuance of a citation according to WAC 495E-116-100.

NEW SECTION

WAC 495E-116-100 Appeal of citations and penalties. (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented.

(2) Appeals must be submitted to the vice-president for plant operations within five days from the date of citation. The vice-president shall consider the appeal in a brief adjudicative proceeding.

NEW SECTION

WAC 495E-116-110 Disclaimer of liability by college. The college assumes no liability under any circumstances for theft or damage occurring to vehicles, bicycles, or their contents. No bailment of any sort is created by the acquisition of a parking permit.

NEW SECTION

WAC 495E-116-120 Designation of parking. The parking spaces available on campus may be allocated and designated by the vice-president for plant operations in such a manner as will best achieve the objectives of this chapter.

- (1) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. The campus security officer shall issue appropriate permits for temporarily handicapped persons.
- (2) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits, for a maximum time period of two hours.
- (3) The vice-president for plant operations may designate parking spaces for special purposes as deemed necessary.

NEW SECTION

WAC 495E-116-130 Parking within designated spaces. (1) No vehicle may be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle may be parked so as to occupy any portion of more than one parking space or stall.

NEW SECTION

WAC 495E-116-140 Regulatory signs, markings barricades, etc. The vice-president for plant operations o a designee may make and erect signs, barricades, and othe structures and paint marks and other directions upon the streets, entrances, exits, and roadways for the regulation o traffic and parking upon the various public lands devoted to operated by, or maintained by the college. Drivers o vehicles shall observe and obey all the signs, barricades structures, markings, and directions given them by the campus security officer in the control and regulation o traffic and parking.

WAC 495E-116-150 Speed limit. No vehicle may be operated on the campus at a speed in excess of five miles per hour, or such slower speed as is reasonable and prudent under the circumstances.

NEW SECTION

WAC 495E-116-160 Pedestrian right of way. (1) The operator of a vehicle shall yield the right of way to any pedestrian. A pedestrian shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

NEW SECTION

WAC 495E-116-170 Two-wheeled motorcycles or bicycles. (1) All two-wheeled vehicles powered by an engine shall park in areas designated for motorcycles only and will not use spaces assigned to automobiles or bicycles.

(2) Bicycles and other nonengine powered cycles must be parked in bicycle racks where provided. No person may bark a bicycle inside a building, on a path, sidewalk, or walkway, or in such a manner as to block or obstruct the normal flow of pedestrian traffic.

NEW SECTION

WAC 495E-116-180 Report of accidents. (1) The operator of a vehicle involved in an accident on campus esulting in injury or death of a person or claimed damage o either or both vehicles exceeding five hundred dollars shall immediately report the accident to the vice-president or plant operations. Accidents occurring after the close of susiness must be reported the next working day. Within wenty-four hours after the accident, the operator shall file state of Washington motor vehicle report.

(2) Other accidents may be reported to security for nsurance record purposes.

NEW SECTION

WAC 495E-116-190 Disabled or inoperative vehicles—Impounding. (1) Disabled or inoperative vehicles hall not be parked on the campus for a period exceeding eventy-two hours, without authorization from the vice-resident for plant operations or a designee.

(2) Vehicles parked over seventy-two hours without uthorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the ehicle at least forty-eight hours before it will be impounded.

WSR 93-13-107 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:33 p.m.]

Date of Adoption: June 14, 1993. Purpose: To adopt rules of student conduct. Statutory Authority for Adoption: RCW 28B.50.140, 34.05.220, and [34.05].482.

Pursuant to notice filed as WSR 93-09-034 on April 16, 1993.

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

June 14, 1993

Kathleen Searcy

Vice-President
for Human Resources

Chapter 495E-120 WAC STUDENT CONDUCT CODE

NEW SECTION

WAC 495E-120-010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees for college district No. 27 and Renton Technical College.

(2) "College" means Renton Technical College.

(3) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(4) "Disciplinary action" means action authorized under WAC 495E-120-110 for the violation of a rule in this chapter.

(5) "Disciplining official" means the vice-president for student services or designee who takes a disciplinary action.

(6) "Drug" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(7) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(8) "President" means the chief executive officer of the college appointed by the board of trustees.

(9) "Student" means a person who is regularly enrolled at the college.

NEW SECTION

WAC 495E-120-020 Statement of purpose. (1) Renton Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

WAC 495E-120-030 Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

NEW SECTION

WAC 495E-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this conduct code, for violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

- (1) Smoking in any college facility or other areas posted against smoking by college officials;
- (2) The possession, use, sale, or distribution of any alcoholic beverage (except as specifically permitted by the board or president), or any illegal drug, on the college campus. The illegal use of drugs or alcohol by any student attending a college-sponsored or supervised event is also prohibited, even though the event does not take place at the college;
- (3) Engaging in lewd, indecent, or obscene behavior on college facilities or at college sponsored or supervised functions;
- (4) Causing an imminent danger to college facilities or to himself or herself or other persons in college facilities or to the education process of the college;
- (5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;
- (6) The intentional making of false statements or filing of false charges against the college or members of the college community;
- (7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with an unlawful intent;
- (8) Theft from or damage to college facilities or theft of or damage to property of a member of the college community;
- (9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;
- (10) Possession of firearms or weapons even if licensed to do so;
- (11) Falsely setting off or otherwise tampering with any emergency equipment, alarms, or other devices;
- (12) Intentionally and without authorization gaining access to a computer system or electronic data owned or used by the college, including the unauthorized copying of copyrighted software;
- (13) Engaging in sexual harassment, unwelcome sexual advances, unwelcome requests for sexual favors, or other unwanted verbal or physical contact of a sexual nature toward a college student or employee;
- (14) Entering any locked or otherwise closed college facility in any manner without permission;
- (15) Participating in an assembly which materially and substantially interferes with the education or administrative functions of the college, or the private rights and privileges of others;
- (16) Failure to comply with college attendance or other rules;

(17) Retaliation against witnesses or accusers under this chapter.

NEW SECTION

WAC 495E-120-045 Loss of eligibility—Student activity participation. Any student found to have violated chapter 69.41 RCW, Legend Drugs—Prescription drugs, by virtue of a criminal conviction or otherwise, shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any college-sponsored events or activities.

NEW SECTION

WAC 495E-120-050 Civil disturbances. In accordance with RCW 28B.10.570 through 28B.10.573:

- (1) It shall be unlawful for any person, singly or ir concert with others, to interfere by force or violence with any administrator, faculty member, or student of the college who is in the discharge or conduct of his or her duties of studies.
- (2) It shall be unlawful for any person, singly or ir concert with others, to intimidate by threat of force of violence any administrator, faculty member, or student of the college who is in the discharge of his or her duties of studies.
- (3) The crimes described in RCW 28B.10.570 through 28B.10.573 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of thei disciplinary authority.
- (4) Any person or persons who violate the provisions o subsections (1) and (2) of this section will be subject to disciplinary action and/or prosecution.

NEW SECTION

WAC 495E-120-060 Free movement on campus The president is authorized in the instance of any event tha he or she deems to impede the movement of persons o vehicles or to disrupt the ingress or egress of persons to o from the college facilities, to prohibit the entry of o withdraw the license or privileges of a person or persons to enter onto or remain upon any portion of the collegifacilities. The president may act through the vice-presiden for student services or any other designee.

NEW SECTION

WAC 495E-120-070 Right to demand identification For the purpose of determining whether probable causexists for the application of any section of this code to an behavior by any person on a college facility, any college personnel may demand that any person on college facilitie produce evidence of student enrollment at the college.

NEW SECTION

WAC 495E-120-080 Academic dishonesty/classroon conduct/attendance. (1) Academic dishonesty: Hones assessment of student performance is of crucial importanc to all members of the academic community. Acts o dishonesty are serious breaches of honor and shall be subject to discipline as follows:

- (a) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student falsely represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action under this chapter.
- (b) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (a) of this subsection, shall be subject to disciplinary action under this chapter.
- (2) Classroom conduct: Any student who substantially disrupts any college class by engaging in misconduct that renders it difficult or impossible to maintain the decorum of the class shall be subject to disciplinary action.
- (3) Attendance: Consistent attendance is essential to the educational process and the instructor is authorized to establish reasonable standards to encourage attendance enforceable by disciplinary action.
- (4) For disciplinary action under this section, an instructor may take action authorized under WAC 495E-120-110 (1), (2), and (3), except suspension, expulsion, or monetary fine or the instructor may refer the matter to the designee of the vice-president for student services. In addition, an instructor may take immediate or summary action as he/she deems appropriate in order to preserve order or prevent disruption in the classroom. For academic dishonesty, an instructor also may adjust any grade of the student.

WAC 495E-120-090 Distribution of information. (1) Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student or college employee on or in college facilities at locations specifically designated by the vice-president for student services, provided that such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic and further provided that a copy of the material has been made available to the vice-president for student services prior to distribution.

- (2) Such handbills, leaflets, newspapers, and related matter must identify the publishing agency and distributing organization or individual.
- (3) Nonstudents making such sales or distributions shall register beforehand with the vice-president for student services and shall meet the same requirements.
- (4) Any student who violates subsection (1) or (2) of his section will be subject to disciplinary action.

NEW SECTION

- WAC 495E-120-100 Commercial activities. (1) College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities:
- (a) Clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or esearch equipment; and

- (b) Are conducted under the sponsorship or at the request of the college.
- (2) For the purpose of this section, the term "commercial activities" does not include handbills, leaflets, newspapers, and similar materials as regulated in WAC 495E-120-090.

NEW SECTION

- WAC 495E-120-110 Disciplinary terms. The following disciplinary actions against a student are authorized, and the definitions set forth in this section apply throughout this chapter:
- (1) Verbal warning means oral notice of violation of college rules.
- (2) Reprimand means formal action censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.
- (3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and its conditions. Disciplinary probation warns the student that any further misconduct will automatically raise the question of expulsion from the college. 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.
- (4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days due to a necessity to take immediate disciplinary action where a student presents an imminent danger to college property, or to himself or herself or other students or persons in college facilities or off campus, or to the educational process of the college.
- (5) Suspension means temporary dismissal from the college and temporary termination of student status, other than summary suspension, for a specified period of time.
- (6) Expulsion means dismissal from the college and termination of student status for an indefinite period of time or permanently.
- (7) Monetary fine or restitution means a written order, alone or combined with another disciplinary action, requiring the student to pay, within a stated time limit, appropriate restitution for a financial loss caused by the student's misconduct and/or monetary fine not exceeding one quarter's tuition. Failure to pay shall be cause for further disciplinary action and/or cancelling and barring the student's registration.

NEW SECTION

WAC 495E-120-120 Initiation of discipline. (1) The vice-president for student services shall designate the person(s), in addition to instructors under WAC 495E-120-080, who may take any disciplinary action under this

chapter. Such disciplining official ordinarily should meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student before taking a disciplinary action.

(2) The student shall be given written notice of any disciplinary action except a verbal warning. Such written notice shall be delivered personally or mailed by first-class mail to the student's last known address. The notice shall state the factual basis for the action and shall advise the student of his/her right to appeal under these rules. The notice may be amended by notice reasonably in advance of a hearing.

NEW SECTION

(1) A student may appeal a disciplinary action, other than a verbal warning, of an instructor or disciplining official by filing, within twenty days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for a brief or formal adjudicative pro-

WAC 495E-120-130 Appeal of disciplinary action.

written application for a brief or formal adjudicative proceeding. This application may, but need not, explain the student's position and/or be on a form provided under WAC 495E-108-040. The application shall be filed with the vice-president for student services or the person (other than the disciplining official) designated by that vice-president to receive such an appeal.

receive such an appeal.

(2) The vice-president or designee receiving the appeal may, in his/her discretion, stay the effect of the discipline

pending the appeal.

- (3) The vice-president or designee receiving the appeal may meet or attempt to meet with the student, the disciplining official, and anyone else deemed to have information, for the purpose of attempting to resolve the matter by agreement.
- (4) Unless the discipline is rescinded, the student confirms in writing his/her withdrawal of the application for an adjudication, or the matter is otherwise resolved by agreement, the vice-president shall conduct an adjudicative proceeding. This shall be a brief adjudicative proceeding unless:
- (a) The vice-president decides to convert the case to a formal adjudicative hearing; or
- (b) The discipline includes some form of dismissal from the college and the student in his/her request for an adjudication specified a formal adjudicative hearing.
- (5) Disqualification of a presiding officer shall be as provided in RCW 34.05.425.
- (6) The matter shall be heard by the presiding officer de novo.
- (7) Failure to participate or cooperate in the proceeding may be taken into consideration by the presiding officer and shall not preclude the presiding officer from making a decision. This shall not limit the possibility of a default under RCW 34.05.440.
- (8) The student may be accompanied by an advisor. However, no attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

- (9) The presiding officer may exclude from a meeting or hearing any person whose conduct is disruptive.
- (10) The presiding officer may consider evidence of any previous disciplinary action taken against the student.
- (11) The presiding officer and, subsequently, a reviewing officer, may affirm, modify, or reverse the disciplinary action.

NEW SECTION

- WAC 495E-120-140 Discipline review—Brief adjudicative proceedings. In a brief adjudicative proceeding: (1) RCW 34.05.485 through 34.05.494 and WAC 10-08-080 shall govern, unless otherwise provided in these rules.
- (2) The presiding officer shall be the vice-president for student services or, if he/she cannot so serve for any reason, another person designated by the president.
- (3) The presiding officer shall serve on the parties and provide to the president an initial order, a brief written statement of the reasons for the decision, within ten days in accordance with RCW 34.05.485. That statement shall describe the available administrative review procedures specified in subsection (4) of this section.
- (4) The initial order shall become the final order, without further action, unless within twenty-one days of service of the initial order:
- (a) The president or president's designee, upon his/her own motion, determines that the initial order should be reviewed; or
- (b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or president's designee shall be the reviewing officer and RCW 34.05.491 shall apply to any such determination or petition.

NEW SECTION

WAC 495E-120-150 Discipline review—Formal adjudicative proceedings. In a formal adjudicative proceeding: (1) RCW 34.05.413 through 34.05.479 and chapters 10.08 and 495E-108 WAC shall govern, unless otherwise provided in these rules.

- (2) The presiding officer shall be a discipline appeals committee consisting of three individuals: The vice-president for student services (who shall serve as chair and make procedural rulings on such issues as discovery, closure, and means of recording), an associate or assistant dean designated by the president, and a third individual designated by the president.
- (3) The presiding officer may designate a recordkeeping clerk and/or other staff as appropriate. Hearings shall be recorded, in accordance with WAC 10-08-170. If any part of a hearing is closed in accordance with WAC 495E-108-070, the recording of that closed part shall be kept separate and confidential.
- (4) The presiding officer may conduct prehearing conference(s) in accordance with RCW 34.05.431 and WAC 10-08-130.
- (5) The presiding officer may permit or conduct discovery as provided in RCW 34.05.446, WAC 10-08-120, and 495E-108-060.

Permanent [84]

- (6) The presiding officer shall give not less than seven days advance written notice of a hearing to all parties and all intervenors, except where such notice is waived, in accordance with RCW 34.05.434, WAC 10-08-040, or other applicable law.
- (7) The burden of proof shall be on the party seeking to uphold the discipline to establish good cause by a preponderance of the evidence.
- (8) Within the ninety days specified in RCW 34.05.461, and preferably within twenty days, the presiding officer shall serve on the parties and provide to the president an initial order, together with any relevant comments on the demeanor of witnesses. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. The initial order also shall describe the available administrative review procedures specified in subsection (9) of this section.
- (9) The initial order shall become the final order, without further action, unless within twenty-one days of service of the initial order:
- (a) The president or president's designee upon his/her own motion, determines that the initial order should be reviewed; or
- (b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or president's designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

WAC 495E-120-160 Refunds and access. (1) Refund of fees for the term in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended or expelled on the basis of conduct which disrupted the orderly operation of the campus or any college facility may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 495E-120-170 Readmission after suspension or expulsion. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for student services. Such petition must state reasons which support a reconsideration of the matter. The vice-president for student services or his/her designee shall decide the petition through a brief adjudicative proceeding. The president or designee shall be the reviewing officer.

NEW SECTION

WAC 495E-120-180 Reestablishment of academic standing. Students who have been suspended or expelled pursuant to this chapter and whose suspension or expulsion upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 495E-120-190 Reporting, recording, and maintaining records. Records of all disciplinary cases shall be kept by the vice-president for student services. Except in proceedings where the student is exonerated, all documentary or other physical evidence considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years. No records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository.

WSR 93-13-108 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:34 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To adopt rules for withholding services for outstanding student debts.

Statutory Authority for Adoption: RCW 28B.50.140, 34.05.220, and [34.05].482.

Pursuant to notice filed as WSR 93-09-035 on April 16, 1993.

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

June 14, 1993

Kathleen Searcy

Vice-President
for Human Resources

Chapter 495E-122 WAC WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

NEW SECTION

WAC 495E-122-010 Policy. If any person is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts, or other services which have been requested by such person.

NEW SECTION

WAC 495E-122-020 Notification. (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person by first-class mail addressed to his or her

last known mailing address that there is an outstanding debt and that services will not be provided until the debt is satisfied.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before the vice-president for finance for the purpose of determining whether the person is so indebted. The proceeding must be requested within twenty days of the date of mailing the notification.

NEW SECTION

WAC 495E-122-030 Procedure for brief adjudicative proceeding. (1) Upon receipt of a timely request for a hearing, the vice-president for finance shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing should be conducted within ten days of the request for a hearing.

- (2) After the informal hearing, a decision shall be rendered by the vice-president for finance indicating whether in fact the college is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within ten days after the hearing.
- (3) This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494. Any review of the decision shall be by the president in accordance with RCW 34.05.488 through 34.05.491.

NEW SECTION

WAC 495E-122-040 Other remedies. Withholding of services or other action(s) under this chapter shall not bar or restrict the college from pursuing any or all other available remedies, including but not limited to those in RCW 19.16.500 and 43.88.175 and/or appropriate court action.

WSR 93-13-109 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:35 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To provide an address and contact for financial aid information.

Statutory Authority for Adoption: RCW 28B.50.140.
Pursuant to notice filed as WSR 93-09-036 on April 16,

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

June 14, 1993

Kathleen Searcy
Vice-President

Chapter 495E-132 WAC FINANCIAL AID

NEW SECTION

WAC 495E-132-010 Financial aid. Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid Renton Technical College 3000 Northeast Fourth Street Renton, WA 98056

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

WSR 93-13-110 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:36 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To specify organizational information concerning the college.

Statutory Authority for Adoption: RCW 28B.50.140 and 34.05.220.

Pursuant to notice filed as WSR 93-09-037 on April 16. 1993.

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

June 14, 1993

Kathleen Searcy Vice-Presiden

for Human Resources

Chapter 495E-133 WAC ORGANIZATION

NEW SECTION

WAC 495E-133-020 Organization—Operation—Information. (1) Organization. Renton Technical College is established in Title 28B RCW as a public institution o higher education. The college is governed by a five-membe board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive office of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located a the following address:

3000 Northeast Fourth Street Renton, WA 98056

The office hours are 7:30 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

(3) Information. Additional and detailed informatio concerning the educational offerings of the college may b obtained from the catalog, copies of which are available ϵ the following address:

for Human Resources

Registrar Renton Technical College 3000 Northeast Fourth Street Renton, WA 98056

WSR 93-13-111 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:37 p.m.]

Date of Adoption: June 14, 1993.

Purpose: The rule is to direct interested persons to the designated rules coordinator for the college.

Statutory Authority for Adoption: RCW 34.05.310(3). Pursuant to notice filed as WSR 93-09-038 on April 16, 1993.

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

June 14, 1993

Kathleen Searcy

Vice-President

Chapter 495E-134 WAC DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 495E-134-010 Rules coordinator. The rules coordinator for Renton Technical College as designated by the president is:

Vice-President, Human Resources 3000 Northeast Fourth Street Renton, WA 98056

WSR 93-13-112 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:38 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To set forth guidelines for the use of college facilities.

Statutory Authority for Adoption: RCW 28B.50.140. Pursuant to notice filed as WSR 93-09-039 on April 16, 1993.

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

June 14, 1993 Kathleen Searcy Vice-President for Human Resources

for Human Resources

Chapter 495E-140 WAC USE OF COLLEGE FACILITIES

NEW SECTION

WAC 495E-140-010 Use of college facilities. Renton Technical College provides continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a

variety of uses which are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 495E-140-020 Limitation of use to school activities. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of the college's own teaching, research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

- (a) The regularly established teaching, research, or public service activities of the college and its departments;
- (b) Training, cultural, educational, or recreational activities of the students, faculty, or staff;
- (c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments;
- (d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;
- (e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.
- (2) College facilities may be used by student organizations for regular business meetings, social functions, and programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.
- (3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned and time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for use by individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the vice-president for plant operations. Allocation of space shall be made in accordance with college rules and policy and on the basis of time, space, priority of request, and the demonstrated needs of the applicant.
- (4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for damage or for any costs associated with the use of facilities. The individual, group, or organization requesting space will be required to state in advance the general purpose of any meeting.

WAC 495E-140-030 Statement of intentions. The college neither intends nor desires to compete unfairly with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

NEW SECTION

WAC 495E-140-040 General policies limiting use.

- (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities, forums, or formal political caucuses.
- (2) Religious groups shall not use the college facilities as a permanent meeting place. Use may be intermittent only.
- (3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination.
- (4) No one using college facilities may post promotional signs or posters on buildings, trees, walls, or bulletin boards, or distribute samples outside the rooms or facilities to which access has been granted, except with written permission of the vice-president for plant operations.
- (5) These rules shall apply to recognized student groups using college facilities.
- (6) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials must be authorized in advance by the vice-president for plant operations and shall not be construed as support or approval of the content by the college community or the board of trustees.
- (7) Use of audio amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the vice-president for plant operations.
- (8) No person or group may use or enter onto college facilities having in their possession firearms or weapons, even if licensed to do so, except college personnel authorized by the president and commissioned police officers as prescribed by law.
- (9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group, or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.
- (10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through

- areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.
- (11) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions, or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.
- (12) If a college facility abuts a public area or street, and if student activity, although on such public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might also be available through local law enforcement agencies.
- (13) All activities and uses of college facilities shall comply with applicable laws and rules and college policies.

NEW SECTION

WAC 495E-140-050 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate.

NEW SECTION

WAC 495E-140-060 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or designee, to leave the college property. Such a request prohibits the entry of, and withdraws the license or privilege to enter onto or remain upor any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules.

NEW SECTION

WAC 495E-140-070 Prohibited conduct at college facilities. (1) The unlawful use or possession of drugs narcotics, or intoxicants on college property or at college functions is prohibited. Students obviously under the influence of intoxicants, unlawful drugs, or narcotics while in college facilities are subject to disciplinary action.

- (2) The use of tobacco is prohibited in or on any college facility.
- (3) Destruction of college or other public property is also prohibited.

NEW SECTION

WAC 495E-140-080 Control of pets in college facilities. Pets are not permitted in campus buildings or or the grounds except guide or service dogs for the visually or hearing impaired, or persons with specific handicapping conditions or as specifically permitted by the vice-presiden for plant operations.

WAC 495E-140-090 Basis of fee assessment. (1) Use fees reflect the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule, which may include complimentary use. A current fee schedule is available to interested persons from the office of vice-president for plant operations.

(2) The college does not wish to compete with private enterprise. Facility use for noncollege activities will not be granted at rates or upon terms less than fair rental value.

NEW SECTION

WAC 495E-140-100 Application procedures. (1) At least seven working days prior to date of intended use of any college facility, or such lesser period as is approved by the vice-president for plant operations, an authorized representative of the requesting organization must submit a proper and complete written application for use of college facilities, which may be obtained through the college's office of vice-president for plant operations. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

- (2) An authorized representative of the using organization shall sign the application, which upon approval by the vice-president for plant operations shall serve as the rental agreement. By affixing a signature as representing the using organization, the signatory specifies that he or she has authority to enter into the agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges. These charges may include interest on overdue accounts as specified on the rental form but not less than one percent per nonth.
- (3) Large events, events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, up to fifty percent nonrefundable advance leposit may be required at the time of application.
- (4) The college reserves the right to make pricing hanges without prior written notice.
- (5) Use of a facility is limited to the facility specified on the agreement.
- (6) The priorities for facility use place primary emphasis in regular college events and activities. The president and he vice-president for plant operations each reserve the right o cancel any permit and refund any payments for use of ollege facilities and equipment when they deem such action dvisable and in the college's best interests.
- (7) In the event of a cancellation by the applicant, that regarization is liable for all college costs and expenses in reparing the facility for its use.
- (8) Any admission charge is to be specified by the pplicant and approved by the college in advance.

NEW SECTION

WAC 495E-140-110 Supervision during activity. (1) Signatories to the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of particular facilities makes it advisable that supervision be provided, the college reserves the right to require that a staff member monitor the activity. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned to any using organization with the exception of keys to designated off-campus locations or by approval of the vice-president for plant operations.

WSR 93-13-113 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:39 p.m.]

Date of Adoption: June 14, 1993.

Purpose: This rule sets forth library resource center use and fine system.

Statutory Authority for Adoption: RCW 28B.50.140. Pursuant to notice filed as WSR 93-09-040 on April 16, 1993.

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

June 14, 1993

Kathleen Searcy

Vice-President
for Human Resources

Chapter 495E-168 WAC USE OF LIBRARY RESOURCE CENTER—FINES

NEW SECTION

WAC 495E-168-010 Title. WAC 495E-168-010 through 495E-168-040 will be known as the library-resource center code of Renton Technical College.

NEW SECTION

WAC 495E-168-020 Loans. Materials from the college library-resource center are checked out only to the following groups:

- (1) All currently registered students of the college;
- (2) All current faculty and administrative staff members;
- (3) All persons currently employed in classified staff positions;
- (4) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;
- (5) Students from other institutions with which the college library-resource center has a reciprocal lending

agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Renton Technical College students.

NEW SECTION

WAC 495E-168-030 Fines. In cases where damage to or loss of library resource center material is evident, the offending patron will be assessed the replacement cost. When library resource center materials are retained by the borrower beyond the designated due date, a fine will be levied. When materials are not returned, or fines not paid, holds may be placed on the transcript records of those involved, or other remedies pursued, in accordance with chapter 495E-122 WAC. In extreme cases, when expensive or valuable items are involved, the provisions of RCW 27.12.340 may be invoked.

NEW SECTION

WAC 495E-168-040 Student notice. Additional information about the operation of the library-resource center and the rules for loaning books, other print materials, and nonprint materials shall be posted in the library-resource center.

NEW SECTION

WAC 495E-168-050 Inspection. The library shall have the right to inspect packages, brief cases, containers, articles, and materials leaving the library resource center to prevent the unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

NEW SECTION

WAC 495E-168-060 Prohibited entry. The library resource center shall have the right to prevent entry of foods and beverages, animals, or other things detrimental to the library purpose.

WSR 93-13-114 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:40 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To set forth guidelines and a process allowing public access to college records.

Statutory Authority for Adoption: RCW 28B.50.140 and 42.17.250 et seq.

Pursuant to notice filed as WSR 93-09-041 on April 16, 1993.

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

June 14, 1993
Kathleen Searcy
Vice-President
for Human Resources

Chapter 495E-276 WAC ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 495E-276-010 Purpose. The purpose of this chapter is to ensure that Renton Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

WAC 495E-276-020 Definitions. (1) "Public record" and "writing" have the meanings set forth in RCW 42.17.020.

(2) "Renton Technical College" is an agency organized by statute pursuant to RCW 28B.50.040, and hereinafter may be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

NEW SECTION

WAC 495E-276-030 Description of central and field organization of Community College District No. 27. (1) Renton Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located at 3000 Northeast Fourth Street, Renton, WA 98056-4195.

- (2) The district is operated under the supervision and control of the state board for community and technical colleges and a college board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495E-104-010. The board of trustees employs a president, an administrative staff, members of the faculty, and other employees. The board of trustees takes such actions and promulgates such rules and policies, in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.
- (3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the *Policies ana Procedures Manual* for Renton Technical College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 495E-276-040 Operations and procedures. (1) The board of trustees normally takes action at regular or special meetings through duly adopted resolutions or motions or promulgation of rules in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college as established by the board of trustees, are set forth in the *Policies and Procedures Manual* of Renton Technica

College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 495E-276-050 Public records available. All public records of the district are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by 20 U.S.C. § 1232g, 34 CFR Part 99, RCW 42.17.310, chapter 495E-280 WAC, or other statutes or rules.

NEW SECTION

WAC 495E-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with public records disclosure requirements.

NEW SECTION

WAC 495E-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

NEW SECTION

WAC 495E-276-080 Requests for public records. 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 upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented by mail or during customary office hours to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office for forwarding to the records officer. The request shall include:
- (a) The name, address, and telephone number of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) 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:
- (d) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested;

- (e) If the requested record includes a list of individuals, a sworn certification and declaration by the requester that the list and names will not be used for any commercial purpose.
- (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.

NEW SECTION

WAC 495E-276-090 Copying. No fee shall be charged for the inspection of public records. The district 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 but such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 495E-276-100 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495E-276-080 is exempt pursuant to RCW 42.17.310 or another statute or rule. Such determination shall be made by the public records officer or his/her designee.

- (2) Pursuant to RCW 42.17.260, the district will delete identifying details when it makes a record available, to the extent required to prevent an unreasonable invasion of personal privacy interests: *Provided, however,* In each case the justification for the deletion shall be explained in writing.
- (3) The response to a request for a public record must be made promptly. Within five business days, the records officer must respond in accordance with RCW 42.17.320.
- (4) All denials of requests 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.
- (5) The district's disclosure of a record that it may have authority to withhold under a permissive exemption shall not waive that exemption or in any way preclude the district from asserting that exemption upon a future request for the same or another record.

NEW SECTION

WAC 495E-276-110 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 to the district president or his/her designee. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) Within two business days after receiving the written request for review, the president of the district, or his or her

designee, shall complete such review and issue a final written decision.

(3) During the course of the review the president or his or her designee shall consider the obligations of the district 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 the exemptions provided in RCW 42.17.310 and other pertinent statutes and rules, and the provisions of the statute which require the district 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 495E-276-120 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 custody of the records officer. Copying of such records may be arranged according to the provisions of WAC 495E-276-090.

NEW SECTION

WAC 495E-276-130 Records indexes and exemptions. (1) The district will maintain indexes of its public records in accordance with RCW 42.17.260. The indexes maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

(2) For purposes of RCW 42.17.260(2), the laws other than those listed in chapter 42.17 RCW which the district believes may exempt or prohibit disclosure of district information or records include: 20 U.S.C. § 1232 g, 34 CFR Part 99, and RCW 5.60.060 and 42.32.030.

NEW SECTION

WAC 495E-276-140 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO RENTON TECHNICAL COLLEGE

. ,	Name (please print)	Signature
	Name or Organization, if applica	able
	Mailing Address of Applicant	Phone Number
(2)	Date Request Made	Time of Day Request Made
	Identification Reference on C cribe)	urrent Index (Please
	• • • • • • • • • • • • • • • • • • • •	

Identifiable by Reference to the Renton Technical College Index
(5) (If request covers a list of individuals:) The undersigned records requester certifies and declares under penalty of perjury under the laws of the State of Washington that no list or names of individuals obtained through this request will be used for any commercial purpose:
Requested By Date Time
Received By Date Time
ACTION ON REQUEST
Request: APPROVED DENIED Date
By
Name Title
Reasons for Denial:

(4) Description of Record, or Matter, Requested if not

WSR 93-13-115 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:41 p.m.]

Date of Adoption: June 14, 1993.

Purpose: To provide students access to their educational records, to challenge records believed to be inaccurate or a violation of their privacy or to obtain written consent for release and to provide notice to students of their rights.

Statutory Authority for Adoption: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. § 1232G, and 34 C.F.R. Part 99.

Pursuant to notice filed as WSR 93-09-042 on April 16, 1993.

Effective Date of Rule: Thirty-one days after filing. June 14, 1993

> Kathleen Searcy Vice-President

for Human Resources

Chapter 495E-280 WAC FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

NEW SECTION

WAC 495E-280-010 General policy. Renton Technical College adopts the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and its implementing regulation (34 C.F.R. § 99). Briefly, Renton Technical College is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information, and to notify students of these rights.

NEW SECTION

WAC 495E-280-015 Definitions. For the purposes of this policy, the following definitions of terms apply:

- (1) "Student" means any individual who is or has been in attendance at Renton Technical College and regarding whom the college maintains education records.
- (2) "Education records" are those records, files, and documents (in handwriting, print, tape, film, microfiche, or other medium) maintained by Renton Technical College which contain information directly related to an individual student. Education records include the following:
- (a) Records pertaining to admission, advisement, registration, grading, and progress toward a degree that are maintained by the registrar.
- (b) Testing information used for advisement purposes by the counseling center.
- (c) Information concerning payment of fees as maintained by the registrar.
- (d) Financial aid information as collected by the financial aid office.
- (e) Information regarding students participating in student government that is maintained by the student programs office.
- (3) "Directory information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities and organizations, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.
- (4) "Written consent" means a written authorization for disclosure of student education records which:
 - (a) Is signed and dated;
 - (b) Specifies the records to be disclosed; and
 - (c) Specifies to whom disclosure is authorized.
- (5) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s) or other family member; a personal identifier such as the student's Social Security number or student number; or personal characteristics or other information which would make the student's identity easily traceable.

NEW SECTION

WAC 495E-280-020 Annual notification of rights. Renton Technical College will notify students of their rights under the Family Educational Rights and Privacy Act (F.E.R.P.A.) and these rules by publication in the college catalog and by distribution of that catalog during the egistration process. The college shall make available upon equest a copy of these rules governing release of student ecords. In addition, the college shall post at conspicuous places on the campus information regarding the existence of his policy and of the availability of copies.

NEW SECTION

WAC 495E-280-030 Procedure to inspect education records. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495E-280-110.

- (2) A student must submit to the appropriate college official a written request which identifies as precisely as possible the records he or she wishes to inspect.
- (3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five days or less from the receipt of the request.

NEW SECTION

WAC 495E-280-040 Disclosure of education records.

- (1) In addition to "directory information" the college may, at its discretion, make disclosures from education records:
- (a) To college officials including college administrative and clerical staff, faculty, and students employed by the college when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;
- (b) To officials of another school in which the student seeks or intends to enroll;
- (c) To authorized federal, state, or local officials as required by law;
- (d) In connection with financial aid which the student has applied for or received, when necessary for lawful purposes;
- (e) To appropriate parties in a health or safety emergency;
- (f) To accrediting organizations to carry out their accrediting functions;
- (g) To parents of a student who claim the student as a dependent for income tax purposes;
- (h) To comply with a judicial order or a lawfully issued subpoena; and
- (i) To an organization conducting a study for or on behalf of educational agencies or institutions, when legally authorized.
- (2) The college shall not permit access to or 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 above.
- (3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student, except that the college may permit third party disclosure to other parties listed in subsection (1)(a) through (i) of this section.

NEW SECTION

WAC 495E-280-050 Limits on rights to review and inspect and obtain copies of education records. (1) When a record contains information about more than one student,

the student may inspect and review only the information which relates to him or her.

- (2) Renton Technical College reserves the right to refuse to permit a student to inspect the following records:
- (a) Financial records, including any financial statement of the student's parents;
- (b) Confidential letters and statements of recommendation for which the student has lawfully waived his or her right of access, or which were placed in the file before January 1, 1975; and
- (c) Records connected with an application to attend Renton Technical College if that application was denied.
- (3) Renton Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:
- (a) The student has an unpaid financial obligation to the college;
- (b) There is an unresolved disciplinary action against the student.

NEW SECTION

- WAC 495E-280-060 Record of request and disclosures. (1) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided by law or rule.
- (2) The college shall maintain the record with the education records of the student as long as the records are maintained.
 - (3) The record must include:
- (a) The names of parties who have requested or received personally identifiable information;
- (b) The interests the parties had in requesting or obtaining the information; and
- (c) The names and interests of additional parties to which the receiving party may disclose or redisclose the information.
- (4) The following parties may inspect the record of requests and disclosures relating to a student:
 - (a) The student;
- (b) The college officials who are responsible for the custody of the records; and
- (c) Persons authorized to audit the recordkeeping procedures of the college.
- (5) The college is not required to maintain a record if the request was from, or the disclosure was to:
 - (a) The student;
 - (b) A school official;
 - (c) A party with written consent from the student; or
 - (d) A party seeking directory information.

NEW SECTION

WAC 495E-280-070 Disclosure of directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student has elected to prevent disclosure by filing a written objection to disclosure with the registrar within ten days of his/her registration for that term. The objection

continues in effect during succeeding terms unless revoked in writing by the student.

NEW SECTION

WAC 495E-280-080 Requests for corrections, hearings, adding statements to education records. Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

- (1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495E-280-110. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading, or in violation of his or her privacy or other rights.
- (2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the vice-president for student services or designee within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The vice-president for student services or designee shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time, and place of the hearing.
- (3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 through 34.05.494 and shall be conducted by the vice-president for student services or his/her designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.
- (4) The vice-president for student services or designed will prepare a written decision, within ten days after the conclusion of the hearing, based on the evidence presented at the hearing. The decision will include the reasons for the decision and will advise the parties that it is subject to administrative review by the college president under RCW 34.05.488 through 34.05.491 if a written or oral request for such review is received by the president within twenty-one days. A copy of the decision shall be served on the student
- (5) If the final decision is that the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record accordingly and notify the student, in writing, that the record has been amended.
- (6) If the final decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
- (7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion o

Permanent [94]

the education record is disclosed, the statement will also be disclosed.

NEW SECTION

WAC 495E-280-090 Fees for copies. Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

NEW SECTION

WAC 495E-280-100 Waiver. A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in a subsequent writing which is signed and dated.

NEW SECTION

WAC 495E-280-110 Type and location of education records.

TYPES

CUSTODIAN Registrar

Admission Records, Cumulative Academic Records, Testing Records, Registration and Payment of Tuition Records

Financial Aid Records, Student Employment Records Financial Aid Director

All records are maintained in the Administration Building, 3000 Northeast Fourth Street, Renton, WA 98056.

NEW SECTION

WAC 495E-280-120 Remedy for students protected by this act. A student may file a written complaint with the United States Department of Education regarding an alleged college violation of the Federal Educational Rights and Privacy Act or 34 C.F.R § 99. The address is:

Family Policy and Regulations Office U.S. Department of Education Washington, D.C. 20202

WSR 93-13-116 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:42 p.m.]

Date of Adoption: June 14, 1993.

Purpose: The rule sets forth the college procedure for persons believing themselves to have been discriminated against. It further sets forth the college policy statement on disabilities.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 93-09-043 on April 16, 1993.

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

June 14, 1993

Kathleen Searcy

Vice-President
for Human Resources

Chapter 495E-300 WAC DISCRIMINATION POLICIES AND PROCEDURES

NEW SECTION

WAC 495E-300-010 General policy. Any applicant for admission, enrolled student, applicant for employment or employee of Renton Technical College who believes she/he has been discriminated against on any unlawful basis, including sex, marital status, race, color, national origin, handicap/disability, age, or religion, may lodge an institutional grievance by following the procedures below.

NEW SECTION

WAC 495E-300-020 Informal procedure. (1) All applicants, employees, and students should feel free to discuss perceived discrimination with the individual responsible and with the person immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Applicants, employees, and students may also consult directly and confidentially with the college affirmative action officer without making a formal written complaint. However, they are not required to use the informal process and may go directly to the formal procedure.

(2) Any college official receiving any discrimination complaint shall contact the affirmative action officer or designee as soon as practicable. The college official shall arrange for the complainant to receive a copy of the complaint procedure.

NEW SECTION

WAC 495E-300-030 Formal procedure. Employees and students may make a written complaint concerning discriminatory behavior to the affirmative action officer or his/her designee.

- (1) Complaints will be held in confidence to the extent this is reasonably possible. No action against the person accused will ordinarily be taken on behalf of the complainant unless the complainant consents to be identified to the accused, although the college reserves all rights to take appropriate corrective measures regardless of the actions of the complainant.
- (2) The complainant or accused may bring a person of his or her choice to any meetings about the complaint.
- (3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the written complaint and to the accused.
- (4) The aff mative action officer will meet, consult, and investigate as he/she deems appropriate. An informal hearing may be substituted for or added to an investigation if the complainant and the accused agree. The affirmative

action officer or designee will be responsible for conducting any such hearing.

- (5) The affirmative action officer or designee shall promptly communicate his/her findings to both the complainant and the accused, and then shall make a written report of those findings and a recommendation to the appropriate disciplinary authority or other college official (but not one who would hear any appeal).
- (6) Appropriate corrective measures, if any, will be decided by the appropriate disciplinary authority or official. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through any available faculty or classified grievance procedures, if they are covered by a bargained agreement, or the student code appeal procedure.
- (7) Information will be entered in a personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation for a period of three years and then that record will be destroyed. If a complaint is filed with an outside state or federal agency, files will be maintained until that complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

NEW SECTION

WAC 495E-300-040 Other remedies. These procedures outlined in WAC 495E-300-010 through 495E-300-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not restrict or replace an individual's right to file a timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

NEW SECTION

WAC 495E-300-050 Policy statement on disabilities. Students with documented disabilities who meet admission qualifications will be provided reasonable accommodation. Accommodations may be made in the style of instructional delivery, method of evaluation, or curricular aides. The college will not lower the standard measurement of competency for the certificate of merit or the standards of a degree.

Specific support services and auxiliary aide should be determined prior to registration. State vocational rehabilitation agencies or common school districts charged with providing support to handicapped students will retain primacy of responsibility for necessary auxiliary aids.

Renton Technical College encourages all students to achieve the highest level of skill development possible, as well as to achieve the ability to function independently in the workplace. Therefore, accommodations will be provided on a decreasing basis to the extent that the student's reasonable requirements diminish as the student becomes increasingly successful in training and nears job placement.

WSR 93-13-117 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:43 p.m.]

Date of Adoption: June 14, 1993.

Purpose: The rule sets forth a college policy of compliance with the Washington State Environmental Policy Act. Statutory Authority for Adoption: RCW 28B.50.140. Pursuant to notice filed as WSR 93-09-044 on April 16,

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

June 14, 1993

Kathleen Searcy

Vice-President
for Human Resources

Chapter 495E-325 WAC STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 495E-325-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Renton Technical College that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), and chapters 197-11 and 132-24 WAC.

(2) The president of the district or his/her designee shall be responsible for administering and implementing this policy.

WSR 93-13-118 PERMANENT RULES RENTON TECHNICAL COLLEGE

[Filed June 21, 1993, 4:44 p.m.]

Date of Adoption: June 14, 1993.

Purpose: This rule sets forth tenure, evaluation, professional competency, and reduction-in-force guidelines for college faculty.

Statutory Authority for Adoption: RCW 28B.50.140, [28B.50.]852, and 34.05.220.

Pursuant to notice filed as WSR 93-09-045 on April 16, 1993.

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

June 14, 1993

Kathleen Searcy Vice-President for Human Resources

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Chapter 495E-400 WAC FACULTY TENURE, DISMISSAL, AND REDUCTION-IN-FORCE

NEW SECTION

WAC 495E-400-010 Applicable law. Faculty tenure, dismissal, and reduction-in-force of the faculty of Renton Technical College shall be governed by the laws of the state of Washington, these rules, and applicable collective bargaining agreement(s).

WAC 495E-400-020 Definitions. In addition to the definitions given in chapter 28B.50 RCW, as used herein the term:

- (1) "Appointing authority" shall mean the board of trustees for Renton Technical College and college district 27.
- (2) "President" shall mean the president of Renton Technical College.

NEW SECTION

WAC 495E-400-030 Evaluation of probationer by review committee. The criteria considered by the review committee evaluating a faculty probationer shall include, without limitation: Teaching skill, relationships with students, staff, and administrators, knowledge of the subject matter he/she is charged with teaching, and overall contribution to the college.

NEW SECTION

WAC 495E-400-040 Faculty statement on maintaining professional competency. A tenured faculty member shall maintain professional competency in teaching skills and his/her particular discipline, through pursuit of a related organized course of study, research, inservice training, conference attendance, additional vocational experience, and maintenance of certification.

NEW SECTION

WAC 495E-400-050 Grounds constituting sufficient cause. Sufficient cause for dismissal or removal of a faculty member shall include any unlawful act of violence, any unlawful act resulting in destruction of college property, conviction of a felony, sexual harassment, any unlawful interference with the orderly conduct of the educational process, incompetence, failure to perform an assignment or duty required by law or contract or layoff and/or reduction-in-force.

NEW SECTION

WAC 495E-400-060 Reduction-in-force. (1) Except in cases of financial emergency declared by the state board and acted on by the district board under RCW 28B.50.873, the president shall determine which program(s) and/or support services are most necessary to maintain the educational mission of the college and where and when any reduction-in-force of tenured or probationary faculty members will occur.

- (2) The president shall give advance written notice of any program reduction which is likely to cause a reductionin-force of faculty to interested faculty members and to the district board, which shall affirm, modify, or reverse that reduction subject only to judicial review.
- (3) If the president determines that a reduction-in-force of faculty is necessary, the president shall conduct the reduction, in accordance with applicable collective bargaining agreements. Unless provided otherwise by an applicable agreement, the order of employee reduction will be based on seniority within the program or service being reduced. Unless provided otherwise by an applicable agreement, each

affected tenured or probationary faculty member shall be given written notice of termination or reduced hours and an opportunity to seek review, which review may be initiated only by the faculty member filing with the president, within twenty days of receipt of the notice, a written request for review. Such review shall be limited to determining whether he/she is a proper employee to be terminated or reduced, and shall otherwise be made in accordance with RCW 28B.50.863 et seq. when appropriate.

WSR 93-13-126 PERMANENT RULES DEPARTMENT OF REVENUE

[Filed June 22, 1993, 4:15 p.m.]

Date of Adoption: June 22, 1993.

Purpose: This rule is amended to incorporate the changes in tax registration requirements from chapter 206, Laws of 1992, and to clarify department policy.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-101.

Statutory Authority for Adoption: RCW 82.32.300. Pursuant to notice filed as WSR 93-08-013 on March 26, 1993.

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

June 22, 1993

Russell W. Brubaker

Legislation and Policy Manager

<u>AMENDATORY SECTION</u> (Amending Order ET 86-11, filed 5/27/86)

WAC 458-20-101 ((Certificates of)) Tax registration.

((Certificates of registration

- (1) Persons required to obtain certificates. Every person who is required by law to collect and account for tax, or who shall engage in any business for which a tax is imposed under the Revenue Act, shall, whether taxable or not, apply for and obtain a certificate of registration from the department of revenue upon the payment of \$15.00. A registration certificate is personal and nontransferable and is valid for as long as the taxpayer continues in business.
- (2) Leased departments. Operators of leased departments or concessions are permitted under certain conditions to include their tax liability on the returns of the lessor, or grantor of the concession, instead of filing separate returns; nevertheless such operators must apply for and obtain a certificate of registration.
- (3) Original and branch certificates. Whenever a taxpayer transacts business at two or more separate places in the state, a separate certificate of registration shall be required for each place at which business is transacted. An original certificate shall be obtained for the main office or principal place of business from which returns are to be filed and a branch certificate shall be obtained for each other place of business in this state. Where the taxpayer's principal place of business is outside the state, the original certificate will be issued for such place and a branch certificate for each place of business within this state. No

additional fee is required for branch certificates. The term "place of business" means:

- (a) Any separate establishment, office, stand, eigarette vending machine or other fixed location; or
- (b) Any vessel, train, or the like, at any of which the taxpayer solicits or makes sales of tangible personal property or contracts for or renders services in this state or otherwise transacts business with customers.
- (4) Separate certificate for branch. A taxpayer desiring to make a separate return covering a branch location, or for a specific construction contract, may apply for and receive without charge a separate certificate of registration therefor, in addition to the original certificate. Application may be made on Form 2401, or by letter and should show the number of the taxpayer's original certificate, a description of the particular branch or contract for which the separate certificate is to be issued, and the address to which tax return forms shall be forwarded.
- (5) Use tax certificate of registration. Out of-state vendors must register and collect use tax upon all of their sales in this state if any of the following circumstances prevail:
- (a) The vendor regularly engages in the delivery of property into this state other than by common carrier or United States mail; or
- (b) The vendor regularly engages in any activity in connection with the leasing or servicing of property located within this state; or
- (e) The vendor maintains any place of business in this state, even if such place of business is unrelated to sales made here.
- Also, all other out-of-state vendors making sales in any manner who elect to collect the use tax from their retail buyers in this state must first apply for and obtain a use tax certificate of registration. See WAC 458-20-193B and 458-20-221. The necessary forms will be furnished on request.
- (6) Temporary certificate of registration. A temporary certificate of registration may be issued to any person who operates a business of a temporary nature, such as operators of Christmas tree stands, Christmas card sales, and operators of fireworks stands. These certificates are issued without charge and may be obtained by making application to any office of the department of revenue. These are not issued to carnivals or to any business which should be issued a regular certificate of registration due to the scope or extent of the business activity.
- (7) Display of certificate. The taxpayer is required to display the certificate of registration in a conspicuous place at the business location for which it is issued.
- (8) Change in ownership. Whenever there is a change in ownership of a business, the certificate of registration previously issued to the withdrawing owner, or owners, must be surrendered to the department for cancellation. The new owner shall apply for and obtain a new certificate of registration upon the payment of the registration fee.
- (9) A "change in ownership" for purposes of registration occurs upon the sale of a business by one individual, firm or corporation to another individual, firm or corporation; upon the dissolution and winding up of a partnership; upon incorporation of a business previously operated as a partnership or sole proprietorship; or upon changing from a corporation to a partnership or sole proprietorship.

- (10) For the purposes of this rule the withdrawal of one or more partners or the substitution or addition of one or more partners will not be considered as a "change in ownership" where the partnership continues as a business organization. In such cases the partnership, upon notifying the department in writing of its reorganization, may continue operation under the certificate of registration previously issued.
- (11) No "change in ownership" occurs upon the transfer of assets to an assignee for the benefit of creditors or upon the appointment of a receiver or trustee in bankruptey. Furthermore, no "change in ownership" occurs upon the death of a sole proprietor in those cases where there will be a continuous operation of the business by the executor, administrator, or trustee of the estate or, where the business was owned by a marital community, by the surviving spouse of the deceased owner.
- (12) Change in location or name. Whenever the place of business is moved to a new location, or the name under which business is conducted is changed, without change in ownership, the taxpayer must notify the department in writing of such change. New certificates will be issued upon request, and without charge.
- (13) Lost certificates. If any certificate of registration is lost, destroyed or defaced as a result of accident or of natural wear and tear, a new certificate will be issued to the taxpayer free of charge upon request.
- (14) Revoking and reinstating certificates of registration. The department of revenue may, by order, revoke a certificate of registration if any tax warrant issued under the provisions of RCW 82.32.210 is not paid within thirty days after it has been filed with the elerk of the superior court or for any other reason expressly provided by law. Actions to revoke registrations are contested cases which must be conducted by the department pursuant to the provisions of the Administrative Procedure Act and the Uniform Procedural Rules of chapter 458-08 WAC.
- (15) The revocation order will be posted in a conspicuous place at the main entrance to the taxpayer's place of business and must remain posted until the certificate has been reinstated. A revoked certificate will not be reinstated
- (a) The amount due on the warrant has been paid, or satisfactory arrangements for payment have been approved by the department; and
- (b) The taxpayer has posted with the department a bond or other security in an amount not exceeding one half the estimated average annual liability of the taxpayer. It is unlawful for any taxpayer to engage in business after its certificate of registration has been revoked.
- (16) Closure of taxpayer accounts. Whenever a taxpayer has submitted tax returns for two consecutive years reporting no gross income and tax liability, the department of revenue may, at its discretion, notify the taxpayer in writing that it has closed the taxpayer's account and reseined ed its certificate of registration. Within thirty days of receiving the notice of closure of the account any taxpayer may request that the department keep the account active. The taxpayer's request must be in writing and must state the reasons why the account should remain active. The following are acceptable reasons for remaining an active taxpayer account:

- (a) The taxpayer is or will be engaging in business activities in Washington which may result in tax liability.
- (b) The taxpayer presently engages in any one of the following businesses or activities: Timber, forestry, commercial fishing, construction, banking, real estate, insurance, financial investment, educational services, museum, art gallery, membership organization, public administration, banking, agricultural credit union, credit union, or mortgage brokers.
- (e) The taxpayer has in fact been liable for excise taxes during the previous two years.
- (17) A taxpayer who responds with a request to remain active within thirty days of the department's notification of closure will have that request reviewed by the department and, if found to be warranted, will have its account immediately reopened. In addition, a taxpayer whose account has been closed by the department of revenue shall, upon written request and under the same guidelines as set forth above, have the account reopened any time within two years from the date of notification without liability for payment of a new registration fee. After review no taxpayer shall have its account closed without first receiving written notification from the department of revenue.
- (18) Penalties for noncompliance. The law provides that it shall be unlawful for any person to engage in any taxable business without having obtained a certificate of registration. To do so constitutes a gross misdemeanor. To engage in business after a certificate of registration shall have been revoked by the department constitutes a Class C felony. Also, any tax-found to have been due but unreported by any person when that person has knowingly engaged in business in this state without a certificate of registration shall automatically incur a tax evasion penalty of fifty percent of the amount found to have been due.)) (1) Introduction. This section explains tax registration requirements for the Washington state department of revenue. It discusses who is required to be registered, changes in ownership requiring a new registration, and the administrative closure of taxpayer accounts.
- (2) Persons required to obtain tax registration endorsements. Except as provided in (a) of this subsection, every person who is engaged in any business activity for which the department of revenue is responsible for administrating and/or collecting a tax, shall apply for and obtain a tax registration endorsement with the department of revenue. This endorsement shall be reflected on the face of the business person's registrations and licenses document. The tax registration endorsement is nontransferable, and valid for as long as that person continues in business.
- (a) Registration under this section is not required if the following conditions are met:
- (i) A person's value of products, gross proceeds of sales, or gross income of the business is below the tax reporting thresholds provided by RCW 82.04.300;
- (ii) The person is not required to collect or pay to the department of revenue any other tax which the department is authorized to collect; and
- (iii) The person is not otherwise required to obtain a license or registration subject to the master application procedure provided in chapter 19.02 RCW. For the purposes of this section, the term "license or registration" means any agency permit, license, certificate, approval, registration,

- charter, or any form or permission required by law, including agency rule, to engage in any activity.
- (b) The term "tax registration endorsement," as used in this section, has the same meaning as the term "tax registration" or "certificate of registration" used in Title 82 RCW and other sections of chapter 458-20 WAC.
- (c) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.
- (i) Bob Brown is starting a bookkeeping service. The gross income of the business is expected to be below the tax reporting threshold provided by RCW 82.04.300. Due to the nature of the business activities, Bob is not required to pay or collect any other tax which the department is authorized to collect.
- Bob Brown is not required to apply for and obtain a tax registration endorsement with the department of revenue. The conditions under which a business person may engage in business activities without obtaining the tax registration endorsement have been met. However, if Bob Brown in some future period has gross income which exceeds the tax reporting threshold, he will be required to obtain a tax registration endorsement and remit the appropriate taxes.
- (ii) Cindy Smith is opening a business to sell books written for children to local customers at retail. The gross proceeds of sales are expected to be below the tax reporting threshold provided by RCW 82.04.300.
- Cindy Smith must apply for and obtain a tax registration endorsement with the department of revenue. While gross income is expected to be below the tax reporting threshold provided by RCW 82.04.300, Cindy Smith is required to collect and remit retail sales tax.
- (3) Out-of-state businesses. Out-of-state persons not satisfying the conditions expressed in subsection (2)(a) of this section must obtain a tax registration endorsement with this department if any of the following circumstances prevail:
- (a) The person maintains a place of business in this state.
- (b) The person has established sufficient nexus in Washington to incur a business and occupation or retail sales tax liability in this state. (Refer to WAC 458-20-193 and 458-20-194.)
- (c) The vendor has established sufficient nexus in Washington to be required to collect the use tax on sales made into this state. (See also WAC 458-20-193 and 458-20-221.)
- (d) The out-of-state vendor, while not statutorily required to do so, elects to collect the use tax from its retail customers in this state.
- (4) Registration procedure. The state of Washington initiated the unified business identifier (UBI) program to simplify the registration and licensing requirements imposed on the state's business community. Completion of the master business application enables the business person to register or license with several state agencies, including the department of revenue, using a single form. The business person will be assigned one business identification number, which will be used for all state agencies participating in the UBI program.

- (a) Business persons completing the master business application will be issued a registrations and licenses document. The face of this document will list the registrations and licenses (endorsements) which have been obtained.
- (b) While the UBI program is administered by the department of licensing, master business applications are available at any participating UBI agency office.
- (5) Tax registration application made in error. Persons who apply for a tax registration endorsement in error may be entitled to a return of the tax registration fee. It is the business person's responsibility to provide complete and accurate information on the master business application.
- (a) The tax registration fee will be returned if, on the initial examination of the application, the information provided by the applicant indicates that a tax registration endorsement is not needed.
- (b) However, if a tax registration endorsement is issued as a result of the information available on the master business application, the tax registration fee will not be returned to the applicant.
- (c) If a return of the tax registration fee is warranted, fees charged by other state agencies for the registration process may remain applicable.
- (d) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. Each situation must be determined after a review of all of the facts and circumstances.
- (i) ABC Company completes a master business application, which includes a request for a tax registration endorsement. The application is mailed to the department of licensing for processing, and payment for the tax registration fee is enclosed. The information on the application is complete and accurate.

Upon review of the application, it is determined that ABC Company is not required to be registered with the department of revenue. As this determination was based on the information provided on the master business application, ABC Company is entitled to a return of the tax registration fee.

(ii) John Smith completes a master business application, which includes a request for a tax registration endorsement. The application is mailed to the department of licensing for processing, and payment for the tax registration fee is enclosed. The information provided on the application indicates that the expected amount of income is below the tax reporting threshold provided by RCW 82.04.300. However, the description of the business activities on the application indicates that Mr. Smith will be engaging in activities which generally require retail sales tax be collected. A tax registration endorsement is issued.

At a later date, Mr. Smith determines he is not required to be registered with the department of revenue. While not indicated on the application, Mr. Smith is exclusively engaged in wholesale activities, and is not responsible for collecting retail sales tax. Mr. Smith requests the account be closed, and the tax registration fee be returned.

While the account may be closed, Mr. Smith is not entitled to a return of the tax registration fee. Based on the information provided on the master business application, the tax registration endorsement was properly issued.

- (6) Temporary revenue registration certificate. A temporary revenue registration certificate may be issued to any person who operates a business of a temporary nature.
- (a) Temporary businesses, for the purposes of registration, are those with:
- (i) Definite, predetermined dates of operation lasting no longer than one month; or
- (ii) Seasonal dates of operation lasting no longer than three months.
- (b) Each temporary registration certificate is valid for a single event. Persons requesting a temporary registration certificate are permitted to operate two events each year.
- (c) Temporary revenue registration certificates are issued free of charge, and may be obtained by making application at any participating UBI agency office or by completing a temporary registration form.
- (7) Display of registrations and licenses document. The taxpayer is required to display the registrations and licenses document in a conspicuous place at the business location for which it is issued.
- (8) Multiple locations. A registrations and licenses document is required for each place of business at which a taxpayer engages in business activities for which the department of revenue is responsible for administrating and/or collecting a tax, and any main office or principal place of business from which excise tax returns are to be filed. This requirement applies to locations both within and without the state of Washington.
- (a) For the purposes of this section, the term "place of business" means:
- (i) Any separate establishment, office, stand, cigarette vending machine, or other fixed location; or
- (ii) Any vessel, train, or the like, at any of which the taxpayer solicits or makes sales of tangible personal property, or contracts for or renders services in this state or otherwise transacts business with customers.
- (b) A taxpayer wishing to report all tax liability on a single excise tax return may request a separate registrations and licenses document for each location. The original registrations and licenses document shall be retained for the main office or principal place of business from which the returns are to be filed, with additional documents obtained for all branch locations. All registrations and licenses documents will reflect the same registration number.
- (c) A taxpayer desiring to file a separate excise tax return covering a branch location, or a specific construction contract, may apply for and receive a separate revenue registration number without payment of the tax registration fee. A registrations and licenses document will be issued for each registration number and will represent a separate account.
- (d) A master business application must be completed to obtain a separate registrations and licenses document, or revenue registration number, for a new location.
- (9) Change in ownership. When a change in ownership of a business occurs, the new owner must apply for and obtain a new registrations and licenses document. The original document must be destroyed, and any further use of the registration number for tax purposes is prohibited.
- (a) A "change in ownership," for purposes of registration, occurs upon:

Permanent [100]

- (i) The sale of a business by one individual, firm or corporation to another individual, firm or corporation;
 - (ii) The dissolution of a partnership;
- (iii) The withdrawal, substitution, or addition of one or more partners where the partnership continues as a business organization and the change in the number of partners is equal to or greater than fifty percent;
- (iv) Incorporation of a business previously operated as a partnership or sole proprietorship; or
- (v) Changing from a corporation to a partnership or sole proprietorship.
- (b) For the purposes of registration, a "change in ownership" does not occur upon:
- (i) The sale of all or part of the common stock of a corporation;
- (ii) The transfer of assets to an assignee for the benefit of creditors or upon the appointment of a receiver or trustee in bankruptcy;
- (iii) The death of a sole proprietor where there will be a continuous operation of the business by the executor, administrator, or trustee of the estate or, where the business was owned by a marital community, by the surviving spouse of the deceased owner;
- (iv) The withdrawal, substitution, or addition of one or more partners where the partnership continues as a business organization and the change in the number of partners is less than fifty percent; or
- (v) A change in the trade name under which the business is conducted.
- (c) While changes in a business entity may not result in a "change in ownership," the completion of a master business application may be required to reflect the changes in the registered account.
- (10) Change in location. Whenever the place of business is moved to a new location, the taxpayer must notify the department in writing of the change. A new registrations and licenses document will be issued upon completion of a UBI change form, and without charge.
- (11) Lost registrations and licenses documents. If any registrations and licenses document is lost, destroyed or defaced as a result of accident or of natural wear and tear, a new document will be issued free of charge upon request.
- (12) Administrative closure of taxpayer accounts. The department may, upon written notification to the taxpayer, close the taxpayer's account and rescind its tax registration endorsement whenever the taxpayer has reported no gross income, and there is no indication of taxable activity for two consecutive years.

The taxpayer may request, within thirty days of notification of closure, that the account remain open. This request must be in writing and state the reasons why the account should remain active. The request shall be reviewed by the department and if found to be warranted, the department will immediately reopen the account at no charge. The following are acceptable reasons for continuing as an active account:

- (a) The taxpayer is or will be engaging in business activities in Washington which may result in tax liability.
- (b) The taxpayer is required to collect or pay to the department of revenue a tax which the department is authorized to collect.
- (c) The taxpayer has in fact been liable for excise taxes during the previous two years.

- (13) Reopening of taxpayer accounts. A business person choosing to resume business activities for which the department of revenue is responsible for administrating and/or collecting a tax, may request a previously closed account be reopened. When an account is reopened a new registrations and licenses document, reflecting a current tax registration endorsement, shall be issued.
- (a) If the account was administratively closed by this department, and the request is made within two years of the closure date, the tax registration fee will be waived. However, fees charged by other state agencies for the registration process may be applicable.
- (b) Refer to subsection (14) of this section for the conditions and requirements which must be satisfied prior to the reopening of an account which had previously been closed due to a revocation action.
- (14) Revocation and reinstatement of tax registration endorsements. Actions to revoke tax registration endorsements must be conducted by the department pursuant to the provisions of the Administrative Procedure Act and the taxpayers bill of rights of chapter 82.32A RCW.
- (a) The department of revenue may, by order, revoke a tax registration endorsement if any tax warrant issued under the provisions of RCW 82.32.210 is not paid within thirty days after it has been filed with the clerk of the superior court, or for any other reason expressly provided by law.
- (b) The revocation order will be posted in a conspicuous place at the main entrance to the taxpayer's place of business and must remain posted until the tax registration endorsement has been reinstated. A revoked endorsement will not be reinstated until:
- (i) The amount due on the warrant has been paid, or satisfactory arrangements for payment have been approved by the department; and
- (ii) The taxpayer has posted with the department a bond or other security in an amount not exceeding one-half the estimated average annual liability of the taxpayer.
- (c) It is unlawful for any taxpayer to engage in business after its tax registration endorsement has been revoked.
- (15) Penalties for noncompliance. The law provides that any person engaging in any business activity, for which registration with the department of revenue is required, shall obtain a tax registration endorsement.
- (a) The failure to obtain a tax registration endorsement prior to engaging in any taxable business activity constitutes a gross misdemeanor.
- (b) Engaging in business after a tax registration endorsement has been revoked by the department constitutes a Class C felony.
- (c) Any tax found to have been due, but delinquent, and any tax unreported as a result of fraud or misrepresentation, may be subject to penalty as provided in WAC 458-20-228 and 458-20-230.

[101] Permanent

WSR 93-13-131 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3573—Filed June 23, 1993, 8:06 a.m.]

Date of Adoption: June 23, 1993.

Purpose: Clarifies the original intent of the department. Citation of Existing Rules Affected by this Order: Amending WAC 388-83-029 Medical extensions.

Statutory Authority for Adoption: RCW 74.08.090. Pursuant to notice filed as WSR 93-11-067 on May 14, 1993.

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

June 23, 1993 Rosemary Carr Acting Director Administrative Services

AMENDATORY SECTION (Amending Order 3488, filed 12/9/92, effective 1/9/93)

WAC 388-83-029 Medical extensions. (1) See WAC 388-83-031 for extensions for a pregnant woman.

- (2) A family unit ineligible for AFDC or FIP cash assistance ((as-a result, wholly or partly,)) because of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility provided the family unit:
- (a) Is eligible for and received AFDC or FIP cash assistance in three or more of the six months immediately preceding the month of ineligibility; and
- (b) Continues to meet all AFDC/FIP criteria except income.
- (3) The department shall find eligible for medical assistance, an AFDC family unit which becomes ineligible for cash assistance because of:
- (a) Income from, or hours of, employment of the caretaker relative; or
- (b) The loss of the thirty dollars plus one-third <u>earned</u> income deduction; or
- (c) The loss of the thirty dollar <u>earned income</u> deduction. Such AFDC family unit ((who becomes ineligible for eash assistance as)) described under subsections (3)(a), (b), or (c) of this section shall remain eligible <u>for medical</u> assistance for six calendar months when the family unit:
- (i) Received AFDC or FIP in three or more of the six months immediately preceding the month of ineligibility; and
 - (ii) Includes a child.
- (4) Beginning with the month of ineligibility, a FIP family unit becoming ineligible solely because of hours of the caretaker relative's employment shall remain eligible for medical assistance for six calendar months when the family unit:
- (a) Received FIP or AFDC in three or more of the six months immediately preceding the month of ineligibility; and
 - (b) Includes a child.
- (5) The AFDC/FIP family unit, under subsections (3) or (4) of this section, shall be:

- (a) Eligible for six additional calendar months of extended medical assistance provided the family unit:
 - (i) Continues to include a child; and
- (ii) Received medical assistance for the entire six-month extension under subsections (3) or (4) of this section; and
- (iii) Reports any family earnings and child care costs related to the employment of the caretaker relative for the preceding three-month period. The client shall report by the twenty-first day of the fourth month of the initial extension, unless good cause is established.
- (b) Terminated from the six additional calendar months of extended medical assistance when the:
- (i) Family's average gross monthly earned income, less the cost of the child care related to the employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period; or
- (ii) Family fails to report ((any)) family ((earnings)) earned income and child care costs related to the employment of the caretaker relative for the immediately preceding three-month period by the twenty-first day of the first and fourth months of the additional extension period, unless good cause is established; or
- (iii) Caretaker relative has no earnings in one or more of the previous three months, unless lack of earnings is due to good cause.
- (6) A family unit suspended from FIP cash assistance because of increased earned income shall be eligible for extended medical assistance. This period of the family unit's eligibility shall not exceed twelve months as determined under WAC 388-77-737.
- (7) An AFDC or FIP family member is not eligible for the extensions in subsections (3), (4), (5), or (6) of this section when the department finds the person ineligible for AFDC or FIP in any of the ((last)) six months before the extension because of fraud.
- (8) The department shall determine a FIP client eligible for a four-month medical extension when the client is found ineligible for:
- (a) FIP cash assistance because of hours of employment; and
- (b) AFDC or FIP in the prior six months because of a fraud.

WSR 93-13-132 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Order 3574—Filed June 23, 1993, 8:08 a.m.]

Date of Adoption: June 23, 1993.

Purpose: Clarifies the definition of coupons used for investigative purposes as coupons issued under the food stamp program. By agreement with FNS, will establish program control of food stamps issued to law enforcement agencies for investigative purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-015 General provisions.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Washington vs. Sunchal Park-King Co. 92-1-03967-9.

Pursuant to notice filed as WSR 93-11-030 on May 10, 1993.

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

June 23, 1993

Rosemary Carr Acting Director Administrative Services

AMENDATORY SECTION (Amending Order 2866, filed 9/1/89, effective 10/2/89)

- WAC 388-49-015 General provisions. (1) The rules in this chapter are for the purpose of administrating the food stamp program. Rules and definitions in other chapters of Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.
- (2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.
- (3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.
- (4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.
 - (5) The department shall retain:
- (a) Food stamp case records for three years from the month of closure of each record; and
- (b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.
- (6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:
 - (a) Age($(\frac{1}{7})$);
 - (b) Race((-,));
 - (c) Color((-,));
 - (d) Sex((-,));
 - (e) Handicap((,));
 - (f) Religious creed((-,));
 - (g) Political beliefs((7)); or
 - (h) National origin.
- (7) The department shall display nondiscrimination posters provided by FNS in all offices administrating the food stamp program.
- (8) The department shall fully translate into the primary language of the limited English proficient applicants and recipients:
- (a) Written notices of denial, termination, or reduction of benefits; and
 - (b) Written requests for additional information.
- (9) ((An individual)) A person believing ((he or she)) the person has been subject to discrimination may file a written complaint with the:
 - (a) Food and nutrition service; or
 - (b) State office for equal opportunity.
- (10) The department shall restrict use or disclosure of information obtained from applying or participating households to:

- (a) ((Individuals)) A person directly connected with the administration or enforcement of the provisions of:
 - (i) The Food Stamp Act or regulations;
 - (ii) Other federal assistance programs; or
- (iii) Federally assisted state programs providing assistance on a means-tested basis to <u>a</u> low-income ((individuals)) person.
- (b) ((Individuals)) A person directly connected with the verification of immigration status of aliens applying for food stamp benefits, through the systematic alien verification for entitlements (SAVE) program, to the extent the information is necessary to identify the ((individual)) person for verification purposes;
- (c) An employee((s)) of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and
- (d) A local, state, or federal law enforcement official((s)), upon ((their)) written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:
- (i) Identity of the ((individual)) person requesting the information;
- (ii) Authority of the ((individual)) person to make the request;
 - (iii) Violation being investigated; and
- (iv) Identity of the person about whom the information is requested.
- (11) The department shall use information obtained through the systematic alien verification for entitlements (SAVE) program only for the purposes of:
- (a) Verifying the validity of documentation of alien status presented by an applicant;
- (b) Verifying ((an individual's)) a person's eligibility for benefits;
- (c) Investigating whether <u>a</u> participating household((s)) received benefits to which ((they were)) the household was not entitled, if ((an individual)) <u>a person</u> was previously certified to receive benefits on the basis of eligible alien status; and
- (d) Assisting in or conducting administrative disqualification hearings, or criminal or civil prosecutions based on receipt of food stamp benefits to which <u>a</u> participating household((s were)) was not entitled.
- (12) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.
- (13) The department shall make the following program information available to the public upon request during regular office hours:
- (a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and
- (b) Washington Administrative Code and the Food Stamp Procedures Manual at the local office.
- (14) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.
- (15) The department shall not permit \underline{a} volunteer((s)) or other person((s)) not \underline{an} employee((s)) of the department to conduct \underline{a} certification interview((s)) or certify \underline{a} food stamp applicant((s)) except:

- (a) During a presidential or FNS-declared disaster; or
- (b) A Social Security Administration (SSA) employee((s)) for a Supplemental Security Income (SSI) household((s)) as provided in WAC 388-49-040.
- (16) The office of special investigation of the department, designated as the state law enforcement bureau, shall enter into an agreement with FNS to issue food stamps to state and local law enforcement agencies for the purpose of law enforcement and investigative activities.
- (17) Redemption of food stamps shall be in accordance with 7 United States Code (USC) 2024 and 7 Code of Federal Regulations (CFR) 278.
- (18) Misuse of food stamps issued under WAC 388-49-015(16) shall be a violation of RCW 9.91.140.
- (19) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

WSR 93-13-133 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Order 3575—Filed June 23, 1993, 8:10 a.m.]

Date of Adoption: June 23, 1993.

Purpose: Changes cross references to accurately reflect current placement of information.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-610 Changes—Prospective budgeting

Statutory Authority for Adoption: RCW 74.04.510. Pursuant to notice filed as WSR 93-11-024 on May 6, 1993.

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

June 23, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 2661, filed 8/2/88)

WAC 388-49-610 Changes—Prospective budgeting.

- (1) The department shall act on changes occurring in the first beginning month, changes for households described ((im)) under WAC 388-49-520(((1))) (2), and changes in the income described ((im)) under WAC 388-49-520(((2))) (3) which affect benefit increases as follows:
- (a) If the change is verified within ten days after the change is reported, budget the change for the next allotment; or
- (b) If the change is not verified within ten days after the change is reported, budget the change for the next allotment after the verification is received.
- (2) The department shall act on changes affecting a benefit decrease following adverse action notice rules in WAC 388-49-600 unless the household requests:
 - (a) A fair hearing; and
 - (b) Continuation of benefits.

WSR 93-13-134 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3576—Filed June 23, 1993, 8:11 a.m.]

Date of Adoption: June 23, 1993.

Purpose: Eliminate the funeral and interment assistance program effective July 1, 1993, as provided in S5968, Laws of 1993.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-42 WAC, Funeral expense.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: S5968, Laws of 1993.

Pursuant to notice filed as WSR 93-11-084 on May 19, 1993.

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

June 23, 1993

Rosemary Carr

Acting Director

Administrative Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 388-42 WAC Funeral expense.

WSR 93-13-135 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Order 3577—Filed June 23, 1993, 8:13 a.m.]

Date of Adoption: June 23, 1993.

Purpose: Reopen the COPES program services to new clients. Publish the maximum number of COPES unduplicated clients the department shall serve this waiver year and the method the department will use to limit the number of clients the program serves. Determine whether clients may be: Institutionalized in the absence of waiver services; ineligible for comparable state plan personal care services; and members of the approved waiver's target group.

Citation of Existing Rules Affected by this Order: Amending chapter 388-15 WAC, Social services for families, children and adults.

Statutory Authority for Adoption: RCW 74.04.057 and 74.08.090.

Pursuant to notice filed as WSR 93-11-085 on May 19, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-15-600 (2)(a) has a citation change; WAC 388-15-600(4) first sentence added the word "monthly" and removed second sentence; WAC 388-15-610 (1)(g) removed the wording "and cost effective" and identified as (f) now. Subsection (h) changed to (g); WAC 388-15-615 (1)(a) removes words "complex" and "... and multiple prescribed medication without assistance" and adds the

words "or cognitive impairment" within the sentence; WAC 388-15-615 (1)(c) changed the wording from "four or more" to "two or more"; WAC 388-15-615 (2)(a)(b)(c) deleted in entirety; WAC 388-15-615(3) renumbered to WAC 388-15-615(2); WAC 388-15-620(1) removes the wording "..., cost effective"; and WAC 388-15-630 (2)(c)(iv) adds the wording "or representative" within the sentence.

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

June 23, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 2558, filed 11/18/87)

WAC 388-15-600 Community options program entry system (COPES)—Purpose—Legal basis. (1) The purpose of the community options program entry system (COPES) is to:

- (a) ((Prevent unnecessary institutionalization, and
- (b) Offer the choice of either institutional or specific Medicaid waiver home and community based services.
 - (2) Recipients shall be:
 - (a) Limited in number as specified by the department;
 - (b) Identified as eligible for nursing home care; and
- (e) Likely to require institutionalization in the absence of the waiver services)) Offer the choice of either institutional or home and community-based waiver services to a nursing facility eligible client;
- (b) Divert an eligible client from imminent nursing facility placement; and
- (c) Discharge an eligible nursing facility client to the client's own home or to a community-based residence.
- (2) Beginning April 1, 1993, and ending March 31, 1994, the department shall provide COPES services as an alternative to institutionalization to not more than seven thousand one hundred ninety-two unduplicated clients who:
- (a) The department determines are eligible for nursing facility care per WAC 388-88-081 and 388-15-203; and
- (b) Are institutionalized, or the department determines are likely to be institutionalized within the next thirty days in the absence of waiver services per WAC 388-15-615.
- (3) The department shall administer the COPES ((is a)) Medicaid program ((authorized)) as described under subsection 1915(c) of the Social Security Act, ((as)) codified in the Code of Federal Regulations at 42 CFR 441.300 through 310, and approved by the secretary, department of health and human services.
- (4) The department has the authority to limit the number of unduplicated COPES clients served monthly by each aging and adult field services regional office. The approved waiver does not require the department to provide waiver services:
 - (a) Throughout the state;
 - (b) Comparable in amount, duration, or scope; or
- (c) To each person or target group who require nursing facility level of care.
- (5) RCW 74.08.043 and 74.08.045 authorize the department to purchase personal and special care. RCW 74.08.390 permits the department to conduct demonstration programs and waive specific statutory requirements.

AMENDATORY SECTION (Amending Order 3460, filed 9/24/92, effective 10/25/92)

WAC 388-15-610 COPES—Eligible persons. (1) ((Categorically related Medicaid recipients (i.e.,)) An aged, blind, ((and)) or disabled ((persons) eighteen years of age and over)) client, as defined under WAC 388-92-015 (1)(a), (b), and (c), shall be eligible for COPES services when the ((recipients)) department determines the client:

- (a) ((Have)) Is eighteen years of age or older;
- (b) Is not financially eligible for Medicaid state plan covered personal care services;
- (c) <u>Has</u> gross monthly income ((less than)) not exceeding three hundred percent of the federal Supplemental Security Income (SSI) benefit level, excluding the state supplement, as ((described)) <u>defined</u> under WAC ((388 95 320 (1)(a))) <u>388-80-005 (11)(d)</u>; ((and (b) Have))
- (d) Has resources at or below the Medicaid standard as ((described)) defined under WAC ((388-95-337)) 388-95-320 (1)(b) and (c), 388-95-337, and 388-95-340(1); ((and (e) Are assessed by the department as))
 - (e) Is eligible for nursing facility care; ((and (d)))
 - (i) Is institutionalized; or
- (ii) Is not presently institutionalized and will require ((institutionalization)) nursing facility care within the next thirty days in the absence of home and community-based waiver services as defined under WAC 388-15-615; ((and
- (e) Choose to reside in their own homes, in congregate care facilities, or in licensed adult family homes within Washington state; and))
- (f) ((Have)) <u>Has</u> a feasible ((department developed and approved)) written plan of care ((for COPES services)). The plan shall be sufficient to safeguard the ((recipient's)) client's health and safety((. The total cost for this plan of eare)) and the plan's costs, including the one-person medically needy income level, shall be less than ninety percent of the average state-wide nursing ((home)) facility rate; and
- (g) Prefer to receive home or community-based waiver services as described in the department's plan of care, as an alternative to department placement in a nursing facility.
- (2) ((An eligible person may choose whether to participate in COPES or enter a nursing facility.
- (3) Effective October 31, 1992, the department shall restrict COPES eligibility to a person meeting the eligibility requirements of subsection (1) of this section and:
- (a) Who had received COPES services on or after April 1, 1992; or
- (b) Whose written application or written request for COPES services is received and date stamped by a community services office (CSO) or aging and adult field services office (AAFSO) between April 1, 1992, and October 31, 1992)) The department shall restrict COPES eligibility to a person meeting the approved COPES waiver target group requirements.

AMENDATORY SECTION (Amending Order 3445, filed 8/27/92, effective 9/27/92)

WAC 388-15-615 COPES—Program restrictions. Effective ((September 30, 1992)) July 1, 1993, the COPES program shall be limited to a person((s)) eligible for COPES services under WAC 388-15-202 through 388-15-205 and 388-15-600 through 388-15-610 ((and who)). The depart-

ment shall determine a person likely to be institutionalized within the next thirty days in the absence of COPES services when the person:

- (((1) Were in the COPES program on September 30,
- (2) Had submitted a written application for COPES services with a Community Services Office or Aging and Adult Field Services Office as of September 30, 1992; or
- (3) Had received COPES services on or after April 1,
- (4) For each of the thirty days preceding the date of written application for COPES services, have been either in a nursing facility as a resident or in a hospital as an inpatient; or
- (5) Are entering a department-contracted and an approved assisted living facility)) (1)(a) Has medical problems or cognitive impairment and is unable to maintain or coordinate the treatment plan; and
- (b) Lives alone or has inadequate family or other support and has inadequately attended needs for periods of time within the twenty-four hour period; and
- (c) Has unmet need for assistance with two or more of the following basic self care functions:
 - (i) Eating;
 - (ii Toileting;
 - (iii) Ambulation;
 - (vi) Transfer;
 - (v) Positioning;
 - (vi) Body care;
 - (vii) Personal hygiene;
 - (viii) Dressing;
 - (ix) Bathing; or
 - (x) Prescribed medication.

These basic unmet needs require paid services to allow the person to remain in the community.

(2) Received COPES services prior to July 1, 1993.

<u>AMENDATORY SECTION</u> (Amending Order 2558 [3039], filed 11/18/87 [7/12/90])

- WAC 388-15-620 COPES—Services. (1) The department may authorize the following services to a COPES-eligible ((recipients)) client, based on department ((assessment)) determination of need and feasible plan of care:
- (a) Congregate care or congregate care/assisted living as defined under WAC 388-15-560 through 388-15-568. In addition, congregate care or congregate care/assisted living facilities may provide supervised medication ((administration)) service category C to a COPES-eligible client((s)) when:
- (i) This service is required by the ((department and performed)) department's plan of care; and
- (ii) Medication administration is by a licensed nurse under the general direction of a licensed physician or dentist. Refer to RCW 18.88.285 and WAC 308-117-010 through 308-117-500, 308-120-100 through 308-120-522 and 248-16-229; or
- (b) Adult family home care as defined under WAC 388-15-551 through 388-15-555; or
 - (c) ((Adult-day health;

- (d) Home health services as defined under WAC 388-86-045;
- (e) Direct personal care services as defined under WAC 388-15-820(4))) Personal care services as defined under WAC 388-15-202(3) and included in the client's approved plan of care.
- (2) The department may not authorize sterile procedures and administration of medications ((are not authorized)) as COPES-paid personal care tasks, unless the provider is a licensed health practitioner or a member of the ((recipient's)) client's immediate family((;
- (f) Household assistance as defined under WAC 388-15-820(6); and
 - (g) Case management.
- (2) The department shall not authorize additional personal care services to recipients residing in congregate care facilities or adult family homes)).
- (3) ((The department shall provide)) When home health and adult day health ((and home health)) services ((only when the recipient requires congregate care, adult family home services, or personal care. The department shall include the actual cost for adult day health and home health services in the total)), which are not waiver services, are included in the client's COPES plan of care, the department shall include the Medicaid reimbursed service costs in the plan of care cost computation.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 3039, filed 7/12/90, effective 8/12/90)

WAC 388-15-630 COPES—Payment—Procedures. The department shall:

- (1) Allocate all nonexempt income of a person receiving COPES services according to procedures under WAC 388-83-200:
- (2) Pay ((the providers of congregate care, home health services, adult day health care, and adult family home care)) for COPES services provided in accordance with a client's approved plan of care, a sum not ((exceeding)) to exceed the COPES rates set forth in the most recent schedule of ((rates)) department-established and published ((by the department;)) rates to:
- (a) Licensed and contracted nonmedical residential care facilities, including congregate care, congregate care/assisted living and adult family homes;
 - (b) Licensed and contracted home-care agencies;
- (c) A person providing care to a COPES-eligible clien when the individual provider:
 - (i) Is eighteen years of age or older;
- (ii) Meets or surpasses the COPES waiver's minimum standards of knowledge and experience, skills, and abilities
- (iii) Has a department-approved COPES contract and service payment authorization; and
- (iv) Is interviewed, hired, and retained by a COPES eligible client or representative and provides services in the client's established residence.
- (3) Pay ((for eare of recipients residing)) a qualified unrelated person providing board, room, and care for a COPES-eligible client in the ((nonrelated provider's)

person's established residence only at the adult family home rate ((when the provider's)). To qualify for payment, the unrelated person's home ((is a)) shall be licensed and contracted as an adult family home((;)).

- (4) Not pay ((for personal care services provided by a relative, except a spouse. The department shall make payment to a)) a COPES-eligible client's spouse for providing care to the client.
- (5) Pay a COPES-eligible client's father, mother, son, or daughter only when ((the)):
 - (a) The relative will not provide the care unpaid; and
- (b) The relative's gross income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.
- (((5) Pay care providers, meeting or exceeding minimum performance standards for personal care of a recipient residing in the recipient's established residence, a sum not exceeding the department established rate;))
- (6) ((Pay private and public agencies providing personal care an hourly unit rate established by the department; and
- (7) Pay for COPES services which, combined with the recipient's income allocated for maintenance in the home, does not exceed ninety percent of the average state wide monthly rate for nursing home care)) Not make additional payments beyond the department-established and published COPES rates. The department rates shall include all services provided to a COPES-eligible client under applicable department contracts.

WSR 93-13-142 PERMANENT RULES DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking) [Filed June 23, 1993, 11:07 a.m.]

Date of Adoption: June 23, 1993.

Purpose: To provide guidelines for the formation of mutual holding companies and to define the powers of mutual holding companies.

Citation of Existing Rules Affected by this Order: Amending chapter 50-14 WAC.

Statutory Authority for Adoption: RCW 32.34.040-[32.34].050, chapters 32.08 and 34.05 RCW.

Pursuant to notice filed as WSR 93-11-087 on May 19, 1993.

Changes Other than Editing from Proposed to Adopted Version: Editing change made to WAC 50-14-050 (2)(a), the last sentence was changed to read "The supervisor shall approve or disapprove the plan of reorganization within sixty days of acceptance of a completed plan of reorganization."

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

June 23, 1993

John L. Bley Supervisor of Banking <u>AMENDATORY SECTION</u> (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

- WAC 50-14-020 Introduction. This chapter implements the <u>authority of the</u> supervisor of banking(('-s')) (the "supervisor") ((authority)) under chapters 32.08, 32.34, and 34.05 RCW to enact regulations ((to regulate)) concerning the ((establishment)) organization and operation((s)) of mutual holding companies. It addresses only those features of the organization and operation of mutual holding companies and their subsidiary stock savings banks that are not governed by ((existing provisions of)) Title 32 RCW. Among the provisions that must be considered are ((the following)):
- (1) Chapter((s 32.08 and)) 32.32 RCW for the chartering of a mutual savings bank and ((its)) the conversion of a mutual savings bank to a stock((-form)) savings bank ((subsidiary of a mutual holding company));
- (2) Title 32 RCW generally for the operations of any such savings bank; and
- (3) Chapter 32.34 RCW for any merger or acquisition of assets involving a mutual holding company or banking subsidiary of a mutual holding company.

In addition, the supervisor has determined that formation of a business trust is not the sole and exclusive method by which a state savings bank may form a mutual holding company ("MHC").

Under RCW 32.34.050, a state savings bank is allowed to form a business trust that, in turn, is authorized to become a MHC. However, based on the statutory authority granted to the supervisor under that statute as well as chapters 32.08 and 34.05 RCW, the supervisor has determined that utilization of a business trust is not the exclusive procedure for creation of MHCs.

By enacting RCW 32.08.142, the legislature evidenced a clear intent that state-chartered savings banks not be placed at a competitive disadvantage to federally chartered savings banks. While the state Constitution prohibits automatic incorporation into state law of federal laws enacted after adoption of RCW 32.08.142, that restriction does not invalidate the legislative intent that state institutions not be placed at an undue competitive disadvantage with federal savings banks.

Conditioning MHC formation on the utilization of a business trust to act as the MHC is potentially disadvantageous to state savings banks in view of:

- (a) The absence of state statutory and regulatory guidance concerning the governance and authority of trusts when acting as holding companies;
- (b) The uncertainty of regulations of such trusts as MHCs; and
- (c) The potential federal tax uncertainties that would arise by utilizing a trust in connection with a tax free reorganization into a mutual holding company.

In addition, business trusts are permitted by statute (chapter 23.90 RCW) to exercise the general powers of domestic corporations, including the power to merge into a domestic corporation. As a result, the supervisor has determined that the scope of chapter 32.34 RCW and the incidental powers clause of RCW 32.08.140 make it convenient or useful in connection with a savings bank's performance of its specifically enumerated powers to accomplish

Permanent

a MHC reorganization, to utilize either a corporation formed under the laws of the state of Washington or a business trust.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

- WAC 50-14-030 Definitions—Regulations not exclusive. (1) The definitions ((eontained)) in RCW 32.32.025 shall apply to any transaction under these rules unless the context requires otherwise and except as provided herein.
- (2) The reorganization of a mutual savings bank into mutual holding company form (((hereafter sometimes referred to as the)) "reorganization") and the subsequent conversion of ((a mutual holding company)) the MHC into ((a)) stock ((holding company (hereafter sometimes referred to as the "conversion"))) form or the offering of common stock of a subsidiary of a MHC that will cause the MHC to hold less than fifty-one percent of the issued and outstanding common stock of the stock savings bank ("conversion to stock form") shall be governed by ((the rules prescribed in)) chapter 32.32 RCW, ((except to the extent such rules are inconsistent with the transaction and)) except as provided in these rules. ((Any savings bank or mutual holding company may apply to the supervisor, in connection with a transaction authorized by these rules, for such variations from the rules prescribed by chapter 32.32 RCW as are necessary and proper to effectuate the transaction.))
- (3) The term "mutual holding company" shall mean the business trust or mutually owned corporation, or the successor of either, originally established by a savings bank to serve as the holding company of a stock savings bank subsidiary, provided that a MHC shall at all times own fifty one percent or more of the issued and outstanding common stock of a stock savings bank subsidiary that is the successor by merger or purchase to substantially all of the assets and all of the deposits and other liabilities of the savings bank that has reorganized into a mutual holding company pursuant to RCW 32.34.050 and these rules.
- (4) To achieve the intent of RCW 32.34.050 in a manner that ensures consistency with chapter 32.32 RCW, and acting pursuant to RCW 32.32.010, the supervisor hereby waives or modifies to the extent set forth in these rules the applicability of the following provisions of chapter 32.32 RCW as they relate to the organization and operation of mutual holding companies and their stock savings bank subsidiaries: RCW 32.32.035, 32.32.045 through 32.32.070, 32.32.085, 32.32.090, 32.32.095, 32.32.110, 32.32.120, 32.32.135 through 32.32.160, 32.32.185 through 32.32.205, 32.32.240 through 32.32.275, 32.32.315, 32.32.320, 32.32.330, 32.32.335, 32.32.355, 32.32.440, and 32.32.485.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-040 Authorization ((of the formation of)) to form mutual holding companies. (1) Notwithstanding any other provision of law, and in accordance with the general requirements ((of the supervisor)) set forth in WAC 50-14-050 through ((50-14-150)) 50-14-140, a mutual savings bank may reorganize under a plan of reorganization so as to cause its deposit-taking and one or more other activities to be conducted by a stock savings bank subsidiary

- of a mutual holding company, which subsidiary is formed for such purpose. The plan of reorganization must be adopted by the bank's trustees and submitted to and approved by the supervisor as provided in these rules.
- (2) Except to the extent that such provisions are inconsistent with these rules, the <u>new</u> stock savings bank subsidiary of the mutual holding company shall be subject to the same provisions of Title 32 RCW as apply to other stock savings banks.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-050 Required approvals. (1) A reorganization of a mutual savings bank pursuant to these rules shall be approved by not less than two-thirds of the board of trustees of the mutual savings bank.

- (2)(a) A mutual savings bank proposing a reorganization pursuant to these rules shall provide the supervisor with written notice of such proposed reorganization. Such notice shall include (i) a copy of the plan of reorganization approved by the board of trustees pursuant to subsection (1) of this section, (ii) the proposed incorporation and authorization certificates for the mutual holding company and/or the stock savings bank subsidiary, as appropriate, and ((shall also eontain)) (iii) such other information as the supervisor shall require. The supervisor shall approve or disapprove the plan of reorganization within sixty days of ((the submission of such plan, together with such other information as the supervisor shall require)) acceptance of a completed plan of reorganization.
- (b) In determining whether to approve the plan of reorganization, the supervisor shall consider:
- (i) Whether the formation of the mutual holding company would ((not)) be ((detrimental to)) in the interests of the depositors of the mutual savings bank proposing to reorganize ((as provided in WAC 50-14-040));
- (ii) Whether ((disapproval is necessary to prevent unsafe or unsound)) the reorganization would promote safe and sound banking practices;
- (iii) Whether the ((interest of the public will be served by the proposed)) reorganization would serve the public interest;
- (iv) Whether the financial ((or)) and management resources of the mutual savings bank proposing to reorganize ((as provided in WAC 50-14-040)) are sufficient to warrant ((disapproval)) approval of the ((proposed plan of)) reorganization; and
- (v) Whether the mutual savings bank proposing to reorganize ((as provided in WAC 50-14-040)) either fails to furnish any information required under (a) of this subsection or furnishes information containing any statement ((which)) that, at the time and in the circumstances under which it was made, was false or misleading with respect to any material fact or omits ((to-state)) any material fact necessary to make ((the)) statements therein not false or misleading.
- (c) When the supervisor shall have determined to approve or disapprove the plan of reorganization, the supervisor shall so advise the mutual savings bank in writing and, if appropriate, shall endorse approval on the incorporation and authorization certificates and cause the same to be filed in such manner and in the respective offices provided

in chapter 32.08 RCW. Upon the filing of the authorization certificate as provided in RCW 32.08.080, the existence of the mutual holding company and/or stock savings bank, as appropriate, shall commence. As used in ((this chapter)) these rules, the term "authorization certificate" shall include an amended authorization certificate.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-060 Formation of a mutual holding company. (1)(a) The plan of reorganization may authorize the formation of a ((mutual holding company)) MHC by:

- (((a)))(i) The organization by or at the discretion or request of the mutual savings bank of a business trust or mutual corporation that shall serve as a MHC, the organization by the MHC of a stock savings bank subsidiary and the transfer to such stock savings bank of ((the substantial part of its)) substantially all of the mutual savings bank's assets and liabilities, including all of its deposit liabilities, in accordance with ((the general provisions of)) these rules;
- (ii) The organization by or at the direction or request of the mutual savings bank ((of a mutual holding company)) of a business trust or mutual corporation that shall serve as the MHC, and the organization by such ((mutual holding company)) MHC of a stock savings bank subsidiary ((which)) that merges with the mutual savings bank; or
- (iii) The reorganization of the mutual savings bank under any other method approved by the supervisor.
- (b) For the purposes of (a) of this subsection and when authorized by the supervisor, as hereinafter provided, the trustees of the mutual holding company, consisting of five or more natural persons who are citizens of the United States, may incorporate an interim stock savings bank subsidiary in the manner herein prescribed. No savings bank shall incorporate for less amount nor commence business unless it has a paid-in capital stock in such amount as may be determined by the supervisor after consideration of the proposed transaction.
- (i) Persons desiring to incorporate an interim stock savings bank shall file with the supervisor a notice of their intention to organize a savings bank in such form and containing such information as the supervisor shall prescribe by regulation or otherwise require, together with proposed articles of incorporation and bylaws, which shall be submitted for examination to the supervisor at his office in Olympia. The proposed articles of incorporation shall state:
 - (A) The name of such savings bank.
- (B) The city, village or locality and county where the head office of such savings bank is to be located.
- (C) The nature of its business (i.e., that of a savings bank).
- (D) The amount of its capital stock, which shall be divided into shares of a par or no par value as may be provided in the articles of incorporation.
- (E) The names, places of residence, and mailing addresses of the persons who as directors are to manage the bank until the first annual meeting of its shareholders.
- (F) If there is to be preferred or special classes of stock, a statement of preferences, voting rights, if any, limitations and relative rights in respect of the shares of each class; or a statement that the shares of each class shall have the

- attributes as shall be determined by the bank's board of directors from time to time with the approval of the supervisor.
- (G) Any provision granting the shareholders the preemptive right to acquire additional shares of the bank and any provision granting shareholders the right to cumulate their votes.
- (H) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including, without limitation, any provision restricting the transfer of shares.
- (I) Any provision the incorporators elect to so set forth, not inconsistent with law or with the purposes for which the bank is organized, or any provision limiting any of the powers granted in the applicable provisions of the Revised Code of Washington.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers granted in the applicable provisions of the Revised Code of Washington. The articles of incorporation shall be signed by all of the incorporators and acknowledged before an officer authorized to take acknowledgements.

- (ii) In case of approval, the supervisor shall forthwith give notice thereof to the proposed incorporators and file one of the triplicate articles of incorporation in his own office, transmit another triplicate to the secretary of state, and the last to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other articles of incorporation, the secretary of state shall file such articles and record the same. Upon the filing of articles of incorporation approved as aforesaid by the supervisor, with the secretary of state, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by the applicable provisions of the Revised Code of Washington, and whose existence shall continue from the date of the filing of such articles until terminated pursuant to law; but such corporation shall not transact any business, except as is necessary or convenient to its organization and preparation to engage in business, until it has received from the supervisor a certificate of authority to engage in the banking business as a stock savings bank.
- (c) For the purposes of (a) of this subsection, WAC 50-14-080 permits ((the)) a newly organized stock savings bank to issue to persons other than ((the mutual holding company of which it is a subsidiary)) its parent MHC, an amount of common stock and securities convertible into common stock ((which)) that, in the aggregate, does not exceed forty-nine percent of the issued and outstanding common stock of such stock savings bank upon completion of the offering. Issued and outstanding securities that are convertible into common stock shall be considered issued and outstanding common stock for ((the)) purposes of computing the forty-nine percent limitation((a)). This subsection shall not limit the authority of such stock savings bank to issue equity or debt securities other than common stock and securities convertible into common stock.
- (2) In connection with the reorganization of a mutual savings bank as provided in WAC 50-14-040, the ((mutual holding company)) MHC may ((retain or)) acquire assets of

the mutual savings bank to the extent that such assets are not then required to be transferred to (or retained by) the stock savings bank in order to satisfy capital or reserve requirements of any applicable state or federal law or regulation.

- (3) A stock savings bank whose outstanding common stock is at least fifty-one percent but less than one hundred percent ((of the outstanding common stock of which is)) owned by a mutual holding company shall have at least one director, but no more than two-fifths of its directors, who are "unaffiliated directors" who shall represent the interests of the minority shareholders. An "unaffiliated director" is a director who is not:
- (a) An officer or employee of the stock savings bank (or any affiliate thereof); or
- (b) An officer, trustee, or employee of the mutual holding company.

If the incorporation certificate or bylaws of the stock savings bank provide that the board of directors shall be divided into two or more classes, then to the extent possible, each class shall contain the same number of unaffiliated directors as each other class.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-070 Mutual holding company powers. (1) Upon the formation of a ((mutual holding company by a mutual savings bank)) MHC:

- (a) The ((mutual holding company)) MHC shall possess all the rights, powers, and privileges((7)) (except depositaking powers((7))) and shall be subject to all the limitations, not inconsistent with these rules, of a mutual savings bank under Title 32 RCW; and
- (b) The ((mutual holding company)) MHC shall be subject to the limitations imposed by the Bank Holding Company Act of 1956 (12 U.S.C. Section 1841, et seq.) or, in the case of a ((mutual holding company)) MHC resulting from the reorganization of a savings bank ((which has)) that elected either ((prior or subsequent to)) before or after such reorganization to be treated as a savings association (as ((that term is))) defined in 12 U.S.C. Section 1467a), such mutual holding company shall be subject to the limitations imposed by the savings and loan holding company provisions of the Home Owners' Loan Act (12 U.S.C. Section 1467a).
- (2) Notwithstanding any inconsistent provisions of Title 32 RCW, and subject to the express approval of((τ)) (or additional rules promulgated by((τ))) the supervisor, a ((mutual holding company)) MHC may:
- (a) Merge with, acquire, or purchase the assets of a mutual holding company established pursuant to these rules or the savings and loan holding company provisions of the Home Owners' Loan Act (12 U.S.C. Section 1467a);
- (b) Acquire or purchase the assets or stock of a stock savings bank, commercial bank, credit union, stock savings and loan association, stock federal savings bank, or stock federal savings and loan association;
- (c) Acquire a mutual savings bank, ((a)) mutual savings and loan association, ((a)) federal mutual savings bank, or ((a)) federal mutual savings and loan association through the merger of such institution with a stock subsidiary of such mutual holding company;

- (d) Convert to a stock holding company pursuant to the provisions of a plan which is approved by the supervisor, preserves the subscription and liquidation account rights of depositors of the mutual savings bank who then remain depositors of the stock savings bank and otherwise complies with WAC 50-14-130; and
- (e) Engage in any other acquisition or combination, specifically permitted by the supervisor, including a merger into or sale of assets to another mutual or stock corporation.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-080 ((Subsequent)) Offering of securities. (1) Any ((public)) offering of shares of voting securities by a ((subsidiary of a mutual holding company, subsequent to the reorganization but after which the mutual holding company would retain at least)) MHC which converts to stock form or of common stock of a stock savings bank subsidiary of a MHC that will cause the holding company to hold less than fifty-one percent of the issued and outstanding ((shares)) common stock of the stock savings bank upon completion of the offering (a "subsequent offering") shall be governed by the rules prescribed in chapter 32.32 RCW, except to the extent ((such)) that those rules are ((inconsistent with the transaction and except as provided in these rules)) explicitly waived or modified by the supervisor.

- (2) Any ((subsequent)) offering ((shall be made pursuant to an offering circular which complies with the terms and conditions prescribed in chapter 32.32 RCW and has been approved by the supervisor, whether the offering consists of newly issued shares being offered by the stock savings bank or previously issued shares being sold by the mutual holding eompany)) of shares of any class of stock of a stock savings bank subsidiary of a MHC that will not cause the MHC to hold less than fifty-one percent of the issued and outstanding common stock of the stock savings bank upon completion of the offering may be accomplished through either a public distribution or by means of a limited distribution or placement of the securities, none of which methods of offering will require the stock of the savings bank subsidiary to be offered to members of the unconverted mutual savings bank or of the MHC. Any such offering shall comply with the disclosure requirements of chapter 32.32 RCW, shall be made by means of an offering circular approved by the supervisor, and shall be sold at a price that is approved (a) by the supervisor in the case of the initial offering of shares to persons other than the MHC, and in such case based upor a proposed price range established by qualified persons who are independent of the bank and (b) by the board of directors in the case of other offerings contemplated by this subsection.
- (3) The procedures to ((be followed)) follow in conduct ing a subsequent offering may, with the supervisor's approval ((of the supervisor)), differ from those set ((out)) forth it chapter 32.32 RCW ((so long as eligible account holders subscription rights are not abrogated. Such differences may include, but need not be limited to, the distribution offering circulars only to those eligible account holders who have requested them and combining a subscription offering with a public offering)).

- (4) Notwithstanding any contrary provision of Title 32 RCW, there shall be no requirement to use an underwriter in an offering made pursuant to subsection (2) of this section, though such use is permissible.
- (5) Subject to approval of the supervisor, a stock savings bank subsidiary of a MHC may declare or pay a cash dividend that is payable only to shareholders of the stock savings bank other than the MHC.
- (6) Notwithstanding any contrary provision of Title 32 RCW, no offering circular used in connection with an offering pursuant to subsection (2) of this section shall be required to set forth the estimated subscription price range of the shares being offered.
- (7) A stock savings bank subsidiary of a MHC may issue and, consistent with these rules, any person may acquire any amount of preferred stock of the bank.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-090 Subscription rights. (1) ((Except for shares issued to a mutual holding company, and except for the shares referred to in WAC 50-14-100, all shares of stock issued in connection with a reorganization or conversion shall be subject to subscription rights granted to eligible account holders of the subsidiary savings bank(s). As used in these rules, "shares of stock issued in connection with the reorganization or conversion of a mutual savings bank" include shares issued upon the reorganization, shares sold in any subsequent offering (whether shares held by the mutual holding company or shares newly issued by the stock savings bank), or shares sold in connection with the conversion. Also included are any securities convertible into shares of the stock form savings bank.

(2) An "eligible account holder" for the purposes of this section is any depositor of a savings bank who owned in such bank one or more accounts valued in the aggregate of fifty dollars or more on the pertinent record date. In the ease of the reorganization, the record date shall be the date established by the board of trustees, which date shall be no less than ninety days prior to the date on which the plan of reorganization is adopted by the trustees; in the case of any subsequent offering, the record date shall be the date established by the board of directors of the stock-form savings bank issuing new shares or the board of trustees of the mutual holding company selling shares, as the case may be, which date shall be no less than ninety days prior to the date on which the shares are offered; in the case of the conversion, the record date shall be the date established by the mutual-holding company's board-of trustees, which date shall be no less than ninety days prior to the date on which the plan of conversion is adopted by the trustees.)) Upon a conversion to stock form, as such conversion is defined in WAC 50-14-030(2), by a MHC or a stock savings bank subsidiary of a MHC, depositors of the stock savings bank at the record date of the conversion to stock form who continuously have been depositors since the reorganization, or were depositors of any savings association subsequently acquired by a MHC at a time when the association was in mutual form and remained depositors of the stock savings bank, shall receive, without payment, nontransferable rights to subscribe for stock of the converted MHC or the convert-

- ed stock savings bank to be sold in the subsequent offering, to the extent that such depositors would have received those rights pursuant to RCW 32.32.045 in a stock conversion of the savings bank as prescribed in chapter 32.32 RCW; provided, however, that such depositors who are not shareholders of the stock savings bank at the record date for the subsequent offering shall have priority rights, not inconsistent with the provisions of chapter 32.32 RCW, to subscribe for shares to be issued in the subsequent offering in accordance with a plan approved by the supervisor or made pursuant to subsequent rules to be promulgated by the supervisor.
- (2) For purposes of this section, an "eligible account holder" is any depositor of a stock savings bank at the record date for a conversion to stock form of the bank or the MHC who has continuously owned in such bank one or more accounts valued in the aggregate of fifty dollars or more since the date that the trustees of the unconverted mutual savings bank approved the reorganization or the date that the bank's predecessor mutual association was acquired by the MHC.
- (3) Nothing in chapter 32.34 RCW or chapter 50-14 WAC shall be construed to authorize or require that depositors in a mutual savings bank that reorganizes as a MHC be offered stock in the stock savings bank subsidiary except as provided in subsection (1) of this section.
- (4) Depositors in a mutual savings bank that reorganizes as a MHC with a stock savings bank subsidiary shall become depositors in such subsidiary when the mutual savings bank merges with or transfers its assets and liabilities to the stock savings bank.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-100 Stock ((options)) issuance and stock ((grants)) award plans. ((Shares of stock issued in connection with the reorganization of a mutual savings bank may be reserved to satisfy a stock option plan and issued pursuant to a restricted stock plan approved by the savings bank's stockholder(s). The aggregate number of shares so reserved and issued shall be reasonably proportionate to the number of shares, if any, held by persons other than the mutual holding company.)) The authority for a stock savings bank subsidiary of a MHC to issue stock shall be subject to the following limitations, unless otherwise approved by the supervisor.

- (1) The stock sold in the reorganization shall be sold at a total price equal to the estimated pro forma market value of such stock, based on an independent valuation as provided in WAC 50-14-080(2) and any stock sold in a later offering shall be sold at its fair value as determined by the board of directors of the stock savings bank.
- (2) The aggregate amount of issued and outstanding common stock of the stock savings bank owned or controlled by persons other than the MHC at the close of any proposed issuance shall be forty-nine percent or less than the savings bank's total outstanding common stock.
- (3) The aggregate amount of common stock acquired in the proposed issuance, plus all prior issuances of the savings bank, by any nontax-qualified employee stock benefit plan of the savings bank or any insider (which for the purpose of

these rules will mean an officer, director, or associate of an officer or director) of the savings bank (exclusive of any stock acquired by said plan or insider and his or her associates in the secondary market) shall not exceed ten percent of the outstanding shares of common stock of the savings bank held by persons other than the savings bank's MHC parent at the close of the proposed issuance. In calculating the number of shares held by any insider or associate, shares held by any tax-qualified or nontax-qualified employee stock benefit plan of the savings bank that are attributable to such person shall not be counted.

- (4) The aggregate amount of stock, whether common or preferred, acquired in the proposed issuance, plus all prior issuances of the savings bank, by any nontax-qualified employee stock benefit plan of the savings bank or any insider of the savings bank and his or her associates (exclusive of any stock acquired by said plan or insider and his or her associates in the secondary market) shall not exceed ten percent of the stockholders' equity of the savings bank held by persons other than the MHC parent at the close of the proposed issuance.
- (5) The aggregate amount of common stock acquired in the proposed issuance, plus all prior issuances of the savings bank, by any one or more tax-qualified employee stock benefit plans of the savings bank (exclusive of any stock acquired by such plans in the secondary market) shall not exceed ten percent of the outstanding shares of common stock of the savings bank held by persons other than the MHC parent at the close of the proposed issuance.
- (6) The aggregate amount of stock, whether common or preferred, acquired in the proposed issuance, plus all prior issuances of the savings bank, by any one or more taxqualified employee stock benefit plans of the savings bank (exclusive of any stock acquired by such plans in the secondary market) shall not exceed ten percent of the stockholders' equity of the savings bank held by persons other than the MHC parent at the close of the proposed issuance.
- (7) The aggregate amount of common stock acquired in the proposed issuance, plus all prior issuances of the savings bank by all nontax-qualified employee stock benefit plans of the savings bank and insiders of the savings bank (exclusive of any stock acquired by said plans and by insiders in the secondary market) shall not exceed thirty-five percent of the outstanding shares of common stock of the savings bank held by persons other than the MHC parent at the close of the proposed issuance if the savings bank has less than fifty million dollars in total assets prior to the issuance or twentyfive percent of such outstanding shares if the savings bank has more than five hundred million dollars in total assets before the issuance. If the savings bank has between fifty million dollars and five hundred million dollars in total assets before the issuance, the maximum percentage shall be equal to thirty-five percent minus one percent multiplied by the quotient of total assets less fifty million dollars divided by forty-five million dollars. In calculating the number of shares held by insiders and their associates, shares held by any tax-qualified or nontax-qualified employee stock benefit plan of the savings bank that are attributable to such persons shall not be counted.
- (8) The aggregate amount of stock, whether common or preferred, acquired in the proposed issuance, plus all prior

- issuances of the savings bank, by all nontax-qualified employee stock benefit plans of the savings bank, insiders of the savings bank, and associates of insiders of the savings bank (exclusive of any stock acquired by said plans and by insiders in the secondary market) shall not exceed thirty-five percent of the stockholders' equity of the savings bank held by persons other than the association's mutual holding company parent at the close of the proposed issuance if the savings bank has less than fifty million dollars in total assets before the issuance or twenty-five percent of such stockholders' equity if the savings bank has more than five hundred million dollars in total assets prior to the issuance. If the savings bank has between fifty million dollars and five hundred million dollars in total assets before the proposed issuance, the maximum percentage shall be equal to thirtyfive percent minus one percent multiplied by the quotient of total assets less fifty million dollars divided by forty-five million dollars.
- (9) Shares of authorized but unissued stock of a stock savings bank subsidiary of a MHC may be reserved to satisfy and may be issued pursuant to any stock-based incentive plan for employees, directors, and others approved by the savings bank's board of directors and a majority of its stockholders.
- (10) If, at the close of any stock issuance, the stock savings bank has holders of record of its outstanding voting securities that would require registration under the Securities Exchange Act of 1934, then such requirement shall be met.
- (11) For a period of three years following the proposed issuance, no insider of the savings bank shall sell, without the supervisor's prior written approval, any stock of the savings bank purchased in connection with the reorganization except that the personal representative of such insider may sell shares in the event of the death of the insider.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

WAC 50-14-110 Liquidation account. (1) The entire unconsolidated net worth of a ((mutual holding company)) MHC shall constitute a liquidation account for the benefit of the depositors of its subsidiary stock savings bank((+))s((+))who continuously have been depositors since the reorganization or were depositors of any savings association subsequently acquired by a MHC at a time when the association was in mutual form and remained depositors of the stock savings bank ("eligible depositors"). The liquidation account shall not be a fixed amount but may increase (as to the entire account but not as to any individual eligible depositor) or decrease (as provided in RCW 32.32.190 through 32.32.205, except as application of those sections is inconsistent with these rules) over time. The function of the liquidation account is to establish that upon the complete liquidation of the mutual holding company, the entire net worth of the mutual holding company will be distributed among those persons who are the eligible depositors of its subsidiary savings bank(s) as of the date of the liquidation. The designation of the mutual holding company's net worth as a liquidation account shall not operate to restrict the use or application of the mutual holding company's net worth accounts.

- (2) In the event of a complete liquidation of a mutual holding company, the ((entire net worth)) remaining liquidation account of the mutual holding company shall be distributed ratably among all the eligible depositors of its subsidiary savings bank(s) as of the date of the liquidation.
- (3) Upon the conversion to stock form of a mutual holding company, the ((net worth of the holding company shall no longer be designated a)) liquidation account of the holding company shall no longer be maintained. Instead, each subsidiary savings bank shall at that time establish a liquidation account, which liquidation accounts shall in the aggregate equal the mutual holding company's liquidation account as of its last periodic report of condition immediately preceding its conversion into a stock-form holding company. The liquidation account established by each subsidiary savings bank shall be in the same proportion to the mutual holding company's liquidation account ((that)) as the total ((deposits of that)) of the subaccount balances of the then eligible depositors of the subsidiary savings bank bears to the total ((deposits)) subaccount balances of the eligible depositors of all subsidiary savings banks of the mutual holding company. The liquidation account established by a subsidiary savings bank shall comply with the rules contained in RCW 32.32.185 through 32.32.205, to the extent not inconsistent with these rules.

AMENDATORY SECTION (Amending WSR 92-06-041, filed 2/28/92, effective 3/30/92)

- WAC 50-14-130 Conversion of mutual holding company into stock holding company. (1) If approved by the supervisor, a ((mutual holding company)) MHC may convert to a stock form holding company ((in accordance with the provisions contained in these rules)).
- (2) ((If approved by the supervisor, the mutual holding eompany)) The MHC shall adopt a plan of conversion ((subject to and)) which the supervisor finds to be in accordance with the provisions of chapter 32.32 RCW and these rules.
- (3) ((A plan of)) The conversion must include ((a)) <u>such</u> provisions requiring the exchange of shares of the subsidiary savings bank(s) for shares of the resulting stock holding company ((in a proportion established by independent appraisals of the mutual holding company and)) as the supervisor finds to be fair to members of the MHC who possess subscription rights and to stockholders of the subsidiary ((savings)) bank(((f))s((f))).
- (((4) The limitation contained in RCW 32.32.075 shall continue until three years after conversion into a stock colding company.))

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WSR 93-13-002 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-43—Filed June 2, 1993, 4:16 p.m., effective June 4, 1993, 12:01 a.m.]

Date of Adoption: June 2, 1993. Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 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: The available harvest of halibut has been taken in Catch Areas 1 and 2. This regulation conforms to the regulations of the International Halibut Commission.

Effective Date of Rule: June 4, 1993, 12:01 a.m.

June 2, 1993 Judith Freeman Deputy for Robert Turner Director

NEW SECTION

WAC 220-56-25500R Halibut—Seasons. Notwithstanding the provisions of WAC 220-56-255, effective 12:01 a.m. June 4, 1994 until further notice, it is unlawful to fish or, possess or land in any Washington State port, halibut aken for personal use from coastal and offshore waters bouth of line projected due west from the mouth of the Queets River and north of line projected due west from Cape Falcon.

WSR 93-13-007 EMERGENCY RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed June 4, 1993, 8:24 a.m.]

Date of Adoption: June 3, 1993.

Purpose: To clarify policy in adjudication where an ndividual volunteers to be laid off as part of a company eduction-in-force.

Statutory Authority for Adoption: RCW 50.12.010 and 0.12.040.

Pursuant to RCW 34.05.350 the agency for good cause inds that immediate adoption, amendment, or repeal of a ule is necessary for the preservation of the public health, afety, or general welfare, and that observing the time equirements of notice and opportunity to comment upon doption of a permanent rule would be contrary to the public iterest.

Reasons for this Finding: To provide uniformity in djudication in a large number of expected cases which do ot fit existing precedents and policies.

Effective Date of Rule: Immediately.

June 3, 1993 Maria Brillante For Vernon E. Stoner Commissioner

NEW SECTION

WAC 192-16-070 Interpretive rule—Voluntary layoff. (1) A voluntary layoff will be considered to be a layoff for lack of work if the commissioner determines that:

- (a) The employer began the action by requesting volunteers for a layoff with a specific layoff date and number of positions to be eliminated; and
- (b) The claimant is in a job classification or department where specific reductions are to occur; and
- (c) The employer retains control over which individuals are to be laid off, and
- (d) The employer reports lack of work as reason for separation from employment.
- . (2) If the employer reports conflicting information to the department regarding any of the conditions of subsection (1), the separation from employment will be adjudicated as voluntary leaving work under RCW 50.20.050.

WSR 93-13-008 EMERGENCY RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed June 4, 1993, 2:54 p.m.]

Date of Adoption: June 3, 1993.

Purpose: The rule changes to chapters 251-10, 251-17, 251-18, and 251-19 WAC, and new WAC 251-10-061 provide enhanced layoff opportunities for higher education employees and Department of Personnel employees to facilitate their return from layoff status. The rules create a structure for the higher education system comparable to the enhanced reduction in force structure created for state agencies at the governor's directive.

Citation of Existing Rules Affected by this Order: Amending WAC 251-10-060 Layoff list—State-wide, 251-17-090 Examination—Eligibility, 251-18-180 Eligible lists—Definition—Composition, 251-18-190 Eligible lists—Duration, 251-18-240 Certification—Method, 251-19-010 Returning employee provisions—Layoff, 251-19-060 Trial service period, and 251-19-100 Transfer—Lateral movement—Voluntary demotion; and new section WAC 251-10-061 Layoff list—State-wide—Additional certification.

Statutory Authority for Adoption: Chapter 28B.16 RCW.

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 Higher Education Personnel Board is merging with the Department of Personnel on July 1, 1993, so there is not time for standard (nonemergency) adoption of the rules. It is important that these rules are in place prior to July 1, 1993, in order to facilitate the return for layoff status for former employees who are laid off at the close of the biennium and the beginning of the new biennium. The rules are proposed for immediate, emergency adoption due to the scope of layoffs anticipated soon throughout both personnel systems.

Effective Date of Rule: Immediately.

June 4, 1993 John A. Spitz Director

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-10-060 Layoff lists—State-wide. (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: *Provided*, That:

- (a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and
 - (b) The list must be for:
- (i) Class(es) in which he/she has held permanent status; or
 - (ii) Lower class(es) in the same class series; or ((for))
- (iii) Equivalent classes under the jurisdiction of the state department of personnel; ((and)) or
- (iv) Class(es) at the same or lower level as the class from which laid off and in which permanent status has not been held; and
- (c) The option must be exercised by the affected employee within thirty calendar days of the effective date of layoff.
- (2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the state. The list shall consist of two categories, *provided* that, employees who have held permanent status in the class or in higher level classes in the series shall be certified prior to employees who have not held permanent status, and certification within each category shall be in order of:
- (a) Employees of higher education institutions/related boards;
 - (b) Employees of other state agencies.
- (3) The duration of eligibility on this list shall be ((one)) two years from the date of placement on the list.
 - (4) Referral from this list shall be on a rule of five.
- (5) Employees appointed from this list shall be required to serve a ((probationary)) trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came or the corresponding state agency department of personnel register. ((Termination)) Failure to satisfactorily complete ((during)) the ((probationary)) trial service period shall not affect the employees' status on other state-wide layoff lists upon which they previously have been placed.
- (6) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff.

Vacation leave shall be computed as provided in WAC 251-22-060.

- (7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).
- (8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240.

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.

NEW SECTION

WAC 251-10-061 Layoff list—State-wide—Additional certification. When the certification process per WAC 251-18-240 does not provide the names of at least three eligible from the state-wide layoff list, the personnel officer shall certify from the state-wide layoff list up to three additional eligibles, provided that all higher lists have been exhausted. Such additional certification(s) shall be made in strict order of standing on the eligible list. Certification of additional eligibles shall not result in more than a total of three eligibles from the state-wide layoff list.

AMENDATORY SECTION (Amending Order 176, filed 3/23/89, effective 5/1/89)

WAC 251-17-090 Examination—Eligibility. (1) Open-competitive examinations shall be open to all persons who apply according to the provisions of these rules and meet the minimum qualifications for the class.

- (2) Promotional examinations shall be limited to those current permanent employees of the classified service at the institution, and those former permanent employees of the institution seeking to return from separation pursuant to WAC 251-10-080, who apply according to the provisions of these rules and meet the minimum qualifications for the class. The personnel officer may open promotional examinations on either an organizational unit or institution-wide basis, whichever the personnel officer determines to be in the interest of the service.
- (3) When the number of qualified applicants for a class in the competitive service is expected to result in an eligible list in excess of the institution's current needs, the personne officer may limit the applications to be admitted to the intermediate and/or final phase(s) of the examination to those most qualified, based on an assessment of qualifications in the initial and/or intermediate phase(s) of the examination Such limitation must be specified in the recruitment notice If no such limitation is specified, all applicants who pass the entire examination shall be placed on the eligible list for the class.
- (4) The personnel officer may add members of under utilized groups to all eligible lists, except layoff lists, a anytime in accordance with the institution's affirmative action program as provided in WAC 251-23-040 (7)(b)

provided such persons pass the examination for the class. The personnel officer shall also add the names of those former permanent employees of the institution seeking to return from separation pursuant to WAC 251-10-080 to all eligible lists at any time, provided such persons pass the examination for the class.

- (5) The personnel officer may add employees who complete institution-approved training programs to the appropriate eligible list at any time, provided such employees meet the minimum qualifications and pass the examination for the class.
- (6) The personnel officer may add to the institution-wide promotional list at any time:
- (a) Current employees on layoff status or scheduled for layoff;
- (b) Former employees laid off from the institution per WAC 251-10-030 who are on an institution-wide layoff list;

<u>Provided that persons covered in (a) and (b) above meet</u> the minimum qualifications and pass the examination for the class.

AMENDATORY SECTION (Amending WSR 92-05-034, filed 2/11/92, effective 4/1/92)

WAC 251-18-180 Eligible lists—Definition—Composition. Eligible lists shall be established by class as follows:

- (1) **Institution-wide layoff lists** shall contain the names of:
- (a) All permanent and probationary employees of the institution laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ranked in order of layoff seniority.
- (b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved, ranked in order of layoff seniority.
- (2) Organizational unit promotional lists shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class. This list shall also contain the names of former employees separated from the organizational unit per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080 and who have passed the examination for the class, provided that during their previous employment with the institution they were not demoted for disciplinary reasons, reverted, or dismissed from the class. This list shall be ranked in order of their final examination scores.
- (3) Institution-wide promotional lists shall contain the names of all permanent employees of the institution who have passed the examination for the class. This list shall also contain the names of:
- (a) ((f)) Former employees separated from the institution per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080 and who have passed the examination for the class, provided that during their previous employment with the institution they were not demoted for disciplinary reasons, reverted, or dismissed from

the class. This list shall be ranked in order of their final examination scores.

- (b) Former employees laid off from the institution per WAC 251-10-030, who are on an institution-wide layoff list.
- (i) Persons appointed under subsection (b) of this section shall serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be returned to the position and/or status held immediately prior to the appointment.
- (4) Special employment program layoff lists shall contain the names of permanent employees of the institution laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.
- (5) State-wide layoff lists shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060, ranked in order of layoff seniority as provided in WAC 251-10-060(2).
- (6) Interinstitutional employee lists shall contain the names of permanent employees of an institution or related board other than the one at which he/she is applying, who have passed the examination for the class, ranked in order of their final examination scores.
- (7) **Intersystem employee lists** shall contain the names of permanent employees under the jurisdiction of chapter 41.06 RCW who have passed the examination for the class, ranked in order of their final examination scores.
- (8) Open competitive lists shall contain the names of all other applicants who have passed the examination for the class, ranked in order of their final examination scores.
- (9) Noncompetitive lists shall be established per WAC 251-17-040 and shall contain the names of applicants who meet the minimum qualifications and have passed the noncompetitive examination, if any, for the class, ranked by priority in time of filing application.
- (10) For positions assigned to EEO-6 categories executive, administrative, managerial, and professional nonfaculty, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:
- (a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class:
- (b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution and former permanent employees eligible to return to work pursuant to WAC 251-10-080 shall have a five percent credit added to their final passing scores.

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

AMENDATORY SECTION (Amending Order 123, filed 1/30/85)

WAC 251-18-190 Eligible lists—Duration. (1) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

- (a) After two years on an institution-wide layoff list or state-wide layoff list;
- (b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list, interinstitutional employee list((7)) or intersystem employee list((7 or state-wide layoff list));
- (c) After six months on an open competitive or noncompetitive list.
- (2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, a special employment program layoff list, an interinstitutional employee list, or an intersystem employee list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.
- (3) The personnel officer may extend an entire eligible list for the following periods:
- (a) Six months for open competitive and noncompetitive lists;
 - (b) One year for all other lists.
- (4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligible shall be notified of the cancellation.

AMENDATORY SECTION (Amending WSR 90-17-037, filed 8/10/90, effective 10/1/90)

- WAC 251-18-240 Certification—Method. (1) Upon receipt of a personnel request, the personnel officer shall provide the following number of names to the employing official in writing:
- (a) When there are names on the institution-wide layoff list for the class, a single name for each vacancy to be filled by the certification.
- (b) When there are no names on the institution-wide layoff list for the class, four more names than there are vacancies to be filled by the certification, provided that:
- (i) When other applicants on the eligible list in use have scores equal to the lowest score among the names certified, their names shall be certified; and
- (ii) Up to three additional names of eligibles who meet the applicable affirmative action criteria shall be certified as provided in WAC 251-23-060.
- (iii) Up to three additional names of eligibles from the state-wide layoff list per WAC 251-10-061, provided that all higher lists have been exhausted.
- (2) Names shall be certified in strict order of standing on the eligible list(s) as established in WAC 251-18-180.
- (3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

- (a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(10):
 - (i) Institution-wide layoff list;
 - (ii) Organizational unit promotional list;
 - (iii) Institution-wide promotional list;
 - (iv) Special employment program layoff list;
 - (v) State-wide layoff list;
 - (vi) Interinstitutional employee list;
 - (vii) Intersystem employee list;
 - (viii) Open competitive or noncompetitive list.
- (b) When the personnel officer has established a combined eligible list:
 - (i) Institution-wide layoff list;
 - (ii) Combined eligible list.
- (4) Permanent employees certified from an eligible list for consideration of appointment shall be notified by the institution at the time of referral. Upon appointment, the institution shall advise those employees certified but not appointed of the action taken.

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-19-010 Returning employee provisions— Layoff. An eligible appointed from an established institution-wide layoff list shall be credited with the following:

- (1) Assumption of appointment status, salary step as provided in WAC 251-08-115 and seniority held at the time of layoff;
 - (2) Sick leave accrued at the time of layoff;
- (3) Periodic increment date extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff.
- (4) The provisions of subsections (1), (2) and (3) above also shall apply to former employees appointed as follows:
- (a) From an institution-wide promotional list per WAC 251-18-180 (3) (b);
- (b) Through the institution's transfer/lateral movement/voluntary demotion procedure per WAC 251-19-100(3).

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

- WAC 251-19-060 Trial service period. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless
- (a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or
 - (b) The class is lower in that same class series, or
- (c) The employee is being reallocated per the provisions of WAC 251-06-080 (1)(a), or
- (d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140(5).
- (2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110
- (3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180 (3)(b).

- (4) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:
- (a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.
- (b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.
- (c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.
- ((4)) (5) Reversion from trial service must be preceded by:
- (a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and
- (b) A reasonable opportunity to overcome identified deficiencies.
- ((5)) (6) An employee who is reverted may appeal to the board regarding:
- (a) Whether the employer complied with the requirements of subsection (4)(a) and (b) of this section; and
- (b) Whether the claimed deficiencies existed at the time of reversion.
- ((6)) (7) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.
- ((7)) (8) In the event an employee is on leave without pay status for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.
- ((8)) (9) Successful completion of the trial service period shall result in permanent status in the class.
- ((9)) (10) Salary and periodic increment date shall be determined as follows:
- (a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;
- (b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;
- (c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 180, filed 6/21/89, effective 8/1/89)

WAC 251-19-100 Transfer—Lateral movement—Voluntary demotion. (1) The personnel officer for each institution shall develop a "transfer/lateral movement/voluntary demotion procedure" to provide reasonable opportunity for employees desiring to transfer within class or to voluntarily demote or move laterally to classes where they have previously attained permanent status at the institution, or equivalent classes as determined by the personnel officer, when:

- (a) The action is by employee request; or
- (b) The employee's position is being reallocated upward and the employee is not appointed to the reallocated position; or
- (c) The personnel officer determines that the employee seeking the action is no longer able to perform in the current class due to a medically verified physical, mental, or sensory disability. An employee is eligible to apply for appointment to a position under the provisions of this subsection if the employee meets the minimum qualifications and is able to perform the work of the position as confirmed by medical verification which provides adequate guidance to the employer.
- (2) Except as provided in subsection (1) of this section, permanent employees who wish to be considered for appointment to classes with an equal or lower salary range maximum than their current class must apply in accord with institutional procedure, meet the minimum qualifications, pass the examination and be placed on the appropriate eligible list for the class.
- (3) Former employees laid off from the institution, per WAC 251-10-030, who are on an institution-wide layoff list, also shall be included in the procedures developed per subsections (1)(a) and (2) above.
- (4) Upon appointment via the provisions of this rule, the following shall apply:
- (a) For voluntary demotion, the salary shall be determined by the personnel officer and the periodic increment date shall remain unchanged.
- (b) For transfer within class or lateral movement, the salary and periodic increment date shall remain unchanged.

WSR 93-13-009 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-44—Filed June 4, 1993, 4:14 p.m., effective June 5, 1993, 12:01 a.m.]

Date of Adoption: June 4, 1993. Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-31500W; and amending WAC 220-57-315.

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: Harvestable spring chinook salmon are available for a recreational fishery in the Klickitat River.

Effective Date of Rule: June 5, 1993, 12:01 a.m.

June 4, 1993 Loren J. Stern for Robert Turner Director

NEW SECTION

WAC 220-57-31500X Klickitat River. Notwithstanding the provisions of WAC 220-57-315(2), effective June 5, 1993 until further notice, Bag Limit A in those waters of the Klickitat River downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31500W Klickitat River. (93-17)

WSR 93-13-027 EMERGENCY RULES DEPARTMENT OF TRANSPORTATION

[Filed June 10, 1993, 3:00 p.m.]

Date of Adoption: June 10, 1993.

Purpose: To amend WAC 468-300-700 to handle livestock during the peak summer season.

Citation of Existing Rules Affected by this Order: Amending WAC 468-300-700.

Statutory Authority for Adoption: RCW 47.56.030 and

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: RCW 47.60.326, to provide for sufficient handling of livestock during peak summer season.

Effective Date of Rule: Immediately.

June 10, 1993 Norm McKibben, Chairman Transportation Commission AMENDATORY SECTION (Amending Order 61, Resolution No. 298, filed 5/21/87)

WAC 468-300-700 Preferential loading. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on ((the)) single occupant private automobiles:

- (1) Preferential loading privileges on vessels operated by Washington state ferries, exempting vehicles from the standard ((first-come-first-serve)) first-come first-served rule, shall be granted((7)) in the order set forth below, to:
- (a) Emergency vehicles ((aetually)) involved in ((emergency operations)) or returning from their particular operations, and medical personnel traveling to unscheduled emergency calls (but not when returning from such calls, and not when traveling to or from their place of employment of to or from operations or procedures, whether emergency of not, which are scheduled enough in advance to allow ferry travel without preferential loading);
- (b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise ((result would)) cause health risks((, undue strain or undue discomfort)) to those persons;
- (c) Public ((transportation and/))or pupil transportation vehicles owned or operated by public or private transportation operators providing transit or charter service under a certificate of public convenience and necessity issued by the utilities and transportation commission of the state of Washington or owned and operated by a local school district or private school system;
- (d) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;
- (e) Commuter car pools which shall consist of a minimum number of persons as determined by ferry system management((: Provided, That)); and such minimum number shall in no case be less than three((, and provided further that)); and a formal registration system may be required ((as determined)) by ferry system management;
- (f) Vehicles carrying livestock and traveling on routes where Washington state ferries is the only major access for land-based traffic, where such livestock (i) is raised for commercial purposes and is recognized as raised on a farm by the department of agriculture, county agriculture soil and conservation service; or (ii) is traveling to participate in a 4F event sanctioned by the county extension agent;
- (g) Commercial vehicles traveling on routes where Washington state ferries is the only major access for ((landbased)) land-based traffic, provided that the vehicles are carrying wholesale perishable article(s) of commerce to be bought or sold in commercial activity or to be used in the production of other such articles;
- (h) Overweight or oversize vehicles requiring transpor at special times due to tidal conditions, vessel assignments or availability of space.
- (2) Such preferential loading privileges shall be subject to the following conditions:
- (a) Privileges shall be granted only where physica facilities are deemed by ferry system management to be adequate to ((achieve)) allow granting the privilege and achieving an efficient operation;
- (b) Documentation outlining <u>qualifications for preferen</u> tial loading and details of travel will be required in advance

rom all agencies, companies, or individuals requesting such privileges;

- (c) Privileges may be limited to specified time periods is determined by ferry system management:
- (d) Privileges may require a minimum frequency of ravel, as determined by ferry system management;
- (e) Privileges may be limited to a specific number of rehicle spaces for any one sailing; and,
- (f) Privileges may require arriving at the ferry terminal t specified time prior to the scheduled sailing.
- (3) To obtain more information about the documentation equired and conditions imposed under subsection (2) of this ection, call Washington state ferries' general information number, (206) 464-6400, or a terminal on a route for which he preferential boarding right is requested.

WSR 93-13-028 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-45—Filed June 10, 1993, 4:30 p.m.]

Date of Adoption: June 10, 1993. Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-001.

Statutory Authority for Adoption: RCW 75.08.080 and '5.25.095.

Pursuant to RCW 34.05.350 the agency for good cause inds that immediate adoption, amendment, or repeal of a ule is necessary for the preservation of the public health, afety, or general welfare, and that observing the time equirements of notice and opportunity to comment upon doption of a permanent rule would be contrary to the public nterest.

Reasons for this Finding: This rule encourages recretional fishing and provides opportunity for persons who night not otherwise fish.

Effective Date of Rule: Immediately.

June 10, 1993
Judith Freeman
Deputy
for Robert Turner
Director

IEW SECTION

WAC 220-55-00100A Free fishing days. Notwithtanding the provisions of Chapter 220-55 WAC, effective 2:01 a.m. June 12, 1993, through 11:59 p.m. June 13, 1993, recreational license is not required to fish for or possess ersonal use foodfish or shellfish. A catch record card, if equired, must be possessed by each angler. All season, me and area closures, and personal use catch limits remain 1 effect during this period.

WSR 93-13-029 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-46—Filed June 10, 1993, 4:32 p.m.]

Date of Adoption: June 10, 1993. Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-51500I; and amending WAC 220-57-515.

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: Harvestable spring chinook salmon are still available for a recreational fishery in the Wind River.

Effective Date of Rule: Immediately.

June 10, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57-51500J Wind River. Notwithstanding the provisions of WAC 220-57-515 and WAC 220-56-105, it is unlawful to fish for salmon for personal use or to possess salmon taken for personal use, except:

- (1) Effective April 1 through June 15, 1993, a daily bag limit of 2 salmon in those waters of the Wind River from markers 400 feet below Shipperd Falls to markers at the river mouth boundary.
- (2) Effective June 1 through June 30, 1993, a daily bag limit of 2 salmon in those waters of the Wind River from the High Bridge located just north of the town of Carson on the Wind River Highway to boundary markers 800 yards downstream of the Carson Federal Salmon Hatchery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-51500I Wind River. (93-17)

WSR 93-13-030 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-47—Filed June 10, 1993, 4:34 p.m.]

Date of Adoption: June 10, 1993. Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500D; and amending WAC 220-32-055.

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: Harvestable numbers of salmon are available for a subsistence fishery. This conforms state rules with Yakima Indian Nation regulations.

Effective Date of Rule: Immediately.

June 10, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-32-05500E Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakima treaty to take or possess salmon taken for subsistence purposes from the Yakima River, the Klickitat River, Icicle Creek, the Wind River, the Little White Salmon River (Drano Lake) or the Columbia River in the vicinity of Ringold Hatchery, except under the following provisions:

(1) the Yakima River from Horn Rapids Dam to Wapato Dam is open noon Tuesday to 6 p.m. Saturday of each week

from April 13 through June 26.

(2) the Klickitat River from the Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesday to 6 p.m. Saturday of each week.

- (3) Icicle Creek where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth is open 9 noon Monday to noon Saturday of each week from June 7 through July 17.
- (4) the Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls is open 6 a.m. Monday to 6 p.m. Saturday of each week from April 1 through June 12.
- (5) the Wind River from 200 feet above Shipperd Falls upstream to the outlet stream for Carson National Fish Hatchery is open 6 a.m. Monday to 6 p.m. Saturday of each week from June 1 through June 26.
- (6) Columbia River from a marker approximately 1/2 mile upstream of Ringold Hatchery rearing pond outlet downstream to a marker approximately 1/4 mile downstream of Ringold wasteway outlet is open 6 a.m. Monday to 6 p.m. Saturday of each week from April 1 through July 31.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-32-05500D Columbia River tributaries - subsistence. (93-39)

WSR 93-13-034 EMERGENCY RULES HIGHER EDUCATION COORDINATING BOARD

[Filed June 11, 1993, 2:10 p.m.]

Date of Adoption: June 3, 1993.

Purpose: Update rules to reflect current policy.

Citation of Existing Rules Affected by this Order: Amending WAC 250-40-030, 250-40-040, 250-40-050, 250-40-060, and 250-40-070.

Statutory Authority for Adoption: RCW 28B.12.020 - 28B.12.070.

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 enable the Higher Education Coordinating Board and institutions to implement the 1993-94 state work study program.

Effective Date of Rule: Immediately.

June 11, 1993
Jane C. Sherman
Deputy Director
for Academic Affairs

AMENDATORY SECTION (Amending Order 3/88, Resolution No. 88-11, filed 4/21/88)

WAC 250-40-030 Definitions. (1) "Financial need' shall be the difference between the budgetary cost to the student attending an institution of postsecondary education and the total ((applicant resources)) family contribution which the institutional financial aid ((officer)) administrator determines can reasonably be expected to be available to the student for meeting such costs.

- (2) "Budgetary cost" of attending an institution shal consist of ((that amount required to support the individua and may include the costs of his or her dependents during the period in which that individual is enrolled as a student) those costs required to support the individual and other costs in accordance with federal costs of attendance calculations during the period of enrollment. Budgets will reflect the ((latest recognized)) applicable years' cost levels for tuition room and board, transportation, books, supplies, persona expenses, and any other cost factors deemed necessary fo consideration, consistent with WAC 250-40-040 (2)(a).
- (3) "Total ((applicant)) family contribution and resources" ((for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her spouse inclusive of expected summer saving to meet the student's cost of education, and the amoun which reasonably may be expected to be made available to the student by his or her parents for such purpose. For the self-supporting student total applicant resources shall meat the amount which reasonably may be expected from the student and his or her spouse inclusive of expected summer.

savings to meet the student's cost of education)) shall be consistent with amounts recognized by federal need analysis criteria, unless otherwise modified in accordance with these rules and program guidelines.

- (4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 - 28B.15.013 and board-adopted rules and regulations pertaining to the determination of residency.
- (5) "Eligible institution of postsecondary education" shall mean any postsecondary educational institution in the state of Washington accredited by the Northwest Association of ((Secondary and Higher)) Schools and colleges, or any public ((vocational-technical institute)) technical colleges in the state of Washington.
- (6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education, any other nonprofit organization which is nonsectarian, or any profitmaking nonsectarian employer producing a good or providing a service for sale or resale to others, can and agrees to provide employment of a demonstrable benefit related to the student's postsecondary educational pursuits and which conducts business within the state of Washington, or any other employer approved by the higher education coordinating board. In approving an employer as eligible, the board or an institution acting as its agent will consider at the minimum((f:1f.1)):
- (a) The relationship of the jobs to the students' educational objectives;
 - (b) The potential for displacement of regular employees;
- (c) The rate of pay as compared to salaries and wages provided other employees engaged in similar work;
- (d) The employer's compliance with appropriate federal and state civil rights laws.
- (7) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as ((a-self-supporting)) an independent student in accordance with subsection (8) of this
- (8) (("Self-supporting student" shall be one who has established a bona fide independent relationship and who demonstrates compliance with criteria for determining selfsupporting status as contained in the program guidelines.)) "Independent student" shall mean any student who qualifies as an independent student for federal student aid.
- (9) "Half-time student" means any student enrolled in ((exactly)) at least one-half the credit hour or clock hour load defined by the institution as constituting expected full time progress toward the particular degree or certificate.

AMENDATORY SECTION (Amending Order 3/88, Resolution No. 88-11, filed 4/21/88)

WAC 250-40-040 Student eligibility and selection. (1) Eligibility criteria. In order to be eligible for employ-

- ment under this program the student must:
 - (a) Demonstrate financial need.
- (b) Be enrolled or accepted for enrollment as at least a half-time undergraduate, graduate or professional student or be a student under an established program designed to qualify him or her for enrollment as at least a half-time student at an eligible institution of postsecondary education.

- (c) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while employed under the program, and demonstrate satisfactory progress toward degree or certificate completion.
 - (d) Not be pursuing a degree in theology.
- (e) Not owe a refund or repayment on a state or federal; financial aid grant program and is not in default on a loan made, insured, or guaranteed under federal and state financial aid loan programs.
- (2) Criteria for institutional determination of financial need and the making of awards.
- (a) Standard budgetary costs will be determined by the institution subject to approval by the higher education coordinating board. ((The advisory committee authorized by WAC 250-40-070(4) of these regulations will review each budget for reasonableness and make recommendations to the board for approval or disapproval.))
- (b) Total applicant resources shall be determined according to the ((congressional)) federal methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. ((In addition, nonliquid assets in the form of equity in the primary [residence] [resident] and net-worth of business or farm may be disregarded in the computation of total applicant resources.))

Any adjustments must be documented and placed in the student's financial aid ((file)) records.

- (c) The work-study award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education. ((In the case of students attending participating private institutions, the sum of the state share of the state workstudy wages and a state need grant, if awarded, may not exceed the nontuition and required fee portion of the student's budgetary cost.))
- (d) Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain satisfactory progress toward completion of his or her degree or program objective. The institution must submit its policy to the board annually for approval. ((The advisory committee authorized by WAC-250-40-070(4) will make recommendations to the board for approval or disapproval of each institution's policy.))
 - (3) Priorities in placing students.
- (a) The institution must, wherever possible, place students in positions which are related to their educational goals or career interests. At the time of job placement, the student who is able to obtain course- or career objectiverelated employment shall be awarded in favor of one who is not able to obtain such employment.
- (b) At the time of job placement, and after consideration of (a) above, no eligible Washington resident shall be excluded in favor of a nonresident.
- (c) It is the intent of the work study program to assist those students from moderate income family backgrounds whose total applicant resources are insufficient to cover the total budgetary costs of education; and who, but for this program, would normally be forced to rely heavily on loans.

AMENDATORY SECTION (Amending Order 3/88, Resolution No. 88-11, filed 4/21/88)

WAC 250-40-050 Restrictions on student placement and compensation. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

- (a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.
- (b) In cases of governmental employment, state workstudy students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.
- (c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.
- (2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to higher education personnel board classified positions must be paid entry level higher education personnel board wages for the position.

Determination of comparability must be made in accordance with state work-study program operational guidelines.

Documentation must be on file at the institution for each position filled by a state work-study student which is deemed by the institution as not comparable to a higher education personnel board position.

- (3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package in accordance with ((eongressional)) federal methodology. In the event that a student earns more money from state work-study employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.
- (4) State share of student compensation((-)) with the exception of board-approved off campus community service placements, the state share of compensation paid students shall not exceed 80 percent of the student's gross compensation. In the following cases the state share may be established at 80 percent: (a) When employed by state supported institutions of postsecondary education at which they are enrolled((-1)); (b) when employed as tutors by the state's common school districts ((which have entered into a special agreement with the higher education coordinating board for placement of students in an authorized program providing tutorial-assistance, and)); and (c) when employed in tutorial or other support staff positions by nonprofit adult literacy service providers in the state of Washington who meet guideline criteria for participation ((in the 1985-87 adult literacy pilot program)). The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

- (5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The ((federally-funded eollege)) federal work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation ((in the 1985-87 adult literacy pilot program)).
- (6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.
- (7) Maximum hours ((worked)) reimbursed. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the state work-study program and the federal ((eollege)) work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the nonresident tuition and fees differential under RCW 28B.15.014.

- (8) Types of work prohibited. Work performed by a student under the state work-study program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.
- (9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

AMENDATORY SECTION (Amending Order 1-87, Resolution No. 87-59, filed 7/29/87)

allotment procedures. (1) ((The convening of a review committee. The board staff will convene its advisory committee in accordance with WAC 250 40 070(6) to act as a review committee for the purpose of recommending the allotment of funds to students by institution. Beginning with 1975-76 awards, institutions will be notified of funds available for their students by May 1 of the year prior to the academic year in which awards will be given, or whenever the legislative appropriation becomes known, whichever is later.

- (2) Information to be used in review process. In its deliberations, the panel will make use of information available from the institution's application for federal funds, supplemented by any other relevant information made available to the board.
- (3)) Application. Institutions shall annually apply for and document campus need for student employment funds.

- (2) Institutional reserve of funds. The board shall annually develop a reserve of funds for the body of students at each eligible participating institution. Institutions will be notified of funds available for their students by May 1 of the year prior to the academic year in which awards will be given, or within a reasonable period after the legislative appropriation becomes known, whichever is later. The following steps shall govern the determination and allotment of institutional reserves:
- (a) A base funding level, or "conditional guarantee," shall be adopted for each institution currently participating n the program. In years of level program funding, the nitial allotment of funds to any one institution shall equal its 'conditional guarantee." The conditional guarantee will equal the amount of funds initially reserved to the institution n the prior fiscal year.
- (b) Eligible institutions currently not participating in the program shall be continually encouraged to enter the program and will be funded at a reasonable level.
- (c) Each institution shall share proportionally in the event of budget reductions.
- (d) Institutions displaying a pattern of fund inderutilization shall have their allocations reevaluated and educed if necessary.
- (e) Funding increases shall be distributed on an objective basis among institutions in a manner which, when combined with Federal Work Study allocations, furthers a parity of work opportunity among students state-wide.
- (f) No institution will be awarded funds which, in the nstitution's judgment or judgment reasonably exercised by he board, will exceed what the institution can adequately administer.
- (3) The convening of an advisory committee. The board taff will convene its advisory committee annually in accordance with WAC 250-40-070(5) to review program policies and procedures.
- (4) Reallotments. If it is determined that an institution s unable to award all of the funds allotted it the board will educe its allotment accordingly and will redistribute inutilized funds to other eligible institutions. Reallotments nowever, shall not increase or decrease an institution's conditional guarantee."

AMENDATORY SECTION (Amending Order 1-87, Resolution No. 87-59, filed 7/29/87)

- WAC 250-40-070 Administration. (((1) [Administerng agency] [The convening of a review committee].)) The nigher education coordinating board shall administer the work-study program. The staff of the higher education coordinating board under the direction of the executive lirector will manage the administrative functions relative to he program and shall be authorized to enter into agreement with:
- (a) Eligible public institutions for the placement of students and the reimbursement of employers for the state share of the student's compensation.
- (b) Eligible private institutions for the placement of tudents.
- (c) Employers of students attending eligible private nstitutions for the reimbursement of the state share of the tudent's compensation. Such agreements shall be written to

- ensure employer compliance with the rules and regulations governing the work-study program.
- (2) Responsibility of eligible public institutions. The institution will:
- (a) Assist the board in contracting with eligible employers or, enter into contract with eligible organizations for employment of students under the work-study program. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the work-study program.
- (b) Determine student eligibility and arrange for placement.
- (c) Arrange for payment of the state share of the student's compensation.
- (3) Responsibility of eligible private institutions. The institution will:
- (a) Assist the board in contracting with eligible employers.
- (b) Determine student eligibility, arrange for placement with employers, and notify the board of such placement.
- (c) Submit student time sheets to the board in the prescribed manner and time frame outlined in guidelines.
 - (4) Employer responsibilities:
- (a) Before it may participate in the program, an eligible employer must enter into agreement with the higher education coordinating board or a public institution acting as its agent, thereby certifying its eligibility to participate and its willingness to comply with all program requirements.
- (b) Certification of payment to students by the eligible organization shall be made under oath in accordance with RCW ((9A.71.085 [9A.72.085])) 9A.72.085.
- (c) Submit student time sheets to the institution in a timely manner.
- (5) Advisory committee. The board will appoint an advisory committee composed of representatives of eligible institutions, employee organizations having membership in the classified service of the state's institutions of postsecondary education, a student and persons as may be necessary to advise the board staff on matters pertaining to the administration of the work-study program. In addition, representatives from postsecondary educational advisory and governing bodies will be invited to participate in advisory committee meetings when annual institutional allocations are being determined.
- (6) Institutional administrative allowance. Contingent upon funds being made available to the higher education coordinating board for the operation of the work-study program, the public institutions will be provided an administrative expense allowance. In order to qualify for the allowance, the institution must demonstrate that financial support for student financial aid administration, exclusive of the administrative allowance, is at least equal to the level of support provided during the previous fiscal year.
- (7) Institutional maintenance of effort. State funds provided under this program are not to be used to replace institutional funds which would otherwise be used to support student employment.
- (8) Reports. The higher education coordinating board will obtain periodic reports on the balance of each institution's work-study funds to ensure a proper distribution of funds among institutions. In addition, information will be gathered subsequent to the end of the academic year,

describing the population served and the modes of packaging used.

- (9) Agreement to participate. ((As a precedent to participating in the state work study program, each institution must acknowledge its responsibility to administer the program according to prescribed rules and regulations and guidelines.)) In order to participate in the program, each institution must file an agreement to participate indicating agreement to abide by all program rules, regulations, and guidelines and to maintain and provide all pertinent information, records, and reports requested by the board.
- (10) Appeals. If the board is notified of any possible violations of these rules and regulations, satisfactory resolution shall be attempted by board staff. If satisfactory resolution cannot be achieved by board staff, the advisory committee authorized by WAC 250-40-070(5) shall review the appeal and make a recommendation to board staff. If satisfactory resolution still cannot be achieved, the person or institution initiating the appeal may request a hearing with the board, which shall take action on the appeal.
- (11) Program reviews. The higher education coordinating board will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations and guidelines the ((institution will)) board may suspend, terminate, or place conditions upon the institution's participation in the program and require the institution to reimburse the students affected or the program in the appropriate amount.

WSR 93-13-036 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-48-Filed June 11, 1993, 4:49 p.m.]

Date of Adoption: June 11, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-191 and 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: Harvestable salmon are available and these interim rules are adopted until permanent rules can take effect.

Effective Date of Rule: Immediately.

June 11, 1993 Judith Freeman Deputy for Robert Turner Director

NEW SECTION

- WAC 220-56-19100A Puget Sound salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-190 and WAC 20-56-191, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5 and 6 except as provided for in this section:
- (1) Immediately through June 15 special daily bag limit of two salmon, except that all chinook salmon greater than 30 inches in length and all coho salmon must be released. Chinook salmon minimum size length is 22 inches, but there is no minimum size for other salmon.
- (2) June 16 through July 15 Special daily bag limit of two salmon, except that all coho salmon must be released. Chinook minimum size is 22 inches, but there is no minimum size for other salmon.

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 93-13-038 EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Order 4030—Filed June 14, 1993, 11:50 a.m.]

Date of Adoption: June 14, 1993.

Purpose: Restrictions on the use of Phosdrin in chapter 16-219 WAC.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

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: Due to the loss of pesticides used to control aphids in an orchard environment, a situation now exists which will prompt the use of mevinphos (Phosdrin) which is a highly toxic pesticide. Existing product label requirements do not provide adequate protection for pesticide applicators and other workers until rules can be adopted on a permanent basis.

Effective Date of Rule: Immediately.

June 14, 1993 Peter J. Goldmark Director

Chapter 16-219 WAC Restricted Use Pesticides

WAC	
16-219-015	Restricted use pesticides—Mevinphos (Phosdrin).
16-219-020	Application requirements—Mevinphos (Phosdrin).
16-219-025	Restricted Entry Interval—Posting— Mevinphos (Phosdrin).
16-219-030	Training—Mevinphos (Phosdrin).

NEW SECTION

WAC 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin). For the purposes of WAC 16-219-010 through 16-219-020, all formulations of mevinphos (Phosdrin) are declared to be restricted use pesticides due to its acute toxicity. If any restriction in WAC 16-219-010 through 16-219—020 is in conflict with restrictions on the pesticide label, the most restrictive statement will apply.

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 16-219-020 Application requirements— Mevinphos (Phosdrin). The following restrictions apply to any application of mevinphos (Phosdrin) to pears or apples:

- (1) A maximum of one pound active ingredient may be applied per acre per application.
- (2) A minimum of seven days between applications shall be observed.
 - (3) Do not apply within ninety-six hours of harvest.
- (4) An observer shall be present during all mixing and loading activities in order to furnish assistance in the event of an accident. The observer shall not be involved in the mixing or loading operation.
- (5) Do not apply within one hundred feet of any inhabited building or public road.
- (6) Do not apply when wind speeds exceed ten miles per hour.
- (7) Do not apply when air temperature exceeds 80 degrees Fahrenheit.
 - (8) Do not apply with hand equipment.
- (9) Human flaggers are prohibited during aerial application.
- (10) The pilot making the application may not assist in the mixing and loading operation, but may act as the observer as required in subsection (4) of this section.

NEW SECTION

WAC 16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin). (1) Entry into a pear or apple orchard treated with mevinphos (Phosdrin) is prohibited for ninety-six hours after application: PROVIDED, That entry into the treated area may occur within the ninety-six hour interval if the person is wearing all the protective clothing required on the pesticide label for an applicator.

(2) Any time mevinphos (Phosdrin) is applied to pears or apples, the area being treated shall be posted with warning signs.

NEW SECTION

WAC 16-219-030 Training—Mevinphos (Phosdrin). (1) Any company registering any formulation of mevinphos (Phosdrin) for use on apples or pears in Washington shall be responsible for ensuring that appropriate training in the safe use of mevinphos (Phosdrin) is made available. The training shall include, but not be limited to, the following information: Storage, handling, disposal, enclosed cabs, closed

mixing/loading systems, poisoning symptoms/first aid, personal protective equipment, reentry and posting.

WSR 93-13-044 EMERGENCY RULES DEPARTMENT OF HEALTH

[Order 373—Filed June 14, 1993, 4:00 p.m.]

Date of Adoption: June 11, 1993.

Purpose: Moratorium on certificate of need applications for nursing home bed additions and new nursing homes until rules are adopted to reflect amendments to chapter 70.38 RCW.

Statutory Authority for Adoption: RCW 70.38.135 (3)(c).

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: Amendments to chapter 70.38 RCW changes need criteria and has an emergency adoption clause.

Effective Date of Rule: Immediately.

June 11, 1993 Mimi L. Fields, MD for Bruce Miyahara Secretary

NEW SECTION

WAC 246-310-381 Nursing home bed need standards. The department is in the process of revising rules to reflect the amendments to RCW 70.38, which passed as Substitute House Bill 2098, during the 1993 Legislative session. In order to allow a planned and orderly development and implementation of the new rules, no Certificate of Need applications for nursing home bed additions, or the establishment of a new nursing home, shall be accepted until the new rules are adopted. Certificate of Need applications received prior to the effective date of House Bill 2098 shall be processed in accordance with the rules existing at the time the applications were filed.

WSR 93-13-045 RESCISSION OF EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Filed June 14, 1993, 4:28 p.m.]

The Department of Agriculture is rescinding the original notice of the emergency rules filed on mevinphos (Phosdrin), WSR 93-13-038, filed today, June 14, 1993. Due to a technical error, another filing will be made on the emergency rules.

John King Acting Director

WSR 93-13-046 EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Order 4035—Filed June 14, 1993, 4:30 p.m.]

Date of Adoption: June 14, 1993.

Purpose: Restrictions on the use of Phosdrin in chapter 16-219 WAC.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

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: Due to the loss of pesticides used to control aphids in an orchard environment, a situation now exists which will prompt the use of mevinphos (Phosdrin) which is a highly toxic pesticide. Existing product label requirements do not provide adequate protection for pesticide applicators and other workers until rules can be adopted on a permanent basis.

Effective Date of Rule: Immediately.

June 14, 1993 John King Acting Director

Chapter 16-219 WAC Restricted Use Pesticides

WAC	
16-219-015	Restricted use pesticides—Mevinphos (Phosdrin).
16-219-020	Application requirements—Mevinphos (Phosdrin).
16-219-025	Restricted Entry Interval—Posting— Mevinphos (Phosdrin).
16-219-030	Training—Mevinphos (Phosdrin).

NEW SECTION

WAC 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin). For the purposes of WAC 16-219-010 through 16-219-020, all formulations of mevinphos (Phosdrin) are declared to be restricted use pesticides due to its acute toxicity. If any restriction in WAC 16-219-010 through 16-219-020 is in conflict with restrictions on the pesticide label, the most restrictive statement will apply.

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 16-219-020 Application requirements— Mevinphos (Phosdrin). The following restrictions apply to any application of mevinphos (Phosdrin) to pears or apples:

- (1) A maximum of one pound active ingredient may be applied per acre per application.
- (2) A minimum of seven days between applications shall be observed.
 - (3) Do not apply within ninety-six hours of harvest.

- (4) An observer shall be present during all mixing and loading activities in order to furnish assistance in the event of an accident. The observer shall not be involved in the mixing or loading operation.
- (5) Do not apply within one hundred feet of any inhabited building or public road.
- (6) Do not apply when wind speeds exceed ten miles per hour.
- (7) Do not apply when air temperature exceeds 80 degrees Fahrenheit.
 - (8) Do not apply with hand equipment.
- (9) Human flaggers are prohibited during aerial application.
- (10) The pilot making the application may not assist in the mixing and loading operation, but may act as the observer as required in subsection (4) of this section.

NEW SECTION

WAC 16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin). (1) Entry into a pear or apple orchard treated with mevinphos (Phosdrin) is prohibited for ninety-six hours after application: PROVIDED, That entry into the treated area may occur within the ninety-six hour interval if the person is wearing all the protective clothing required on the pesticide label for an applicator.

(2) Any time mevinphos (Phosdrin) is applied to pears or apples, the area being treated shall be posted with warning signs.

NEW SECTION

WAC 16-219-030 Training—Mevinphos (Phosdrin).

(1) Any company registering any formulation of mevinphos (Phosdrin) for use on apples or pears in Washington shall be responsible for ensuring that appropriate training in the safe use of mevinphos (Phosdrin) is made available. The training shall include, but not be limited to, the following information: Storage, handling, disposal, enclosed cabs, closed mixing/loading systems, poisoning symptoms/first aid, personal protective equipment, reentry and posting.

WSR 93-13-057 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-49-Filed June 16, 1993, 4:58 p.m.]

Date of Adoption: June 16, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Y.

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 available harvestable shrimp has been taken and concurrent measures for the protection of Hood Canal crab are no longer needed.

Effective Date of Rule: Immediately.

June 16, 1993
Judith Freeman
Deputy
for Robert Turner
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500Y

Shrimp and crab—Hood Canal. (93-42)

WSR 93-13-058 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-50—Filed June 16, 1993, 4:59 p.m., effective June 22, 1993, 12:01 a.m.]

Date of Adoption: June 16, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-071.

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 intended to prevent overfishing in Sea Cucumber District 3 and to spread the commercial fleet throughout the four districts in order to maintain equitable catches and an orderly fishery.

Effective Date of Rule: June 22, 1993, 12:01 a.m.

June 16, 1993 Judith Freeman Deputy for Robert Turner Director

NEW SECTION

WAC 220-52-07100M Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective 12:01 a.m. June 22, 1993 through 11:59 p.m. August 19, 1993 it is lawful to fish for or possess sea cucumbers Tuesdays through Thursdays taken from Sea Cucumber Districts 1, 2, 3 and 4 except:

- (1) Closed in Marine Fish-Shellfish Catch Reporting Area 28D.
- (2) Closed in those waters of Hale Passage within the following lines: a line drawn northerly from Point Migley on Lummi Island to Sandy Point, and a line drawn from Point Frances through the marker north of Inati Bay, Lummi Island to Lummi Island.
- (3) The waters of Dyes Inlet and Ostrich Bay north of the Port Washington Narrows Bridge in Bremerton.

WSR 93-13-078 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-51—Filed June 17, 1993, 4:52 p.m.]

Date of Adoption: June 16, 1993. Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-03000E; and amending WAC 220-33-030.

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: Harvestable numbers of shad are available in the Columbia River. This rule is consistent with the actions of the Columbia River Compact.

Effective Date of Rule: Immediately.

June 16, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-33-0300F Commercial shad—Columbia River Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for, or possess shad for commercial purposes except as provided for in this section:

FISHING PERIODS

- (1) The Camas-Washougal Reef Area is open: 4:00 a.m. June 14 to 11:59 p.m. June 18, 1993.
 - **GEAR**
- (2) Gill net gear may be used to fish for shad as provided in WAC 220-33-030(1), except that in the Camas-Washougal Reef Area the webbing of the gear may be constructed of mesh having a breaking strength of less than 30 pounds.

GENERAL

(3) During the fishing periods provided in this section, only shad may be kept and sold. All salmonids, walleye and sturgeon must be immediately returned to the water and those alive must be released unharmed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-03000E Commercial shad—Columbia River. (93-40)

WSR 93-13-081 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3569—Filed June 18, 1993, 9:44 a.m., effective June 19, 1993, 12:01 a.m.]

Date of Adoption: June 18, 1993.

Purpose: To correct unsuitable wording and add an exception as to when the service may be a covered service.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-200.

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 respond to legal concerns. Effective Date of Rule: June 19, 1993, 12:01 a.m.

June 18, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3536, filed 5/19/93, effective 6/19/93)

WAC 388-86-200 Limits on scope of medical program services. (1) The medical assistance administration (MAA) shall pay only for equipment, supplies, and services that are listed as covered in MAA published issuances, including Washington Administrative Code (WAC), billing instructions, numbered memoranda, and bulletins, and when the items or services are:

- (a) Within the scope of an eligible client's medical care program;
 - (b) Medically necessary;
- (c) Within accepted medical, dental, or psychiatric practice standards and are:
 - (i) Consistent with a diagnosis; and
- (ii) Reasonable in amount and duration of care, treatment, or service.
 - (d) Not listed under subsection (2) of this section; and
- (e) Billed according to the conditions of payment under WAC 388-87-010.
- (2) Unless required under EPSDT/healthy kids program; included as part of a managed care plan service package; included in a waivered program; or part of one of the Medicare programs for the qualified Medicare beneficiaries, the MAA shall specifically exclude from the scope of covered services:
- (a) Nonmedical equipment, supplies, personal or comfort items and/or services, including, but not limited to:
- (i) Air conditioners or air cleaner devices, dehumidifiers, other environmental control devices, heating pads;
 - (ii) Enuresis (bed wetting) training equipment;
 - (iii) Recliner and/or geri-chairs;
 - (iv) Exercise equipment;
 - (v) Whirlpool baths;

- (vi) Telephones, radio, television;
- (vii) Any services connected to the telephone, television, or radio:
 - (viii) Homemaker services;
 - (ix) Utility bills; or
 - (x) Meals delivered to the home.
- (b) Services, procedures, treatment, devices, drugs, or application of associated services which the department or HCFA consider investigative or experimental on the date the services are provided;
 - (c) Physical examinations or routine checkups;
- (d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;
 - (e) Routine foot care that includes, but not limited to:
 - (i) Medically unnecessary treatment of mycotic disease;
 - (ii) Removal of warts, corns, or calluses;
 - (iii) Trimming of nails and other hygiene care; or
 - (iv) Treatment of asymptomatic flat feet.
- (f) More costly services when less costly equally effective services as determined by the department are available;
- (g) Procedures, treatment, prosthetics, or supplies related to ((intersex surgery)) gender dysphoria surgery except when recommended after a multidisciplinary evaluation including but not limited to urology, endocrinology, and psychiatry;
- (h) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for sterilization reversals and donor ovum, sperm, or womb;
 - (i) Acupuncture, massage, or massage therapy;
 - (j) Orthoptic eye training therapy;
- (k) Weight reduction and control services not provided in conjunction with a MAA medically approved program. This includes food supplements and educational products;
- (l) Parts of the body, including organs tissues, bones, and blood;
 - (m) Blood and eye bank charges;
- (n) Domiciliary or custodial care, excluding nursing facility care;
 - (o) Hair pieces, wigs, or hair transplantation;
 - (p) Biofeedback or other self-help care;
 - (q) Home births;
 - (r) Marital counseling or sex therapy; and
 - (s) Any service specifically excluded by statute.
- (3) Clients shall be responsible for payment as described under WAC 388-87-010 for services not covered under the client's medical care program.

WSR 93-13-082 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3570—Filed June 18, 1993, 9:45 a.m., effective July 1, 1993, 12:01 a.m.]

Date of Adoption: June 18, 1993.

Purpose: Provide for full scope categorically needy (CN) or medically needy (MN) medical coverage for pregnant undocumented alien women instead of emergency/labor and delivery only.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-015 Citizenship and alien status.

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: Expansion of services to pregnant undocumented alien women allowed per budget.

Effective Date of Rule: July 1, 1993, 12:01 a.m.

June 18, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3532, filed 4/7/93, effective 5/8/93)

WAC 388-83-015 Citizenship and alien status. (1) The department shall provide Medicaid to an otherwise eligible person who is:

- (a) A citizen of the United States; or
- (b) A North American Indian born in Canada:
- (i) Claiming fifty percent Indian blood; or
- (ii) Claiming fifty percent or less Indian blood and maintains United States residency since before December 25, 1952; or
- (c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or
- (d) An alien who is lawfully present in the United States according to provisions of sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or
- (e) An alien granted lawful temporary residence, or permanent residence according to provisions of section 245(a), 210, 210(f) and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA) unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or
- (f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.
- (2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five-year disqualification period, the department shall provide Medicaid to an otherwise eligible person when ((an)) the alien is:
 - (a) Aged, blind, or disabled;
 - (b) Seventeen years of age or under;
 - (c) Pregnant; or
- (d) A Cuban/Haitian entrant as defined under sections 501 (e)(1) and (2)(A) of P.L. 96-422.
- (3) ((All other aliens, including)) When an alien as described ((in)) under subsection (1)(e) or (f) of this section ((who)) is still under the five-year disqualification period, and is not described under subsection (2) of this section

((and who is not lawfully admitted for permanent residence, or otherwise permanently residing in the United States under color of law, or described in subsection (2) of this section, shall be eligible for Medicaid as follows:

- (a))), the department shall provide medical care and services ((are)) as necessary for treatment of the alien's emergency medical condition((. For purposes of this subsection, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - (i) Placing the alien's health in serious jeopardy;
 - (ii) Serious impairment to bodily functions; or
- (iii) Serious dysfunction of any bodily organ or part; and
- (b) Such alien meets the eligibility requirements of a medical assistance program as described under chapters 388-82, 388-83, 388-92, 388-95, and 388-99 WAC)) as defined under WAC 388-80-005(22).
- (4) For all other aliens, when such alien meets the eligibility requirements of a medical assistance program as described under chapters 388-82, 388-83, 388-92, 388-95, or 388-99 WAC, the department shall provide Medicaid as follows:
- (a) Full scope medical services for a pregnant woman; or
- (b) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-80-005(22).

WSR 93-13-085 EMERGENCY RULES DEPARTMENT OF REVENUE

[Filed June 18, 1993, 2:01 p.m., effective July 1, 1993]

Date of Adoption: June 18, 1993.

Purpose: To provide tax reporting information to taxpayers for the use of resale certificates and to explain penalty provisions which apply to misuse.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-102.

Statutory Authority for Adoption: RCW 82.32.300.

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 changes contained in this rule are specifically required by chapter 25, Laws of 1993 1st sp. sess., and have an effective date of July 1, 1993. This emergency rule is required to give tax reporting information to taxpayers during the interim until a permanent rule is filed.

Effective Date of Rule: July 1, 1993.

June 18, 1993 Claire Hesselholt Acting Manager Legislation and Policy

AMENDATORY SECTION (Amending Order ET 86-7, filed 4/17/86)

WAC 458-20-102 Resale certificates. (1) Introduction. The 1993 legislature enacted 2nd ESSB 5967, sections 701-704, chapter 25, Laws of Washington 1993, 1st Special Session, which made changes to the information and language required on resale certificates. The most significant change is that a fifty percent penalty will apply to persons who misuse their resale certificate privileges. This is not an evasion penalty. It can be assessed even if there was no intent to evade payment of the tax. This section has been adopted on an emergency basis and is intended to inform taxpayers of this and other changes. These changes became effective on July 1, 1993. This section explains the conditions under which a buyer may furnish a resale certificate to a seller and gives tax reporting information to persons who purchase articles or services for dual purposes (i.e. for both resale and consumption).

- (2) Resale certificate use. The purpose of the resale certificate is to substantiate the wholesale nature of a sale. The resale certificate can not be used for purchases which are not for resale, or where more specific certificates, affidavits, or other documentary evidence is required by statute or other section of chapter 458-20 RCW.
- (3) Resale certificate renewal. Resale certificates remain valid only so long as the registration number shown on the resale certificate has not been cancelled or revoked. Resale certificates must be renewed whenever a change in the ownership of a purchaser's business requires a new registration and license document. (See WAC 458-20-101.) Resale certificates must be renewed at least every four years.

Sellers who have valid resale certificates on file without the additional language required by the July 1, 1993 amendment to this section are required to obtain revised resale certificates for sales made after June 30, 1993.

- (4) Sales for resale. ((Except as hereinafter noted, all))
 All sales are ((deemed to be)) treated as retail sales unless the seller takes from the buyer a resale certificate signed by and bearing the registration number and address of the buyer, ((to the effect)) verifying that the property or services purchased ((is)) are:
- (((1))) (a) For resale in the regular course of the buyer's business without intervening use by the buyer((, or)); or
- $((\frac{(2)}{(2)}))$ (b) To be used as an ingredient or component part of a new article of tangible personal property to be produced for sale((, -or)); or
- (((3))) (c) A chemical to be used in processing an article to be produced for sale (see WAC 458-20-113); or (((See WAC 458-20-113.)))
- (d) To be used in processing ferrosilicon which is subsequently used in producing magnesium for sale; or
- (e) Provided to consumers as a part of competitive telephone service, as defined in RCW 82.04.065; or
- (f) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as

- bees for use in the federal conservation reserve program of its successor administered by the United States department of agriculture; or
- (g) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use by a farmer for producing for sale any agricultural product. (See also WAC 458-20-122.)
- (5) Seller's responsibilities. When in subsection (4)(a) through (g) a ((vendor)) seller receives and accepts in good faith from a purchaser a resale certificate as described in this ((rule)) section, the ((vendor)) seller is relieved of the accountability for collecting ((liability for)) retail sales tax with respect to the sale ((transaction)). ((When a vendor)) If the seller has not secured such a resale certificate, ((he)) the seller is personally liable for the tax due unless ((he)) in can sustain the burden of proving (((1) that the)) through facts and circumstances that the property was sold for one of the ((three)) purposes set forth ((above and (2) that the purchaser was eligible to give a bona fide resale certificate under the provisions of this rule.))

((Any purchaser who fraudulently signs a resale certificate with intent to avoid payment of tax is guilty of a gross misdemeanor. When any resale certificate is found to have been fraudulently tendered to any seller or given under false or knowingly misleading circumstances, any retail sales tax which should have been paid but for the tendering of the certificate, which is assessed against the buyer, will automatically incur an evasion penalty of fifty percent of the tax found to be due.

No prescribed form of resale certificate is required Any written statement to the effect that the tangible personal property is purchased for one of the three purposes set forth above signed by and bearing the name, address, and registration number of the buyer is sufficient. Such statement may be written or stamped upon the purchase order or may be upon a separate paper. It should be in substantially the following form:)) in subsection (4)(a) through (g).

- (6) Designation of authorized purchases. The 1993 legislative changes to RCW 82.04.470 require that resale certificates be specific enough to clearly indicate what kinds of articles or services the buyer is authorized to purchase for resale. The buyer may specify these articles or services by category. The terms used to describe these categories must specify the categories of products or services eligible for the buyer's resale privileges.
- (a) The following are examples of terms used to describe categories of products purchased for resale, and businesses which may be eligible to use such terms on their resale certificates:
- (i) "Hardware" for use by a general merchandise of building supply store, "computer hardware" for use by a computer retailer.
- (ii) "Paint" or "painting supplies" for use by a genera merchandise or paint retailer, "automotive paint" for use by an automotive repair shop.
- (iii) "Building materials" or "subcontract work" for use by prime contractors performing residential home construction, "wiring" or "lighting fixtures" for use by an electrica contractor.
- (b) The seller must charge, and the buyer must remit to the seller, retail sales tax on any article or service not listed on the resale certificate.

Emergency [18]

- (c) Persons having specific questions regarding the use of terms to describe purchases for resale may submit such questions to the department of revenue for ruling.
- (7) Penalty for improper use. Any purchaser who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase shall be assessed a penalty of fifty percent of the tax due, in addition to all other taxes, penalties, and interest due, on the improperly purchased item or service. This penalty applies to purchases made after June 30, 1993, and can apply even if there was no intent to evade the payment of the tax. However, see subsection 13 of this section for situations in which the department may waive the penalty.
- (8) Resale certificate required language. All resale certificates must be completed in their entirety. Persons who purchase articles or services for dual purposes (i.e. some for their own consumption and some for resale) should refer to subsection (12) of this section to determine whether they may give a resale certificate to the seller.
- (a) General use resale certificate. A general use resale certificate is a type of resale certificate a purchaser may give to a particular supplier when the purchaser will resell some of the items being purchased, and consume and pay tax on some other items being purchased from the same supplier. The general use resale certificate must specify the items or categories of items purchased for resale. This certificate must be substantially in the following form:

"I hereby certify that ((this purchase is)) the tangible personal property or services specified below will be purchased for resale in the regular course of business without intervening use by me ((in the regular course of business)), ((or is to be used)) for use as an ingredient or component part of a new article of tangible personal property to be produced for sale, or is a chemical to be used in processing ((an article to be produced for sale)) the same, or for use as feed, seed, seedlings, fertilizer, or spray materials in my capacity as a farmer. This certificate shall be considered a part of each order which I may hereafter give to you, unless otherwise specified, and shall be valid until revoked by me in writing. This certificate is given with full knowledge ((of, and subject to the legally prescribed penalties for fraud and tax evasion)) that I am solely responsible for purchasing within the categories specified on the certificate, and that misuse of the resale privilege claimed on the certificate is subject to the legally prescribed penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

((Registration No Name as Registered)
Name of Seller Date
Name of Buyer
((Firm Name))Address
UBI/Revenue Registration #
Type of Business
Items or item categories purchased for resale
<u> </u>
Authorized person (printed)
Authorized Signature
Title

Blanket resale certificates may be given in advance by known wholesalers, jobbers or retailers. These certificates should be substantially in the following form:

- (i) General use resale certificates must be given to those suppliers where the purchaser does not resell all of the types of items which are being purchased. The purchaser still has a responsibility to report deferred retail sales tax or use tax if it gave a resale certificate and later removes an item from inventory for its own use.
- (ii) Example. ABC is an office supply store purchasing office supplies from DE Supply. The office supplies are purchased for resale in the ordinary course of business. ABC may give DE a general use resale certificate limiting the certificate's application to the purchase of office supplies. If ABC uses any of these office supplies for its own use, deferred retail sales tax or use tax must be paid by ABC directly to the department of revenue.
- (b) Blanket resale certificate. A blanket resale certificate is a type of resale certificate which can be given by a purchaser to a supplier when all of the categories of items being purchased from a particular supplier will be resold by the purchaser. This certificate must be substantially in the following form:
 - (("))I hereby certify that all ((the)) tangible personal property or services which I ((will)) purchase ((from)) will be purchased for resale in the regular course of business without intervening use by me, or for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property of which the property purchased will be an ingredient, or a chemical used in processing the same, or for use as feed, seed, seedlings, fertilizer, or spray materials in my capacity as a farmer. This certificate shall be considered a part of each order which I may hereafter give to you, unless otherwise specified. and shall be valid until revoked by me in writing. This certificate is given with full knowledge ((of, and subject to the legally prescribed penalties for fraud and tax evasion)) that the misuse of the resale privilege claimed on the certificate is subject to the legally prescribed penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

((Registration No Name as Registered)
Name of Seller Date
Name of Buyer
((Firm Name))Address
UBI/Revenue Registration #
Type of Business
Authorized person (printed)
Authorized Signature
Title

- (i) Blanket resale certificates may only be given to those suppliers where the purchaser regularly resells all of the categories of items which are being purchased. The purchaser still has a responsibility to report deferred retail sales tax or use tax upon any item for which it gave a resale certificate and later uses the item for its own use.
- (ii) Example. X Company is a retailer selling lumber, hardware, tools, automotive parts, and household appliances. Z Distributing is a regular supplier of lumber, hardware, and tools to X Company. X Company may give a blanket resale certificate to Z Distributing because X regularly resells these kinds of products. As Z is a regular supplier of tools for resale to X Company, a blanket resale certificate may be used even though X may occasionally purchase specific tools for its own use.

However, if X Company removes lumber and other hardware from inventory to use for its own use, deferred retail sales or use tax must be paid. Likewise, X Company must report deferred sales or use tax upon the occasional purchase of tools for its own use which, under the provisions of the blanket resale certificate, were purchased without payment of sale tax.

- (c) Single use resale certificate. If the resale certificate is used for a single transaction, the certificate may be written or stamped upon a purchaser order or invoice. The language on a single use certificate should be modified to delete any reference to subsequent orders or purchases.
- (9) Other documentary evidence. Other documentary evidence may be accepted in lieu of a general use, blanket, or single use resale certificate. However, this documentary evidence must contain the information and language generally required of a resale certificate. The following is an example of the documentary evidence that will be accepted to show that sales were at wholesale:
- (a) A combination of documentation kept on file, such as a membership card or application, and a sales invoice or "certificate" taken at the point of sale with the purchases listed, provided:
- (i) The documentation kept on file contains all information generally required on a resale certificate, including the names and signatures of all persons authorized to make purchases at wholesale; and
- (ii) The sales invoice or "certificate" taken at the point of sale must contain the following:
- (A) Language certifying the purchase is made at wholesale, with acknowledgement of the penalties for the misuse of resale privileges, as generally required of a resale certificate; and
- (B) The name and registration number of the business, and an authorized signature.

- (b) Any other documentary evidence which has been approved in advance and in writing by the department of revenue.
- ((Blanket resale certificates remain valid only so long as the registration number shown thereon has not been cancelled or revoked. Therefore, blanket resale certificates must be renewed whenever a change occurs in the ownership of a purchaser's business and a new certificate of registration is required. All blanket resale certificates must be renewed at intervals not to exceed four years.

Sellers who have valid blanket resale certificates on file without the additional language required by the March, 1983 amendment to this rule are not required to obtain revised blanket resale certificates except where a purchaser's registration with the department of revenue has been cancelled or revoked, a change occurs in the ownership of a purchaser's business and a new registration is required, or the blanket resale certificate was completed more than four years prior to the effective date of the amendment.))

((Exception as)) (10) Sales to nonresident buyers. ((In ease)) If the purchaser is a nonresident who is not engaged in business in this state, but buys articles here for the purpose of resale in ((his)) the regular course of business outside this state, the seller ((should)) must take from such a purchaser a resale certificate ((substantially)) in the above form ((the effect that the articles purchased are for resale by him in his regular course of his business)). The purchaser's identification or registration number with its state of residence may be accepted in lieu of a Washington registration number.

((Exception as to)) (11) Sales to farmers. ((The word "farmers" as used in this rule means any persons engaged in the business of growing or producing for sale at wholesale upon their own lands, or upon lands in which they have a present right of possession, any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects. "Farmers" does not mean persons selling such products at retail, persons using such products as ingredients in a manufacturing process, or persons growing or producing such products for their own consumption. It does not mean any person dealing in livestock as an operator of a stockyard, slaughterhouse, or packing house; nor does it mean any person who is an "extractor" within the meaning of WAC 458 20-135.)) For the purposes of this subsection, the following definitions apply:

- (a) The term "farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. The term does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard, slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber.
- (b) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to a product of horticulture, grain cultivation, vermiculture,

viticulture, or aquaculture as defined in RCW 15.85.020. "Agricultural product" includes plantation Christmas trees, turf, birds, insects, any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or the substances obtained from such animals. The term does not include animals intended to be pets.

Farmers ((as defined in this rule)) selling agricultural products only at wholesale are not required to register with the department of revenue. (See also WAC 458-20-101.) ((Sales of feed, seed, fertilizer, and spray materials to farmers are sales at wholesale not subject to the retail sales tax. Farmers who purchase livestock for the purpose of fattening and later reselling the same are making purchases at wholesale not subject to the retail sales tax. Upon)) When making wholesale sales ((of any such articles)) to farmers (including farmers operating in other states), the seller ((should take from the farmer a resale certificate showing the farmer's name and address and a statement to the effect that his purchase of feed, seed, fertilizer, spray materials is made for the purpose of producing for sale at wholesale an agricultural product, or that his purchase of livestock is made for the purpose of resale. (For sales to farmers of feed, seed, fertilizer and spray materials, see WAC 458-20-122.))) must take from the farmer a resale certificate in the form described above. Farmers not required to be registered with the department of revenue may provide, and the seller may accept, resale certificates with the registration number information omitted, provided the balance of the certificates are completed in full.

- (12) Purchases for dual purpose. ((It may happen that e)) A buyer normally ((is)) engaged in both consuming and reselling certain types ((of articles)) of tangible personal property, and ((is)) not able to determine at the time of purchase whether the particular property purchased ((nequired)) will be consumed or resold((... In such cases, the buyer should)), must purchase according to the general nature of ((his)) its business((; that is, if)). If the buyer principally ((he)) consumes the articles in question, ((he)) it should not give a resale certificate for any ((portion thereof, but if,)) part of the purchase. If on the other hand, ((he)) the buyer principally resells such articles, ((he)) it may sign a resale certificate for the whole amount of ((his)) such purchases.
- (a) Deferred sales tax liability. If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, ((he)) it must set up in ((his)) its books of account the value ((thereof)) of the article used and remit to the department of revenue the applicable deferred sales tax ((payable thereon)). ((Such tax should be reported on Form 2406 under use tax.)) The deferred sales tax liability should be reported under the use tax classification on the buyer's excise tax return.
- ((On the other hand, if)) (b) Tax paid at source deduction. If the buyer has not given a resale certificate, but has paid tax on all purchases of such articles and subsequently resells ((at retail)) a portion thereof, ((he)) it must((, nevertheless,)) collect the retail sales tax as provided by law from ((the purchaser)) its customers, and report such sales ((in making his)) on its excise tax returns. ((However, in such case, the)) The buyer may ((take)) then claim a deduction on ((his)) its return ((representing his cost of)) for

the amount it paid for the property ((thus)) it resold on which sales tax was paid.

- (i) This deduction may be claimed under the retail sales tax classification only. It must be identified as a "taxable amount for tax paid at source" deduction on the deduction detail worksheet, which must be filed with the excise tax return. When completing the local sales tax portion of the tax return, the deduction must be computed at the local sales tax rate paid to the seller, and credited to the seller's tax location code. Failure to properly identify the deduction may result in the disallowance of the deduction.
- (ii) Example. Seller A is located in Spokane, Washington and purchases equipment parts for dual purposes from a supplier located in Seattle, Washington. Seller A does not issue a resale certificate for the purchase, and remits retail sales tax to the supplier at the Seattle tax rate. A portion of these parts are sold to Customer B, with retail sales tax collected at the Spokane tax rate. Seller A must report the amount of the sale to Customer B on its excise tax return, compute the local sales tax liability at the Spokane rate, and code this liability to the location code for Spokane (3210). Seller A would claim the tax paid at source deduction for the cost of the parts resold to Customer B, compute the local sales tax credit at the Seattle rate, and code this deduction amount to the location code for Seattle (1726).
- ((Such deduction shall be designated as "resale purchases on which tax was paid" and listed under sales tax deductions on the back of the tax return form.)) (iii) Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support thereof which show the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the amount of tax which was paid. (((See WAC 458 20 174, 458 20 175 and 458 20 176 for exemption certificates concerning certain sales made to persons engaged in interstate or foreign commerce or in deep sea fishing operations.)))
- (iv) Should the buyer resell the articles at wholesale, or under other situations where retail sales tax is not to be collected, the claim for the tax paid at source deduction on a particular excise tax return may result in a credit. In such cases, the department will issue a credit notice which may be used against future tax liabilities. However, a refund will be issued upon written request.
- (13) Waiver of penalty for resale certificate misuse. The department may waive the penalty imposed for resale certificate misuse upon finding that the use of the certificate to purchase items or services by a person not entitled to use the certificate for that purpose was due to circumstances beyond the control of the taxpayer. The penalty will not be waived merely because the taxpayer was not aware of either the proper use of the resale certificate, or the penalty. In all cases the burden of proving the facts is upon the taxpayer.
- (a) The following situations will be the only circumstances under which a waiver of penalties will be considered by the department:
- (i) The certificate was properly used for purchases for dual purposes. (Refer to subsection (12) of this section.)
- (ii) The error in use of the resale certificate was found by the taxpayer within one hundred twenty days of the purchase or within the same calendar year, whichever is greater, and:

[21] Emergency

- (A) The incorrect resale certificate was immediately revoked in writing by the taxpayer; and
- (B) Deferred sales or use tax was immediately remitted to the seller, or directly to the department on the next excise tax return.
- (iii) The certificate was issued and/or purchases were made without the knowledge of the taxpayer, and had no connection with the taxpayer's business activities. For example, a resale certificate issued in the taxpayer's name by an unauthorized employee for the purchase of items or services for the employee's own purposes.
- (b) The penalty prescribed for the misuse of the resale certificate may be waived or cancelled on a one time only basis if such misuse was inadvertent or unintentional and the item was for use within the business. However, the use of a resale certificate to purchase items or services for personal use outside of the business shall not qualify for the waiver or cancellation of the penalty.

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

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 93-13-086 EMERGENCY RULES DEPARTMENT OF REVENUE

[Filed June 18, 1993, 2:03 p.m., effective July 1, 1993]

Date of Adoption: June 18, 1993.

Purpose: To provide tax reporting information to persons operating hospitals and indicate the changes which resulted from the 1993 legislative session.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-168.

Statutory Authority for Adoption: RCW 82.32.300.

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: Chapter 25, Laws of 1993 1st sp. sess. makes certain nonprofit hospitals and hospitals operated by political subdivisions of the state subject to business and occupation tax as of July 1, 1993.

Effective Date of Rule: July 1, 1993.

June 18, 1993 Claire Hesselholt Acting Manager Legislation and Policy AMENDATORY SECTION (Amending Order 87-9, filed 12/15/87)

WAC 458-20-168 Hospitals, medical care facilities and adult family homes. (1) Introduction. This section provides tax reporting information to persons operating hospitals, medical care facilities, and adult family homes. It includes tax reporting changes resulting from the passage of chapter 25, laws of Washington 1993, 1st Special Session which affected nonprofit hospitals and hospitals operated by political subdivisions of the state.

(((1))) (2) Definitions.

- (a) The term "hospital" means only institutions defined as hospitals in chapter 70.41 RCW. The term includes privately owned and operated hospitals, hospitals operated as nonprofit corporations, hospitals operated by political subdivisions of the state, and hospitals operated by the state but not owned by the state.
- (b) The term "nursing home" means only institutions defined as nursing homes in chapter 18.51 RCW.
- (c) The term "adult family home" means private homes licensed by the department of social and health services as adult family homes (see WAC 388-76-030(2)), and those which are specifically exempt from licensing under the rules of the department of social and health services. (See WAC 388-76-140.)
- (((2))) (3) Business and occupation tax. There are two B&O tax classifications which can apply to persons providing medical services through the operation of a hospital, with the tax classification dependent on the organizational structure of the hospital. The B&O tax classifications are:
- (a) Nonprofit or public hospitals. This B&O tax classification applies to gross income derived from persona and professional services of hospitals that are operated as nonprofit corporations, operated by political subdivisions of the state, or operated but not owned by the state. These hospitals became taxable under this B&O tax classification on July 1, 1993. These hospitals were required to report under the service B&O tax classification prior to July 1 1993, but were entitled to a deduction for services rendered to patients.
- (b) Service. The gross income derived from persona and professional services of hospitals (other than hospitals operated as nonprofit corporations or by political subdivisions of the state), nursing homes, convalescent homes clinics, rest homes, health resorts, and similar health care institutions is subject to business and occupation tax under the service and other activities classification.
- (c) Retailing. The retailing business and occupation tay applies to sales by such persons of tangible personal property sold and billed separately from services rendered. However this does not include charges for tangible personal property which is used in providing medical services to a patient The tangible personal property is not sold separately from the medical services simply because those items are separately invoiced. These charges, even if separately itemized, are for providing medical services and are taxable under eithe the nonprofit public hospital classification or the service classification, depending on the type of organization making the sale. The charge for making copies of medical records is a retail sale.

(((3))) (4) Exemption. The following exemptions apply

- (a) Adult family homes. The gross income derived from personal and professional services of adult family nomes which are licensed as such, or which are specifically exempt from licensing under the rules of the department of social and health services, is exempt from the business and occupation tax effective June 9, 1987.
- (b) State owned hospitals. The gross income from a nospital owned by the state of Washington is not subject to 3&O tax. (Refer to WAC 458-20-189). This exemption loes not include hospital districts or hospitals which are operated by or for political subdivisions of the state, such as a county government.
- (c) Kidney dialysis facilities, certain nursing homes, certain homes for unwed mothers. Persons operating kidney lialysis facilities, nursing homes and homes for unwed nothers operated as religious or charitable organizations are exempt from B&O tax on the services they provide to patients or from the sales of prescription drugs. (See WAC 158-20-18801). However, the exemption applies only if no part of the net earnings received by such an institution nurse, directly or indirectly, to any person other than the nestitution entitled to deduction hereunder.
- (d) Contributions, donations and endowment funds. Amounts received as contributions, donations and endownent funds may be excluded from gross income, provided hat no specific service is performed as a condition for eceiving the funds. Amounts received as grants are taxable f specific services are performed as a condition for receiving he grant. (See WAC 458-20-114.)
- (5) Adjustments to revenues. Many hospitals will perform charity care where medical care is given without harge or some portion of a charge will be cancelled. In other cases, medical care is billed to patients at "standard" ates, but later adjusted to reduce the charges to the rates stablished by contract with Medicare, Medicaid, or with rivate insurers. In these situations the hospital must nitially include the total charges as billed to the patient as gross income. An adjustment may be taken at the time of iling future tax returns at such time as the hospital adjusts ts records to reflect the actual amounts collected. In no vent may the hospital reduce its current revenue by amounts vhich were not previously included in the taxable base. If he tax rate changes from the time the B&O tax was first aid on the gross charges and the time of the adjustment, it nay be necessary that the hospital file amended tax returns o report the B&O tax on the transaction as finally completd at the rate in effect at the time the service was performed.
 - ((4) DEDUCTIONS.
- (a) Hospitals operated by the United States or its astrumentalities or the state of Washington or its political ubdivisions may deduct amounts derived as compensation or medical services to patients and sales of prescription rugs and medical supplies furnished as an integral part of uch services. (See RCW 82.04.4288.)
- (b) Other hospitals operated as nonprofit corporations as rell as nursing homes and homes for unwed mothers perated as religious or charitable organizations may also educt the amounts described in subsection (a) above (see :CW 82.04.4289), provided that:
- (i) No part of the net earnings received by such an institution inures, directly or indirectly, to any person other tan the institution entitled to deduction hereunder; and

- (ii) No deduction will be allowed under (a) of this subsection, unless written evidence is submitted to the department of revenue showing that the hospital building is entitled to exemption from taxation under the property tax laws of this state.
- (e) In computing tax liability there may be deducted from gross income so much thereof as was derived from bona fide contributions, donations and endowment funds. (See WAC 458 20-114.)))
- (((5))) (6) Retail sales tax. Retail sales which are subject to retailing business tax, as provided earlier, are also subject to retail sales tax. These businesses are required to pay retail sales tax on purchases of medical supplies, durable equipment, and consumables. (For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)
- (((6) EXEMPTIONS.)) (7) Retail sales and use tax exemptions. The following exemptions from the retail sales and use tax apply:
- (a) Effective on May 6, 1993, all items which are reasonably necessary for the operation of free hospitals may be purchased without payment of retail sales or use tax. This includes all supplies and equipment. It also includes any items which are used in providing health care. "Free hospitals" means a hospital that does not charge patients for health care provided by the hospital. (Refer to Chapter 205, laws of Washington 1993).
- (b) Sales of drugs, medicines, prescription lenses, orthotic devices, medical oxygen, or other substances, prescribed by medical practitioners are exempt of retail sales tax where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained((, and such sales are separately accounted for)). Sales of prosthetic devices, hearing aids as defined in RCW 18.35.010(3), and ostomic items whether or not prescribed are also exempt of sales tax. See WAC 458-20-18801.
- (((7) Sales of medical supplies, durable equipment, and consumables, but excluding prosthetic devices and ostomic items, to hospitals and nursing homes for their own use in providing personal or professional services are subject to the retail sales tax, irrespective of whether or not such hospitals or nursing homes are subject to the business tax.

(For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)))

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 93-13-087 EMERGENCY RULES DEPARTMENT OF REVENUE

[Filed June 18, 1993, 2:05 p.m., effective July 1, 1993]

Date of Adoption: June 18, 1993.

Purpose: To provide taxpayers with interim tax reporting information while permanent rules are being drafted and to advise taxpayers of potential errors in existing rules caused by legislative changes.

Statutory Authority for Adoption: RCW 82.32.300.

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: 2ESSB 5967, chapter 25, Laws of 1993 1st sp. sess., made tax law changes which took effect on July 1, 1993.

Effective Date of Rule: July 1, 1993.

June 18, 1993 Claire Hesselholt Acting Manager Legislation and Policy

NEW SECTION

WAC 458-20-900 Notification of rules with temporary defects. (1) Introduction. The 1993 legislature made many changes to the taxes administered by the department of revenue. Unless otherwise indicated, these changes were enacted as part of 2nd ESSB 5967, chapter 25, Laws of Washington 1993, 1st Special Session. Unless otherwise indicated, these changes are effective July 1, 1993. The department is proceeding to revise its administrative rules as rapidly as it can to reflect these changes. However, this process will not be complete by the date that these law changes take effect. The department expects to have these rules revised by the end of 1993. Changes in the law take precedence over the administrative rules in the case of conflicts. In order to assist taxpayers, the following summarizes the major legislative changes and the rules which have been identified for revision. Taxpayers who report their taxes in the manner discussed below, will not be penalized as the result of subsequent changes of interpretation through the issuance of permanent rules.

- (2) Summary of major legislative changes. The following is a summary of the major changes to the business and occupation (B&O) tax, retail sales and use tax:
- (a) Retail sales tax. Retail sales tax was extended to a number of new services effective July 1, 1993. These services are now subject to the retailing B&O tax and retail sales tax. For the most part, these services were previously taxable under the service and other business activities classification of the B&O tax. Refer to subsection 3 for a list and discussion of the services which have been added as retail sales.
- (b) New selected business services B&O tax. There is a new B&O tax classification which applies to certain business services. These services were previously subject to the service and other business activities tax classification. The tax rate for this new classification is 2.5 percent. Refer to subsection 4 for a list and discussion of the business services which are subject to this tax.
- (c) New financial services B&O tax. There is a new B&O tax classification which applies to persons engaged in banking, loan, security, investment management, investment advisory, or other financial businesses. These services had previously been taxable under the service and other business activities tax classification. The tax rate which applies to this new classification is 1.7 percent. This tax rate applies

to all income derived from the listed activities, including investment and interest income.

- (d) Nonprofit and public hospitals. Certain nonprofit hospitals were previously exempt of B&O tax. This exemption, contained in RCW 82.04.4288, has been repealed by 2ESSB 5304, Chapter 492, Laws of Washington 1993 These hospitals, as well as those operated by the state or any of its political subdivisions, are taxable under the nonprofit public hospital B&O tax classification effective July 1, 1993 The B&O tax rate for these taxpayers is .75 percent. Those hospitals which were previously taxable under the service and other business activities classification will continue to be taxable under that classification. Taxpayers engaged in this business should also refer to WAC 458-20-168 which has been amended on an emergency basis.
- (e) Birth control prescriptions. The law previously contained an exemption from retail sales tax for prescriptior drugs or other substances which are prescribed and dispensed for the diagnosis, cure, mitigation, treatment, or preventior of disease or other ailments in humans. This exemption did not include birth control prescriptions since pregnancy was not considered to be an ailment. The exemption now includes drugs and other substances which are prescribed by a physician for family planning purposes, including prevention of conception. The exemption is also available to family planning clinics that are under contract with the department of health to provide family planning services This exemption became effective on July 1, 1993.
- (f) Resale certificate abuse. An additional penalty may be imposed after July 1, 1993 for the misuse of a resalt certificate. The penalty is fifty percent of the retail sales tax which would have applied to the purchase. The penalty will apply even in the absence of fraud or evasion. There are also additional restrictions in the use of the resale certificate and additional requirements for information which must be shown on the resale certificate. The department has issue WAC 458-20-102 on an emergency basis which explains in detail the changes in the use of resale certificates.
- (g) Contributions in aid of construction. The exemption previously contained in RCW 82.04.417 was repealed effective July 1, 1993.
- (h) Health maintenance organizations, health car service contractors, certified health plans. Health mainte nance organizations and health care service contractors wer previously taxable under the service B&O tax classification Effective January 1, 1994, these taxpayers will be subject to a tax on premiums and prepayments which will be adminis tered the insurance commissioner's office. To the exter income is taxable for this "insurance premiums" tax, th B&O tax will not apply. Copayments or deductibles paid b the patient will continue to be taxable for the B&O tax Amounts received from the United States or any instrumen talities thereof as prepayments for health care service provided under Title XVIII (medicare) of the federal socia security act will not become subject to the premiums ta until July 1, 1997 and will continue to be subject to th B&O tax until that date.
- (i) Sales of vessels to foreign residents. For sales of vessels, retail sales tax will not be due for sales to foreign residents after July 25, 1993, even though delivery is take in Washington if all the requirements for exemption are me This exemption is the result of passage of SSB 5368

- Chapter 119, Laws of Washington 1993. The documentation requirements as now in WAC 458-20-238 will apply to foreign residents as well as residents from other states. The retail sales tax does apply to these sales if the vessel will be used in Washington for more than forty-five days.
- (j) Cigarette and tobacco products. The taxes on cigarettes and tobacco products have been increased and are scheduled for additional increases over the next several years.
- (k) Tax deferrals. The tax deferral programs have been extended.
- (l) Sales to nonresidents with local delivery. The law provides an exemption from retail sales tax for sales of tangible personal property to nonresidents of certain other states, possessions, or provinces of Canada when the item is purchased for use outside Washington, but previously required the seller to examine two pieces of identification of the purchaser. Only residents of states, possessions, or provinces having less than a three percent sales tax qualify. SB 5251, Chapter 444, Laws of Washington 1993, requires the vendor to examine only one piece of identification of the customer. The identification document must contain a photograph of the customer and be intended to establish residency of the purchaser in a tax exempt qualifying state, possession, or province, such as a drivers license. The seller must continue to retain a record which identifies the customer and proof that was relied upon in making the tax exempt sale. This provision becomes effective July 25, 1993.
- (m) Printing and publishing. Publishers of periodicals or magazines are no longer taxable under the printing and publishing B&O classification. Such persons will now be taxable under the wholesaling or retailing B&O tax classification on sales of the magazines or periodicals made within Washington. Sales made to persons outside Washington will be taxable under the manufacturing B&O tax. Sales of advertising will be taxable under the service and other business activities B&O tax.
- (3) Effect of tax rate changes and timing for tax reporting. Taxpayers must report their business activities in the proper tax reporting period in order to avoid future tax assessments because of the failure to report the income under the proper tax classification where the tax classification has changed as the result of a law change. Taxpayers can be generally guided by WAC 458-20-235 and WAC 458-20-145 in determining in which period a sale should be reported, though these sections deal primarily with retail transactions.
- (a) B&O tax and retail sales tax. With respect to services performed and billed after the change in tax classifications, the tax classification which applies is the one in effect at the time the service is performed, irrespective that a contract may have been signed prior to the change. Where the work is begun prior to the tax classification change and there are progress billings, the proper tax classification for tax reporting is the one in effect at the time the service provider was entitled to receive the progress payment.
- (b) Prepaid services. Where the customer has paid for the service in full and is entitled to receive the service prior to the tax classification change, the income will be taxable under the classification in effect at the time payment was received, irrespective that actual performance of the service may occur after the tax classification change.

- (c) Sales of gift certificates. Where a gift certificate is sold which will be redeemed for services, the sale is considered to take place at the time the gift certificate is redeemed and should be reported under the tax classification in effect at that time. It is important that sellers understand the difference between prepaid services and gift certificates. The purchaser of a gift certificate does not purchase a specific service or merchandise. The decision as to the service or merchandise which will be purchased is not made until the time the certificate is given to the seller for redemption. The value of the certificate is applied as if it were cash towards the purchase price, which may be less or greater than the value of the certificate. On the other hand, a prepaid service involves the situation where the customer purchases a specific service or merchandise, makes full payment, and is entitled to receive the service or merchandise. The fact that the customer may choose to purchase the service or merchandise as a gift for a friend does not change this purchase into the purchase of a gift certificate. The following examples show the distinction.
- (i) Jane Doe purchases a gift certificate having a value of \$50 from ABC Physical Fitness Club. ABC will allow non-members to use its physical fitness facilities through an hourly usage charge. It also has a store from which health foods are sold. Jane Doe gives the gift certificate to a non-member. The sale is considered to take place at the time the gift certificate is redeemed. The tax classification which applies will depend on the type of purchases made and the tax classification which applies to those purchases at the time of redemption.
- (ii) Jane Doe purchases the right to ten tanning sessions. Payment is made in full and Jane Doe is entitled to use the tanning booth anytime. Under the terms of the purchase agreement, Jane Doe may give the right to some or all of these tanning sessions to anyone she pleases. This is a prepaid service. The tax classification which applies is that which was in effect at the time Jane Doe made her payment.
- (4) New retail services. A number of new services have been added to the definition of a retail sale. These service providers continue to be subject to payment of the retail sales tax on purchases of equipment which is used in providing the service. The following services have been added and are now subject to the retail sales tax:
- (a) Landscape maintenance and horticultural services. This includes grass cutting, hedge trimming, watering lawns and other plants, pruning or trimming of trees and shrubs, fertilizing, pest spraying, etc.
- (b) Service charges for professional sports tickets. This involves the purchases of tickets to professional sporting events when the tickets are purchased from independent ticket agents and the agent makes a charge for providing this service. The fee for the handling of the sale of tickets to attend professional sporting events is subject to the retail sales tax. The local retail sales tax will be based on the location of the seller used by the purchaser in making the purchase. The admission charge to the event is not subject to the retail sales tax. The fee for handling the sale of tickets to cultural events, nonprofessional sports events, or other events is not a retail sale and this income continues to be taxable under the service classification.
- (c) Guided tours and charters. Charges for guided tours and guided charters in Washington are subject to retail

sales tax. Where the guided tour or guided charter involve activities which occur both within and without Washington, the retail sales tax will apply on the total charge, but only if the customer will spend more than fifty percent of his or her time during the tour or charter in Washington. No retail sales tax will apply, even if part of the tour is in Washington, if the customer spends less than fifty percent of the tour or charter time in Washington. Where retail sales tax applies to a tour or charter and meals or lodging are supplied by the operator, the operator may give a resale certificate and purchase the meals and lodging without payment of retail sales tax. The local retail sales tax will be based on the location of the seller.

- (d) Physical fitness services. This includes all activities of services related to physical fitness such as, weight lifting, running tracks, exercise equipment, aerobics classes, personal trainers etc. Certain activities, such as swimming, racquet ball, tennis, etc., were previously a retail sale and continue to be taxable as such. For persons who are engaged in these activities and who receive the income in the form of dues and initiation fees, WAC 458-20-114 explains the available methods for determining the taxable income and for allocating the income under the appropriate tax classifications. This applies to all organizations offering these services, including health fitness clubs, parks and recreation departments, hospitals, and nonprofit youth organizations. Nonprofit youth organization should refer to the special notice which the department has sent to these organizations for additional tax reporting information. Organizations which have not previously had to allocate their income under WAC 458-20-114 should contact the Department for assistance in calculating the percentage of dues which should be allocated as retail sales as a result of this change in the law.
 - (e) Tanning and tattoo services.
 - (f) Escort and dating services.
 - (g) Steam, sauna and Turkish baths.
- (h) Massage services. However, massage services which are performed as part of physical therapy services will not considered retail sales. For purposes of this rule, "physical therapy services" are defined as a treatment plan for physical illness, injury, or accident ordered or prescribed by a doctor. Physical therapy services will not be considered to be retail activities regardless of who performs the services. Physical therapy services, when performed under a doctor's order, will continue to be taxable under the service and other business activities classification, including any massage services which are part of the physical therapy. The therapist must keep a copy of the doctor's referral on file.
- (i) Coin-operated laundry facilities. The law previously taxed as a retail sale use of laundry services, including coin-operated laundry facilities, with the exception of coin-operated laundry facilities in apartment houses, hotels, motels, or similar locations where the facilities were for the exclusive use of the tenants. This exception has been removed to now include all laundry services as a retail sale. Any commissions or amounts received by apartment owners, hotels, or motels for allowing the owner of the machines to place the machines on the premises continue to be taxable under the service and other business activities classification. See WAC 458-20-118.

- (i) Equipment rental with operator. The law now defines equipment rental with operator services as a retail sale. However, where the charge is not for the rental of equipment with an operator, but is for providing subcontract services, the income will be taxable based on the nature of the services performed. For example, a person who provides transportation services will continue to be taxable under the appropriate public utility tax classification even through equipment and an operator are involved in providing the service. This also includes stevedoring, public road construction and similar activities. Though not determinative, the department will consider the type of contract in determining if the sale is in the nature of a rental of equipment with operator or is in the nature of a contract where the contractor has the responsibility to perform activities to contract specifications. Persons who provide the services of equipment with an operator are the consumers of the equipment and subject to retail sales or use tax on equipment purchases.
- (5) Selected business services. The new B&O tax classification for selected business services includes the following services:
- (a) Stenographic, secretarial, and clerical services. However, this does not include persons who operate employment offices which provide temporary or permanent employees. Persons operating employment offices who receive a fee for providing temporary or permanent employees continue to be taxable under the service and other business tax classification.
- (b) Computer services. This category includes but is not limited to computer programming, custom software modification, custom software installation, custom software maintenance, custom software training, and computer systems design. The sale of software which will be sold to multiple users (generally referred to as "canned software") will continue to be a retail sale. The change in the law is to make those computer services which were previously taxed under the service classification taxable under this new B&O tax classification.
- (c) Data processing services. This category includes but is not limited to word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. Data processing services also includes the use of a computer or computer time for data processing, whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service.
- (d) Information services. Information services include but are not limited to electronic data retrieval or research that entails furnishing financial or legal information, data or research, general or specialized news, or current information unless such news or current information is furnished to a newspaper publisher or to a radio or television station licensed by the federal communications commission.
- (e) Legal, arbitration, and mediation services. This includes but is not limited to paralegal services, legal research services, and court reporting services.
- (f) Accounting, auditing, actuarial, bookkeeping, tax preparation, and similar services.

- (g) **Design services.** Design services, whether performed by a certified, noncertified, or licensed person, neludes and is not limited to the following:
- (i) Engineering services, including civil, electrical, nechanical, petroleum, marine, nuclear, and design engineering, machine designing, machine tool designing, and sewage lisposal system designing;
- (ii) Architectural services, including but not limited to: structural or landscape design or architecture, interior design, building design, building program management, and space planning.
- (h) Business consulting services. Business consulting services are those primarily providing operating counsel, advice, or assistance to the management or owner of any pusiness, private, nonprofit, or public organization, including put not limited to those in the following areas: administrative management consulting, general management consulting, numan resource consulting or training, management engineering consulting, management information systems consulting, manufacturing management consulting, marketing consulting, operations research consulting, personnel management consulting, physical distribution consulting, site ocation consulting, economic consulting, motel, hotel, and esort consulting, restaurant consulting, government affairs consulting, and lobbying.
- (i) Business management services. This includes, but s not limited to, administrative management, business nanagement, and office management. Property management or property leasing, motel, hotel, and resort management, and automobile parking management are not taxable under this classification and remain taxable under the service and other pusiness activities classification.
- (j) Protective services. This includes, but is not limited o, detective agency services and private investigating ervices, armored care services, guard or protective services, ie detection or polygraph services, and security system, ourglar, or fire alarm monitoring and maintenance services.
- (k) Public relations or advertising services. This neludes, but is not limited to, layout, art direction, graphic lesign, copy writing, mechanical preparation, opinion esearch, marketing research, marketing, or production upervision. It does exclude services provided as part of roadcast or print advertising. Services performed as part of roadcast or print advertising continue to be taxable under he service and other business activities tax classification.
- (1) Aerial and land surveying, geological consulting, and real estate appraising.
- (6) Administrative rules being revised. There are a number of administrative rules of the department which will not be entirely correct until revised. The information provided above should be sufficient for taxpayers to identify the specific items in the rule which are no longer correct. If you have any uncertainty of your tax liability, you are incouraged to contact the department to obtain answers to specific tax questions. The following rules are being evised:
 - (a) WAC 458-20-102 Resale certificates.
 - (b) WAC 458-20-103 Time and place of sale.
- (c) WAC 458-20-114 Nonbusiness income—Bona fide nitiation fees, dues, contributions, tuition fees and endownent funds.
 - (d) WAC 458-20-119 Sales of meals.

- (e) WAC 458-20-122 Sales of feed, seed, fertilizer and spray materials.
 - (f) WAC 458-20-125 Miscellaneous sales for farm use.
 - (g) WAC 458-20-127 Magazines and periodicals.
- (h) WAC 458-20-138 Personal services rendered to others.
- (i) WAC 458-20-143 Publishers of newspapers, magazines, and periodicals.
- (j) WAC 458-20-146 National and state banks, mutual savings banks, savings and loan associations and other financial institutions.
- (k) WAC 458-20-155 Information and computer services.
- (1) WAC 458-20-165 Laundries, dry cleaners, laundry agents, self service laundries and dry cleaners.
- (m) WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.
- (n) WAC 458-20-167 Educational institutions, school districts, student organizations, private schools.
- (o) WAC 458-20-168 Hospitals, medical care facilities, and adult family homes.
- (p) WAC 458-20-170 Constructing, and repairing of new or existing buildings or other structures upon real property.
- (q) WAC 458-20-171 Building, repairing or improving streets, roads, etc., which are owned by a municipal corporation or political subdivision of the state or by the United States and which are used primarily for foot or vehicular traffic.
 - (r) WAC 458-20-179 Public utility tax.
- (s) WAC 458-20-180 Motor transportation, urban transportation.
- (t) WAC 458-20-183 Amusement and recreation activities and businesses.
- (u) WAC 458-20-18801 Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen.
- (v) WAC 458-20-193 Inbound and outbound interstate sales of tangible personal property.
- (w) WAC 458-20-194 Doing business inside and outside the state.
 - (x) WAC 458-20-207 Attorneys.
- (y) WAC 458-20-210 Sales of agricultural products by persons producing the same.
- (z) WAC 458-20-211 Leases or rental of tangible personal property, bailments.
 - (aa) WAC 458-20-218 Advertising agencies.
- (bb) WAC 458-20-224 Service and other business activities.
 - (cc) WAC 458-20-226 Landscape gardeners.
- (dd) WAC 458-20-228 Returns, remittances, penalties, extensions, interest, stay of collection.
- (ee) WAC 458-20-233 Tax liability of medical and hospital service bureaus and associations and similar health care organizations.
- (ff) WAC 458-20-238 Sales to nonresidents of water-craft requiring Coast Guard registration or documentation.
 - (gg) WAC 458-20-240 Manufacturers, tax credits.
- (hh) WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development facilities.
- (ii) WAC 458-20-24002 Sales and use tax deferral—New manufacturing and research/development facilities.

- (ii) WAC 458-20-258 Travel agents and tour operators.
- (kk) WAC 458-20-185 Tax on tobacco products.
- (II) WAC 458-20-186 Tax on cigarettes.

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 93-13-089 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-52—Filed June 18, 1993, 4:36 p.m., effective June 22, 1993, 12:01 a.m.]

Date of Adoption: June 18, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100L and 220-52-07100M; and amending WAC 220-52-071.

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 sea cucumber resource in District 3 is in danger of overharvest. Opening other areas will spread the catch effort, while a reduction in fishing days will reduce the possibility of overharvest in those areas. Dyes Inlet is closed due to overharvest. Hale Passage and Area 28D are closed for potential allocation in tribal shellfish negotiations. Sinclair Inlet and Eagle Harbor are closed due to contamination and for the economic wellbeing of the industry.

Effective Date of Rule: June 22, 1993, 12:01 a.m.

June 18, 1993 Robert Turner Director

NEW SECTION

WAC 220-52-07100N Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective 12:01 a.m. June 22, 1993 until further notice it is unlawful to fish for or possess sea cucumbers taken for commercial purposes from all state waters except during the times and in the areas as provided for in this section:

- (1) Sea cucumber harvest using shellfish diver gear is allowed in all state waters Tuesday, Wednesday and Thursday of each week from 6:00 a.m. to one-half hour before official sunset, except for closures as provided for in this section.
- (2) The following waters are closed to the harvest of sea cucumbers at all times:
- (a) Dyes Inlet All waters of Dyes Inlet and Ostrich Bay north of the Port Washington Narrows Bridge in Bremerton.
- (b) Eagle Harbor All waters westerly of a line projected from Wing Point to Eagle Harbor Creosote Light number one and then due west to the shoreline of Bainbridge Island.

- (c) Hale Passage Those waters within a line projected northerly from Point Migley to Sandy Point and a line projected from Point Frances through the marker north of Inati Bay to landfall on Lummi Island.
- (d) Olympia Shelton All waters of Marine Fish-Shellfish Management and Catch Reporting Area 28D.
- (e) Sinclair Inlet All waters west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veterans Home in Annapolis.

REPEALER

The following sections of the Washington Administrative Code are repealed effective June 22, 1993:

WAC 220-52-07100L Sea cucumbers (93-30) WAC 220-52-07100M Sea cucumbers (93-50)

WSR 93-13-121 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Order 3568—Filed June 22, 1993, 11:37 a.m., effective August 16, 1993, 12:01 a.m.]

Date of Adoption: June 22, 1993.

Purpose: New WAC 388-81-065, SB 5304 Section 231 authorizes the department to establish copayments for medical clients. 42 CFR 447.53 allows certain clients to pay a copayment. New rule establishes copayments for medical clients and states the limitations and exceptions to copayments.

Statutory Authority for Adoption: RCW 74.08.090. Other Authority: SB 5304 Section 231 and 42 CFR

447.53.

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: This new rule establishes copayments for medical clients and states the limitations and exceptions to copayments. SB 5304 authorizes the department to establish copayments for medical clients, and 42 CFR 447.53 allows certain clients to pay a copayment.

Effective Date of Rule: August 16, 1993, 12:01 a.m.

June 22, 1993
Rosemary Carl
Acting Director
Administrative Services

NEW SECTION

WAC 388-81-065 Medical care client co-payment

- (1) The department shall require a client to pay one dollar for each office call, eyeglasses or contact lens fitting fee, and prescription drug dispensing fee to the following providers unless the client meets an exemption in subsection (2) of this section:
- (a) Physicians and persons working under the physician's supervision, advanced registered nurse practitioners, podiatrists, and optometrists;

- (b) Dentists and hygienists;
- (c) Opticians, optometrists, and ophthalmologists when providing eyeglasses and contact lens; and
 - (d) Pharmacists.
- (2) The following services do not require client copayments:
- (a) Services covered under department managed care including services covered through the primary care case management program;
 - (b) Family planning services;
- (c) Services provided to a client under twenty-one years of age;
- (d) Services provided to a client who resides in a medical institution;
 - (e) Hospice services;
- (f) Services provided to a pregnant woman, including services during the sixty-day postpartum;
- (g) Emergency services as defined under WAC 388-80-005:
- (h) Services provided in a certified rural health clinic or Indian health clinic;
- (i) Services covered by private insurance or Medicare; and
- (j) Services provided by a community mental health or chemical dependency treatment center.
- (3) The provider shall be responsible for determining when a client meets the criteria listed in subsection (2) of this section.
- (4) The provider shall not deny services based on the client's inability to pay the copayment.

WSR 93-13-129 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3571—Filed June 23, 1993, 8:02 a.m., effective July 1, 1993, 12:01 a.m.]

Date of Adoption: June 23, 1993.

Purpose: Amended to include medically needy clients as eligible for hospice services. As an administrative change, hospice care center is added as a hospice agency.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-047 Hospice services and 388-99-060 Scope of care for medically needy.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: SB 5444, 53rd Session, 1993 regular legislative session.

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: SB 5444 changed law, and the act relating to medical assistance coverage of hospice care and services is amended and will not terminate June 30, 1993.

Effective Date of Rule: July 1, 1993, 12:01 a.m.

June 23, 1993 Rosemary Carr Acting Director Administrative Services

AMENDATORY SECTION (Amending Order 3402, filed 6/9/92, effective 8/1/92)

- 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 client and the client's family.
- (2) A Medicare Title XVIII certified hospice agency shall furnish hospice services.
 - (3) To be eligible for hospice services, a client shall:
- (a) Be ((eategorically needy)) eligible 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 client's hospice services 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 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, ((or)) nursing facility or hospice care center, licensed under chapter 246-321 WAC; or
 - (ii) Provided in a nursing facility limited to respite care;
- (iii) When the services conform to a written plan of care; and
- (iv) When the unit, hospital, ((or)) nursing facility or hospice care center meets the hospice staff and patient area standards.
- (f) Medical appliances and supplies, including drugs and biologicals;
- (g) Home health aide services, under the direction of a registered nurse; and
- (h) Physical therapy, occupational therapy, and speech-language pathology services.
- (6) Hospice coverage shall be available to a person for at least two hundred ten days. The department may subdi-

vide the <u>person's</u> hospice coverage time into two or more periods.

- (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.
- (8) A client may request voluntarily, in writing, to cancel hospice services.

AMENDATORY SECTION (Amending Order 3489, filed 12/10/92, effective 1/10/93)

WAC 388-99-060 Scope of care for medically needy.

- (1) The medical coverage under the limited casualty-medically needy program shall include:
 - (a) Blood administration and processing;
 - (b) Case management services;
 - (c) Dental services;
 - (d) Dentures;
- (e) Early and periodic screening, diagnosis and treatment (EPSDT) services;
 - (f) Enteral/parenteral nutrition;
 - (g) Eyeglasses;
 - (h) Family planning clinic services;
 - (i) Home health services;
 - (j) Hospice services;
 - (k) Inpatient hospital services;
- ((k)) (1) Intermediate care facility services for the mentally retarded;
 - (((1))) (m) Laboratory and x-ray services;
 - (((m))) (n) Nursing facility services;
 - (((n))) (o) Outpatient hospital;
 - (((o))) (p) Oxygen and respiratory therapy;
 - (((p))) (q) Physical medicine and rehabilitation services;
 - (((q))) (r) Physician, ARNP, and clinic services;
 - (((r))) (s) Podiatric services;
 - (((s))) (t) Prescribed drugs;
 - (((t))) (u) Prosthetic devices;
 - $((\frac{u}{v}))$ (\overline{v}) Rural health services;
- (((v))) (w) School medical services for special education students; and
 - (((w))) (x) Medically necessary transportation.
- (2) The department shall apply conditions and limitations in chapter 388-86 WAC ((shall apply)) to the limited casualty-medically needy program.
- (3) A request for an exception to policy shall require a review by the medical assistance administration.

WSR 93-13-130 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3572—Filed June 23, 1993, 8:04 a.m., effective July 1, 1993, 12:01 a.m.]

Date of Adoption: June 23, 1993.

Purpose: Establish a new Washington Administrative Code chapter to transfer the administration of kidney centers

to the Department of Social and Health Services from the Department of Health. New chapter is identified as chapter 388-540 WAC.

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: Kidney center administration is transferred to medical assistance administration in DSHS from the Department of Health.

Effective Date of Rule: July 1, 1993, 12:01 a.m.

June 23, 1993 Rosemary Carr Acting Director Administrative Services

Chapter 388-540 WAC KIDNEY CENTERS

NEW SECTION

WAC 388-540-001 Purpose. The department shall administer state funds appropriated to assist people with end stage renal disease to meet the costs of their medical care.

NEW SECTION

WAC 388-540-005 **Definitions.** For the purpose of administering the state kidney disease program, the following shall apply:

- (1) "End stage renal disease (ESRD)" means that stage of renal impairment which is irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life;
- (2) "ESRD Client" means resident of the state with a diagnosis of ESRD;
- (3) "Kidney center" means those facilities as defined and certified by the federal government to provide ESRD services and which provide the services specified in this chapter and which promote and encourage home dialysis for a client when medically indicated;
- (4) "Affiliate" means a facility, hospital, unit, business, or person having an agreement with a kidney center to provide specified services to ESRD patients;
- (5) "State kidney disease program" means state general funds appropriated to the department to assist clients with ESRD in meeting the cost of medical care;
- (6) "Application for ESRD eligibility" means the form provided by the department which the client completes and submits to determine ESRD eligibility;
- (7) "Certification" or "certified" means the department has approved a client for the state kidney disease program under this chapter;
- (8) "ESRD application period" means the time between the date of application and certification;
- (9) "Resources" means income or assets or any real or personal property that a person or the person's spouse owns

and could convert to cash to be used for support or maintenance;

- (10) "Fair market value" means the current worth of a resource at the time of transfer or, if earlier contract for sale, or date of application;
- (11) "Adequate consideration" means that the reasonable value of goods or services received in exchange for transferred property approximates the reasonable value of the property transferred;
- (12) "Transfer" means any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person;
- (13) "Reasonable value" means the amount that the property is worth on the open market;
 - (14) A "substantial reduction" means:
- (a) The elimination of a client's required annual deductible amount; or
- (b) The reduction of resources to below fifteen hundred dollars.

NEW SECTION

- WAC 388-540-010 Services. Generally, the kidney center shall provide, directly or through an affiliate, all physical facilities, professional consultation, personal instructions, medical treatment and care, drugs, dialysis equipment, and supplies necessary for carrying out a medically-sound ESRD treatment program. The kidney center shall provide:
- (1) Dialysis for clients with ESRD when medically indicated;
- (2) Kidney transplantation treatment for clients with ESRD either directly or by referral, when medically indicated;
 - (3) Treatment for conditions directly related to ESRD:
- (4) Training and supervision of medical, supporting personnel and of clients who are eligible for home dialysis; and
 - (5) Supplies and equipment for home dialysis.

NEW SECTION

WAC 388-540-020 Reimbursement. The department shall reimburse kidney centers for services described in this chapter to the extent the legislature has appropriated funds and when the center submits documented evidence, satisfactory to the department, showing:

- (1) Services for which reimbursement is requested;
- (2) Client's financial eligibility for the state kidney disease program under this chapter except reimbursement for services:
- (a) Provided to a client location outside the state shall be limited to a period of two weeks per calendar year per client; and
- (b) Described under this chapter shall be determined on a case-by-case basis by the department.

NEW SECTION

- WAC 388-540-030 ESRD eligibility. The kidney center shall review at least annually the client's ESRD eligibility for the state kidney disease program according to procedures outlined in this chapter. A client shall be considered eligible when the client exhausts or is ineligible for all other resources providing similar benefits to meet the costs of ESRD-related medical care. Resources shall include:
- (1) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;
 - (2) Savings, property, and other assets;
- (3) Government and private medical insurance programs;
 - (4) Government or private disability programs;
- (5) Local funds raised for the purpose of providing financial support for a specified ESRD client: PROVIDED, that in determining eligibility the following resources shall be exempt:
- (a) A home, defined as real property owned by a client as a principal place of residence, together with the property surrounding and contiguous thereto, not to exceed five acres. Commercial property or property used for the purpose of producing income shall be considered excess property and shall be subject to the limitations of subsection (5)(d) of this section;
 - (b) Household furnishings;
 - (c) An automobile; and
- (d) Savings, property or other assets, the value not to exceed the sum of five thousand dollars.

NEW SECTION

WAC 388-540-040 Transfer of resources without adequate consideration. A person may be ineligible for the program if the person knowingly and willfully assigns or transfers nonexempt resources at less than fair market value for the purpose of qualifying or continuing to qualify for the program within two years preceding the date of application.

NEW SECTION

WAC 388-540-050 Fiscal information. The kidney center shall provide fiscal information on the department's request. The information shall include:

- (1) Accounting information and documentation sufficient to establish the basis for fees for services and/or charges;
- (2) Sources and amounts of resources allowing an individual client to verify financial eligibility;
- (3) Evidence that all other available resources have been depleted before requests for reimbursement from the state kidney disease program are submitted to the department; and
 - (4) Other information as the department may require.

NEW SECTION

WAC 388-540-060 Procedures for ESRD eligibility determination. The department, kidney center and client shall comply with the following procedures to determine ESRD eligibility:

(1) The department shall provide the kidney center with the necessary forms and instructions;

(2) The kidney center shall inform the client of the requirements for ESRD eligibility as defined in this chapter;

(3) The kidney center shall provide the client with necessary forms and instructions in a timely manner;

- (4) The client shall complete and submit the ESRD application for eligibility and any necessary documentation to the kidney center in the manner and form the department prescribes;
- (5) A new client shall apply for Medicaid, obtain and send to the kidney center written documentation of Medicaid eligibility or denial;
- (6) The kidney center shall review the ESRD application and documentation for completeness and accuracy according to instructions provided by the department;
- (7) The kidney center shall forward to the medical assistance administration (MAA) the ESRD application and any documentation needed to approve or deny eligibility. The MAA shall review the ESRD application and documentation and notify the kidney center that the client has been certified, or request additional information as needed;
- (8) The ESRD application period shall be limited to one hundred and twenty days. The kidney center may request an extension when extenuating circumstances prohibit the client from completing the application process within the allowed time. The department, at its discretion, may grant and specify the limits of the extension;
- (9) The ESRD client shall be eligible for a period of one year from the first day of the month of application unless the client's resources or income increase or decrease substantially, in which case the client must complete a new application for ESRD eligibility;
- (10) ESRD eligibility effective date is the first day of the month of ESRD application if the person was eligible at any time during that month. The effective date of ESRD eligibility shall be no earlier than four months before the month of ESRD application provided the:
 - (a) Medical services received were covered; and
- (b) Person would have been eligible had the person applied.
- (11) A client currently eligible shall be recertified before the end of the respective eligibility periods.
- (12) A client who seeks continued program services does not need to reapply for Medicaid unless the client has a substantial reduction in resources during the year.

Emergency [32]

WSR 93-11-022 PROPOSED RULES COLUMBIA RIVER GORGE COMMISSION

[Filed May 6, 1993, 10:45 a.m.]

Reviser's note: The following material has not been adopted under he Administrative Procedure Act, chapter 34.05 RCW, but has been filed n the office of the code reviser and is published in the Register exactly as iled.

Notice of hearing and proposed adoption of rule 350-80, 350-90, 350-100, and 350-110.

In the matter of adopting administrative rules relating to and use ordinances for Klickitat, Clark, Hood River, and Wasco counties.

The Columbia River Gorge Commission proposes to adopt rules relating to land use ordinances for Klickitat County, 350-80; Clark County, 350-90; Hood River County, 350-100; and Wasco County, 350-110, at its regularly scheduled meeting on July 27, 1993, 11:00 a.m., Skamania Lodge, Rock Creek Drive, Stevenson, Washington.

The chair of the commission will preside over and conduct the hearing.

Adoption: Rule 350-80, Rule 350-90, Rule 350-100, and Rule 350-110. The commission is the proponent of hese proposed rules.

No prior notice given.

Summary of Rules: The rules set forth land use ordinances to implement the Columbia River Gorge National Scenic Area Management Plan in Klickitat County and Clark County, Washington and Wasco County and Hood River County, Oregon.

Statement of Need: The National Scenic Area Act equires the commission to adopt land use ordinances in gorge counties that have not met the act's requirement and chedule for adopting county land use ordinances; and the public needs a detailed process for proceeding with land use applications under the Columbia River Gorge National Scenic Area Management Plan.

Statutory Authority: Authority to adopt the rules as proposed drives from the Scenic Area Act (16 U.S.C. § 544 t seq.) and the Columbia River Compact, Article I, Section (4)(g), at ORS 196-150 and RCW 43.97.015. The proposed ules are necessary as a result of federal law, 16 U.S.C. § 144 et seq. as well as state law.

Documents Relied Upon: The Columbia River Gorge Vational Scenic Area Management Plan and the National Scenic Area Act. The documents are available at the ommission office.

Statement of Anticipated Effects: This rule will mplement the Management Plan for the Columbia River Gorge National Scenic Area Act through a land use ordinance as required by the National Scenic Area Act. The rule derived directly from the Management Plan. It includes uidelines for allowable land uses, provisions for protecting cenic, natural, cultural and recreational resources, and rocedural requirements for making land use applications. These rules will have the effect of governing land uses within the "general management area" and "special management areas" of the Columbia River Gorge National Scenic area. Any proposed development project on lands within

these areas will be subject to the rule when making a land use application.

Fiscal Impact:

I. Background

Commission Rule 350-16-004 requires that the commission prepare: "A statement of fiscal impact identifying the state agencies, units of local government, and the public which may be economically affected by the adoption, amendment, or repeal of [a] rule and an estimate of that economic impact on state agencies, units or local government, and the public. In considering the economic effect of the proposed action on the public, the [commission] shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance on small businesses affected."

The proposed rule implements the Management Plan for the Columbia River Gorge National Scenic Area which was adopted by the Columbia River Gorge Commission in October 1991 and concurred with by the Secretary of Agriculture in February 1992. The Management Plan was written pursuant to the Columbia River Gorge National Scenic Area Act 16 U.S.R. [U.S.C.] § 544 et seq. (Public Law 99-663).

The act further requires that the gorge commission adopt land use ordinances for those counties which do not adopt their own. These proposed rules will implement the Management Plan in four of the six gorge counties; the other two counties have adopted their own land use ordinances which will implement the Management Plan.

The act identifies two purposes: To establish a National Scenic Area to protect and provide for the enhancement of the scenic, cultural, recreation, and natural resources of the Columbia River Gorge; and to protect and support the economy of the Columbia Gorge area by encouraging growth to occur in existing Urban Areas and by allowing future economic development in a manner that is consistent with paragraph 1.

The regulations of the act apply to only 90% of the land area in the Scenic Area (the General Management Areas and Special Management Areas). Urban Areas, which make up the remaining 10% of the land area, are exempt from the regulations of the act. Urban areas are the cities, towns, and communities where there is significant residential, commercial, or industrial development and extensive supporting infrastructure; the majority of the population and economic activity in the Scenic Area is found in Urban Areas. Thus the proposed rules will affect only a small portion of the residents and businesses in the Scenic Area.

II. Enhancement of the Overall Economy

Implementing the management plan will protect and enhance the overall economy of the Scenic Area in many ways:

Utilizing the over \$32 million in federal funding which was authorized in the Scenic Act for recreation and economic development.

Increasing tourism by protecting the scenic, natural, and cultural resources, and enhancing recreational opportunities.

Protecting agricultural and forest land for continued agriculture and forest management, two of the regions principal industries.

[1] Miscellaneous

Enhancing the economic viability of gorge communities by encouraging economic growth in Urban Areas and Rural Centers

Economic Development Monies. Congress authorized over \$32 million in federal monies for recreation and economic development. The authorizations are as follows:

\$10 million for recreation development

\$5 million for an Oregon interpretive center

\$5 million for a Washington conference center

\$2.8 million to restore the Historic Columbia River Highway

\$5 million each to Oregon and Washington for the purpose of making economic development loans and grants

Increasing Tourism. In 1987, approximately 3.8 million nonresident visitors traveled through and/or participated in recreation activities in the Scenic Area. Total 1987 nonresident visitor expenditures were estimated to be approximately \$61.8 million. (Economics Research Associates, 1988)

Grant funds will be given over several years to promote the Scenic Area and a number of major developments are currently underway or being planned. These include the new Skamania Lodge in Stevenson, Washington, and the proposed Discovery Center near The Dalles, Oregon. Constructing and operating these new facilities provides many new jobs for Scenic Area residents.

For example, over a ten year period, Skamania Lodge is expected to generate approximately 235 jobs with an annual payroll over \$3.9 million. In related services, the lodge is expected to generate 460 jobs and annual expenditures of \$25 million.

Additional recreation development is allowed on virtually all land in the Scenic Area. Expanding recreational opportunities was recommended in Economic Opportunities Study for the Columbia River Gorge (Economics Research Associates, 1988).

Protecting Resource Land. The gorge has a long history of land-based industries. Extensive agriculture and forest management operations remain in the Scenic Area. Approximately 140,000 acres (nearly one-half) of the Scenic Area is designated either agriculture or forest land. In 1987, the total forest industry employment was over 4,000 with a total payroll of approximately \$100 million. (Economics Research Associates from industry, 1988)

By limiting further fragmentation of this resource land for residential uses, the Management Plan encourages the retention of these resource-based jobs and supports an existing strong industry. Protecting resource land was recommended in Economic Opportunities Study for the Columbia River Gorge (Economics Research Associates, 1988).

Enhancing the economic viability of gorge communities. The Management Plan encourages growth to occur in Urban Areas and rural centers. By limiting commercial and other urban-related activities in more rural areas, the need to expand infrastructure to remote locations is reduced, and existing infrastructure is used more efficiently. As communities spend less money extending urban services, they will be better able to support business development and expansion in areas where urban services already exist. Some commercial development which is less reliant on urban services is allowed outside of Urban Areas. Limiting major

infrastructure investment was recommended in <u>Economic</u> Opportunities Study for the Columbia River Gorge (Economics Research Associates, 1988).

III. Effects on State Agencies and Local Government

The Scenic Act envisions a partnership between federal state, and local agencies and the gorge commission. Together the expertise of each agency will achieve the purposes of the act. The planning process used to develop the Management Plan allowed each agency to clarify its own role. While it is not possible to quantify to [the] economic effects to each agency, below is a discussion of possible effects.

State Agencies. A number of state agencies, such as Fish and Wildlife, Archaeology and Historic Preservation and Transportation have important roles in the proposed rules. These agencies are given an opportunity to comment on proposed development projects. In most cases, comments from these agencies will not be required.

These agencies have already transferred enough information to the gorge commission so that the commission staff may evaluate potential impacts. Thus the commission is already doing much of the work that these agencies might do themselves.

It is not expected that the roles of these agencies will differ from their current roles. Currently, these agencies are given an opportunity to comment on proposed development projects, and additional information is often sent.

County Governments. There are six counties in the Scenic Area; however, the proposed rules will apply to only four of the six counties. Possible economic effects on these counties is not expected to differ from the current situation Although the gorge commission will continue to make lanc use permitting decisions, counties will continue to be ar important part of the land use decision process. This has some economic effects.

The burden of administering the proposed rule, including staff time and mailing costs, will still lie with the gorge commission. And counties will not [be] liable for any costs related to implementing the land use decisions made by the gorge commission. A potential benefit to counties is the opportunity to adopt the ordinances written by the gorge commission. This will help defray the costs of writing ordinances themselves.

The only additional economic cost to counties will be not having access to the federal recreation and economic development monies. Only when these counties adopt their own land use ordinances, and those ordinances are found to be consistent with the Management Plan, are these counties and the Urban Areas within the counties become eligible fo the federal economic and recreation development funds authorized in the act.

Columbia River Gorge Commission. The gorge commission will continue to make land use decisions of proposed development projects in these four counties. The decision-making process is expected to remain much the same as the current process, except that additional time will be necessary to collect all the necessary information to make a full decision. The gorge commission will be assisted by many other agencies such as state natural resource and archaeological agencies, the U.S. Forest Service, and Native American Tribal Governments.

Administration of the land use ordinances by the gorge commission will also limit the time that the gorge commis

ion can spend on implementing recreation and economic levelopment projects and lobbying for additional funds.

Native American Tribal Governments. Native American Tribal Governments will be consulted under the roposed rules and will have the opportunity to review and omment on proposed new uses on lands or in waters where ultural resources exist and where tribal members exercise reaty or other rights. The tribal governments have a similar ole now and would have the same role even if the counties dopted their own ordinances.

IV. Effects on the Public and Small Businesses

Landowners and the public. Implementing the Management Plan will immediately institute uniformity in egulations, predictability in decision-making, and simplification of the decision process. These are positive effects of he proposed rules. Landowners will have a much better inderstanding of the value of their land without the uncerainty of the development guidelines currently in effect. Many landowners or potential buyers have submitted land use development applications just to find out what they ould potentially build on the land. The proposed rules will liminate many of the current costly delays and unanticipated lecisions.

Additional information prior to submittal of a land use pplication will be required. This however, follows the "Go low to go fast" adage. Currently, most of the land use pprovals require the applicant to return to the commission with color samples, refined site plans, and other information efore construction begins. The new rules require this nformation up-front, thus when an approval is issued, in nost cases, the applicant may proceed without further pprovals from the gorge commission.

In addition, the proposed rules bring many resource rotection laws under the same umbrella. The rules defer to ome existing laws and mimics provisions of others. Completing the development review process in the new rules vill assist landowners in meeting the needs of other natural esource agencies.

Potential economic costs to landowners include a omewhat longer decision-making process under the proosed rules, and some additional information requirements or major development projects. The proposed rule will acrease the development review time from six weeks to ten veeks, and require more detail before an application will be ccepted.

The gorge commission, in preparing the development uidelines for the General Management Area, was careful to nsure that a viable economic use was left on each individul parcel. In the Special Management Area, where some ommercial-scale forest land was designated as open space, ne forest service will buy the land within three years, or the and will revert to a nonrestrictive General Management area designation. In the general management, forest ractices are exempt from the regulations of the Management lan, and thus exempt from these proposed rules.

Because the procedural and substantive development uidelines are given in the Management Plan, these economic effects are not unique to these proposed rules; they will be he same when the counties adopt their own land use rdinances.

Small Businesses. As mentioned above, the majority of ne commercial and industrial activity in the Scenic Area

occurs in the Urban Areas which are exempt from the regulations of the Management Plan and thus the proposed rules as well. The proposed rules will not change the current or future operation of these activities.

The proposed rules will not have an economic effect on small businesses. Existing businesses are grandfathered and will not require new use permits. The most significant economic effect will come when the counties adopt their own land use ordinances, thus making the federal monies available for grants and loans.

V. Conclusion

While it is not possible to quantify the economic effects of the proposed rules, the greatest economic effect will be when benefits the counties receive when they adopt their own land use ordinances. Any new administrative costs will be generally absorbed by the gorge commission and not other agencies or the public.

Availability of Rule: The proposed rule is available on request from Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

Public Comment: Interested persons may comment orally or in writing at the hearing. Written comment received at the commission's office by July 23, 1993, will also be considered. Comment may be made to Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

COLUMBIA RIVER GORGE COMMISSION PROPOSED PERMANENT RULE

Chapter 350
Division 80
Klickitat County Land Use Ordinance

350-80-010. Purposes.

The purposes of the Land Use Ordinance are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge.

350-80-020. Area Affected.

Commission Rule 350-80 shall apply to all lands in Klickitat County, Washington within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

Commission Rule 350-80 becomes effective 30 days after adoption and filing by the Columbia River Gorge Commission with the exception of those portions of Commission Rule 350-80 pertaining to the Special Management Areas, which become effective upon concurrence by the Secretary of Agriculture.

Those portions of Commission Rule 350-80 pertaining to the General Management Area are no longer effective once Klickitat County has submitted a land use ordinance and the Columbia River Gorge Commission finds it consistent with the Management Plan. Those portions of Commission finds it consistent with the Management Plan.

[3] Miscellaneous

sion Rule 350-80 pertaining to the Special Management Area remain effective until the Secretary of Agriculture concurs on the ordinances adopted by Klickitat County.

350-80-030. Review and Approval Required.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in Commission Rule 350-80, when considered under the applicable procedural and substantive guidelines of this Rule.

350-80-040. Definitions.

As used in Commission Rule 350-80, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (1) Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.
- (2) Accessory building: A building or structure whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use.
- (3) Active wildlife site: A wildlife site that has been used within the past 5 years by a sensitive wildlife species.
- (4) Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.
- (5) Agricultural structure: A structure located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.
- (6) Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:
- (a) The operation or use of farmland subject to any agriculture-related government program.
- (b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.
- (c) Land planted in orchards or other perennials prior to maturity.
- (d) Land under buildings supporting accepted agricultural practices.
 - Agricultural use does not include livestock feedlots.
- (7) Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).
- (8) Anaerobic: A condition in which molecular oxygen is absent (or effectively so) from the environment.

- (9) Aquaculture: The cultivation, maintenance, and harvesting of aquatic species.
- (10) **Aquatic area:** The water area of a stream, pond, or lake measured at the ordinary high water mark.
 - (11) Archaeological resources: See cultural resource.
- (12) **Archival research:** Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.
- (13) **Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.
- (14) **Best management practices:** Conservation techniques and management measures that
- (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
- (b) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and
- (c) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.
- (15) **Biodiversity** (SMA): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.
- (16) **Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.
- (17) **Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.
- (18) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
- (19) Camping or recreational vehicle: A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water, and electrical lines or is occupied on the same parcel for more than 60 days in any consecutive 12-month period.
- (20) **Campsite:** Single camping unit, that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.
- (21) Capability: The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.
- (22) Cascadian architecture (SMA): Architectural style using native rock work, large timber, and steeply pitched roofs in a rustic manner.
- (23) Catastrophic situations (SMA): Forces such as fire, insect and disease infestations, and earth movements.
- (24) **Childcare center:** A facility providing daycare to three or more children, but not including:

- (a) The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.
- (b) The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.
- (c) The provision of short-term care related to or associated with group athletic or social activities.
- (d) The provision of daycare in the provider's home in the family living quarters for less than 13 children.
 - (25) Clearcut: A created opening of 1 acre or more.
- (26) Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.
- (27) Commercial development/use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.
- (28) Commercial forest products: These include timber for lumber, pulp, and firewood for commercial purposes.
- (29) Commercial recreation: Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.
- (29) Community facility: Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities, public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.
- (30) Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the Development Review Officer in a timely manner because they are concerned with the effects of a proposed use on cultural resources.
- (31) Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. Contiguous land does not include parcels that meet only at a single point.
- (32) Counties: The six counties within the Scenic Area: Hood River, Multnomah, and Wasco in Oregon, and Clark, Skamania, and Klickitat in Washington.
- (33) Created opening (SMA): A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall.
- (34) Creation (wetlands): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).
- (35) **Cultivation:** Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.
- (36) Cultural resource: Evidence of human occupation or activity that is important in the history, architecture,

- archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:
- (a) Archaeological resources. Physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.

Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, human remains, and associated artifacts.

(b) Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.

Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.

(c) Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.

- (37) Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.
- (38) Cut: An area where soil or earth is excavated or removed in conjunction with development activities.
- (39) **Dedicated site:** An area actively devoted to the current use and as delineated on the site plan.
- (40) **Deer and elk winter range:** Areas normally used, or capable of being used, by deer and elk from December through April.
- (41) **Destruction** of wetlands: Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.
- (42) **Developed recreation:** Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.
- (43) **Development:** Any land division or structure, including but not limited to, new construction of buildings and structures, and mining, dredging, filling, grading, paving, and excavation.
- (44) **Diameter at breast height (dbh):** The diameter of a tree as measured at breast height.

- (45) **Duplex:** A building containing two dwelling units and designed for occupancy by two families.
- (46) **Dwelling, single-family:** A detached building containing one dwelling unit and designed for occupancy by one family only.
- (47) **Dwelling unit:** A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.
- (48) Effect on treaty rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.
- (49) **Endemic:** Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.
- (50) Enhancement (natural resources): A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.
- (51) **Ethnography:** The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.
- (52) Existing use or structure: A legally established use that existed before the effective date of the Scenic Area Act, the Management Plan, or a land use ordinance established pursuant to the Scenic Area Act. "Legally-established" means established in accordance with the law in effect at the time of establishment of the use.
- (53) Exploration, development (extraction and excavation), and production of mineral resources: Includes all or any part of the process of surface, underground, or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, onsite stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.
- (54) Fill: The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.
- (55) Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.
- (56) Forbs: Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.
- (57) Foreground (SMA): One-half mile on either side of a traveled road or trail.

- (58) **Forest products:** Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.
- (59) Forest practices: Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act or the Washington Forest Practices Act.
- (60) Forest use: The growing, propagation, and harvesting of forest tree species and other forest products.
- (61) Fully screened: A description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan).
- (62) **Grade** (ground level): The average elevation of the finished ground elevation as defined by the Uniform Building Code.
- (63) **Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- (64) **Height of building:** The vertical distance from the grade to the highest point of the roof.
- (65) **Herbaceous:** A plant with no persistent woody stem above the ground, with characteristics of an herb.
- (66) **Herbs:** Nonwoody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)
- (67) **Historic buildings and structures:** See cultural resource.
- (68) **Historic survey:** Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.
- (69) Horses, boarding of: The stabling, feeding, and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks.
- (70) **Hydric soil:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- (71) In-lieu sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.
- (72) Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).
- (73) Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

Miscellaneous [6]

- (74) **Industrial uses:** Any use of land or water primarily involved in:
 - (a) Assembly or manufacture of goods or products;
- (b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- (c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service; or
- (d) Production of electric power for commercial purposes.
- (75) Interpretive displays: Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.
- (76) **Key components:** The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.
- (77) **Key viewing areas:** Those portions of important public roads, parks, or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. These include:

Historic Columbia River Highway

Crown Point

Highway I-84, including rest stops

Multnomah Falls

Washington State Route 14

Beacon Rock

Panorama Point Park

Cape Horn

Dog Mountain Trail

Cook-Underwood Road

Rowena Plateau and Nature Conservancy Viewpoint

Portland Women's Forum State Park

Bridal Veil State Park

Larch Mountain

Rooster Rock State Park

Bonneville Dam Visitor Centers

Columbia River

Washington State Route 141

Washington State Route 142

Oregon Highway 35

Sandy River

Pacific Crest Trail

SMA only:

Old Washington State Route 14 (County Road 1230)

Wyeth Bench Road

Larch Mountain Road

Sherrard Point on Larch Mountain

- (78) Land division: The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to, short subdivisions, partitions, and subdivisions.
- (79) Landscape setting: The combination of land use, landform, and vegetation patterns that distinguish an area in appearance and character from other portions of the Scenic Area.

- (80) Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.
- (81) Lot line adjustment: Transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.
- (82) Management plan: The document entitled Management Plan for the Columbia River Gorge National Scenic Area adopted October 14, 1991. The Management Plan becomes effective upon approval of land use ordinances by the Commission for the General Management Area and concurrence of land use ordinances by the Secretary of Agriculture for the Special Management Area.
- (83) Mitigation: The use of any or all of the following actions:
- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (84) **Multifamily dwelling:** A dwelling constructed or modified into two or more single-family units.
- (85) Native species: Species that naturally inhabit an area.
- (86) Natural resources: Naturally occurring features including land, water, air, plants, animals (including fish), plant and animal habitat, and scenery.
- (87) Natural resource specialist: A person with professional qualifications, including an academic degree or sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.
- (88) Natural resource-based recreation (SMA): Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.
- (89) Nonprofit organization: An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.
- (90) **Old growth:** Any stand of trees 10 acres or greater generally containing the following characteristics:
- (a) contain mature and overmature trees in the overstory and are well into the mature growth state;
- (b) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes;
- (c) in coniferous forests, standing dead trees and down material are present; and
- (d) evidences of man's activities may be present, but do not significantly alter the other characteristics and would be a subordinate factor in description of such a stand.
- (91) **Open Spaces:** Unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:

- (a) Scenic, cultural, and historic areas;
- (b) Fish and wildlife habitat;
- (c) Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
- (d) Ecologically and scientifically significant natural areas:
 - (e) Outstanding scenic views and sites;
 - (f) Water areas and wetlands;
- (g) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
 - (h) Potential and existing recreation resources; and
- (i) Federal and state wild, scenic, and recreation waterways.
- (92) Ordinary high water mark: The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.
 - (93) Parcel:
- (a) Any parcel legally created by a short division, partition, or subdivision.
- (b) Any unit of land legally created and separately described by deed or sales contract prior to November 17, 1986, if there were no applicable planning, zoning, and land division ordinances or regulations.
- (c) In the state of Washington, a unit of land created and separately described by deed or sales contract after November 17, 1986 if the unit created was approved by the Gorge Commission or the Forest Service Scenic Area Office.
- (d) A unit of land shall not be considered a separate parcel simply because the subject tract of land:
- (A) Is a unit of land created solely to establish a separate tax account;
 - (B) Lies in different counties;
 - (C) Lies in different sections or government lots;
 - (D) Lies in different land use or zoning designations; or
 - (E) Is dissected by a public or private road.
- (94) Partial retention: A visual quality objective that provides for management activities that may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat form, line, color, or texture common to the characteristic landscape, but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.
- (95) **Practicable:** Able to be done, considering technology and cost.
- (96) Preexisting: Existing prior to the adoption of the Columbia River Gorge National Scenic Area Management Plan
- (97) **Primarily:** A clear majority as measured by volume, weight, or value.
- (98) **Project area:** The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

- (99) Public use facility: Recreation development(s) that meet the definition of "recreation facility" in the Management Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.
- (100) Rare plant species: Used in a generic sense to refer to various categories of sensitive plants cited in federal and state programs.
- (101) Recreation facility: A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such developments or improvements, except for roads and/or pathways.
- (102) **Reconnaissance survey:** Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.
- (103) Recreation Opportunity Spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).
- (a) Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.
- (b) Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.
- (c) Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.
- (d) Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.
- (e) Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
- (f) Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.
- (104) **Recreation resources:** Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semiprimitive areas with few facilities and developed sites.
- (105) **Rehabilitation (natural resources):** A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or preconstruction condition.
- (106) **Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included in this definition.
- (107) **Resource-based recreation:** Those recreation uses that are essentially dependent upon the natural, scenic or cultural resources of the Scenic Area and that do not adversely affect those resources upon which they depend.

- (108) Restoration (wetlands): A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.
- (109) **Retention:** A visual quality objective that provides for management activities that are not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture that are frequently found in the characteristic landscape. Changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be evident.
- (110) **Review uses:** Proposed uses and developments that must be reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan.
- (111) Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.
- (112) **Road:** The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:
- (a) Ways described as streets, highways, throughways, or alleys.
- (b) Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.
- (c) Structures that provide for continuity of the right-of-way, such as bridges.
- (113) Scenic Area: The Columbia River Gorge National Scenic Area.
- (114) Scenic travel corridor: Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the Scenic Area and specifically designated to be managed as scenic and recreational travel routes.
 - (115) Secretary: The Secretary of Agriculture.
 - (116) Sensitive plant species: Plant species that are
 - (a) endemic to the Columbia River Gorge and vicinity;
- (b) listed as endangered or threatened pursuant to federal or state endangered species acts; or
- (c) listed as endangered, threatened or sensitive by the Oregon or Washington Natural Heritage Program.

In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

- (117) Sensitive wildlife species: Animal species that are
- (a) listed as endangered or threatened pursuant to federal or state endangered species acts;
- (b) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission;

- (c) listed as sensitive by the Oregon Fish and Wildlife Commission; or
- (d) considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

- (118) **Service station:** A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.
 - (119) Serviceable: Presently useable.
 - (120) Shall: Action is mandatory.
 - (121) Should: Action is encouraged.
- (122) **Shrub:** A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer).
- (123) **Sign:** Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.
- (124) Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].)
- (125) **Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.
- (126) Soil Capability Class: A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.
- (127) **Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.
- (128) **Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.

- (129) **Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.
- (130) **Story:** A single floor level of a structure, as defined by the Uniform Building Code.
- (131) Streams: Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

- (132) Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures.
- (133) Subsurface testing: Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.
- (134) Suitability: The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.
- (135) **Travelers accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.
- (136) Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.
- (137) **Tributary fish habitat:** Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.
- (138) Undertaking: Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.2(0)].
- (139) Unimproved lands: Lands that generally do not have developments such as buildings or structures.
- (140) Upland: Any area that does not qualify as a wetland because the associated hydrologic regime is not

- sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.
- (141) Uses allowed outright: New uses and developments that may occur without being reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they are consistent with the Management Plan.
- (142) Utility facility: Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.
- (143) Viewshed: A landscape unit seen from a key viewing area.
- (144) Visual Quality Objective (VQO): A set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.
- (145) Visually subordinate: A description of the relative visibility of a structure where that structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.
- (146) Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.
- (147) Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.
- (148) Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.
- (149) Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.
- (150) Woody plant: A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

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.

350-80-050. Exempt Land Uses and Activities.

Commission Rule 350-80 shall not apply to:

- (1) Any treaty or other rights of any Indian tribes.
- (2) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 100-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
 - (3) Rights to surface or ground water.
- (4) Water transportation activities on the Columbia River or its tributaries. The term "activities" includes those facilities necessary for navigation.
- (5) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.
- (6) Laws, rules or regulations pertaining to hunting or fishing.
- (7) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material.
- (8) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Washington and Oregon Forest Practices Acts, or under county regulations that supersede those acts.

350-80-060. Prohibited Land Uses and Activities.

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

- (1) Solid waste disposal sites or sanitary landfills within the Special Management Area.
- (2) New industrial development in the Scenic Area outside of the Urban Areas.
- (3) Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:
- (a) Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening soil.
- (b) Removal or clearing of native grasses, shrubs, and trees.
- (c) Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.
 - (d) Barns, silos, and other agricultural buildings.
 - (e) Irrigation systems.
- (f) Exploration, development, and production of mineral esources.
 - (g) Utility facilities, public use facilities, and roads.

350-80-070. Existing Uses.

Except as otherwise provided below, existing uses in the Scenic Area may continue, notwithstanding the provisions of Commission Rule 350-80.

- (1) Except as otherwise provided, any use or structure existing on the effective date of the Management Plan, may continue so long as it is used in the same manner and for the same purpose as on that date.
- (2) Any use or structure damaged or destroyed by fire shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such uses or structures shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity and landscaping. Replacement of an existing use or structure by a use or structure different in purpose, size or scope shall be subject to Commission Rule 350-80.
- (3) Replacement or reestablishment of a use or structure discontinued for more than one year shall be subject to Commission Rule 350-80. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.
- (4) In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the dedicated site, subject to Commission Rule 350-80-520 through 350-80-620 to minimize adverse effects on scenic, cultural, natural and recreation resources. Expansion beyond the dedicated site is prohibited. Commercial uses discontinued for 1 year or more shall no longer be considered as an existing use and shall no longer be permitted, in accordance with the provisions this rule.
- (5) Existing industrial uses in the General Management Area may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- (6) In the General Management Area, existing industrial uses may convert to less intensive uses. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.
- (7) In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to Commission Rule 350-80 if any of the following conditions exist:
- (a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation.
 - (b) The site has not maintained a required state permit.
- (c) The site has not operated legally within 5 years before the date of adoption of the Management Plan.
- (8) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:

- (a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area.
- (b) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.
- (9) Except as otherwise provided, whether a use has a vested right to continue will be determined by the law on vested rights in the appropriate state.

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.

350-80-080. Application for Review and Approval.

- (1) Prior to initiating any use or development which requires review and approval by the Development Review Officer, an application shall be completed pursuant to Commission Rule 350-80-080. The Development Review Officer shall accept and review the application pursuant to Commission Rule 350-80-100 through 350-80-170 for consistency with the appropriate guidelines of this rule. Review of a proposed use or development shall commence upon the acceptance of an application by the Development Review Officer. The Commission may charge a fee for review of applications.
- (2) Standard application forms shall be available at county and city planning offices, the offices of the Columbia River Gorge Commission and the Forest Service.
- (3) Applications for the review and approval of a proposed use or development shall provide the following information:
- (a) The applicant's name, address and telephone number;
- (b) The land owner's name, address and telephone number (if different from applicant's);
- (c) The county in which the proposed use or development would be located;
- (d) The section, quarter section, township and range in which the proposed development would be located;
- (e) The street address of the proposed use or development:
- (f) The tax lot number(s) and size in acres of the parcel(s) involved;
- (g) A description of the current land use for the parcel(s) involved and adjoining lands;
- (h) A written description of the proposed use or development, including details on the height, exterior color(s), and construction materials of the proposed structures.
- (i) A list of Key Viewing Areas from which the proposed use would be visible.
- (j) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the Development Review Officer to determine the location and extent of the proposed use or development and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the

Miscellaneous

parcel affected by the proposed use. The map shall include the following elements:

- (A) North arrow.
- (B) Map scale.
- (C) Boundaries, dimensions, and size of the subject parcel.
 - (D) Significant terrain features or landforms.
- (E) Groupings and species of trees or other vegetation on the parcel.
- (F) Location and species of vegetation that would be removed or planted.
 - (G) Bodies of water and watercourses.
- (H) Location and width of existing and proposed roads, driveways, and trails.
- (I) Location and size of existing and proposed structures.
- (J) Location of existing and proposed services including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.
- (K) Location and depth of all proposed grading and ditching.
- (k) In the Special Management Area, applications and/or site plans shall contain the natural resources information required in Commission Rule 350-80-600(2).
- (1) Any additional information which the applicant feels will assist in the evaluation of the proposal including, but not limited to, maps, drawings, and development plans.
- (m) The signature of the applicant and property owner or a statement from the property owner indicating that he is aware of the application being made on his property.
- (n) The signature of the property owner on a statement that authorizes the Development Review Officer or the Development Review Officer's designee reasonable access to the site in order to evaluate the application.
- (4) Applications for the following uses or developments shall include additional information as required by the appropriate guidelines in Commission Rule 350-80 or by the Development Review Officer:
- (a) All buildings, roads, or mining and associated activities proposed on lands visible from Key Viewing Areas, pursuant to 350-80-520 (2)(d).
- (b) In the General Management Area, production and/or development of mineral resources and expansion of existing quarries pursuant to 350-80-520 (1)(e), 350-80-520 (2)(d), (2)(e), (2)(v), and (2)(w).
- (c) In the General Management Area, any structural development involving more than 100 cubic yards of grading on sites visible from key viewing areas and which slope is between 10 and 30 percent, pursuant to 350-80-520 (2)(u)
- (d) In the General Management Area, vegetation management projects in public rights of way along Scenic Travel Corridors, pursuant to 350-80-520 (4)(d).
- (e) Large-scale uses as defined by guideline 350-80-540 (1)(c)(C) shall include reconnaissance survey reports, pursuant to 350-80-540 (1)(c)(F) and (G).
- (f) Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older, pursuant to 350-80-540 (1)(c)(H)(iii).

- (g) In the General Management Area, new uses located in, or providing recreational access to the Columbia River or its fishbearing tributaries, pursuant to 350-80-150 (8)(a)(A).
- (h) In the General Management Area, any review use in a wetland or within a wetland buffer zone, pursuant to Commission Rule 350-80-560 (1)(b).
- (i) In the General Management Area, any review use in a stream, pond, lake, or within their buffer zones, pursuant to Commission Rule 350-80-570 (1)(b).
- (j) In the General Management Area, any review use within 1000 feet of a sensitive wildlife area or site, pursuant to 350-80-580 (1)(b). Large-scale uses as defined by 350-80-580(3) shall also include field survey information, pursuant to 350-80-580 (3)(e).
- (k) In the General Management Area, any review use within 1000 feet of a sensitive plant, pursuant to Commission Rule 350-80-590(b). Large-scale uses as defined by 350-80-590(3) shall also include field survey information, pursuant to Commission Rule 350-80-590 (3)(e).
- (1) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, pursuant to Commission Rule 350-80-190 (1)(e), and if applicable, 350-80-190 (1)(f).
- (m) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling not in conjunction with agricultural use, pursuant to Commission Rule 350-80-190 (1)(n).
- (n) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative, pursuant to Commission Rule 350-80-190 (1)(h).
- (o) In the General Management Area, on lands designated Large-Woodland, a single-family dwelling, pursuant to Commission Rule 350-80-270 (1)(a),(c), and (1).
- (p) In the Special Management Area, on lands designated Forest, a single-family dwelling, pursuant to Commission Rule 350-80-270 (2)(j).
- (q) In the Special Management Area, on lands designated Forest, forest practices, pursuant to Commission Rule 350-80-270 (2)(b).
- (r) In the Special Management Area, on lands designated Open Space, any new use or development, pursuant to Commission Rule 350-80-340(11).
- (s) In the General Management Area, on lands designated Agriculture-Special, a single-family dwelling pursuant to 350-80-190 (1)(h).
- (t) In the Special Management Area, on lands designated Agriculture, a single-family dwelling necessary and accessory to agricultural use, pursuant to Commission Rule 350-80-190 (2)(b).
- (u) In the Special Management Area, on lands designated Agriculture, farm labor housing and agricultural buildings, pursuant to Commission Rule 350-80-190 (2)(d).
- (v) In the General Management Area, on lands designated Small Woodland, a single-family dwelling pursuant to Commission Rule 350-80-270 (1)(b).
- (w) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, a single-family dwelling in conjunction with agricultural use pursuant to Commission Rule 350-80-190 (1)(e).

- (x) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, agricultural labor housing, pursuant to Commission Rule 350-80-270 (1)(o).
- (y) In the General Management Area, on lands designated Agriculture-Special, new livestock grazing, new fences, livestock watering facilities, and corrals; or soil, water, and vegetation conservation activities, pursuant to Commission Rule 350-80-240.
- (z) Other uses as deemed necessary by the Development Review Officer.
- (5) Completed application forms shall be submitted directly to the office of the Columbia River Gorge Commission.

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.

350-80-090. Pre-Application Conference.

An applicant may request a pre-application conference prior to submitting an application for development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of Commission Rule 350-80, to discuss the principle elements of the proposed action, and to identify guidelines that create opportunities or pose constraints for the proposed action.

350-80-100. Acceptance of Application.

Within 14 days of the receipt of an application, the Development Review Officer shall review the application for completeness and adequacy. The Development Review Officer shall accept a complete and adequate application within 14 days of receipt of the application.

- (1) No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The Development Review Officer shall notify the applicant of all omissions and deficiencies in writing within 14 days of receipt of the application.
- (2) No application shall be accepted which the Development Review Officer deems cannot be acted upon reasonably within 72 days, pursuant to 350-80-130(3), except when the applicant consents to a longer period for action.
- (3) No application shall be accepted unless accompanied by a list of names and addresses of the adjacent property owners within a distance of the subject parcel as determined in Commission Rule 350-80-630. A statement from the County Assessor or appropriate agency confirming the accuracy of the list shall accompany the list.
- (4) No application for a proposed use which is explicitly prohibited by Commission Rule 350-80-060 shall be accepted.
 - (a) The application shall be returned to the applicant.
- (b) A letter, signed by the Development Review Officer, stating that the proposed use is prohibited and citing the guideline which explicitly prohibits the proposed use, shall be sent to the applicant.
- (c) Issuance of this letter shall not prohibit the applicant from appealing the decision pursuant to 350-70.

350-80-110. Notice of Development Review.

- (1) Within 7 days of the acceptance of an application, the Development Review Officer shall issue notice of a proposed development review. The notice shall provide the following information:
 - (a) The name of the applicant;
- (b) The general and specific location of the subject property;
 - (c) A brief description of the proposed action;
 - (d) The deadline for rendering a decision; and
- (e) The deadline for filing comments on the proposed action.
- (2) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.
- (3) The notice shall state the applicant must comply with all applicable local, state, and federal laws.
 - (4) The notice shall be mailed to:
- (a) The Forest Service, the applicable state, Indian Tribes and the applicable county and/or city; and
- (b) Owners of property within a radius of the subject parcel(s) as determined by 350-80-630; and
- (c) Other agencies and interested parties which request a notice which the Development Review Officer determines should be notified.
- (4) The notice shall be posted at the Commission and Forest Service offices and shall be made available for posting at the applicable county or city planning office(s) and applicable library or libraries.
- (5) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.
- (6) A copy of the notice shall be filed in the records of the Commission.

350-80-120. Comment Period

Interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Development Review Officer relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-80:

- (1) Within 7 days of the close of the comment period, the Development Review Officer shall determine if a wildlife management plan pursuant to Commission Rules 350-80-580(6), or a rare plant protection and rehabilitation plan pursuant to Commission Rules 350-80-590(6) is required.
- (2) For proposed uses or developments where a cultural resources survey (reconnaissance or historic) is required and where the Commission is performing the survey, the survey shall be completed by the close of the comment period. Upon receipt of the completed survey, the Development Review Officer shall forward the survey to the State Historic Preservation Officers, and Indian Tribes pursuant to Commission Rules 350-80-540 (1)(b) and (2)(b)(A).
- (3) Within 7 days of the close of the 30 day reconnaissance survey comment period for State Historic Preservation Officers and Indian Tribes, the Development Review Officer shall determine if an evaluation of significance pursuant to Commission Rules 350-80-540(3) is required.

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

350-80-130. Decision of the Development Review Officer.

- (1) In making a decision on a proposed use or development the Development Review Officer shall:
- (a) Consult with the applicant and such agencies as the Development Review Officer deems appropriate;
- (b) Consider information submitted by the applicant and all other relevant information available;
- (c) Consider all comments submitted pursuant to Commission Rule 350-80-120; and
- (d) Solicit and consider the comments of the Forest Service.
- (2) The Development Review Officer shall approve a proposed use or development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rul3 350-80. In approving a proposed development action, the Development Review Officer may impose conditions as necessary to ensure consistency with the guidelines of Commission Rule 350-80.
- (3) The Development Review Officer shall issue a decision on a proposed use or development including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-80 within 72 days after acceptance of the application except in one or more of the following situations:
 - (a) The applicant consents to an extension of time.
- (b) The Development Review Officer determines that additional information is required pursuant to Commission Rule 350-80-120.
- (c) The Development Review Officer determines that additional information is necessary to evaluate the impacts of the proposed use to scenic, cultural, natural, and recreation resources.
- (d) Unforseen circumstances including, but not limited to, weather, illness, etc.
- (4) The Development Review Officer shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the applicable state, the Indian Tribes, the applicable county and/or city and each person who submitted comments under Commission Rule 350-80-150. The decision shall set forth the rights of appeal under Commission Rule 350-70.
- (5) The decision of the Development Review Officer shall be final unless a Notice of Appeal is filed in accordance with Commission Rule 350-70.
- (6) The decision of the Development Review Officer approving a proposed development action shall become void
- (a) when the development action is not undertaken within two years of the decision, or
- (b) when the development action is discontinued for any reason for one year or more.
- (7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an administrative action and shall be submitted to the Development Review Officer prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Development Review Officer may grant an extension of up to 12 months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

The Development Review Officer shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect scenic, cultural, natural or recreation resources in the National Scenic Area.

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

350-80-140. Changes or Alterations to an Approved Action.

Any change or alteration to a development action approved by the Commission or Development Review Officer pursuant to this rule shall be processed as new action, except that the Development Review Officer may approve minor changes or alterations deemed to be consistent with the guidelines of Commission Rule 350-80 and the findings and conclusions for the original action.

350-80-150. General Guidelines.

The following uses may be permitted when allowed by the land use designation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-520):

(1) Land Divisions and Cluster Development

Land Divisions within the Columbia River Gorge National Scenic Area may be allowed subject to the followng:

- (a) New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan.
- (b) Unless otherwise specified, creation of a parcel, regardless of size, or any division of land except a lot-line adjustment shall be subject to the guidelines in Commission Rule 350-80.
- (c) At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.
- (d) Adjustment of the boundary between two or more contiguous parcels that does not result in the creation of an additional parcel may be allowed if none of the parcels arger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.
- (e) The minimum size for new parcels created for commercial uses within a Rural Center shall be based upon he site requirements (sewerage, parking, building, size, etc.) or the proposed use. Parcel size shall be determined by the Development Review Officer on a case-by-case basis.

(f) The minimum size for new parcels created for residential uses within a Rural Center shall be 1 acre.

To encourage the efficient use of land, provide public amenities and standards for quality developments, and reduce the cost of providing services within Rural Centers, the Development Review Officer may allow a minimum parcel size of less than 1 acre within Rural Centers if a planned unit development approach is used for the subject parcel, incorporating features such as consolidated access and commonly shared open areas.

- (g) When allowed by a land use designation, a land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, the Development Review Office must find that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings to:
- (A) Be located in areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas.
 - (B) Avoid significant landscape features.
- (C) Protect the existing character of the landscape setting.
- (D) Reduce interference with movement of deer or elk in winter range.
 - (E) Avoid areas of known cultural resources.
- (F) Consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance.
- (G) Reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources.
- (H) Increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.
- (h) In the General Management Area, following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a 5-acre Residential or a 10-acre Residential designation or 2 acres in a Small-Scale Agriculture or Small Woodland designation.
- (i) In the General Management Area, cluster development may create up to 25 percent more parcels than otherwise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 50 percent more parcels on lands designated Small-Scale Agriculture or Small Woodland. Any division in a cluster development under this guideline may create at least one additional parcel.
- (j) In the General Management Area, at least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.
- (k) In the General Management Area, contiguous parcels in the same ownership or in separate ownership may be

consolidated and redivided to take advantage of cluster development bonuses.

(2) Agricultural Buffer Zones

All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands designated Large-Scale or Small-Scale Agriculture and which are currently used for or are suitable for agricultural use:

(a) Setback Guidelines

	Type of Buffer (size in feet)		
Type of	Open or	Natural or Created	8-foot Berm
Agriculture	Fenced	Vegetation Barrier	or <u>Terrain</u> <u>Barrier</u>
Orchards	250'	100'	75'
Row crops/ vegetables Livestock grazing	300'	100'	75'
pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- (b) Earth berms may be used to satisfy, in part, the setback guidelines. Berms shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees and/or grasses shall be planted on the berm to control erosion and achieve a finished height of 15 feet.
- (c) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.
- (d) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
- (e) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- (f) A variance to buffer setbacks may be granted upon a demonstration that the guidelines of Commission Rule 350-80-150(7) have been satisfied.
 - (3) Temporary Use Hardship Dwelling
- (a) The temporary placement of a mobile home in the General Management Area may be granted under the following circumstances:
- (A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.
- (B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.
- (C) The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural and recreation resources of Commission Rule 350-80-520 through 350-80-620.
- (b) A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this rule and any other conditions of approval.

- (c) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.
- (d) A new permit may be granted upon a finding that a family hardship continues to exist.
 - (4) Home Occupations and Cottage Industries

Home occupations and cottage industries may be established as specified in various land use designations consistent with the following conditions:

- (a) A home occupation may employ only residents of the home.
- (b) A cottage industry may employ up to three outside employees.
- (c) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.
- (d) No more than 500 square feet of an accessory structure may be used for a home occupation or cottage industry.
- (e) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- (f) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- (g) No retail sales may occur on the premises, except incidental sales at lodging establishments authorized in Commission rule 350-80-150(5).
- (h) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.
- (i) Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.
- (j) In the General Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-80-150 (4) and (5).
- (k) In the Special Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-80-150 (4) and (5), except Commission Rule 350-80-150 (5)(a).
 - (5) Bed and Breakfast Inns

Bed and breakfast inns may be established as authorized in specified land use designations subject to the following:

- (a) Guests may not occupy a facility for more than 14 consecutive days.
- (b) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.
- (c) Parking areas shall be screened so as to not be visible from Key Viewing Areas.
- (d) In the Special Management Area, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.
 - (6) Docks
- (a) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.

Miscellaneous [16]

- (b) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.
- (c) Public docks open and available for public use shall be allowed.
- (7) Variances from Setbacks and Buffers within the General Management Area.

Variances from setbacks and buffers within the General Management Area may be allowed subject to the following approval criteria:.

- (a) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:
- (A) A setback or buffer to protect one resource would cause the proposed use to fall within a setback or buffer to protect another resource; and
- (B) Variation from the specified setbacks or buffers would, on balance, best achieve the protection of the affected resources.
- (b) A setback or buffer for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied to allow a residence to be built on a parcel of land upon a demonstration that:
- (A) The land use designation otherwise authorizes a residence on the tract;
- (B) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer:
- (C) The variance from the specified setback or buffer is the minimum necessary to allow the residence.
- (c) The Development Review Officer may grant a variance to the setback and buffer requirements in Commission Rule 350-80-610, upon a finding that the following conditions exist:
- (A) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor.
- (B) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.
- (C) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.
- (D) The variance is the minimum necessary to accommodate the use.
- (d) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of General Management Area and Special Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:
- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be

- relied upon to meet this criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present at the site.
- (C) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives and policies in Chapter 4, Part I of the Management Plan.
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
 - (8) Indian Tribal Treaty Rights and Consultation
 - (a) Tribal Government Notice
- (A) New uses located in, or providing recreation river access to, the Columbia River or its fishbearing tributaries shall include the following supplemental information:
- (i) The site plan map shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.
- (ii) The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:
- (I) Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.
- (II) List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.
- (III) List tribal ceremonial fishing seasons in the project vicinity.
- (IV) Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.
- (B) Notices shall include a treaty rights protection plan if new uses may affect Indian treaty rights. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.
- (C) Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit substantive written comments to the Development Review Officer. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.
 - (b) Tribal Government Consultation
- (A) When substantive written comments are submitted to a Development Review Officer in a timely manner, the project applicant shall offer to meet with the Development Review Officer and the Indian tribal government that submitted comments within 10 calendar days. The 10-day

[17] Miscellaneous

consultation period may be extended upon agreement between the project applicant and the Indian tribal government

Consultation meetings should provide an opportunity for the project application and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.

- (B) Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a treaty rights protection plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe.
- (C) The Development Review Officer shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Development Review Officer.
 - (c) Conclusion of the Treaty Rights Protection Process
- (A) The Development Review Officer shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.

The final decision shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments. If the final decision contradicts the comments, recommendations, or concerns of Indian tribal governments, the Development Review Officer must justify how it reached an opposing conclusion.

- (B) The treaty rights protection process may conclude if the Development Review Officer determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.
- (C) A finding by the Development Review Officer that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.
- (9) If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.
- (10) Section 8(0) of the National Scenic Act (16 USC § 544f(0) is hereby incorporated by reference.

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

350-80-160. Signs.

- (1) Signs may be allowed pursuant in all land use designations in the General Management Area to the following provisions:
- (a) Except for signs along public highways necessary for public safety, traffic control or road construction which are

- consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:
- (A) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.
 - (B) New billboards.
 - (C) Signs with moving elements.
- (D) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.
- (b) Any sign which does not conform with a provision of 350-80-160 and has existed prior to adoption of the Management Plan, shall be considered non-conforming and subject to the following:
- (A) Alteration of existing non-conforming signs shall comply with Commission Rule 350-80-160.
- (B) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.
- (c) The following may be permitted without review, subject to consistency with Commission Rule 350-80-160 (1)(a):
 - (A) Ordinary repair and maintenance of signs.
- (B) Election signs which are not displayed for more than 60 days. Removal shall be accomplished within 30 days of election day.
- (C) "For Sale" signs not greater than 12 square feet. Removal shall be accomplished within 30 days of close of sale.
- (D) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual for Uniform Traffic Control Devices*. Removal shall be accomplished within 30 days of project completion.
- (E) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet.
- (F) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal shall be accomplished within 30 days of the close of the event.
- (G) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.
- (H) Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings, not on roofs or marquees.
- (d) All signs shall meet the following guidelines unless they conflict with the *Manual for Uniform Traffic Control Devices* for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual for Uniform Traffic Control Devices* shall supersede these guidelines.
- (A) The support structure shall be unobtrusive and have low visual impact.
- (B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of

Miscellaneous [18]

signs shall blend with their setting to the maximum extent practicable.

- (C) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.
- (D) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.
- (e) Business identification or facility entry signs located on the premises may be allowed, subject to Commission Rule 350-80-160 (1)(d).
- (f) Other signs not addressed or expressly prohibited by this rule may be permitted without review.
- (2) Signs in the Special Management Area shall be allowed pursuant to the following provisions:
 - (a) Prohibited Signs
 - (A) Advertising billboards.
- (B) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.
- (C) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.
- (b) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.
- (c) Temporary signs shall be permitted without review when in compliance with subsection (f) below and the following:
- (A) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area and displayed for no more than 60 calendar days. Removal shall be accomplished within 30 days of election day.
- (B) "For Sale" signs not greater than 12 square feet, removal shall be accomplished within 30 days of close of sale.
- (C) One temporary construction site identification sign which is not greater than 32 square feet. Removal shall be accomplished within 30 days of project completion.
- (D) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.
- (E) Temporary signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.
- (F) Temporary signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.
- (d) New signs shall be allowed as specified in the applicable land use designation.
- (e) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.
- (f) All new signs shall meet the following guidelines, and be consistent with the Manual for Uniform Traffic Control Devices:
- (A) Signs shall be maintained in a neat, clean and attractive condition.
- (B) The character and composition of sign materials shall be harmonious with the landscape and/or related to and

- compatible with the main structure upon which the sign is attached.
- (C) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
- (D) Signs shall be unobtrusive and have low contrast with the setting.
- (E) The visual impact of the support structure shall be minimized.
- (F) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
- (G) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.
- (H) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.
- (g) Public signs shall meet the following guidelines in addition to subsections (b) through (f) above:
- (A) The Graphic Signing System provides design guidelines for public signs in and adjacent to public road rights-of-way. All new and replacement public signs shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry.
- (B) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.
- (C) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.
- (h) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to subsections (b) through (f):
- (A) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than two square feet.
- (B) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.
- (C) Any signs relating to, or advertising, a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review.
- (D) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.
- (E) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.
- (F) Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.

- (i) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.
- (j) Directional and safety signs are allowed to the extent necessary to satisfy requirements for smooth traffic flow and public safety. All parties and jurisdictions placing such signs must do so in accordance with the Graphic Signing System, consistent with the standards in the Manual on Uniform Traffic Control Devices.
- (k) Interstate 84 shall not have interpretive signing, except for signs permitted for services. Regulatory, warning, service, and other signs as provided for in the Graphic Signing System are allowed.

350-80-170. Agricultural Land Designations.

Commission Rule 350-80-170 through 350-80-240 shall apply to those areas designated Large-Scale or Small-Scale Agriculture, SMA-Agriculture, and Agriculture-Special on the Scenic Area Land Use Designation Map.

350-80-180. Uses Allowed Outright-Agricultural Land.

- (1) The following uses are allowed on lands designated Large-Scale or Small-Scale Agriculture without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions of approval for other approved uses.
- (c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land designated SMA-Agriculture without review:
- (a) New agricultural uses and open space uses allowed under Commission Rule 350-80-340(10), except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair and operation of existing dwellings, structures, agricultural buildings, trails, roads, railroads, and utility facilities.
- (c) Accessory structures less than 60 square feet in area and less than 18 feet in height measured at the roof peak.
- (3) The following uses may be allowed on lands designated Agriculture-Special without review:
- (a) Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.
- (b) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads, and utility facilities.
- (c) Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, birdwatching, photography, horseback riding, and hiking.
- (d) Temporary livestock facilities, such as portable livestock pens and corrals.
- (e) New fences that exclude livestock from lands that are not part of an existing livestock operation.

350-80-190. Review Uses-Agricultural Land.

- (1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with the scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-20-520 through 350-80-620):
- (a) New cultivation, subject to compliance with Commission Rule 350-80-540 through 350-80-590.
- (b) Agricultural buildings in conjunction with agricultural use
- (c) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (d) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-80-150(3).
- (e) On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:
- (A) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.
- (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy subsection (e)(C)(iv) below; and
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
- (i) Size of the entire farm or ranch, including all land in the same ownership;
- (ii) Type(s) of agricultural uses (crops, livestock) and acreage;
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area; and
- (iv) Income capability. The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination shall be made using the following formula:

(A)(B)(C) = I where:

- A = Average yield of the commodity per acre, or unit of production
 - B = Average price of the commodity
- C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
 - I = Income Capability
- (f) On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria for use in evaluating the eligibility of cultural resources contained in the National Register Criteria for Evaluation (36 CFR 60.4).

Miscellaneous [20]

- (g) On lands designated Small-Scale Agriculture, a single-family dwelling on any legally existing parcel.
- (h) On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:
- (A) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister:
- (B) The dwelling would be located on the same parcel as the dwelling of the principal operator; and
- (C) The operation is a commercial enterprise as determined by Commission Rule 350-80-190 (1)(e)(C).
- (i) Construction, reconstruction or modifications of roads not in conjunction with agriculture.
- (j) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (k) Structures associated with hunting and fishing operations.
 - (1) Towers and fire stations for forest fire protection.
 - (m) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use;
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months; and
- (C) The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use
- (n) On lands designated Large-Scale Agriculture, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:
- (A) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
- (B) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;
- (C) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in Commission Rule 350-80-150(2), or any abutting parcel designated Commercial Forest Land or Large or Small Woodland, as required in Commission Rule 350-80-310;
- (D) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland; and

- (E) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.
- (o) On parcels in Small-Scale Agriculture, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in Commission Rule 350-80-150(1). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40, 80, or 160 acres, this provision will apply to parcels 80 acres or larger, 160 acres or larger, or 320 acres or larger, respectively.
- (p) Life estates, pursuant to Commission Rule 350-80-210.
- (q) Land divisions when all resulting parcels satisfy the minimum lot sizes as designated on the land use designation map.
- (2) The following uses may be allowed on lands designated SMA-Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-80-520 through 350-80-620). The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:
- (a) Forest uses and practices as allowed in Commission Rule 350-80-270 (2)(b).
- (b) A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:
- (A) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.
- (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy guideline (C)(iv), below.
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:
- (i) Size of the entire farm or ranch, including all land in the same ownership.
- (ii) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.
- (iv) Income capability. The farm or ranch, and all its contiguous parcels, must be capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula, with periodic adjustments for inflation:

(A)(B)(C) = I where:

A = Average yield of the commodity per acre or unit of production

B = Average price of the commodity

- C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
 - I = Income capability
 - (D) Minimum parcel size of 40 contiguous acres.
 - (c) Accessory structures, greater than 60 square feet.
- (d) Farm labor housing and agricultural buildings upon a showing that the following conditions exist:
- (A) The proposed housing or building is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by Commission Rule 350-80-190 (2)(b)(C).
- (B) The housing or building shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.
- (C) The housing or building shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-80-150(4). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.
- (f) Bed and breakfast inns subject to Commission Rule 350-80-150(5). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.
- (g) Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
 - (h) Aquaculture.
- (i) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Area.
- (j) Utility facilities necessary for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Agriculture lands.
- (B) The size is the minimum necessary to provide the service.
- (k) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.
- (1) Signs as specified in Commission Rule 350-80-160(2).
- (m) Community facilities and non-profit facilities related to agricultural resource management.
- (n) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- (o) Recreation, interpretive and educational developments and uses consistent with Commission Rule 350-80-620.
 - (p) Road and railroad construction and reconstruction.
- (q) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primari-

- ly" means a clear majority of the product as measured by volume, weight, or value.
- (r) Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

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.

350-80-200. Review Uses with Additional Approval Criteria — Large-Scale or Small-Scale Agriculture Designations.

- (1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-80-520 through 350-80-620) and Commission Rule 350-80-220.
- (a) Utility facilities and railroads necessary for public service upon a showing that:
- (A) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and
- (B) The size is the minimum necessary to provide the service.
- (b) Home occupations or cottage industries in existing residential or accessory structures, subject to Commission Rule 350-80-150(4).
- (c) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (d) Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (f) Exploration, development and production of mineral and geothermal resources subject to Commission Rule 350-80-520.
- (g) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.
 - (h) Aquaculture.
- (i) Recreation development, subject to Commission Rule 350-80-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
 - (i) Boarding of horses.
- (k) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- (1) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-80-150(5) and provided that the residence:
- (A) Is included in the National Register of Historic Places; or

- (B) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation; or
- (C) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (m) Non-profit, environmental learning or research facilities.
 - (n) Expansion of existing schools or places of worship.
- (2) The following uses may be allowed on lands designated Agriculture-Special subject to compliance with the appropriate scenic, natural, cultural, and recreation resource guidelines (Commission Rule 350-80-520 through 350-80-620) and Commission Rule 350-80-230:
- (a) New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.
 - (b) New fences, livestock watering facilities, and corrals.
 - (c) Soil, water, and vegetation conservation uses.
- (d) Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.
- (e) Fish and wildlife management uses, educational activities, and scientific research.
- (f) Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.
- (g) Single-family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Commission Rule 350-80-190 (1)(n). The buffer guidelines for non-agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.
- (h) Recreation uses, subject to the provisions for recreation intensity classes (Commission Rule 350-80-620).

<u>350-80-210.</u> Approval Criteria for Life Estates — Large-Scale or Small-Scale Agriculture Designations.

A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in Commission Rule 350-80-040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Commission Rule 350-80-520 through 350-80-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- (1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-80-190 (1)(e).
- (2) Upon termination of the life estate, the original or second dwelling shall be removed.

350-80-220. Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture.

Uses identified in Commission Rule 350-80-200(1) may be allowed only if they meet both of the following criteria:

- (1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and
- (2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

350-80-230. Approval Criteria for Review Uses on Lands Designated Agriculture-Special.

Uses identified in Commission Rule 350-80-200(2) may be allowed only if they meet all of the following criteria:

- (1) A range conservation plan pursuant to Commission Rule 350-80-240 shall be prepared before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; or soil, water, and vegetation conservation activities are undertaken [review uses (a), (b) and (c) in Commission Rule 350-80-190(3)].
- (2) The Development Review Officer shall submit allland use applications and range conservation plans to the Oregon or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that an application and/or plan is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address any written comments submitted by the state heritage program in the development review order.
- (3) Based on the comments from the state heritage program, the Development Review Officer shall make a final decision on whether the proposed use is consistent with the Agriculture-Special policies of the Management Plan. If the final decision contradicts the comments submitted by the state heritage program, the Development Review Officer shall justify how it reached an opposing conclusion.

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.

350-80-240. Range Conservation Plans.

- (1) If a range conservation plan is required before a use is allowed, it shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon or Washington Natural Heritage Program should be consulted while the plan is being prepared.
- (2) Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:
- (a) Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.
 - (b) Preserve native trees and shrubs.
- (c) Reestablish native grasses in degraded areas that have been invaded by non-native plants and weeds.

- (3) Range conservation plans shall include the following elements:
- (a) Range inventory. This shall include existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.
- (b) Rehabilitation plan. This shall include actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.
- (c) Livestock management plan. This shall include the grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans shall project livestock movements for at least 3 years.
- (d) Monitoring program. This shall track the annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

350-80-250. Forest Land Designations.

Commission Rule 350-80-250 through 350-80-310 shall apply to those areas designated Commercial Forest Land, Large or Small Woodland and SMA-Forest on the Scenic Area Land Use Designation Map.

350-80-260. Uses Allowed Outright — Forest Land.

- (1) The following uses are allowed on lands designated Commercial Forest Land or Large or Small Woodland without review:
- (a) Forest practices that do not violate conditions of approval for other approved uses.
 - (b) Agricultural use, except new cultivation.
- (c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land designated SMA-Forest without review:
- (a) New agricultural uses as allowed in Commission Rule 350-80-180(2) and the open space uses allowed in Commission Rule 350-80-340(10), except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing dwellings, signs, structures, trails, roads, railroads, and utility facilities.
- (c) Accessory structures of less than 60 square feet in area and less than 18 feet in height measured at the roof peak.

350-80-270. Review Uses — Forest Land.

(1) The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):

- (a) On lands designated Large Woodland, a single-family dwelling upon a demonstration that all of the following conditions exist:
- (A) The dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The principal purpose for locating a dwelling on lands designated Large Woodland is to enable the resident to conduct efficient and effective forest management. This requirement indicates a relationship between ongoing forest management and the location of a dwelling on the subject parcel. A dwelling may not always be required for forest management.
- (B) The subject parcel has been enrolled in the appropriate state's forest assessment program.
- (C) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor and expenses; and how the dwelling will contribute toward the successful completion of the operations.
- (D) The parcel has no other dwellings that are vacant or currently occupied by persons not engaged in forestry and that could be used as the principal forest dwelling.
- (E) The dwelling complies with the "Approval Criteria for the Siting of Dwellings on Forest Land" (Commission Rule 350-80-310) and "Approval Criteria for Fire Protection in Forest Zones" (Commission Rule 350-80-300).
- (F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (b) On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with Commission Rule 350-80-300 and Commission Rule 350-80-310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (c) One single-family dwelling if shown to be in conjunction with and substantially contribute to the current agricultural use of a farm pursuant to Commission Rule 350-80-190 (1)(e). The siting of the dwelling shall comply with Commission Rule 350-80-300.
- (d) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure

shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when the particular forest practice for which it was approved has concluded.

- (e) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.
- (f) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (g) Structures associated with hunting and fishing operations
 - (h) Towers and fire stations for forest fire protection.
- (i) New agricultural structures subject to Commission Rule 350-80-300.
- (j) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-80-150(3), 350-80-300 and 350-80-310.
- (k) Accessory building(s) greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peak; subject to Commission Rule 350-80-300 and 350-80-310.
- (1) A second single-family dwelling for a farm operator's relative, subject to Commission Rule 350-80-190 (1)(h), 350-80-300 and 350-80-310.
- (m) Private roads serving a residence, subject to Commission Rule 350-80-300 and 350-80-310.
- (n) Recreation development, subject to Commission Rule 350-80-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
- (o) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.
 - (p) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use.
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.
- (C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural
- (q) On lands designated Commercial Forest Land, a temporary mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to Commission Rule 350-80-300 and 350-80-310.
- (4) On parcels in Small Woodland, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" [Commission Rule 350-80-150(1)]. If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in

size or larger. Similarly, if the designated minimum parcel size is 40 or 80 acres, this provision will apply to parcels 80 acres or larger or 160 acres or larger, respectively.

- (s) New cultivation, subject to compliance with Commission Rule 350-80-540, 350-80-560, 350-80-570, 350-80-580 and 350-80-590.
- (t) Life Estates on lands designated Large or Small Woodland, pursuant to Commission Rule 350-80-320.
- (2) The following uses may be allowed on lands designated SMA-Forest subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620). The use or development will be sited to minimize the loss of land suitable for the production of forest products:
 - (a) Any use listed in Commission Rule 350-80-190(2).
- (b) Forest practices in accordance with a site plan for forest practices approved by the Oregon Department of Forestry or Washington Department of Natural Resources, or other designated forest practices review agency, including the following:
- (A) The following information, in addition to the site plan requirements of Commission Rule 350-80-080, shall be included on the site plan:
 - (i) Boundary of proposed commercial forest practice.
 - (ii) Location of proposed rock or aggregate sources.
 - (iii) Timber types.
 - (iv) Harvest units.
 - (v) Silvicultural prescriptions.
- (vi) Road and structure construction and/or reconstruction design.
 - (vii) Major skid trails, landings, and yarding corridors.
 - (viii) Commercial firewood cutting areas.
 - (ix) Existing and proposed rock pit development plans.
- (x) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.
 - (B) A discussion of slash disposal methods.
- (C) A reforestation plan as reviewed by the appropriate state forest practices agency.
 - (c) Railroad and road construction or reconstruction.
- (d) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products in the Special Management Area.
 - (e) Silvicultural nurseries.
- (f) Utility facilities for public service upon a finding that:
- (A) There is no alternative location with less adverse effect on Forest Land, and
- (B) The size is the minimum necessary to provide the service.
- (g) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
 - (h) Fish hatcheries and aquaculture facilities.
- (i) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with Commission Rule 350-80-620.
- (j) One dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling is necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

- (A) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.
- (B) The subject parcel has been enrolled in the state's forest assessment program.
- (C) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.
- (D) There are no other dwellings on the parcel that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
- (E) The dwelling complies with all applicable building code and fire protection guidelines.
- (F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.
 - (k) Accessory structures over 60 square feet.
- (l) Home occupations and cottage industries pursuant to Commission Rule 350-80-150(4).
- (m) Temporary portable facility for the processing of forest products.
 - (n) Towers and fire stations for forest fire protection.
- (o) Community facilities and nonprofit facilities related to forest resource management.
- (p) Expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.
- (q) Signs as specified in Commission Rule 350-80-160(2).

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.

350-80-280. Review Uses with Additional Approval Criteria — Commercial Forest Land, or Large or Small Woodland Designations.

The following uses may be allowed on lands designated Commercial Forest Land, or Large or Small Woodland, subject to compliance with the appropriate scenic, cultural, natural, or recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620) and Commission Rule 350-80-290:

(1) Utility facilities and railroads necessary for public service upon a showing that (a) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recre-

- ation resources and (b) the size is the minimum necessary to provide the service.
- (2) Home occupations or cottage industries in an existing residence or accessory structure, subject to the guidelines in Commission Rule 350-80-150(4).
- (3) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (4) Wineries, in conjunction with onsite viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (5) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (6) Exploration, development, and production of mineral and geothermal resources, subject to Commission Rule 350-80-520 through 350-80-530.
 - (7) Aquaculture.
 - (8) Boarding of horses.
- (9) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.
- (10) Expansion of existing nonprofit group camps, retreats, or conference centers.
- (11) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-80-150(5) and provided that the residence:
- (a) Is included in the National Register of Historic Places, or
- (b) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or
- (c) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (12) Nonprofit, environmental learning or research facilities.

350-80-290. Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland.

Uses identified in Commission Rule 350-80-280 may be allowed only if they meet the following criteria:

- (1) The owners of land designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;
- (2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;
- (3) The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands; and
- (4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with Commission Rule 350-80-300.

<u>350-80-300.</u> Approval Criteria for Fire Protection in Forest Designations.

All uses, as specified, shall comply with the following fire safety guidelines:

- (1) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.
- (2) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).
- (3) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
- (4) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district, and the Washington Department of Natural Resources in Washington, or the Oregon Department of Forestry in Oregon.
- (5) Within one year of the occupancy of a dwelling, the Development Review Officer shall conduct a review of the development to assure compliance with these guidelines.
- (6) Telephone and power supply systems shall be underground whenever possible.
- (7) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
- (8) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
- (9) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.
- (10) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant.

350-80-310. Approval Criteria for Siting of Dwellings on Forest Land.

The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:

(1) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at

- least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
- (2) The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or land productivity.
- (3) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- (4) A variance to the siting guidelines of this rule may be granted pursuant to the provisions of Commission Rule 350-80-150(7).

350-80-320. Approval Criteria for Life Estates in Commercial Forest Land or Small or Large Woodland.

A landowner who sells or otherwise transfers real property on lands designated Commercial Forest Land or Large or Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel. A second dwelling unit on lands designated Commercial Forest Land or Large or Small Woodland may be allowed, subject to compliance with the guidelines in Commission Rule 350-80-520 through 350-80-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- (1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-80-190 (1)(e).
- (2) On lands designated Large Woodland, the dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The proposed dwelling shall comply with guideline 350-80-270 (1)(a).
- (3) On lands designated Small Woodland, the proposed dwelling complies with guideline 350-80-270 (1)(b).
- (4) Upon termination of the life estate, the original or second dwelling shall be removed.

350-80-330. Open Space Designations.

Commission Rule 350-80-330 through 350-80-340 shall apply to those areas designated GMA-Open Space and SMA-Open Space on the Scenic Area Land Use Designation Map.

350-80-340. Review Uses — Open Space.

(1) The following uses may be allowed on all lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources

guidelines (Commission Rule 350-80-520 through 350-80-620):

- (a) Low intensity recreation, subject to Commission Rule 350-80-610(2).
- (b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.
- (c) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydroelectric facilities.
- (d) Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.
- (2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands landscape setting:
 - (a) All uses listed in Commission Rule 350-80-340(1).
 - (b) Livestock grazing.
- (c) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (d) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.
 - (e) Harvesting of wild crops.
 - (f) Educational or scientific research.
- (g) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic, cultural, natural and recreation resources (Commission Rule 350-80-520 through 350-80-620).
- (5) The following uses may be allowed on land designated GMA-Open Space within the Mosley Lakes Natural Area:
- (a) All those uses allowed in Commission Rule 350-80-340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- (c) Educational or scientific research, after consultation with the Washington Natural Heritage Program.
 - (d) Commercial trapping.
- (4) The following uses may be allowed on land designated GMA-Open Space within the Chenoweth Table Natural Area:
- (a) All those uses allowed in Commission Rule 350-80-340(1).
- (b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Oregon Natural Heritage Program.
- (c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Natural Heritage Program.
- (d) Educational or scientific research, after consultation with the Oregon Natural Heritage Program.
- (5) The following uses may be allowed on land designated GMA-Open Space within the Squally Point Natural Area:
- (a) Except as limited by guideline (5)(b) below, all those uses allowed in Commission Rule 350-80-340(1).
- (b) Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Oregon Natural Heritage Program.

- (c) Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Natural Heritage Program.
- (6) The following uses may be allowed on land designated GMA-Open Space within the Klickitat River Wildlife and Natural Area:
- (a) All those uses allowed in Commission Rule 350-80-340(1).
- (b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.
- (c) Wildlife management uses conducted by federal state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- (d) Educational or scientific research, after consultation with the Washington Natural Heritage Program.
- (7) The following uses are allowed on land designated GMA-Open Space within the Balch Lake Wetland Area:
- (a) All those uses allowed in Commission Rule 350-80-340(1).
- (b) Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.
- (c) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
- (d) Educational and scientific research, after consultation with the Washington Department of Wildlife.
- (e) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Department of Wildlife.
- (8) The following uses may be allowed on lands designated GMA-Open Space within the mouth of the Winc River Wildlife Area:
- (a) All those uses allowed in Commission Rule 350-80 340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
- (c) Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
- (e) Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.
 - (f) Commercial fishing and trapping.
- (g) Low-intensity recreation, subject to the guideline: for recreation intensity classes 350-80-610(2), after consultation with the Washington Department of Wildlife.
- (9) The following uses may be allowed on land designated GMA-Open Space within state parks:
 - (a) All uses listed in Commission Rule 350-80-340(1)
- (b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
 - (e) Educational or scientific research.
- (10) On land designated SMA-Open Space, the mainte nance, repair, and operation of existing dwellings, structures trails, roads, railroads, and utility facilities may occu without review.

- (11) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620) and when consistent with an open space plan approved by the U.S. Forest Service pursuant to guideline (12) below:
- (a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.
- (b) Structures or vegetation management activities, including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.
- (c) Low intensity recreation uses, including educational and interpretive facilities, consistent with Commission Rule 350-80-620.
- (d) Utility facilities for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Open Space land.
- (B) The size is the minimum necessary to provide the service.
- (e) New signs, pursuant to Commission Rule 350-80-160.
- (12) An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:
- (a) Direction for resource protection, enhancement, and management.
- (b) Review of existing uses to determine compatibility with Open Space values.
- (c) Consultation with members of the public and with agency and resource specialists.

350-80-350. Residential Land Designations.

Commission Rule 350-80-350 through 350-80-390 shall apply to those areas designated Residential on the Scenic Area Land Use Designation Map.

<u>350-80-360.</u> Uses Allowed Outright — Residential Land.

- (1) The following uses are allowed on lands in the General Management Area designated Residential without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions of approval for other approved uses.
- (c) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land in the Special Management Area designated Residential without review:
- (a) Agricultural uses except where there would be potential impact to cultural or natural resources.

- (b) Maintenance, repair, and operation of dwellings, signs, structures, existing trails, roads, railroads, and utility facilities.
- (c) Accessory structures of less than 60 square feet in area and 18 feet in height measured at the roof peak.

350-80-370. Review Uses - Residential Land.

- (1) The following uses may be allowed on lands in the General Management Area designated Residential, subject to compliance with the scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):
- (a) One single-family dwelling per legally created parcel.
- (A) If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland, the use shall comply with the buffer and notification requirements of Commission Rule 350-80-150(2), 350-80-310(1), and the notification requirements of Commission Rules 350-80-190 (1)(n)(E) and 350-80-290(1); and
- (B) If the subject parcel is located adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines of Commission Rule 350-80-300.
- (b) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (c) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-80-150(3).
 - (d) Construction or reconstruction of roads.
- (e) On parcels 10 acres or larger designated Residential-5, or 20 acres or larger designated Residential-10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of Commission Rule 350-80-150(1).
- (f) New cultivation, subject to compliance with Commission Rule 350-80-540 and 350-80-660 through 350-80-590.
- (g) Land divisions, subject to the minimum lot size as indicated on the Land Use Designation Map.
- (2) The following uses may be allowed on lands in the Special Management Area designated Residential subject to compliance with the scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):
- (a) One single-family dwelling per legally created lot or consolidated parcel, subject to the guidelines of Commission Rule 350-80-270 (2)(j)(E).
 - (b) Accessory structures over 60 square feet.
 - (c) New utility facilities.
 - (d) Fire stations.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-80-150(4).
- (f) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 350-80-150(5).
 - (g) Community parks and playgrounds.
 - (h) Road and railroad construction and reconstruction.

- (i) Forest practices, pursuant to the provisions of Commission Rule 350-80-270(2).
 - (j) Signs, as specified in Commission Rule 350-80-160.

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.

350-80-380. Review Uses with Additional Approval Criteria — Residential Land.

The following uses may be allowed on lands in the General Management Area designated Residential subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620), and Commission Rule 350-80-390:

- (1) Accredited child care centers on land designated 1acre Residential or 2-acre Residential. A child care center may be allowed in other Residential designations within an existing church or community building.
- (2) Schools within an existing church or community building.
 - (3) Utility facilities and railroads.
- (4) Home occupations and cottage industries pursuant to Commission Rule 350-80-150(4).
 - (5) Fire stations.
- (6) Recreation development, subject to compliance with Commission Rule 350-80-610.
- (7) Community parks and playgrounds, consistent with the guidelines of the National Park and Recreation Society regarding the need for such facilities.
- (8) Bed and breakfast inns in single-family dwellings located on lands designated Residential-5 or Residential-10, pursuant to 350-80-150(5).

<u>350-80-390.</u> Approval Criteria for Specified Review Uses on Lands Designated Residential.

The uses identified in Commission Rule 350-80-390 may be allowed only if they meet all of the following:

- (1) The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, and noise, dust and odors.
- (2) The proposed use will not require public services other than those existing or approved for the area.
- (3) If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-80-150(2).
- (4) If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-80-300.

350-80-400. Rural Center.

Commission Rule 350-80-400 through 350-80-420 shall apply to those areas designated Rural Center on the Scenic Area Land Use Designation Map.

350-80-410. Uses Allowed Outright -- Rural Center.

The following uses are allowed on lands designated Rural Center without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

350-80-420. Review Uses - Rural Center.

The following uses may be allowed on lands designated Rural Center subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):

- (1) One single-family dwelling per legally created parcel.
- (2) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (3) The temporary use of a mobile home in the case of a family hardship, pursuant to Commission Rule 350-80-150(3).
 - (4) Duplexes.
 - (5) Fire stations.
 - (6) Libraries.
 - (7) Government buildings.
 - (8) Community centers and meeting halls.
 - (9) Schools.
 - (10) Accredited child care centers.
- (18) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.
 - (a) Grocery stores.
 - (b) Variety and hardware stores.
 - (c) Shops, offices and repair shops.
 - (d) Personal services such as barber and beauty shops.
 - (e) Travelers accommodations, bed and breakfast inns
 - (f) Restaurants.
 - (g) Taverns and bars.
 - (h) Gas stations.
 - (i) Gift shops.
- (12) Home occupations or cottage industries in ar existing residence or accessory structure, pursuant to Commission Rule 350-80-150(4).
 - (13) Utility facilities and railroads.
- (14) Recreation development, subject to Commission Rule 350-80-610.
 - (15) Places of worship.
- (16) New cultivation, subject to compliance with Commission Rule 350-80-540, 350-80-560, 350-80-570, 350 80-580 and 350-80-590.
- (17) Land divisions subject to Commission rule 350-80 150(1).
- (18) Planned developments incorporating features sucl as consolidated access and commonly shared open areas.

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

350-80-430. Commercial Land.

Commission Rule 350-80-430 through 350-80-360 shall upply to those areas designated Commercial on the Scenic Area Land Use Designation Map.

350-80-440. Uses Allowed Outright — Commercial nd.

The following uses are allowed on lands designated Commercial without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of pproval for other approved uses.
- (3) Repair, maintenance and operation of existing tructures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not xceeding 18 feet in height measured at the roof peak, which re accessory to a dwelling.

350-80-450. Review Uses with Additional Approval Criteria — Commercial Land.

The following uses may be allowed on lands designated lommercial, subject to compliance with the appropriate cenic, cultural, natural, and recreation resources guidelines Commission Rule 350-80-520 through 350-80-620), and lommission Rule 350-80-460:

- (1) Travelers accommodations, bed and breakfast inns ubject to Commission Rule 350-80-150(5).
 - (2) Restaurants.
 - (3) Gift shops.
- (4) Home occupations or cottage industries in an xisting residence or accessory structure, pursuant to commission Rule 350-80-150(4).
- (5) One single-family dwelling per legally created arcel.
 - (6) Utility facilities and railroads.

<u>350-80-460.</u> Approval Criteria for Review Uses on ands Designated Commercial.

The uses identified in Commission Rule 350-80-450 tay be allowed only if they meet both of the following riteria:

- (1) The proposal is limited to 5,000 square feet of floor rea per building or use.
- (2) The proposed use would be compatible with the irrounding areas, including review for impacts associated ith the visual character of the area, traffic generation and pise, dust and odors.

350-80-470. Recreation.

Commission Rule 350-80-470 through 350-80-510 shall oply to those areas designated Public Recreation and

Commercial Recreation on the Scenic Area Land Use Designation Map.

<u>350-80-480.</u> Uses Allowed Outright — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on lands in the General Management Area designated Public Recreation and Commercial Recreation without review:
- (a) Forest practices that do not violate conditions of approval for other approved development.
- (b) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.
 - (c) Agricultural uses, except for new cultivation.
- (2) The following uses are allowed on lands in the Special Management Area designated Public Recreation without review:
- (a) Agricultural use, except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.
- (c) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.

<u>350-80-490.</u> Review Uses — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on all lands in the General Management Area designated Public Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620), and where applicable Commission Rule 350-80-610 (5)(a) and (c) through (g):
- (A) Publicly-owned, resource-based recreation uses consistent with Commission Rule 350-80-610.
- (B) Commercial uses and non-resource based recreation uses that are part of an existing or approved, resource-based public recreation use consistent with guidelines contained in this section.
- (C) New cultivation, subject to compliance with Commission Rule 350-80-540 and 350-80-560 through 350-80-590.
- (b) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620), and Commission Rule 350-80-500:
- (A) Residences and accessory structures, limited to one single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation, communication and public works facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-80-500(3).

- (2) The following uses are allowed on all lands in the General Management Area designated Commercial Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Commercial Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620), and where applicable Commission Rule 350-80-610 (5)(a) and (c) through (g):
- (A) Commercially-owned, resource-based recreation uses consistent with Commission Rule 350-80-610.
- (B) Overnight accommodations that are part of a commercially-owned resource-based recreation use, where such resource-based recreation use occurs on the subject site or is accessed through the site on adjacent lands, and which meet the following guidelines:
- (i) Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.
- (ii) Buildings containing more than one unit are no larger than 5,000 square feet in total floor area and no higher than two and one-half stories.
- (iii) The total number of individual units shall not exceed 25, unless the proposed development complies with guidelines for clustered accommodations in subsection (iv) below
- (iv) Clustered overnight travelers accommodations meeting the following guidelines may include up to 35 individual units:
- (I) Average total floor area of all units is 1,000 square feet or less per unit;
- (II) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);
- (III) The facility is in an area classified for high intensity recreation (Recreation Intensity Class 4).
- (C) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and nonresource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the guidelines contained in this section.
- (D) New cultivation, subject to compliance with Commission Rule 350-80-540 and 350-80-560 through 350-80-590.
- (b) The following uses may be allowed, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620), and Commission Rule 350-80-510:
- (A) Residences and accessory structures limited to one single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation and communication facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-80-510(3).
- (3) The following uses are allowed on lands in the Special Management Area designated Public Recreation subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):

- (a) Forest uses and practices as allowed in Commission Rule 350-80-270(2).
- (b) Public trails, consistent with Commission Rule 350-80-620.
- (c) Public recreational facilities, consistent with Commission Rule 350-80-620.
- (d) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.
- (e) All dwellings and accessory structures larger than 60 square feet.
- (f) Home occupations and cottage industries, pursuant to Commission Rule 350-80-150(4).
 - (g) Road and railroad construction and reconstruction.
- (h) Utility facilities for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Public Recreation land.
- (B) The size is the minimum necessary to provide the service.
 - (i) New signs pursuant to 350-80-160(2).
- (j) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
- (k) Agricultural uses as allowed in Commission Rule 350-80-190(2).
- (4) New commercial recreation facilities shall be allowed in Forest Land and Agricultural Land use designations, consistent with the guidelines established for the recreation intensity classes Commission Rule 350-80-620.

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.

<u>350-80-500.</u> Approval Criteria for Non-Recreation Uses in Public Recreation Designations.

The uses identified in Commission Rule 350-80-490 (1)(b) may be allowed only if they meet the following criteria:

- (1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
- (2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
- (3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

<u>350-80-510.</u> Approval Criteria for Non-Recreation Uses in Commercial Recreation Designations.

The uses identified in Commission Rule 350-80-490 (2)(b) may be allowed only if they meet the following criteria:

(1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.

- (2) The proposed use will not permanently commit the najority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used o comply with this criterion.
- (3) Land divisions may be allowed upon a demonstraion that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

<u>350-80-520.</u> General Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

- (1) All Review Uses:
- (a) New buildings and roads shall be sited and designed o retain the existing topography and reduce necessary grading to the maximum extent practicable.
- (b) New buildings shall be generally consistent with the neight and size of existing nearby development.
- (c) Project applicants shall be responsible for the proper naintenance and survival of any planted vegetation required by the guidelines in Commission Rule 350-80-520.
- (d) For all proposed development, the determination of compatibility with the landscape setting shall be based on nformation submitted in the site plan.
- (e) For all new production and/or development of nineral resources and expansion of existing quarries, a eclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding andforms to the maximum extent practicable.

Such a plan shall be approved by the appropriate state igency for uses under their jurisdiction, or approved by the Development Review Officer with technical assistance from ipplicable state agencies for uses not under state agency urisdiction. At a minimum, such reclamation plans shall nelude:

- (A) A map of the site, at a scale of 1 inch equals 200 eet (1:2,400), or a scale providing greater detail, with 10 oot contour intervals or less, showing pre-mining existing rades and post-mining final grades; locations of topsoil tockpiles for eventual reclamation use; location of atch-basins or similar drainage and erosion control features mployed for the duration of the use; and the location of torage, processing and equipment areas employed for the luration of the use.
- (B) Cross-sectional drawings of the site showing re-mining and post-mining grades.
- (C) Descriptions of the proposed use, in terms of stimated quantity and type of material removed, estimated uration of the use, processing activities, etc.
- (D) Description of drainage/erosion control features to e employed for the duration of the use.
- (E) A landscaping plan providing for revegetation onsistent with the vegetation patterns of the subject land-cape setting, indicating the species, number, size and ocation of plantings for the final reclaimed grade, as well as description of irrigation provisions or other measures ecessary to ensure the survival of plantings.

- (2) All Review Uses visible from Key Viewing Areas shall comply with the following applicable guidelines:
- (a) Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.
- (b) The extent and type of conditions applied to a proposed development to achieve visual subordinance should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas from which it is visible, the number of Key Viewing Areas from which it is visible, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Written reports on determination of visual subordinance and final conditions of approval shall include findings addressing each of these factors.
- (c) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.
- (d) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in Commission Rule 350-80-080 and 350-80-520 (1)(e) for mining and associated activities:
- (A) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).
- (B) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.
- (e) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to Commission Rule 350-80-520 (1)(e) and subsection (d) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.
- (f) New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.
- (g) In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be give priority over other means of achieving visual subordinance, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.
- (h) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.

- (i) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.
- (j) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- (k) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the design guidelines for the subject property's landscape setting.
- (1) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.
- (m) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.
- (n) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Area, may itself protrude above the skyline if:
- (A) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and
- (B) There is no practicable alternative means of altering the building without increasing the protrusion.
- (o) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.
- (p) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.
- (q) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:
 - (A) The facility is necessary for public service;
- (B) The break in the skyline is seen only in the background; and

- (C) The break in the skyline is the minimum necessary to provide the service.
- (r) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:
 - (A) The facility is necessary for public service; and
- (B) The break in the skyline is the minimum necessary to provide the service.
- (s) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.
- (t) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this guideline. In determining the slope, the average percent slope of the proposed building site shall be used.
- (u) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Development Review Officer for compliance with Key Viewing Area policies. The grading plan shall include the following:
- (A) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - (i) Existing and proposed final grades;
- (ii) Location of all areas to be graded, with cut banks and fill slopes delineated; and
 - (iii) Estimated dimensions of graded areas.
- (B) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - (i) Its purpose;
- (ii) An estimate of the total volume of material to be moved;
 - (iii) The height of all cut banks and fill slopes;
- (iv) Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);
- (v) A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
- (vi) A description of any other interim or permanent erosion control measures to be utilized.
- (v) Expansion of existing quarries and new productior and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this chapter have been met.

- (B) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas.
- (C) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-80-520 (1)(e).
- (D) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:
- (i) A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible:
- (ii) An estimate of the surface area of exposed mining surfaces that would be visible from those Key Viewing Areas:
- (iii) The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;
- (iv) The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible:
- (v) The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.
- (vi) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.
- (w) Unless addressed by guideline (v) above, new production and/or development of mineral resources may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this section have been met;
- (B) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and
- (C) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-80-520 (1)(e).
- (x) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.
- (y) An interim time period to achieve compliance with full screening requirements for new quarries located less than

- 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).
- (z) Compliance with specific approval conditions to achieve visual subordinance (such as landscaped screening), shall occur within a period not to exceed 2 years after the date of development approval. This guideline shall apply to all development regulated by this section except mining and associated uses.
- (3) All Review Uses within the following landscape settings shall comply with the following applicable guidelines:
 - (a) Pastoral
- (A) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).
- (iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.
- (v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-80-520 (2)(k) or (1).
- (D) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature (as defined by Commission Rule 350-80-610), occurring infrequently in the landscape.
 - (b) Coniferous Woodland
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Structure height shall remain below the forest canopy level.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

- (i) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas).
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) The exteriors of structures shall be either natural or earth-tone colors unless specifically exempted by Commission Rule 350-80-520 (2)(k) or (l).
- (D) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.
 - (c) Oak-Pine Woodland
- (A) New development shall be compatible with the general scale (height, dimensions, and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Structure height shall remain below the tree canopy level in wooded portions of this setting.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development.
- (i) At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.
- (ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

For substantially wooded portions:

- (iii) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (iv) The exteriors of structures shall be either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-80-520 (2)(k) or (l).

For treeless portions or portions with scattered tree cover:

- (v) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.
- (vi) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.
- (vii) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

- (viii) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-80-520 (2)(k) or (l).
- (D) Resource-based recreation uses of varying intensities may be compatible with this setting, although most are of low-intensity nature (such as trails or small scenic outlooks). More intensive recreation uses may be compatible where allowed pursuant to Commission Rule 350-80-610, although they are generally rare in this setting. As with Woodland settings, intensive recreation uses in Oak-Pine Woodlands may be compatible if widely scattered and not in large concentrations.
 - (d) Grassland
- (A) New development shall be compatible with the general scale (height, dimensions, and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible. Exceptions to this guideline are permitted where necessary for farming operations.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.
- (ii) Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.
- (iii) Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.
- (iv) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-80-520 (2)(k) or (l).
- (D) Resource-based recreation uses of a very lowintensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting and wildlife viewing.
 - (e) Rural Residential
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.
- (C) In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be em-

Miscellaneous [36]

ployed to achieve visual subordinance for new development and expansion of existing development:

- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-80-520 (2)(k) or (1).
- (D) Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as small scenic overlooks).
- (f) Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland
- (A) New development in this setting shall meet the design guidelines for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In the event of a possible conflict between the guidelines, the guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable.
- (C) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.
 - (g) Residential
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In portions of this setting visible from Key Viewing Areas and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" section of Part I, Chapter 1 of the Management Plan), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and/or topography.
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- (iv) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

- (v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-80-520 (2)(k) or (1).
- (C) Compatible recreation uses are limited to community park facilities.
 - (h) Village
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.
- (C) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (Washington State Route 14 or the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.
- (D) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.
- (E) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.
- (F) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:
- (i) Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.
- (ii) The landscape strip required in guideline (F)(i) above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.
- (G) The use of building materials that reinforce the Village Setting's character, such as wood, logs or stone, and that reflect community desires, should be encouraged.
- (H) Architectural styles characteristic of the area (such as 1 and 1/2 story dormer roof styles in Corbett), and that reflect community desires, should be encouraged. Entry signs should be consistent with such architectural styles.
- (I) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.
- (J) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.
- (K) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.
- (L) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.
 - (i) River Bottomlands

- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include: black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.
- (iii) At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.
- (iv) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-80-520 (2)(k) or (l).
- (C) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderateintensity and/or high-intensity recreation uses may be compatible, provided that:

- (i) their designs emphasize retention and/or enhancement of native riparian communities,
- (ii) structures and parking areas are visually subordinate, and
- (iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.
 - (i) Gorge Walls, Canyons and Wildlands
- (A) New development and expansion of existing development shall be screened so it is not seen from Key Viewing Areas, to the maximum extent practicable.
- (B) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area
- (C) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.
- (D) All structures shall be limited in height to a maximum of 1 and 1/2 stories.
 - (E) All structures' exteriors shall be non-reflective.
- (F) Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors, unless public safety concerns or federal or state highway guidelines require otherwise.
- (G) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such

- compatible uses (such as trails) are generally associated with minimal facility development, if any.
- (4) All Review Uses within Scenic Travel Corridors shall comply with the following applicable guidelines:
- (a) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.
- (b) All new buildings and alterations to existing buildings, except in a Rural Center designation (village landscape setting), shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to Commission Rule 350-80-150(7). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.
- (c) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a Rural Center designation (village landscape setting), shall comply with guideline (4)(b) above to the maximum extent practicable.
- (d) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:
- (A) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;
- (B) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable guidelines to protect the resources.
- (e) When evaluating possible locations for undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.
- (f) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in Commission Rule 350-80-520 (2)(y).
- (g) Expansion of existing quarries may be allowed pursuant to Commission Rule 350-80-520 (2)(v). Compliance with visual subordinance requirements shall be achieved

Miscellaneous [38]

within time frames specified in Commission Rule 350-80-520 (2)(x).

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.

350-80-530. Special Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to all Review Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

- (1) All Review Uses in the Special Management Area regardless of location or landscape setting shall comply with the following applicable guidelines:
- (a) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.
- (b) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.
- (c) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.
- (d) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.
- (e) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.
- (f) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.
- (h) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.
- (i) Reflectivity of structures and site improvements shall be minimized.
- (j) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.
- (k) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.
- (2) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected,

- including cumulative effects, based on visibility from Key Viewing Areas.
- (3) All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.
- (4) New land uses or developments shall comply with the following applicable design guidelines:
- (a) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.
- (A) New developments and forest practices shall meet the Visual Quality Objective of partial retention.
- (B) The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.
- (C) Exterior colors of structures shall be earth-tone colors which will result in low contrast with the surrounding landscape.
- (D) Exterior colors of structures may be white, except for the roof, only in the Mt. Pleasant and Dodson-Warrendale areas where other white structures are evident in the setting.
- (b) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.
- (A) New developments and land uses in lands designated Federal Forest or Open Space shall meet the Visual Quality Objective of retention; all other land use designations shall meet the Visual Quality Objective of partial retention as seen from Key Viewing Areas.
- (B) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the Visual Quality Objective identified for those lands in those plans.
- (C) Buildings in the Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (E) The exteriors of structures in the Coniferous Woodland landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (F) Exterior colors of structures in Oak-Pine Woodland landscape setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (c) Residential: The Residential setting is characterized by concentrations of dwellings.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention.
- (B) At Rowena Dell, new buildings shall have a rustic appearance and use natural materials and earth-tone colors.
- (C) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

- (d) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention, except in areas designated Open Space which shall meet the Visual Quality Objective of retention.
- (B) Buildings shall have an overall horizontal appearance in areas with little tree cover.
- (C) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (D) Exterior colors of structures shall be earth-tone or water-tone colors which will result in low contrast with surrounding landscape.
- (e) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.
- (A) New developments and land uses shall meet the Visual Quality Objective of retention as seen from Key Viewing Areas.
- (B) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.
- (C) Temporary roads shall be promptly closed and revegetated.
- (D) New utilities shall be below ground surface, where feasible.
- (E) Use of plant species non-native to the Columbia River Gorge shall not be allowed.
- (F) Exterior colors of structures shall be dark earth tones that will result in the structure having low contrast with the surrounding landscape.
- (5) For forest practices the following guidelines shall apply:
- (a) Forest practices must meet the design guidelines and Visual Quality Objective for the landscape setting designated for the management area.
- (b) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries shall be delineated by the Forest Service.
- (c) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.
- (d) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, the maximum size of created openings shall be five acres.
- (e) Clearcutting shall not be used as a harvest practice on land designated Federal Forest Lands.
- (f) Created openings shall not create a break or opening in the vegetation in the skyline as viewed from a Key Viewing Area.
- (g) Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy shall be at least 20 feet tall.

<u>350-80-540.</u> General Management Area Cultural Resource Review Criteria.

- (1) General Provisions for Implementing the Cultural Resources Protection Process.
- (a) All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).
- (b) Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with Indian tribal governments and any person who submits written comments on a proposed use (interested person). Indian tribal governments shall be consulted if the affected cultural resources are prehistoric or otherwise associated with Native Americans. If the cultural resources are associated with non-Native Americans, such as an historic house or pioneer campsite, the Indian tribal governments do not have to be consulted.
- (c) Reconnaissance and Historic Surveys and Survey Reports.
 - (A) Reconnaissance survey requirements and exceptions.
- (i) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed as exceptions in Commission Rule 350-80-504 (1)(c)(A)(ii) below.
- (ii) A reconnaissance survey shall be required for all proposed uses, except:
- (I) The modification, expansion, replacement, or reconstruction of existing buildings and structures.
- (II) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.
- (III) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.

The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

- (IV) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.
- (V) Proposed uses that would occur on sites that have been adequately surveyed in the past.

The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

- (VI) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
- Residential development that involves two or more new dwellings for the same project applicant.
- Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.
- Public transportation facilities that are outside improved rights-of-way.
- Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.
- Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It shall be refined and revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

- (B) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.
- (C) The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

For Commission Rule 350-80-540, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(D) Reconnaissance Surveys for Small-Scale Uses.

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

- (i) A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.
- (ii) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.
- (E) Reconnaissance Survey Reports for Small-Scale Uses

The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

- (i) A description of the fieldwork methodology used to identity cultural resources, including a description of the type and extent of the reconnaissance survey.
- (ii) A description of any cultural resources that were discovered in the project area, including a written description and photographs.
- (iii) A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.
 - (F) Reconnaissance Surveys for Large-Scale Uses
- (i) Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.
- (ii) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:
- (I) Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.
- (II) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.
- (III) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.
- (IV) Archaeological site inventory forms shall be submitted to the State Historic Preservation Officer whenever cultural resources are discovered.
- (G) Reconnaissance Survey Reports for Large-Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

- (i) A description of the proposed use, including drawings and maps.
- (ii) A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.
- (iii) A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.
- (iv) A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsur-

face probes. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

- (v) An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (vi) A summary of all written comments submitted by Indian tribal governments and other interested persons.
- (vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.
 - (H) Historic Surveys and Reports
- (i) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.
- (ii) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.
- (iii) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.
- (d) The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction. The Gorge Commission shall conduct and pay for evaluations of significance and mitigation plans for resources that are discovered during construction of small-scale and large-scale uses.
- (e) Cultural resources are significant if one of the following criteria is satisfied:
- (A) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4).
- (B) The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.
- (f) The Gorge Commission shall establish a Cultural Advisory Committee (CAC). The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribes. If a project applicant's and Indian tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and Indian tribal government's substantiated concerns. The CAC will submit a recommendation to the Development Review Officer as to whether affected cultural resources are significant.
- (2) Cultural Resource Reconnaissance and Historic Surveys
 - (a) Consultation and Ethnographic Research

(A) When written comments are submitted to the Development Review Officer within the comment period provided in Commission Rule 350-80-120, the project applicant shall offer to meet with the interested persons within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the interested persons.

Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

(B) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

(b) Notice of Survey Results

- (A) The Development Review Officer shall submit a copy of all cultural resource survey reports to the State Historic Preservation Officer and the Indian tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.
- (B) The State Historic Preservation Officer and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the proposed use would be consistent with Commission Rule 350-80-540. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how it reached an opposing conclusion.
- (B) The cultural resource protection process may conclude when one of the following conditions exists:
- (i) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.
- (ii) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiat-

ed concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.

(iii) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone.

Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present; and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

- (C) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:
- (i) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or
- (ii) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the Interior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983).

The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the State Historic Preservation Officer or the Development Review Officer question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

- (3) Evaluation of Significance
- (a) Evaluation Criteria and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

(A) Evaluations of significance shall follow the procedures in How to Apply the National Register Criteria for Evaluation (U.S. Department of the Interior, no date) and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date). They shall

be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

- (B) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.
- (C) The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
- (D) The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Oregon State Historic Preservation Office (Oregon SHPO 1990) or Washington Office of Archaeology and Historic Preservation (Washington SHPO, no date). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.
- (E) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.
 - (b) Notice of Evaluation Results
- (A) If the evaluation of significance demonstrates that the cultural resources are not significant, the Development Review Officer shall submit a copy of the evaluation of significance to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
 - (c) Cultural Resources are Culturally Significant
- (A) If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the Indian tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.
- (B) The Indian tribal government shall substantiate its concerns in a written report. The report shall be submitted to the Development Review Officer, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the Development Review Officer within 30 calendar days from the date the evaluation of significance is mailed.
- (d) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the affected resources are significant.

If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Officer or CAC, the Development Review Officer shall justify how an opposing conclusion was reached.

- (B) The cultural resource protection process may conclude if the affected cultural resources are not significant.
- (C) If the project applicant or the Development Review Officer determines that the cultural resources are significant, the effects of the proposed use shall be assessed.
 - (4) Assessment of Effect
 - (a) Assessment Criteria and Information Needs
- If a use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:
- (A) The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.9) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.8.
- (i) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.9(a)].
- (ii) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR 800.9(b)]. Adverse effects on cultural resources include, but are not limited to:
- (I) Physical destruction, damage, or alteration of all or part of the cultural resource.
- (II) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.
- (III) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting.
- (IV) Neglect of a significant cultural resource resulting in its deterioration or destruction.
- (B) The assessment of effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.
- (C) The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following instances apply:
- (i) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.
- (ii) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the*

Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior 1983).

- (b) Notice of Assessment Results
- (A) If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Development Review Officer shall submit a copy of the assessment to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.
- (C) A mitigation plan shall be prepared if a project applicant or the Development Review Officer determines that the proposed use would have an adverse effect on significant cultural resources.
 - (5) Mitigation Plans
 - (a) Mitigation Plan Criteria and Information Needs

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

- (A) Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Officer.
- (B) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

(C) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.8(d), including, bu not limited to:

- (i) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.
- (ii) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.
- (iii) Documentation of consultation with the State Historic Preservation Officer regarding any alternatives or mitigation measures.
- (iv) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and Development Review Officer.
- (v) Copies of any written recommendations submitted to the Development Review Officer or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.
 - (b) Notice of Mitigation Plan Results
- (A) If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Development Review Officer shall submit a copy of the mitigation plan to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.
- (C) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.
- (6) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Development Review Officer and the State Historic Preservation Officer. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (b) Notification. The project applicant shall notify the Development Review Officer and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Ameri-

cans, the project applicant shall also notify the Indian tribal governments within 24 hours.

(c) Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Officer. (See Oregon Revised Statute [ORS] 273.705, ORS 358.905 to 358.955, and Revised Code of Washington [RCW] 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in "Reconnaissance Survey Reports for Large-Scale Uses" [Commission Rule 350-80-540 (1)(c)(G)] and "Evaluation of Significance: Evaluation Criteria and Information Needs" [Commission Rule 350-80-540 (3)(a)].

Based on the survey and evaluation report and any written comments, the Development Review Officer shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

(d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

(7) Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

- (a) Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- (b) Notification. Local law enforcement officials, the Development Review Officer, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- (c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- (d) Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.
- (e) Treatment. In Oregon, prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In Washington, the procedures set forth in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/historic.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in "Mitigation Plans: Mitigation Plan Criteria and Information Needs" [Commission Rule 350-80-540 (5)(a)].

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the condi-

tions set forth in "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" [Commission Rule 350-80-540 (5)(c)] are met and the mitigation plan is executed.

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.

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.

<u>350-80-550.</u> Special Management Area Cultural Resource Review Criteria.

- (1) General Guidelines for Implementing the Cultural Resources Protection Process
- (a) All cultural resource information shall remain confidential, according to Section 6 (a)(1)(A) of the Scenic Area Act. Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.
- (b) All cultural resources surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.
- (c) The Forest Service will be responsible for performing the literature review and consultation, inventory, evaluations of significance, assessments of effect, and mitigation requirements in Commission Rule 350-80-550(4) for forest practices and National Forest System lands.
- (d) New developments or land uses shall not adversely affect significant cultural resources.
- (2) The procedures and guidelines in Commission Rule 350-80-540 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects and forest practices.
- (3) The procedures and guidelines in 36 CFR 800 and Commission Rule 350-80-550(4) shall be used by the Development Review Officer and federal agencies to evaluate new developments or land uses on federal lands, federally assisted projects, and forest practices.
- (4) The following procedures as well as the provisions in 36 CFR 800 shall be used to assess potential effects to cultural resources.
 - (a) Literature Review and Consultation
- (A) An assessment shall be made to determine if any cultural resources listed on the National Register of Historic Places at the national, state or county level exist on or within the area of potential direct and indirect impacts.
- (B) A search shall be made of state and county government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.
- (C) Consultation with cultural resource professionals knowledgeable about the area.
- (D) A field inventory by a cultural resource professional shall be required if the Forest Service or the Development

Review Officer determines that a recorded or known cultural resource exists on or within the immediate vicinity of a new development or land use, including those reported in consultation with the Tribal governments.

- (b) Field Inventory
- (A) Tribal representatives shall be invited to participate in the field inventory.
- (B) The field inventory shall consist of one or the other of the following guidelines, as determined by the cultural resource professional:
- (i) Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, augering or shovel probing of subsurface soils for the presence of buried cultural resources.
- (ii) Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

- (C) A field inventory report shall be prepared, and shall include the following:
- (i) A narrative integrating the literature review of section (4)(a) above with the field inventory of section (4)(b) above.
- (ii) A description of the field inventory methodology used, including the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
- (iii) A statement of the presence or absence of cultural resources within the area of the new development or land use
- (iv) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.
- (D) The report shall follow the format specified by the Washington Office of Archaeology and Historic Preservation for inventories conducted in the State of Washington. Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.
- (E) The field inventory report shall be presented to the Forest Service or the Development Review Officer for review.
 - (c) Evaluations of Significance
- (A) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with to the criteria of the National Register of Historic Places (36 CFR 60.4).

- (B) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
- (C) Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, Suidelines for the Evaluation and Documentation of Traditional Cultural Properties, within local and regional contexts.
- (D) Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service or the Development Review Officer shall review evaluations for adequacy.
- (E) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in he project area, and documentation of their concerns, shall be included as part of the evaluation of significance.
- (F) An assessment of effect shall be required if the Forest Service or the Development Review Officer deternines that the inventoried cultural resources are significant.
 - (d) Assessment of Effect
- (A) For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed levelopment or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 "Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for sections 4)(d)(B) through (4)(d)(D) below. The Forest Service or Development Review Officer shall review each determination for adequacy.
- (B) If the proposed development or change in use will have "No Adverse Effect," as defined by 36 CFR 800.8, to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Requirements" of 36 CFR 800.8(a).
- (C) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b) to significant cultural resource, the type and extent of adverse effect" upon the qualities of the property that make t eligible for the National Register shall be documented. This documentation shall follow the process outlined under 16 CFR 800.5(e).
- (D) If the "effect" appears to be beneficial (i.e., an inhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the jualities of the cultural resource that make it eligible to the vational Register. This documentation shall follow the process outlined under 36 CFR 800.8 ("Documentation Requirements").
 - (e) Mitigation
- (A) If there will be an effect on cultural resources, neasures shall be provided for mitigation of effects. These neasures shall address factors such as avoidance of the roperty through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.
- (B) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be ffected, and documentation of their concerns, shall be accluded for all mitigation proposals.
- (C) The Forest Service or the Development Review Officer shall review all mitigation proposals for adequacy.

- (5) Discovery During Construction
- All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Forest Service or the Development Review Officer if cultural resources are discovered during construction or development.
- (a) If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resources.
- (b) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
- (A) The applicant shall stop all work in the vicinity of the discovery.
- (B) The applicant shall immediately notify the Development Review Officer, the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.
- (C) The Forest Service or the Development Review Officer shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
- (D) A cultural resource professional shall evaluate the potential significance of the resource pursuant to Commission Rule 350-80-550 (4)(c) and report the results to the Forest Service or the Development Review Officer.
- (c) The cultural resource review process shall be complete and work may continue if the Forest Service or the Development Review Officer determines that the cultural resource is not significant.
- (d) The cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to Commission Rule 350-80-550 (4)(e) if the Forest Service or the Development Review Officer determines that the cultural resource is significant.

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.

<u>350-80-560.</u> General Management Area Wetland Review Criteria.

- (1) Wetlands Boundaries and Site Plans for Review Uses in Wetlands
- (a) If the proposed use is within a wetland or wetlands buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary.
- (A) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments.
- (B) All wetlands delineations shall be conducted by a professional which has been trained to use the federal delineation process, such as a soil scientist, botanist, or wetlands ecologist.

- (C) The Development Review Officer may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Development Review Officer shall, at the applicant's expense, obtain professional services to render a final delineation.
- (b) In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the wetland and the wetlands buffer zone; and
- (C) a description of actions that would alter or destroy the wetland.
- (2) Uses allowed outright in wetlands and wetlands buffer zones.
- (a) Commission Rule 350-80-560 shall not apply to proposed uses that would occur in the main stem of the Columbia River. The main stem of the Columbia River is depicted on the map titled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001 and dated September 1986. (This map is available at county planning departments and Commission and Forest Service offices.) The boundaries of the main stem appear as a heavy black line that generally follows the shoreline. For Commission Rule 350-80, backwaters and isolated water bodies created by roads and railroads are not part of the main stem of the Columbia River.
- (b) The following uses are allowed in wetlands and wetlands buffer zones without review, if they:
 - (A) Are conducted using best management practices;
- (B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and
- (C) Comply with all applicable federal, state, and county laws:
- (i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.
- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.

- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (3) The following uses may be allowed in wetlands and wetlands buffer zones when approved pursuant to the provisions in Commission Rule 350-80-560(5), and reviewed under the applicable provisions of Commission Rule 350-80-520 through 350-80-620:
- (a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:
- (A) Increase the size of an existing structure by more than 100 percent,
 - (B) Result in a loss of wetlands acreage or functions, or
- (C) Intrude further into a wetland or wetlands buffer zone. New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located to the wetland or wetlands buffer zone than the existing structure.
- (b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
- (c) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- (4) Uses not listed in Commission Rule 350-80-560 (2) and (3) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to Commission Rule 350-80-560(6) and reviewed under the applicable provisions of Commission Rule 350-80-520 through 350-80-620.
- (5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:
- (a) Practicable alternatives to locating the structure outside of the wetlands or wetland buffer zone and/or minimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of the wetlands, existing contour functions, vegetation, fish and wildlife resources, and hydrology;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal state, and county laws.
- (6) Applications for all other Review Uses in wetlands shall demonstrate that:

Miscellaneous [48]

- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:
- (A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands:
- (B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and
- (C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, echnology, logistics, and overall project purposes.

- (b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:
 - (A) The extent of public need for the proposed use.
- (B) The extent and permanence of beneficial or detrinental effects that the proposed use may have on the public and private uses for which the property is suited.
- (C) The functions and size of the wetland that may be affected.
- (D) The economic value of the proposed use to the general area.
- (E) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.
- (c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.
- (d) Groundwater and surface-water quality will not be legraded by the proposed use.
- (e) Those portions of a proposed use that are not vater-dependent or have a practicable alternative will not be ocated in wetlands or wetlands buffer zones.
- (f) The proposed use complies with all applicable ederal, state, and county laws.
- (g) Areas that are disturbed during construction will be ehabilitated to the maximum extent practicable.
- (h) Unavoidable impacts to wetlands will be offset hrough restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not ilternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts.

The following wetlands restoration, creation, and inhancement guidelines shall apply:

(A) Impacts to wetlands shall be offset by restoring or reating new wetlands or by enhancing degraded wetlands. Vetlands restoration shall be the preferred alternative.

- (B) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.
- (C) Wetlands restoration, creation, and enhancement projects shall use native vegetation.
- (D) The size of replacement wetlands shall equal or exceed the following ratios (the first number specifies the required acreage of replacement wetlands and the second number specifies the acreage of wetlands altered or destroyed):

(i) Restoration: 2:1 (ii) Creation: 3:1 (iii) Enhancement: 4:1

- (E) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.
- (F) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this guideline is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.
- (G) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.
- (H) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.
- (I) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.
 - (7) Wetlands Buffer Zones
- (a) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
- (b) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.
- (A) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.
- (B) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

- (C) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.
- (c) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(A) Forest communities: 75 feet
(B) Shrub communities: 100 feet
(C) Herbaceous communities: 150 feet

- (d) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
 - (8) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands. They shall satisfy the following guidelines:

- (a) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
- (b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.
- (c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.
- (d) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
- (A) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.
- (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
- (C) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.
- (e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.
- (f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

350-80-570. General Management Area Stream, Pond, Lake and Riparian Area Review Criteria.

- (1) Stream, Pond, and Lake Boundaries and Site Plans for Review Uses in Aquatic and Riparian Areas
- (a) If a proposed use would be in a stream, pond, lake or their buffer zones, the project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation.
- (b) In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes, and their buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the ordinary high watermark or normal pool elevation and prescribed buffer zone; and
- (C) a description of actions that would alter or destroy the stream, pond, lake, or riparian area.
- (2) Uses allowed outright in streams, ponds, lakes, and their buffer zones.
- (a) Commission Rule 350-80-670 shall not apply to proposed uses that would occur in those portions of the main stem of the Columbia River that adjoin the Urban Area.
- (b) The following uses are allowed in streams, ponds, lakes, and their buffer zones without review, if they:
 - (A) Are conducted using best management practices;
- (B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and
- (C) Comply with all applicable federal, state, and county laws:
- (i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.
- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation and shall require a review use permit. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.

Miscellaneous [50]

- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility acilities.
- (3) The following uses may be allowed in streams, sonds, lakes and riparian areas when approved pursuant Commission Rule 350-80-570(5), and reviewed under the applicable provisions of Commission Rule 350-80-520 hrough 350-80-620:
- (a) The modification, expansion, replacement, or econstruction of serviceable structures, provided that such actions would not:
- (A) Increase the size of an existing structure by more han 100 percent,
- (B) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or
- (C) Intrude further into a stream, pond, lake, or buffer one. New structures shall be considered intruding further nto a stream, pond, lake, or buffer zone if any portion of the tructure is located closer to the stream, pond, lake, or buffer one than the existing structure.
- (b) The construction of minor water-related recreation tructures that are available for public use. Structures in this ategory shall be limited to boardwalks; trails and paths, rovided their surface is not constructed of impervious naterials; observation decks; and interpretative aids, such as iosks and signs.
- (c) The construction of minor water-dependent structures nat are placed on pilings, if the pilings allow unobstructed low of water and are not placed so close together that they ffectively convert an aquatic area to dry land. Structures in his category shall be limited to public and private docks and oat houses, and fish and wildlife management structures nat are constructed by federal, state, or tribal resource gencies.
- (4) Uses not listed in Commission Rule 350-80-570 (2) nd (3) may be allowed in streams, ponds, lakes, and parian areas, when approved pursuant to Commission Rule 50-80-570(6) and reviewed under the applicable provisions f Commission Rule 350-80-520 through 350-80-620.
- (5) Applications for modifications to serviceable tructures and minor water-dependent and water-related tructures in aquatic and riparian areas shall demonstrate pat:
- (a) Practicable alternatives to locating the structure utside of the stream, pond, lake, or buffer zone and/or inimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure nat the structure will result in the minimum feasible lteration or destruction of water quality, natural drainage, nd fish and wildlife habitat of streams, ponds, lakes, and parian areas;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure ill be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal, ate, and local laws.
- (6) Applications for all other Review Uses in wetlands nall demonstrate that:
- (a) The proposed use is water-dependent, or is not ater-dependent but has no practicable alternative as etermined by Commission Rule 350-80-560 (6)(a), substi-

- tuting the term stream, pond, lake, or riparian area as appropriate.
- (b) The proposed use is in the public interest as determined by Commission Rule 350-80-560 (6)(b), substituting the term stream, pond, lake, or riparian area as appropriate.
- (c) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

At a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (A) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife, 1986). In Washington, the Washington Department of Wildlife and Washington Department of Fisheries shall evaluate specific proposals and specify periods for in-water work.
- (B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- (C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.
- (D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
- (E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.
- (F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
- (f) The proposed use complies with all applicable federal, state, and county laws.
- (g) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement guidelines shall apply:

- (A) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.
- (B) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.
- (C) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.
- (D) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- (E) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- (F) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.
- (G) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
- (H) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
- (I) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this guideline.
 - (7) Stream, Pond, and Lake Buffer Zones
- (a) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
- (A) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet
- (B) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet
- (C) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community as determined by Commission Rule 350-80-560 (7)(b), substituting the term pond or lake as appropriate.
- (b) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
- (c) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Development Review Officer may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Development Review Officer shall, at the project applicant's expense, obtain professional services to render a final delineation.
 - (8) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or

- enhance a stream, pond, lake and/or buffer area. They shall satisfy the following guidelines:
- (a) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists
- (b) All plans shall include an assessment of the physica characteristics and natural functions of the affected stream pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.
- (c) Plan view and cross-sectional, scaled drawings topographic survey data, including elevations at contou intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
- (A) Soil and substrata conditions, grading and excava tion, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffe zone.
- (B) Planting plans that specify native plant species quantities, size, spacing, or density; source of plant material or seeds; timing, season, water, and nutrient requirements fo planting; and where appropriate, measures to protect plant from predation.
- (C) Water-quality parameters, construction techniques management measures, and design specifications needed to maintain hydrologic conditions and water quality.
- (d) A 3-year monitoring, maintenance, and replacemen program shall be included in all rehabilitation and enhance ment plans. At a minimum, a project applicant shall prepar an annual report that documents milestones, successes problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.
- (e) A project applicant shall demonstrate sufficien fiscal, administrative, and technical competence to success fully execute and monitor a rehabilitation and enhancemer plan.

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

350-80-580. General Management Area Sensitiv Wildlife Review Criteria.

- (1) Sensitive Wildlife Areas and Sites and Site Plan Near Sensitive Wildlife
- (a) Proposed uses shall not adversely affect sensitive wildlife areas or sensitive wildlife sites:
- (A) "Sensitive wildlife areas" in the Columbia Gorg means the following land and water areas that appear in th wildlife inventory map prepared and maintained by th Gorge Commission:

Bald eagle habitat
Deer and elk winter range
Elk habitat
Mountain goat habitat
Peregrine falcon habitat
Pika colony area
Pileated woodpecker habitat
Pine marten habitat
Shallow water fish habitat (Columbia R.)

Miscellaneous [52]

Special streams
Special habitat area
Spotted owl habitat
Sturgeon spawning area
Tributary fish habitat
Turkey habitat
Waterfowl area

Western pond turtle habitat

- (B) "Sensitive wildlife sites" means sites that are used by animal species that are
- (i) listed as endangered or threatened pursuant to federal or state endangered species acts,
- (ii) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,
- (iii) listed as sensitive by the Oregon Fish and Wildlife Commission, or
- (iv) considered to be of special interest to the public (limited to great blue heron, osprey, golden eagle, and prairie falcon).
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (2) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:
- (a) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.
- (b) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
- (c) Forest practices that do not violate conditions of approval for other approved uses.
- (d) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (e) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
 - (3) Field Survey
- A field survey to identify sensitive wildlife areas or sites shall be required for:
 - (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
- (c) Public transportation facilities that are outside improved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

- (4) Uses not listed in Commission Rule 350-80-580(2) may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to Commission Rule 350-80-580(5) and reviewed under the applicable provisions of Commission Rule 350-80-520 through 350-80-620.
- (5) Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon Department of Fish and Wildlife or the Washington Department of Wildlife by the Development Review Officer. State wildlife biologists will review the site plan and their field survey records and:
- (A) Identify/verify the precise location of the wildlife area or site,
- (B) Ascertain whether the wildlife area or site is active or abandoned, and
- (C) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.
- (b) The following factors may be considered when site plans are reviewed:
 - (A) Biology of the affected wildlife species.
- (B) Published guidelines regarding the protection and management of the affected wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron. The Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the pereguine falcon, and the Larch Mountain salamander (Rodrick and Milner, 1991).
- (C) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
- (D) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.
- (E) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.
- (c) The wildlife protection process may terminate if the Development Review Officer, in consultation with the state wildlife agency, determines:
 - (A) The sensitive wildlife area or site is not active, or
- (B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.
- (d) If the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Development Review Officer

will incorporate them into the development review order and the wildlife protection process may conclude.

- (e) The project applicant shall prepare a wildlife management plan if the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.
- (f) The Development Review Officer shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the state wildlife agency in the land use review order.

Based on the comments from the state wildlife agency, the Development Review Officer will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the Development Review Officer shall justify how the opposing conclusion was reached.

The Development Review Officer shall require the applicant to revise the wildlife management plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(6) Wildlife Management Plans

Wildlife management plans shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet the following guidelines:

- (a) Wildlife management plans shall be prepared by a professional wildlife biologist hired by the project applicant.
- (b) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.
- (c) The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.
- (d) A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

- (e) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:
- (A) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.
- (B) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.
- (f) Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site.

Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.

(g) The applicant shall prepare and implement a 3-year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement guidelines.

- (7) New fences in deer and elk winter range
- (a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.
- (b) New and replacement fences that are allowed in winter range shall comply with the guidelines in <u>Specifications for Structural Range Improvements</u> (Sanderson, et. al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:
- (A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
- (B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

Miscellaneous [54]

- (C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
- (D) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
- (c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

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

Reviser's note: The 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.

<u>350-80-590.</u> General Management Areas Rare Plant Review Criteria.

- (1) Sensitive Plants and Site Plans for Review Uses Near Sensitive Plants
- (a) Proposed uses shall not adversely affect sensitive plants. "Sensitive plants" means plant species that are
 - (A) endemic to the Columbia River Gorge and vicinity,
- (B) listed as endangered or threatened pursuant to federal or state endangered species acts, or
- (C) listed as endangered, threatened, or sensitive by the Oregon or Washington Natural Heritage program.
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (2) The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:
- (a) Low-intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming, and hiking. Regarding sensitive plants, horseback riding is not considered a low-intensity use.
- (b) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.
- (c) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
- (d) Forest practices that do not violate conditions of approval for other approved uses.
- (e) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
 - (3) Field Survey

- A field survey to identify sensitive plants shall be required for:
 - (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities:
- (c) Public transportation facilities that are outside improved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. Field surveys shall identify the precise location of the sensitive plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map.

- (4) Uses not listed in Commission Rule 350-80-590(2) may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to Commission Rule 350-80-590(5), and reviewed under the applicable provisions of Commission Rule 350-80-520 through 350-80-620.
- (5) Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon or Washington Natural Heritage Program by the Development Review Officer. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

- (b) The rare plant protection process may conclude if the Development Review Officer, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.
- (c) New uses shall be prohibited within sensitive plant species buffer zones, except those listed in Commission Rule 350-80-590(2).
- (d) If a proposed use must be allowed within a sensitive plant buffer area in accordance with Commission Rule 350-80-150(7), the project applicant shall prepare a protection and rehabilitation plan pursuant to Commission Rule 350-80-590(6).
- (e) The Development Review Officer shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the Natural Heritage Program staff in the land use review order.

Based on the comments from the Natural Heritage Program staff, the Development Review Officer will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Development Review Officer shall justify how the opposing conclusion was reached.

(6) Protection and Rehabilitation Plans

Protection and rehabilitation plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance.

Protection and rehabilitation plans shall meet the following guidelines:

- (a) Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.
- (b) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.
- (c) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

- (d) Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.
- (e) Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.
- (f) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.
- (g) Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:
- (A) Describe the biology of sensitive plant species that will be affected by a proposed use.
- (B) Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.
- (C) Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.
- (D) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the Development Review Officer an annual report that documents milestones, successes, problems, and contingency actions.
 - (7) Sensitive Plant Buffer Zones
- (a) A 200-foot buffer zone shall be maintained around sensitive plants. Buffer areas shall remain in an undisturbed, natural condition.
- (b) Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation,

- man-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer zone be less than 25 feet.
- (c) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:
 - (A) Identifies the precise location of the sensitive plants,
 - (B) Describes the biology of the sensitive plants, and
- (C) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

(d) The Development Review Officer shall submit all requests to reduce sensitive plant species buffer areas to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that such a request is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the Oregon or Washington Natural Heritage Program in the development review order.

Based on the comments from the Oregon or Washington Natural Heritage Program, the Development Review Officer will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Development Review Officer shall justify how the opposing conclusion was reached.

<u>350-80-600.</u> Special Management Areas Natural Resource Review Criteria.

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation of destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the natural resource site evaluation and project analysis and evaluation for new uses and developments, except those sponsored by non-Forest Service federal and state agencies.

- (1) Buffer zones shall be undisturbed unless it has been shown that no practicable alternatives exist, pursuant to Commission Rule 350-80-560 (6(a)(A) through (C), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan that no adverse effects would result.
- (2) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection guidelines:
- (a) Location of the following sites and areas. The Forest Service will provide this information to the applicant.
- (A) Sites of sensitive wildlife and sensitive plant species.
- (B) Location of riparian and wetland areas. The exact location of the wetlands boundaries shall be delineated using

the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989). Changes to this manual shall not apply to wetlands in the Special Management Area unless the Management Plan has been amended.

- (b) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Development Review Officer.
 - (4) Review of the site plan shall consider the following:
- (a) Biology and habitat requirements of the flora or fauna of concern.
- (b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.
- (c) Existing condition of the site and the surrounding habitat and the useful life of the site.
- (d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.
- (e) Minimum natural resource protection guidelines including buffer zones.
- (f) Closure of forest practice roads necessary to protect natural resources.
 - (g) Comments from state and federal agencies.
- (5) Minimum natural resource protection guidelines include:
 - (a) Sites of sensitive wildlife and sensitive plan species.
- (A) A 200-foot buffer zone shall be created for sensitive plant species.
- (B) A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by species requirements shall be as determined by a Forest Service biologist in consultation with other state or federal agency biologists.
 - (b) Riparian areas, wetlands, parks, and lakes.
- (A) Wetlands shall not be destroyed except within roads and railroad rights-of-way as provided in guideline 6. Riparian areas shall not be destroyed, except for water-dependent uses, such as boat ramps, and road construction and reconstruction. The above-stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.
- (B) Adding any fill or draining of wetlands is prohibit-
- (C) A minimum 200-foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;
- (D) A 200 foot buffer zone shall be created along each fish-bearing and perennial stream.
- (E) A 50-foot buffer zone shall be created along intermittent streams.

- (F) Revegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.
- (G) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all the following:
- (i) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way;
 - (ii) The wetland is not critical habitat; and
- (iii) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.
 - (c) Fish and wildlife habitat:
- (A) Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.
- (B) New developments and uses shall not interfere with fish passage.
- (C) Filling of shallow-water fishery habitat shall be allowed only after an analysis shows that no other practicable sites exist. Filling shall only be considered for water-dependent uses, and mitigation shall be required.
- (D) New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Dept. of Fish and Wildlife 1986).
- (E) In areas of big game winter range, adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.
 - (F) Forest practices shall maintain the following:
- (i) Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.

In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16-inch diameter at breast height (dbh) or greater, preferably with limbs down to the ground, shall be maintained.

- (ii) Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area.
- (iii) Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.
 - (d) Bio-diversity.
- (A) New uses shall avoid disturbance to old-growth forests.
- (B) Forest practices shall maintain species composition at existing proportions in the activity area.
- (C) Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of 1-foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak

trees less than 1-foot dbh. No area greater than 10 acres in size and supporting existing oak species shall be devoid of oak trees.

- (D) A mix in age and size of hardwoods shall be maintained to provide vertical diversity and replacement.
- (E) For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.
 - (e) Soil productivity.
- (A) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (B) The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.
- (C) Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.
 - (D) Forest practices shall maintain the following:
- (i) Soil organic matter shall be provided at a minimum of 15 tons per acre and 25 tons per acre of dead and down woody material in the east and west side vegetation communities, respectively.
- (ii) Potential ground disturbance activities shall be designed to minimize disturbance to the soil organic horizon.
 - (f) Air and water quality.
- (A) Streambank and shoreline stability shall be maintained or restored with natural revegetation.
- (B) All new developments shall be carried out to comply with state water quality requirements.
- (C) County, state, and federal regulations for air and water quality and for pesticide use shall be followed.
- (D) Existing levels of air visibility shall not be degraded.
- (g) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:
 - (A) Include existing natural and cultural features.
- (B) Include proposed actions within and adjacent to the buffer zone.
- (C) Include mitigation measures as necessary to comply with the minimum natural resource protection guidelines and protect natural resources from adverse effects.
- (D) Be prepared by a natural resource specialist as defined.
- (E) Demonstrate mitigation measures that would offset the adverse effects of the proposed new use or developments and that would ensure protection, long-term viability, and function of the resource being protected by the buffer zone.
- (F) Be reviewed to ensure the proposed mitigation measures are adequate and comply with minimum natural resource protection guidelines. The mitigation plan shall be reviewed by the Forest Service in consultation with appropriate state or federal agencies, and reviewed and approved by the Development Review Officer.

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

350-80-610. General Management Areas Recreatior Resource Review Criteria.

The following uses may be allowed, subject to compliance with Commission Rule 350-80-610 (5) and (6).

- (1) Recreation Intensity Class 1 Very Low Intensity
- (a) Parking areas for a maximum of 10 cars for any allowed uses in Recreation Intensity Class 1.
- (b) Trails for hiking, equestrian and mountain biking use.
 - (c) Pathways for pedestrian and bicycling use.
- (d) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).
 - (e) Scenic viewpoints and overlooks.
 - (f) Wildlife/botanical viewing and nature study areas.
 - (g) River access areas.
- (h) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.
- (i) Entry name signs not to exceed 10 square feet pe sign.
 - (j) Boat docks, piers or wharfs.
 - (k) Picnic areas.
 - (1) Rest-rooms/comfort facilities.
 - (2) Recreation Intensity Class 2 Low Intensity
 - (a) All uses permitted in Recreation Intensity Class 1.
- (b) Parking areas for a maximum of 25 cars, including spaces for campground units, to serve any allowed uses it Recreation Intensity Class 2.
- (c) Simple interpretive signs and displays, not to exceed a total of 100 square feet.
- (d) Entry name signs not to exceed 20 square feet pe sign.
 - (e) Boat ramps, not to exceed two lanes.
 - (f) Campgrounds for 20 units or less, tent sites only.
 - (3) Recreation Intensity Class 3 Moderate Intensity
- (a) All uses permitted in Recreation Intensity Classes and 2.
- (b) Parking areas for a maximum of 75 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 3.
 - (c) Interpretive signs, displays and/or facilities.
- (d) Visitor information and environmental education signs, displays or facilities.
- (e) Entry name signs not to exceed 32 square feet pe sign.
 - (f) Boat ramps, not to exceed three lanes.
- (g) Concessions stands, pursuant to applicable policie in Chapter 4, Part I of the Management Plan.
- (h) Campgrounds for 50 individual units or less for tent and/or recreational vehicles, with a total density of no mor than 10 units per acre (density to be measured based on tota size of recreation facility and may include required buffe and setback areas). Class 3 campgrounds may also includ one group campsite area, in addition to the individua campground units or parking area maximums allowed a described herein.
 - (4) Recreation Intensity Class 4 High Intensity
- (a) All uses permitted in Recreation Intensity Classes 1 2, and 3.
- (b) Parking areas for a maximum of 250 cars, includin spaces for campground units, for any allowed uses i Recreation Intensity Class 4.

- (c) Horseback riding stables and associated facilities.
- (d) Entry name signs, not to exceed 40 square feet per sign.
 - (e) Boat ramps.
- (f) Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.
 - (5) Approval Criteria for Recreation Uses
- All proposed recreation projects outside of Public Recreation or Commercial Recreation land use designations shall comply with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620) and shall satisfy the following:
- (a) Compliance with Commission Rule 350-80-520 through 610.
- (b) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" guideline for the landscape setting in which the use is located.
- (c) For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland:
- (A) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.
- (B) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland.
- (d) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the county fire marshall) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

- (e) Trail or trailhead projects shall comply with applicable trails policies in the Management Plan.
- (f) For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries:

- compliance with applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan.
- (g) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with guidelines for protection of tribal treaty rights in Part IV, Chapter 3, Indian Tribal Treaty Rights and Consultation in the Management Plan.
- (h) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(i) For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access):

A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

- (6) Facility Design Guidelines for All Recreation Projects
- (a) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.
- (b) The facility design guidelines contained herein are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

- (c) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.
- (d) Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.
- (e) Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

- (f) Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.
- (g) Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.
- (h) Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
- (i) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.
- (j) Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Development Review Officer may allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.
- (k) A majority of trees, shrubs and other plants in landscaped areas shall be species native or naturalized to the landscape setting in which they occur (landscape setting design guidelines specify lists of appropriate species).
- (1) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.
- (m) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.
- (n) Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.
- (o) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.
- (p) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Development Review Officer, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.
- (q) Grading or soil compaction within the drip line of existing mature trees shall be avoided to the maximum

- extent practicable, to reduce risk of root damage and associated tree mortality.
- (r) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements
- (s) Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape guidelines contained herein, and shall be responsible for such maintenance and survival.
- (t) All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.
- (u) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified Recreation Intensity Class 4 (except for proposals predominantly devoted to boat access) shall comply with Commission Rule 350-80-610 (5)(i) regarding provision of mass transportation access.

350-80-620. Special Management Area Recreation Resource Review Criteria.

- (1) The following shall apply to all new recreation developments and land uses in the Special Management Area:
- (a) New developments and land uses shall not displace existing recreational use.
- (b) Only natural resource-based recreation shall be allowed.
- (c) Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on and off site cumulative effects shall be required.
- (d) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
- (e) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
- (f) The facility guidelines contained in Commission Rule 350-80-620(1) are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).
- (g) New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.
- (h) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and lata from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present it the site.
- (C) Reasonable alternative sites, including those in Jrban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives, and policies in Chapter 4, Part I of the Managenent Plan.
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty ights.
- (G) Mass transportation shall be considered and implenented, if feasible, for all proposed variances to Recreation Intensity Class 4:
- (i) Accommodations of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Class 3 and 4) day-use recreation sites, except for sites predominantly devoted to boat access.
- (2) Special Management Areas Recreation Intensity Class Guidelines
- (a) Recreation Intensity Class 1 Very Low Intensity Emphasis is to provide opportunities for semi-primitive ecreation opportunities.
- (A) Permitted uses are those in which people participate in outdoor activities to realize experiences such as solitude, ension reduction, and nature appreciation.
- (B) The maximum site design capacity shall not exceed 35 people at one time on the site. The maximum design capacity for parking areas shall be 10 vehicles.
 - (C) The following uses may be permitted:
 - (i) Trails and trailheads.
 - (ii) Parking areas.
 - (iii) Dispersed campsites accessible only by a trail.
 - (iv) Viewpoints and overlooks.
 - (v) Picnic areas.
 - (vi) Signs.
 - (vii) Interpretive exhibits and displays.
 - (viii) Rest-rooms.
 - (b) Recreation Intensity Class 2 Low Intensity

Emphasis is to provide semi-primitive recreation

- (A) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.
- (B) The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.

- (C) All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2. The following uses may also be permitted:
 - (i) Campground with vehicle access.
- (ii) Boat anchorages designed for no more than 10 boats at one time.
 - (iii) Swimming areas.
 - (c) Recreation Intensity Class 3 Moderate Intensity

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

- (A) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.
- (B) Maximum site design capacity shall not exceed 250 people at on the site. The maximum design capacity shall be 50 vehicles. The General Management vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.
- (C) All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The following uses may also be permitted:
- (i) Campgrounds improvement may include water, power, sewer, and sewage dump stations.
- (ii) Boat anchorages designed for not more than 15 boats.
- (iii) Public visitor, interpretive, historic, and environmental education facilities.
 - (iv) Full service rest-rooms, may include showers.
 - (v) Boat ramps.
 - (vi) Riding stables.
 - (d) Recreation Intensity Class 4 High Intensity

Emphasis is for providing road natural, rural, and suburban recreation opportunities with a high level of social interaction.

- (A) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.
- (B) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The General Management Area vehicle capacity of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.
- (C) All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4.

350-80-630.

NOTICE OF APPLICATION REQUIREMENTS

30-80-030.	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
GENERAL MANAGEMENT AREA								
Residential LUD - Review uses except SFDs located adjacent to Agriculture & Forest LUDs, and those uses within 1000' of a sensitive wildlife area or site, or a rare plant	Х	Х	Х	Х	Х			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	X	Х	Х	X		Х		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	Х	Х	Х	х	. X		Х	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	Х	Х	Х	Х		Х	Х	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	Х	Х	Х	Х	Х			Х
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	Х	X	Х	Х		Х		Х

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlise	Heritage
Agriculture LUD - Review uses except non-farm SFD in Large-Scale Agriculture LUD and uses within 1000' of sensitive wildlife area or site, or rare plant	Х	Х	Х	Х	х			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	Х	Х	Х	Х	Х		Х	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large-Scale Agriculture LUD	Х	Х	Х	Х	Х			Х
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	Х	Х	Х	Х		Х		
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of sensitive wildlife area or site	Х	X	Х	Х		X	X	
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of rare plant	Х	Х	Х	Х		Х		Х

Miscellaneous [62]

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'.	Wildlife	Heritage
Forest LUD - Review uses except utility facilities, railroads, home occupations, cottage industries, wineries, ag. product process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and those review uses within 1000' feet of a sensitive wildlife area or site, or rare plant	Х	х	X	X	X			
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and not within 1000' feet of a sensitive wildlife area or site, or rare plant	X	х	X .	Х		X		
Forest LUD - Review uses within 1000' of a sensitive wildlife area or site, except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	Х	х	Х	Х	Х		х	

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD - Review uses within 1000' of a rare plant except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	Х	Х	х	X	X			X
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a sensitive wildlife area or site	Х	Х	X	Х		Х	Х	
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a rare plant		Х	Х	Х		Х		X
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	Х	Х	Х	Х	Х			

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Commercial LUD - Review uses within 1000' of a sensitive wildlife area or site	X	Х	Х	Х	Х		х	
Commercial LUD - Review uses within 1000' of a rare plant	X	Х	Х	Х	Х			Х
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	х	Х	Х	Х			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	X	Х	Х	Х		X	
Recreation LUD - Review uses within 1000' of a rare plant	Χ,	Х	Х	Х	Х			х
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	Х	Х	Х	Х			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	X	Х	Х	Х		Х	
Open Space LUD - Review uses within 1000' of a rare plant	Х	Х	Х	X	X			х
Agriculture-Special LUD - Review uses	Х	X	Х	Х	· X			х
SPECIAL MANAGEMENT AREAS								
Review Uses - All LUDs	Х	Х	Х	Х	Х		X	

COLUMBIA RIVER GORGE COMMISSION PROPOSED PERMANENT RULE Chapter 350

Division 90
Clark County Land Use Ordinance

350-90-010. Purposes.

The purposes of the Land Use Ordinance are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge.

350-90-020. Area Affected.

Commission Rule 350-90 shall apply to all lands in Clark County, Washington within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

Commission Rule 350-90 becomes effective 30 days after adoption and filing by the Columbia River Gorge Commission with the exception of those portions of Commission Rule 350-90 pertaining to the Special Management Areas, which become effective upon concurrence by the Secretary of Agriculture.

Those portions of Commission Rule 350-90 pertaining to the General Management Area are no longer effective

once Clark County has submitted a land use ordinance ar the Columbia River Gorge Commission finds it consister with the Management Plan. Those portions of Commissic Rule 350-90 pertaining to the Special Management Are remain effective until the Secretary of Agriculture concu on the ordinances adopted by Clark County.

350-90-030. Review and Approval Required.

No building, structure or land shall be used and r building or structure shall be hereafter erected, altered enlarged, including those proposed by state or feder agencies, in the Columbia River Gorge National Scenic Arc except for the uses listed in Commission Rule 350-90, who considered under the applicable procedural and substanting guidelines of this Rule.

350-90-040. Definitions.

As used in Commission Rule 350-90, unless otherwinoted, the following words and their derivations shall have the following meanings:

- (1) Accepted agricultural practice: A mode operation that is common to farms or ranches of simil nature, necessary for the operation of such farms or ranch to obtain a profit in money and customarily utilized conjunction with agricultural use.
- (2) Accessory building: A building or structure who use is incidental and subordinate to that of the main use the property, and that is located on the same parcel as the main building or use.

- (3) Active wildlife site: A wildlife site that has been used within the past 5 years by a sensitive wildlife species.
- (4) Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.
- (5) Agricultural structure: A structure located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.
- (6) Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:
- (a) The operation or use of farmland subject to any agriculture-related government program.
- (b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.
- (c) Land planted in orchards or other perennials prior to maturity.
- (d) Land under buildings supporting accepted agricultural practices.

Agricultural use does not include livestock feedlots.

- (7) **Anadromous fish:** Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).
- (8) Anaerobic: A condition in which molecular oxygen is absent (or effectively so) from the environment.
- (9) Aquaculture: The cultivation, maintenance, and harvesting of aquatic species.
- (10) Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.
 - (11) Archaeological resources: See cultural resource.
- (12) **Archival research:** Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.
- (13) **Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.
- (14) **Best management practices:** Conservation techniques and management measures that
- (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
- (b) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and
- (c) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas
- (15) **Biodiversity** (SMA): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

- (16) **Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.
- (17) **Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.
- (18) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
- (19) Camping or recreational vehicle: A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water, and electrical lines or is occupied on the same parcel for more than 60 days in any consecutive 12-month period.
- (20) Campsite: Single camping unit, that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.
- (21) Capability: The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.
- (22) Cascadian architecture (SMA): Architectural style using native rock work, large timber, and steeply pitched roofs in a rustic manner.
- (23) Catastrophic situations (SMA): Forces such as fire, insect and disease infestations, and earth movements.
- (24) **Childcare center:** A facility providing daycare to three or more children, but not including:
- (a) The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.
- (b) The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.
- (c) The provision of short-term care related to or associated with group athletic or social activities.
- (d) The provision of daycare in the provider's home in the family living quarters for less than 13 children.
 - (25) Clearcut: A created opening of 1 acre or more.
- (26) Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.
- (27) Commercial development/use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.
- (28) Commercial forest products: These include timber for lumber, pulp, and firewood for commercial purposes.
- (29) Commercial recreation: Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.
- (29) Community facility: Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities,

public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.

- (30) Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the Development Review Officer in a timely manner because they are concerned with the effects of a proposed use on cultural resources.
- (31) Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. Contiguous land does not include parcels that meet only at a single point.
- (32) Counties: The six counties within the Scenic Area: Hood River, Multnomah, and Wasco in Oregon, and Clark, Skamania, and Klickitat in Washington.
- (33) Created opening (SMA): A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall.
- (34) Creation (wetlands): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).
- (35) Cultivation: Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.
- (36) Cultural resource: Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:
- (a) Archaeological resources. Physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.

Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, human remains, and associated artifacts.

(b) Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.

Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.

(c) Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically

- gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.
- (37) **Cumulative effects:** The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.
- (38) Cut: An area where soil or earth is excavated or removed in conjunction with development activities.
- (39) **Dedicated site:** An area actively devoted to the current use and as delineated on the site plan.
- (40) **Deer and elk winter range:** Areas normally used, or capable of being used, by deer and elk from December through April.
- (41) **Destruction of wetlands:** Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.
- (42) **Developed recreation:** Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.
- (43) **Development:** Any land division or structure, including but not limited to, new construction of buildings and structures, and mining, dredging, filling, grading, paving, and excavation.
- (44) **Diameter at breast height (dbh):** The diameter of a tree as measured at breast height.
- (45) **Duplex:** A building containing two dwelling units and designed for occupancy by two families.
- (46) **Dwelling, single-family:** A detached building containing one dwelling unit and designed for occupancy by one family only.
- (47) **Dwelling unit:** A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.
- (48) Effect on treaty rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.
- (49) **Endemic:** Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.
- (50) Enhancement (natural resources): A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.
- (51) **Ethnography:** The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.
- (52) Existing use or structure: A legally established use that existed before the effective date of the Scenic Area

Act, the Management Plan, or a land use ordinance established pursuant to the Scenic Area Act. "Legally-established" means established in accordance with the law in effect at the time of establishment of the use.

- (53) Exploration, development (extraction and excavation), and production of mineral resources: Includes all or any part of the process of surface, underground, or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, onsite stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.
- (54) **Fill:** The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.
- (55) Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.
- (56) **Forbs:** Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.
- (57) Foreground (SMA): One-half mile on either side of a traveled road or trail.
- (58) Forest products: Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.
- (59) Forest practices: Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act or the Washington Forest Practices Act.
- (60) Forest use: The growing, propagation, and harvesting of forest tree species and other forest products.
- (61) Fully screened: A description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan).
- (62) **Grade (ground level):** The average elevation of the finished ground elevation as defined by the Uniform Building Code.
- (63) **Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- (64) **Height of building:** The vertical distance from the grade to the highest point of the roof.
- (65) **Herbaceous:** A plant with no persistent woody stem above the ground, with characteristics of an herb.
- (66) **Herbs:** Nonwoody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)
- (67) **Historic buildings and structures:** See cultural resource.
- (68) **Historic survey:** Actions that document the form, style, integrity, and physical condition of historic buildings

- and structures. Historic surveys may include archival research, architectural drawings, and photographs.
- (69) Horses, boarding of: The stabling, feeding, and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks.
- (70) **Hydric soil:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- (71) In-lieu sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.
- (72) Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).
- (73) **Indian tribes:** The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.
- (74) **Industrial uses:** Any use of land or water primarily involved in:
 - (a) Assembly or manufacture of goods or products;
- (b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- (c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service; or
- (d) Production of electric power for commercial purpos-
- (75) **Interpretive displays:** Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.
- (76) **Key components:** The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.
- (77) **Key viewing areas:** Those portions of important public roads, parks, or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. These include:

Historic Columbia River Highway Crown Point Highway I-84, including rest stops Multnomah Falls Washington State Route 14 Beacon Rock Panorama Point Park Cape Horn Dog Mountain Trail

Cook-Underwood Road

Rowena Plateau and Nature Conservancy Viewpoint

Portland Women's Forum State Park

Bridal Veil State Park

Larch Mountain

Rooster Rock State Park

Bonneville Dam Visitor Centers

Columbia River

Washington State Route 141

Washington State Route 142

Oregon Highway 35

Sandy River

Pacific Crest Trail

SMA only:

Old Washington State Route 14 (County Road 1230)

Wyeth Bench Road

Larch Mountain Road

Sherrard Point on Larch Mountain

- (78) Land division: The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to, short subdivisions, partitions, and subdivisions.
- (79) Landscape setting: The combination of land use, landform, and vegetation patterns that distinguish an area in appearance and character from other portions of the Scenic Area.
- (80) Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.
- (81) Lot line adjustment: Transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.
- (82) Management plan: The document entitled Management Plan for the Columbia River Gorge National Scenic Area adopted October 14, 1991. The Management Plan becomes effective upon approval of land use ordinances by the Commission for the General Management Area and concurrence of land use ordinances by the Secretary of Agriculture for the Special Management Area.
- (83) **Mitigation:** The use of any or all of the following actions:
- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (84) Multifamily dwelling: A dwelling constructed or modified into two or more single-family units.
- (85) Native species: Species that naturally inhabit an area.
- (86) Natural resources: Naturally occurring features including land, water, air, plants, animals (including fish), plant and animal habitat, and scenery.
- (87) Natural resource specialist: A person with professional qualifications, including an academic degree or

sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

- (88) Natural resource-based recreation (SMA): Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.
- (89) **Nonprofit organization:** An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.
- (90) Old growth: Any stand of trees 10 acres or greater generally containing the following characteristics:
- (a) contain mature and overmature trees in the overstory and are well into the mature growth state;
- (b) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes;
- (c) in coniferous forests, standing dead trees and down material are present; and
- (d) evidences of man's activities may be present, but do not significantly alter the other characteristics and would be a subordinate factor in description of such a stand.
- (91) **Open Spaces:** Unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:
 - (a) Scenic, cultural, and historic areas;
 - (b) Fish and wildlife habitat;
- (c) Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
- (d) Ecologically and scientifically significant natural areas:
 - (e) Outstanding scenic views and sites;
 - (f) Water areas and wetlands;
- (g) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
 - (h) Potential and existing recreation resources; and
- (i) Federal and state wild, scenic, and recreation waterways.
- (92) Ordinary high water mark: The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.
 - (93) **Parcel**:
- (a) Any parcel legally created by a short division, partition, or subdivision.
- (b) Any unit of land legally created and separately described by deed or sales contract prior to November 17, 1986, if there were no applicable planning, zoning, and land division ordinances or regulations.
- (c) In the state of Washington, a unit of land created and separately described by deed or sales contract after

November 17, 1986 if the unit created was approved by the Gorge Commission or the Forest Service Scenic Area Office.

- (d) A unit of land shall not be considered a separate parcel simply because the subject tract of land:
- (A) Is a unit of land created solely to establish a separate tax account;
 - (B) Lies in different counties;
 - (C) Lies in different sections or government lots;
 - (D) Lies in different land use or zoning designations; or
 - (E) Is dissected by a public or private road.
- (94) Partial retention: A visual quality objective that provides for management activities that may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat form, line, color, or texture common to the characteristic landscape, but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape
- (95) **Practicable:** Able to be done, considering technology and cost.
- (96) **Preexisting:** Existing prior to the adoption of the Columbia River Gorge National Scenic Area Management Plan
- (97) **Primarily:** A clear majority as measured by volume, weight, or value.
- (98) **Project area:** The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.
- (99) **Public use facility:** Recreation development(s) that meet the definition of "recreation facility" in the Management Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.
- (100) Rare plant species: Used in a generic sense to refer to various categories of sensitive plants cited in federal and state programs.
- (101) **Recreation facility:** A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such developments or improvements, except for roads and/or pathways.
- (102) Reconnaissance survey: Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.
- (103) Recreation Opportunity Spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).
- (a) Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.
- (b) Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

- (c) Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.
- (d) Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.
- (e) Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
- (f) Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.
- (104) **Recreation resources:** Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semiprimitive areas with few facilities and developed sites.
- (105) **Rehabilitation (natural resources):** A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or preconstruction condition.
- (106) **Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included in this definition.
- (107) **Resource-based recreation:** Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the Scenic Area and that do not adversely affect those resources upon which they depend.
- (108) **Restoration** (wetlands): A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.
- (109) **Retention:** A visual quality objective that provides for management activities that are not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture that are frequently found in the characteristic landscape. Changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be evident.
- (110) **Review uses:** Proposed uses and developments that must be reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan.
- (111) Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.
- (112) Road: The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

[69] Miscellaneous

- (a) Ways described as streets, highways, throughways, or alleys.
- (b) Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.
- (c) Structures that provide for continuity of the right-of-way, such as bridges.
- (113) Scenic Area: The Columbia River Gorge National Scenic Area.
- (114) Scenic travel corridor: Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the Scenic Area and specifically designated to be managed as scenic and recreational travel routes.
 - (115) Secretary: The Secretary of Agriculture.
 - (116) Sensitive plant species: Plant species that are
 - (a) endemic to the Columbia River Gorge and vicinity;
- (b) listed as endangered or threatened pursuant to federal or state endangered species acts; or
- (c) listed as endangered, threatened or sensitive by the Oregon or Washington Natural Heritage Program.

In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

- (117) Sensitive wildlife species: Animal species that
- (a) listed as endangered or threatened pursuant to federal or state endangered species acts;
- (b) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission;
- (c) listed as sensitive by the Oregon Fish and Wildlife Commission; or
- (d) considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

- (118) Service station: A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.
 - (119) Serviceable: Presently useable.
 - (120) Shall: Action is mandatory.
 - (121) Should: Action is encouraged.
- (122) **Shrub:** A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)
- (123) **Sign:** Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of

- message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.
- (124) Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].)
- (125) **Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.
- (126) Soil Capability Class: A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.
- (127) **Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.
- (128) **Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.
- (129) **Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.
- (130) **Story:** A single floor level of a structure, as defined by the Uniform Building Code.
- (131) **Streams:** Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

- (132) **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures.
- (133) **Subsurface testing:** Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.
- (134) Suitability: The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses

Miscellaneous [70]

and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

- (135) **Travelers accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.
- (136) Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.
- (137) **Tributary fish habitat:** Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.
- (138) Undertaking: Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.2(o)].
- (139) **Unimproved lands:** Lands that generally do not have developments such as buildings or structures.
- (140) **Upland:** Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.
- (141) Uses allowed outright: New uses and developments that may occur without being reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they are consistent with the Management Plan.
- (142) Utility facility: Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.
- (143) **Viewshed:** A landscape unit seen from a key viewing area.
- (144) Visual Quality Objective (VQO): A set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.
- (145) Visually subordinate: A description of the relative visibility of a structure where that structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.
- (146) Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots,

spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

- (147) Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.
- (148) Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.
- (149) Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.
- (150) **Woody plant:** A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

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.

350-90-050. Exempt Land Uses and Activities.

Commission Rule 350-90 shall not apply to:

- (1) Any treaty or other rights of any Indian tribes.
- (2) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 100-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
 - (3) Rights to surface or groundwater.
- (4) Water transportation activities on the Columbia River or its tributaries. The term "activities" includes those facilities necessary for navigation.
- (5) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.
- (6) Laws, rules or regulations pertaining to hunting or fishing.
- (7) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material.
- (8) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the

Washington and Oregon Forest Practices Acts, or under county regulations that supersede those acts.

350-90-060. Prohibited Land Uses and Activities.

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

- (1) Solid waste disposal sites or sanitary landfills within the Special Management Area.
- (2) New industrial development in the Scenic Area outside of the Urban Areas.
- (3) Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:
- (a) Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening soil.
- (b) Removal or clearing of native grasses, shrubs, and trees.
- (c) Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.
 - (d) Barns, silos, and other agricultural buildings.
 - (e) Irrigation systems.
- (f) Exploration, development, and production of mineral resources.
 - (g) Utility facilities, public use facilities, and roads.

350-90-070. Existing Uses.

Except as otherwise provided below, existing uses in the Scenic Area may continue, notwithstanding the provisions of Commission Rule 350-90.

- (1) Except as otherwise provided, any use or structure existing on the effective date of the Management Plan, may continue so long as it is used in the same manner and for the same purpose as on that date.
- (2) Any use or structure damaged or destroyed by fire shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such uses or structures shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity and landscaping. Replacement of an existing use or structure by a use or structure different in purpose, size or scope shall be subject to Commission Rule 350-90.
- (3) Replacement or reestablishment of a use or structure discontinued for more than one year shall be subject to Commission Rule 350-90. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.
- (4) In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the dedicated site, subject to Commission Rule 350-90-520 through 350-90-620 to minimize adverse effects on scenic, cultural, natural and recreation resources. Expansion beyond the dedicated site is prohibited. Commercial uses discontinued for 1 year or more shall no longer be considered as an existing use and

- shall no longer be permitted, in accordance with the provisions this rule.
- (5) Existing industrial uses in the General Management Area may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- (6) In the General Management Area, existing industrial uses may convert to less intensive uses. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.
- (7) In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to Commission Rule 350-90 if any of the following conditions exist:
- (a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation.
 - (b) The site has not maintained a required state permit.
- (c) The site has not operated legally within 5 years before the date of adoption of the Management Plan.
- (8) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:
- (a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area.
- (b) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.
- (9) Except as otherwise provided, whether a use has ϵ vested right to continue will be determined by the law or vested rights in the appropriate state.

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.

350-90-080. Application for Review and Approval

- (1) Prior to initiating any use or development which requires review and approval by the Development Review Officer, an application shall be completed pursuant to Commission Rule 350-90-080. The Development Review Officer shall accept and review the application pursuant to Commission Rule 350-90-100 through 350-90-170 for consistency with the appropriate guidelines of this rule Review of a proposed use or development shall commence upon the acceptance of an application by the Developmen Review Officer. The Commission may charge a fee for review of applications.
- (2) Standard application forms shall be available a county and city planning offices, the offices of the Columbia River Gorge Commission and the Forest Service.

Miscellaneous [72]

- (3) Applications for the review and approval of a proposed use or development shall provide the following information:
- (a) The applicant's name, address and telephone number;
- (b) The land owner's name, address and telephone number (if different from applicant's);
- (c) The county in which the proposed use or development would be located;
- (d) The section, quarter section, township and range in which the proposed development would be located;
- (e) The street address of the proposed use or development;
- (f) The tax lot number(s) and size in acres of the parcel(s) involved;
- (g) A description of the current land use for the parcel(s) involved and adjoining lands;
- (h) A written description of the proposed use or development, including details on the height, exterior color(s), and construction materials of the proposed structures.
- (i) A list of Key Viewing Areas from which the proposed use would be visible.
- (j) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the Development Review Officer to determine the location and extent of the proposed use or development and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:
 - (A) North arrow.
 - (B) Map scale.
- (C) Boundaries, dimensions, and size of the subject parcel.
 - (D) Significant terrain features or landforms.
- (E) Groupings and species of trees or other vegetation on the parcel.
- (F) Location and species of vegetation that would be removed or planted.
 - (G) Bodies of water and watercourses.
- (H) Location and width of existing and proposed roads, driveways, and trails.
- (I) Location and size of existing and proposed structures.
- (J) Location of existing and proposed services including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.
- (K) Location and depth of all proposed grading and ditching.
- (k) In the Special Management Area, applications and/or site plans shall contain the natural resources information required in Commission Rule 350-90-600(2).
- (l) Any additional information which the applicant feels will assist in the evaluation of the proposal including, but not limited to, maps, drawings, and development plans.
- (m) The signature of the applicant and property owner or a statement from the property owner indicating that he is aware of the application being made on his property.

- (n) The signature of the property owner on a statement that authorizes the Development Review Officer or the Development Review Officer's designee reasonable access to the site in order to evaluate the application.
- (4) Applications for the following uses or developments shall include additional information as required by the appropriate guidelines in Commission Rule 350-90 or by the Development Review Officer:
- (a) All buildings, roads, or mining and associated activities proposed on lands visible from Key Viewing Areas, pursuant to 350-90-520 (2)(d).
- (b) In the General Management Area, production and/or development of mineral resources and expansion of existing quarries pursuant to 350-90-520 (1)(e), 350-90-520 (2)(d), (2)(e), (2)(v), and (2)(w).
- (c) In the General Management Area, any structural development involving more than 100 cubic yards of grading on sites visible from key viewing areas and which slope is between 10 and 30 percent, pursuant to 350-90-520 (2)(u)
- (d) In the General Management Area, vegetation management projects in public rights of way along Scenic Travel Corridors, pursuant to 350-90-520 (4)(d).
- (e) Large-scale uses as defined by guideline 350-90-540 (1)(c)(C) shall include reconnaissance survey reports, pursuant to 350-90-540 (1)(c)(F) and (G).
- (f) Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older, pursuant to 350-90-540 (1)(c)(H)(iii).
- (g) In the General Management Area, new uses located in, or providing recreational access to the Columbia River or its fishbearing tributaries, pursuant to 350-90-150 (8)(a)(A).
- (h) In the General Management Area, any review use in a wetland or within a wetland buffer zone, pursuant to Commission Rule 350-90-560 (1)(b).
- (i) In the General Management Area, any review use in a stream, pond, lake, or within their buffer zones, pursuant to Commission Rule 350-90-570 (1)(b).
- (j) In the General Management Area, any review use within 1000 feet of a sensitive wildlife area or site, pursuant to 350-90-580 (1)(b). Large-scale uses as defined by 350-90-580(3) shall also include field survey information, pursuant to 350-90-580 (3)(e).
- (k) In the General Management Area, any review use within 1000 feet of a sensitive plant, pursuant to Commission Rule 350-90-590(b). Large-scale uses as defined by 350-90-590(3) shall also include field survey information, pursuant to Commission Rule 350-90-590 (3)(e).
- (I) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, pursuant to Commission Rule 350-90-190 (1)(e), and if applicable, 350-90-190 (1)(f).
- (m) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling not in conjunction with agricultural use, pursuant to Commission Rule 350-90-190 (1)(n).
- (n) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative, pursuant to Commission Rule 350-90-190 (1)(h).

- (o) In the General Management Area, on lands designated Large-Woodland, a single-family dwelling, pursuant to Commission Rule 350-90-270 (1)(a),(c), and (1).
- (p) In the Special Management Area, on lands designated Forest, a single-family dwelling, pursuant to Commission Rule 350-90-270 (2)(j).
- (q) In the Special Management Area, on lands designated Forest, forest practices, pursuant to Commission Rule 350-90-270 (2)(b).
- (r) In the Special Management Area, on lands designated Open Space, any new use or development, pursuant to Commission Rule 350-90-340(11).
- (s) In the General Management Area, on lands designated Agriculture-Special, a single-family dwelling pursuant to 350-90-190 (1)(h).
- (t) In the Special Management Area, on lands designated Agriculture, a single-family dwelling necessary and accessory to agricultural use, pursuant to Commission Rule 350-90-190 (2)(b).
- (u) In the Special Management Area, on lands designated Agriculture, farm labor housing and agricultural buildings, pursuant to Commission Rule 350-90-190 (2)(d).
- (v) In the General Management Area, on lands designated Small Woodland, a single-family dwelling pursuant to Commission Rule 350-90-270 (1)(b).
- (w) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, a single-family dwelling in conjunction with agricultural use pursuant to Commission Rule 350-90-190 (1)(e).
- (x) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, agricultural labor housing, pursuant to Commission Rule 350-90-270 (1)(o).
- (y) In the General Management Area, on lands designated Agriculture-Special, new livestock grazing, new fences, livestock watering facilities, and corrals; or soil, water, and vegetation conservation activities, pursuant to Commission Rule 350-90-240.
- (z) Other uses as deemed necessary by the Development Review Officer.
- (5) Completed application forms shall be submitted directly to the office of the Columbia River Gorge Commission.

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.

350-90-090. Pre-Application Conference.

An applicant may request a pre-application conference prior to submitting an application for development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of Commission Rule 350-90, to discuss the principle elements of the proposed action, and to identify guidelines that create opportunities or pose constraints for the proposed action.

350-90-100. Acceptance of Application.

Within 14 days of the receipt of an application, the Development Review Officer shall review the application for completeness and adequacy. The Development Review Officer shall accept a complete and adequate application within 14 days of receipt of the application.

- (1) No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The Development Review Officer shall notify the applicant of all omissions and deficiencies in writing within 14 days of receipt of the application.
- (2) No application shall be accepted which the Development Review Officer deems cannot be acted upon reasonably within 72 days, pursuant to 350-90-130(3), except when the applicant consents to a longer period for action.
- (3) No application shall be accepted unless accompanied by a list of names and addresses of the adjacent property owners within a distance of the subject parcel as determined in Commission Rule 350-90-630. A statement from the County Assessor or appropriate agency confirming the accuracy of the list shall accompany the list.
- (4) No application for a proposed use which is explicitly prohibited by Commission Rule 350-90-060 shall be accepted.
 - (a) The application shall be returned to the applicant.
- (b) A letter, signed by the Development Review Officer, stating that the proposed use is prohibited and citing the guideline which explicitly prohibits the proposed use, shall be sent to the applicant.
- (c) Issuance of this letter shall not prohibit the applicant from appealing the decision pursuant to 350-70.

350-90-110. Notice of Development Review.

- (1) Within 7 days of the acceptance of an application, the Development Review Officer shall issue notice of a proposed development review. The notice shall provide the following information:
 - (a) The name of the applicant;
- (b) The general and specific location of the subject property;
 - (c) A brief description of the proposed action;
 - (d) The deadline for rendering a decision; and
- (e) The deadline for filing comments on the proposed action.
- (2) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.
- (3) The notice shall state the applicant must comply with all applicable local, state, and federal laws.
 - (4) The notice shall be mailed to:
- (a) The Forest Service, the applicable state, Indian Tribes and the applicable county and/or city; and
- (b) Owners of property within a radius of the subject parcel(s) as determined by 350-90-630; and
- (c) Other agencies and interested parties which request a notice which the Development Review Officer determines should be notified.
- (4) The notice shall be posted at the Commission and Forest Service offices and shall be made available for posting at the applicable county or city planning office(s) and applicable library or libraries.

- (5) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.
- (6) A copy of the notice shall be filed in the records of the Commission.

350-90-120. Comment Period

Interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Development Review Officer relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-90:

- (1) Within 7 days of the close of the comment period, the Development Review Officer shall determine if a wildlife management plan pursuant to Commission Rules 350-90-580(6), or a rare plant protection and rehabilitation plan pursuant to Commission Rules 350-90-590(6) is required.
- (2) For proposed uses or developments where a cultural resources survey (reconnaissance or historic) is required and where the Commission is performing the survey, the survey shall be completed by the close of the comment period. Upon receipt of the completed survey, the Development Review Officer shall forward the survey to the State Historic Preservation Officers, and Indian Tribes pursuant to Commission Rules 350-90-540(1)(b) and (2)(b)(A).
- (3) Within 7 days of the close of the 30 day reconnaissance survey comment period for State Historic Preservation Officers and Indian Tribes, the Development Review Officer shall determine if an evaluation of significance pursuant to Commission Rules 350-90-540(3) is required.

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

<u>350-90-130.</u> Decision of the Development Review Officer.

- (1) In making a decision on a proposed use or development the Development Review Officer shall:
- (a) Consult with the applicant and such agencies as the Development Review Officer deems appropriate;
- (b) Consider information submitted by the applicant and all other relevant information available;
- (c) Consider all comments submitted pursuant to Commission Rule 350-90-120; and
- (d) Solicit and consider the comments of the Forest Service.
- (2) The Development Review Officer shall approve a proposed use or development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-90. In approving a proposed development action, the Development Review Officer may impose conditions as necessary to ensure consistency with the guidelines of Commission Rule 350-90.
- (3) The Development Review Officer shall issue a decision on a proposed use or development including findings of fact and conclusions of law and any conditions o ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-90

within 72 days after acceptance of the application except in one or more of the following situations:

- (a) The applicant consents to an extension of time.
- (b) The Development Review Officer determines that additional information is required pursuant to Commission Rule 350-90-120.
- (c) The Development Review Officer determines that additional information is necessary to evaluate the impacts of the proposed use to scenic, cultural, natural, and recreation resources.
- (d) Unforseen circumstances including, but not limited to, weather, illness, etc.
- (4) The Development Review Officer shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the applicable state, the Indian Tribes, the applicable county and/or city and each person who submitted comments under Commission Rule 350-90-150. The decision shall set forth the rights of appeal under Commission Rule 350-70.
- (5) The decision of the Development Review Officer shall be final unless a Notice of Appeal is filed in accordance with Commission Rule 350-70.
- (6) The decision of the Development Review Officer approving a proposed development action shall become void
- (a) when the development action is not undertaken within two years of the decision, or
- (b) when the development action is discontinued for any reason for one year or more.
- (7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an administrative action and shall be submitted to the Development Review Officer prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Development Review Officer may grant an extension of up to 12 months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

The Development Review Officer shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect scenic, cultural, natural or recreation resources in the National Scenic Area.

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.

350-90-140. Changes or Alterations to an Approved Action.

Any change or alteration to a development action approved by the Commission or Development Review Officer pursuant to this rule shall be processed as new action, except that the Development Review Officer may approve minor changes or alterations deemed to be consistent with the guidelines of Commission Rule 350-90 and the findings and conclusions for the original action.

[75] Miscellaneous

350-90-150. General Guidelines.

The following uses may be permitted when allowed by the land use designation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620):

(1) Land Divisions and Cluster Development

Land Divisions within the Columbia River Gorge National Scenic Area may be allowed subject to the following:

- (a) New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan.
- (b) Unless otherwise specified, creation of a parcel, regardless of size, or any division of land except a lot-line adjustment shall be subject to the guidelines in Commission Rule 350-90.
- (c) At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.
- (d) Adjustment of the boundary between two or more contiguous parcels that does not result in the creation of an additional parcel may be allowed if none of the parcels larger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.
- (e) The minimum size for new parcels created for commercial uses within a Rural Center shall be based upon the site requirements (sewerage, parking, building, size, etc.) for the proposed use. Parcel size shall be determined by the Development Review Officer on a case-by-case basis.
- (f) The minimum size for new parcels created for residential uses within a Rural Center shall be 1 acre.

To encourage the efficient use of land, provide public amenities and standards for quality developments, and reduce the cost of providing services within Rural Centers, the Development Review Officer may allow a minimum parcel size of less than 1 acre within Rural Centers if a planned unit development approach is used for the subject parcel, incorporating features such as consolidated access and commonly shared open areas.

- (g) When allowed by a land use designation, a land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, the Development Review Office must find that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings to:
- (A) Be located in areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas.
 - (B) Avoid significant landscape features.
- (C) Protect the existing character of the landscape setting.
- (D) Reduce interference with movement of deer or elk in winter range.

- (E) Avoid areas of known cultural resources.
- (F) Consolidate road access, septic drainfields or othe development features in order to reduce impacts associate with grading or ground disturbance.
- (G) Reduce adverse effects to riparian areas, wetlands natural areas, rare plants, sensitive wildlife sites or othe natural resources.
- (H) Increase the likelihood of agricultural or fores management on the undeveloped land left by the cluste development.
- (h) In the General Management Area, following cluste development, there may be no further division of an resulting parcel for residential purposes until the subjec parcel is included within the boundary of an Urban Area Approval of a cluster development shall include provision for the permanent protection of open areas. No parcel in cluster development may be smaller than 1 acre in a 5-acr Residential or a 10-acre Residential designation or 2 acres i a Small-Scale Agriculture or Small Woodland designation
- (i) In the General Management Area, cluster development may create up to 25 percent more parcels than other wise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 5 percent more parcels on lands designated Small-Scal Agriculture or Small Woodland. Any division in a cluste development under this guideline may create at least on additional parcel.
- (j) In the General Management Area, at least 75 percer of land subject to a cluster development shall be permanentl protected as undeveloped land.
- (k) In the General Management Area, contiguous parcel in the same ownership or in separate ownership may b consolidated and redivided to take advantage of cluste development bonuses.

(2) Agricultural Buffer Zones

All new buildings shall comply with the followin guidelines when proposed to be located on a parcel adjacer to lands designated Large-Scale or Small-Scale Agricultur and which are currently used for or are suitable for agricultural use:

(a) Setback Guidelines

Type of Buffer (size in feet)										
Type of	Open or	Natural or Created	8-foot Berm							
Agriculture	Fenced	Vegetation Barrier	or <u>Terrain</u> <u>Barrier</u>							
Orchards	250'	100'	75'							
Row crops/ vegetables	300'	100'	75'							
Livestock grazing pasture, haying	100'	15'	20'							
Grains	200'	75'	50'							
Berries, vineyards	150'	50'	30'							
Other	100'	50'	30'							

- (b) Earth berms may be used to satisfy, in part, th setback guidelines. Berms shall be a minimum of 8 feet i height, and contoured at 3:1 slopes to look natural. Shrub trees and/or grasses shall be planted on the berm to control erosion and achieve a finished height of 15 feet.
- (c) The planting of a continuous vegetative screen ma be used to satisfy, in part, the setback guidelines. Tree shall be at least 6 feet high when planted and reach a ultimate height of at least 15 feet. The vegetation scree

shall be planted along the appropriate parcel line(s), and be continuous.

- (d) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
- (e) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- (f) A variance to buffer setbacks may be granted upon a demonstration that the guidelines of Commission Rule 350-90-150(7) have been satisfied.
 - (3) Temporary Use Hardship Dwelling
- (a) The temporary placement of a mobile home in the General Management Area may be granted under the following circumstances:
- (A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.
- (B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.
- (C) The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural and recreation resources of Commission Rule 350-90-520 through 350-90-620.
- (b) A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this rule and any other conditions of approval.
- (c) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.
- (d) A new permit may be granted upon a finding that a family hardship continues to exist.
 - (4) Home Occupations and Cottage Industries

Home occupations and cottage industries may be established as specified in various land use designations consistent with the following conditions:

- (a) A home occupation may employ only residents of the home.
- (b) A cottage industry may employ up to three outside employees.
- (c) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.
- (d) No more than 500 square feet of an accessory structure may be used for a home occupation or cottage industry.
- (e) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- (f) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- (g) No retail sales may occur on the premises, except incidental sales at lodging establishments authorized in Commission rule 350-90-150(5).
- (h) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the

- subject structure or within the yard containing the home occupation or cottage industry.
- (i) Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.
- (j) In the General Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-90-150 (4) and (5).
- (k) In the Special Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-90-150 (4) and (5), except Commission Rule 350-90-150 (5)(a).
 - (5) Bed and Breakfast Inns

Bed and breakfast inns may be established as authorized in specified land use designations subject to the following:

- (a) Guests may not occupy a facility for more than 14 consecutive days.
- (b) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.
- (c) Parking areas shall be screened so as to not be visible from Key Viewing Areas.
- (d) In the Special Management Area, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.
 - (6) Docks
- (a) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.
- (b) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.
- (c) Public docks open and available for public use shall be allowed.
- (7) Variances from Setbacks and Buffers within the General Management Area.

Variances from setbacks and buffers within the General Management Area may be allowed subject to the following approval criteria:.

- (a) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:
- (A) A setback or buffer to protect one resource would cause the proposed use to fall within a setback or buffer to protect another resource; and
- (B) Variation from the specified setbacks or buffers would, on balance, best achieve the protection of the affected resources.
- (b) A setback or buffer for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied to allow a residence to be built on a parcel of land upon a demonstration that:
- (A) The land use designation otherwise authorizes a residence on the tract;
- (B) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer;

- (C) The variance from the specified setback or buffer is the minimum necessary to allow the residence.
- (c) The Development Review Officer may grant a variance to the setback and buffer requirements in Commission Rule 350-90-610, upon a finding that the following conditions exist:
- (A) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor.
- (B) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.
- (C) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.
- (D) The variance is the minimum necessary to accommodate the use.
- (d) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of General Management Area and Special Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:
- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present at the site.
- (C) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives and policies in Chapter 4, Part I of the Management Plan.
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
 - (8) Indian Tribal Treaty Rights and Consultation
 - (a) Tribal Government Notice
- (A) New uses located in, or providing recreation river access to, the Columbia River or its fishbearing tributaries shall include the following supplemental information:
- (i) The site plan map shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.
- (ii) The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:

- (I) Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.
- (II) List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.
- (III) List tribal ceremonial fishing seasons in the project vicinity.
- (IV) Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.
- (B) Notices shall include a treaty rights protection plan if new uses may affect Indian treaty rights. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.
- (C) Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit substantive written comments to the Development Review Officer. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.
 - (b) Tribal Government Consultation
- (A) When substantive written comments are submitted to a Development Review Officer in a timely manner, the project applicant shall offer to meet with the Development Review Officer and the Indian tribal government that submitted comments within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the Indian tribal government.

Consultation meetings should provide an opportunity for the project application and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.

- (B) Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a treaty rights protection plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe.
- (C) The Development Review Officer shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Development Review Officer.
 - (c) Conclusion of the Treaty Rights Protection Process
- (A) The Development Review Officer shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.

The final decision shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments. If the final decision contradicts the comments, recommendations, or concerns of Indian tribal governments, the Development Review Officer must justify how it reached an opposing conclusion.

- (B) The treaty rights protection process may conclude f the Development Review Officer determines that the proposed uses would not affect or modify treaty or other ights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.
- (C) A finding by the Development Review Officer that he proposed uses would not affect or modify treaty or other ights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no vay shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.
- (9) If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent varcels, an appropriate buffer shall be established between he building/structure and the parcel.
- (10) Section 8(0) of the National Scenic Act (16 USC) 544f(0) is hereby incorporated by reference.

Reviser's note: The typographical errors in the above section coursed in the copy filed by the agency and appear in the Register pursuant 5 the requirements of RCW 34.08.040.

350-90-160. Signs.

- (1) Signs may be allowed pursuant in all land use lesignations in the General Management Area to the ollowing provisions:
- (a) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:
- (A) Luminous signs or those with intermittent or lashing lights. These include neon signs, fluorescent signs, ight displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.
 - (B) New billboards.
 - (C) Signs with moving elements.
- (D) Portable or wheeled signs, or signs on parked ehicles where the sign is the primary use of the vehicle.
- (b) Any sign which does not conform with a provision of 350-90-160 and has existed prior to adoption of the Management Plan, shall be considered non-conforming and ubject to the following:
- (A) Alteration of existing non-conforming signs shall omply with Commission Rule 350-90-160.
- (B) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion r change in use which requires a development permit.
- (c) The following may be permitted without review, ubject to consistency with Commission Rule 350-90-160 1)(a):
 - (A) Ordinary repair and maintenance of signs.
- (B) Election signs which are not displayed for more han 60 days. Removal shall be accomplished within 30 ays of election day.
- (C) "For Sale" signs not greater than 12 square feet. temoval shall be accomplished within 30 days of close of ale.
- (D) Temporary construction site identification, public ervice company, safety or information signs not greater than 2 square feet. Exceptions may be granted for public

- highway signs necessary for public safety and consistent with the *Manual for Uniform Traffic Control Devices*. Removal shall be accomplished within 30 days of project completion.
- (E) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet.
- (F) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal shall be accomplished within 30 days of the close of the event.
- (G) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.
- (H) Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings, not on roofs or marquees.
- (d) All signs shall meet the following guidelines unless they conflict with the *Manual for Uniform Traffic Control Devices* for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual for Uniform Traffic Control Devices* shall supersede these guidelines.
- (A) The support structure shall be unobtrusive and have low visual impact.
- (B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.
- (C) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.
- (D) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.
- (e) Business identification or facility entry signs located on the premises may be allowed, subject to Commission Rule 350-90-160 (1)(d).
- (f) Other signs not addressed or expressly prohibited by this rule may be permitted without review.
- (2) Signs in the Special Management Area shall be allowed pursuant to the following provisions:
 - (a) Prohibited Signs
 - (A) Advertising billboards.
- (B) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.
- (C) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.
- (b) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.
- (c) Temporary signs shall be permitted without review when in compliance with subsection (f) below and the following:
- (A) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area and displayed for no more than 60 calendar days. Removal shall be accomplished within 30 days of election day.

- (B) "For Sale" signs not greater than 12 square feet, removal shall be accomplished within 30 days of close of sale.
- (C) One temporary construction site identification sign which is not greater than 32 square feet. Removal shall be accomplished within 30 days of project completion.
- (D) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.
- (E) Temporary signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.
- (F) Temporary signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.
- (d) New signs shall be allowed as specified in the applicable land use designation.
- (e) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.
- (f) All new signs shall meet the following guidelines, and be consistent with the Manual for Uniform Traffic Control Devices:
- (A) Signs shall be maintained in a neat, clean and attractive condition.
- (B) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.
- (C) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
- (D) Signs shall be unobtrusive and have low contrast with the setting.
- (E) The visual impact of the support structure shall be minimized.
- (F) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
- (G) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.
- (H) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.
- (g) Public signs shall meet the following guidelines in addition to subsections (b) through (f) above:
- (A) The Graphic Signing System provides design guidelines for public signs in and adjacent to public road rights-of-way. All new and replacement public signs shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry.
- (B) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.
- (C) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

- (h) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to subsections (b) through (f):
- (A) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than two square feet.
- (B) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.
- (C) Any signs relating to, or advertising, a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review.
- (D) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.
- (E) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.
- (F) Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.
- (i) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.
- (j) Directional and safety signs are allowed to the extent necessary to satisfy requirements for smooth traffic flow and public safety. All parties and jurisdictions placing such signs must do so in accordance with the Graphic Signing System, consistent with the standards in the Manual on Uniform Traffic Control Devices.
- (k) Interstate 84 shall not have interpretive signing. except for signs permitted for services. Regulatory, warning service, and other signs as provided for in the Graphic Signing System are allowed.

350-90-170. Agricultural Land Designations.

Commission Rule 350-90-170 through 350-90-240 shall apply to those areas designated Large-Scale or Small-Scale Agriculture, SMA-Agriculture, and Agriculture-Special or the Scenic Area Land Use Designation Map.

350-90-180. Uses Allowed Outright-Agricultural Land.

- (1) The following uses are allowed on lands designated Large-Scale or Small-Scale Agriculture without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions of approval for other approved uses.
- (c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.

Miscellaneous [80]

- (d) Buildings less than 60 square feet in floor area and ot exceeding 18 feet in height measured at the roof peak, hich are accessory to a dwelling.
- (2) The following uses are allowed on land designated MA-Agriculture without review:
- (a) New agricultural uses and open space uses allowed nder Commission Rule 350-90-340(10), except where there rould be potential impact to cultural or natural resources.
- (b) Maintenance, repair and operation of existing wellings, structures, agricultural buildings, trails, roads, ailroads, and utility facilities.
- (c) Accessory structures less than 60 square feet in area nd less than 18 feet in height measured at the roof peak.
- (3) The following uses may be allowed on lands esignated Agriculture-Special without review:
- (a) Existing livestock grazing. A livestock operation eases to be existing when the land on which it is conducted as lain idle for more than 5 years.
- (b) Repair, maintenance, and operation of existing and erviceable structures, trails, roads, railroads, and utility acilities.
- (c) Low-intensity recreation uses that occur with the nowledge and permission of the landowner, including unting, fishing, trapping, native plant study, birdwatching, hotography, horseback riding, and hiking.
- (d) Temporary livestock facilities, such as portable vestock pens and corrals.
- (e) New fences that exclude livestock from lands that re not part of an existing livestock operation.

350-90-190. Review Uses-Agricultural Land.

- (1) The following uses may be allowed on lands esignated Large-Scale or Small-Scale Agriculture subject to ompliance with the scenic, cultural, natural, and recreation source guidelines (Commission Rule 350-20-520 through 50-90-620):
- (a) New cultivation, subject to compliance with Comnission Rule 350-90-540 through 350-90-590.
- (b) Agricultural buildings in conjunction with agriculturl use.
- (c) Buildings greater than 60 square feet in area and/or 8 feet in height as measured at the roof peak, which are ccessory to a dwelling.
- (d) The temporary use of a mobile home in the case of family hardship, subject to Commission Rule 350-90-50(3).
- (e) On lands designated Large-Scale Agriculture, a ingle-family dwelling in conjunction with agricultural use, pon a demonstration that all of the following conditions xist:
- (A) The subject farm or ranch (including all of its onstituent parcels, contiguous or otherwise) has no other wellings that are vacant or currently occupied by persons ot directly engaged in farming or working on the subject arm or ranch and that could be used as the principal gricultural dwelling.
- (B) The farm or ranch upon which the dwelling will be scated is currently devoted to agricultural use, where the ay-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural

- use of the land. Current use includes a minimum area which would satisfy subsection (e)(C)(iv) below; and
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
- (i) Size of the entire farm or ranch, including all land in the same ownership;
- (ii) Type(s) of agricultural uses (crops, livestock) and acreage;
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area; and
- (iv) Income capability. The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination shall be made using the following formula:

(A)(B)(C) = I where:

- A = Average yield of the commodity per acre, or unit of production
 - B = Average price of the commodity
- C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
 - I = Income Capability
- (f) On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria for use in evaluating the eligibility of cultural resources contained in the National Register Criteria for Evaluation (36 CFR 60.4).
- (g) On lands designated Small-Scale Agriculture, a single-family dwelling on any legally existing parcel.
- (h) On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:
- (A) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;
- (B) The dwelling would be located on the same parcel as the dwelling of the principal operator; and
- (C) The operation is a commercial enterprise as determined by Commission Rule 350-90-190 (1)(e)(C).
- (i) Construction, reconstruction or modifications of roads not in conjunction with agriculture.
- (j) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (k) Structures associated with hunting and fishing operations.
 - (1) Towers and fire stations for forest fire protection.
 - (m) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use;
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months; and
- (C) The housing will be located to minimize the conversion of lands capable of production of farm crops or

livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural

- (n) On lands designated Large-Scale Agriculture, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:
- (A) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
- (B) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;
- (C) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in Commission Rule 350-90-150(2), or any abutting parcel designated Commercial Forest Land or Large or Small Woodland, as required in Commission Rule 350-90-310;
- (D) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland; and
- (E) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.
- (o) On parcels in Small-Scale Agriculture, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in Commission Rule 350-90-150(1). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40, 80, or 160 acres, this provision will apply to parcels 80 acres or larger, 160 acres or larger, or 320 acres or larger, respectively.
- (p) Life estates, pursuant to Commission Rule 350-90-210.
- (q) Land divisions when all resulting parcels satisfy the minimum lot sizes as designated on the land use designation map.
- (2) The following uses may be allowed on lands designated SMA-Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-90-520 through 350-90-620). The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:
- (a) Forest uses and practices as allowed in Commission Rule 350-90-270 (2)(b).

- (b) A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:
- (A) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.
- (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy guideline (C)(iv), below.
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:
- (i) Size of the entire farm or ranch, including all land in the same ownership.
- (ii) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.
- (iv) Income capability. The farm or ranch, and all its contiguous parcels, must be capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula, with periodic adjustments for inflation:

(A)(B)(C) = I where:

A = Average yield of the commodity per acre or unit of production

B = Average price of the commodity

- C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
 - I = Income capability
 - (D) Minimum parcel size of 40 contiguous acres.
 - (c) Accessory structures, greater than 60 square feet.
- (d) Farm labor housing and agricultural buildings upon a showing that the following conditions exist:
- (A) The proposed housing or building is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by Commission Rule 350-90-190 (2)(b)(C).
- (B) The housing or building shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.
- (C) The housing or building shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-90-150(4). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.
- (f) Bed and breakfast inns subject to Commission Rule 350-90-150(5). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

Miscellaneous [82]

- (g) Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
 - (h) Aquaculture.
- (i) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Area.
- (j) Utility facilities necessary for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Agriculture lands.
- (B) The size is the minimum necessary to provide the service.
- (k) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.
- (1) Signs as specified in Commission Rule 350-90-160(2).
- (m) Community facilities and non-profit facilities related o agricultural resource management.
- (n) Expansion of existing non-profit group camps, etreats, and conference or education centers for the success-'ul operation on the dedicated site. Expansion beyond the ledicated site is prohibited.
- (o) Recreation, interpretive and educational developnents and uses consistent with Commission Rule 350-90-520.
 - (p) Road and railroad construction and reconstruction.
- (q) Agricultural product processing and packaging, upon lemonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primariy" means a clear majority of the product as measured by olume, weight, or value.
- (r) Structures and vegetation management activities for he purpose of wildlife, fisheries, or plant habitat enhancenent projects.

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

350-90-200. Review Uses with Additional Approval Criteria — Large-Scale or Small-Scale Agriculture Designations.

- (1) The following uses may be allowed on lands lesignated Large-Scale or Small-Scale Agriculture, subject o compliance with the appropriate scenic, cultural, natural, nd recreation resource guidelines (Commission Rule 350-0-520 through 350-90-620) and Commission Rule 350-90-<u>:</u>20.
- (a) Utility facilities and railroads necessary for public ervice upon a showing that:
- (A) There is no practicable alternative location with less dverse effect on agricultural or forest lands, and
- (B) The size is the minimum necessary to provide the ervice.
- (b) Home occupations or cottage industries in existing esidential or accessory structures, subject to Commission tule 350-90-150(4).

- (c) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (d) Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (f) Exploration, development and production of mineral and geothermal resources subject to Commission Rule 350-90-520.
- (g) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.
 - (h) Aquaculture.
- (i) Recreation development, subject to Commission Rule 350-90-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
 - (j) Boarding of horses.
- (k) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- (1) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-90-150(5) and provided that the residence:
- (A) Is included in the National Register of Historic Places: or
- (B) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation; or
- (C) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (m) Non-profit, environmental learning or research facilities.
 - (n) Expansion of existing schools or places of worship.
- (2) The following uses may be allowed on lands designated Agriculture-Special subject to compliance with the appropriate scenic, natural, cultural, and recreation resource guidelines (Commission Rule 350-90-520 through 350-90-620) and Commission Rule 350-90-230:
- (a) New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.
 - (b) New fences, livestock watering facilities, and corrals.
 - (c) Soil, water, and vegetation conservation uses.
- (d) Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.
- (e) Fish and wildlife management uses, educational activities, and scientific research.
- (f) Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.

- (g) Single-family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Commission Rule 350-90-190 (1)(n). The buffer guidelines for non-agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.
- (h) Recreation uses, subject to the provisions for recreation intensity classes (Commission Rule 350-90-620).

350-90-210. Approval Criteria for Life Estates — Large-Scale or Small-Scale Agriculture Designations.

A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in Commission Rule 350-90-040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Commission Rule 350-90-520 through 350-90-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- (1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-90-190 (1)(e).
- (2) Upon termination of the life estate, the original or second dwelling shall be removed.

350-90-220. Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture.

Uses identified in Commission Rule 350-90-200(1) may be allowed only if they meet both of the following criteria:

- (1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and
- (2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

350-90-230. Approval Criteria for Review Uses on Lands Designated Agriculture-Special.

Uses identified in Commission Rule 350-90-200(2) may be allowed only if they meet all of the following criteria:

- (1) A range conservation plan pursuant to Commission Rule 350-90-240 shall be prepared before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; or soil, water, and vegetation conservation activities are undertaken [review uses (a), (b) and (c) in Commission Rule 350-90-190(3)].
- (2) The Development Review Officer shall submit all land use applications and range conservation plans to the Oregon or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that an application and/or plan is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address any written com-

ments submitted by the state heritage program in the development review order.

(3) Based on the comments from the state heritage program, the Development Review Officer shall make a final decision on whether the proposed use is consistent with the Agriculture-Special policies of the Management Plan. If the final decision contradicts the comments submitted by the state heritage program, the Development Review Officer shall justify how it reached an opposing conclusion.

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.

350-90-240. Range Conservation Plans.

- (1) If a range conservation plan is required before a use is allowed, it shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon or Washington Natural Heritage Program should be consulted while the plan is being prepared.
- (2) Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:
- (a) Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.
 - (b) Preserve native trees and shrubs.
- (c) Reestablish native grasses in degraded areas that have been invaded by non-native plants and weeds.
- (3) Range conservation plans shall include the following elements:
- (a) Range inventory. This shall include existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.
- (b) Rehabilitation plan. This shall include actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.
- (c) Livestock management plan. This shall include the grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans shall project livestock movements for at least 3 years.
- (d) Monitoring program. This shall track the annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

350-90-250. Forest Land Designations.

Commission Rule 350-90-250 through 350-90-310 shall apply to those areas designated Commercial Forest Land Large or Small Woodland and SMA-Forest on the Scenic Area Land Use Designation Map.

Miscellaneous [84]

350-90-260. Uses Allowed Outright — Forest Land.

- (1) The following uses are allowed on lands designated Commercial Forest Land or Large or Small Woodland without review:
- (a) Forest practices that do not violate conditions of approval for other approved uses.
 - (b) Agricultural use, except new cultivation.
- (c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land designated SMA-Forest without review:
- (a) New agricultural uses as allowed in Commission Rule 350-90-180(2) and the open space uses allowed in Commission Rule 350-90-340(10), except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing dwellings, signs, structures, trails, roads, railroads, and utility facilities.
- (c) Accessory structures of less than 60 square feet in area and less than 18 feet in height measured at the roof peak.

350-90-270. Review Uses — Forest Land.

- (1) The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620):
- (a) On lands designated Large Woodland, a single-family dwelling upon a demonstration that all of the following conditions exist:
- (A) The dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The principal purpose for locating a dwelling on lands designated Large Woodland is to enable the resident to conduct efficient and effective forest management. This requirement indicates a relationship between ongoing forest management and the location of a dwelling on the subject parcel. A dwelling may not always be required for forest management.
- (B) The subject parcel has been enrolled in the appropriate state's forest assessment program.
- (C) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor and expenses; and how the dwelling will contribute toward the successful completion of the operations.
- (D) The parcel has no other dwellings that are vacant or currently occupied by persons not engaged in forestry and that could be used as the principal forest dwelling.
- (E) The dwelling complies with the "Approval Criteria for the Siting of Dwellings on Forest Land" (Commission

- Rule 350-90-310) and "Approval Criteria for Fire Protection in Forest Zones" (Commission Rule 350-90-300).
- (F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (b) On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with Commission Rule 350-90-300 and Commission Rule 350-90-310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (c) One single-family dwelling if shown to be in conjunction with and substantially contribute to the current agricultural use of a farm pursuant to Commission Rule 350-90-190 (1)(e). The siting of the dwelling shall comply with Commission Rule 350-90-300.
- (d) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when the particular forest practice for which it was approved has concluded.
- (e) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.
- (f) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (g) Structures associated with hunting and fishing operations
 - (h) Towers and fire stations for forest fire protection.
- (i) New agricultural structures subject to Commission Rule 350-90-300.
- (j) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-90-150(3), 350-90-300 and 350-90-310.
- (k) Accessory building(s) greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peak; subject to Commission Rule 350-90-300 and 350-90-310.
- (1) A second single-family dwelling for a farm operator's relative, subject to Commission Rule 350-90-190 (1)(h), 350-90-300 and 350-90-310.
- (m) Private roads serving a residence, subject to Commission Rule 350-90-300 and 350-90-310.

- (n) Recreation development, subject to Commission Rule 350-90-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
- (o) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.
 - (p) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use.
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.
- (C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
- (q) On lands designated Commercial Forest Land, a temporary mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to Commission Rule 350-90-300 and 350-90-310.
- (4) On parcels in Small Woodland, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" [Commission Rule 350-90-150(1)]. If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40 or 80 acres, this provision will apply to parcels 80 acres or larger or 160 acres or larger, respectively.
- (s) New cultivation, subject to compliance with Commission Rule 350-90-540, 350-90-560, 350-90-570, 350-90-580 and 350-90-590.
- (t) Life Estates on lands designated Large or Small Woodland, pursuant to Commission Rule 350-90-320.
- (2) The following uses may be allowed on lands designated SMA-Forest subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620). The use or development will be sited to minimize the loss of land suitable for the production of forest products:
 - (a) Any use listed in Commission Rule 350-90-190(2).
- (b) Forest practices in accordance with a site plan for forest practices approved by the Oregon Department of Forestry or Washington Department of Natural Resources, or other designated forest practices review agency, including the following:
- (A) The following information, in addition to the site plan requirements of Commission Rule 350-90-080, shall be included on the site plan:
 - (i) Boundary of proposed commercial forest practice.
 - (ii) Location of proposed rock or aggregate sources.
 - (iii) Timber types.
 - (iv) Harvest units.
 - (v) Silvicultural prescriptions.

- (vi) Road and structure construction and/or reconstruction design.
 - (vii) Major skid trails, landings, and yarding corridors.
 - (viii) Commercial firewood cutting areas.
 - (ix) Existing and proposed rock pit development plans.
- (x) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.
 - (B) A discussion of slash disposal methods.
- (C) A reforestation plan as reviewed by the appropriate state forest practices agency.
 - (c) Railroad and road construction or reconstruction.
- (d) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products in the Special Management Area.
 - (e) Silvicultural nurseries.
- (f) Utility facilities for public service upon a finding that:
- (A) There is no alternative location with less adverse effect on Forest Land, and
- (B) The size is the minimum necessary to provide the service.
- (g) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
 - (h) Fish hatcheries and aquaculture facilities.
- (i) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with Commission Rule 350-90-620.
- (j) One dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling is necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:
- (A) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.
- (B) The subject parcel has been enrolled in the state's forest assessment program.
- (C) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.
- (D) There are no other dwellings on the parcel that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
- (E) The dwelling complies with all applicable building code and fire protection guidelines.
- (F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property

Miscellaneous [86]

are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

- (k) Accessory structures over 60 square feet.
- (l) Home occupations and cottage industries pursuant to Commission Rule 350-90-150(4).
- (m) Temporary portable facility for the processing of forest products.
 - (n) Towers and fire stations for forest fire protection.
- (o) Community facilities and nonprofit facilities related to forest resource management.
- (p) Expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.
- (q) Signs as specified in Commission Rule 350-90-160(2).

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.

350-90-280. Review Uses with Additional Approval Criteria — Commercial Forest Land, or Large or Small Woodland Designations.

The following uses may be allowed on lands designated Commercial Forest Land, or Large or Small Woodland, subject to compliance with the appropriate scenic, cultural, natural, or recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620) and Commission Rule 350-90-290:

- (1) Utility facilities and railroads necessary for public service upon a showing that (a) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and (b) the size is the minimum necessary to provide the service.
- (2) Home occupations or cottage industries in an existing residence or accessory structure, subject to the guidelines in Commission Rule 350-90-150(4).
- (3) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (4) Wineries, in conjunction with onsite viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (5) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (6) Exploration, development, and production of mineral and geothermal resources, subject to Commission Rule 350-90-520 through 350-90-530.
 - (7) Aquaculture.
 - (8) Boarding of horses.
- (9) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.
- (10) Expansion of existing nonprofit group camps, retreats, or conference centers.
- (11) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-90-150(5) and provided that the residence:

- (a) Is included in the National Register of Historic Places, or
- (b) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or
- (c) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (12) Nonprofit, environmental learning or research facilities.

350-90-290. Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland.

Uses identified in Commission Rule 350-90-280 may be allowed only if they meet the following criteria:

- (1) The owners of land designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;
- (2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;
- (3) The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands; and
- (4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with Commission Rule 350-90-300.

<u>350-90-300.</u> Approval Criteria for Fire Protection in Forest Designations.

All uses, as specified, shall comply with the following fire safety guidelines:

- (1) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.
- (2) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).
- (3) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
- (4) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be

made only after consultation with the local rural fire district, and the Washington Department of Natural Resources in Washington, or the Oregon Department of Forestry in Oregon.

(5) Within one year of the occupancy of a dwelling, the Development Review Officer shall conduct a review of the development to assure compliance with these guidelines.

(6) Telephone and power supply systems shall be underground whenever possible.

- (7) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
- (8) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
- (9) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.
- (10) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant.

350-90-310. Approval Criteria for Siting of Dwellings on Forest Land.

The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:

- (1) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
- (2) The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or land productivity.
- (3) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- (4) A variance to the siting guidelines of this rule may be granted pursuant to the provisions of Commission Rule 350-90-150(7).

350-90-320. Approval Criteria for Life Estates in Commercial Forest Land or Small or Large Woodland.

A landowner who sells or otherwise transfers real property on lands designated Commercial Forest Land or Large or Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel. A second dwelling unit on lands designated Commercial Forest Land or Large or Small Woodland may be allowed, subject to compliance with the guidelines in Commission Rule 350-90-520 through 350-90-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

(1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-90-190 (1)(e).

- (2) On lands designated Large Woodland, the dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The proposed dwelling shall comply with guideline 350-90-270 (1)(a).
- (3) On lands designated Small Woodland, the proposed dwelling complies with guideline 350-90-270 (1)(b).
- (4) Upon termination of the life estate, the original or second dwelling shall be removed.

350-90-330. Open Space Designations.

Commission Rule 350-90-330 through 350-90-340 shall apply to those areas designated GMA-Open Space and SMA-Open Space on the Scenic Area Land Use Designation Map.

350-90-340. Review Uses — Open Space.

- (1) The following uses may be allowed on all lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620):
- (a) Low intensity recreation, subject to Commission Rule 350-90-610(2).
- (b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.
- (c) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydroelectric facilities.
- (d) Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.
- (2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands landscape setting:
 - (a) All uses listed in Commission Rule 350-90-340(1)
 - (b) Livestock grazing.
- (c) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (d) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.
 - (e) Harvesting of wild crops.
 - (f) Educational or scientific research.
- (g) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic cultural, natural and recreation resources (Commission Rule 350-90-520 through 350-90-620).

- (5) The following uses may be allowed on land designated GMA-Open Space within the Mosley Lakes Natural Area:
- (a) All those uses allowed in Commission Rule 350-90-340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- (c) Educational or scientific research, after consultation with the Washington Natural Heritage Program.
 - (d) Commercial trapping.
- (4) The following uses may be allowed on land designated GMA-Open Space within the Chenoweth Table Natural Area:
- (a) All those uses allowed in Commission Rule 350-90-340(1).
- (b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-90-610(2), after consultation with the Oregon Natural Heritage Program.
- (c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Natural Heritage Program.
- (d) Educational or scientific research, after consultation with the Oregon Natural Heritage Program.
- (5) The following uses may be allowed on land designated GMA-Open Space within the Squally Point Natural Area:
- (a) Except as limited by guideline (5)(b) below, all those uses allowed in Commission Rule 350-90-340(1).
- (b) Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for recreation intensity classes 350-90-610(2), after consultation with the Oregon Natural Heritage Program.
- (c) Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Natural Heritage Program.
- (6) The following uses may be allowed on land designated GMA-Open Space within the Klickitat River Wildlife and Natural Area:
- (a) All those uses allowed in Commission Rule 350-90-340(1).
- (b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-90-610(2), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.
- (c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- (d) Educational or scientific research, after consultation with the Washington Natural Heritage Program.
- (7) The following uses are allowed on land designated GMA-Open Space within the Balch Lake Wetland Area:
- (a) All those uses allowed in Commission Rule 350-90-340(1).
- (b) Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.
- (c) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
- (d) Educational and scientific research, after consultation with the Washington Department of Wildlife.

- (e) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-90-610(2), after consultation with the Washington Department of Wildlife.
- (8) The following uses may be allowed on lands designated GMA-Open Space within the mouth of the Wind River Wildlife Area:
- (a) All those uses allowed in Commission Rule 350-90-340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
- (c) Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
- (e) Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.
 - (f) Commercial fishing and trapping.
- (g) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-90-610(2), after consultation with the Washington Department of Wildlife.
- (9) The following uses may be allowed on lands designated GMA-Open Space within state parks:
 - (a) All uses listed in Commission Rule 350-90-340(1).
- (b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
 - (e) Educational or scientific research.
- (10) On land designated SMA-Open Space, the maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, and utility facilities may occur without review.
- (11) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620) and when consistent with an open space plan approved by the U.S. Forest Service pursuant to guideline (12) below:
- (a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.
- (b) Structures or vegetation management activities, including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.
- (c) Low intensity recreation uses, including educational and interpretive facilities, consistent with Commission Rule 350-90-620.
- (d) Utility facilities for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Open Space land.
- (B) The size is the minimum necessary to provide the service.
- (e) New signs, pursuant to Commission Rule 350-90-160.
- (12) An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the

Forest Service. The Open Space plan shall include the following:

- (a) Direction for resource protection, enhancement, and management.
- (b) Review of existing uses to determine compatibility with Open Space values.
- (c) Consultation with members of the public and with agency and resource specialists.

350-90-350. Residential Land Designations.

Commission Rule 350-90-350 through 350-90-390 shall apply to those areas designated Residential on the Scenic Area Land Use Designation Map.

350-90-360. Uses Allowed Outright — Residential Land.

- (1) The following uses are allowed on lands in the General Management Area designated Residential without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions of approval for other approved uses.
- (c) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land in the Special Management Area designated Residential without review:
- (a) Agricultural uses except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of dwellings, signs, structures, existing trails, roads, railroads, and utility facilities.
- (c) Accessory structures of less than 60 square feet in area and 18 feet in height measured at the roof peak.

350-90-370. Review Uses — Residential Land.

- (1) The following uses may be allowed on lands in the General Management Area designated Residential, subject to compliance with the scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620):
- (a) One single-family dwelling per legally created parcel.
- (A) If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland, the use shall comply with the buffer and notification requirements of Commission Rule 350-90-150(2), 350-90-310(1), and the notification requirements of Commission Rules 350-90-190 (1)(n)(E) and 350-90-290(1); and
- (B) If the subject parcel is located adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines of Commission Rule 350-90-300.

- (b) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (c) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-90-150(3).
 - (d) Construction or reconstruction of roads.
- (e) On parcels 10 acres or larger designated Residential-5, or 20 acres or larger designated Residential-10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of Commission Rule 350-90-150(1).
- (f) New cultivation, subject to compliance with Commission Rule 350-90-540 and 350-90-660 through 350-90-590
- (g) Land divisions, subject to the minimum lot size as indicated on the Land Use Designation Map.
- (2) The following uses may be allowed on lands in the Special Management Area designated Residential subject to compliance with the scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620):
- (a) One single-family dwelling per legally created lot or consolidated parcel, subject to the guidelines of Commission Rule 350-90-270 (2)(j)(E).
 - (b) Accessory structures over 60 square feet.
 - (c) New utility facilities.
 - (d) Fire stations.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-90-150(4).
- (f) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 350-90-150(5).
 - (g) Community parks and playgrounds.
 - (h) Road and railroad construction and reconstruction.
- (i) Forest practices, pursuant to the provisions of Commission Rule 350-90-270(2).
 - (i) Signs, as specified in Commission Rule 350-90-160.

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.

350-90-380. Review Uses with Additional Approval Criteria — Residential Land.

The following uses may be allowed on lands in the General Management Area designated Residential subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620), and Commission Rule 350-90-390:

- (1) Accredited child care centers on land designated 1acre Residential or 2-acre Residential. A child care center may be allowed in other Residential designations within an existing church or community building.
- (2) Schools within an existing church or community building.
 - (3) Utility facilities and railroads.
- (4) Home occupations and cottage industries pursuant to Commission Rule 350-90-150(4).
 - (5) Fire stations.

- (6) Recreation development, subject to compliance with Commission Rule 350-90-610.
- (7) Community parks and playgrounds, consistent with the guidelines of the National Park and Recreation Society regarding the need for such facilities.
- (8) Bed and breakfast inns in single-family dwellings located on lands designated Residential-5 or Residential-10, pursuant to 350-90-150(5).

350-90-390. Approval Criteria for Specified Review Uses on Lands Designated Residential.

The uses identified in Commission Rule 350-90-390 may be allowed only if they meet all of the following:

- (1) The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, and noise, dust and odors.
- (2) The proposed use will not require public services other than those existing or approved for the area.
- (3) If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-90-150(2).
- (4) If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-90-300.

350-90-400. Rural Center.

Commission Rule 350-90-400 through 350-90-420 shall apply to those areas designated Rural Center on the Scenic Area Land Use Designation Map.

350-90-410. Uses Allowed Outright — Rural Center.

The following uses are allowed on lands designated Rural Center without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

350-90-420. Review Uses — Rural Center.

The following uses may be allowed on lands designated Rural Center subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620):

- (1) One single-family dwelling per legally created parcel.
- (2) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

- (3) The temporary use of a mobile home in the case of a family hardship, pursuant to Commission Rule 350-90-150(3).
 - (4) Duplexes.
 - (5) Fire stations.
 - (6) Libraries.
 - (7) Government buildings.
 - (8) Community centers and meeting halls.
 - (9) Schools.
 - (10) Accredited child care centers.
- (11) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.
 - (a) Grocery stores.
 - (b) Variety and hardware stores.
 - (c) Shops, offices and repair shops.
 - (d) Personal services such as barber and beauty shops.
 - (e) Travelers accommodations, bed and breakfast inns.
 - (f) Restaurants.
 - (g) Taverns and bars.
 - (h) Gas stations.
 - (i) Gift shops.
- (12) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to Commission Rule 350-90-150(4).
 - (13) Utility facilities and railroads.
- (14) Recreation development, subject to Commission Rule 350-90-610.
 - (15) Places of worship.
- (16) New cultivation, subject to compliance with Commission Rule 350-90-540, 350-90-560, 350-90-570, 350-90-580 and 350-90-590.
- (17) Land divisions subject to Commission rule 350-90-150(1).
- (18) Planned developments incorporating features such as consolidated access and commonly shared open areas.

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.

350-90-430. Commercial Land.

Commission Rule 350-90-430 through 350-90-360 shall apply to those areas designated Commercial on the Scenic Area Land Use Designation Map.

<u>350-90-440.</u> Uses Allowed Outright — Commercial Land.

The following uses are allowed on lands designated Commercial without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

350-90-450. Review Uses with Additional Approval Criteria — Commercial Land.

The following uses may be allowed on lands designated Commercial, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620), and Commission Rule 350-90-460:

- (1) Travelers accommodations, bed and breakfast inns subject to Commission Rule 350-90-150(5).
 - (2) Restaurants.
 - (3) Gift shops.
- (4) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to Commission Rule 350-90-150(4).
- (5) One single-family dwelling per legally created parcel.
 - (6) Utility facilities and railroads.

<u>350-90-460.</u> Approval Criteria for Review Uses on Lands Designated Commercial.

The uses identified in Commission Rule 350-90-450 may be allowed only if they meet both of the following criteria:

- (1) The proposal is limited to 5,000 square feet of floor area per building or use.
- (2) The proposed use would be compatible with the surrounding areas, including review for impacts associated with the visual character of the area, traffic generation and noise, dust and odors.

350-90-470. Recreation.

Commission Rule 350-90-470 through 350-90-510 shall apply to those areas designated Public Recreation and Commercial Recreation on the Scenic Area Land Use Designation Map.

<u>350-90-480.</u> Uses Allowed Outright — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on lands in the General Management Area designated Public Recreation and Commercial Recreation without review:
- (a) Forest practices that do not violate conditions of approval for other approved development.
- (b) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.
 - (c) Agricultural uses, except for new cultivation.
- (2) The following uses are allowed on lands in the Special Management Area designated Public Recreation without review:
- (a) Agricultural use, except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.
- (c) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.

<u>350-90-490.</u> Review Uses — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on all lands in the General Management Area designated Public Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620), and where applicable Commission Rule 350-90-610 (5)(a) and (c) through (g):
- (A) Publicly-owned, resource-based recreation uses consistent with Commission Rule 350-90-610.
- (B) Commercial uses and non-resource based recreation uses that are part of an existing or approved, resource-based public recreation use consistent with guidelines contained in this section.
- (C) New cultivation, subject to compliance with Commission Rule 350-90-540 and 350-90-560 through 350-90-590.
- (b) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620), and Commission Rule 350-90-500:
- (A) Residences and accessory structures, limited to one single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation, communication and public works facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-90-500(3).
- (2) The following uses are allowed on all lands in the General Management Area designated Commercial Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Commercial Recreation, subject to compliance with the appropriate scenic cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620), and where applicable Commission Rule 350-90-610 (5)(a) and (c through (g):
- (A) Commercially-owned, resource-based recreation uses consistent with Commission Rule 350-90-610.
- (B) Overnight accommodations that are part of commercially-owned resource-based recreation use, where such resource-based recreation use occurs on the subject sit or is accessed through the site on adjacent lands, and which meet the following guidelines:
- (i) Buildings containing individual units are no large than 1,500 square feet in total floor area and no higher that two and one-half stories.
- (ii) Buildings containing more than one unit are nelarger than 5,000 square feet in total floor area and no higher than two and one-half stories.
- (iii) The total number of individual units shall no exceed 25, unless the proposed development complies wit guidelines for clustered accommodations in subsection (iv below

- (iv) Clustered overnight travelers accommodations meeting the following guidelines may include up to 35 individual units:
- (I) Average total floor area of all units is 1,000 square feet or less per unit;
- (II) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);
- (III) The facility is in an area classified for high intensity recreation (Recreation Intensity Class 4).
- (C) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and nonresource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the guidelines contained in this section.
- (D) New cultivation, subject to compliance with Commission Rule 350-90-540 and 350-90-560 through 350-90-590.
- (b) The following uses may be allowed, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620), and Commission Rule 350-90-510:
- (A) Residences and accessory structures limited to one single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation and communication facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-90-510(3).
- (3) The following uses are allowed on lands in the Special Management Area designated Public Recreation subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620):
- (a) Forest uses and practices as allowed in Commission Rule 350-90-270(2).
- (b) Public trails, consistent with Commission Rule 350-90-620.
- (c) Public recreational facilities, consistent with Commission Rule 350-90-620.
- (d) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.
- (e) All dwellings and accessory structures larger than 60 square feet.
- (f) Home occupations and cottage industries, pursuant to Commission Rule 350-90-150(4).
 - (g) Road and railroad construction and reconstruction.
- (h) Utility facilities for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Public Recreation land.
- (B) The size is the minimum necessary to provide the service.
 - (i) New signs pursuant to 350-90-160(2).
- (j) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
- (k) Agricultural uses as allowed in Commission Rule 350-90-190(2).
- (4) New commercial recreation facilities shall be allowed in Forest Land and Agricultural Land use designa-

tions, consistent with the guidelines established for the recreation intensity classes Commission Rule 350-90-620.

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.

<u>350-90-500.</u> Approval Criteria for Non-Recreation Uses in Public Recreation Designations.

The uses identified in Commission Rule 350-90-490 (1)(b) may be allowed only if they meet the following criteria:

- (1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
- (2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
- (3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

350-90-510. Approval Criteria for Non-Recreation Uses in Commercial Recreation Designations.

The uses identified in Commission Rule 350-90-490 (2)(b) may be allowed only if they meet the following criteria:

- (1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
- (2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
- (3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

350-90-520. General Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

- (1) All Review Uses:
- (a) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.
- (b) New buildings shall be generally consistent with the height and size of existing nearby development.
- (c) Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in Commission Rule 350-90-520.

- (d) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.
- (e) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.

Such a plan shall be approved by the appropriate state agency for uses under their jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At a minimum, such reclamation plans shall include:

- (A) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with 10 foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use.
- (B) Cross-sectional drawings of the site showing pre-mining and post-mining grades.
- (C) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.
- (D) Description of drainage/erosion control features to be employed for the duration of the use.
- (E) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
- (2) All Review Uses visible from Key Viewing Areas shall comply with the following applicable guidelines:
- (a) Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.
- (b) The extent and type of conditions applied to a proposed development to achieve visual subordinance should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas from which it is visible, the number of Key Viewing Areas from which it is visible, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Written reports on determination of visual subordinance and final conditions of approval shall include findings addressing each of these factors.
- (c) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.
- (d) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing

- Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in Commission Rule 350-90-080 and 350-90-520 (1)(e) for mining and associated activities:
- (A) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).
- (B) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.
- (e) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to Commission Rule 350-90-520 (1)(e) and subsection (d) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.
- (f) New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.
- (g) In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be give priority over other means of achieving visual subordinance, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.
- (h) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.
- (i) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.
- (j) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- (k) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the design guidelines for the subject property's landscape setting.
- (1) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visua subordinance requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the Nationa Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.
- (m) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key

Viewing Areas. Variances to this guideline may be granted of application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, ouilding height, and site to comply with the guideline have been made.

- (n) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a pluff, cliff or ridge as seen from a Key Viewing Area, may tself protrude above the skyline if:
- (A) The altered building, through use of color, landscapng and/or other mitigation measures, contrasts less with its setting than before the alteration; and
- (B) There is no practicable alternative means of altering he building without increasing the protrusion.
- (o) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual issers or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated hat use of existing corridors is not practicable. Such new ines shall be underground as a first preference unless it can be demonstrated to be impracticable.
- (p) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing acilities unless it can be demonstrated that use of existing acilities is not practicable.
- (q) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon lemonstration that:
 - (A) The facility is necessary for public service;
- (B) The break in the skyline is seen only in the background; and
- (C) The break in the skyline is the minimum necessary o provide the service.
- (r) Overpasses, safety and directional signs and other oad and highway facilities may protrude above a skyline risible from a Key Viewing Area only upon a demonstration hat:
 - (A) The facility is necessary for public service; and
- (B) The break in the skyline is the minimum necessary o provide the service.
- (s) Except for water-dependent development and for vater-related recreation development, development shall be et back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from he normal pool elevation of the Columbia River above 30nneville Dam, unless the setback would render a property inbuildable. In such cases, variances to the setback may be authorized.
- (t) New buildings shall not be permitted on lands visible rom Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this juideline. In determining the slope, the average percent lope of the proposed building site shall be used.
- (u) All proposed structural development involving more han 100 cubic yards of grading on sites visible from Key /iewing Areas and which slope between 10 and 30 percent hall include submittal of a grading plan. This plan shall be

reviewed by the Development Review Officer for compliance with Key Viewing Area policies. The grading plan shall include the following:

- (A) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - (i) Existing and proposed final grades;
- (ii) Location of all areas to be graded, with cut banks and fill slopes delineated; and
 - (iii) Estimated dimensions of graded areas.
- (B) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - (i) Its purpose;
- (ii) An estimate of the total volume of material to be moved;
 - (iii) The height of all cut banks and fill slopes;
- (iv) Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);
- (v) A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
- (vi) A description of any other interim or permanent erosion control measures to be utilized.
- (v) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this chapter have been met.
- (B) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas.
- (C) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-90-520 (1)(e).
- (D) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:
- (i) A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;
- (ii) An estimate of the surface area of exposed mining surfaces that would be visible from those Key Viewing Areas;
- (iii) The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;

- (iv) The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible:
- (v) The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.
- (vi) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.
- (w) Unless addressed by guideline (v) above, new production and/or development of mineral resources may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this section have been met;
- (B) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and
- (C) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-90-520 (1)(e).
- (x) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.
- (y) An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).
- (z) Compliance with specific approval conditions to achieve visual subordinance (such as landscaped screening), shall occur within a period not to exceed 2 years after the date of development approval. This guideline shall apply to all development regulated by this section except mining and associated uses.
- (3) All Review Uses within the following landscape settings shall comply with the following applicable guidelines:
 - (a) Pastoral
- (A) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).
- (iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.
- (v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-90-520 (2)(k) or (1).
- (D) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature (as defined by Commission Rule 350-90-610), occurring infrequently in the landscape.
 - (b) Coniferous Woodland
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Structure height shall remain below the forest canopy level.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for ripariar areas).
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) The exteriors of structures shall be either natural or earth-tone colors unless specifically exempted by Commission Rule 350-90-520 (2)(k) or (1).
- (D) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.
 - (c) Oak-Pine Woodland
- (A) New development shall be compatible with the general scale (height, dimensions, and overall mass) o development in the vicinity. Expansion of existing develop

nent shall comply with this guideline to the maximum extent practicable.

- (B) Structure height shall remain below the tree canopy evel in wooded portions of this setting.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve /isual subordinance for new development and expansion of existing development.
- (i) At least half of any tree species planted for screening surposes shall be species native to the setting. Such species nelude Oregon white oak, ponderosa pine, and Douglas-fir.
- (ii) At least half of any trees planted for screening surposes shall be coniferous to provide winter screening.

For substantially wooded portions:

- (iii) Except as is necessary for construction of access oads, building pads, leach fields, etc., the existing tree cover creening the development from Key Viewing Areas shall be etained.
- (iv) The exteriors of structures shall be either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-90-520 (2)(k) or (1).

For treeless portions or portions with scattered tree

- (v) Structures shall be sited on portions of the property hat provide maximum screening from Key Viewing Areas, using existing topographic features.
- (vi) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees n small groupings and openings between groupings.
- (vii) Accessory structures, outbuildings, and access ways hall be clustered together as much as possible, particularly owards the edges of existing meadows, pastures, and farm fields
- (viii) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted bursuant to Commission Rule 350-90-520 (2)(k) or (1).
- (D) Resource-based recreation uses of varying intensities nay be compatible with this setting, although most are of ow-intensity nature (such as trails or small scenic outlooks). More intensive recreation uses may be compatible where illowed pursuant to Commission Rule 350-90-610, although hey are generally rare in this setting. As with Woodland ettings, intensive recreation uses in Oak-Pine Woodlands nay be compatible if widely scattered and not in large concentrations.
 - (d) Grassland
- (A) New development shall be compatible with the general scale (height, dimensions, and overall mass) of levelopment in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Accessory structures, outbuildings, and access ways hall be clustered together as much as possible. Exceptions o this guideline are permitted where necessary for farming operations.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve isual subordinance for new development and expansion of xisting development:

- (i) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.
- (ii) Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.
- (iii) Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.
- (iv) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-90-520 (2)(k) or (l).
- (D) Resource-based recreation uses of a very lowintensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting and wildlife viewing.
 - (e) Rural Residential
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.
- (C) In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-90-520 (2)(k) or (1).
- (D) Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as small scenic overlooks).
- (f) Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland
- (A) New development in this setting shall meet the design guidelines for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable.

Expansion of existing development shall comply with this guideline to the maximum extent practicable.

- (B) In the event of a possible conflict between the guidelines, the guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable.
- (C) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.
 - (g) Residential
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In portions of this setting visible from Key Viewing Areas and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" section of Part I, Chapter 1 of the Management Plan), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and/or topography.
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- (iv) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-90-520 (2)(k) or (1).
- (C) Compatible recreation uses are limited to community park facilities.
 - (h) Village
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.
- (C) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (Washington State Route 14 or the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.
- (D) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.
- (E) New development proposals and expansion of existing development shall be encouraged to follow planned

- unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.
- (F) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:
- (i) Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.
- (ii) The landscape strip required in guideline (F)(i) above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.
- (G) The use of building materials that reinforce the Village Setting's character, such as wood, logs or stone, and that reflect community desires, should be encouraged.
- (H) Architectural styles characteristic of the area (such as 1 and 1/2 story dormer roof styles in Corbett), and that reflect community desires, should be encouraged. Entry signs should be consistent with such architectural styles.
- (I) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.
- (J) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.
- (K) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.
- (L) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.
 - (i) River Bottomlands
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include: black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.
- (iii) At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.
- (iv) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-90-520 (2)(k) or (1).
- (C) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity

uses which do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderateintensity and/or high-intensity recreation uses may be compatible, provided that:

- (i) their designs emphasize retention and/or enhancement of native riparian communities,
 - (ii) structures and parking areas are visually subordinate,
- (iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.
 - (j) Gorge Walls, Canyons and Wildlands
- (A) New development and expansion of existing development shall be screened so it is not seen from Key Viewing Areas, to the maximum extent practicable.
- (B) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.
- (C) Existing tree cover shall be retained to the maxinum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.
- (D) All structures shall be limited in height to a maxinum of 1 and 1/2 stories.
 - (E) All structures' exteriors shall be non-reflective.
- (F) Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors, unless public safety concerns or federal or state highway guidelines require otherwise.
- (G) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such compatible uses (such as trails) are generally associated with ninimal facility development, if any.
- (4) All Review Uses within Scenic Travel Corridors shall comply with the following applicable guidelines:
- (a) For the purposes of implementing this section, the oreground of a Scenic Travel Corridor shall include those ands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.
- (b) All new buildings and alterations to existing buildings, except in a Rural Center designation (village landscape setting), shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant o Commission Rule 350-90-150(7). All new parking lots and expansions of existing parking lots shall be set back at east 100 feet from the edge of pavement of the Scenic Fravel Corridor roadway, to the maximum extent practicable.
- (c) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a Rural Center designation (village landscape setting), shall comply with guideline (4)(b) above to the maximum extent practicable.
- (d) All proposed vegetation management projects in public rights-of-way to provide or improve views shall nelude the following:
- (A) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;

- (B) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable guidelines to protect the resources.
- (e) When evaluating possible locations for undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.
- (f) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in Commission Rule 350-90-520 (2)(y).
- (g) Expansion of existing quarries may be allowed pursuant to Commission Rule 350-90-520 (2)(v). Compliance with visual subordinance requirements shall be achieved within time frames specified in Commission Rule 350-90-520 (2)(x).

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.

350-90-530. Special Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to all Review Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

- (1) All Review Uses in the Special Management Area regardless of location or landscape setting shall comply with the following applicable guidelines:
- (a) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.
- (b) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.
- (c) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural

patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.

- (d) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.
- (e) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.
- (f) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.
- (h) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.
- (i) Reflectivity of structures and site improvements shall be minimized.
- (j) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.
- (k) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.
- (2) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected, including cumulative effects, based on visibility from Key Viewing Areas.
- (3) All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.
- (4) New land uses or developments shall comply with the following applicable design guidelines:
- (a) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.
- (A) New developments and forest practices shall meet the Visual Quality Objective of partial retention.
- (B) The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.
- (C) Exterior colors of structures shall be earth-tone colors which will result in low contrast with the surrounding landscape.
- (D) Exterior colors of structures may be white, except for the roof, only in the Mt. Pleasant and Dodson-Warrendale areas where other white structures are evident in the setting.
- (b) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.
- (A) New developments and land uses in lands designated Federal Forest or Open Space shall meet the Visual Quality Objective of retention; all other land use designa-

- tions shall meet the Visual Quality Objective of partial retention as seen from Key Viewing Areas.
- (B) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the Visual Quality Objective identified for those lands in those plans.
- (C) Buildings in the Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (E) The exteriors of structures in the Coniferous Woodland landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (F) Exterior colors of structures in Oak-Pine Woodland landscape setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (c) Residential: The Residential setting is characterized by concentrations of dwellings.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention.
- (B) At Rowena Dell, new buildings shall have a rustic appearance and use natural materials and earth-tone colors.
- (C) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.
- (d) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention, except in areas designated Open Space which shall meet the Visual Quality Objective of retention.
- (B) Buildings shall have an overall horizontal appearance in areas with little tree cover.
- (C) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (D) Exterior colors of structures shall be earth-tone or water-tone colors which will result in low contrast with surrounding landscape.
- (e) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.
- (A) New developments and land uses shall meet the Visual Quality Objective of retention as seen from Key Viewing Areas.
- (B) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.
- (C) Temporary roads shall be promptly closed and revegetated.
- (D) New utilities shall be below ground surface, where feasible.

- (E) Use of plant species non-native to the Columbia River Gorge shall not be allowed.
- (F) Exterior colors of structures shall be dark earth tones that will result in the structure having low contrast with the surrounding landscape.
- (5) For forest practices the following guidelines shall apply:
- (a) Forest practices must meet the design guidelines and Visual Quality Objective for the landscape setting designated for the management area.
- (b) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries shall be delineated by the Forest Service.
- (c) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.
- (d) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, the maximum size of created openings shall be five acres.
- (e) Clearcutting shall not be used as a harvest practice on land designated Federal Forest Lands.
- (f) Created openings shall not create a break or opening in the vegetation in the skyline as viewed from a Key Viewing Area.
- (g) Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy shall be at least 20 feet tall.

350-90-540. General Management Area Cultural Resource Review Criteria.

- (1) General Provisions for Implementing the Cultural Resources Protection Process.
- (a) All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).
- (b) Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with Indian tribal governments and any person who submits written comments on a proposed use (interested person). Indian tribal governments shall be consulted if the affected cultural resources are prehistoric or otherwise associated with Native Americans. If the cultural resources are associated with non-Native Americans, such as an historic house or pioneer campsite, the Indian tribal governments do not have to be consulted.
- (c) Reconnaissance and Historic Surveys and Survey Reports.
 - (A) Reconnaissance survey requirements and exceptions.
- (i) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed as exceptions in Commission Rule 350-90-504 (1)(c)(A)(ii) below.
- (ii) A reconnaissance survey shall be required for all proposed uses, except:
- (I) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

- (II) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.
- (III) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.

The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

- (IV) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.
- (V) Proposed uses that would occur on sites that have been adequately surveyed in the past.

The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

- (VI) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
- Residential development that involves two or more new dwellings for the same project applicant.
- Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.
- Public transportation facilities that are outside improved rights-of-way.
- Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.
- Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It shall be refined and revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions

of this map shall be reviewed and approved by the Gorge Commission.

- (B) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.
- (C) The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

For Commission Rule 350-90-540, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(D) Reconnaissance Surveys for Small-Scale Uses.

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

- (i) A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.
- (ii) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.
- (E) Reconnaissance Survey Reports for Small-Scale Uses

The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

- (i) A description of the fieldwork methodology used to identity cultural resources, including a description of the type and extent of the reconnaissance survey.
- (ii) A description of any cultural resources that were discovered in the project area, including a written description and photographs.
- (iii) A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.
 - (F) Reconnaissance Surveys for Large-Scale Uses
- (i) Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.
- (ii) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:
- (I) Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous

- archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.
- (II) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.
- (III) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.
- (IV) Archaeological site inventory forms shall be submitted to the State Historic Preservation Officer whenever cultural resources are discovered.
- (G) Reconnaissance Survey Reports for Large-Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

- (i) A description of the proposed use, including drawings and maps.
- (ii) A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.
- (iii) A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.
- (iv) A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (v) An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (vi) A summary of all written comments submitted by Indian tribal governments and other interested persons.
- (vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.
 - (H) Historic Surveys and Reports
- (i) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.
- (ii) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.
- (iii) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.
- (d) The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction. The Gorge Commission shall conduct and pay for evaluations of significance and

mitigation plans for resources that are discovered during construction of small-scale and large-scale uses.

- (e) Cultural resources are significant if one of the following criteria is satisfied:
- (A) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4).
- (B) The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.
- (f) The Gorge Commission shall establish a Cultural Advisory Committee (CAC). The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribes. If a project applicant's and Indian tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and Indian tribal government's substantiated concerns. The CAC will submit a recommendation to the Development Review Officer as to whether affected cultural resources are significant.
- (2) Cultural Resource Reconnaissance and Historic Surveys
 - (a) Consultation and Ethnographic Research
- (A) When written comments are submitted to the Development Review Officer within the comment period provided in Commission Rule 350-90-120, the project applicant shall offer to meet with the interested persons within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the interested persons.

Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

(B) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

- (b) Notice of Survey Results
- (A) The Development Review Officer shall submit a copy of all cultural resource survey reports to the State

- Historic Preservation Officer and the Indian tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.
- (B) The State Historic Preservation Officer and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the proposed use would be consistent with Commission Rule 350-90-540. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how it reached an opposing conclusion.
- (B) The cultural resource protection process may conclude when one of the following conditions exists:
- (i) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.
- (ii) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.
- (iii) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone.

Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

- (C) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:
- (i) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or
- (ii) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's*

Standards for Rehabilitation (U.S. Department of the Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior 1983).

The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the State Historic Preservation Officer or the Development Review Officer question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

- (3) Evaluation of Significance
- (a) Evaluation Criteria and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

- (A) Evaluations of significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, no date) and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.
- (B) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.
- (C) The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
- (D) The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Oregon State Historic Preservation Office (Oregon SHPO 1990) or Washington Office of Archaeology and Historic Preservation (Washington SHPO, no date). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.
- (E) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.
 - (b) Notice of Evaluation Results
- (A) If the evaluation of significance demonstrates that the cultural resources are not significant, the Development Review Officer shall submit a copy of the evaluation of significance to the State Historic Preservation Officer and the Indian tribal governments.

- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
 - (c) Cultural Resources are Culturally Significant
- (A) If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the Indian tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.
- (B) The Indian tribal government shall substantiate its concerns in a written report. The report shall be submitted to the Development Review Officer, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the Development Review Officer within 30 calendar days from the date the evaluation of significance is mailed.
- (d) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Officer or CAC, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if the affected cultural resources are not significant.
- (C) If the project applicant or the Development Review Officer determines that the cultural resources are significant, the effects of the proposed use shall be assessed.
 - (4) Assessment of Effect
 - (a) Assessment Criteria and Information Needs
- If a use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:
- (A) The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.9) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.8.
- (i) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.9(a)].
- (ii) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR 800.9(b)]. Adverse effects on cultural resources include, but are not limited to:
- (I) Physical destruction, damage, or alteration of all or part of the cultural resource.
- (II) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that

character contributes to the resource's qualification as being significant.

- (III) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting.
- (IV) Neglect of a significant cultural resource resulting in its deterioration or destruction.
- (B) The assessment of effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.
- (C) The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following instances apply:
- (i) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.
- (ii) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the Interior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983).
 - (b) Notice of Assessment Results
- (A) If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Development Review Officer shall submit a copy of the assessment to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.
- (C) A mitigation plan shall be prepared if a project applicant or the Development Review Officer determines that the proposed use would have an adverse effect on significant cultural resources.
 - (5) Mitigation Plans
 - (a) Mitigation Plan Criteria and Information Needs

- Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:
- (A) Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Officer.
- (B) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

- (C) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.8(d), including, but not limited to:
- (i) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.
- (ii) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.
- (iii) Documentation of consultation with the State Historic Preservation Officer regarding any alternatives or mitigation measures.
- (iv) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and Development Review Officer.
- (v) Copies of any written recommendations submitted to the Development Review Officer or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.
 - (b) Notice of Mitigation Plan Results
- (A) If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Development Review Officer shall submit a copy of the mitigation plan to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by the State

Historic Preservation Officer, the Development Review Officer shall justify how an opposing conclusion was reached

- (B) The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.
- (C) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.
- (6) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Development Review Officer and the State Historic Preservation Officer. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (b) Notification. The project applicant shall notify the Development Review Officer and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
- (c) Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Officer. (See Oregon Revised Statute [ORS] 273.705, ORS 358.905 to 358.955, and Revised Code of Washington [RCW] 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in "Reconnaissance Survey Reports for Large-Scale Uses" [Commission Rule 350-90-540 (1)(c)(G)] and "Evaluation of Significance: Evaluation Criteria and Information Needs" [Commission Rule 350-90-540 (3)(a)].

Based on the survey and evaluation report and any written comments, the Development Review Officer shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

(d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

(7) Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

- (a) Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- (b) Notification. Local law enforcement officials, the Development Review Officer, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- (c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- (d) Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.
- (e) Treatment. In Oregon, prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In Washington, the procedures set forth in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/historic.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in "Mitigation Plans: Mitigation Plan Criteria and Information Needs" [Commission Rule 350-90-540 (5)(a)].

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" [Commission Rule 350-90-540 (5)(c)] are met and the mitigation plan is executed.

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

Reviser's note: The 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.

350-90-550. Special Management Area Cultural Resource Review Criteria.

- (1) General Guidelines for Implementing the Cultural Resources Protection Process
- (a) All cultural resource information shall remain confidential, according to Section 6 (a)(1)(A) of the Scenic Area Act. Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.
- (b) All cultural resources surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.
- (c) The Forest Service will be responsible for performing the literature review and consultation, inventory, evaluations of significance, assessments of effect, and mitigation requirements in Commission Rule 350-90-550(4) for forest practices and National Forest System lands.
- (d) New developments or land uses shall not adversely affect significant cultural resources.

- (2) The procedures and guidelines in Commission Rule 350-90-540 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects and forest practices.
- (3) The procedures and guidelines in 36 CFR 800 and Commission Rule 350-90-550(4) shall be used by the Development Review Officer and federal agencies to evaluate new developments or land uses on federal lands, federally assisted projects, and forest practices.
- (4) The following procedures as well as the provisions in 36 CFR 800 shall be used to assess potential effects to cultural resources.
 - (a) Literature Review and Consultation
- (A) An assessment shall be made to determine if any cultural resources listed on the National Register of Historic Places at the national, state or county level exist on or within the area of potential direct and indirect impacts.
- (B) A search shall be made of state and county government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.
- (C) Consultation with cultural resource professionals knowledgeable about the area.
- (D) A field inventory by a cultural resource professional shall be required if the Forest Service or the Development Review Officer determines that a recorded or known cultural resource exists on or within the immediate vicinity of a new development or land use, including those reported in consultation with the Tribal governments.
 - (b) Field Inventory
- (A) Tribal representatives shall be invited to participate in the field inventory.
- (B) The field inventory shall consist of one or the other of the following guidelines, as determined by the cultural resource professional:
- (i) Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, augering or shovel probing of subsurface soils for the presence of buried cultural resources.
- (ii) Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

(C) A field inventory report shall be prepared, and shall include the following:

- (i) A narrative integrating the literature review of section (4)(a) above with the field inventory of section (4)(b) above
- (ii) A description of the field inventory methodology used, including the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
- (iii) A statement of the presence or absence of cultural resources within the area of the new development or land use.
- (iv) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.
- (D) The report shall follow the format specified by the Washington Office of Archaeology and Historic Preservation for inventories conducted in the State of Washington. Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.
- (E) The field inventory report shall be presented to the Forest Service or the Development Review Officer for review.
 - (c) Evaluations of Significance
- (A) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with to the criteria of the National Register of Historic Places (36 CFR 60.4).
- (B) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
- (C) Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, Guidelines for the Evaluation and Documentation of Traditional Cultural Properties, within local and regional contexts.
- (D) Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service or the Development Review Officer shall review evaluations for adequacy.
- (E) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.
- (F) An assessment of effect shall be required if the Forest Service or the Development Review Officer determines that the inventoried cultural resources are significant.
 - (d) Assessment of Effect
- (A) For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 ("Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for sections (4)(d)(B) through (4)(d)(D) below. The Forest Service or Development Review Officer shall review each determination for adequacy.
- (B) If the proposed development or change in use will have "No Adverse Effect," as defined by 36 CFR 800.8, to a significant cultural resource, documentation for that finding

shall be completed, following the "Documentation Requirements" of 36 CFR 800.8(a).

- (C) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b) to a significant cultural resource, the type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented. This documentation shall follow the process outlined under 36 CFR 800.5(e).
- (D) If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.8 ("Documentation Requirements").
 - (e) Mitigation
- (A) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.
- (B) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.
- (C) The Forest Service or the Development Review Officer shall review all mitigation proposals for adequacy.
 - (5) Discovery During Construction
- All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Forest Service or the Development Review Officer if cultural resources are discovered during construction or development.
- (a) If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resources.
- (b) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
- (A) The applicant shall stop all work in the vicinity of the discovery.
- (B) The applicant shall immediately notify the Development Review Officer, the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.
- (C) The Forest Service or the Development Review Officer shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
- (D) A cultural resource professional shall evaluate the potential significance of the resource pursuant to Commission Rule 350-90-550 (4)(c) and report the results to the Forest Service or the Development Review Officer.
- (c) The cultural resource review process shall be complete and work may continue if the Forest Service or the Development Review Officer determines that the cultural resource is not significant.
- (d) The cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to

Commission Rule 350-90-550 (4)(e) if the Forest Service or the Development Review Officer determines that the cultural resource is significant.

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.

0350-90-560. General Management Area Wetland Review Criteria.

- (1) Wetlands Boundaries and Site Plans for Review Uses in Wetlands
- (a) If the proposed use is within a wetland or wetlands buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary.
- (A) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments.
- (B) All wetlands delineations shall be conducted by a professional which has been trained to use the federal delineation process, such as a soil scientist, botanist, or wetlands ecologist.
- (C) The Development Review Officer may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Development Review Officer shall, at the applicant's expense, obtain professional services to render a final delineation.
- (b) In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the wetland and the wetlands buffer zone; and
- (C) a description of actions that would alter or destroy the wetland.
- (2) Uses allowed outright in wetlands and wetlands buffer zones.
- (a) Commission Rule 350-90-560 shall not apply to proposed uses that would occur in the main stem of the Columbia River. The main stem of the Columbia River is depicted on the map titled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001 and dated September 1986. (This map is available at county planning departments and Commission and Forest Service offices.) The boundaries of the main stem appear as a heavy black line that generally follows the shoreline. For Commission Rule 350-90, backwaters and isolated water bodies created by roads and railroads are not part of the main stem of the Columbia River.
- (b) The following uses are allowed in wetlands and wetlands buffer zones without review, if they:
 - (A) Are conducted using best management practices;

- (B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and
- (C) Comply with all applicable federal, state, and county
- (i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.
- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation hat would cultivate land that has not been cultivated, or has ain idle, for more than 5 years shall be considered new cultivation. For this guideline cultivation and vegetation emoval may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing rrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands hat have not been cultivated, or have lain idle, for more han 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility acilities.
- (3) The following uses may be allowed in wetlands and vetlands buffer zones when approved pursuant to the provisions in Commission Rule 350-90-560(5), and reviewed under the applicable provisions of Commission Rule 350-90-520 through 350-90-620:
- (a) The modification, expansion, replacement, or econstruction of serviceable structures, if such actions would not:
- (A) Increase the size of an existing structure by more han 100 percent,
 - (B) Result in a loss of wetlands acreage or functions, or
- (C) Intrude further into a wetland or wetlands buffer tone. New structures shall be considered intruding further nto a wetland or wetlands buffer zone if any portion of the structure is located to the wetland or wetlands buffer zone han the existing structure.
- (b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious naterials; observation decks; and interpretative aids, such as ciosks and signs.
- (c) The construction of minor water-dependent structures hat are placed on pilings, if the pilings allow unobstructed low of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in

- this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- (4) Uses not listed in Commission Rule 350-90-560 (2) and (3) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to Commission Rule 350-90-560(6) and reviewed under the applicable provisions of Commission Rule 350-90-520 through 350-90-620.
- (5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:
- (a) Practicable alternatives to locating the structure outside of the wetlands or wetland buffer zone and/or minimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of the wetlands, existing contour, functions, vegetation, fish and wildlife resources, and hydrology;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal, state, and county laws.
- (6) Applications for all other Review Uses in wetlands shall demonstrate that:
- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:
- (A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands:
- (B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and
- (C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

- (b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:
 - (A) The extent of public need for the proposed use.
- (B) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.
- (C) The functions and size of the wetland that may be affected.

- (D) The economic value of the proposed use to the general area.
- (E) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.
- (c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.
- (f) The proposed use complies with all applicable federal, state, and county laws.
- (g) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.
- (h) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts.

The following wetlands restoration, creation, and enhancement guidelines shall apply:

- (A) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.
- (B) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.
- (C) Wetlands restoration, creation, and enhancement projects shall use native vegetation.
- (D) The size of replacement wetlands shall equal or exceed the following ratios (the first number specifies the required acreage of replacement wetlands and the second number specifies the acreage of wetlands altered or destroyed):

(i) Restoration: 2:1 (ii) Creation: 3:1 (iii) Enhancement: 4:1

- (E) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.
- (F) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this guideline is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.
- (G) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.
- (H) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

- (I) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.
 - (7) Wetlands Buffer Zones
- (a) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone
- (b) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.
- (A) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.
- (B) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.
- (C) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.
- (c) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(A) Forest communities: 75 feet
(B) Shrub communities: 100 feet
(C) Herbaceous communities: 150 feet

- (d) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
 - (8) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands. They shall satisfy the following guidelines:

- (a) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
- (b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.
- (c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.
- (d) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final

grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

- (A) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and ong-term survival.
- (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants rom predation.
- (C) Water-quality parameters, water source, water lepths, water-control structures, and water-level maintenance ractices needed to achieve the necessary hydrologic onditions.
- (e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency ctions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.
- (f) A project applicant shall demonstrate sufficient iscal, technical, and administrative competence to successully execute a wetlands compensation plan.

350-90-570. General Management Area Stream, ond, Lake and Riparian Area Review Criteria.

- (1) Stream, Pond, and Lake Boundaries and Site Plans or Review Uses in Aquatic and Riparian Areas
- (a) If a proposed use would be in a stream, pond, lake r their buffer zones, the project applicant shall be responsile for determining the exact location of the ordinary high ratermark or normal pool elevation.
- (b) In addition to the information required in all site lans, site plans for proposed uses in streams, ponds, lakes, nd their buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 00 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the ordinary high watermark r normal pool elevation and prescribed buffer zone; and
- (C) a description of actions that would alter or destroy to stream, pond, lake, or riparian area.
- (2) Uses allowed outright in streams, ponds, lakes, and neir buffer zones.
- (a) Commission Rule 350-90-670 shall not apply to roposed uses that would occur in those portions of the main em of the Columbia River that adjoin the Urban Area.
- (b) The following uses are allowed in streams, ponds, ikes, and their buffer zones without review, if they:
 - (A) Are conducted using best management practices;
- (B) Do not require structures, grading, draining, floodig, ditching, vegetation removal, or dredging beyond the stent specified below; and
- (C) Comply with all applicable federal, state, and county ws:
- (i) Fish and wildlife management uses conducted by ideral, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that rotect water quality, natural drainage, and fish and wildlife abitat of streams, ponds, lakes, and riparian areas.

- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation and shall require a review use permit. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (3) The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant Commission Rule 350-90-570(5), and reviewed under the applicable provisions of Commission Rule 350-90-520 through 350-90-620:
- (a) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:
- (A) Increase the size of an existing structure by more than 100 percent,
- (B) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or
- (C) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.
- (b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
- (c) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- (4) Uses not listed in Commission Rule 350-90-570 (2) and (3) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to Commission Rule

350-90-570(6) and reviewed under the applicable provisions of Commission Rule 350-90-520 through 350-90-620.

- (5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:
- (a) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal, state, and local laws.
- (6) Applications for all other Review Uses in wetlands shall demonstrate that:
- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by Commission Rule 350-90-560 (6)(a), substituting the term stream, pond, lake, or riparian area as appropriate.
- (b) The proposed use is in the public interest as determined by Commission Rule 350-90-560 (6)(b), substituting the term stream, pond, lake, or riparian area as appropriate.
- (c) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

At a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (A) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife, 1986). In Washington, the Washington Department of Wildlife and Washington Department of Fisheries shall evaluate specific proposals and specify periods for in-water work.
- (B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- (C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.
- (D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
- (E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.
- (F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when

- riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
- (f) The proposed use complies with all applicable federal, state, and county laws.
- (g) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement guidelines shall apply:

- (A) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.
- (B) Natural hydrologic conditions shall be replicated including current patterns, circulation, velocity, volume, and normal water fluctuation.
- (C) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length cross-sectional profile, and gradient.
- (D) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- (E) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- (F) Fish and wildlife habitat features shall be replicated including pool-riffle ratios, substrata, and structures Structures include large woody debris and boulders.
- (G) Stream channels and banks, shorelines, and ripariar areas shall be replanted with native plant species tha replicate the original vegetation community.
- (H) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffe zone has been altered or destroyed, or as soon thereafter as is practicable.
- (I) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this guideline.
 - (7) Stream, Pond, and Lake Buffer Zones
- (a) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam buffer zones shall be measured landward from the normat pool elevation of the Columbia River. The following buffer zone widths shall be required:
- (A) Streams used by anadromous or resident fisl (tributary fish habitat), special streams, intermittent stream

Miscellaneous [112]

hat include year-round pools, and perennial streams: 100 eet

- (B) Intermittent streams, provided they are not used by unadromous or resident fish: 50 feet
- (C) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community as determined by Commission Rule 350-90-560 (7)(b), substituting the term ond or lake as appropriate.
- (b) Except as otherwise allowed, buffer zones shall be etained in their natural condition. When a buffer zone is listurbed by a new use, it shall be replanted with native plant species.
- (c) Determining the exact location of the ordinary high vatermark or normal pool elevation shall be the responsibility of the project applicant. The Development Review Officer may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool lelineation. In the event the adjusted boundary delineation s contested by the applicant, the Development Review Officer shall, at the project applicant's expense, obtain professional services to render a final delineation.
 - (8) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or nhance a stream, pond, lake and/or buffer area. They shall atisfy the following guidelines:

- (a) Rehabilitation and enhancement plans are the esponsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.
- (b) All plans shall include an assessment of the physical haracteristics and natural functions of the affected stream, ond, lake, and/or buffer zone. The assessment shall include lydrology, flora, and fauna.
- (c) Plan view and cross-sectional, scaled drawings; pographic survey data, including elevations at contour ntervals of at least 2 feet, slope percentages, and final grade levations; and other technical information shall be provided a sufficient detail to explain and illustrate:
- (A) Soil and substrata conditions, grading and excavaon, and erosion and sediment control needed to successfully ehabilitate and enhance the stream, pond, lake, and buffer one.
- (B) Planting plans that specify native plant species, uantities, size, spacing, or density; source of plant materials r seeds; timing, season, water, and nutrient requirements for lanting; and where appropriate, measures to protect plants rom predation.
- (C) Water-quality parameters, construction techniques, nanagement measures, and design specifications needed to naintain hydrologic conditions and water quality.
- (d) A 3-year monitoring, maintenance, and replacement rogram shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare n annual report that documents milestones, successes, roblems, and contingency actions. Photographic monitoring nall be used to monitor all rehabilitation and enhancement fforts.
- (e) A project applicant shall demonstrate sufficient scal, administrative, and technical competence to successilly execute and monitor a rehabilitation and enhancement lan.

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

350-90-580. General Management Area Sensitive Wildlife Review Criteria.

- (1) Sensitive Wildlife Areas and Sites and Site Plans Near Sensitive Wildlife
- (a) Proposed uses shall not adversely affect sensitive wildlife areas or sensitive wildlife sites:
- (A) "Sensitive wildlife areas" in the Columbia Gorge means the following land and water areas that appear in the wildlife inventory map prepared and maintained by the Gorge Commission:

Bald eagle habitat

Deer and elk winter range

Elk habitat

Mountain goat habitat

Peregrine falcon habitat

Pika colony area

Pileated woodpecker habitat

Pine marten habitat

Shallow water fish habitat (Columbia R.)

Special streams

Special habitat area

Spotted owl habitat

Sturgeon spawning area

Tributary fish habitat

Turkey habitat

Waterfowl area

Western pond turtle habitat

- (B) "Sensitive wildlife sites" means sites that are used by animal species that are
- (i) listed as endangered or threatened pursuant to federal or state endangered species acts,
- (ii) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,
- (iii) listed as sensitive by the Oregon Fish and Wildlife Commission, or
- (iv) considered to be of special interest to the public (limited to great blue heron, osprey, golden eagle, and prairie falcon).
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (2) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:
- (a) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.
- (b) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands

that have not been cultivated, or have lain idle, for more than 5 years.

- (c) Forest practices that do not violate conditions of approval for other approved uses.
- (d) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (e) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
 - (3) Field Survey

A field survey to identify sensitive wildlife areas or sites shall be required for:

- (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities:
- (c) Public transportation facilities that are outside improved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

- (4) Uses not listed in Commission Rule 350-90-580(2) may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to Commission Rule 350-90-580(5) and reviewed under the applicable provisions of Commission Rule 350-90-520 through 350-90-620.
- (5) Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon Department of Fish and Wildlife or the Washington Department of Wildlife by the Development Review Officer. State wildlife biologists will review the site plan and their field survey records and:
- (A) Identify/verify the precise location of the wildlife area or site,
- (B) Ascertain whether the wildlife area or site is active or abandoned, and
- (C) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.
- (b) The following factors may be considered when site plans are reviewed:
 - (A) Biology of the affected wildlife species.
- (B) Published guidelines regarding the protection and management of the affected wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron. The Washington Department of Wildlife has prepared similar guidelines for a variety of species, including

the western pond turtle, the pereguine falcon, and the Larch Mountain salamander (Rodrick and Milner, 1991).

- (C) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
- (D) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.
- (E) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.
- (c) The wildlife protection process may terminate if the Development Review Officer, in consultation with the state wildlife agency, determines:
 - (A) The sensitive wildlife area or site is not active, or
- (B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance
- (d) If the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Development Review Officer will incorporate them into the development review order and the wildlife protection process may conclude.
- (e) The project applicant shall prepare a wildlife management plan if the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.
- (f) The Development Review Officer shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the state wildlife agency in the land use review order.

Based on the comments from the state wildlife agency, the Development Review Officer will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the Development Review Officer shall justify how the opposing conclusion was reached.

The Development Review Officer shall require the applicant to revise the wildlife management plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(6) Wildlife Management Plans

Wildlife management plans shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and

Miscellaneous [114]

mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet the following guidelines:

- (a) Wildlife management plans shall be prepared by a professional wildlife biologist hired by the project applicant.
- (b) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.
- (c) The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.
- (d) A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.
- (e) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:
- (A) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.
- (B) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.
- (f) Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, t shall be rehabilitated to its natural condition to the naximum extent practicable. When complete rehabilitation s not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of he wildlife area or site.

Rehabilitation and enhancement actions shall be docunented in the wildlife management plan and shall include a nap and text.

(g) The applicant shall prepare and implement a 3-year nonitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall nelude an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement guidelines.

- (7) New fences in deer and elk winter range
- (a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.
- (b) New and replacement fences that are allowed in winter range shall comply with the guidelines in <u>Specifications for Structural Range Improvements</u> (Sanderson, et. al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:
- (A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
- (B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
- (C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
- (D) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
- (c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

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

Reviser's note: The 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.

<u>350-90-590.</u> General Management Areas Rare Plant Review Criteria.

- (1) Sensitive Plants and Site Plans for Review Uses Near Sensitive Plants
- (a) Proposed uses shall not adversely affect sensitive plants. "Sensitive plants" means plant species that are
 - (A) endemic to the Columbia River Gorge and vicinity,
- (B) listed as endangered or threatened pursuant to federal or state endangered species acts, or
- (C) listed as endangered, threatened, or sensitive by the Oregon or Washington Natural Heritage program.
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

[115] Miscellaneous

- (2) The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:
- (a) Low-intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming, and hiking. Regarding sensitive plants, horseback riding is not considered a low-intensity use.
- (b) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.
- (c) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
- (d) Forest practices that do not violate conditions of approval for other approved uses.
- (e) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
 - (3) Field Survey

A field survey to identify sensitive plants shall be required for:

- (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
- (c) Public transportation facilities that are outside improved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. Field surveys shall identify the precise location of the sensitive plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map.

- (4) Uses not listed in Commission Rule 350-90-590(2) may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to Commission Rule 350-90-590(5), and reviewed under the applicable provisions of Commission Rule 350-90-520 through 350-90-620.
- (5) Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon or Washington Natural Heritage Program by the Development Review Officer. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with

recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

- (b) The rare plant protection process may conclude if the Development Review Officer, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.
- (c) New uses shall be prohibited within sensitive plant species buffer zones, except those listed in Commission Rule 350-90-590(2).
- (d) If a proposed use must be allowed within a sensitive plant buffer area in accordance with Commission Rule 350-90-150(7), the project applicant shall prepare a protection and rehabilitation plan pursuant to Commission Rule 350-90-590(6).
- (e) The Development Review Officer shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the Natural Heritage Program staff in the land use review order.

Based on the comments from the Natural Heritage Program staff, the Development Review Officer will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Development Review Officer shall justify how the opposing conclusion was reached.

(6) Protection and Rehabilitation Plans

Protection and rehabilitation plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance.

Protection and rehabilitation plans shall meet the following guidelines:

- (a) Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.
- (b) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.
- (c) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

- (d) Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.
- (e) Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

- (f) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.
- (g) Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:
- (A) Describe the biology of sensitive plant species that will be affected by a proposed use.
- (B) Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.
- (C) Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.
- (D) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the Development Review Officer an annual report that documents milestones, successes, problems, and contingency actions.
 - (7) Sensitive Plant Buffer Zones
- (a) A 200-foot buffer zone shall be maintained around sensitive plants. Buffer areas shall remain in an undisturbed, natural condition.
- (b) Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, man-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer zone be less than 25 feet.
- (c) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:
 - (A) Identifies the precise location of the sensitive plants,
 - (B) Describes the biology of the sensitive plants, and
- (C) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and nanagement shall be cited. The report shall include detailed maps and photographs.

(d) The Development Review Officer shall submit all requests to reduce sensitive plant species buffer areas to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the late that such a request is mailed to submit written comnents to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the Oregon or Washington Natural Heritage Program in the development eview order.

Based on the comments from the Oregon or Washington Vatural Heritage Program, the Development Review Officer will make a final decision on whether the reduced buffer trea is justified. If the final decision contradicts the comnents submitted by the Natural Heritage Program staff, the Development Review Officer shall justify how the opposing conclusion was reached.

350-90-600. Special Management Areas Natural Resource Review Criteria.

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation of destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the natural resource site evaluation and project analysis and evaluation for new uses and developments, except those sponsored by non-Forest Service federal and state agencies.

- (1) Buffer zones shall be undisturbed unless it has been shown that no practicable alternatives exist, pursuant to Commission Rule 350-90-560 (6(a)(A) through (C), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan that no adverse effects would result.
- (2) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection guidelines:
- (a) Location of the following sites and areas. The Forest Service will provide this information to the applicant.
- (A) Sites of sensitive wildlife and sensitive plant species.
- (B) Location of riparian and wetland areas. The exact location of the wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989). Changes to this manual shall not apply to wetlands in the Special Management Area unless the Management Plan has been amended.
- (b) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Development Review Officer.
 - (4) Review of the site plan shall consider the following:
- (a) Biology and habitat requirements of the flora or fauna of concern.
- (b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.
- (c) Existing condition of the site and the surrounding habitat and the useful life of the site.
- (d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.
- (e) Minimum natural resource protection guidelines including buffer zones.
- (f) Closure of forest practice roads necessary to protect natural resources.
 - (g) Comments from state and federal agencies.
- (5) Minimum natural resource protection guidelines include:
 - (a) Sites of sensitive wildlife and sensitive plan species.
- (A) A 200-foot buffer zone shall be created for sensitive plant species.
- (B) A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by

species requirements shall be as determined by a Forest Service biologist in consultation with other state or federal agency biologists.

- (b) Riparian areas, wetlands, parks, and lakes.
- (A) Wetlands shall not be destroyed except within roads and railroad rights-of-way as provided in guideline 6. Riparian areas shall not be destroyed, except for water-dependent uses, such as boat ramps, and road construction and reconstruction. The above-stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.
- (B) Adding any fill or draining of wetlands is prohibited.
- (C) A minimum 200-foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;
- (D) A 200 foot buffer zone shall be created along each fish-bearing and perennial stream.
- (E) A 50-foot buffer zone shall be created along intermittent streams.
- (F) Revegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.
- (G) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all the following:
- (i) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way;
 - (ii) The wetland is not critical habitat; and
- (iii) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.
 - (c) Fish and wildlife habitat:
- (A) Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.
- (B) New developments and uses shall not interfere with fish passage.
- (C) Filling of shallow-water fishery habitat shall be allowed only after an analysis shows that no other practicable sites exist. Filling shall only be considered for water-dependent uses, and mitigation shall be required.
- (D) New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Dept. of Fish and Wildlife 1986).
- (E) In areas of big game winter range, adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.
 - (F) Forest practices shall maintain the following:
- (i) Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife

trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.

In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16-inch diameter at breast height (dbh) or greater, preferably with limbs down to the ground, shall be maintained.

- (ii) Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area.
- (iii) Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.
 - (d) Bio-diversity.
- (A) New uses shall avoid disturbance to old-growth forests.
- (B) Forest practices shall maintain species composition at existing proportions in the activity area.
- (C) Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of 1-foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak trees less than 1-foot dbh. No area greater than 10 acres in size and supporting existing oak species shall be devoid of oak trees.
- (D) A mix in age and size of hardwoods shall be maintained to provide vertical diversity and replacement.
- (E) For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.
 - (e) Soil productivity.
- (A) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (B) The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.
- (C) Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.
 - (D) Forest practices shall maintain the following:
- (i) Soil organic matter shall be provided at a minimum of 15 tons per acre and 25 tons per acre of dead and down woody material in the east and west side vegetation communities, respectively.
- (ii) Potential ground disturbance activities shall be designed to minimize disturbance to the soil organic horizon.
 - (f) Air and water quality.
- (A) Streambank and shoreline stability shall be maintained or restored with natural revegetation.
- (B) All new developments shall be carried out to comply with state water quality requirements.
- (C) County, state, and federal regulations for air and water quality and for pesticide use shall be followed.
- (D) Existing levels of air visibility shall not be degraded
- (g) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:
 - (A) Include existing natural and cultural features.

Miscellaneous [118]

- (B) Include proposed actions within and adjacent to the buffer zone.
- (C) Include mitigation measures as necessary to comply with the minimum natural resource protection guidelines and protect natural resources from adverse effects.
- (D) Be prepared by a natural resource specialist as defined.
- (E) Demonstrate mitigation measures that would offset the adverse effects of the proposed new use or developments and that would ensure protection, long-term viability, and function of the resource being protected by the buffer zone.
- (F) Be reviewed to ensure the proposed mitigation measures are adequate and comply with minimum natural resource protection guidelines. The mitigation plan shall be reviewed by the Forest Service in consultation with appropriate state or federal agencies, and reviewed and approved by the Development Review Officer.

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

<u>350-90-610.</u> General Management Areas Recreation Resource Review Criteria.

The following uses may be allowed, subject to compliance with Commission Rule 350-90-610 (5) and (6).

- (1) Recreation Intensity Class 1 Very Low Intensity
- (a) Parking areas for a maximum of 10 cars for any allowed uses in Recreation Intensity Class 1.
- (b) Trails for hiking, equestrian and mountain biking use.
 - (c) Pathways for pedestrian and bicycling use.
- (d) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).
 - (e) Scenic viewpoints and overlooks.
 - (f) Wildlife/botanical viewing and nature study areas.
 - (g) River access areas.
- (h) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.
- (i) Entry name signs not to exceed 10 square feet per sign.
 - (j) Boat docks, piers or wharfs.
 - (k) Picnic areas.
 - (1) Rest-rooms/comfort facilities.
 - (2) Recreation Intensity Class 2 Low Intensity
 - (a) All uses permitted in Recreation Intensity Class 1.
- (b) Parking areas for a maximum of 25 cars, including spaces for campground units, to serve any allowed uses in Recreation Intensity Class 2.
- (c) Simple interpretive signs and displays, not to exceed a total of 100 square feet.
- (d) Entry name signs not to exceed 20 square feet per sign.
 - (e) Boat ramps, not to exceed two lanes.
 - (f) Campgrounds for 20 units or less, tent sites only.
 - (3) Recreation Intensity Class 3 Moderate Intensity
- (a) All uses permitted in Recreation Intensity Classes 1 and 2.

- (b) Parking areas for a maximum of 75 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 3.
 - (c) Interpretive signs, displays and/or facilities.
- (d) Visitor information and environmental education signs, displays or facilities.
- (e) Entry name signs not to exceed 32 square feet per sign.
 - (f) Boat ramps, not to exceed three lanes.
- (g) Concessions stands, pursuant to applicable policies in Chapter 4, Part I of the Management Plan.
- (h) Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.
 - (4) Recreation Intensity Class 4 High Intensity
- (a) All uses permitted in Recreation Intensity Classes 1, 2, and 3.
- (b) Parking areas for a maximum of 250 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 4.
 - (c) Horseback riding stables and associated facilities.
- (d) Entry name signs, not to exceed 40 square feet per sign.
 - (e) Boat ramps.
- (f) Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.
 - (5) Approval Criteria for Recreation Uses
- All proposed recreation projects outside of Public Recreation or Commercial Recreation land use designations shall comply with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-90-520 through 350-90-620) and shall satisfy the following:
- (a) Compliance with Commission Rule 350-90-520 through 610.
- (b) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" guideline for the landscape setting in which the use is located.
- (c) For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland:
- (A) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.
- (B) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-Scale or Small-Scale

Agriculture, Commercial Forest Land or Large or Small Woodland.

(d) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the county fire marshall) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

- (e) Trail or trailhead projects shall comply with applicable trails policies in the Management Plan.
- (f) For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan.
- (g) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with guidelines for protection of tribal treaty rights in Part IV, Chapter 3, Indian Tribal Treaty Rights and Consultation in the Management Plan.
- (h) For proposed projects which include interpretation of natural or cultural resources:
- A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.
- (i) For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access):
- A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.
- (6) Facility Design Guidelines for All Recreation Projects
- (a) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.
- (b) The facility design guidelines contained herein are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or

improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

- (c) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.
- (d) Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.
- (e) Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.
- (f) Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.
- (g) Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.
- (h) Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
- (i) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.
- (j) Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Development Review Officer may allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.
- (k) A majority of trees, shrubs and other plants in landscaped areas shall be species native or naturalized to the landscape setting in which they occur (landscape setting design guidelines specify lists of appropriate species).
- (1) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.
- (m) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.

Miscellaneous [120]

- (n) Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.
- (o) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.
- (p) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Development Review Officer, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.
- (q) Grading or soil compaction within the drip line of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
- (r) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.
- (s) Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape guidelines contained herein, and shall be responsible for such maintenance and survival.
- (t) All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.
- (u) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified Recreation Intensity Class 4 (except for proposals predominantly devoted to boat access) shall comply with Commission Rule 350-90-610 (5)(i) regarding provision of mass transportation access.

<u>350-90-620.</u> Special Management Area Recreation Resource Review Criteria.

- (1) The following shall apply to all new recreation developments and land uses in the Special Management
- (a) New developments and land uses shall not displace existing recreational use.
- (b) Only natural resource-based recreation shall be allowed.
- (c) Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as

- proposed in the site plan. An analysis of both on and off site cumulative effects shall be required.
- (d) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
- (e) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
- (f) The facility guidelines contained in Commission Rule 350-90-620(1) are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).
- (g) New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.
- (h) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that:
- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present at the site.
- (C) Reasonable alternative sites, including those in Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives, and policies in Chapter 4, Part I of the Management Plan.
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
- (G) Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreation Intensity Class 4.
- (i) Accommodations of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Class 3 and 4) day-use recreation sites, except for sites predominantly devoted to boat access.
- (2) Special Management Areas Recreation Intensity Class Guidelines
- (a) Recreation Intensity Class 1 Very Low Intensity Emphasis is to provide opportunities for semi-primitive recreation opportunities.
- (A) Permitted uses are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.

- (B) The maximum site design capacity shall not exceed 35 people at one time on the site. The maximum design capacity for parking areas shall be 10 vehicles.
 - (C) The following uses may be permitted:
 - (i) Trails and trailheads.
 - (ii) Parking areas.
 - (iii) Dispersed campsites accessible only by a trail.
 - (iv) Viewpoints and overlooks.
 - (v) Picnic areas.
 - (vi) Signs.
 - (vii) Interpretive exhibits and displays.
 - (viii) Rest-rooms.
 - (b) Recreation Intensity Class 2 Low Intensity

Emphasis is to provide semi-primitive recreation opportunities.

- (A) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.
- (B) The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.
- (C) All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2. The following uses may also be permitted:
 - (i) Campground with vehicle access.
- (ii) Boat anchorages designed for no more than 10 boats at one time.
 - (iii) Swimming areas.
 - (c) Recreation Intensity Class 3 Moderate Intensity

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

(A) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learn-

ing, and physical activity.

(B) Maximum site design capacity shall not exceed 250 people at on the site. The maximum design capacity shall be 50 vehicles. The General Management vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.

(C) All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The

following uses may also be permitted:

- (i) Campgrounds improvement may include water, power, sewer, and sewage dump stations.
- (ii) Boat anchorages designed for not more than 15 boats.
- (iii) Public visitor, interpretive, historic, and environmental education facilities.
 - (iv) Full service rest-rooms, may include showers.
 - (v) Boat ramps.
 - (vi) Riding stables.
 - (d) Recreation Intensity Class 4 High Intensity

Emphasis is for providing road natural, rural, and suburban recreation opportunities with a high level of social interaction.

(A) Permitted uses are those in which people can participate in activities to realize experiences such as

socialization, cultural and natural history appreciation, and physical activity.

- (B) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The General Management Area vehicle capacity of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.
- (C) All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4.

350-90-630.

NOTICE OF APPLICATION REQUIREMENTS

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
GENERAL MANAGEMENT AREA								-
Residential LUD - Review uses except SFDs located adjacent to Agriculture & Forest LUDs, and those uses within 1000' of a sensitive wildlife area or site, or a rare plant	Х	х	Х	Х	х			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	. X	Х	Х	Х		х		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	X	х	Х	х	х		х	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	х	Х	Х	Х		Х	Х	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	Х	Х	Х	х	Х			X
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	Х	X	Х	Х		Х		х

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Agriculture LUD - Review uses except non-farm SFD in Large-Scale Agriculture LUD and uses within 1000' of sensitive wildlife area or site, or rare plant	Х	Х	Х	Х	х			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	Х	Х	Х	х	Х		Х	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large- Scale Agriculture LUD	Х	х	х	Х	Х			х
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	Х	x	х	Х		х		
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of sensitive wildlife area or site	X	Х	Х	Х		Х	Х	
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of rare plant	Х	Х	Х	X		Х		Х

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD - Review uses except utility facilities, railroads, home occupations, cottage industries, wineries, ag. product process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and those review uses within 1000' feet of a sensitive wildlife area or site, or rare plant	Х	X	Х	X	X			
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and not within 1000' feet of a sensitive wildlife area or site, or rare plant	Х	Х	Х	Х		X		
Forest LUD - Review uses within 1000' of a sensitive wildlife area or site, except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	Х	Х	X	X	х		х	

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD - Review uses within 1000' of a rare plant except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	х	Х	. ·	Х	Х			X
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a sensitive wildlife area or site	Х	Х	X	Х		Х	Х	
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a rare plant	X	Х	X	X		X		х
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	Х	Х	Х	Х	X ·			

· Miscellaneous [124]

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners , w/in 500'	Wildlife	Heritage
Commercial LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	Х	Х	Х	Х		Х	
Commercial LUD - Review uses within 1000' of a rare plant	Х	Х	Х	X .	Х			X
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	Х	Х	Х	Х			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	Х	Х	Х	Х		Х	
Recreation LUD - Review uses within 1000' of a rare plant	Х	Х	Х	Х	Х			Х
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	Х	Х	Х	Х			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	Х	Х	Х	х		х	
Open Space LUD - Review uses within 1000! of a rare plant	· X	X	Χ.	Х	Х			Х
Agriculture-Special LUD - Review uses	Х	Х	Х	х	Х			Х
SPECIAL MANAGEMENT AREAS					-			
Review Uses - All LUDs	Х	Х	Х	Х	Х		х	
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COLUMBIA RIVER GORGE COMMISSION PROPOSED PERMANENT RULE Chapter 350 Division 100

Hood River County Land Use Ordinance

350-100-010. Purposes.

The purposes of the Land Use Ordinance are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge.

350-100-020. Area Affected.

Commission Rule 350-100 shall apply to all lands in Hood River County, Oregon within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

Commission Rule 350-100 becomes effective 30 days after adoption and filing by the Columbia River Gorge Commission with the exception of those portions of Commission Rule 350-100 pertaining to the Special Management Areas, which become effective upon concurrence by the Secretary of Agriculture.

Those portions of Commission Rule 350-100 pertaining to the General Management Area are no longer effective

once Hood River County has submitted a land use ordinance and the Columbia River Gorge Commission finds it consistent with the Management Plan. Those portions of Commission Rule 350-100 pertaining to the Special Management Area remain effective until the Secretary of Agriculture concurs on the ordinances adopted by Hood River County.

350-100-030. Review and Approval Required.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in Commission Rule 350-100, when considered under the applicable procedural and substantive guidelines of this Rule.

350-100-040. Definitions.

As used in Commission Rule 350-100, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (1) Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.
- (2) Accessory building: A building or structure whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use.

[125] Miscellaneous

- (3) Active wildlife site: A wildlife site that has been used within the past 5 years by a sensitive wildlife species.
- (4) Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.
- (5) Agricultural structure: A structure located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.
- (6) Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:
- (a) The operation or use of farmland subject to any agriculture-related government program.
- (b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.
- (c) Land planted in orchards or other perennials prior to maturity.
- (d) Land under buildings supporting accepted agricultural practices.

Agricultural use does not include livestock feedlots.

- (7) Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).
- (8) Anaerobic: A condition in which molecular oxygen is absent (or effectively so) from the environment.
- (9) Aquaculture: The cultivation, maintenance, and harvesting of aquatic species.
- (10) Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.
 - (11) Archaeological resources: See cultural resource.
- (12) Archival research: Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.
- (13) **Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.
- (14) **Best management practices:** Conservation techniques and management measures that
- (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
- (b) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and
- (c) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.
- (15) **Biodiversity** (SMA): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

- (16) **Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.
- (17) **Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.
- (18) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
- (19) Camping or recreational vehicle: A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water, and electrical lines or is occupied on the same parcel for more than 60 days in any consecutive 12-month period.
- (20) Campsite: Single camping unit, that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.
- (21) Capability: The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.
- (22) Cascadian architecture (SMA): Architectural style using native rock work, large timber, and steeply pitched roofs in a rustic manner.
- (23) Catastrophic situations (SMA): Forces such as fire, insect and disease infestations, and earth movements.
- (24) Childcare center: A facility providing daycare to three or more children, but not including:
- (a) The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.
- (b) The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.
- (c) The provision of short-term care related to or associated with group athletic or social activities.
- (d) The provision of daycare in the provider's home in the family living quarters for less than 13 children.
 - (25) Clearcut: A created opening of 1 acre or more.
- (26) Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.
- (27) Commercial development/use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.
- (28) Commercial forest products: These include timber for lumber, pulp, and firewood for commercial purposes.
- (29) Commercial recreation: Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.
- (29) Community facility: Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities,

public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.

- (30) Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the Development Review Officer in a timely manner because they are concerned with the effects of a proposed use on cultural resources.
- (31) Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. Contiguous land does not include parcels that meet only at a single point.
- (32) Counties: The six counties within the Scenic Area: Hood River, Multnomah, and Wasco in Oregon, and Clark, Skamania, and Klickitat in Washington.
- (33) Created opening (SMA): A created forest opening with less than 80 percent crown cover closure of rees averaging less than 20 feet tall.
- (34) **Creation (wetlands):** A human activity that converts an upland into a wetland. This definition presumes hat the area to be converted has not been a wetland in ecent times (100 to 200 years).
- (35) Cultivation: Any activity that prepares land for aising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.
- (36) Cultural resource: Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:
- (a) Archaeological resources. Physical evidence or ruins of human occupation or activity that are located on or below he surface of the ground and are at least 50 years old.

Archaeological resources include, but are not limited to, he remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of ools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, numan remains, and associated artifacts.

(b) Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.

Historic buildings and structures include, but are not imited to, log cabins, barns, canals, flumes, pipelines, nighways, and tunnels.

(c) Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are ooted in that community's history and are important in naintaining the continuing cultural identity of the community.

Traditional cultural properties include, but are not imited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in naintaining its historical identity; and a location where Native American religious practitioners have historically

- gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.
- (37) Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.
- (38) Cut: An area where soil or earth is excavated or removed in conjunction with development activities.
- (39) **Dedicated site:** An area actively devoted to the current use and as delineated on the site plan.
- (40) **Deer and elk winter range:** Areas normally used, or capable of being used, by deer and elk from December through April.
- (41) **Destruction of wetlands:** Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.
- (42) **Developed recreation:** Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.
- (43) **Development:** Any land division or structure, including but not limited to, new construction of buildings and structures, and mining, dredging, filling, grading, paving, and excavation.
- (44) **Diameter at breast height (dbh):** The diameter of a tree as measured at breast height.
- (45) **Duplex:** A building containing two dwelling units and designed for occupancy by two families.
- (46) **Dwelling, single-family:** A detached building containing one dwelling unit and designed for occupancy by one family only.
- (47) **Dwelling unit:** A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.
- (48) Effect on treaty rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.
- (49) **Endemic:** Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.
- (50) Enhancement (natural resources): A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.
- (51) **Ethnography:** The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.
- (52) Existing use or structure: A legally established use that existed before the effective date of the Scenic Area.

[127] Miscellaneous

Act, the Management Plan, or a land use ordinance established pursuant to the Scenic Area Act. "Legally-established" means established in accordance with the law in effect at the time of establishment of the use.

- (53) Exploration, development (extraction and excavation), and production of mineral resources: Includes all or any part of the process of surface, underground, or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, onsite stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.
- (54) Fill: The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.
- (55) Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.
- (56) Forbs: Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.
- (57) **Foreground (SMA):** One-half mile on either side of a traveled road or trail.
- (58) **Forest products:** Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.
- (59) Forest practices: Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act or the Washington Forest Practices Act.
- (60) Forest use: The growing, propagation, and harvesting of forest tree species and other forest products.
- (61) **Fully screened:** A description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan).
- (62) **Grade** (ground level): The average elevation of the finished ground elevation as defined by the Uniform Building Code.
- (63) **Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- (64) **Height of building:** The vertical distance from the grade to the highest point of the roof.
- (65) **Herbaceous:** A plant with no persistent woody stem above the ground, with characteristics of an herb.
- (66) **Herbs:** Nonwoody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)
- (67) Historic buildings and structures: See cultural resource.
- (68) **Historic survey:** Actions that document the form, style, integrity, and physical condition of historic buildings

- and structures. Historic surveys may include archival research, architectural drawings, and photographs.
- (69) Horses, boarding of: The stabling, feeding, and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks.
- (70) **Hydric soil:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- (71) In-lieu sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.
- (72) Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).
- (73) Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.
- (74) **Industrial uses:** Any use of land or water primarily involved in:
 - (a) Assembly or manufacture of goods or products;
- (b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- (c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service; or
- (d) Production of electric power for commercial purposes
- (75) **Interpretive displays:** Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.
- (76) **Key components:** The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.
- (77) **Key viewing areas:** Those portions of important public roads, parks, or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. These include:

Historic Columbia River Highway Crown Point Highway I-84, including rest stops Multnomah Falls Washington State Route 14 Beacon Rock Panorama Point Park Cape Horn

Miscellaneous [128]

Dog Mountain Trail

Cook-Underwood Road

Rowena Plateau and Nature Conservancy Viewpoint

Portland Women's Forum State Park

Bridal Veil State Park

Larch Mountain

Rooster Rock State Park

Bonneville Dam Visitor Centers

Columbia River

Washington State Route 141

Washington State Route 142

Oregon Highway 35

Sandy River

Pacific Crest Trail

SMA only:

Old Washington State Route 14 (County Road 1230)

Wyeth Bench Road

Larch Mountain Road

Sherrard Point on Larch Mountain

- (78) Land division: The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, egardless of the proposed parcel or tract size or use. A land livision includes, but is not limited to, short subdivisions, partitions, and subdivisions.
- (79) Landscape setting: The combination of land use, andform, and vegetation patterns that distinguish an area in appearance and character from other portions of the Scenic Area.
- (80) Livestock feedlot: Stockyards and commercial ivestock finishing yards for cattle, sheep, swine, and fur searers. Feedlots do not include winter pasture or winter lay-feeding grounds.
- (81) Lot line adjustment: Transfer of a portion of a parcel from one owner to the owner of an adjacent parcel esulting in no increase in the number of parcels.
- (82) Management plan: The document entitled Management Plan for the Columbia River Gorge National Scenic Area adopted October 14, 1991. The Management Plan becomes effective upon approval of land use ordinances by the Commission for the General Management Area and concurrence of land use ordinances by the Secretary of Agriculture for the Special Management Area.
 - (83) Mitigation: The use of any or all of the following
- (a) Avoiding the impact altogether by not taking a ertain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or nagnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or estoring the affected environment.
- (d) Reducing or eliminating the impact over time by reservation and maintenance operations during the life of the action
- (84) **Multifamily dwelling:** A dwelling constructed or nodified into two or more single-family units.
- (85) Native species: Species that naturally inhabit an rea.
- (86) **Natural resources:** Naturally occurring features acluding land, water, air, plants, animals (including fish), lant and animal habitat, and scenery.
- (87) Natural resource specialist: A person with rofessional qualifications, including an academic degree or

sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

- (88) Natural resource-based recreation (SMA): Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.
- (89) **Nonprofit organization:** An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.
- (90) Old growth: Any stand of trees 10 acres or greater generally containing the following characteristics:
- (a) contain mature and overmature trees in the overstory and are well into the mature growth state;
- (b) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes;
- (c) in coniferous forests, standing dead trees and down material are present; and
- (d) evidences of man's activities may be present, but do not significantly alter the other characteristics and would be a subordinate factor in description of such a stand.
- (91) **Open Spaces:** Unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:
 - (a) Scenic, cultural, and historic areas;
 - (b) Fish and wildlife habitat;
- (c) Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
- (d) Ecologically and scientifically significant natural areas;
 - (e) Outstanding scenic views and sites;
 - (f) Water areas and wetlands:
- (g) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
 - (h) Potential and existing recreation resources; and
- (i) Federal and state wild, scenic, and recreation waterways.
- (92) Ordinary high water mark: The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.
 - (93) **Parcel:**
- (a) Any parcel legally created by a short division, partition, or subdivision.
- (b) Any unit of land legally created and separately described by deed or sales contract prior to November 17, 1986, if there were no applicable planning, zoning, and land division ordinances or regulations.
- (c) In the state of Washington, a unit of land created and separately described by deed or sales contract after

November 17, 1986 if the unit created was approved by the Gorge Commission or the Forest Service Scenic Area Office.

- (d) A unit of land shall not be considered a separate parcel simply because the subject tract of land:
- (A) Is a unit of land created solely to establish a separate tax account;
 - (B) Lies in different counties;
 - (C) Lies in different sections or government lots;
 - (D) Lies in different land use or zoning designations; or
 - (E) Is dissected by a public or private road.
- (94) Partial retention: A visual quality objective that provides for management activities that may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat form, line, color, or texture common to the characteristic landscape, but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.
- (95) **Practicable:** Able to be done, considering technology and cost.
- (96) **Preexisting:** Existing prior to the adoption of the Columbia River Gorge National Scenic Area Management Plan.
- (97) **Primarily:** A clear majority as measured by volume, weight, or value.
- (98) **Project area:** The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist
- (99) Public use facility: Recreation development(s) that meet the definition of "recreation facility" in the Management Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.
- (100) Rare plant species: Used in a generic sense to refer to various categories of sensitive plants cited in federal and state programs.
- (101) Recreation facility: A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such developments or improvements, except for roads and/or pathways.
- (102) Reconnaissance survey: Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.
- (103) Recreation Opportunity Spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).
- (a) Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.
- (b) Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

- (c) Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.
- (d) Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.
- (e) Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
- (f) Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.
- (104) Recreation resources: Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semiprimitive areas with few facilities and developed sites.
- (105) Rehabilitation (natural resources): A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or preconstruction condition.
- (106) **Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included in this definition.
- (107) Resource-based recreation: Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the Scenic Area and that do not adversely affect those resources upon which they depend.
- (108) Restoration (wetlands): A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.
- (109) **Retention:** A visual quality objective that provides for management activities that are not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture that are frequently found in the characteristic landscape. Changes in their qualities of size, amount, intensity, direction, pattern, etc. shall not be evident.
- (110) **Review uses:** Proposed uses and developments that must be reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine is they comply with the policies and guidelines in the Management Plan.
- (111) Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the wate body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics o wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, o debris, or that directly enhance water quality within the water body.
- (112) Road: The entire right-of-way of any public o private way that provides ingress to or egress from property by means of vehicles or other means or that provides trave between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways, or alleys.
- (b) Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.
- (c) Structures that provide for continuity of the right-of-way, such as bridges.
- (113) Scenic Area: The Columbia River Gorge National Scenic Area.
- (114) **Scenic travel corridor:** Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the Scenic Area and specifically designated to be managed as scenic and recreational travel routes.
 - (115) Secretary: The Secretary of Agriculture.
 - (116) Sensitive plant species: Plant species that are
 - (a) endemic to the Columbia River Gorge and vicinity;
- (b) listed as endangered or threatened pursuant to federal or state endangered species acts; or
- (c) listed as endangered, threatened or sensitive by the Oregon or Washington Natural Heritage Program.

In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists

- (117) Sensitive wildlife species: Animal species that are
- (a) listed as endangered or threatened pursuant to federal or state endangered species acts;
- (b) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission;
- (c) listed as sensitive by the Oregon Fish and Wildlife Commission; or
- (d) considered to be of special interest to the public, imited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent hem from being placed on federal or state endangered species lists.

- (118) **Service station:** A business operated for the surpose of retailing and delivering motor vehicle fuel into he fuel tanks of motor vehicles.
 - (119) Serviceable: Presently useable.
 - (120) Shall: Action is mandatory.
 - (121) Should: Action is encouraged.
- (122) **Shrub:** A woody plant usually greater than 3 feet out less than 20 feet tall that generally exhibits several erect, preading, or prostrate stems and has a bushy appearance. Note: For the Management Plan, seedlings of woody plants hat are less than 3 feet tall shall be considered part of the terbaceous layer.)
- (123) **Sign:** Any placard, poster, billboard, advertising tructure or inscribed surface, pattern or artificial lighting, sictorial or symbolic ornament, emblematic structure, banner, luttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is risible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, comnercial, industrial, recreational or any other activity, object or sale or lease, person or place, or to bear any kind of

- message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.
- (124) Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].)
- (125) **Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.
- (126) Soil Capability Class: A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.
- (127) **Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.
- (128) **Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.
- (129) **Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.
- (130) **Story:** A single floor level of a structure, as defined by the Uniform Building Code.
- (131) Streams: Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

- (132) **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures.
- (133) **Subsurface testing:** Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.
- (134) **Suitability:** The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses

and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

- (135) **Travelers accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.
- (136) Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.
- (137) **Tributary fish habitat:** Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.
- (138) Undertaking: Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.2(o)].
- (139) Unimproved lands: Lands that generally do not have developments such as buildings or structures.
- (140) **Upland:** Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.
- (141) Uses allowed outright: New uses and developments that may occur without being reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they are consistent with the Management Plan.
- (142) Utility facility: Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.
- (143) **Viewshed:** A landscape unit seen from a key viewing area.
- (144) Visual Quality Objective (VQO): A set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.
- (145) Visually subordinate: A description of the relative visibility of a structure where that structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.
- (146) Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots,

- spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.
- (147) Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.
- (148) Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.
- (149) Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.
- (150) Woody plant: A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

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.

350-100-050. Exempt Land Uses and Activities.

Commission Rule 350-100 shall not apply to:

- (1) Any treaty or other rights of any Indian tribes.
- (2) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 100-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
 - (3) Rights to surface or ground water.
- (4) Water transportation activities on the Columbia River or its tributaries. The term "activities" includes those facilities necessary for navigation.
- (5) The operation, maintenance and modification o existing transmission facilities of the Bonneville Powe Administration.
- (6) Laws, rules or regulations pertaining to hunting o fishing.
- (7) The operation, maintenance and improvement o navigation facilities at Bonneville Dam pursuant to federa law, except for the offsite disposal of excavation material.
- (8) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the

Miscellaneous [132]

Washington and Oregon Forest Practices Acts, or under county regulations that supersede those acts.

350-100-060. Prohibited Land Uses and Activities.

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

- (1) Solid waste disposal sites or sanitary landfills within the Special Management Area.
- (2) New industrial development in the Scenic Area outside of the Urban Areas.
- (3) Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:
- (a) Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening soil.
- (b) Removal or clearing of native grasses, shrubs, and trees.
- (c) Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.
 - (d) Barns, silos, and other agricultural buildings.
 - (e) Irrigation systems.
- (f) Exploration, development, and production of mineral resources.
 - (g) Utility facilities, public use facilities, and roads.

350-100-070. Existing Uses.

Except as otherwise provided below, existing uses in the Scenic Area may continue, notwithstanding the provisions of Commission Rule 350-100.

- (1) Except as otherwise provided, any use or structure existing on the effective date of the Management Plan, may continue so long as it is used in the same manner and for the same purpose as on that date.
- (2) Any use or structure damaged or destroyed by fire shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such uses or structures shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity and landscaping. Replacement of an existing use or structure by a use or structure different in purpose, size or scope shall be subject to Commission Rule 350-100.
- (3) Replacement or reestablishment of a use or structure discontinued for more than one year shall be subject to Commission Rule 350-100. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.
- (4) In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the dedicated site, subject to Commission Rule 350-100-520 through 350-100-620 to minimize adverse effects on scenic, cultural, natural and recreation resources. Expansion beyond the dedicated site is prohibited. Commercial uses discontinued for 1 year or more shall no longer be considered as an existing use and

shall no longer be permitted, in accordance with the provisions this rule.

- (5) Existing industrial uses in the General Management Area may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- (6) In the General Management Area, existing industrial uses may convert to less intensive uses. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.
- (7) In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to Commission Rule 350-100 if any of the following conditions exist:
- (a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation.
 - (b) The site has not maintained a required state permit.
- (c) The site has not operated legally within 5 years before the date of adoption of the Management Plan.
- (8) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:
- (a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area.
- (b) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.
- (9) Except as otherwise provided, whether a use has a vested right to continue will be determined by the law on vested rights in the appropriate state.

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.

350-100-080. Application for Review and Approval.

- (1) Prior to initiating any use or development which requires review and approval by the Development Review Officer, an application shall be completed pursuant to Commission Rule 350-100-080. The Development Review Officer shall accept and review the application pursuant to Commission Rule 350-100-100 through 350-100-170 for consistency with the appropriate guidelines of this rule. Review of a proposed use or development shall commence upon the acceptance of an application by the Development Review Officer. The Commission may charge a fee for review of applications.
- (2) Standard application forms shall be available at county and city planning offices, the offices of the Columbia River Gorge Commission and the Forest Service.

[133] Miscellaneous

- (3) Applications for the review and approval of a proposed use or development shall provide the following information:
- (a) The applicant's name, address and telephone number;
- (b) The land owner's name, address and telephone number (if different from applicant's);
- (c) The county in which the proposed use or development would be located;
- (d) The section, quarter section, township and range in which the proposed development would be located;
- (e) The street address of the proposed use or development;
- (f) The tax lot number(s) and size in acres of the parcel(s) involved;
- (g) A description of the current land use for the parcel(s) involved and adjoining lands;
- (h) A written description of the proposed use or development, including details on the height, exterior color(s), and construction materials of the proposed structures.
- (i) A list of Key Viewing Areas from which the proposed use would be visible.
- (j) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the Development Review Officer to determine the location and extent of the proposed use or development and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:
 - (A) North arrow.
 - (B) Map scale.
- (C) Boundaries, dimensions, and size of the subject parcel.
 - (D) Significant terrain features or landforms.
- (E) Groupings and species of trees or other vegetation on the parcel.
- (F) Location and species of vegetation that would be removed or planted.
 - (G) Bodies of water and watercourses.
- (H) Location and width of existing and proposed roads, driveways, and trails.
- (I) Location and size of existing and proposed structures
- (J) Location of existing and proposed services including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.
- (K) Location and depth of all proposed grading and ditching.
- (k) In the Special Management Area, applications and/or site plans shall contain the natural resources information required in Commission Rule 350-100-600(2).
- (1) Any additional information which the applicant feels will assist in the evaluation of the proposal including, but not limited to, maps, drawings, and development plans.
- (m) The signature of the applicant and property owner or a statement from the property owner indicating that he is aware of the application being made on his property.

- (n) The signature of the property owner on a statement that authorizes the Development Review Officer or the Development Review Officer's designee reasonable access to the site in order to evaluate the application.
- (4) Applications for the following uses or developments shall include additional information as required by the appropriate guidelines in Commission Rule 350-100 or by the Development Review Officer:
- (a) All buildings, roads, or mining and associated activities proposed on lands visible from Key Viewing Areas, pursuant to 350-100-520 (2)(d).
- (b) In the General Management Area, production and/or development of mineral resources and expansion of existing quarries pursuant to 350-100-520 (1)(e), 350-100-520 (2)(d), (2)(e), (2)(v), and (2)(w).
- (c) In the General Management Area, any structural development involving more than 100 cubic yards of grading on sites visible from key viewing areas and which slope is between 10 and 30 percent, pursuant to 350-100-520 (2)(u)
- (d) In the General Management Area, vegetation management projects in public rights of way along Scenic Travel Corridors, pursuant to 350-100-520 (4)(d).
- (e) Large-scale uses as defined by guideline 350-100-540(1)(c)(C) shall include reconnaissance survey reports, pursuant to 350-100-540 (1)(c)(F) and (G).
- (f) Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older, pursuant to 350-100-540 (1)(c)(H)(iii).
- (g) In the General Management Area, new uses located in, or providing recreational access to the Columbia River or its fishbearing tributaries, pursuant to 350-100-150 (8)(a)(A).
- (h) In the General Management Area, any review use in a wetland or within a wetland buffer zone, pursuant to Commission Rule 350-100-560 (1)(b).
- (i) In the General Management Area, any review use in a stream, pond, lake, or within their buffer zones, pursuant to Commission Rule 350-100-570 (1)(b).
- (j) In the General Management Area, any review use within 1000 feet of a sensitive wildlife area or site, pursuant to 350-100-580 (1)(b). Large-scale uses as defined by 350-100-580(3) shall also include field survey information, pursuant to 350-100-580 (3)(e).
- (k) In the General Management Area, any review use within 1000 feet of a sensitive plant, pursuant to Commission Rule 350-100-590(b). Large-scale uses as defined by 350-100-590(3) shall also include field survey information, pursuant to Commission Rule 350-100-590 (3)(e).
- (1) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, pursuant to Commission Rule 350-100-190 (1)(e), and if applicable, 350-100-190 (1)(f).
- (m) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling not in conjunction with agricultural use, pursuant to Commission Rule 350-100-190 (1)(n).
- (n) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling for an

agricultural operator's relative, pursuant to Commission Rule 350-100-190 (1)(h).

- (o) In the General Management Area, on lands designated Large-Woodland, a single-family dwelling, pursuant to Commission Rule 350-100-270 (1)(a),(c), and (l).
- (p) In the Special Management Area, on lands designated Forest, a single-family dwelling, pursuant to Commission Rule 350-100-270 (2)(j).
- (q) In the Special Management Area, on lands designated Forest, forest practices, pursuant to Commission Rule 350-100-270 (2)(b).
- (r) In the Special Management Area, on lands designated Open Space, any new use or development, pursuant to Commission Rule 350-100-340(11).
- (s) In the General Management Area, on lands designated Agriculture-Special, a single-family dwelling pursuant to 350-100-190 (1)(h).
- (t) In the Special Management Area, on lands designated Agriculture, a single-family dwelling necessary and accessory to agricultural use, pursuant to Commission Rule 350-100-190 (2)(b).
- (u) In the Special Management Area, on lands designated Agriculture, farm labor housing and agricultural buildings, pursuant to Commission Rule 350-100-190 (2)(d).
- (v) In the General Management Area, on lands designated Small Woodland, a single-family dwelling pursuant to Commission Rule 350-100-270 (1)(b).
- (w) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, a single-family dwelling in conjunction with agricultural use pursuant to Commission Rule 350-100-190 (1)(e).
- (x) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, agricultural labor housing, pursuant to Commission Rule 350-100-270 (1)(o).
- (y) In the General Management Area, on lands designated Agriculture-Special, new livestock grazing, new fences, ivestock watering facilities, and corrals; or soil, water, and vegetation conservation activities, pursuant to Commission Rule 350-100-240.
- (z) Other uses as deemed necessary by the Development Review Officer.
- (5) Completed application forms shall be submitted lirectly to the office of the Columbia River Gorge Commission.

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

350-100-090. Pre-Application Conference.

An applicant may request a pre-application conference prior to submitting an application for development review. The purposes of the conference shall be to acquaint the uplicant with the substantive and procedural requirements of Commission Rule 350-100, to discuss the principle elements of the proposed action, and to identify guidelines hat create opportunities or pose constraints for the proposed action.

350-100-100. Acceptance of Application.

Within 14 days of the receipt of an application, the Development Review Officer shall review the application for completeness and adequacy. The Development Review Officer shall accept a complete and adequate application within 14 days of receipt of the application.

- (1) No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The Development Review Officer shall notify the applicant of all omissions and deficiencies in writing within 14 days of receipt of the application.
- (2) No application shall be accepted which the Development Review Officer deems cannot be acted upon reasonably within 72 days, pursuant to 350-100-130(3), except when the applicant consents to a longer period for action.
- (3) No application shall be accepted unless accompanied by a list of names and addresses of the adjacent property owners within a distance of the subject parcel as determined in Commission Rule 350-100-630. A statement from the County Assessor or appropriate agency confirming the accuracy of the list shall accompany the list.
- (4) No application for a proposed use which is explicitly prohibited by Commission Rule 350-100-060 shall be accepted.
 - (a) The application shall be returned to the applicant.
- (b) A letter, signed by the Development Review Officer, stating that the proposed use is prohibited and citing the guideline which explicitly prohibits the proposed use, shall be sent to the applicant.
- (c) Issuance of this letter shall not prohibit the applicant from appealing the decision pursuant to 350-70.

350-100-110. Notice of Development Review.

- (1) Within 7 days of the acceptance of an application, the Development Review Officer shall issue notice of a proposed development review. The notice shall provide the following information:
 - (a) The name of the applicant;
- (b) The general and specific location of the subject property;
 - (c) A brief description of the proposed action;
 - (d) The deadline for rendering a decision; and
- (e) The deadline for filing comments on the proposed action.
- (2) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.
- (3) The notice shall state the applicant must comply with all applicable local, state, and federal laws.
 - (4) The notice shall be mailed to:
- (a) The Forest Service, the applicable state, Indian Tribes and the applicable county and/or city; and
- (b) Owners of property within a radius of the subject parcel(s) as determined by 350-100-630; and
- (c) Other agencies and interested parties which request a notice which the Development Review Officer determines should be notified.
- (4) The notice shall be posted at the Commission and Forest Service offices and shall be made available for posting at the applicable county or city planning office(s) and applicable library or libraries.

- (5) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.
- (6) A copy of the notice shall be filed in the records of the Commission.

350-100-120. Comment Period

Interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Development Review Officer relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-100:

- (1) Within 7 days of the close of the comment period, the Development Review Officer shall determine if a wildlife management plan pursuant to Commission Rules 350-100-580(6), or a rare plant protection and rehabilitation plan pursuant to Commission Rules 350-100-590(6) is required.
- (2) For proposed uses or developments where a cultural resources survey (reconnaissance or historic) is required and where the Commission is performing the survey, the survey shall be completed by the close of the comment period. Upon receipt of the completed survey, the Development Review Officer shall forward the survey to the State Historic Preservation Officers, and Indian Tribes pursuant to Commission Rules 350-100-540 (1)(b) and (2)(b)(A).
- (3) Within 7 days of the close of the 30 day reconnaissance survey comment period for State Historic Preservation Officers and Indian Tribes, the Development Review Officer shall determine if an evaluation of significance pursuant to Commission Rules 350-100-540(3) is required.

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

<u>350-100-130.</u> Decision of the Development Review Officer.

- (1) In making a decision on a proposed use or development the Development Review Officer shall:
- (a) Consult with the applicant and such agencies as the Development Review Officer deems appropriate;
- (b) Consider information submitted by the applicant and all other relevant information available;
- (c) Consider all comments submitted pursuant to Commission Rule 350-100-120; and
- (d) Solicit and consider the comments of the Forest Service.
- (2) The Development Review Officer shall approve a proposed use or development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rul3 350-100. In approving a proposed development action, the Development Review Officer may impose conditions as necessary to ensure consistency with the guidelines of Commission Rule 350-100.
- (3) The Development Review Officer shall issue a decision on a proposed use or development including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-100

within 72 days after acceptance of the application except in one or more of the following situations:

- (a) The applicant consents to an extension of time.
- (b) The Development Review Officer determines that additional information is required pursuant to Commission Rule 350-100-120.
- (c) The Development Review Officer determines that additional information is necessary to evaluate the impacts of the proposed use to scenic, cultural, natural, and recreation resources.
- (d) Unforseen circumstances including, but not limited to, weather, illness, etc.
- (4) The Development Review Officer shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the applicable state, the Indian Tribes, the applicable county and/or city and each person who submitted comments under Commission Rule 350-100-150. The decision shall set forth the rights of appeal under Commission Rule 350-70.
- (5) The decision of the Development Review Officer shall be final unless a Notice of Appeal is filed in accordance with Commission Rule 350-70.
- (6) The decision of the Development Review Officer approving a proposed development action shall become void
- (a) when the development action is not undertaken within two years of the decision, or
- (b) when the development action is discontinued for any reason for one year or more.
- (7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an administrative action and shall be submitted to the Development Review Officer prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Development Review Officer may grant an extension of up to 12 months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation

The Development Review Officer shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect scenic, cultural, natural or recreation resources in the National Scenic Area.

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.

350-100-140. Changes or Alterations to an Approved Action.

Any change or alteration to a development action approved by the Commission or Development Review Officer pursuant to this rule shall be processed as new action, except that the Development Review Officer may approve minor changes or alterations deemed to be consistent with the guidelines of Commission Rule 350-100 and the findings and conclusions for the original action.

350-100-150. General Guidelines.

The following uses may be permitted when allowed by the land use designation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620):

(1) Land Divisions and Cluster Development

Land Divisions within the Columbia River Gorge National Scenic Area may be allowed subject to the following:

- (a) New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan.
- (b) Unless otherwise specified, creation of a parcel, regardless of size, or any division of land except a lot-line adjustment shall be subject to the guidelines in Commission Rule 350-100.
- (c) At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.
- (d) Adjustment of the boundary between two or more contiguous parcels that does not result in the creation of an additional parcel may be allowed if none of the parcels larger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.
- (e) The minimum size for new parcels created for commercial uses within a Rural Center shall be based upon the site requirements (sewerage, parking, building, size, etc.) for the proposed use. Parcel size shall be determined by the Development Review Officer on a case-by-case basis.
- (f) The minimum size for new parcels created for residential uses within a Rural Center shall be 1 acre.

To encourage the efficient use of land, provide public amenities and standards for quality developments, and reduce the cost of providing services within Rural Centers, the Development Review Officer may allow a minimum parcel size of less than 1 acre within Rural Centers if a planned unit development approach is used for the subject parcel, incorporating features such as consolidated access and commonly shared open areas.

- (g) When allowed by a land use designation, a land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, the Development Review Office must find that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings to:
- (A) Be located in areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas.
 - (B) Avoid significant landscape features.
- (C) Protect the existing character of the landscape setting.
- (D) Reduce interference with movement of deer or elk in winter range.

- (E) Avoid areas of known cultural resources.
- (F) Consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance.
- (G) Reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources.
- (H) Increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.
- (h) In the General Management Area, following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a 5-acre Residential or a 10-acre Residential designation or 2 acres in a Small-Scale Agriculture or Small Woodland designation.
- (i) In the General Management Area, cluster development may create up to 25 percent more parcels than otherwise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 50 percent more parcels on lands designated Small-Scale Agriculture or Small Woodland. Any division in a cluster development under this guideline may create at least one additional parcel.
- (j) In the General Management Area, at least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.
- (k) In the General Management Area, contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.
 - (2) Agricultural Buffer Zones

All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands designated Large-Scale or Small-Scale Agriculture and which are currently used for or are suitable for agricultural use:

(a) Setback Guidelines

	Type of Buffer (size in feet)		
Type of	Open or	Natural or Created	8-foot Berm
Agriculture	Fenced	Vegetation Barrier	or <u>Terrain</u> <u>Barrier</u>
Orchards	250'	100*	75'
Row crops/ vegetables Livestock grazing	300'	100'	75'
pasture, haying	100'	15'	20'
Grains	200'	75' -	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- (b) Earth berms may be used to satisfy, in part, the setback guidelines. Berms shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees and/or grasses shall be planted on the berm to control erosion and achieve a finished height of 15 feet.
- (c) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen

shall be planted along the appropriate parcel line(s), and be continuous.

- (d) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
- (e) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- (f) A variance to buffer setbacks may be granted upon a demonstration that the guidelines of Commission Rule 350-100-150(7) have been satisfied.
 - (3) Temporary Use Hardship Dwelling
- (a) The temporary placement of a mobile home in the General Management Area may be granted under the following circumstances:
- (A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.
- (B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.
- (C) The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural and recreation resources of Commission Rule 350-100-520 through 350-100-620.
- (b) A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this rule and any other conditions of approval.
- (c) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.
- (d) A new permit may be granted upon a finding that a family hardship continues to exist.
 - (4) Home Occupations and Cottage Industries

Home occupations and cottage industries may be established as specified in various land use designations consistent with the following conditions:

- (a) A home occupation may employ only residents of the home.
- (b) A cottage industry may employ up to three outside employees.
- (c) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.
- (d) No more than 500 square feet of an accessory structure may be used for a home occupation or cottage industry.
- (e) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- (f) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- (g) No retail sales may occur on the premises, except incidental sales at lodging establishments authorized in Commission rule 350-100-150(5).
- (h) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the

- subject structure or within the yard containing the home occupation or cottage industry.
- (i) Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.
- (j) In the General Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-100-150 (4) and (5).
- (k) In the Special Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-100-150 (4) and (5), except Commission Rule 350-100-150 (5)(a).
 - (5) Bed and Breakfast Inns

Bed and breakfast inns may be established as authorized in specified land use designations subject to the following:

- (a) Guests may not occupy a facility for more than 14 consecutive days.
- (b) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.
- (c) Parking areas shall be screened so as to not be visible from Key Viewing Areas.
- (d) In the Special Management Area, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.
 - (6) Docks
- (a) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.
- (b) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.
- (c) Public docks open and available for public use shall be allowed.
- (7) Variances from Setbacks and Buffers within the General Management Area.

Variances from setbacks and buffers within the General Management Area may be allowed subject to the following approval criteria:

- (a) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:
- (A) A setback or buffer to protect one resource would cause the proposed use to fall within a setback or buffer to protect another resource; and
- (B) Variation from the specified setbacks or buffers would, on balance, best achieve the protection of the affected resources.
- (b) A setback or buffer for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied to allow a residence to be built on a parcel of land upon a demonstration that:
- (A) The land use designation otherwise authorizes a residence on the tract;
- (B) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer;

- (C) The variance from the specified setback or buffer is the minimum necessary to allow the residence.
- (c) The Development Review Officer may grant a variance to the setback and buffer requirements in Commission Rule 350-100-610, upon a finding that the following conditions exist:
- (A) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor.
- (B) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.
- (C) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.
- (D) The variance is the minimum necessary to accommodate the use.
- (d) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of General Management Area and Special Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:
- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present at the site.
- (C) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives and policies in Chapter 4, Part I of the Management Plan
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
 - (8) Indian Tribal Treaty Rights and Consultation
 - (a) Tribal Government Notice
- (A) New uses located in, or providing recreation river access to, the Columbia River or its fishbearing tributaries shall include the following supplemental information:
- (i) The site plan map shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.
- (ii) The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:

- (I) Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.
- (II) List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.
- (III) List tribal ceremonial fishing seasons in the project vicinity.
- (IV) Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.
- (B) Notices shall include a treaty rights protection plan if new uses may affect Indian treaty rights. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.
- (C) Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit substantive written comments to the Development Review Officer. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.
 - (b) Tribal Government Consultation
- (A) When substantive written comments are submitted to a Development Review Officer in a timely manner, the project applicant shall offer to meet with the Development Review Officer and the Indian tribal government that submitted comments within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the Indian tribal government.

Consultation meetings should provide an opportunity for the project application and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.

- (B) Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a treaty rights protection plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe.
- (C) The Development Review Officer shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Development Review Officer.
 - (c) Conclusion of the Treaty Rights Protection Process
- (A) The Development Review Officer shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.

The final decision shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments. If the final decision contradicts the comments, recommendations, or concerns of Indian tribal governments, the Development Review Officer must justify how it reached an opposing conclusion.

- (B) The treaty rights protection process may conclude if the Development Review Officer determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.
- (C) A finding by the Development Review Officer that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.
- (9) If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.
- (10) Section 8(o) of the National Scenic Act (16 USC § 544f(o) is hereby incorporated by reference.

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

350-100-160. Signs.

- (1) Signs may be allowed pursuant in all land use designations in the General Management Area to the following provisions:
- (a) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:
- (A) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.
 - (B) New billboards.
 - (C) Signs with moving elements.
- (D) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.
- (b) Any sign which does not conform with a provision of 350-100-160 and has existed prior to adoption of the Management Plan, shall be considered non-conforming and subject to the following:
- (A) Alteration of existing non-conforming signs shall comply with Commission Rule 350-100-160.
- (B) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.
- (c) The following may be permitted without review, subject to consistency with Commission Rule 350-100-160 (1)(a):
 - (A) Ordinary repair and maintenance of signs.
- (B) Election signs which are not displayed for more than 60 days. Removal shall be accomplished within 30 days of election day.
- (C) "For Sale" signs not greater than 12 square feet. Removal shall be accomplished within 30 days of close of sale
- (D) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public

- highway signs necessary for public safety and consistent with the *Manual for Uniform Traffic Control Devices*. Removal shall be accomplished within 30 days of project completion.
- (E) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet.
- (F) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal shall be accomplished within 30 days of the close of the event.
- (G) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.
- (H) Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings, not on roofs or marquees.
- (d) All signs shall meet the following guidelines unless they conflict with the *Manual for Uniform Traffic Control Devices* for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual for Uniform Traffic Control Devices* shall supersede these guidelines.
- (A) The support structure shall be unobtrusive and have low visual impact.
- (B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.
- (C) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.
- (D) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.
- (e) Business identification or facility entry signs located on the premises may be allowed, subject to Commission Rule 350-100-160 (1)(d).
- (f) Other signs not addressed or expressly prohibited by this rule may be permitted without review.
- (2) Signs in the Special Management Area shall be allowed pursuant to the following provisions:
 - (a) Prohibited Signs
 - (A) Advertising billboards.
- (B) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.
- (C) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.
- (b) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.
- (c) Temporary signs shall be permitted without review when in compliance with subsection (f) below and the following:
- (A) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area and displayed for no more than 60 calendar days. Removal shall be accomplished within 30 days of election day.

- (B) "For Sale" signs not greater than 12 square feet, removal shall be accomplished within 30 days of close of sale.
- (C) One temporary construction site identification sign which is not greater than 32 square feet. Removal shall be accomplished within 30 days of project completion.
- (D) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.
- (E) Temporary signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.
- (F) Temporary signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.
- (d) New signs shall be allowed as specified in the applicable land use designation.
- (e) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.
- (f) All new signs shall meet the following guidelines, and be consistent with the Manual for Uniform Traffic Control Devices:
- (A) Signs shall be maintained in a neat, clean and attractive condition.
- (B) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.
- (C) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
- (D) Signs shall be unobtrusive and have low contrast with the setting.
- (E) The visual impact of the support structure shall be minimized.
- (F) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
- (G) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.
- (H) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.
- (g) Public signs shall meet the following guidelines in addition to subsections (b) through (f) above:
- (A) The Graphic Signing System provides design guidelines for public signs in and adjacent to public road rights-of-way. All new and replacement public signs shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry.
- (B) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.
- (C) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

- (h) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to subsections (b) through (f):
- (A) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than two square feet.
- (B) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.
- (C) Any signs relating to, or advertising, a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review.
- (D) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.
- (E) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.
- (F) Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.
- (i) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.
- (j) Directional and safety signs are allowed to the extent necessary to satisfy requirements for smooth traffic flow and public safety. All parties and jurisdictions placing such signs must do so in accordance with the Graphic Signing System, consistent with the standards in the Manual on Uniform Traffic Control Devices.
- (k) Interstate 84 shall not have interpretive signing, except for signs permitted for services. Regulatory, warning, service, and other signs as provided for in the Graphic Signing System are allowed.

350-100-170. Agricultural Land Designations.

Commission Rule 350-100-170 through 350-100-240 shall apply to those areas designated Large-Scale or Small-Scale Agriculture, SMA-Agriculture, and Agriculture-Special on the Scenic Area Land Use Designation Map.

<u>350-100-180.</u> Uses Allowed Outright-Agricultural Land.

- (1) The following uses are allowed on lands designated Large-Scale or Small-Scale Agriculture without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions of approval for other approved uses.
- (c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.

- (d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land designated SMA-Agriculture without review:
- (a) New agricultural uses and open space uses allowed under Commission Rule 350-100-340(10), except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair and operation of existing dwellings, structures, agricultural buildings, trails, roads, railroads, and utility facilities.
- (c) Accessory structures less than 60 square feet in area and less than 18 feet in height measured at the roof peak.
- (3) The following uses may be allowed on lands designated Agriculture-Special without review:
- (a) Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.
- (b) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads, and utility facilities.
- (c) Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, birdwatching, photography, horseback riding, and hiking.
- (d) Temporary livestock facilities, such as portable livestock pens and corrals.
- (e) New fences that exclude livestock from lands that are not part of an existing livestock operation.

350-100-190. Review Uses-Agricultural Land.

- (1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with the scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-20-520 through 350-100-620):
- (a) New cultivation, subject to compliance with Commission Rule 350-100-540 through 350-100-590.
- (b) Agricultural buildings in conjunction with agricultural use.
- (c) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (d) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-100-150(3).
- (e) On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:
- (A) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.
- (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural

- use of the land. Current use includes a minimum area which would satisfy subsection (e)(C)(iv) below; and
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
- (i) Size of the entire farm or ranch, including all land in the same ownership;
- (ii) Type(s) of agricultural uses (crops, livestock) and acreage;
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area: and
- (iv) Income capability. The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination shall be made using the following formula:
 - (A)(B)(C) = I where:
- A = Average yield of the commodity per acre, or unit of production
 - B = Average price of the commodity
- C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
 - I = Income Capability
- (f) On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria for use in evaluating the eligibility of cultural resources contained in the National Register Criteria for Evaluation (36 CFR 60.4).
- (g) On lands designated Small-Scale Agriculture, a single-family dwelling on any legally existing parcel.
- (h) On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:
- (A) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;
- (B) The dwelling would be located on the same parcel as the dwelling of the principal operator; and
- (C) The operation is a commercial enterprise as determined by Commission Rule 350-100-190 (1)(e)(C).
- (i) Construction, reconstruction or modifications of roads not in conjunction with agriculture.
- (j) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (k) Structures associated with hunting and fishing operations.
 - (1) Towers and fire stations for forest fire protection.
 - (m) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use;
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months; and
- (C) The housing will be located to minimize the conversion of lands capable of production of farm crops or

livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

- (n) On lands designated Large-Scale Agriculture, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:
- (A) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
- (B) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;
- (C) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in Commission Rule 350-100-150(2), or any abutting parcel designated Commercial Forest Land or Large or Small Woodland, as required in Commission Rule 350-100-310;
- (D) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland; and
- (E) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.
- (o) On parcels in Small-Scale Agriculture, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in Commission Rule 350-100-150(1). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40, 80, or 160 acres, this provision will apply to parcels 80 acres or larger, 160 acres or larger, or 320 acres or larger, respectively.
- (p) Life estates, pursuant to Commission Rule 350-100-210.
- (q) Land divisions when all resulting parcels satisfy the minimum lot sizes as designated on the land use designation map.
- (2) The following uses may be allowed on lands designated SMA-Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-100-520 through 350-100-520). The use or development shall be sited to minimize the oss of land suitable for the production of agricultural crops or livestock:
- (a) Forest uses and practices as allowed in Commission Rule 350-100-270 (2)(b).

- (b) A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:
- (A) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.
- (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy guideline (C)(iv), below.
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:
- (i) Size of the entire farm or ranch, including all land in the same ownership.
- (ii) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.
- (iv) Income capability. The farm or ranch, and all its contiguous parcels, must be capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula, with periodic adjustments for inflation:

(A)(B)(C) = I where:

A = Average yield of the commodity per acre or unit of production

B = Average price of the commodity

- C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
 - I = Income capability
 - (D) Minimum parcel size of 40 contiguous acres.
 - (c) Accessory structures, greater than 60 square feet.
- (d) Farm labor housing and agricultural buildings upon a showing that the following conditions exist:
- (A) The proposed housing or building is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by Commission Rule 350-100-190 (2)(b)(C).
- (B) The housing or building shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.
- (C) The housing or building shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-100-150(4). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.
- (f) Bed and breakfast inns subject to Commission Rule 350-100-150(5). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

- (g) Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
 - (h) Aquaculture.
- (i) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Area.
- (j) Utility facilities necessary for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Agriculture lands.
- (B) The size is the minimum necessary to provide the service.
- (k) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.
- (1) Signs as specified in Commission Rule 350-100-160(2).
- (m) Community facilities and non-profit facilities related to agricultural resource management.
- (n) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- (o) Recreation, interpretive and educational developments and uses consistent with Commission Rule 350-100-620.
 - (p) Road and railroad construction and reconstruction.
- (q) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.
- (r) Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

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.

350-100-200. Review Uses with Additional Approval Criteria — Large-Scale or Small-Scale Agriculture Designations.

- (1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-100-520 through 350-100-620) and Commission Rule 350-100-220.
- (a) Utility facilities and railroads necessary for public service upon a showing that:
- (A) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and
- (B) The size is the minimum necessary to provide the service.
- (b) Home occupations or cottage industries in existing residential or accessory structures, subject to Commission Rule 350-100-150(4).

- (c) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (d) Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (f) Exploration, development and production of mineral and geothermal resources subject to Commission Rule 350-100-520.
- (g) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.
 - (h) Aquaculture.
- (i) Recreation development, subject to Commission Rule 350-100-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
 - (j) Boarding of horses.
- (k) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- (1) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-100-150(5) and provided that the residence:
- (A) Is included in the National Register of Historic Places: or
- (B) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation; or
- (C) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (m) Non-profit, environmental learning or research facilities.
 - (n) Expansion of existing schools or places of worship.
- (2) The following uses may be allowed on lands designated Agriculture-Special subject to compliance with the appropriate scenic, natural, cultural, and recreatior resource guidelines (Commission Rule 350-100-520 through 350-100-620) and Commission Rule 350-100-230:
- (a) New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.
 - (b) New fences, livestock watering facilities, and corrals
 - (c) Soil, water, and vegetation conservation uses.
- (d) Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansior shall be limited to the dedicated site.
- (e) Fish and wildlife management uses, educationa activities, and scientific research.
- (f) Land divisions that facilitate livestock grazing of protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources

- (g) Single-family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Commission Rule 350-100-190 (1)(n). The buffer guidelines for non-agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.
- (h) Recreation uses, subject to the provisions for recreation intensity classes (Commission Rule 350-100-620).

<u>350-100-210.</u> Approval Criteria for Life Estates — Large-Scale or Small-Scale Agriculture Designations.

A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in Commission Rule 350-100-040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Commission Rule 350-100-520 through 350-100-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- (1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-100-190 (1)(e).
- (2) Upon termination of the life estate, the original or second dwelling shall be removed.

<u>350-100-220.</u> Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture.

Uses identified in Commission Rule 350-100-200(1) may be allowed only if they meet both of the following criteria:

- (1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and
- (2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

<u>350-100-230.</u> Approval Criteria for Review Uses on Lands Designated Agriculture-Special.

Uses identified in Commission Rule 350-100-200(2) may be allowed only if they meet all of the following criteria:

- (1) A range conservation plan pursuant to Commission Rule 350-100-240 shall be prepared before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; or soil, water, and vegetation conservation activities are undertaken [review uses (a), (b) and (c) in Commission Rule 350-100-190(3)].
- (2) The Development Review Officer shall submit all land use applications and range conservation plans to the Oregon or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that an application and/or plan is mailed to submit written comments

to the Development Review Officer. The Development Review Officer shall record and address any written comments submitted by the state heritage program in the development review order.

(3) Based on the comments from the state heritage program, the Development Review Officer shall make a final decision on whether the proposed use is consistent with the Agriculture-Special policies of the Management Plan. If the final decision contradicts the comments submitted by the state heritage program, the Development Review Officer shall justify how it reached an opposing conclusion.

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.

350-100-240. Range Conservation Plans.

- (1) If a range conservation plan is required before a use is allowed, it shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon or Washington Natural Heritage Program should be consulted while the plan is being prepared.
- (2) Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:
- (a) Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.
 - (b) Preserve native trees and shrubs.
- (c) Reestablish native grasses in degraded areas that have been invaded by non-native plants and weeds.
- (3) Range conservation plans shall include the following elements:
- (a) Range inventory. This shall include existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements
- (b) Rehabilitation plan. This shall include actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.
- (c) Livestock management plan. This shall include the grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans shall project livestock movements for at least 3 years.
- (d) Monitoring program. This shall track the annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

350-100-250. Forest Land Designations.

Commission Rule 350-100-250 through 350-100-310 shall apply to those areas designated Commercial Forest Land, Large or Small Woodland and SMA-Forest on the Scenic Area Land Use Designation Map.

[145] Miscellaneous

350-100-260. Uses Allowed Outright — Forest Land.

- (1) The following uses are allowed on lands designated Commercial Forest Land or Large or Small Woodland without review:
- (a) Forest practices that do not violate conditions of approval for other approved uses.
 - (b) Agricultural use, except new cultivation.
- (c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land designated SMA-Forest without review:
- (a) New agricultural uses as allowed in Commission Rule 350-100-180(2) and the open space uses allowed in Commission Rule 350-100-340(10), except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing dwellings, signs, structures, trails, roads, railroads, and utility facilities.
- (c) Accessory structures of less than 60 square feet in area and less than 18 feet in height measured at the roof peak.

350-100-270. Review Uses — Forest Land.

- (1) The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620):
- (a) On lands designated Large Woodland, a single-family dwelling upon a demonstration that all of the following conditions exist:
- (A) The dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The principal purpose for locating a dwelling on lands designated Large Woodland is to enable the resident to conduct efficient and effective forest management. This requirement indicates a relationship between ongoing forest management and the location of a dwelling on the subject parcel. A dwelling may not always be required for forest management.
- (B) The subject parcel has been enrolled in the appropriate state's forest assessment program.
- (C) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor and expenses; and how the dwelling will contribute toward the successful completion of the operations.
- (D) The parcel has no other dwellings that are vacant or currently occupied by persons not engaged in forestry and that could be used as the principal forest dwelling.
- (E) The dwelling complies with the "Approval Criteria for the Siting of Dwellings on Forest Land" (Commission

- Rule 350-100-310) and "Approval Criteria for Fire Protection in Forest Zones" (Commission Rule 350-100-300).
- (F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (b) On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with Commission Rule 350-100-300 and Commission Rule 350-100-310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (c) One single-family dwelling if shown to be in conjunction with and substantially contribute to the current agricultural use of a farm pursuant to Commission Rule 350-100-190 (1)(e). The siting of the dwelling shall comply with Commission Rule 350-100-300.
- (d) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when the particular forest practice for which it was approved has concluded.
- (e) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.
- (f) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (g) Structures associated with hunting and fishing operations
 - (h) Towers and fire stations for forest fire protection.
- (i) New agricultural structures subject to Commission Rule 350-100-300.
- (j) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-100-150(3), 350-100-300 and 350-100-310.
- (k) Accessory building(s) greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peak; subject to Commission Rule 350-100-300 and 350-100-310.
- (1) A second single-family dwelling for a farm operator's relative, subject to Commission Rule 350-100-190 (1)(h), 350-100-300 and 350-100-310.
- (m) Private roads serving a residence, subject to Commission Rule 350-100-300 and 350-100-310.

Miscellaneous [146]

- (n) Recreation development, subject to Commission Rule 350-100-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
- (o) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.
 - (p) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use.
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.
- (C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and ivestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural ise.
- (q) On lands designated Commercial Forest Land, a emporary mobile home in conjunction with a timber operation, upon a finding that security personnel are required o protect equipment associated with a harvest operation or he subject forest land from fire. The mobile home must be emoved upon completion of the subject harvest operation or he end of the fire season. The placement of the mobile nome is subject to Commission Rule 350-100-300 and 350-00-310.
- (4) On parcels in Small Woodland, a land division reating parcels smaller than the designated minimum parcel ize, subject to the guidelines for cluster development in Land Divisions and Cluster Development" [Commission Rule 350-100-150(1)]. If the designated minimum parcel ize is 20 acres, this provision will apply to parcels 40 acres n size or larger. Similarly, if the designated minimum parcel size is 40 or 80 acres, this provision will apply to parcels 80 acres or larger or 160 acres or larger, respectively.
- (s) New cultivation, subject to compliance with Comnission Rule 350-100-540, 350-100-560, 350-100-570, 350-00-580 and 350-100-590.
- (t) Life Estates on lands designated Large or Small Voodland, pursuant to Commission Rule 350-100-320.
- (2) The following uses may be allowed on lands esignated SMA-Forest subject to compliance with the ppropriate scenic, cultural, natural, and recreation resources uidelines (Commission Rule 350-100-520 through 350-100-20). The use or development will be sited to minimize the ass of land suitable for the production of forest products:
 - (a) Any use listed in Commission Rule 350-100-190(2).
- (b) Forest practices in accordance with a site plan for prest practices approved by the Oregon Department of orestry or Washington Department of Natural Resources, or ther designated forest practices review agency, including the ollowing:
- (A) The following information, in addition to the site lan requirements of Commission Rule 350-100-080, shall e included on the site plan:
 - (i) Boundary of proposed commercial forest practice.
 - (ii) Location of proposed rock or aggregate sources.
 - (iii) Timber types.
 - (iv) Harvest units.
 - (v) Silvicultural prescriptions.

- (vi) Road and structure construction and/or reconstruction design.
 - (vii) Major skid trails, landings, and yarding corridors.
 - (viii) Commercial firewood cutting areas.
 - (ix) Existing and proposed rock pit development plans.
- (x) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.
 - (B) A discussion of slash disposal methods.
- (C) A reforestation plan as reviewed by the appropriate state forest practices agency.
 - (c) Railroad and road construction or reconstruction.
- (d) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products in the Special Management Area.
 - (e) Silvicultural nurseries.
- (f) Utility facilities for public service upon a finding that:
- (A) There is no alternative location with less adverse effect on Forest Land, and
- (B) The size is the minimum necessary to provide the service.
- (g) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
 - (h) Fish hatcheries and aquaculture facilities.
- (i) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with Commission Rule 350-100-620.
- (j) One dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling is necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:
- (A) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.
- (B) The subject parcel has been enrolled in the state's forest assessment program.
- (C) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.
- (D) There are no other dwellings on the parcel that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
- (E) The dwelling complies with all applicable building code and fire protection guidelines.
- (F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property

are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

- (k) Accessory structures over 60 square feet.
- (I) Home occupations and cottage industries pursuant to Commission Rule 350-100-150(4).
- (m) Temporary portable facility for the processing of forest products.
 - (n) Towers and fire stations for forest fire protection.
- (o) Community facilities and nonprofit facilities related to forest resource management.
- (p) Expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.
- (q) Signs as specified in Commission Rule 350-100-160(2).

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.

350-100-280. Review Uses with Additional Approval Criteria — Commercial Forest Land, or Large or Small Woodland Designations.

The following uses may be allowed on lands designated Commercial Forest Land, or Large or Small Woodland, subject to compliance with the appropriate scenic, cultural, natural, or recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620) and Commission Rule 350-100-290:

- (1) Utility facilities and railroads necessary for public service upon a showing that (a) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and (b) the size is the minimum necessary to provide the service.
- (2) Home occupations or cottage industries in an existing residence or accessory structure, subject to the guidelines in Commission Rule 350-100-150(4).
- (3) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (4) Wineries, in conjunction with onsite viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (5) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (6) Exploration, development, and production of mineral and geothermal resources, subject to Commission Rule 350-100-520 through 350-100-530.
 - (7) Aquaculture.
 - (8) Boarding of horses.
- (9) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.
- (10) Expansion of existing nonprofit group camps, retreats, or conference centers.
- (11) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-100-150(5) and provided that the residence:

- (a) Is included in the National Register of Historic Places, or
- (b) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or
- (c) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (12) Nonprofit, environmental learning or research facilities.

<u>350-100-290.</u> Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland.

Uses identified in Commission Rule 350-100-280 may be allowed only if they meet the following criteria:

- (1) The owners of land designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;
- (2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;
- . (3) The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands; and
- (4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with Commission Rule 350-100-300.

<u>350-100-300.</u> Approval Criteria for Fire Protection in Forest Designations.

All uses, as specified, shall comply with the following fire safety guidelines:

- (1) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This coulcinclude green lawns and low shrubs (less than 24 inches ir height). Trees should be spaced greater than 15 fee between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
- (2) Buildings with plumbed water systems shall instal at least one standpipe a minimum of 50 feet from the structure(s).
- (3) A pond, stream, tank or sump with storage of no less than 1,000 gallons, or a well or water system capable o delivering 20 gallons per minute shall be provided. If a wel pump is located on-site, the electrical service shall be separate from the dwelling.
- (4) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent Turnouts shall be provided at a minimum of every 500 feet Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be

made only after consultation with the local rural fire district, and the Washington Department of Natural Resources in Washington, or the Oregon Department of Forestry in Oregon.

- (5) Within one year of the occupancy of a dwelling, the Development Review Officer shall conduct a review of the development to assure compliance with these guidelines.
- (6) Telephone and power supply systems shall be underground whenever possible.
- (7) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
- (8) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
- (9) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.
- (10) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant.

350-100-310. Approval Criteria for Siting of Dwellings on Forest Land.

The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:

- (1) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at east 200 feet from adjacent properties. Clustering or ocating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
- (2) The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be ninimized. This can include locating new dwellings and structures as close to existing public roads as possible, hereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or and productivity.
- (3) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle clopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat is possible.
- (4) A variance to the siting guidelines of this rule may be granted pursuant to the provisions of Commission Rule 350-100-150(7).

350-100-320. Approval Criteria for Life Estates in Commercial Forest Land or Small or Large Woodland.

A landowner who sells or otherwise transfers real property on lands designated Commercial Forest Land or Large or Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel. A second dwelling unit on lands designated Commercial Forest Land or Large or Small Woodland may be allowed, subject to compliance with the guidelines in Commission Rule 350-100-520 through 350-100-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- (1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-100-190 (1)(e).
- (2) On lands designated Large Woodland, the dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The proposed dwelling shall comply with guideline 350-100-270 (1)(a).
- (3) On lands designated Small Woodland, the proposed dwelling complies with guideline 350-100-270 (1)(b).
- (4) Upon termination of the life estate, the original or second dwelling shall be removed.

350-100-330. Open Space Designations.

Commission Rule 350-100-330 through 350-100-340 shall apply to those areas designated GMA-Open Space and SMA-Open Space on the Scenic Area Land Use Designation Map.

350-100-340. Review Uses — Open Space.

- (1) The following uses may be allowed on all lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620):
- (a) Low intensity recreation, subject to Commission Rule 350-100-610(2).
- (b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.
- (c) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydroelectric facilities.
- (d) Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.
- (2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands landscape setting:
 - (a) All uses listed in Commission Rule 350-100-340(1).
 - (b) Livestock grazing.
- (c) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (d) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.
 - (e) Harvesting of wild crops.
 - (f) Educational or scientific research.
- (g) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic,

- cultural, natural and recreation resources (Commission Rule 350-100-520 through 350-100-620).
- (5) The following uses may be allowed on land designated GMA-Open Space within the Mosley Lakes Natural Area:
- (a) All those uses allowed in Commission Rule 350-100-340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- (c) Educational or scientific research, after consultation with the Washington Natural Heritage Program.
 - (d) Commercial trapping.
- (4) The following uses may be allowed on land designated GMA-Open Space within the Chenoweth Table Natural Area:
- (a) All those uses allowed in Commission Rule 350-100-340(1).
- (b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-100-610(2), after consultation with the Oregon Natural Heritage Program.
- (c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Natural Heritage Program.
- (d) Educational or scientific research, after consultation with the Oregon Natural Heritage Program.
- (5) The following uses may be allowed on land designated GMA-Open Space within the Squally Point Natural Area:
- (a) Except as limited by guideline (5)(b) below, all those uses allowed in Commission Rule 350-100-340(1).
- (b) Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for recreation intensity classes 350-100-610(2), after consultation with the Oregon Natural Heritage Program.
- (c) Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Natural Heritage Program.
- (6) The following uses may be allowed on land designated GMA-Open Space within the Klickitat River Wildlife and Natural Area:
- (a) All those uses allowed in Commission Rule 350-100-340(1).
- (b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-100-610(2), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.
- (c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- (d) Educational or scientific research, after consultation with the Washington Natural Heritage Program.
- (7) The following uses are allowed on land designated GMA-Open Space within the Balch Lake Wetland Area:
- (a) All those uses allowed in Commission Rule 350-100-340(1).
- (b) Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.
- (c) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

- (d) Educational and scientific research, after consultation with the Washington Department of Wildlife.
- (e) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-100-610(2), after consultation with the Washington Department of Wildlife.
- (8) The following uses may be allowed on lands designated GMA-Open Space within the mouth of the Wind River Wildlife Area:
- (a) All those uses allowed in Commission Rule 350-100-340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
- (c) Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
- (e) Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.
 - (f) Commercial fishing and trapping.
- (g) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-100-610(2), after consultation with the Washington Department of Wildlife.
- (9) The following uses may be allowed on lands designated GMA-Open Space within state parks:
 - (a) All uses listed in Commission Rule 350-100-340(1).
- (b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
 - (e) Educational or scientific research.
- (10) On land designated SMA-Open Space, the maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, and utility facilities may occur without review.
- (11) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620) and when consistent with an open space plan approved by the U.S. Forest Service pursuant to guideline (12) below:
- (a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.
- (b) Structures or vegetation management activities, including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.
- (c) Low intensity recreation uses, including educational and interpretive facilities, consistent with Commission Rule 350-100-620.
- (d) Utility facilities for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Open Space land.
- (B) The size is the minimum necessary to provide the service.
- (e) New signs, pursuant to Commission Rule 350-100-160.
- (12) An Open Space plan shall be completed by the primary managing agency or landowner prior to any new

Miscellaneous [150]

land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:

- (a) Direction for resource protection, enhancement, and management.
- (b) Review of existing uses to determine compatibility with Open Space values.
- (c) Consultation with members of the public and with agency and resource specialists.

350-100-350. Residential Land Designations.

Commission Rule 350-100-350 through 350-100-390 shall apply to those areas designated Residential on the Scenic Area Land Use Designation Map.

350-100-360. Uses Allowed Outright — Residential Land.

- (1) The following uses are allowed on lands in the General Management Area designated Residential without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions of approval for other approved uses.
- (c) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land in the Special Management Area designated Residential without review:
- (a) Agricultural uses except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of dwellings, signs, structures, existing trails, roads, railroads, and utility facilities.
- (c) Accessory structures of less than 60 square feet in area and 18 feet in height measured at the roof peak.

350-100-370. Review Uses — Residential Land.

- (1) The following uses may be allowed on lands in the General Management Area designated Residential, subject to compliance with the scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620):
- (a) One single-family dwelling per legally created parcel.
- (A) If the subject parcel is located adjacent to lands lesignated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland, the use shall comply with the buffer and notification requirements of Commission Rule 350-100-150(2), 350-100-310(1), and the notification requirements of Commission Rules 350-100-190 1)(n)(E) and 350-100-290(1); and
- (B) If the subject parcel is located adjacent to lands lesignated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines of Commission Rule 350-00-300.

- (b) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (c) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-100-150(3).
 - (d) Construction or reconstruction of roads.
- (e) On parcels 10 acres or larger designated Residential-5, or 20 acres or larger designated Residential-10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of Commission Rule 350-100-150(1).
- (f) New cultivation, subject to compliance with Commission Rule 350-100-540 and 350-100-660 through 350-100-590.
- (g) Land divisions, subject to the minimum lot size as indicated on the Land Use Designation Map.
- (2) The following uses may be allowed on lands in the Special Management Area designated Residential subject to compliance with the scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620):
- (a) One single-family dwelling per legally created lot or consolidated parcel, subject to the guidelines of Commission Rule 350-100-270 (2)(j)(E).
 - (b) Accessory structures over 60 square feet.
 - (c) New utility facilities.
 - (d) Fire stations.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-100-150(4).
- (f) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 350-100-150(5).
 - (g) Community parks and playgrounds.
 - (h) Road and railroad construction and reconstruction.
- (i) Forest practices, pursuant to the provisions of Commission Rule 350-100-270(2).
 - (j) Signs, as specified in Commission Rule 350-100-160.

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.

350-100-380. Review Uses with Additional Approval Criteria — Residential Land.

The following uses may be allowed on lands in the General Management Area designated Residential subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620), and Commission Rule 350-100-390:

- (1) Accredited child care centers on land designated 1acre Residential or 2-acre Residential. A child care center may be allowed in other Residential designations within an existing church or community building.
- (2) Schools within an existing church or community building.
 - (3) Utility facilities and railroads.
- (4) Home occupations and cottage industries pursuant to Commission Rule 350-100-150(4).
 - (5) Fire stations.

- (6) Recreation development, subject to compliance with Commission Rule 350-100-610.
- (7) Community parks and playgrounds, consistent with the guidelines of the National Park and Recreation Society regarding the need for such facilities.
- (8) Bed and breakfast inns in single-family dwellings located on lands designated Residential-5 or Residential-10, pursuant to 350-100-150(5).

<u>350-100-390.</u> Approval Criteria for Specified Review Uses on Lands Designated Residential.

The uses identified in Commission Rule 350-100-390 may be allowed only if they meet all of the following:

- (1) The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, and noise, dust and odors.
- (2) The proposed use will not require public services other than those existing or approved for the area.
- (3) If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-100-150(2).
- (4) If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-100-300.

350-100-400. Rural Center.

Commission Rule 350-100-400 through 350-100-420 shall apply to those areas designated Rural Center on the Scenic Area Land Use Designation Map.

350-100-410. Uses Allowed Outright — Rural Center.

The following uses are allowed on lands designated Rural Center without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

350-100-420. Review Uses — Rural Center.

The following uses may be allowed on lands designated Rural Center subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620):

- (1) One single-family dwelling per legally created parcel.
- (2) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

- (3) The temporary use of a mobile home in the case of a family hardship, pursuant to Commission Rule 350-100-150(3).
 - (4) Duplexes.
 - (5) Fire stations.
 - (6) Libraries.
 - (7) Government buildings.
 - (8) Community centers and meeting halls.
 - (9) Schools.
 - (10) Accredited child care centers.
- (18) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.
 - (a) Grocery stores.
 - (b) Variety and hardware stores.
 - (c) Shops, offices and repair shops.
 - (d) Personal services such as barber and beauty shops.
 - (e) Travelers accommodations, bed and breakfast inns.
 - (f) Restaurants.
 - (g) Taverns and bars.
 - (h) Gas stations.
 - (i) Gift shops.
- (12) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to Commission Rule 350-100-150(4).
 - (13) Utility facilities and railroads.
- (14) Recreation development, subject to Commission Rule 350-100-610.
 - (15) Places of worship.
- (16) New cultivation, subject to compliance with Commission Rule 350-100-540, 350-100-560, 350-100-570, 350-100-580 and 350-100-590.
- (17) Land divisions subject to Commission rule 350-100-150(1).
- (18) Planned developments incorporating features such as consolidated access and commonly shared open areas.

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.

350-100-430. Commercial Land.

Commission Rule 350-100-430 through 350-100-360 shall apply to those areas designated Commercial on the Scenic Area Land Use Designation Map.

<u>350-100-440.</u> Uses Allowed Outright — Commercial Land.

The following uses are allowed on lands designated Commercial without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and no exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

350-100-450. Review Uses with Additional Approval Criteria — Commercial Land.

The following uses may be allowed on lands designated Commercial, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620), and Commission Rule 350-100-460:

- (1) Travelers accommodations, bed and breakfast inns subject to Commission Rule 350-100-150(5).
 - (2) Restaurants.
 - (3) Gift shops.
- (4) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to Commission Rule 350-100-150(4).
- (5) One single-family dwelling per legally created parcel.
 - (6) Utility facilities and railroads.

<u>350-100-460.</u> Approval Criteria for Review Uses on Lands Designated Commercial.

The uses identified in Commission Rule 350-100-450 may be allowed only if they meet both of the following criteria:

- (1) The proposal is limited to 5,000 square feet of floor area per building or use.
- (2) The proposed use would be compatible with the surrounding areas, including review for impacts associated with the visual character of the area, traffic generation and noise, dust and odors.

350-100-470. Recreation.

Commission Rule 350-100-470 through 350-100-510 shall apply to those areas designated Public Recreation and Commercial Recreation on the Scenic Area Land Use Designation Map.

<u>350-100-480.</u> Uses Allowed Outright — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on lands in the General Management Area designated Public Recreation and Commercial Recreation without review:
- (a) Forest practices that do not violate conditions of approval for other approved development.
- (b) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.
 - (c) Agricultural uses, except for new cultivation.
- (2) The following uses are allowed on lands in the Special Management Area designated Public Recreation without review:
- (a) Agricultural use, except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing swellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.
- (c) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.

<u>350-100-490.</u> Review Uses — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on all lands in the General Management Area designated Public Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620), and where applicable Commission Rule 350-100-610 (5)(a) and (c) through (g):
- (A) Publicly-owned, resource-based recreation uses consistent with Commission Rule 350-100-610.
- (B) Commercial uses and non-resource based recreation uses that are part of an existing or approved, resource-based public recreation use consistent with guidelines contained in this section.
- (C) New cultivation, subject to compliance with Commission Rule 350-100-540 and 350-100-560 through 350-100-590.
- (b) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620), and Commission Rule 350-100-500:
- (A) Residences and accessory structures, limited to one single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation, communication and public works facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-100-500(3).
- (2) The following uses are allowed on all lands in the General Management Area designated Commercial Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Commercial Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620), and where applicable Commission Rule 350-100-610 (5)(a) and (c) through (g):
- (A) Commercially-owned, resource-based recreation uses consistent with Commission Rule 350-100-610.
- (B) Overnight accommodations that are part of a commercially-owned resource-based recreation use, where such resource-based recreation use occurs on the subject site or is accessed through the site on adjacent lands, and which meet the following guidelines:
- (i) Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.
- (ii) Buildings containing more than one unit are no larger than 5,000 square feet in total floor area and no higher than two and one-half stories.
- (iii) The total number of individual units shall not exceed 25, unless the proposed development complies with

[153] Miscellaneous

guidelines for clustered accommodations in subsection (iv) below

- (iv) Clustered overnight travelers accommodations meeting the following guidelines may include up to 35 individual units:
- (I) Average total floor area of all units is 1,000 square feet or less per unit;
- (II) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);
- (III) The facility is in an area classified for high intensity recreation (Recreation Intensity Class 4).
- (C) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and nonresource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the guidelines contained in this section.
- (D) New cultivation, subject to compliance with Commission Rule 350-100-540 and 350-100-560 through 350-100-590.
- (b) The following uses may be allowed, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620), and Commission Rule 350-100-510:
- (A) Residences and accessory structures limited to one single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation and communication facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-100-510(3).
- (3) The following uses are allowed on lands in the Special Management Area designated Public Recreation subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620):
- (a) Forest uses and practices as allowed in Commission Rule 350-100-270(2).
- (b) Public trails, consistent with Commission Rule 350-100-620.
- (c) Public recreational facilities, consistent with Commission Rule 350-100-620.
- (d) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.
- (e) All dwellings and accessory structures larger than 60 square feet.
- (f) Home occupations and cottage industries, pursuant to Commission Rule 350-100-150(4).
 - (g) Road and railroad construction and reconstruction.
- (h) Utility facilities for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Public Recreation land.
- (B) The size is the minimum necessary to provide the service.
 - (i) New signs pursuant to 350-100-160(2).
- (j) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

- (k) Agricultural uses as allowed in Commission Rule 350-100-190(2).
- (4) New commercial recreation facilities shall be allowed in Forest Land and Agricultural Land use designations, consistent with the guidelines established for the recreation intensity classes Commission Rule 350-100-620.

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.

350-100-500. Approval Criteria for Non-Recreation Uses in Public Recreation Designations.

The uses identified in Commission Rule 350-100-490 (1)(b) may be allowed only if they meet the following criteria:

- (1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
- (2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
- (3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

<u>350-100-510.</u> Approval Criteria for Non-Recreation Uses in Commercial Recreation Designations.

The uses identified in Commission Rule 350-100-490 (2)(b) may be allowed only if they meet the following criteria:

- (1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
- (2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
- (3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

350-100-520. General Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

- (1) All Review Uses:
- (a) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.
- (b) New buildings shall be generally consistent with the height and size of existing nearby development.

- (c) Project applicants shall be responsible for the proper naintenance and survival of any planted vegetation required by the guidelines in Commission Rule 350-100-520.
- (d) For all proposed development, the determination of compatibility with the landscape setting shall be based on nformation submitted in the site plan.
- (e) For all new production and/or development of nineral resources and expansion of existing quarries, a eclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding andforms to the maximum extent practicable.

Such a plan shall be approved by the appropriate state igency for uses under their jurisdiction, or approved by the Development Review Officer with technical assistance from ipplicable state agencies for uses not under state agency urisdiction. At a minimum, such reclamation plans shall nelude:

- (A) A map of the site, at a scale of 1 inch equals 200 eet (1:2,400), or a scale providing greater detail, with 10 oot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil tockpiles for eventual reclamation use; location of atch-basins or similar drainage and erosion control features employed for the duration of the use; and the location of torage, processing and equipment areas employed for the luration of the use.
- (B) Cross-sectional drawings of the site showing pre-mining and post-mining grades.
- (C) Descriptions of the proposed use, in terms of stimated quantity and type of material removed, estimated luration of the use, processing activities, etc.
- (D) Description of drainage/erosion control features to be employed for the duration of the use.
- (E) A landscaping plan providing for revegetation onsistent with the vegetation patterns of the subject land-cape setting, indicating the species, number, size and ocation of plantings for the final reclaimed grade, as well as description of irrigation provisions or other measures accessary to ensure the survival of plantings.
- (2) All Review Uses visible from Key Viewing Areas hall comply with the following applicable guidelines:
- (a) Size, height, shape, color, reflectivity, landscaping, iting or other aspects of proposed development shall be valuated to ensure that such development is visually ubordinate to its setting as seen from Key Viewing Areas.
- (b) The extent and type of conditions applied to a roposed development to achieve visual subordinance should be proportionate to its potential visual impacts as seen from Cey Viewing Areas. Primary factors influencing the degree of potential visual impact include: the amount of area of the uilding site exposed to Key Viewing Areas, the degree of xisting vegetation providing screening, the distance from the uilding site to the Key Viewing Areas from which it is isible, the number of Key Viewing Areas from which it is isible, and the linear distance along the Key Viewing Areas rom which the building site is visible (for linear Key /iewing Areas, such as roads). Written reports on determination of visual subordinance and final conditions of pproval shall include findings addressing each of these actors.

- (c) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.
- (d) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in Commission Rule 350-100-080 and 350-100-520 (1)(e) for mining and associated activities:
- (A) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).
- (B) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.
- (e) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to Commission Rule 350-100-520 (1)(e) and subsection (d) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.
- (f) New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.
- (g) In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be give priority over other means of achieving visual subordinance, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.
- (h) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.
- (i) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.
- (j) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- (k) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the design guidelines for the subject property's landscape setting.
- (l) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regula-

tions. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.

- (m) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.
- (n) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Area, may itself protrude above the skyline if:
- (A) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and
- (B) There is no practicable alternative means of altering the building without increasing the protrusion.
- (o) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.
- (p) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.
- (q) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:
 - (A) The facility is necessary for public service;
- (B) The break in the skyline is seen only in the background; and
- (C) The break in the skyline is the minimum necessary to provide the service.
- (r) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:
 - (A) The facility is necessary for public service; and
- (B) The break in the skyline is the minimum necessary to provide the service.
- (s) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.
- (t) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this

- guideline. In determining the slope, the average percent slope of the proposed building site shall be used.
- (u) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Development Review Officer for compliance with Key Viewing Area policies. The grading plan shall include the following:
- (A) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - (i) Existing and proposed final grades;
- (ii) Location of all areas to be graded, with cut banks and fill slopes delineated; and
 - (iii) Estimated dimensions of graded areas.
- (B) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - (i) Its purpose;
- (ii) An estimate of the total volume of material to be moved;
 - (iii) The height of all cut banks and fill slopes;
- (iv) Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);
- (v) A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
- (vi) A description of any other interim or permanent erosion control measures to be utilized.
- (v) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this chapter have been met.
- (B) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas.
- (C) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-100-520 (1)(e).
- (D) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:
- (i) A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;

- (ii) An estimate of the surface area of exposed mining surfaces that would be visible from those Key Viewing Areas:
- (iii) The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;
- (iv) The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible:
- (v) The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.
- (vi) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.
- (w) Unless addressed by guideline (v) above, new production and/or development of mineral resources may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this section have been met;
- (B) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and
- (C) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-100-520 (1)(e).
- (x) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.
- (y) An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).
- (z) Compliance with specific approval conditions to achieve visual subordinance (such as landscaped screening), shall occur within a period not to exceed 2 years after the date of development approval. This guideline shall apply to all development regulated by this section except mining and associated uses.
- (3) All Review Uses within the following landscape settings shall comply with the following applicable guidelines:
 - (a) Pastoral
- (A) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development

- shall comply with this guideline to the maximum extent practicable.
- (B) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).
- (iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.
- (v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-100-520 (2)(k) or (1).
- (D) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature (as defined by Commission Rule 350-100-610), occurring infrequently in the landscape.
 - (b) Coniferous Woodland
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Structure height shall remain below the forest canopy level.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas).
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) The exteriors of structures shall be either natural or earth-tone colors unless specifically exempted by Commission Rule 350-100-520 (2)(k) or (1).
- (D) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur.

[157] Miscellaneous

They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

- (c) Oak-Pine Woodland
- (A) New development shall be compatible with the general scale (height, dimensions, and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Structure height shall remain below the tree canopy level in wooded portions of this setting.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development.
- (i) At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.
- (ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

For substantially wooded portions:

- (iii) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (iv) The exteriors of structures shall be either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-100-520 (2)(k) or (l).

For treeless portions or portions with scattered tree cover:

- (v) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.
- (vi) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.
- (vii) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.
- (viii) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-100-520 (2)(k) or (1).
- (D) Resource-based recreation uses of varying intensities may be compatible with this setting, although most are of low-intensity nature (such as trails or small scenic outlooks). More intensive recreation uses may be compatible where allowed pursuant to Commission Rule 350-100-610, although they are generally rare in this setting. As with Woodland settings, intensive recreation uses in Oak-Pine Woodlands may be compatible if widely scattered and not in large concentrations.
 - (d) Grassland
- (A) New development shall be compatible with the general scale (height, dimensions, and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible. Exceptions to this guideline are permitted where necessary for farming operations.

- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.
- (ii) Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.
- (iii) Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.
- (iv) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-100-520 (2)(k) or (1).
- (D) Resource-based recreation uses of a very lowintensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting and wildlife viewing.
 - (e) Rural Residential
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.
- (C) In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-100-520 (2)(k) or (l).
- (D) Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as small scenic overlooks).
- (f) Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland
- (A) New development in this setting shall meet the design guidelines for both the Rural Residential setting and

he more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), inless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

- (B) In the event of a possible conflict between the juidelines, the guidelines for the more rural setting (Coniferius Woodland, Oak-Pine Woodland or Pastoral) shall apply, inless it can be demonstrated that application of such juidelines would not be practicable.
- (C) Compatible recreation uses should be limited to very ow and low-intensity resource-based recreation uses, cattered infrequently in the landscape.
 - (g) Residential
- (A) New development shall be compatible with the eneral scale (height, dimensions and overall mass) of evelopment in the vicinity. Expansion of existing development shall comply with this guideline to the maximum xtent practicable.
- (B) In portions of this setting visible from Key Viewing treas and not exempt from visual subordinance guidelines pursuant to the "Developed Settings and Visual ubordinance Policies" section of Part I, Chapter 1 of the Inagement Plan), the following guidelines shall be emloyed to achieve visual subordinance for new development nd expansion of existing development:
- (i) Except as is necessary for site development or safety urposes, the existing tree cover screening the development rom Key Viewing Areas shall be retained.
- (ii) Structures' exteriors shall be non-reflective unless ully screened from Key Viewing Areas with existing egetation and/or topography.
- (iii) At least half of any trees planted for screening urposes shall be species native to the setting or commonly ound in the area.
- (iv) At least half of any trees planted for screening urposes shall be coniferous to provide winter screening.
- (v) The exteriors of structures shall be dark and either atural or earth-tone colors unless specifically exempted by lommission Rule 350-100-520 (2)(k) or (1).
- (C) Compatible recreation uses are limited to communipark facilities.
 - (h) Village
- (A) New development shall be compatible with the eneral scale (height, dimensions and overall mass) of evelopment in the vicinity. Expansion of existing development shall comply with this guideline to the maximum xtent practicable.
- (B) New commercial buildings shall be limited in size a total floor area of 5,000 square feet or less, and shall be mited in height to 2 and 1/2 stories or less.
- (C) For new commercial, institutional (churches, thools, government buildings) or multi-family residential ses on parcels fronting a Scenic Travel Corridor (Washing-in State Route 14 or the Historic Columbia River Highway) and expansion of existing development for such uses, arking shall be limited to rear or side yards of buildings to be maximum extent practicable.
- (D) New vehicular access points to the Scenic Travel orridors shall be limited to the maximum extent practica-

ble, and access consolidation shall be required where feasible.

- (E) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.
- (F) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:
- (i) Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.
- (ii) The landscape strip required in guideline (F)(i) above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.
- (G) The use of building materials that reinforce the Village Setting's character, such as wood, logs or stone, and that reflect community desires, should be encouraged.
- (H) Architectural styles characteristic of the area (such as 1 and 1/2 story dormer roof styles in Corbett), and that reflect community desires, should be encouraged. Entry signs should be consistent with such architectural styles.
- (I) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.
- (J) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.
- (K) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.
- (L) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.
 - (i) River Bottomlands
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include: black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.
- (iii) At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.
- (iv) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-100-520 (2)(k) or (1).

(C) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderateintensity and/or high-intensity recreation uses may be compatible, provided that:

- (i) their designs emphasize retention and/or enhancement of native riparian communities,
- (ii) structures and parking areas are visually subordinate, and
- (iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.
 - (j) Gorge Walls, Canyons and Wildlands
- (A) New development and expansion of existing development shall be screened so it is not seen from Key Viewing Areas, to the maximum extent practicable.
- (B) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.
- (C) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.
- (D) All structures shall be limited in height to a maximum of 1 and 1/2 stories.
 - (E) All structures' exteriors shall be non-reflective.
- (F) Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors, unless public safety concerns or federal or state highway guidelines require otherwise.
- (G) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such compatible uses (such as trails) are generally associated with minimal facility development, if any.
- (4) All Review Uses within Scenic Travel Corridors shall comply with the following applicable guidelines:
- (a) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.
- (b) All new buildings and alterations to existing buildings, except in a Rural Center designation (village landscape setting), shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to Commission Rule 350-100-150(7). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.
- (c) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a Rural Center designation (village landscape setting), shall comply with guideline (4)(b) above to the maximum extent practicable.
- (d) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

- (A) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;
- (B) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable guidelines to protect the resources.
- (e) When evaluating possible locations for undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.
- (f) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in Commission Rule 350-100-520 (2)(y).
- (g) Expansion of existing quarries may be allowed pursuant to Commission Rule 350-100-520 (2)(v). Compliance with visual subordinance requirements shall be achieved within time frames specified in Commission Rule 350-100-520 (2)(x).

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.

350-100-530. Special Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to al Review Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

- (1) All Review Uses in the Special Management Area regardless of location or landscape setting shall comply with the following applicable guidelines:
- (a) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.
- (b) Size, scale, shape, color, texture, siting, height building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.

- (c) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.
- (d) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.
- (e) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.
- (f) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.
- (h) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.
- (i) Reflectivity of structures and site improvements shall be minimized.
- (j) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.
- (k) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.
- (2) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected, including cumulative effects, based on visibility from Key Viewing Areas.
- (3) All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.
- (4) New land uses or developments shall comply with the following applicable design guidelines:
- (a) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.
- (A) New developments and forest practices shall meet the Visual Quality Objective of partial retention.
- (B) The use of plant species common to the landscape setting shall be encouraged. The use of plant species in ows as commonly found in the landscape setting is encouraged.
- (C) Exterior colors of structures shall be earth-tone colors which will result in low contrast with the surrounding and scape.
- (D) Exterior colors of structures may be white, except or the roof, only in the Mt. Pleasant and Dodson-Warrendale areas where other white structures are evident in the setting.
- (b) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

- (A) New developments and land uses in lands designated Federal Forest or Open Space shall meet the Visual Quality Objective of retention; all other land use designations shall meet the Visual Quality Objective of partial retention as seen from Key Viewing Areas.
- (B) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the Visual Quality Objective identified for those lands in those plans.
- (C) Buildings in the Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (E) The exteriors of structures in the Coniferous Woodland landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (F) Exterior colors of structures in Oak-Pine Woodland landscape setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (c) Residential: The Residential setting is characterized by concentrations of dwellings.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention.
- (B) At Rowena Dell, new buildings shall have a rustic appearance and use natural materials and earth-tone colors.
- (C) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.
- (d) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention, except in areas designated Open Space which shall meet the Visual Quality Objective of retention.
- (B) Buildings shall have an overall horizontal appearance in areas with little tree cover.
- (C) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (D) Exterior colors of structures shall be earth-tone or water-tone colors which will result in low contrast with surrounding landscape.
- (e) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.
- (A) New developments and land uses shall meet the Visual Quality Objective of retention as seen from Key Viewing Areas.
- (B) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.
- (C) Temporary roads shall be promptly closed and revegetated.

- (D) New utilities shall be below ground surface, where feasible.
- (E) Use of plant species non-native to the Columbia River Gorge shall not be allowed.
- (F) Exterior colors of structures shall be dark earth tones that will result in the structure having low contrast with the surrounding landscape.
- (5) For forest practices the following guidelines shall apply:
- (a) Forest practices must meet the design guidelines and Visual Quality Objective for the landscape setting designated for the management area.
- (b) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries shall be delineated by the Forest Service.
- (c) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.
- (d) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, the maximum size of created openings shall be five acres.
- (e) Clearcutting shall not be used as a harvest practice on land designated Federal Forest Lands.
- (f) Created openings shall not create a break or opening in the vegetation in the skyline as viewed from a Key Viewing Area.
- (g) Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy shall be at least 20 feet tall.

350-100-540. General Management Area Cultural Resource Review Criteria.

- (1) General Provisions for Implementing the Cultural Resources Protection Process.
- (a) All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).
- (b) Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with Indian tribal governments and any person who submits written comments on a proposed use (interested person). Indian tribal governments shall be consulted if the affected cultural resources are prehistoric or otherwise associated with Native Americans. If the cultural resources are associated with non-Native Americans, such as an historic house or pioneer campsite, the Indian tribal governments do not have to be consulted.
- (c) Reconnaissance and Historic Surveys and Survey Reports.
 - (A) Reconnaissance survey requirements and exceptions.
- (i) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed as exceptions in Commission Rule 350-100-504 (1)(c)(A)(ii) below.
- (ii) A reconnaissance survey shall be required for all proposed uses, except:

- (I) The modification, expansion, replacement, or reconstruction of existing buildings and structures.
- (II) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.
- (III) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.

The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

- (IV) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.
- (V) Proposed uses that would occur on sites that have been adequately surveyed in the past.

The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

- (VI) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
- Residential development that involves two or more new dwellings for the same project applicant.
- Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.
- Public transportation facilities that are outside improved rights-of-way.
- Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.
- Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It shall be refined and

Miscellaneous [162]

revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

- (B) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.
- (C) The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

For Commission Rule 350-100-540, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(D) Reconnaissance Surveys for Small-Scale Uses.

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

- (i) A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.
- (ii) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.
- (E) Reconnaissance Survey Reports for Small-Scale Uses

The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

- (i) A description of the fieldwork methodology used to identity cultural resources, including a description of the type and extent of the reconnaissance survey.
- (ii) A description of any cultural resources that were discovered in the project area, including a written description and photographs.
- (iii) A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.
 - (F) Reconnaissance Surveys for Large-Scale Uses
- (i) Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.
- (ii) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potenial effects of the proposed use. They shall meet the following guidelines:

- (I) Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.
- (II) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.
- (III) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.
- (IV) Archaeological site inventory forms shall be submitted to the State Historic Preservation Officer whenever cultural resources are discovered.
- (G) Reconnaissance Survey Reports for Large-Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

- (i) A description of the proposed use, including drawings and maps.
- (ii) A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.
- (iii) A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.
- (iv) A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of I inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (v) An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (vi) A summary of all written comments submitted by Indian tribal governments and other interested persons.
- (vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.
 - (H) Historic Surveys and Reports
- (i) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.
- (ii) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.
- (iii) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

[163] Miscellaneous

- (d) The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction. The Gorge Commission shall conduct and pay for evaluations of significance and mitigation plans for resources that are discovered during construction of small-scale and large-scale uses.
- (e) Cultural resources are significant if one of the following criteria is satisfied:
- (A) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4).
- (B) The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.
- (f) The Gorge Commission shall establish a Cultural Advisory Committee (CAC). The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribes. If a project applicant's and Indian tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and Indian tribal government's substantiated concerns. The CAC will submit a recommendation to the Development Review Officer as to whether affected cultural resources are significant.
- (2) Cultural Resource Reconnaissance and Historic Surveys
 - (a) Consultation and Ethnographic Research
- (A) When written comments are submitted to the Development Review Officer within the comment period provided in Commission Rule 350-100-120, the project applicant shall offer to meet with the interested persons within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the interested persons.

Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

(B) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be

recorded and addressed in a report that typifies a survey report.

- (b) Notice of Survey Results
- (A) The Development Review Officer shall submit a copy of all cultural resource survey reports to the State Historic Preservation Officer and the Indian tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.
- (B) The State Historic Preservation Officer and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the proposed use would be consistent with Commission Rule 350-100-540. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how it reached an opposing conclusion.
- (B) The cultural resource protection process may conclude when one of the following conditions exists:
- (i) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.
- (ii) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.
- (iii) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone.

Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

- (C) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:
- (i) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

Miscellaneous [164]

(ii) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the Interior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983).

The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the State Historic Preservation Officer or the Development Review Officer question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

- (3) Evaluation of Significance
- (a) Evaluation Criteria and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

- (A) Evaluations of significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, no date) and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.
- (B) To evaluate the significance of cultural resources, he information gathered during the reconnaissance or istoric survey may have to be supplemented. Detailed field napping, subsurface testing, photographic documentation, aboratory analyses, and archival research may be required.
- (C) The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
- (D) The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Dregon State Historic Preservation Office (Oregon SHPO 1990) or Washington Office of Archaeology and Historic Preservation (Washington SHPO, no date). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.
- (E) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with indian tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.
 - (b) Notice of Evaluation Results

- (A) If the evaluation of significance demonstrates that the cultural resources are not significant, the Development Review Officer shall submit a copy of the evaluation of significance to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
 - (c) Cultural Resources are Culturally Significant
- (A) If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the Indian tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.
- (B) The Indian tribal government shall substantiate its concerns in a written report. The report shall be submitted to the Development Review Officer, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the Development Review Officer within 30 calendar days from the date the evaluation of significance is mailed.
- (d) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Officer or CAC, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if the affected cultural resources are not significant.
- (C) If the project applicant or the Development Review Officer determines that the cultural resources are significant, the effects of the proposed use shall be assessed.
 - (4) Assessment of Effect
 - (a) Assessment Criteria and Information Needs

If a use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:

- (A) The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.9) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.8.
- (i) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.9(a)].
- (ii) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship,

feeling, or association [36 CFR 800.9(b)]. Adverse effects on cultural resources include, but are not limited to:

- (I) Physical destruction, damage, or alteration of all or part of the cultural resource.
- (II) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.
- (III) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting.
- (IV) Neglect of a significant cultural resource resulting in its deterioration or destruction.
- (B) The assessment of effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.
- (C) The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following instances apply:
- (i) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.
- (ii) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the Interior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983).
 - (b) Notice of Assessment Results
- (A) If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Development Review Officer shall submit a copy of the assessment to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.

- (C) A mitigation plan shall be prepared if a project applicant or the Development Review Officer determines that the proposed use would have an adverse effect on significant cultural resources.
 - (5) Mitigation Plans
 - (a) Mitigation Plan Criteria and Information Needs

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

- (A) Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Officer.
- (B) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

- (C) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.8(d), including, but not limited to:
- (i) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.
- (ii) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.
- (iii) Documentation of consultation with the State Historic Preservation Officer regarding any alternatives or mitigation measures.
- (iv) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and Development Review Officer.
- (v) Copies of any written recommendations submitted to the Development Review Officer or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.
 - (b) Notice of Mitigation Plan Results
- (A) If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Development Review Officer shall submit a copy of the mitigation plan to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.

Miscellaneous [166]

- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.
- (C) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.
- (6) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Development Review Officer and the State Historic Preservation Officer. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (b) Notification. The project applicant shall notify the Development Review Officer and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
- (c) Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Officer. (See Oregon Revised Statute [ORS] 273.705, ORS 358.905 to 358.955, and Revised Code of Washington [RCW] 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines n "Reconnaissance Survey Reports for Large-Scale Uses" Commission Rule 350-100-540 (1)(c)(G)] and "Evaluation of Significance: Evaluation Criteria and Information Needs" Commission Rule 350-100-540 (3)(a)].

Based on the survey and evaluation report and any written comments, the Development Review Officer shall nake a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

- (d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions n the mitigation plan have been executed.
 - (7) Discovery of Human Remains

- The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.
- (a) Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- (b) Notification. Local law enforcement officials, the Development Review Officer, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- (c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- (d) Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.
- (e) Treatment. In Oregon, prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In Washington, the procedures set forth in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/historic.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in "Mitigation Plans: Mitigation Plan Criteria and Information Needs" [Commission Rule 350-100-540 (5)(a)].

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" [Commission Rule 350-100-540 (5)(c)] are met and the mitigation plan is executed.

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

Reviser's note: The 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.

350-100-550. Special Management Area Cultural Resource Review Criteria.

- (1) General Guidelines for Implementing the Cultural Resources Protection Process
- (a) All cultural resource information shall remain confidential, according to Section 6 (a)(1)(A) of the Scenic Area Act. Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.
- (b) All cultural resources surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.
- (c) The Forest Service will be responsible for performing the literature review and consultation, inventory, evalua-

tions of significance, assessments of effect, and mitigation requirements in Commission Rule 350-100-550(4) for forest practices and National Forest System lands.

(d) New developments or land uses shall not adversely

affect significant cultural resources.

(2) The procedures and guidelines in Commission Rule 350-100-540 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects and forest practices.

- (3) The procedures and guidelines in 36 CFR 800 and Commission Rule 350-100-550(4) shall be used by the Development Review Officer and federal agencies to evaluate new developments or land uses on federal lands, federally assisted projects, and forest practices.
- (4) The following procedures as well as the provisions in 36 CFR 800 shall be used to assess potential effects to cultural resources.
 - (a) Literature Review and Consultation
- (A) An assessment shall be made to determine if any cultural resources listed on the National Register of Historic Places at the national, state or county level exist on or within the area of potential direct and indirect impacts.
- (B) A search shall be made of state and county government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.
- (C) Consultation with cultural resource professionals knowledgeable about the area.
- (D) A field inventory by a cultural resource professional shall be required if the Forest Service or the Development Review Officer determines that a recorded or known cultural resource exists on or within the immediate vicinity of a new development or land use, including those reported in consultation with the Tribal governments.
 - (b) Field Inventory
- (A) Tribal representatives shall be invited to participate in the field inventory.
- (B) The field inventory shall consist of one or the other of the following guidelines, as determined by the cultural resource professional:
- (i) Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, augering or shovel probing of subsurface soils for the presence of buried cultural resources.
- (ii) Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a

- complete survey may or may not subsequently be recom-
- (C) A field inventory report shall be prepared, and shall include the following:
- (i) A narrative integrating the literature review of section (4)(a) above with the field inventory of section (4)(b) above.
- (ii) A description of the field inventory methodology used, including the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
- (iii) A statement of the presence or absence of cultural resources within the area of the new development or land
- (iv) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.
- (D) The report shall follow the format specified by the Washington Office of Archaeology and Historic Preservation for inventories conducted in the State of Washington. Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.
- (E) The field inventory report shall be presented to the Forest Service or the Development Review Officer for review.
 - (c) Evaluations of Significance
- (A) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with to the criteria of the National Register of Historic Places (36 CFR 60.4).
- (B) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
- (C) Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, Guidelines for the Evaluation and Documentation of Traditional Cultural Properties, within local and regional contexts.
- (D) Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service or the Development Review Officer shall review evaluations for adequacy.
- (E) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.
- (F) An assessment of effect shall be required if the Forest Service or the Development Review Officer determines that the inventoried cultural resources are significant.
 - (d) Assessment of Effect
- (A) For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 ("Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for sections (4)(d)(B) through (4)(d)(D) below. The Forest Service or

Development Review Officer shall review each determination for adequacy.

- (B) If the proposed development or change in use will have "No Adverse Effect," as defined by 36 CFR 800.8, to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Requirements" of 36 CFR 800.8(a).
- (C) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b) to a significant cultural resource, the type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented. This documentation shall follow the process outlined under 36 CFR 800.5(e).
- (D) If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.8 ("Documentation Requirements").
 - (e) Mitigation
- (A) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.
- (B) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.
- (C) The Forest Service or the Development Review Officer shall review all mitigation proposals for adequacy.
 - (5) Discovery During Construction
- All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Forest Service or the Development Review Officer if cultural resources are discovered during construction or development.
- (a) If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resources.
- (b) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
- (A) The applicant shall stop all work in the vicinity of the discovery.
- (B) The applicant shall immediately notify the Development Review Officer, the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.
- (C) The Forest Service or the Development Review Officer shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
- (D) A cultural resource professional shall evaluate the potential significance of the resource pursuant to Commission Rule 350-100-550 (4)(c) and report the results to the Forest Service or the Development Review Officer.

- (c) The cultural resource review process shall be complete and work may continue if the Forest Service or the Development Review Officer determines that the cultural resource is not significant.
- (d) The cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to Commission Rule 350-100-550 (4)(e) if the Forest Service or the Development Review Officer determines that the cultural resource is significant.

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.

350-100-560. General Management Area Wetland Review Criteria.

- (1) Wetlands Boundaries and Site Plans for Review Uses in Wetlands
- (a) If the proposed use is within a wetland or wetlands buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary.
- (A) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments.
- (B) All wetlands delineations shall be conducted by a professional which has been trained to use the federal delineation process, such as a soil scientist, botanist, or wetlands ecologist.
- (C) The Development Review Officer may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Development Review Officer shall, at the applicant's expense, obtain professional services to render a final delineation.
- (b) In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the wetland and the wetlands buffer zone; and
- (C) a description of actions that would alter or destroy the wetland.
- (2) Uses allowed outright in wetlands and wetlands buffer zones.
- (a) Commission Rule 350-100-560 shall not apply to proposed uses that would occur in the main stem of the Columbia River. The main stem of the Columbia River is depicted on the map titled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001 and dated September 1986. (This map is available at county planning departments and Commission and Forest Service offices.) The boundaries of the main stem appear as a heavy black line that generally follows the shoreline. For Commission Rule 350-100, backwaters and isolated water bodies created

[169] Miscellaneous

by roads and railroads are not part of the main stem of the Columbia River.

- (b) The following uses are allowed in wetlands and wetlands buffer zones without review, if they:
 - (A) Are conducted using best management practices;
- (B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and
- (C) Comply with all applicable federal, state, and county laws:
- (i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.
- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities
- (3) The following uses may be allowed in wetlands and wetlands buffer zones when approved pursuant to the provisions in Commission Rule 350-100-560(5), and reviewed under the applicable provisions of Commission Rule 350-100-520 through 350-100-620:
- (a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:
- (A) Increase the size of an existing structure by more than 100 percent,
 - (B) Result in a loss of wetlands acreage or functions, or
- (C) Intrude further into a wetland or wetlands buffer zone. New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located to the wetland or wetlands buffer zone than the existing structure.
- (b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious

- materials; observation decks; and interpretative aids, such as kiosks and signs.
- (c) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- (4) Uses not listed in Commission Rule 350-100-560 (2) and (3) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to Commission Rule 350-100-560(6) and reviewed under the applicable provisions of Commission Rule 350-100-520 through 350-100-620.
- (5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:
- (a) Practicable alternatives to locating the structure outside of the wetlands or wetland buffer zone and/or minimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of the wetlands, existing contour, functions, vegetation, fish and wildlife resources, and hydrology;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal, state, and county laws.
- (6) Applications for all other Review Uses in wetlands shall demonstrate that:
- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:
- (A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands:
- (B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and
- (C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

(b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:

(A) The extent of public need for the proposed use.

[170]

- (B) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.
- (C) The functions and size of the wetland that may be affected.
- (D) The economic value of the proposed use to the general area.
- (E) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.
- (c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.
- (f) The proposed use complies with all applicable federal, state, and county laws.
- (g) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.
- (h) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts.

The following wetlands restoration, creation, and enhancement guidelines shall apply:

- (A) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.
- (B) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.
- (C) Wetlands restoration, creation, and enhancement projects shall use native vegetation.
- (D) The size of replacement wetlands shall equal or exceed the following ratios (the first number specifies the equired acreage of replacement wetlands and the second number specifies the acreage of wetlands altered or destroyed):

(i) Restoration: 2:1 (ii) Creation: 3:1 (iii) Enhancement: 4:1

- (E) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.
- (F) Replacement wetlands should replicate the type of vetland that will be altered or destroyed. If this guideline s not feasible or practical due to technical constraints, a vetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.
- (G) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If his is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.
- (H) Wetlands restoration, creation, and enhancement afforts should be completed before a wetland is altered or

- destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.
- (I) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.
 - (7) Wetlands Buffer Zones
- (a) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
- (b) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.
- (A) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.
- (B) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.
- (C) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.
- (c) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(A) Forest communities: 75 feet
 (B) Shrub communities: 100 feet
 (C) Herbaceous communities: 150 feet

- (d) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
 - (8) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands. They shall satisfy the following guidelines:

- (a) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
- (b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.
- (c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage

patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

- (d) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
- (A) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.
- (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
- (C) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.
- (e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.
- (f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

350-100-570. General Management Area Stream, Pond, Lake and Riparian Area Review Criteria.

- (1) Stream, Pond, and Lake Boundaries and Site Plans for Review Uses in Aquatic and Riparian Areas
- (a) If a proposed use would be in a stream, pond, lake or their buffer zones, the project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation.
- (b) In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes, and their buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the ordinary high watermark or normal pool elevation and prescribed buffer zone; and
- (C) a description of actions that would alter or destroy the stream, pond, lake, or riparian area.
- (2) Uses allowed outright in streams, ponds, lakes, and their buffer zones.
- (a) Commission Rule 350-100-670 shall not apply to proposed uses that would occur in those portions of the main stem of the Columbia River that adjoin the Urban Area.
- (b) The following uses are allowed in streams, ponds, lakes, and their buffer zones without review, if they:
 - (A) Are conducted using best management practices;
- (B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and
- (C) Comply with all applicable federal, state, and county laws:

- (i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.
- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation and shall require a review use permit. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (3) The following uses may be allowed in streams ponds, lakes and riparian areas when approved pursuan Commission Rule 350-100-570(5), and reviewed under the applicable provisions of Commission Rule 350-100-520 through 350-100-620:
- (a) The modification, expansion, replacement, o reconstruction of serviceable structures, provided that sucl actions would not:
- (A) Increase the size of an existing structure by more than 100 percent,
- (B) Result in a loss of water quality, natural drainage and fish and wildlife habitat, or
- (C) Intrude further into a stream, pond, lake, or buffe zone. New structures shall be considered intruding furthe into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffe zone than the existing structure.
- (b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such a kiosks and signs.
- (c) The construction of minor water-dependent structure that are placed on pilings, if the pilings allow unobstructe flow of water and are not placed so close together that the effectively convert an aquatic area to dry land. Structures i this category shall be limited to public and private docks an boat houses, and fish and wildlife management structure

that are constructed by federal, state, or tribal resource agencies.

- (4) Uses not listed in Commission Rule 350-100-570 (2) and (3) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to Commission Rule 350-100-570(6) and reviewed under the applicable provisions of Commission Rule 350-100-520 through 350-100-620.
- (5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:
- (a) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal, state, and local laws.
- (6) Applications for all other Review Uses in wetlands shall demonstrate that:
- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by Commission Rule 350-100-560 (6)(a), substituting the term stream, pond, lake, or riparian area as appropriate.
- (b) The proposed use is in the public interest as determined by Commission Rule 350-100-560 (6)(b), substituting the term stream, pond, lake, or riparian area as appropriate.
- (c) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

At a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (A) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife, 1986). In Washington, the Washington Department of Wildlife and Washington Department of Fisheries shall evaluate specific proposals and specify periods for in-water work.
- (B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- (C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.
- (D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
- (E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams,

- ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.
- (F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
- (f) The proposed use complies with all applicable federal, state, and county laws.
- (g) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement guidelines shall apply:

- (A) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.
- (B) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.
- (C) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.
- (D) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- (E) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- (F) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.
- (G) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
- (H) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
- (I) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this guideline.
 - (7) Stream, Pond, and Lake Buffer Zones
- (a) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal

pool elevation of the Columbia River. The following buffer zone widths shall be required:

- (A) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet
- (B) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet
- (C) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community as determined by Commission Rule 350-100-560 (7)(b), substituting the term pond or lake as appropriate.

(b) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

- (c) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Development Review Officer may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Development Review Officer shall, at the project applicant's expense, obtain professional services to render a final delineation.
 - (8) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area. They shall satisfy the following guidelines:

- (a) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.
- (b) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.
- (c) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
- (A) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.
- (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
- (C) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.
- (d) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(e) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

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

350-100-580. General Management Area Sensitive Wildlife Review Criteria.

- (1) Sensitive Wildlife Areas and Sites and Site Plans Near Sensitive Wildlife
- (a) Proposed uses shall not adversely affect sensitive wildlife areas or sensitive wildlife sites:
- (A) "Sensitive wildlife areas" in the Columbia Gorge means the following land and water areas that appear in the wildlife inventory map prepared and maintained by the Gorge Commission:

Bald eagle habitat

Deer and elk winter range

Elk habitat

Mountain goat habitat

Peregrine falcon habitat

Pika colony area

Pileated woodpecker habitat

Pine marten habitat

Shallow water fish habitat (Columbia R.)

Special streams

Special habitat area

Spotted owl habitat

Sturgeon spawning area

Tributary fish habitat

Turkey habitat

Waterfowl area

Western pond turtle habitat

- (B) "Sensitive wildlife sites" means sites that are used by animal species that are
- (i) listed as endangered or threatened pursuant to federal or state endangered species acts,
- (ii) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,
- (iii) listed as sensitive by the Oregon Fish and Wildlife Commission, or
- (iv) considered to be of special interest to the public (limited to great blue heron, osprey, golden eagle, and prairie falcon).
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (2) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:
- (a) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.

- (b) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing rrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands hat have not been cultivated, or have lain idle, for more han 5 years.
- (c) Forest practices that do not violate conditions of approval for other approved uses.
- (d) Repair, maintenance, and operation of existing and erviceable structures, trails, roads, railroads and utility acilities.
- (e) Fish and wildlife management uses conducted by ederal, state, or Indian tribal resource agencies.
 - (3) Field Survey
- A field survey to identify sensitive wildlife areas or sites hall be required for:
 - (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for nore than 10 cars, overnight camping facilities, boat ramps, nd visitor information and environmental education faciliies:
- (c) Public transportation facilities that are outside mproved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenancs that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas ransmission (as opposed to distribution) lines, pipes, quipment, and appurtenances.

Field surveys shall cover all areas affected by the roposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project pplicant. All sensitive wildlife areas and sites discovered a project area shall be described and shown on the site lan map.

- (4) Uses not listed in Commission Rule 350-100-580(2) nay be allowed within 1,000 feet of a sensitive wildlife area r site, when approved pursuant to Commission Rule 350-00-580(5) and reviewed under the applicable provisions of commission Rule 350-100-520 through 350-100-620.
- (5) Uses that are proposed within 1,000 feet of a ensitive wildlife area or site shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon Departnent of Fish and Wildlife or the Washington Department of Vildlife by the Development Review Officer. State wildlife iologists will review the site plan and their field survey ecords and:
- (A) Identify/verify the precise location of the wildlife rea or site,
- (B) Ascertain whether the wildlife area or site is active r abandoned, and
- (C) Determine if the proposed use may compromise the itegrity of the wildlife area or site or occur during the time f the year when wildlife species are sensitive to disturance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to erify the wildlife inventory and assess the potential effects f a proposed use.
- (b) The following factors may be considered when site lans are reviewed:
 - (A) Biology of the affected wildlife species.
- (B) Published guidelines regarding the protection and lanagement of the affected wildlife species. The Oregon

- Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron. The Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the pereguine falcon, and the Larch Mountain salamander (Rodrick and Milner, 1991).
- (C) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
- (D) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.
- (E) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.
- (c) The wildlife protection process may terminate if the Development Review Officer, in consultation with the state wildlife agency, determines:
 - (A) The sensitive wildlife area or site is not active, or
- (B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.
- (d) If the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Development Review Officer will incorporate them into the development review order and the wildlife protection process may conclude.
- (e) The project applicant shall prepare a wildlife management plan if the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.
- (f) The Development Review Officer shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the state wildlife agency in the land use review order.

Based on the comments from the state wildlife agency, the Development Review Officer will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the Development Review Officer shall justify how the opposing conclusion was reached.

The Development Review Officer shall require the applicant to revise the wildlife management plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(6) Wildlife Management Plans

Wildlife management plans shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet the following guidelines:

- (a) Wildlife management plans shall be prepared by a professional wildlife biologist hired by the project applicant.
- (b) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.
- (c) The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.
- (d) A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.
- (e) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:
- (A) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.
- (B) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.
- (f) Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site.

Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.

(g) The applicant shall prepare and implement a 3-year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall

include an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement guidelines.

- (7) New fences in deer and elk winter range
- (a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.
- (b) New and replacement fences that are allowed in winter range shall comply with the guidelines in <u>Specifications for Structural Range Improvements</u> (Sanderson, et. al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:
- (A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
- (B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
- (C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
- (D) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
- (c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

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.

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.

<u>350-100-590.</u> General Management Areas Rare Plant Review Criteria.

- (1) Sensitive Plants and Site Plans for Review Uses Near Sensitive Plants
- (a) Proposed uses shall not adversely affect sensitive plants. "Sensitive plants" means plant species that are
 - (A) endemic to the Columbia River Gorge and vicinity,
- (B) listed as endangered or threatened pursuant to federal or state endangered species acts, or
- (C) listed as endangered, threatened, or sensitive by the Oregon or Washington Natural Heritage program.
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive

plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

- (2) The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:
- (a) Low-intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming, and hiking. Regarding sensitive plants, horse-back riding is not considered a low-intensity use.
- (b) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has ain idle, for more than 5 years shall be considered new cultivation.
- (c) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing rrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands hat have not been cultivated, or have lain idle, for more han 5 years.
- (d) Forest practices that do not violate conditions of approval for other approved uses.
- (e) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility acilities.
 - (3) Field Survey

A field survey to identify sensitive plants shall be equired for:

- (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for nore than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education faciliies:
- (c) Public transportation facilities that are outside mproved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas ransmission (as opposed to distribution) lines, pipes, quipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant cology hired by the project applicant. Field surveys shall dentify the precise location of the sensitive plants and lelineate a 200-foot buffer zone. The results of a field urvey shall be shown on the site plan map.

- (4) Uses not listed in Commission Rule 350-100-590(2) nay be allowed within 1,000 feet of a sensitive plant, when pproved pursuant to Commission Rule 350-100-590(5), and eviewed under the applicable provisions of Commission Rule 350-100-520 through 350-100-620.
- (5) Uses that are proposed within 1,000 feet of a ensitive plant shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon or Vashington Natural Heritage Program by the Development Leview Officer. The Natural Heritage Program staff will eview the site plan and their field survey records. They vill identify the precise location of the affected plants and elineate a 200-foot buffer zone on the project applicant's ite plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

- (b) The rare plant protection process may conclude if the Development Review Officer, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.
- (c) New uses shall be prohibited within sensitive plant species buffer zones, except those listed in Commission Rule 350-100-590(2).
- (d) If a proposed use must be allowed within a sensitive plant buffer area in accordance with Commission Rule 350-100-150(7), the project applicant shall prepare a protection and rehabilitation plan pursuant to Commission Rule 350-100-590(6).
- (e) The Development Review Officer shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the Natural Heritage Program staff in the land use review order.

Based on the comments from the Natural Heritage Program staff, the Development Review Officer will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Development Review Officer shall justify how the opposing conclusion was reached.

(6) Protection and Rehabilitation Plans

Protection and rehabilitation plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance.

Protection and rehabilitation plans shall meet the following guidelines:

- (a) Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.
- (b) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.
- (c) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

(d) Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.

[177] Miscellaneous

- (e) Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.
- (f) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.
- (g) Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:
- (A) Describe the biology of sensitive plant species that will be affected by a proposed use.
- (B) Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.
- (C) Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.
- (D) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the Development Review Officer an annual report that documents milestones, successes, problems, and contingency actions.
 - (7) Sensitive Plant Buffer Zones
- (a) A 200-foot buffer zone shall be maintained around sensitive plants. Buffer areas shall remain in an undisturbed, natural condition.
- (b) Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, man-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer zone be less than 25 feet.
- (c) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:
 - (A) Identifies the precise location of the sensitive plants,
 - (B) Describes the biology of the sensitive plants, and
- (C) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

(d) The Development Review Officer shall submit all requests to reduce sensitive plant species buffer areas to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that such a request is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the Oregon or Washington Natural Heritage Program in the development review order.

Based on the comments from the Oregon or Washington Natural Heritage Program, the Development Review Officer will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Development Review Officer shall justify how the opposing conclusion was reached.

350-100-600. Special Management Areas Natural Resource Review Criteria.

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation of destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the natural resource site evaluation and project analysis and evaluation for new uses and developments, except those sponsored by non-Forest Service federal and state agencies.

- (1) Buffer zones shall be undisturbed unless it has been shown that no practicable alternatives exist, pursuant to Commission Rule 350-100-560 (6(a)(A) through (C), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan that no adverse effects would result.
- (2) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection guidelines:
- (a) Location of the following sites and areas. The Forest Service will provide this information to the applicant.
- (A) Sites of sensitive wildlife and sensitive plant species.
- (B) Location of riparian and wetland areas. The exact location of the wetlands boundaries shall be delineated using the procedures specified in the <u>Federal Manual for Identifying and Delineating Jurisdictional Wetlands</u> (Federal Interagency Committee for Wetland Delineation, 1989). Changes to this manual shall not apply to wetlands in the Special Management Area unless the Management Plan has been amended.
- (b) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Development Review Officer.
 - (4) Review of the site plan shall consider the following:
- (a) Biology and habitat requirements of the flora or fauna of concern.
- (b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.
- (c) Existing condition of the site and the surrounding habitat and the useful life of the site.
- (d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.
- (e) Minimum natural resource protection guidelines including buffer zones.
- (f) Closure of forest practice roads necessary to protect natural resources.
 - (g) Comments from state and federal agencies.
- (5) Minimum natural resource protection guidelines include:
 - (a) Sites of sensitive wildlife and sensitive plan species
- (A) A 200-foot buffer zone shall be created for sensitive plant species.
- (B) A buffer zone for sites of sensitive wildlife species such as nesting, roosting and perching sites, as defined by

pecies requirements shall be as determined by a Forest Service biologist in consultation with other state or federal igency biologists.

- (b) Riparian areas, wetlands, parks, and lakes.
- (A) Wetlands shall not be destroyed except within roads and railroad rights-of-way as provided in guideline 6. Riparian areas shall not be destroyed, except for water-lependent uses, such as boat ramps, and road construction and reconstruction. The above-stated exceptions to riparian lestruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.
- (B) Adding any fill or draining of wetlands is prohibit-d.
- (C) A minimum 200-foot buffer zone shall be created in the landward side of each wetland, pond or lake; or a vider variance from this requirement shall be determined uring the site plan analysis of the wetland or riparian area ind those species inhabiting the area as determined by the vorest Service biologist in consultation with state and/or ederal agencies;
- (D) A 200 foot buffer zone shall be created along each ish-bearing and perennial stream.
- (E) A 50-foot buffer zone shall be created along itermittent streams.
- (F) Revegetation shall use only species native to the columbia River Gorge, and shall provide and maintain abitat diversity beneficial to the fish, wildlife and native lants.
- (G) Maintenance, repair, reconstruction and realignment f roads and railroads within their rights-of-way shall be xempted from the wetlands and riparian guidelines upon emonstration of all the following:
- (i) The wetland within the right-of-way is a drainage itch not part of a larger wetland outside of the right-of-way;
 - (ii) The wetland is not critical habitat; and
- (iii) Proposed activities within the right-of-way would ot adversely affect a wetland adjacent to the right-of-way.
 - (c) Fish and wildlife habitat:
- (A) Structures such as bridges, culverts, and utility pridors shall be designed so as not to impede the passage f fish and wildlife.
- (B) New developments and uses shall not interfere with sh passage.
- (C) Filling of shallow-water fishery habitat shall be lowed only after an analysis shows that no other practicale sites exist. Filling shall only be considered for water-ependent uses, and mitigation shall be required.
- (D) New developments and uses shall occur during eriods when fish and wildlife are least sensitive to activites. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and lose periods specified in "Oregon Guidelines for Timing of I-Water Work to Protect Fish and Wildlife Resources" Dregon Dept. of Fish and Wildlife 1986).
- (E) In areas of big game winter range, adequate thermal over shall be maintained as determined by the appropriate ate wildlife agency.
 - (F) Forest practices shall maintain the following:
- (i) Six live trees per acre, three of which shall be of the rgest tree size available and three of which shall be of trious sizes to provide replacements as snags and wildlife

trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.

In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16-inch diameter at breast height (dbh) or greater, preferably with limbs down to the ground, shall be maintained.

- (ii) Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area.
- (iii) Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.
 - (d) Bio-diversity.
- (A) New uses shall avoid disturbance to old-growth forests.
- (B) Forest practices shall maintain species composition at existing proportions in the activity area.
- (C) Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of 1-foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak trees less than 1-foot dbh. No area greater than 10 acres in size and supporting existing oak species shall be devoid of oak trees.
- (D) A mix in age and size of hardwoods shall be maintained to provide vertical diversity and replacement.
- (E) For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.
 - (e) Soil productivity.
- (A) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (B) The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.
- (C) Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.
 - (D) Forest practices shall maintain the following:
- (i) Soil organic matter shall be provided at a minimum of 15 tons per acre and 25 tons per acre of dead and down woody material in the east and west side vegetation communities, respectively.
- (ii) Potential ground disturbance activities shall be designed to minimize disturbance to the soil organic horizon.
 - (f) Air and water quality.
- (A) Streambank and shoreline stability shall be maintained or restored with natural revegetation.
- (B) All new developments shall be carried out to comply with state water quality requirements.
- (C) County, state, and federal regulations for air and water quality and for pesticide use shall be followed.
- (D) Existing levels of air visibility shall not be degraded.
- (g) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:
 - (A) Include existing natural and cultural features.

- (B) Include proposed actions within and adjacent to the buffer zone.
- (C) Include mitigation measures as necessary to comply with the minimum natural resource protection guidelines and protect natural resources from adverse effects.
- (D) Be prepared by a natural resource specialist as defined.
- (E) Demonstrate mitigation measures that would offset the adverse effects of the proposed new use or developments and that would ensure protection, long-term viability, and function of the resource being protected by the buffer zone.
- (F) Be reviewed to ensure the proposed mitigation measures are adequate and comply with minimum natural resource protection guidelines. The mitigation plan shall be reviewed by the Forest Service in consultation with appropriate state or federal agencies, and reviewed and approved by the Development Review Officer.

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

350-100-610. General Management Areas Recreation Resource Review Criteria.

The following uses may be allowed, subject to compliance with Commission Rule 350-100-610 (5) and (6).

- (1) Recreation Intensity Class 1 Very Low Intensity
- (a) Parking areas for a maximum of 10 cars for any allowed uses in Recreation Intensity Class 1.
- (b) Trails for hiking, equestrian and mountain biking use.
 - (c) Pathways for pedestrian and bicycling use.
- (d) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).
 - (e) Scenic viewpoints and overlooks.
 - (f) Wildlife/botanical viewing and nature study areas.
 - (g) River access areas.
- (h) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.
- (i) Entry name signs not to exceed 10 square feet per sign.
 - (j) Boat docks, piers or wharfs.
 - (k) Picnic areas.
 - (l) Rest-rooms/comfort facilities.
 - (2) Recreation Intensity Class 2 Low Intensity
 - (a) All uses permitted in Recreation Intensity Class 1.
- (b) Parking areas for a maximum of 25 cars, including spaces for campground units, to serve any allowed uses in Recreation Intensity Class 2.
- (c) Simple interpretive signs and displays, not to exceed a total of 100 square feet.
- (d) Entry name signs not to exceed 20 square feet per sign.
 - (e) Boat ramps, not to exceed two lanes.
 - (f) Campgrounds for 20 units or less, tent sites only.
 - (3) Recreation Intensity Class 3 Moderate Intensity
- (a) All uses permitted in Recreation Intensity Classes 1 and 2.

- (b) Parking areas for a maximum of 75 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 3.
 - (c) Interpretive signs, displays and/or facilities.
- (d) Visitor information and environmental education signs, displays or facilities.
- (e) Entry name signs not to exceed 32 square feet per sign.
 - (f) Boat ramps, not to exceed three lanes.
- (g) Concessions stands, pursuant to applicable policies in Chapter 4, Part I of the Management Plan.
- (h) Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.
 - (4) Recreation Intensity Class 4 High Intensity
- (a) All uses permitted in Recreation Intensity Classes 1, 2, and 3.
- (b) Parking areas for a maximum of 250 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 4.
 - (c) Horseback riding stables and associated facilities.
- (d) Entry name signs, not to exceed 40 square feet per sign.
 - (e) Boat ramps.
- (f) Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.
 - (5) Approval Criteria for Recreation Uses
- All proposed recreation projects outside of Public Recreation or Commercial Recreation land use designations shall comply with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-100-520 through 350-100-620) and shall satisfy the following:
- (a) Compliance with Commission Rule 350-100-520 through 610.
- (b) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" guideline for the landscape setting in which the use is located.
- (c) For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland:
- (A) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.
- (B) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm

practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland

(d) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the county fire marshall) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

- (e) Trail or trailhead projects shall comply with applicable trails policies in the Management Plan.
- (f) For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan.
- (g) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with guidelines for protection of tribal treaty rights in Part IV, Chapter 3, Indian Tribal Treaty Rights and Consultation in the Management Plan.
- (h) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(i) For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access):

A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

- (6) Facility Design Guidelines for All Recreation Projects
- (a) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.
- (b) The facility design guidelines contained herein are ntended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is consid-

ered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

- (c) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.
- (d) Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.
- (e) Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.
- (f) Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.
- (g) Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.
- (h) Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
- (i) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.
- (j) Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Development Review Officer may allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.
- (k) A majority of trees, shrubs and other plants in landscaped areas shall be species native or naturalized to the landscape setting in which they occur (landscape setting design guidelines specify lists of appropriate species).
- (1) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.
- (m) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.

[181] Miscellaneous

- (n) Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.
- (o) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.
- (p) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Development Review Officer, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.
- (q) Grading or soil compaction within the drip line of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
- (r) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.
- (s) Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape guidelines contained herein, and shall be responsible for such maintenance and survival.
- (t) All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.
- (u) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified Recreation Intensity Class 4 (except for proposals predominantly devoted to boat access) shall comply with Commission Rule 350-100-610 (5)(i) regarding provision of mass transportation access.

350-100-620. Special Management Area Recreation Resource Review Criteria.

- (1) The following shall apply to all new recreation developments and land uses in the Special Management Area:
- (a) New developments and land uses shall not displace existing recreational use.
- (b) Only natural resource-based recreation shall be allowed.
- (c) Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as

- proposed in the site plan. An analysis of both on and off site cumulative effects shall be required.
- (d) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
- (e) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
- (f) The facility guidelines contained in Commission Rule 350-100-620(1) are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).
- (g) New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.
- (h) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that:
- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present at the site.
- (C) Reasonable alternative sites, including those in Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives, and policies in Chapter 4, Part I of the Management Plan.
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
- (G) Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreation Intensity Class 4.
- (i) Accommodations of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Class 3 and 4) day-use recreation sites, except for sites predominantly devoted to boat access.
- (2) Special Management Areas Recreation Intensity Class Guidelines
- (a) Recreation Intensity Class 1 Very Low Intensity Emphasis is to provide opportunities for semi-primitive recreation opportunities.
- (A) Permitted uses are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.

Miscellaneous [182]

- (B) The maximum site design capacity shall not exceed 35 people at one time on the site. The maximum design capacity for parking areas shall be 10 vehicles.
 - (C) The following uses may be permitted:
 - (i) Trails and trailheads.
 - (ii) Parking areas.
 - (iii) Dispersed campsites accessible only by a trail.
 - (iv) Viewpoints and overlooks.
 - (v) Picnic areas.
 - (vi) Signs.
 - (vii) Interpretive exhibits and displays.
 - (viii) Rest-rooms.
 - (b) Recreation Intensity Class 2 Low Intensity

Emphasis is to provide semi-primitive recreation opportunities.

- (A) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.
- (B) The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.
- (C) All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2. The following uses may also be permitted:
 - (i) Campground with vehicle access.
- (ii) Boat anchorages designed for no more than 10 boats at one time.
 - (iii) Swimming areas.
 - (c) Recreation Intensity Class 3 Moderate Intensity

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

- (A) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.
- (B) Maximum site design capacity shall not exceed 250 people at on the site. The maximum design capacity shall be 50 vehicles. The General Management vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.
- (C) All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The following uses may also be permitted:
- (i) Campgrounds improvement may include water, power, sewer, and sewage dump stations.
- (ii) Boat anchorages designed for not more than 15
- (iii) Public visitor, interpretive, historic, and environnental education facilities.
 - (iv) Full service rest-rooms, may include showers.
 - (v) Boat ramps.
 - (vi) Riding stables.
 - (d) Recreation Intensity Class 4 High Intensity

Emphasis is for providing road natural, rural, and uburban recreation opportunities with a high level of social nteraction.

(A) Permitted uses are those in which people can participate in activities to realize experiences such as

- socialization, cultural and natural history appreciation, and physical activity.
- (B) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The General Management Area vehicle capacity of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.
- (C) All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4.

350-100-630.

NOTICE OF APPLICATION REQUIREMENTS

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
GENERAL MANAGEMENT AREA								
Residential LUD - Review uses except SFDs located adjacent to Agriculture & Forest LUDs, and those uses within 1000' of a sensitive wildlife area or site, or a rare plant	Х	X	X	x	х			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	Х	Х	Х	Х		Х		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	Х	Х	Х	Х	Х		х	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	Х	х	Х	X		. X	Х	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	Х	Х	Х	Х	X			Х
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	Х	X	· X	Х		Х		Х

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Agriculture LUD - Review uses except non-farm SFD in Large-Scale Agriculture LUD and uses within 1000' of sensitive wildlife area or site, or rare plant	Х	X	Х	Х	Х			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	Х	Х	х	Х	Х		Х	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large- Scale Agriculture LUD	х	Х	х	Х	х			Х
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	Х	Х	х	Х		Х		,
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of sensitive wildlife area or site	Х	х	Х	Х	:	Х	х	
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of rare plant	х	х	х	Х		Х		X

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD - Review uses except utility facilities, railroads, home occupations, cottage industries, wineries, ag. product process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and those review uses within 1000' feet of a sensitive wildlife area or site, or rare plant	x	х	Х	х	Х			
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and not within 1000' feet of a sensitive wildlife area or site, or rare plant	Х	х	Х	х		Х		
Forest LUD - Review uses within 1000' of a sensitive wildlife area or site, except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	х	Х	Х	Х	х		Х	

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD - Review uses within 1000' of a rare plant except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	х	х	х	Х	Х			X
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a sensitive wildlife area or site	X	X	X	Х		х	х	
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a rare plant	Х	X .	X	Х		Х		Х
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	Х	Х	Х	Х	Х			

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Commercial LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	Х	Х	Х	Х		Х	
Commercial LUD - Review uses within 1000' of a rare plant	х	Х	Х	Х	X			Х
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	х	Х	X	Х			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	х	х	Х	Х	Х		Х	
Recreation LUD - Review uses within 1000' of a rare plant	Х	Х	Х	X	х			. X
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	Х	Х	Х	Х			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	Х	Х	Х	Х		х	
Open Space LUD - Review uses within 1000' of a rare plant	Х	Х	Х	Х	Х			Х
Agriculture-Special LUD - Review uses	Х	х	Х	Х	X			X
SPECIAL MANAGEMENT AREAS							<u> </u>	
Review Uses - All LUDs	Х	Х	X	X	X		Х	

COLUMBIA RIVER GORGE COMMISSION PROPOSED PERMANENT RULE Chapter 350

Division 110
Wasco County Land Use Ordinance

350-110-010. Purposes.

The purposes of the Land Use Ordinance are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge.

350-110-020. Area Affected.

Commission Rule 350-110 shall apply to all lands in Wasco County, Oregon within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

Commission Rule 350-110 becomes effective 30 days after adoption and filing by the Columbia River Gorge Commission with the exception of those portions of Commission Rule 350-110 pertaining to the Special Management Areas, which become effective upon concurrence by the Secretary of Agriculture.

Those portions of Commission Rule 350-110 pertaining to the General Management Area are no longer effective

once Wasco County has submitted a land use ordinance and the Columbia River Gorge Commission finds it consistent with the Management Plan. Those portions of Commission Rule 350-110 pertaining to the Special Management Area remain effective until the Secretary of Agriculture concurs on the ordinances adopted by Wasco County.

350-110-030. Review and Approval Required.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in Commission Rule 350-110, when considered under the applicable procedural and substantive guidelines of this Rule.

350-110-040. Definitions.

As used in Commission Rule 350-110, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (1) Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.
- (2) Accessory building: A building or structure whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use.

- (3) Active wildlife site: A wildlife site that has been used within the past 5 years by a sensitive wildlife species.
- (4) Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.
- (5) Agricultural structure: A structure located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.
- (6) Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:
- (a) The operation or use of farmland subject to any agriculture-related government program.
- (b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.
- (c) Land planted in orchards or other perennials prior to maturity.
- (d) Land under buildings supporting accepted agricultural practices.

Agricultural use does not include livestock feedlots.

- (7) **Anadromous fish:** Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).
- (8) Anaerobic: A condition in which molecular oxygen is absent (or effectively so) from the environment.
- (9) Aquaculture: The cultivation, maintenance, and harvesting of aquatic species.
- (10) **Aquatic area:** The water area of a stream, pond, or lake measured at the ordinary high water mark.
 - (11) Archaeological resources: See cultural resource.
- (12) **Archival research:** Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.
- (13) **Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.
- (14) **Best management practices:** Conservation techniques and management measures that
- (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
- (b) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and
- (c) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas
- (15) **Biodiversity** (**SMA**): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

- (16) **Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.
- (17) **Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.
- (18) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
- (19) Camping or recreational vehicle: A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water, and electrical lines or is occupied on the same parcel for more than 60 days in any consecutive 12-month period.
- (20) Campsite: Single camping unit, that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.
- (21) Capability: The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.
- (22) Cascadian architecture (SMA): Architectural style using native rock work, large timber, and steeply pitched roofs in a rustic manner.
- (23) Catastrophic situations (SMA): Forces such as fire, insect and disease infestations, and earth movements.
- (24) **Childcare center:** A facility providing daycare to three or more children, but not including:
- (a) The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.
- (b) The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.
- (c) The provision of short-term care related to or associated with group athletic or social activities.
- (d) The provision of daycare in the provider's home in the family living quarters for less than 13 children.
 - (25) Clearcut: A created opening of 1 acre or more.
- (26) Columbia River Gorge National Scenic Area Graphic Signing System: Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.
- (27) Commercial development/use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.
- (28) Commercial forest products: These include timber for lumber, pulp, and firewood for commercial purposes.
- (29) Commercial recreation: Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.
- (29) Community facility: Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities,

public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.

- (30) Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the Development Review Officer in a timely manner because they are concerned with the effects of a proposed use on cultural resources.
- (31) Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. Contiguous land does not include parcels that meet only at a single point.
- (32) Counties: The six counties within the Scenic Area: Hood River, Multnomah, and Wasco in Oregon, and Clark, Skamania, and Klickitat in Washington.
- (33) Created opening (SMA): A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall.
- (34) Creation (wetlands): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).
- (35) **Cultivation:** Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.
- (36) Cultural resource: Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:
- (a) Archaeological resources. Physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.

Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, human remains, and associated artifacts.

(b) Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.

Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.

(c) Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically

- gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.
- (37) Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.
- (38) Cut: An area where soil or earth is excavated or removed in conjunction with development activities.
- (39) **Dedicated site:** An area actively devoted to the current use and as delineated on the site plan.
- (40) **Deer and elk winter range:** Areas normally used, or capable of being used, by deer and elk from December through April.
- (41) **Destruction of wetlands:** Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.
- (42) **Developed recreation:** Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.
- (43) **Development:** Any land division or structure, including but not limited to, new construction of buildings and structures, and mining, dredging, filling, grading, paving, and excavation.
- (44) **Diameter at breast height (dbh):** The diameter of a tree as measured at breast height.
- (45) **Duplex:** A building containing two dwelling units and designed for occupancy by two families.
- (46) **Dwelling, single-family:** A detached building containing one dwelling unit and designed for occupancy by one family only.
- (47) **Dwelling unit:** A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.
- (48) Effect on treaty rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.
- (49) **Endemic:** Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.
- (50) Enhancement (natural resources): A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.
- (51) Ethnography: The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.
- (52) Existing use or structure: A legally established use that existed before the effective date of the Scenic Area

Act, the Management Plan, or a land use ordinance established pursuant to the Scenic Area Act. "Legally-established" means established in accordance with the law in effect at the time of establishment of the use.

- (53) Exploration, development (extraction and excavation), and production of mineral resources: Includes all or any part of the process of surface, underground, or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, onsite stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.
- (54) **Fill:** The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.
- (55) **Fire break:** A break in ground cover fuels, adjacent to and surrounding buildings.
- (56) **Forbs:** Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.
- (57) Foreground (SMA): One-half mile on either side of a traveled road or trail.
- (58) **Forest products:** Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.
- (59) Forest practices: Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act or the Washington Forest Practices Act.
- (60) Forest use: The growing, propagation, and harvesting of forest tree species and other forest products.
- (61) Fully screened: A description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan).
- (62) **Grade (ground level):** The average elevation of the finished ground elevation as defined by the Uniform Building Code.
- (63) **Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- (64) **Height of building:** The vertical distance from the grade to the highest point of the roof.
- (65) **Herbaceous:** A plant with no persistent woody stem above the ground, with characteristics of an herb.
- (66) **Herbs:** Nonwoody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)
- (67) **Historic buildings and structures:** See cultural resource.
- (68) **Historic survey:** Actions that document the form, style, integrity, and physical condition of historic buildings

- and structures. Historic surveys may include archival research, architectural drawings, and photographs.
- (69) Horses, boarding of: The stabling, feeding, and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks.
- (70) **Hydric soil:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- (71) In-lieu sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.
- (72) Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).
- (73) Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.
- (74) **Industrial uses:** Any use of land or water primarily involved in:
 - (a) Assembly or manufacture of goods or products;
- (b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- (c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service; or
- (d) Production of electric power for commercial purposes
- (75) **Interpretive displays:** Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.
- (76) **Key components:** The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.
- (77) **Key viewing areas:** Those portions of important public roads, parks, or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. These include:

Historic Columbia River Highway Crown Point Highway I-84, including rest stops Multnomah Falls Washington State Route 14 Beacon Rock Panorama Point Park Cape Horn Dog Mountain Trail

Cook-Underwood Road

Rowena Plateau and Nature Conservancy Viewpoint

Portland Women's Forum State Park

Bridal Veil State Park

Larch Mountain

Rooster Rock State Park

Bonneville Dam Visitor Centers

Columbia River

Washington State Route 141

Washington State Route 142

Oregon Highway 35

Sandy River

Pacific Crest Trail

SMA only:

Old Washington State Route 14 (County Road 1230)

Wyeth Bench Road

Larch Mountain Road

Sherrard Point on Larch Mountain

- (78) Land division: The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to, short subdivisions, partitions, and subdivisions.
- (79) Landscape setting: The combination of land use, landform, and vegetation patterns that distinguish an area in appearance and character from other portions of the Scenic Area.
- (80) Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.
- (81) Lot line adjustment: Transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.
- (82) Management plan: The document entitled Management Plan for the Columbia River Gorge National Scenic Area adopted October 14, 1991. The Management Plan becomes effective upon approval of land use ordinances by the Commission for the General Management Area and concurrence of land use ordinances by the Secretary of Agriculture for the Special Management Area.
- (83) **Mitigation:** The use of any or all of the following actions:
- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (84) **Multifamily dwelling:** A dwelling constructed or modified into two or more single-family units.
- (85) Native species: Species that naturally inhabit an area.
- (86) Natural resources: Naturally occurring features including land, water, air, plants, animals (including fish), plant and animal habitat, and scenery.
- (87) Natural resource specialist: A person with professional qualifications, including an academic degree or

sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

- (88) Natural resource-based recreation (SMA): Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.
- (89) Nonprofit organization: An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.
- (90) **Old growth:** Any stand of trees 10 acres or greater generally containing the following characteristics:
- (a) contain mature and overmature trees in the overstory and are well into the mature growth state;
- (b) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes;
- (c) in coniferous forests, standing dead trees and down material are present; and
- (d) evidences of man's activities may be present, but do not significantly alter the other characteristics and would be a subordinate factor in description of such a stand.
- (91) **Open Spaces:** Unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:
 - (a) Scenic, cultural, and historic areas;
 - (b) Fish and wildlife habitat;
- (c) Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
- (d) Ecologically and scientifically significant natural areas;
 - (e) Outstanding scenic views and sites;
 - (f) Water areas and wetlands;
- (g) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
 - (h) Potential and existing recreation resources; and
- (i) Federal and state wild, scenic, and recreation waterways.
- (92) Ordinary high water mark: The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.
 - (93) **Parcel:**
- (a) Any parcel legally created by a short division, partition, or subdivision.
- (b) Any unit of land legally created and separately described by deed or sales contract prior to November 17, 1986, if there were no applicable planning, zoning, and land division ordinances or regulations.
- (c) In the state of Washington, a unit of land created and separately described by deed or sales contract after

November 17, 1986 if the unit created was approved by the Forge Commission or the Forest Service Scenic Area Office.

- (d) A unit of land shall not be considered a separate parcel simply because the subject tract of land:
- (A) Is a unit of land created solely to establish a eparate tax account;
 - (B) Lies in different counties;
 - (C) Lies in different sections or government lots;
 - (D) Lies in different land use or zoning designations; or
 - (E) Is dissected by a public or private road.
- (94) Partial retention: A visual quality objective that rovides for management activities that may be evident but nust remain visually subordinate to the characteristic andscape. Activities may repeat form, line, color, or texture ommon to the characteristic landscape, but changes in their ualities of size, amount, intensity, direction, pattern, etc., hall remain visually subordinate to the characteristic andscape.
- (95) **Practicable:** Able to be done, considering technology and cost.
- (96) **Preexisting:** Existing prior to the adoption of the columbia River Gorge National Scenic Area Management lan
- (97) **Primarily:** A clear majority as measured by olume, weight, or value.
- (98) **Project area:** The geographic area or areas within which new development and uses may cause changes in the haracter or use of cultural resources, if any such resources xist.
- (99) **Public use facility:** Recreation development(s) nat meet the definition of "recreation facility" in the lanagement Plan and are open for use by the general ublic. Private clubs and other facilities limited to members r otherwise restricted in availability shall not be considered ublic use facilities.
- (100) Rare plant species: Used in a generic sense to efer to various categories of sensitive plants cited in federal ad state programs.
- (101) Recreation facility: A cluster or grouping of ecreational developments or improvements located in slatively close proximity to one another, and that are not eparated in distance by more than 1/4 mile of land that does of contain any such developments or improvements, except or roads and/or pathways.
- (102) **Reconnaissance survey:** Actions conducted to etermine if archaeological resources are present in an area at would be affected by a proposed use. Reconnaissance irveys may include archival research, surface surveys, ibsurface testing, and ethnographic research.
- (103) Recreation Opportunity Spectrum (ROS): A eans of classifying areas in relation to the types of recreion opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive vilderness areas) to urban (highly modified areas).
- (a) Primitive: Remote, inaccessible areas with a high gree of solitude and with resources essentially unmodified.
- (b) Semiprimitive: Areas accessible only by primitive ansportation routes, with low to moderately infrequent iman encounters and with only subtle modifications to the itural setting.

- (c) Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.
- (d) Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.
- (e) Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
- (f) Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.
- (104) **Recreation resources:** Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semiprimitive areas with few facilities and developed sites.
- (105) **Rehabilitation (natural resources):** A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or preconstruction condition.
- (106) **Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included in this definition.
- (107) **Resource-based recreation:** Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the Scenic Area and that do not adversely affect those resources upon which they depend.
- (108) Restoration (wetlands): A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.
- (109) **Retention:** A visual quality objective that provides for management activities that are not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture that are frequently found in the characteristic landscape. Changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be evident.
- (110) **Review uses:** Proposed uses and developments that must be reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan.
- (111) Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.
- (112) Road: The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways, or alleys.
- (b) Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.
- (c) Structures that provide for continuity of the right-of-way, such as bridges.
- (113) Scenic Area: The Columbia River Gorge National Scenic Area.
- (114) Scenic travel corridor: Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the Scenic Area and specifically designated to be managed as scenic and recreational travel routes.
 - (115) Secretary: The Secretary of Agriculture.
 - (116) Sensitive plant species: Plant species that are
 - (a) endemic to the Columbia River Gorge and vicinity;
- (b) listed as endangered or threatened pursuant to federal or state endangered species acts; or
- (c) listed as endangered, threatened or sensitive by the Oregon or Washington Natural Heritage Program.

In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

- (117) Sensitive wildlife species: Animal species that are
- (a) listed as endangered or threatened pursuant to federal or state endangered species acts;
- (b) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission;
- (c) listed as sensitive by the Oregon Fish and Wildlife Commission; or
- (d) considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

- (118) **Service station:** A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.
 - (119) Serviceable: Presently useable.
 - (120) Shall: Action is mandatory.
 - (121) Should: Action is encouraged.
- (122) **Shrub:** A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)
- (123) Sign: Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of

- message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.
- (124) Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].)
- (125) **Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.
- (126) Soil Capability Class: A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.
- (127) **Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.
- (128) **Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.
- (129) **Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.
- (130) **Story:** A single floor level of a structure, as defined by the Uniform Building Code.
- (131) Streams: Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

- (132) **Structure:** That which is built or constructed, ar edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together ir some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures.
- (133) **Subsurface testing:** Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthologing tests, and auger borings.
- (134) **Suitability:** The appropriateness of land fo production of agricultural or forest products or for recreation considering its capability for production; surrounding use

and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

- (135) **Travelers accommodations:** Any establishment naving rooms rented or kept for rent on a daily or weekly pasis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.
- (136) Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These nelude the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and runting and gathering on open and unclaimed lands in common with the citizens of the states.
- (137) **Tributary fish habitat:** Streams that are used by madromous or resident fish for spawning, rearing and/or nigration.
- (138) **Undertaking:** Any project, activity, program or levelopment or change in land use that can result in changes n the character or use of a cultural resource, if any such ultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program nust be under the direct or indirect jurisdiction of a federal gency or licensed or assisted by a federal agency. Underakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.2(o)].
- (139) **Unimproved lands:** Lands that generally do not lave developments such as buildings or structures.
- (140) **Upland:** Any area that does not qualify as a vetland because the associated hydrologic regime is not ufficiently wet to elicit development of vegetation, soils, nd/or hydrologic characteristics associated with wetlands.
- (141) Uses allowed outright: New uses and developments that may occur without being reviewed by a county lanning department, the Gorge Commission, or the Forest tervice to determine if they are consistent with the Management Plan.
- (142) **Utility facility:** Any structure that provides for he transmission or distribution of water, sewer, fuel, lectricity, or communications.
- (143) **Viewshed:** A landscape unit seen from a key iewing area.
- (144) Visual Quality Objective (VQO): A set of isual management goals established by the Forest Service a achieve a desired visual objective. These objectives aclude retention and partial retention, and others in the Mt. lood and Gifford Pinchot National Forest Plans.
- (145) Visually subordinate: A description of the elative visibility of a structure where that structure does not oticeably contrast with the surrounding landscape, as iewed from a specified vantage point (generally a key iewing area, for the Management Plan). As opposed to tructures that are fully screened, structures that are visually ubordinate may be partially visible. They are not visually ominant in relation to their surroundings.
- (146) Water-dependent: Uses that absolutely require, nd cannot exist without, access or proximity to, or siting rithin, a water body to fulfill their basic purpose. Vater-dependent uses include, but are not limited to, docks, rharfs, piers, dolphins, certain fish and wildlife structures, oat launch facilities, and marinas. Dwellings, parking lots,

spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

- (147) Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.
- (148) **Wetlands:** Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.
- (149) Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.
- (150) Woody plant: A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

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.

350-110-050. Exempt Land Uses and Activities.

Commission Rule 350-110 shall not apply to:

- (1) Any treaty or other rights of any Indian tribes.
- (2) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 100-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
 - (3) Rights to surface or ground water.
- (4) Water transportation activities on the Columbia River or its tributaries. The term "activities" includes those facilities necessary for navigation.
- (5) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.
- (6) Laws, rules or regulations pertaining to hunting or fishing.
- (7) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material.
- (8) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the

Miscellaneous

Washington and Oregon Forest Practices Acts, or under county regulations that supersede those acts.

350-110-060. Prohibited Land Uses and Activities.

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

- (1) Solid waste disposal sites or sanitary landfills within the Special Management Area.
- (2) New industrial development in the Scenic Area outside of the Urban Areas.
- (3) Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:
- (a) Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening soil.
- (b) Removal or clearing of native grasses, shrubs, and trees.
- (c) Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.
 - (d) Barns, silos, and other agricultural buildings.
 - (e) Irrigation systems.
- (f) Exploration, development, and production of mineral resources.
 - (g) Utility facilities, public use facilities, and roads.

350-110-070. Existing Uses.

Except as otherwise provided below, existing uses in the Scenic Area may continue, notwithstanding the provisions of Commission Rule 350-110.

- (1) Except as otherwise provided, any use or structure existing on the effective date of the Management Plan, may continue so long as it is used in the same manner and for the same purpose as on that date.
- (2) Any use or structure damaged or destroyed by fire shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such uses or structures shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity and landscaping. Replacement of an existing use or structure by a use or structure different in purpose, size or scope shall be subject to Commission Rule 350-110.
- (3) Replacement or reestablishment of a use or structure discontinued for more than one year shall be subject to Commission Rule 350-110. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.
- (4) In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the dedicated site, subject to Commission Rule 350-110-520 through 350-110-620 to minimize adverse effects on scenic, cultural, natural and recreation resources. Expansion beyond the dedicated site is prohibited. Commercial uses discontinued for 1 year or more shall no longer be considered as an existing use and

- shall no longer be permitted, in accordance with the provisions this rule.
- (5) Existing industrial uses in the General Management Area may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- (6) In the General Management Area, existing industrial uses may convert to less intensive uses. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.
- (7) In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to Commission Rule 350-110 if any of the following conditions exist:
- (a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation.
 - (b) The site has not maintained a required state permit.
- (c) The site has not operated legally within 5 years before the date of adoption of the Management Plan.
- (8) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:
- (a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area.
- (b) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.
- (9) Except as otherwise provided, whether a use has a vested right to continue will be determined by the law on vested rights in the appropriate state.

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.

350-110-080. Application for Review and Approval.

- (1) Prior to initiating any use or development which requires review and approval by the Development Review Officer, an application shall be completed pursuant to Commission Rule 350-110-080. The Development Review Officer shall accept and review the application pursuant to Commission Rule 350-110-100 through 350-110-170 for consistency with the appropriate guidelines of this rule. Review of a proposed use or development shall commence upon the acceptance of an application by the Development Review Officer. The Commission may charge a fee for review of applications.
- (2) Standard application forms shall be available at county and city planning offices, the offices of the Columbia River Gorge Commission and the Forest Service.

Miscellaneous [194]

- (3) Applications for the review and approval of a roposed use or development shall provide the following nformation:
- (a) The applicant's name, address and telephone umber:
- (b) The land owner's name, address and telephone umber (if different from applicant's);
- (c) The county in which the proposed use or development would be located;
- (d) The section, quarter section, township and range in which the proposed development would be located;
- (e) The street address of the proposed use or develop-
- (f) The tax lot number(s) and size in acres of the arcel(s) involved;
- (g) A description of the current land use for the parel(s) involved and adjoining lands;
- (h) A written description of the proposed use or develpment, including details on the height, exterior color(s), and onstruction materials of the proposed structures.
- (i) A list of Key Viewing Areas from which the roposed use would be visible.
- (j) A map of the project area. The map shall be drawn a scale. The scale of the map shall be large enough to llow the Development Review Officer to determine the scation and extent of the proposed use or development and valuate its effects on scenic, cultural, natural, and recreation esources. The map shall be prepared at a scale of 1 inch quals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not need to show the ntire parcel. Rather, it can show only those portions of the arcel affected by the proposed use. The map shall include the following elements:
 - (A) North arrow.
 - (B) Map scale.
- (C) Boundaries, dimensions, and size of the subject arcel.
 - (D) Significant terrain features or landforms.
- (E) Groupings and species of trees or other vegetation n the parcel.
- (F) Location and species of vegetation that would be emoved or planted.
 - (G) Bodies of water and watercourses.
- (H) Location and width of existing and proposed roads, riveways, and trails.
- Location and size of existing and proposed strucires.
- (J) Location of existing and proposed services including rells or other water supplies, sewage disposal systems, ower and telephone poles and lines, and outdoor lighting.
- (K) Location and depth of all proposed grading and itching.
- (k) In the Special Management Area, applications and/or ite plans shall contain the natural resources information equired in Commission Rule 350-110-600(2).
- (l) Any additional information which the applicant feels ill assist in the evaluation of the proposal including, but not mited to, maps, drawings, and development plans.
- (m) The signature of the applicant and property owner r a statement from the property owner indicating that he is ware of the application being made on his property.

- (n) The signature of the property owner on a statement that authorizes the Development Review Officer or the Development Review Officer's designee reasonable access to the site in order to evaluate the application.
- (4) Applications for the following uses or developments shall include additional information as required by the appropriate guidelines in Commission Rule 350-110 or by the Development Review Officer:
- (a) All buildings, roads, or mining and associated activities proposed on lands visible from Key Viewing Areas, pursuant to 350-110-520 (2)(d).
- (b) In the General Management Area, production and/or development of mineral resources and expansion of existing quarries pursuant to 350-110-520 (1)(e), 350-110-520 (2)(d), (2)(e), (2)(v), and (2)(w).
- (c) In the General Management Area, any structural development involving more than 100 cubic yards of grading on sites visible from key viewing areas and which slope is between 10 and 30 percent, pursuant to 350-110-520 (2)(u)
- (d) In the General Management Area, vegetation management projects in public rights of way along Scenic Travel Corridors, pursuant to 350-110-520 (4)(d).
- (e) Large-scale uses as defined by guideline 350-110-540 (1)(c)(C) shall include reconnaissance survey reports, pursuant to 350-110-540 (1)(c)(F) and (G).
- (f) Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older, pursuant to 350-110-540 (1)(c)(H)(iii).
- (g) In the General Management Area, new uses located in, or providing recreational access to the Columbia River or its fishbearing tributaries, pursuant to 350-110-150 (8)(a)(A).
- (h) In the General Management Area, any review use in a wetland or within a wetland buffer zone, pursuant to Commission Rule 350-110-560 (1)(b).
- (i) In the General Management Area, any review use in a stream, pond, lake, or within their buffer zones, pursuant to Commission Rule 350-110-570 (1)(b).
- (j) In the General Management Area, any review use within 1000 feet of a sensitive wildlife area or site, pursuant to 350-110-580 (1)(b). Large-scale uses as defined by 350-110-580(3) shall also include field survey information, pursuant to 350-110-580 (3)(e).
- (k) In the General Management Area, any review use within 1000 feet of a sensitive plant, pursuant to Commission Rule 350-110-590(b). Large-scale uses as defined by 350-110-590(3) shall also include field survey information, pursuant to Commission Rule 350-110-590 (3)(e).
- (1) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, pursuant to Commission Rule 350-110-190 (1)(e), and if applicable, 350-110-190 (1)(f).
- (m) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling not in conjunction with agricultural use, pursuant to Commission Rule 350-110-190 (1)(n).
- (n) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling for an

agricultural operator's relative, pursuant to Commission Rule 350-110-190 (1)(h).

- (o) In the General Management Area, on lands designated Large-Woodland, a single-family dwelling, pursuant to Commission Rule 350-110-270 (1)(a), (c), and (l).
- (p) In the Special Management Area, on lands designated Forest, a single-family dwelling, pursuant to Commission Rule 350-110-270 (2)(j).
- (q) In the Special Management Area, on lands designated Forest, forest practices, pursuant to Commission Rule 350-110-270 (2)(b).
- (r) In the Special Management Area, on lands designated Open Space, any new use or development, pursuant to Commission Rule 350-110-340(11).
- (s) In the General Management Area, on lands designated Agriculture-Special, a single-family dwelling pursuant to 350-110-190 (1)(h).
- (t) In the Special Management Area, on lands designated Agriculture, a single-family dwelling necessary and accessory to agricultural use, pursuant to Commission Rule 350-110-190 (2)(b).
- (u) In the Special Management Area, on lands designated Agriculture, farm labor housing and agricultural buildings, pursuant to Commission Rule 350-110-190 (2)(d).
- (v) In the General Management Area, on lands designated Small Woodland, a single-family dwelling pursuant to Commission Rule 350-110-270 (1)(b).
- (w) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, a single-family dwelling in conjunction with agricultural use pursuant to Commission Rule 350-110-190 (1)(e).
- (x) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, agricultural labor housing, pursuant to Commission Rule 350-110-270 (1)(o).
- (y) In the General Management Area, on lands designated Agriculture-Special, new livestock grazing, new fences, livestock watering facilities, and corrals; or soil, water, and vegetation conservation activities, pursuant to Commission Rule 350-110-240.
- (z) Other uses as deemed necessary by the Development Review Officer.
- (5) Completed application forms shall be submitted directly to the office of the Columbia River Gorge Commission.

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.

350-110-090. Pre-Application Conference.

An applicant may request a pre-application conference prior to submitting an application for development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of Commission Rule 350-110, to discuss the principle elements of the proposed action, and to identify guidelines that create opportunities or pose constraints for the proposed action.

350-110-100. Acceptance of Application.

Within 14 days of the receipt of an application, the Development Review Officer shall review the application for completeness and adequacy. The Development Review Officer shall accept a complete and adequate application within 14 days of receipt of the application.

- (1) No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The Development Review Officer shall notify the applicant of all omissions and deficiencies in writing within 14 days of receipt of the application.
- (2) No application shall be accepted which the Development Review Officer deems cannot be acted upon reasonably within 72 days, pursuant to 350-110-130(3), except when the applicant consents to a longer period for action.
- (3) No application shall be accepted unless accompanied by a list of names and addresses of the adjacent property owners within a distance of the subject parcel as determined in Commission Rule 350-110-630. A statement from the County Assessor or appropriate agency confirming the accuracy of the list shall accompany the list.
- (4) No application for a proposed use which is explicitly prohibited by Commission Rule 350-110-060 shall be accepted.
 - (a) The application shall be returned to the applicant.
- (b) A letter, signed by the Development Review Officer, stating that the proposed use is prohibited and citing the guideline which explicitly prohibits the proposed use, shall be sent to the applicant.
- (c) Issuance of this letter shall not prohibit the applicant from appealing the decision pursuant to 350-70.

350-110-110. Notice of Development Review.

- (1) Within 7 days of the acceptance of an application the Development Review Officer shall issue notice of ε proposed development review. The notice shall provide the following information:
 - (a) The name of the applicant;
- (b) The general and specific location of the subjec property;
 - (c) A brief description of the proposed action;
 - (d) The deadline for rendering a decision; and
- (e) The deadline for filing comments on the proposed
- (2) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.
- (3) The notice shall state the applicant must comply with all applicable local, state, and federal laws.
 - (4) The notice shall be mailed to:
- (a) The Forest Service, the applicable state, Indian Tribes and the applicable county and/or city; and
- (b) Owners of property within a radius of the subjec parcel(s) as determined by 350-110-630; and
- (c) Other agencies and interested parties which reques a notice which the Development Review Officer determine should be notified.
- (4) The notice shall be posted at the Commission and Forest Service offices and shall be made available fo posting at the applicable county or city planning office(s and applicable library or libraries.

- (5) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.
- (6) A copy of the notice shall be filed in the records of the Commission.

350-110-120. Comment Period

Interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Development Review Officer relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-110:

- (1) Within 7 days of the close of the comment period, the Development Review Officer shall determine if a wildlife management plan pursuant to Commission Rules 350-110-580(6), or a rare plant protection and rehabilitation plan pursuant to Commission Rules 350-110-590(6) is required.
- (2) For proposed uses or developments where a cultural resources survey (reconnaissance or historic) is required and where the Commission is performing the survey, the survey shall be completed by the close of the comment period. Upon receipt of the completed survey, the Development Review Officer shall forward the survey to the State Historic Preservation Officers, and Indian Tribes pursuant to Commission Rules 350-110-540 (1)(b) and (2)(b)(A).
- (3) Within 7 days of the close of the 30 day reconnaissance survey comment period for State Historic Preservation Officers and Indian Tribes, the Development Review Officer shall determine if an evaluation of significance pursuant to Commission Rules 350-110-540(3) is required.

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

<u>350-110-130.</u> Decision of the Development Review Officer.

- (1) In making a decision on a proposed use or development the Development Review Officer shall:
- (a) Consult with the applicant and such agencies as the Development Review Officer deems appropriate;
- (b) Consider information submitted by the applicant and all other relevant information available;
- (c) Consider all comments submitted pursuant to Commission Rule 350-110-120; and
- (d) Solicit and consider the comments of the Forest Service.
- (2) The Development Review Officer shall approve a proposed use or development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rul3 350-110. In approving a proposed development action, the Development Review Officer may impose conditions as necessary to ensure consistency with the guidelines of Commission Rule 350-110.
- (3) The Development Review Officer shall issue a decision on a proposed use or development including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-110

within 72 days after acceptance of the application except in one or more of the following situations:

- (a) The applicant consents to an extension of time.
- (b) The Development Review Officer determines that additional information is required pursuant to Commission Rule 350-110-120.
- (c) The Development Review Officer determines that additional information is necessary to evaluate the impacts of the proposed use to scenic, cultural, natural, and recreation resources.
- (d) Unforseen circumstances including, but not limited to, weather, illness, etc.
- (4) The Development Review Officer shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the applicable state, the Indian Tribes, the applicable county and/or city and each person who submitted comments under Commission Rule 350-110-150. The decision shall set forth the rights of appeal under Commission Rule 350-70.
- (5) The decision of the Development Review Officer shall be final unless a Notice of Appeal is filed in accordance with Commission Rule 350-70.
- (6) The decision of the Development Review Officer approving a proposed development action shall become void
- (a) when the development action is not undertaken within two years of the decision, or
- (b) when the development action is discontinued for any reason for one year or more.
- (7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an administrative action and shall be submitted to the Development Review Officer prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Development Review Officer may grant an extension of up to 12 months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

The Development Review Officer shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect scenic, cultural, natural or recreation resources in the National Scenic Area.

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.

<u>350-110-140.</u> Changes or Alterations to an Approved Action.

Any change or alteration to a development action approved by the Commission or Development Review Officer pursuant to this rule shall be processed as new action, except that the Development Review Officer may approve minor changes or alterations deemed to be consistent with the guidelines of Commission Rule 350-110 and the findings and conclusions for the original action.

[197] Miscellaneous

350-110-150. General Guidelines.

The following uses may be permitted when allowed by the land use designation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620):

(1) Land Divisions and Cluster Development

Land Divisions within the Columbia River Gorge National Scenic Area may be allowed subject to the following:

- (a) New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan.
- (b) Unless otherwise specified, creation of a parcel, regardless of size, or any division of land except a lot-line adjustment shall be subject to the guidelines in Commission Rule 350-110.
- (c) At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.
- (d) Adjustment of the boundary between two or more contiguous parcels that does not result in the creation of an additional parcel may be allowed if none of the parcels larger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.
- (e) The minimum size for new parcels created for commercial uses within a Rural Center shall be based upon the site requirements (sewerage, parking, building, size, etc.) for the proposed use. Parcel size shall be determined by the Development Review Officer on a case-by-case basis.
- (f) The minimum size for new parcels created for residential uses within a Rural Center shall be 1 acre.

To encourage the efficient use of land, provide public amenities and standards for quality developments, and reduce the cost of providing services within Rural Centers, the Development Review Officer may allow a minimum parcel size of less than 1 acre within Rural Centers if a planned unit development approach is used for the subject parcel, incorporating features such as consolidated access and commonly shared open areas.

- (g) When allowed by a land use designation, a land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, the Development Review Office must find that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings to:
- (A) Be located in areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas.
 - (B) Avoid significant landscape features.
- (C) Protect the existing character of the landscape setting.
- (D) Reduce interference with movement of deer or elk in winter range.

- (E) Avoid areas of known cultural resources.
- (F) Consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance.
- (G) Reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources.
- (H) Increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.
- (h) In the General Management Area, following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a 5-acre Residential or a 10-acre Residential designation or 2 acres in a Small-Scale Agriculture or Small Woodland designation.
- (i) In the General Management Area, cluster development may create up to 25 percent more parcels than otherwise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 50 percent more parcels on lands designated Small-Scale Agriculture or Small Woodland. Any division in a cluster development under this guideline may create at least one additional parcel.
- (j) In the General Management Area, at least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.
- (k) In the General Management Area, contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.

(2) Agricultural Buffer Zones

All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands designated Large-Scale or Small-Scale Agriculture and which are currently used for or are suitable for agricultural use:

(a) Setback Guidelines

	Type	of Buffer (size in feet)	
Type of	Open or	Natural or Created	8-foot Berm
Agriculture	Fenced	Vegetation Barrier	or <u>Terrain</u> <u>Barrier</u>
Orchards	250'	100'	75'
Row crops/ vegetables Livestock grazing	300'	100'	75`
pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100,	50'	30'

- (b) Earth berms may be used to satisfy, in part, the setback guidelines. Berms shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees and/or grasses shall be planted on the berm to control erosion and achieve a finished height of 15 feet.
- (c) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen

shall be planted along the appropriate parcel line(s), and be continuous.

- (d) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
- (e) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- (f) A variance to buffer setbacks may be granted upon a demonstration that the guidelines of Commission Rule 350-110-150(7) have been satisfied.
 - (3) Temporary Use Hardship Dwelling
- (a) The temporary placement of a mobile home in the General Management Area may be granted under the following circumstances:
- (A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.
- (B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.
- (C) The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural and recreation resources of Commission Rule 350-110-520 through 350-110-620.
- (b) A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this rule and any other conditions of approval.
- (c) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.
- (d) A new permit may be granted upon a finding that a family hardship continues to exist.
 - (4) Home Occupations and Cottage Industries

Home occupations and cottage industries may be established as specified in various land use designations consistent with the following conditions:

- (a) A home occupation may employ only residents of the home.
- (b) A cottage industry may employ up to three outside employees.
- (c) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.
- (d) No more than 500 square feet of an accessory structure may be used for a home occupation or cottage industry.
- (e) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- (f) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- (g) No retail sales may occur on the premises, except incidental sales at lodging establishments authorized in Commission rule 350-110-150(5).
- (h) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the

- subject structure or within the yard containing the home occupation or cottage industry.
- (i) Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.
- (j) In the General Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-110-150 (4) and (5).
- (k) In the Special Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Commission Rules 350-110-150 (4) and (5), except Commission Rule 350-110-150 (5)(a).
 - (5) Bed and Breakfast Inns

Bed and breakfast inns may be established as authorized in specified land use designations subject to the following:

- (a) Guests may not occupy a facility for more than 14 consecutive days.
- (b) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.
- (c) Parking areas shall be screened so as to not be visible from Key Viewing Areas.
- (d) In the Special Management Area, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.
 - (6) Docks
- (a) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.
- (b) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.
- (c) Public docks open and available for public use shall be allowed.
- (7) Variances from Setbacks and Buffers within the General Management Area.

Variances from setbacks and buffers within the General Management Area may be allowed subject to the following approval criteria:.

- (a) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:
- (A) A setback or buffer to protect one resource would cause the proposed use to fall within a setback or buffer to protect another resource; and
- (B) Variation from the specified setbacks or buffers would, on balance, best achieve the protection of the affected resources.
- (b) A setback or buffer for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied to allow a residence to be built on a parcel of land upon a demonstration that:
- (A) The land use designation otherwise authorizes a residence on the tract;
- (B) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer;

- (C) The variance from the specified setback or buffer is the minimum necessary to allow the residence.
- (c) The Development Review Officer may grant a variance to the setback and buffer requirements in Commission Rule 350-110-610, upon a finding that the following conditions exist:
- (A) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor.
- (B) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.
- (C) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures
- (D) The variance is the minimum necessary to accommodate the use.
- (d) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of General Management Area and Special Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:
- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present at the site.
- (C) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives and policies in Chapter 4, Part I of the Management Plan.
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
 - (8) Indian Tribal Treaty Rights and Consultation
 - (a) Tribal Government Notice
- (A) New uses located in, or providing recreation river access to, the Columbia River or its fishbearing tributaries shall include the following supplemental information:
- (i) The site plan map shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.
- (ii) The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:

- (I) Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.
- (II) List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.
- (III) List tribal ceremonial fishing seasons in the project vicinity.
- (IV) Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.
- (B) Notices shall include a treaty rights protection plan if new uses may affect Indian treaty rights. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.
- (C) Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit substantive written comments to the Development Review Officer. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.
 - (b) Tribal Government Consultation
- (A) When substantive written comments are submitted to a Development Review Officer in a timely manner, the project applicant shall offer to meet with the Development Review Officer and the Indian tribal government that submitted comments within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the Indian tribal government.

Consultation meetings should provide an opportunity for the project application and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.

- (B) Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a treaty rights protection plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe.
- (C) The Development Review Officer shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Development Review Officer.
 - (c) Conclusion of the Treaty Rights Protection Process
- (A) The Development Review Officer shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.

The final decision shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments. If the final decision contradicts the comments, recommendations or concerns of Indian tribal governments, the Development Review Officer must justify how it reached an opposing conclusion.

- (B) The treaty rights protection process may conclude if the Development Review Officer determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.
- (C) A finding by the Development Review Officer that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.
- (9) If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.
- (10) Section 8(o) of the National Scenic Act (16 USC § 544f(o) is hereby incorporated by reference.

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

350-110-160. Signs.

- (1) Signs may be allowed pursuant in all land use designations in the General Management Area to the following provisions:
- (a) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:
- (A) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, ight displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.
 - (B) New billboards.
 - (C) Signs with moving elements.
- (D) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.
- (b) Any sign which does not conform with a provision of 350-110-160 and has existed prior to adoption of the Management Plan, shall be considered non-conforming and subject to the following:
- (A) Alteration of existing non-conforming signs shall comply with Commission Rule 350-110-160.
- (B) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.
- (c) The following may be permitted without review, subject to consistency with Commission Rule 350-110-160 [1)(a):
 - (A) Ordinary repair and maintenance of signs.
- (B) Election signs which are not displayed for more han 60 days. Removal shall be accomplished within 30 lays of election day.
- (C) "For Sale" signs not greater than 12 square feet. Removal shall be accomplished within 30 days of close of sale
- (D) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public

- highway signs necessary for public safety and consistent with the *Manual for Uniform Traffic Control Devices*. Removal shall be accomplished within 30 days of project completion.
- (E) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet.
- (F) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal shall be accomplished within 30 days of the close of the event.
- (G) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.
- (H) Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings, not on roofs or marquees.
- (d) All signs shall meet the following guidelines unless they conflict with the *Manual for Uniform Traffic Control Devices* for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual for Uniform Traffic Control Devices* shall supersede these guidelines.
- (A) The support structure shall be unobtrusive and have low visual impact.
- (B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.
- (C) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.
- (D) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.
- (e) Business identification or facility entry signs located on the premises may be allowed, subject to Commission Rule 350-110-160 (1)(d).
- (f) Other signs not addressed or expressly prohibited by this rule may be permitted without review.
- (2) Signs in the Special Management Area shall be allowed pursuant to the following provisions:
 - (a) Prohibited Signs
 - (A) Advertising billboards.
- (B) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.
- (C) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety
- (b) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.
- (c) Temporary signs shall be permitted without review when in compliance with subsection (f) below and the following:
- (A) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area and displayed for no more than 60 calendar days. Removal shall be accomplished within 30 days of election day.

- (B) "For Sale" signs not greater than 12 square feet, removal shall be accomplished within 30 days of close of sale.
- (C) One temporary construction site identification sign which is not greater than 32 square feet. Removal shall be accomplished within 30 days of project completion.
- (D) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.
- (É) Temporary signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.
- (F) Temporary signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.
- (d) New signs shall be allowed as specified in the applicable land use designation.
- (e) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.
- (f) All new signs shall meet the following guidelines, and be consistent with the Manual for Uniform Traffic Control Devices:
- (A) Signs shall be maintained in a neat, clean and attractive condition.
- (B) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.
- (C) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
- (D) Signs shall be unobtrusive and have low contrast with the setting.
- (E) The visual impact of the support structure shall be minimized.
- (F) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
- (G) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.
- (H) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.
- (g) Public signs shall meet the following guidelines in addition to subsections (b) through (f) above:
- (A) The Graphic Signing System provides design guidelines for public signs in and adjacent to public road rights-of-way. All new and replacement public signs shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry.
- (B) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.
- (C) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

- (h) Signs for public and commercial recreation facilities home occupations, cottage industries, and commercial use shall meet the following guidelines in addition to subsection (b) through (f):
- (A) Signs posted on private property warning the publicagainst trespassing, danger from animals, the private natural of a road, driveway or premise, or signs prohibiting of otherwise controlling fishing or hunting, provided such sign are not greater than two square feet.
- (B) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdic tional authority.
- (C) Any signs relating to, or advertising, a busines shall be brought into conformance with these sign guideline prior to any expansion or change in use which is subject t review.
- (D) Off-site and on-site directional signs on approac roads to recreational facilities may be permitted. Name an interpretive signs may be permitted on-site, but should b kept to the minimum required to achieve the purpose(s) c the facilities.
- (E) Commercial recreation businesses approved i conjunction with a recreational facility may have a nam sign not exceeding 16 square feet.
- (F) Recreation developments may have one on-premis name sign at each principal entrance. Such signs ar encouraged to be of a low profile, monument type, and sha conform to the Graphic Signing System.
- (i) Sign clutter and other negative visual effects fror excessive signs along all roads and highways, and at parkin lots and recreation facilities, shall be reduced.
- (j) Directional and safety signs are allowed to the externecessary to satisfy requirements for smooth traffic flow an public safety. All parties and jurisdictions placing such signmust do so in accordance with the Graphic Signing System consistent with the standards in the Manual on Unifori Traffic Control Devices.
- (k) Interstate 84 shall not have interpretive signing except for signs permitted for services. Regulatory, warning service, and other signs as provided for in the Graphi Signing System are allowed.

350-110-170. Agricultural Land Designations.

Commission Rule 350-110-170 through 350-110-24 shall apply to those areas designated Large-Scale or Smal Scale Agriculture, SMA-Agriculture, and Agriculture-Specion the Scenic Area Land Use Designation Map.

350-110-180. Uses Allowed Outright-Agricultura Land.

- (1) The following uses are allowed on lands designate Large-Scale or Small-Scale Agriculture without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions (approval for other approved uses.
- (c) Repair, maintenance, and operation of existin structures, trails, roads, railroads and utility facilities.

- (d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land designated SMA-Agriculture without review:
- (a) New agricultural uses and open space uses allowed under Commission Rule 350-110-340(10), except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair and operation of existing dwellings, structures, agricultural buildings, trails, roads, railroads, and utility facilities.
- (c) Accessory structures less than 60 square feet in area and less than 18 feet in height measured at the roof peak.
- (3) The following uses may be allowed on lands designated Agriculture-Special without review:
- (a) Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.
- (b) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads, and utility facilities.
- (c) Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, birdwatching, photography, horseback riding, and hiking.
- (d) Temporary livestock facilities, such as portable livestock pens and corrals.
- (e) New fences that exclude livestock from lands that are not part of an existing livestock operation.

350-110-190. Review Uses-Agricultural Land.

- (1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with the scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-20-520 through 350-110-620):
- (a) New cultivation, subject to compliance with Commission Rule 350-110-540 through 350-110-590.
- (b) Agricultural buildings in conjunction with agricultural use.
- (c) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (d) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-110-150(3).
- (e) On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:
- (A) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.
- (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural

- use of the land. Current use includes a minimum area which would satisfy subsection (e)(C)(iv) below; and
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
- (i) Size of the entire farm or ranch, including all land in the same ownership;
- (ii) Type(s) of agricultural uses (crops, livestock) and acreage;
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area; and
- (iv) Income capability. The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination shall be made using the following formula:
 - (A)(B)(C) = I where:
- A = Average yield of the commodity per acre, or unit of production
 - B = Average price of the commodity
- C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
 - I = Income Capability
- (f) On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria for use in evaluating the eligibility of cultural resources contained in the National Register Criteria for Evaluation (36 CFR 60.4).
- (g) On lands designated Small-Scale Agriculture, a single-family dwelling on any legally existing parcel.
- (h) On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:
- (A) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;
- (B) The dwelling would be located on the same parcel as the dwelling of the principal operator; and
- (C) The operation is a commercial enterprise as determined by Commission Rule 350-110-190 (1)(e)(C).
- (i) Construction, reconstruction or modifications of roads not in conjunction with agriculture.
- (j) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (k) Structures associated with hunting and fishing operations.
 - (I) Towers and fire stations for forest fire protection.
 - (m) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use;
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months; and
- (C) The housing will be located to minimize the conversion of lands capable of production of farm crops or

livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

- (n) On lands designated Large-Scale Agriculture, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:
- (A) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands:
- (B) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;
- (C) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in Commission Rule 350-110-150(2), or any abutting parcel designated Commercial Forest Land or Large or Small Woodland, as required in Commission Rule 350-110-310;
- (D) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland; and
- (E) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.
- (o) On parcels in Small-Scale Agriculture, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in Commission Rule 350-110-150(1). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40, 80, or 160 acres, this provision will apply to parcels 80 acres or larger, 160 acres or larger, or 320 acres or larger, respectively.
- (p) Life estates, pursuant to Commission Rule 350-110-210.
- (q) Land divisions when all resulting parcels satisfy the minimum lot sizes as designated on the land use designation map.
- (2) The following uses may be allowed on lands designated SMA-Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Commission Rule 350-110-520 through 350-110-620). The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:
- (a) Forest uses and practices as allowed in Commission Rule 350-110-270 (2)(b).

- (b) A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:
- (A) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.
- (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy guideline (C)(iv), below.
- (C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:
- (i) Size of the entire farm or ranch, including all land in the same ownership.
- (ii) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.
- (iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.
- (iv) Income capability. The farm or ranch, and all its contiguous parcels, must be capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula, with periodic adjustments for inflation:

(A)(B)(C) = I where:

A = Average yield of the commodity per acre or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

- I = Income capability
- (D) Minimum parcel size of 40 contiguous acres.
- (c) Accessory structures, greater than 60 square feet.
- (d) Farm labor housing and agricultural buildings upon a showing that the following conditions exist:
- (A) The proposed housing or building is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by Commission Rule 350-110-190 (2)(b)(C).
- (B) The housing or building shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.
- (C) The housing or building shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-110-150(4). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.
- (f) Bed and breakfast inns subject to Commission Rule 350-110-150(5). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

- (g) Fruit stands and produce stands upon a showing that the swill be limited to agricultural products raised on the coperty and other agriculture properties in the local region.
 - (h) Aquaculture.
- (i) Exploration, development, and production of sand, ravel, and crushed rock for the construction, maintenance, r reconstruction of roads used to manage or harvest ommercial forest products on lands within the Special lanagement Area.
- (j) Utility facilities necessary for public service upon a nowing that:
- (A) There is no alternative location with less adverse fect on Agriculture lands.
- (B) The size is the minimum necessary to provide the ervice.
- (k) Temporary asphalt/batch plant operations related to ublic road projects, not to exceed six months.
- (1) Signs as specified in Commission Rule 350-110-50(2).
- (m) Community facilities and non-profit facilities related agricultural resource management.
- (n) Expansion of existing non-profit group camps, streats, and conference or education centers for the successil operation on the dedicated site. Expansion beyond the edicated site is prohibited.
- (o) Recreation, interpretive and educational developments and uses consistent with Commission Rule 350-110-20.
 - (p) Road and railroad construction and reconstruction.
- (q) Agricultural product processing and packaging, upon emonstration that the processing will be limited to products roduced primarily on or adjacent to the property. "Primarir" means a clear majority of the product as measured by olume, weight, or value.
- (r) Structures and vegetation management activities for ne purpose of wildlife, fisheries, or plant habitat enhancenent projects.

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

350-110-200. Review Uses with Additional Approval Criteria — Large-Scale or Small-Scale Agriculture Designations.

- (1) The following uses may be allowed on lands esignated Large-Scale or Small-Scale Agriculture, subject compliance with the appropriate scenic, cultural, natural, nd recreation resource guidelines (Commission Rule 350-10-520 through 350-110-620) and Commission Rule 350-10-220.
- (a) Utility facilities and railroads necessary for public ervice upon a showing that:
- (A) There is no practicable alternative location with less dverse effect on agricultural or forest lands, and
- (B) The size is the minimum necessary to provide the ervice.
- (b) Home occupations or cottage industries in existing esidential or accessory structures, subject to Commission ule 350-110-150(4).

- (c) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (d) Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (f) Exploration, development and production of mineral and geothermal resources subject to Commission Rule 350-110-520.
- (g) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.
 - (h) Aquaculture.
- (i) Recreation development, subject to Commission Rule 350-110-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
 - (i) Boarding of horses.
- (k) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- (1) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-110-150(5) and provided that the residence:
- (A) Is included in the National Register of Historic Places; or
- (B) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation; or
- (C) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (m) Non-profit, environmental learning or research facilities.
 - ilities.(n) Expansion of existing schools or places of worship.
- (2) The following uses may be allowed on lands designated Agriculture-Special subject to compliance with the appropriate scenic, natural, cultural, and recreation resource guidelines (Commission Rule 350-110-520 through 350-110-620) and Commission Rule 350-110-230:
- (a) New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.
 - (b) New fences, livestock watering facilities, and corrals.
 - (c) Soil, water, and vegetation conservation uses.
- (d) Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.
- (e) Fish and wildlife management uses, educational activities, and scientific research.
- (f) Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.

- (g) Single-family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Commission Rule 350-110-190 (1)(n). The buffer guidelines for non-agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.
- (h) Recreation uses, subject to the provisions for recreation intensity classes (Commission Rule 350-110-620).

<u>350-110-210.</u> Approval Criteria for Life Estates — Large-Scale or Small-Scale Agriculture Designations.

A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in Commission Rule 350-110-040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Commission Rule 350-110-520 through 350-110-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- (1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-110-190 (1)(e).
- (2) Upon termination of the life estate, the original or second dwelling shall be removed.

350-110-220. Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture.

Uses identified in Commission Rule 350-110-200(1) may be allowed only if they meet both of the following criteria:

- (1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and
- (2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

350-110-230. Approval Criteria for Review Uses on Lands Designated Agriculture-Special.

Uses identified in Commission Rule 350-110-200(2) may be allowed only if they meet all of the following criteria:

- (1) A range conservation plan pursuant to Commission Rule 350-110-240 shall be prepared before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; or soil, water, and vegetation conservation activities are undertaken [review uses (a), (b) and (c) in Commission Rule 350-110-190(3)].
- (2) The Development Review Officer shall submit all land use applications and range conservation plans to the Oregon or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that an

application and/or plan is mailed to submit written comment to the Development Review Officer. The Developmen Review Officer shall record and address any written comments submitted by the state heritage program in the development review order.

(3) Based on the comments from the state heritage program, the Development Review Officer shall make a fina decision on whether the proposed use is consistent with the Agriculture-Special policies of the Management Plan. If the final decision contradicts the comments submitted by the state heritage program, the Development Review Office shall justify how it reached an opposing conclusion.

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

350-110-240. Range Conservation Plans.

- (1) If a range conservation plan is required before a us is allowed, it shall be prepared by landowners in cooperatio with range scientists from local conservation districts Specialists from the Oregon or Washington Natural Heritag Program should be consulted while the plan is being prepared.
- (2) Range conservation plans shall ensure that new use do not adversely affect natural areas. They shall accomplis the following goals:
- (a) Maintain native rangeland that is in excellent of good condition; enhance rangeland that is in fair or pool condition.
 - (b) Preserve native trees and shrubs.
- (c) Reestablish native grasses in degraded areas the have been invaded by non-native plants and weeds.
- (3) Range conservation plans shall include the followin elements:
- (a) Range inventory. This shall include existin composition, carrying capacity, and condition of rangeland the location of rare plants and non-native weeds; an existing fences, watering ponds, and other range improvements.
- (b) Rehabilitation plan. This shall include actions the will be taken to rehabilitate native rangeland that is in fair of poor condition, such as weed and soil erosion contro seeding, and prescribed burning.
- (c) Livestock management plan. This shall include the grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferriperiods and sequence. Management plans shall projectivestock movements for at least 3 years.
- (d) Monitoring program. This shall track the annu progress of the conservation plan and condition of the rang Monitoring techniques shall be described, such as lir transects or photographic plots.

350-110-250. Forest Land Designations.

Commission Rule 350-110-250 through 350-110-31 shall apply to those areas designated Commercial Fore Land, Large or Small Woodland and SMA-Forest on tl Scenic Area Land Use Designation Map.

350-110-260. Uses Allowed Outright — Forest Land.

- (1) The following uses are allowed on lands designated ommercial Forest Land or Large or Small Woodland ithout review:
- (a) Forest practices that do not violate conditions of proval for other approved uses.
 - (b) Agricultural use, except new cultivation.
- (c) Repair, maintenance, and operation of existing ructures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in floor area and it exceeding 18 feet in height measured at the roof peak, hich are accessory to a dwelling.
- (2) The following uses are allowed on land designated MA-Forest without review:
- (a) New agricultural uses as allowed in Commission ule 350-110-180(2) and the open space uses allowed in ommission Rule 350-110-340(10), except where there ould be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing wellings, signs, structures, trails, roads, railroads, and utility cilities.
- (c) Accessory structures of less than 60 square feet in ea and less than 18 feet in height measured at the roof eak.

350-110-270. Review Uses — Forest Land.

- (1) The following uses may be allowed on lands esignated Commercial Forest Land or Large or Small roodland subject to compliance with the appropriate scenic, iltural, natural, and recreation resources guidelines (Comission Rule 350-110-520 through 350-110-620):
- (a) On lands designated Large Woodland, a singlemily dwelling upon a demonstration that all of the followg conditions exist:
- (A) The dwelling will contribute substantially to the owing, propagation, and harvesting of forest tree species. The principal purpose for locating a dwelling on lands esignated Large Woodland is to enable the resident to induct efficient and effective forest management. This quirement indicates a relationship between ongoing forest anagement and the location of a dwelling on the subject arcel. A dwelling may not always be required for forest anagement.
- (B) The subject parcel has been enrolled in the approprie state's forest assessment program.
- (C) A plan for management of the parcel has been proved by the Oregon Department of Forestry or the 'ashington Department of Natural Resources and the evelopment Review Officer. The plan must indicate the indition and productivity of lands to be managed; the perations the owner will carry out (thinning, harvest, anting, etc.); a chronological description of when the perations will occur; estimates of yield, labor and expenses; in the dwelling will contribute toward the successful impletion of the operations.
- (D) The parcel has no other dwellings that are vacant or irrently occupied by persons not engaged in forestry and at could be used as the principal forest dwelling.
- (E) The dwelling complies with the "Approval Criteria or the Siting of Dwellings on Forest Land" (Commission

- Rule 350-110-310) and "Approval Criteria for Fire Protection in Forest Zones" (Commission Rule 350-110-300).
- (F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (b) On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with Commission Rule 350-110-300 and Commission Rule 350-110-310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- (c) One single-family dwelling if shown to be in conjunction with and substantially contribute to the current agricultural use of a farm pursuant to Commission Rule 350-110-190 (1)(e). The siting of the dwelling shall comply with Commission Rule 350-110-300.
- (d) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when the particular forest practice for which it was approved has concluded.
- (e) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.
- (f) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- (g) Structures associated with hunting and fishing operations
 - (h) Towers and fire stations for forest fire protection.
- (i) New agricultural structures subject to Commission Rule 350-110-300.
- (j) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-110-150(3), 350-110-300 and 350-110-310.
- (k) Accessory building(s) greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peak; subject to Commission Rule 350-110-300 and 350-110-310.
- (1) A second single-family dwelling for a farm operator's relative, subject to Commission Rule 350-110-190 (1)(h), 350-110-300 and 350-110-310.
- (m) Private roads serving a residence, subject to Commission Rule 350-110-300 and 350-110-310.

- (n) Recreation development, subject to Commission Rule 350-110-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
- (o) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.
 - (p) Agricultural labor housing upon a showing that:
- (A) The proposed housing is necessary and accessory to a current agricultural use.
- (B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.
- (C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
- (q) On lands designated Commercial Forest Land, a temporary mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to Commission Rule 350-110-300 and 350-110-310.
- (4) On parcels in Small Woodland, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" [Commission Rule 350-110-150(1)]. If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40 or 80 acres, this provision will apply to parcels 80 acres or larger or 160 acres or larger, respectively.
- (s) New cultivation, subject to compliance with Commission Rule 350-110-540, 350-110-560, 350-110-570, 350-110-580 and 350-110-590.
- (t) Life Estates on lands designated Large or Small Woodland, pursuant to Commission Rule 350-110-320.
- (2) The following uses may be allowed on lands designated SMA-Forest subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620). The use or development will be sited to minimize the loss of land suitable for the production of forest products:
 - (a) Any use listed in Commission Rule 350-110-190(2).
- (b) Forest practices in accordance with a site plan for forest practices approved by the Oregon Department of Forestry or Washington Department of Natural Resources, or other designated forest practices review agency, including the following:
- (A) The following information, in addition to the site plan requirements of Commission Rule 350-110-080, shall be included on the site plan:
 - (i) Boundary of proposed commercial forest practice.
 - (ii) Location of proposed rock or aggregate sources.
 - (iii) Timber types.
 - (iv) Harvest units.
 - (v) Silvicultural prescriptions.

- (vi) Road and structure construction and/or reconstruction design.
 - (vii) Major skid trails, landings, and yarding corridors
 - (viii) Commercial firewood cutting areas.
 - (ix) Existing and proposed rock pit development plans
- (x) Protection measures for scenic, cultural, natural, an recreation resources, such as road closures.
 - (B) A discussion of slash disposal methods.
- (C) A reforestation plan as reviewed by the appropriat state forest practices agency.
 - (c) Railroad and road construction or reconstruction.
- (d) Exploration, development, and production of sand gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products in the Special Management Area.
 - (e) Silvicultural nurseries.
- (f) Utility facilities for public service upon a findin that:
- (A) There is no alternative location with less advers effect on Forest Land, and
- (B) The size is the minimum necessary to provide th service.
- (g) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhance ment projects.
 - (h) Fish hatcheries and aquaculture facilities.
- (i) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with Commission Rule 350-110-620.
- (j) One dwelling on a parcel of 40 contiguous acres of larger if an approved Forest Management Plan demonstrate that such dwelling is necessary for and accessory to fore uses. The Forest Management Plan shall demonstrate the following:
- (A) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The princip purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship betwee ongoing forest management and the need for dwelling on the subject property.
- (B) The subject parcel has been enrolled in the state forest assessment program.
- (C) A plan for management of the parcel has bee approved by the Oregon Department of Forestry or th Washington Department of Natural Resources and th Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harves planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.
- (D) There are no other dwellings on the parcel that a vacant or currently occupied by persons not engaged forest management of the subject parcel.
- (E) The dwelling complies with all applicable buildir code and fire protection guidelines.
- (F) A declaration has been signed by the landowner at recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject proper

are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

- (k) Accessory structures over 60 square feet.
- (l) Home occupations and cottage industries pursuant to Commission Rule 350-110-150(4).
- (m) Temporary portable facility for the processing of forest products.
 - (n) Towers and fire stations for forest fire protection.
- (o) Community facilities and nonprofit facilities related to forest resource management.
- (p) Expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.
- (q) Signs as specified in Commission Rule 350-110-160(2).

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.

<u>350-110-280.</u> Review Uses with Additional Approval Criteria — Commercial Forest Land, or Large or Small Woodland Designations.

The following uses may be allowed on lands designated Commercial Forest Land, or Large or Small Woodland, subject to compliance with the appropriate scenic, cultural, natural, or recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620) and Commission Rule 350-110-290:

- (1) Utility facilities and railroads necessary for public service upon a showing that (a) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and (b) the size is the minimum necessary to provide the service.
- (2) Home occupations or cottage industries in an existing residence or accessory structure, subject to the guidelines in Commission Rule 350-110-150(4).
- (3) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (4) Wineries, in conjunction with onsite viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (5) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (6) Exploration, development, and production of mineral and geothermal resources, subject to Commission Rule 350-110-520 through 350-110-530.
 - (7) Aquaculture.
 - (8) Boarding of horses.
- (9) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.
- (10) Expansion of existing nonprofit group camps, etreats, or conference centers.
- (11) Bed and breakfast inns in single-family dwellings, subject to Commission Rule 350-110-150(5) and provided that the residence:

- (a) Is included in the National Register of Historic Places, or
- (b) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or
- (c) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- (12) Nonprofit, environmental learning or research facilities.

350-110-290. Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland.

Uses identified in Commission Rule 350-110-280 may be allowed only if they meet the following criteria:

- (1) The owners of land designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;
- (2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;
- (3) The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands; and
- (4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with Commission Rule 350-110-300.

<u>350-110-300.</u> Approval Criteria for Fire Protection in Forest Designations.

All uses, as specified, shall comply with the following fire safety guidelines:

- (1) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.
- (2) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).
- (3) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
- (4) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be

[209] Miscellaneous

made only after consultation with the local rural fire district, and the Washington Department of Natural Resources in Washington, or the Oregon Department of Forestry in Oregon.

- (5) Within one year of the occupancy of a dwelling, the Development Review Officer shall conduct a review of the development to assure compliance with these guidelines.
- (6) Telephone and power supply systems shall be underground whenever possible.
- (7) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
- (8) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
- (9) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.
- (10) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant.

350-110-310. Approval Criteria for Siting of Dwellings on Forest Land.

The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:

- (1) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
- (2) The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or land productivity.
- (3) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- (4) A variance to the siting guidelines of this rule may be granted pursuant to the provisions of Commission Rule 350-110-150(7).

<u>350-110-320.</u> Approval Criteria for Life Estates in Commercial Forest Land or Small or Large Woodland.

A landowner who sells or otherwise transfers real property on lands designated Commercial Forest Land or Large or Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel. A second dwelling unit on lands designated Commercial Forest Land or Large or Small Woodland may be allowed, subject to compliance with the guidelines in Commission Rule 350-110-520 through 350-110-620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- (1) The proposed dwelling is in conjunction with agricultural use, using guideline 350-110-190 (1)(e).
- (2) On lands designated Large Woodland, the dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The proposed dwelling shall comply with guideline 350-110-270 (1)(a).
- (3) On lands designated Small Woodland, the proposed dwelling complies with guideline 350-110-270 (1)(b).
- (4) Upon termination of the life estate, the original or second dwelling shall be removed.

350-110-330. Open Space Designations.

Commission Rule 350-110-330 through 350-110-340 shall apply to those areas designated GMA-Open Space and SMA-Open Space on the Scenic Area Land Use Designation Map.

350-110-340. Review Uses — Open Space.

- (1) The following uses may be allowed on all lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620):
- (a) Low intensity recreation, subject to Commission Rule 350-110-610(2).
- (b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.
- (c) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydroelectric facilities.
- (d) Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.
- (2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands landscape setting:
 - (a) All uses listed in Commission Rule 350-110-340(1).
 - (b) Livestock grazing.
- (c) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (d) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.
 - (e) Harvesting of wild crops.
 - (f) Educational or scientific research.
- (g) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic,

- cultural, natural and recreation resources (Commission Rule 350-110-520 through 350-110-620).
- (5) The following uses may be allowed on land designated GMA-Open Space within the Mosley Lakes Natural Area:
- (a) All those uses allowed in Commission Rule 350-110-340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- (c) Educational or scientific research, after consultation with the Washington Natural Heritage Program.
 - (d) Commercial trapping.
- (4) The following uses may be allowed on land designated GMA-Open Space within the Chenoweth Table Natural Area:
- (a) All those uses allowed in Commission Rule 350-110-340(1).
- (b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-110-610(2), after consultation with the Oregón Natural Heritage Program.
- (c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Natural Heritage Program.
- (d) Educational or scientific research, after consultation with the Oregon Natural Heritage Program.
- (5) The following uses may be allowed on land designated GMA-Open Space within the Squally Point Natural Area:
- (a) Except as limited by guideline (5)(b) below, all those uses allowed in Commission Rule 350-110-340(1).
- (b) Except in the upland dunes south of the railroad racks, low-intensity recreation, subject to the guidelines for ecreation intensity classes 350-110-610(2), after consultation with the Oregon Natural Heritage Program.
- (c) Repair and maintenance of railroads, except meaures to stabilize dunes, after consultation with the Oregon Vatural Heritage Program.
- (6) The following uses may be allowed on land designated GMA-Open Space within the Klickitat River Wildlife nd Natural Area:
- (a) All those uses allowed in Commission Rule 350-10-340(1).
- (b) Low-intensity recreation, subject to the guidelines or recreation intensity classes 350-110-610(2), after consultion with the Washington Natural Heritage Program and Vashington Department of Wildlife.
- (c) Wildlife management uses conducted by federal, tate, or tribal resource agencies, after consultation with the Vashington Natural Heritage Program.
- (d) Educational or scientific research, after consultation /ith the Washington Natural Heritage Program.
- (7) The following uses are allowed on land designated MA-Open Space within the Balch Lake Wetland Area:
- (a) All those uses allowed in Commission Rule 350-10-340(1).
- (b) Livestock grazing, subject to a range conservation lan, after consultation with the Washington Department of /ildlife.
- (c) Fish and wildlife management uses conducted by deral, state, or tribal resource agencies.

- (d) Educational and scientific research, after consultation with the Washington Department of Wildlife.
- (e) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-110-610(2), after consultation with the Washington Department of Wildlife.
- (8) The following uses may be allowed on lands designated GMA-Open Space within the mouth of the Wind River Wildlife Area:
- (a) All those uses allowed in Commission Rule 350-110-340(1).
- (b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
- (c) Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
- (e) Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.
 - (f) Commercial fishing and trapping.
- (g) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-110-610(2), after consultation with the Washington Department of Wildlife.
- (9) The following uses may be allowed on lands designated GMA-Open Space within state parks:
 - (a) All uses listed in Commission Rule 350-110-340(1).
- (b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.
- (c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - (d) Harvesting of wild crops.
 - (e) Educational or scientific research.
- (10) On land designated SMA-Open Space, the maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, and utility facilities may occur without review.
- (11) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620) and when consistent with an open space plan approved by the U.S. Forest Service pursuant to guideline (12) below:
- (a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.
- (b) Structures or vegetation management activities, including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.
- (c) Low intensity recreation uses, including educational and interpretive facilities, consistent with Commission Rule 350-110-620.
- (d) Utility facilities for public service upon a showing that:
- (A) There is no alternative location with less adverse effect on Open Space land.
- (B) The size is the minimum necessary to provide the service.
- (e) New signs, pursuant to Commission Rule 350-110-160.
- (12) An Open Space plan shall be completed by the primary managing agency or landowner prior to any new

land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:

(a) Direction for resource protection, enhancement, and

management.

(b) Review of existing uses to determine compatibility with Open Space values.

(c) Consultation with members of the public and with agency and resource specialists.

350-110-350. Residential Land Designations.

Commission Rule 350-110-350 through 350-110-390 shall apply to those areas designated Residential on the Scenic Area Land Use Designation Map.

<u>350-110-360.</u> Uses Allowed Outright — Residential Land.

- (1) The following uses are allowed on lands in the General Management Area designated Residential without review:
 - (a) Agricultural use, except new cultivation.
- (b) Forest practices that do not violate conditions of approval for other approved uses.
- (c) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (d) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (2) The following uses are allowed on land in the Special Management Area designated Residential without review:
- (a) Agricultural uses except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of dwellings, signs, structures, existing trails, roads, railroads, and utility facilities.
- (c) Accessory structures of less than 60 square feet in area and 18 feet in height measured at the roof peak.

350-110-370. Review Uses — Residential Land.

- (1) The following uses may be allowed on lands in the General Management Area designated Residential, subject to compliance with the scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620):
- (a) One single-family dwelling per legally created parcel.
- (A) If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland, the use shall comply with the buffer and notification requirements of Commission Rule 350-110-150(2), 350-110-310(1), and the notification requirements of Commission Rules 350-110-190 (1)(n)(E) and 350-110-290(1); and
- (B) If the subject parcel is located adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines of Commission Rule 350-110-300.

- (b) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.
- (c) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-110-150(3).
 - (d) Construction or reconstruction of roads.
- (e) On parcels 10 acres or larger designated Residential-5, or 20 acres or larger designated Residential-10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of Commission Rule 350-110-150(1).
- (f) New cultivation, subject to compliance with Commission Rule 350-110-540 and 350-110-660 through 350-110-590.
- (g) Land divisions, subject to the minimum lot size as indicated on the Land Use Designation Map.
- (2) The following uses may be allowed on lands in the Special Management Area designated Residential subject to compliance with the scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620):
- (a) One single-family dwelling per legally created lot or consolidated parcel, subject to the guidelines of Commission Rule 350-110-270 (2)(j)(E).
 - (b) Accessory structures over 60 square feet.
 - (c) New utility facilities.
 - (d) Fire stations.
- (e) Home occupations and cottage industries pursuant to Commission Rule 350-110-150(4).
- (f) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 350-110-150(5).
 - (g) Community parks and playgrounds.
 - (h) Road and railroad construction and reconstruction.
- (i) Forest practices, pursuant to the provisions of Commission Rule 350-110-270(2).
 - (j) Signs, as specified in Commission Rule 350-110-160.

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.

350-110-380. Review Uses with Additional Approval Criteria — Residential Land.

The following uses may be allowed on lands in the General Management Area designated Residential subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620), and Commission Rule 350-110-390:

- (1) Accredited child care centers on land designated 1-acre Residential or 2-acre Residential. A child care center may be allowed in other Residential designations within ar existing church or community building.
- (2) Schools within an existing church or community building.
 - (3) Utility facilities and railroads.
- (4) Home occupations and cottage industries pursuant to Commission Rule 350-110-150(4).
 - (5) Fire stations.

Miscellaneous [212]

- (6) Recreation development, subject to compliance with Commission Rule 350-110-610.
- (7) Community parks and playgrounds, consistent with the guidelines of the National Park and Recreation Society regarding the need for such facilities.
- (8) Bed and breakfast inns in single-family dwellings located on lands designated Residential-5 or Residential-10, pursuant to 350-110-150(5).

350-110-390. Approval Criteria for Specified Review Uses on Lands Designated Residential.

The uses identified in Commission Rule 350-110-390 may be allowed only if they meet all of the following:

- (1) The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, and noise, dust and odors.
- (2) The proposed use will not require public services other than those existing or approved for the area.
- (3) If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-110-150(2).
- (4) If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use shall comply with Commission Rule 350-110-300.

350-110-400. Rural Center.

Commission Rule 350-110-400 through 350-110-420 shall apply to those areas designated Rural Center on the Scenic Area Land Use Designation Map.

350-110-410. Uses Allowed Outright — Rural Center.

The following uses are allowed on lands designated Rural Center without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

350-110-420. Review Uses — Rural Center.

The following uses may be allowed on lands designated Rural Center subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620):

- (1) One single-family dwelling per legally created parcel.
- (2) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

- (3) The temporary use of a mobile home in the case of a family hardship, pursuant to Commission Rule 350-110-150(3).
 - (4) Duplexes.
 - (5) Fire stations.
 - (6) Libraries.
 - (7) Government buildings.
 - (8) Community centers and meeting halls.
 - (9) Schools.
 - (10) Accredited child care centers.
- (18) Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.
 - (a) Grocery stores.
 - (b) Variety and hardware stores.
 - (c) Shops, offices and repair shops.
 - (d) Personal services such as barber and beauty shops.
 - (e) Travelers accommodations, bed and breakfast inns.
 - (f) Restaurants.
 - (g) Taverns and bars.
 - (h) Gas stations.
 - (i) Gift shops.
- (12) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to Commission Rule 350-110-150(4).
 - (13) Utility facilities and railroads.
- (14) Recreation development, subject to Commission Rule 350-110-610.
 - (15) Places of worship.
- (16) New cultivation, subject to compliance with Commission Rule 350-110-540, 350-110-560, 350-110-570, 350-110-580 and 350-110-590.
- (17) Land divisions subject to Commission rule 350-110-150(1).
- (18) Planned developments incorporating features such as consolidated access and commonly shared open areas.

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.

350-110-430. Commercial Land.

Commission Rule 350-110-430 through 350-110-360 shall apply to those areas designated Commercial on the Scenic Area Land Use Designation Map.

350-110-440. Uses Allowed Outright — Commercial Land.

The following uses are allowed on lands designated Commercial without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

350-110-450. Review Uses with Additional Approval Criteria — Commercial Land.

The following uses may be allowed on lands designated Commercial, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620), and Commission Rule 350-110-460:

- (1) Travelers accommodations, bed and breakfast inns subject to Commission Rule 350-110-150(5).
 - (2) Restaurants.
 - (3) Gift shops.
- (4) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to Commission Rule 350-110-150(4).
- (5) One single-family dwelling per legally created parcel.
 - (6) Utility facilities and railroads.

<u>350-110-460.</u> Approval Criteria for Review Uses on Lands Designated Commercial.

The uses identified in Commission Rule 350-110-450 may be allowed only if they meet both of the following criteria:

- (1) The proposal is limited to 5,000 square feet of floor area per building or use.
- (2) The proposed use would be compatible with the surrounding areas, including review for impacts associated with the visual character of the area, traffic generation and noise, dust and odors.

350-110-470. Recreation.

Commission Rule 350-110-470 through 350-110-510 shall apply to those areas designated Public Recreation and Commercial Recreation on the Scenic Area Land Use Designation Map.

350-110-480. Uses Allowed Outright — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on lands in the General Management Area designated Public Recreation and Commercial Recreation without review:
- (a) Forest practices that do not violate conditions of approval for other approved development.
- (b) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.
 - (c) Agricultural uses, except for new cultivation.
- (2) The following uses are allowed on lands in the Special Management Area designated Public Recreation without review:
- (a) Agricultural use, except where there would be potential impact to cultural or natural resources.
- (b) Maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.
- (c) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.

<u>350-110-490.</u> Review Uses — Public Recreation and Commercial Recreation.

- (1) The following uses are allowed on all lands in the General Management Area designated Public Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620), and where applicable Commission Rule 350-110-610 (5)(a) and (c) through (g):
- (A) Publicly-owned, resource-based recreation uses consistent with Commission Rule 350-110-610.
- (B) Commercial uses and non-resource based recreation uses that are part of an existing or approved, resource-based public recreation use consistent with guidelines contained in this section.
- (C) New cultivation, subject to compliance with Commission Rule 350-110-540 and 350-110-560 through 350-110-590.
- (b) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620), and Commission Rule 350-110-500:
- (A) Residences and accessory structures, limited to one single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation, communication and public works facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-110-500(3).
- (2) The following uses are allowed on all lands in the General Management Area designated Commercial Recreation:
- (a) The following uses may be allowed on lands in the General Management Area designated Commercial Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620), and where applicable Commission Rule 350-110-610 (5)(a) and (c) through (g):
- (A) Commercially-owned, resource-based recreation uses consistent with Commission Rule 350-110-610.
- (B) Overnight accommodations that are part of a commercially-owned resource-based recreation use, where such resource-based recreation use occurs on the subject site or is accessed through the site on adjacent lands, and which meet the following guidelines:
- (i) Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.
- (ii) Buildings containing more than one unit are no larger than 5,000 square feet in total floor area and no higher than two and one-half stories.
- (iii) The total number of individual units shall not exceed 25, unless the proposed development complies with

Miscellaneous [214]

guidelines for clustered accommodations in subsection (iv) below

- (iv) Clustered overnight travelers accommodations meeting the following guidelines may include up to 35 individual units:
- (I) Average total floor area of all units is 1,000 square feet or less per unit;
- (II) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas);
- (III) The facility is in an area classified for high intensity recreation (Recreation Intensity Class 4).
- (C) Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and nonresource-based recreation uses which are part of an existing or approved resource-based commercial recreation use consistent with the guidelines contained in this section.
- (D) New cultivation, subject to compliance with Commission Rule 350-110-540 and 350-110-560 through 350-110-590.
- (b) The following uses may be allowed, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620), and Commission Rule 350-110-510:
- (A) Residences and accessory structures limited to one single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.
 - (B) Agricultural buildings.
- (C) Utility transmission, transportation and communicaion facilities.
- (c) Land divisions, subject to compliance with Commission Rule 350-110-510(3).
- (3) The following uses are allowed on lands in the special Management Area designated Public Recreation ubject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission resources) through 350-110-620):
- (a) Forest uses and practices as allowed in Commission rule 350-110-270(2).
- (b) Public trails, consistent with Commission Rule 350-10-620.
- (c) Public recreational facilities, consistent with Comnission Rule 350-110-620.
- (d) Public non-profit group camps, retreats, conference r educational centers, and interpretive facilities.
- (e) All dwellings and accessory structures larger than 60 quare feet.
- (f) Home occupations and cottage industries, pursuant to 'commission Rule 350-110-150(4).
 - (g) Road and railroad construction and reconstruction.
- (h) Utility facilities for public service upon a showing nat:
- (A) There is no alternative location with less adverse ffect on Public Recreation land.
- (B) The size is the minimum necessary to provide the ervice.
 - (i) New signs pursuant to 350-110-160(2).
- (j) Structures or vegetation management activities for ne purpose of wildlife, fisheries, or plant habitat enhancenent projects.

- (k) Agricultural uses as allowed in Commission Rule 350-110-190(2).
- (4) New commercial recreation facilities shall be allowed in Forest Land and Agricultural Land use designations, consistent with the guidelines established for the recreation intensity classes Commission Rule 350-110-620.

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.

350-110-500. Approval Criteria for Non-Recreation Uses in Public Recreation Designations.

The uses identified in Commission Rule 350-110-490 (1)(b) may be allowed only if they meet the following criteria:

- (1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
- (2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
- (3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

<u>350-110-510.</u> Approval Criteria for Non-Recreation Uses in Commercial Recreation Designations.

The uses identified in Commission Rule 350-110-490 (2)(b) may be allowed only if they meet the following criteria:

- (1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
- (2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
- (3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

350-110-520. General Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

- (1) All Review Uses:
- (a) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.
- (b) New buildings shall be generally consistent with the height and size of existing nearby development.

- (c) Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in Commission Rule 350-110-520.
- (d) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.
- (e) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.

Such a plan shall be approved by the appropriate state agency for uses under their jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At a minimum, such reclamation plans shall include:

- (A) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with 10 foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use.
- (B) Cross-sectional drawings of the site showing pre-mining and post-mining grades.
- (C) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.
- (D) Description of drainage/erosion control features to be employed for the duration of the use.
- (E) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
- (2) All Review Uses visible from Key Viewing Areas shall comply with the following applicable guidelines:
- (a) Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.
- (b) The extent and type of conditions applied to a proposed development to achieve visual subordinance should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas from which it is visible, the number of Key Viewing Areas from which it is visible, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Written reports on determination of visual subordinance and final conditions of approval shall include findings addressing each of these factors.

- (c) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.
- (d) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in Commission Rule 350-110-080 and 350-110-520 (1)(e) for mining and associated activities:
- (A) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).
- (B) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.
- (e) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to Commission Rule 350-110-520 (1)(e) and subsection (d) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.
- (f) New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.
- (g) In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be give priority over other means of achieving visual subordinance, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.
- (h) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.
- (i) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.
- (j) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- (k) Additions to existing buildings smaller in tota square area than the existing building may be the same colo as the existing building. Additions larger than the existing building shall be of colors specified in the design guideline for the subject property's landscape setting.
- (1) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visua subordinance requirements for lands seen from Key Viewin Areas. To be eligible for such exemption, the structure musbe included in, or eligible for inclusion in, the Nationa Register of Historic Places or be in the process of applyin for a determination of significance pursuant to such regula

tions. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.

- (m) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.
- (n) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Area, may itself protrude above the skyline if:
- (A) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and
- (B) There is no practicable alternative means of altering the building without increasing the protrusion.
- (o) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.
- (p) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.
- (q) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:
 - (A) The facility is necessary for public service;
- (B) The break in the skyline is seen only in the background; and
- (C) The break in the skyline is the minimum necessary to provide the service.
- (r) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:
 - (A) The facility is necessary for public service; and
- (B) The break in the skyline is the minimum necessary to provide the service.
- (s) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.
- (t) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this

- guideline. In determining the slope, the average percent slope of the proposed building site shall be used.
- (u) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Development Review Officer for compliance with Key Viewing Area policies. The grading plan shall include the following:
- (A) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - (i) Existing and proposed final grades;
- (ii) Location of all areas to be graded, with cut banks and fill slopes delineated; and
 - (iii) Estimated dimensions of graded areas.
- (B) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - (i) Its purpose;
- (ii) An estimate of the total volume of material to be moved:
 - (iii) The height of all cut banks and fill slopes;
- (iv) Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);
- (v) A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and
- (vi) A description of any other interim or permanent erosion control measures to be utilized.
- (v) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this chapter have been met.
- (B) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas.
- (C) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-110-520 (1)(e).
- (D) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:
- (i) A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;

- (ii) An estimate of the surface area of exposed mining surfaces that would be visible from those Key Viewing Areas:
- (iii) The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;
- (iv) The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible:
- (v) The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.
- (vi) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.
- (w) Unless addressed by guideline (v) above, new production and/or development of mineral resources may be allowed upon a demonstration that:
- (A) The site plan requirements for such proposals pursuant to this section have been met;
- (B) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and
- (C) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved by the applicable state agency with jurisdiction, or approved by the Development Review Officer with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with Commission Rule 350-110-520 (1)(e).
- (x) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.
- (y) An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).
- (z) Compliance with specific approval conditions to achieve visual subordinance (such as landscaped screening), shall occur within a period not to exceed 2 years after the date of development approval. This guideline shall apply to all development regulated by this section except mining and associated uses.
- (3) All Review Uses within the following landscape settings shall comply with the following applicable guidelines:
 - (a) Pastoral
- (A) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development

- shall comply with this guideline to the maximum extent practicable.
- (B) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).
- (iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.
- (v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-110-520 (2)(k) or (l).
- (D) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature (as defined by Commission Rule 350-110-610), occurring infrequently in the landscape.
 - (b) Coniferous Woodland
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Structure height shall remain below the forest canopy level.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas).
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) The exteriors of structures shall be either natural or earth-tone colors unless specifically exempted by Commission Rule 350-110-520 (2)(k) or (l).
- (D) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur.

They should be scattered, interspersed with large areas of indeveloped land and low-intensity uses.

- (c) Oak-Pine Woodland
- (A) New development shall be compatible with the general scale (height, dimensions, and overall mass) of levelopment in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Structure height shall remain below the tree canopy evel in wooded portions of this setting.
- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development.
- (i) At least half of any tree species planted for screening surposes shall be species native to the setting. Such species nelude Oregon white oak, ponderosa pine, and Douglas-fir.
- (ii) At least half of any trees planted for screening surposes shall be coniferous to provide winter screening.

For substantially wooded portions:

- (iii) Except as is necessary for construction of access oads, building pads, leach fields, etc., the existing tree cover creening the development from Key Viewing Areas shall be etained.
- (iv) The exteriors of structures shall be either natural or arth-tone colors, unless specifically exempted pursuant to lommission Rule 350-110-520 (2)(k) or (1).

For treeless portions or portions with scattered tree over:

- (v) Structures shall be sited on portions of the property hat provide maximum screening from Key Viewing Areas, sing existing topographic features.
- (vi) Patterns of plantings for screening vegetation shall e in character with the surroundings. Residences in grassy, pen areas or savannahs shall be partly screened with trees a small groupings and openings between groupings.
- (vii) Accessory structures, outbuildings, and access ways hall be clustered together as much as possible, particularly awards the edges of existing meadows, pastures, and farm ields.
- (viii) The exteriors of structures shall be dark and either atural or earth-tone colors, unless specifically exempted ursuant to Commission Rule 350-110-520 (2)(k) or (l).
- (D) Resource-based recreation uses of varying intensities hay be compatible with this setting, although most are of two-intensity nature (such as trails or small scenic outlooks). Note intensive recreation uses may be compatible where llowed pursuant to Commission Rule 350-110-610, although ney are generally rare in this setting. As with Woodland ettings, intensive recreation uses in Oak-Pine Woodlands hay be compatible if widely scattered and not in large oncentrations.
 - (d) Grassland
- (A) New development shall be compatible with the eneral scale (height, dimensions, and overall mass) of evelopment in the vicinity. Expansion of existing development shall comply with this guideline to the maximum stent practicable.
- (B) Accessory structures, outbuildings, and access ways hall be clustered together as much as possible. Exceptions this guideline are permitted where necessary for farming perations.

- (C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.
- (ii) Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.
- (iii) Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.
- (iv) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted pursuant to Commission Rule 350-110-520 (2)(k) or (l).
- (D) Resource-based recreation uses of a very lowintensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting and wildlife viewing.
 - (e) Rural Residential
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.
- (C) In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (iv) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-110-520 (2)(k) or (l).
- (D) Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as small scenic overlooks).
- (f) Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland
- (A) New development in this setting shall meet the design guidelines for both the Rural Residential setting and

the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

- (B) In the event of a possible conflict between the guidelines, the guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable.
- (C) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.
 - (g) Residential
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In portions of this setting visible from Key Viewing Areas and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" section of Part I, Chapter 1 of the Management Plan), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
- (ii) Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and/or topography.
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- (iv) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
- (v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by Commission Rule 350-110-520 (2)(k) or (l).
- (C) Compatible recreation uses are limited to community park facilities.
 - (h) Village
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.
- (C) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (Washington State Route 14 or the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.
- (D) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practica-

- ble, and access consolidation shall be required where feasible.
- (E) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.
- (F) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:
- (i) Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.
- (ii) The landscape strip required in guideline (F)(i) above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.
- (G) The use of building materials that reinforce the Village Setting's character, such as wood, logs or stone, and that reflect community desires, should be encouraged.
- (H) Architectural styles characteristic of the area (such as 1 and 1/2 story dormer roof styles in Corbett), and that reflect community desires, should be encouraged. Entry signs should be consistent with such architectural styles.
- (I) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.
- (J) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.
- (K) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.
- (L) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.
 - (i) River Bottomlands
- (A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- (B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
- (i) Except as is necessary for site development or safety purposes, existing tree cover screening the development fron Key Viewing Areas shall be retained.
- (ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include: black cotton wood, big leaf maple, red alder, Oregon white ash, Dougla fir, western red cedar and western hemlock (west Gorge) and various native willow species.
- (iii) At least one-quarter of any trees planted fo screening purposes shall be coniferous for winter screening
- (iv) The exteriors of structures shall be dark and eithe natural or earth-tone colors unless specifically exempted by Commission Rule 350-110-520 (2)(k) or (1).

(C) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderateintensity and/or high-intensity recreation uses may be compatible, provided that:

- (i) their designs emphasize retention and/or enhancement of native riparian communities,
- (ii) structures and parking areas are visually subordinate, and
- (iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.
 - (j) Gorge Walls, Canyons and Wildlands
- (A) New development and expansion of existing development shall be screened so it is not seen from Key Viewing Areas, to the maximum extent practicable.
- (B) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area
- (C) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.
- (D) All structures shall be limited in height to a maximum of 1 and 1/2 stories.
 - (E) All structures' exteriors shall be non-reflective.
- (F) Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors, unless public safety concerns or federal or state highway guidelines require otherwise.
- (G) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such compatible uses (such as trails) are generally associated with minimal facility development, if any.
- (4) All Review Uses within Scenic Travel Corridors shall comply with the following applicable guidelines:
- (a) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.
- (b) All new buildings and alterations to existing buildings, except in a Rural Center designation (village landscape setting), shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to Commission Rule 350-110-150(7). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.
- (c) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a Rural Center designation (village landscape setting), shall comply with guideline (4)(b) above to the maximum extent practicable.
- (d) All proposed vegetation management projects in public rights-of-way.to provide or improve views shall include the following:

- (A) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;
- (B) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable guidelines to protect the resources.
- (e) When evaluating possible locations for undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.
- (f) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in Commission Rule 350-110-520 (2)(y).
- (g) Expansion of existing quarries may be allowed pursuant to Commission Rule 350-110-520 (2)(v). Compliance with visual subordinance requirements shall be achieved within time frames specified in Commission Rule 350-110-520 (2)(x).

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.

350-110-530. Special Management Area Scenic Review Criteria.

The following scenic review guidelines shall apply to all Review Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

- (1) All Review Uses in the Special Management Area regardless of location or landscape setting shall comply with the following applicable guidelines:
- (a) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.
- (b) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.

- (c) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.
- (d) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.
- (e) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.
- (f) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.
- (h) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.
- (i) Reflectivity of structures and site improvements shall be minimized.
- (j) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.
- (k) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.
- (2) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected, including cumulative effects, based on visibility from Key Viewing Areas.
- (3) All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.
- (4) New land uses or developments shall comply with the following applicable design guidelines:
- (a) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.
- (A) New developments and forest practices shall meet the Visual Quality Objective of partial retention.
- (B) The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.
- (C) Exterior colors of structures shall be earth-tone colors which will result in low contrast with the surrounding landscape.
- (D) Exterior colors of structures may be white, except for the roof, only in the Mt. Pleasant and Dodson-Warrendale areas where other white structures are evident in the setting.
- (b) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

- (A) New developments and land uses in lands designated Federal Forest or Open Space shall meet the Visual Quality Objective of retention; all other land use designations shall meet the Visual Quality Objective of partial retention as seen from Key Viewing Areas.
- (B) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the Visual Quality Objective identified for those lands in those plans.
- (C) Buildings in the Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (E) The exteriors of structures in the Coniferous Woodland landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (F) Exterior colors of structures in Oak-Pine Woodland landscape setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.
- (c) Residential: The Residential setting is characterized by concentrations of dwellings.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention.
- (B) At Rowena Dell, new buildings shall have a rustic appearance and use natural materials and earth-tone colors.
- (C) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.
- (D) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.
- (d) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.
- (A) New developments and land uses shall meet the Visual Quality Objective of partial retention, except in areas designated Open Space which shall meet the Visual Quality Objective of retention.
- (B) Buildings shall have an overall horizontal appearance in areas with little tree cover.
- (C) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.
- (D) Exterior colors of structures shall be earth-tone or water-tone colors which will result in low contrast with surrounding landscape.
- (e) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.
- (A) New developments and land uses shall meet the Visual Quality Objective of retention as seen from Key Viewing Areas.
- (B) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.
- (C) Temporary roads shall be promptly closed and revegetated.

- (D) New utilities shall be below ground surface, where feasible.
- (E) Use of plant species non-native to the Columbia River Gorge shall not be allowed.
- (F) Exterior colors of structures shall be dark earth tones that will result in the structure having low contrast with the surrounding landscape.
- (5) For forest practices the following guidelines shall apply:
- (a) Forest practices must meet the design guidelines and Visual Quality Objective for the landscape setting designated for the management area.
- (b) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries shall be delineated by the Forest Service.
- (c) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.
- (d) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, the maxinum size of created openings shall be five acres.
- (e) Clearcutting shall not be used as a harvest practice on land designated Federal Forest Lands.
- (f) Created openings shall not create a break or opening n the vegetation in the skyline as viewed from a Key Viewing Area.
- (g) Created openings shall be dispersed to maintain at east 400 feet of closed canopy between openings. Closed anopy shall be at least 20 feet tall.

<u>350-110-540.</u> General Management Area Cultural Resource Review Criteria.

- (1) General Provisions for Implementing the Cultural Resources Protection Process.
- (a) All cultural resource surveys, evaluations, assessnents, and mitigation plans shall be performed by profesionals whose expertise reflects the type of cultural resources hat are involved. Principal investigators shall meet the rofessional standards published in 36 Code of Federal legulations (CFR) Part 61 and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker nd King, no date).
- (b) Cultural resource surveys, evaluations, assessments, nd mitigation plans shall generally be conducted in consulation with Indian tribal governments and any person who ubmits written comments on a proposed use (interested erson). Indian tribal governments shall be consulted if the ffected cultural resources are prehistoric or otherwise ssociated with Native Americans. If the cultural resources re associated with non-Native Americans, such as an istoric house or pioneer campsite, the Indian tribal governments do not have to be consulted.
- (c) Reconnaissance and Historic Surveys and Survey eports.
 - (A) Reconnaissance survey requirements and exceptions.
- (i) A reconnaissance survey shall be required for all roposed uses within 500 feet of a known cultural resource, icluding those uses listed as exceptions in Commission Rule 50-110-504 (1)(c)(A)(ii) below.
- (ii) A reconnaissance survey shall be required for all roposed uses, except:

- (I) The modification, expansion, replacement, or reconstruction of existing buildings and structures.
- (II) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.
- (III) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.

The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

- (IV) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.
- (V) Proposed uses that would occur on sites that have been adequately surveyed in the past.

The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

- (VI) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
- Residential development that involves two or more new dwellings for the same project applicant.
- Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.
- Public transportation facilities that are outside improved rights-of-way.
- Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.
- Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It shall be refined and

revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

- (B) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.
- (C) The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

For Commission Rule 350-110-540, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(D) Reconnaissance Surveys for Small-Scale Uses.

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

- (i) A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.
- (ii) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.
- (E) Reconnaissance Survey Reports for Small-Scale Uses

The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

- (i) A description of the fieldwork methodology used to identity cultural resources, including a description of the type and extent of the reconnaissance survey.
- (ii) A description of any cultural resources that were discovered in the project area, including a written description and photographs.
- (iii) A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.
 - (F) Reconnaissance Surveys for Large-Scale Uses
- (i) Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.
- (ii) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:

- (I) Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.
- (II) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.
- (III) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.
- (IV) Archaeological site inventory forms shall be submitted to the State Historic Preservation Officer whenever cultural resources are discovered.
- (G) Reconnaissance Survey Reports for Large-Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

- (i) A description of the proposed use, including drawings and maps.
- (ii) A description of the project area, including soils vegetation, topography, drainage, past alterations, and existing land use.
- (iii) A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area
- (iv) A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of 1 inclequals 100 feet (1:1,200), or a scale providing greater detail
- (v) An inventory of the cultural resources that exist in the project area, including a written description, photographs drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (vi) A summary of all written comments submitted by Indian tribal governments and other interested persons.
- (vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.
 - (H) Historic Surveys and Reports
- (i) Historic surveys shall document the location, form style, integrity, and physical condition of historic building and structures. They shall include original photographs an maps. Archival research, blueprints, and drawings should b used as necessary.
- (ii) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.
- (iii) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate a proposed alterations.
- (d) The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation pla

shall be borne by the project applicant, except for resources liscovered during construction. The Gorge Commission shall conduct and pay for evaluations of significance and nitigation plans for resources that are discovered during construction of small-scale and large-scale uses.

- (e) Cultural resources are significant if one of the following criteria is satisfied:
- (A) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the 'National Register Criteria for Evaluation" (36 CFR 60.4).
- (B) The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.
- (f) The Gorge Commission shall establish a Cultural Advisory Committee (CAC). The CAC shall comprise cultural resource professionals, interested individuals, and at east one representative from each of the four Indian tribes. If a project applicant's and Indian tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and Indian tribal government's substantiated concerns. The CAC will submit a recommendation to the Development Review Officer as to whether affected cultural resources are significant.
- (2) Cultural Resource Reconnaissance and Historic Surveys
 - (a) Consultation and Ethnographic Research
- (A) When written comments are submitted to the Development Review Officer within the comment period provided in Commission Rule 350-110-120, the project applicant shall offer to meet with the interested persons within 10 calendar days. The 10-day consultation period nay be extended upon agreement between the project applicant and the interested persons.

Consultation meetings should provide an opportunity for nterested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

All written comments and consultation meeting minutes hall be incorporated into the reconnaissance or historic urvey report. In instances where a survey is not required, ill such information shall be recorded and addressed in a eport that typifies a survey report; inapplicable elements nay be omitted.

(B) A project applicant who is proposing a large-scale ise shall conduct interviews and other forms of ethnographic esearch if interested persons submit a written request for uch research. All requests must include a description of the ultural resources that may be affected by the proposed use ind the identity of knowledgeable informants. Ethnographic esearch shall be conducted by qualified specialists. Tape ecordings, maps, photographs, and minutes shall be used when appropriate.

All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the econnaissance or historic survey report. In instances where survey is not required, all such information shall be ecorded and addressed in a report that typifies a survey eport.

- (b) Notice of Survey Results
- (A) The Development Review Officer shall submit a copy of all cultural resource survey reports to the State Historic Preservation Officer and the Indian tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.
- (B) The State Historic Preservation Officer and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the proposed use would be consistent with Commission Rule 350-110-540. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how it reached an opposing conclusion.
- (B) The cultural resource protection process may conclude when one of the following conditions exists:
- (i) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.
- (ii) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.
- (iii) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone.

Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

- (C) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:
- (i) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or
- (ii) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are

important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* (U.S. Department of the Interior 1990) and *The Secretary of the Interior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983).

The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the State Historic Preservation Officer or the Development Review Officer question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

- (3) Evaluation of Significance
- (a) Evaluation Criteria and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

- (A) Evaluations of significance shall follow the procedures in How to Apply the National Register Criteria for Evaluation (U.S. Department of the Interior, no date) and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.
- (B) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.
- (C) The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
- (D) The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Oregon State Historic Preservation Office (Oregon SHPO 1990) or Washington Office of Archaeology and Historic Preservation (Washington SHPO, no date). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.
- (E) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.
 - (b) Notice of Evaluation Results
- (A) If the evaluation of significance demonstrates that the cultural resources are not significant, the Development Review Officer shall submit a copy of the evaluation of

- significance to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
 - (c) Cultural Resources are Culturally Significant
- (A) If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the Indian tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.
- (B) The Indian tribal government shall substantiate its concerns in a written report. The report shall be submitted to the Development Review Officer, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the Development Review Officer within 30 calendar days from the date the evaluation of significance is mailed.
- (d) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Officer or CAC, the Development Review Officer shall justify how an opposing conclusion was reached.
- (B) The cultural resource protection process may conclude if the affected cultural resources are not significant.
- (C) If the project applicant or the Development Review Officer determines that the cultural resources are significant, the effects of the proposed use shall be assessed.
 - (4) Assessment of Effect
 - (a) Assessment Criteria and Information Needs
- If a use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:
- (A) The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.9) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.8.
- (i) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.9(a)].
- (ii) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR 800.9(b)]. Adverse effects on cultural resources include, but are not limited to:
- (I) Physical destruction, damage, or alteration of all or part of the cultural resource.

Miscellaneous [226]

- (II) Isolation of the cultural resource from its setting or lteration of the character of the resource's setting when that haracter contributes to the resource's qualification as being ignificant.
- (III) Introduction of visual, audible, or atmospheric lements that are out of character with the cultural resource r its setting.
- (IV) Neglect of a significant cultural resource resulting 1 its deterioration or destruction.
- (B) The assessment of effect shall be prepared in onsultation with Indian tribal governments and interested ersons, as appropriate. The concerns and recommendations oiced by Indian tribal governments and interested persons hall be recorded and addressed in the assessment.
- (C) The effects of a proposed use that would otherwise e determined to be adverse may be considered to be not dverse if any of the following instances apply:
- (i) The cultural resources are of value only for their otential contribution to archeological, historical, or architectral research, and when such value can be substantially reserved through the conduct of appropriate research before evelopment begins, and such research is conducted in ccordance with applicable professional standards and uidelines.
- (ii) The undertaking is limited to the rehabilitation of uildings and structures, and is conducted in a manner that reserves the historical and architectural character of affected ultural resources through conformance with *The Secretary f the Interior's Standards for Rehabilitation* (U.S. Departnert of the Interior 1990) and *The Secretary of the nterior's Standards for Historic Preservation Projects* (U.S. Department of the Interior 1983).
 - (b) Notice of Assessment Results
- (A) If the assessment of effect concludes that the roposed use would have no effect or no adverse effect on ignificant cultural resources, the Development Review Officer shall submit a copy of the assessment to the State Listoric Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal overnments, and interested persons shall have 30 calendar ays from the date the assessment of effect is mailed to ubmit written comments to the Development Review Officer. The Development Review Officer shall record and ddress all written comments in the development review rder.
- (c) Conclusion of the Cultural Resource Protection 'rocess
- (A) The Development Review Officer shall make a final ecision on whether the proposed use would have no effect, o adverse effect, or an adverse effect. If the final decision ontradicts the comments submitted by the State Historic reservation Officer, the Development Review Officer shall 1stify how an opposing conclusion was reached.
- (B) The cultural resource protection process may onclude if the proposed use would have no effect or no dverse effect on significant cultural resources.
- (C) A mitigation plan shall be prepared if a project pplicant or the Development Review Officer determines that he proposed use would have an adverse effect on significant ultural resources.
 - (5) Mitigation Plans

(a) Mitigation Plan Criteria and Information Needs

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

- (A) Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Officer.
- (B) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

- (C) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.8(d), including, but not limited to:
- (i) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.
- (ii) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.
- (iii) Documentation of consultation with the State Historic Preservation Officer regarding any alternatives or mitigation measures.
- (iv) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and Development Review Officer.
- (v) Copies of any written recommendations submitted to the Development Review Officer or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.
 - (b) Notice of Mitigation Plan Results
- (A) If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Development Review Officer shall submit a copy of the mitigation plan to the State Historic Preservation Officer and the Indian tribal governments.
- (B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Development Review Officer. The Development Review Officer shall record and address all written comments in the development review order.
- (c) Conclusion of the Cultural Resource Protection Process
- (A) The Development Review Officer shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final

decision contradicts the comments submitted by the State Historic Preservation Officer, the Development Review Officer shall justify how an opposing conclusion was reached.

- (B) The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.
- (C) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.
- (6) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Development Review Officer and the State Historic Preservation Officer. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (b) Notification. The project applicant shall notify the Development Review Officer and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
- (c) Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Officer. (See Oregon Revised Statute [ORS] 273.705, ORS 358.905 to 358.955, and Revised Code of Washington [RCW] 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in "Reconnaissance Survey Reports for Large-Scale Uses" [Commission Rule 350-110-540 (1)(c)(G)] and "Evaluation of Significance: Evaluation Criteria and Information Needs" [Commission Rule 350-110-540 (3)(a)].

Based on the survey and evaluation report and any written comments, the Development Review Officer shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

(d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

(7) Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

- (a) Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- (b) Notification. Local law enforcement officials, the Development Review Officer, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- (c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- (d) Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.
- (e) Treatment. In Oregon, prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In Washington, the procedures set forth in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/historic.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in "Mitigation Plans: Mitigation Plan Criteria and Information Needs" [Commission Rule 350-110-540 (5)(a)].

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" [Commission Rule 350-110-540 (5)(c)] are met and the mitigation plan is executed.

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.

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.

350-110-550. Special Management Area Cultural Resource Review Criteria.

- (1) General Guidelines for Implementing the Cultural Resources Protection Process
- (a) All cultural resource information shall remain confidential, according to Section 6 (a)(1)(A) of the Scenic Area Act. Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.
- (b) All cultural resources surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.
- (c) The Forest Service will be responsible for performing the literature review and consultation, inventory, evaluations of significance, assessments of effect, and mitigation requirements in Commission Rule 350-110-550(4) for forest practices and National Forest System lands.
- (d) New developments or land uses shall not adversely affect significant cultural resources.

Miscellaneous [228]

- (2) The procedures and guidelines in Commission Rule 350-110-540 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects and forest practices.
- (3) The procedures and guidelines in 36 CFR 800 and Commission Rule 350-110-550(4) shall be used by the Development Review Officer and federal agencies to evaluate new developments or land uses on federal lands, federally assisted projects, and forest practices.
- (4) The following procedures as well as the provisions in 36 CFR 800 shall be used to assess potential effects to cultural resources.
 - (a) Literature Review and Consultation
- (A) An assessment shall be made to determine if any cultural resources listed on the National Register of Historic Places at the national, state or county level exist on or within the area of potential direct and indirect impacts.
- (B) A search shall be made of state and county government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.
- (C) Consultation with cultural resource professionals knowledgeable about the area.
- (D) A field inventory by a cultural resource professional shall be required if the Forest Service or the Development Review Officer determines that a recorded or known cultural resource exists on or within the immediate vicinity of a new development or land use, including those reported in consultation with the Tribal governments.
 - (b) Field Inventory
- (A) Tribal representatives shall be invited to participate in the field inventory.
- (B) The field inventory shall consist of one or the other of the following guidelines, as determined by the cultural resource professional:
- (i) Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, augering or shovel probing of subsurface soils for the presence of buried cultural resources.
- (ii) Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

(C) A field inventory report shall be prepared, and shall include the following:

- (i) A narrative integrating the literature review of section (4)(a) above with the field inventory of section (4)(b) above
- (ii) A description of the field inventory methodology used, including the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
- (iii) A statement of the presence or absence of cultural resources within the area of the new development or land use.
- (iv) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.
- (D) The report shall follow the format specified by the Washington Office of Archaeology and Historic Preservation for inventories conducted in the State of Washington. Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.
- (E) The field inventory report shall be presented to the Forest Service or the Development Review Officer for review.
 - (c) Evaluations of Significance
- (A) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with to the criteria of the National Register of Historic Places (36 CFR 60.4).
- (B) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
- (C) Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, Guidelines for the Evaluation and Documentation of Traditional Cultural Properties, within local and regional contexts.
- (D) Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service or the Development Review Officer shall review evaluations for adequacy.
- (E) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.
- (F) An assessment of effect shall be required if the Forest Service or the Development Review Officer determines that the inventoried cultural resources are significant.
 - (d) Assessment of Effect
- (A) For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 ("Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for sections (4)(d)(B) through (4)(d)(D) below. The Forest Service or Development Review Officer shall review each determination for adequacy.
- (B) If the proposed development or change in use will have "No Adverse Effect," as defined by 36 CFR 800.8, to a significant cultural resource, documentation for that finding

[229] Miscellaneous

shall be completed, following the "Documentation Requirements" of 36 CFR 800.8(a).

- (C) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b) to a significant cultural resource, the type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented. This documentation shall follow the process outlined under 36 CFR 800.5(e).
- (D) If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.8 ("Documentation Requirements").
 - (e) Mitigation
- (A) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.
- (B) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.
- (C) The Forest Service or the Development Review Officer shall review all mitigation proposals for adequacy.
 - (5) Discovery During Construction
- All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Forest Service or the Development Review Officer if cultural resources are discovered during construction or development.
- (a) If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resources.
- (b) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
- (A) The applicant shall stop all work in the vicinity of the discovery.
- (B) The applicant shall immediately notify the Development Review Officer, the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.
- (C) The Forest Service or the Development Review Officer shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
- (D) A cultural resource professional shall evaluate the potential significance of the resource pursuant to Commission Rule 350-110-550 (4)(c) and report the results to the Forest Service or the Development Review Officer.
- (c) The cultural resource review process shall be complete and work may continue if the Forest Service or the Development Review Officer determines that the cultural resource is not significant.
- (d) The cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to

Commission Rule 350-110-550 (4)(e) if the Forest Service or the Development Review Officer determines that the cultural resource is significant.

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.

350-110-560. General Management Area Wetland Review Criteria.

- (1) Wetlands Boundaries and Site Plans for Review Uses in Wetlands
- (a) If the proposed use is within a wetland or wetlands buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary.
- (A) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments.
- (B) All wetlands delineations shall be conducted by a professional which has been trained to use the federal delineation process, such as a soil scientist, botanist, or wetlands ecologist.
- (C) The Development Review Officer may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Development Review Officer shall, at the applicant's expense, obtain professional services to render a final delineation.
- (b) In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the wetland and the wetlands buffer zone; and
- (C) a description of actions that would alter or destroy the wetland.
- (2) Uses allowed outright in wetlands and wetlands buffer zones.
- (a) Commission Rule 350-110-560 shall not apply to proposed uses that would occur in the main stem of the Columbia River. The main stem of the Columbia River is depicted on the map titled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001 and dated September 1986. (This map is available at county planning departments and Commission and Forest Service offices.) The boundaries of the main stem appear as a heavy black line that generally follows the shoreline. For Commission Rule 350-110, backwaters and isolated water bodies created by roads and railroads are not part of the main stem of the Columbia River.
- (b) The following uses are allowed in wetlands and wetlands buffer zones without review, if they:
 - (A) Are conducted using best management practices;

- (B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and
- (C) Comply with all applicable federal, state, and county laws:
- (i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.
- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (3) The following uses may be allowed in wetlands and wetlands buffer zones when approved pursuant to the provisions in Commission Rule 350-110-560(5), and reviewed under the applicable provisions of Commission Rule 350-110-520 through 350-110-620:
- (a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:
- (A) Increase the size of an existing structure by more than 100 percent,
 - (B) Result in a loss of wetlands acreage or functions, or
- (C) Intrude further into a wetland or wetlands buffer zone. New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located to the wetland or wetlands buffer zone than the existing structure.
- (b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
- (c) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in

- this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- (4) Uses not listed in Commission Rule 350-110-560 (2) and (3) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to Commission Rule 350-110-560(6) and reviewed under the applicable provisions of Commission Rule 350-110-520 through 350-110-620.
- (5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:
- (a) Practicable alternatives to locating the structure outside of the wetlands or wetland buffer zone and/or minimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of the wetlands, existing contour, functions, vegetation, fish and wildlife resources, and hydrology;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal, state, and county laws.
- (6) Applications for all other Review Uses in wetlands shall demonstrate that:
- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:
- (A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands:
- (B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and
- (C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

- (b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:
 - (A) The extent of public need for the proposed use.
- (B) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.
- (C) The functions and size of the wetland that may be affected.

- (D) The economic value of the proposed use to the general area.
- (E) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.
- (c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.
- (f) The proposed use complies with all applicable federal, state, and county laws.
- (g) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.
- (h) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts.

The following wetlands restoration, creation, and enhancement guidelines shall apply:

- (A) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.
- (B) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.
- (C) Wetlands restoration, creation, and enhancement projects shall use native vegetation.
- (D) The size of replacement wetlands shall equal or exceed the following ratios (the first number specifies the required acreage of replacement wetlands and the second number specifies the acreage of wetlands altered or destroyed):

(i) Restoration: 2:1 (ii) Creation: 3:1 (iii) Enhancement: 4:1

- (E) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.
- (F) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this guideline is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.
- (G) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.
- (H) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

- (I) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.
 - (7) Wetlands Buffer Zones
- (a) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
- (b) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.
- (A) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.
- (B) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.
- (C) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.
- (c) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(A) Forest communities: 75 feet
(B) Shrub communities: 100 feet
(C) Herbaceous communities: 150 feet

- (d) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
 - (8) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands. They shall satisfy the following guidelines:

- (a) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
- (b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.
- (c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.
- (d) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final

grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

- (A) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.
- (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
- (C) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.
- (e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.
- (f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

350-110-570. General Management Area Stream, Pond, Lake and Riparian Area Review Criteria.

- (1) Stream, Pond, and Lake Boundaries and Site Plans for Review Uses in Aquatic and Riparian Areas
- (a) If a proposed use would be in a stream, pond, lake or their buffer zones, the project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation.
- (b) In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes, and their buffer zones shall include:
- (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;
- (B) the exact boundary of the ordinary high watermark or normal pool elevation and prescribed buffer zone; and
- (C) a description of actions that would alter or destroy he stream, pond, lake, or riparian area.
- (2) Uses allowed outright in streams, ponds, lakes, and heir buffer zones.
- (a) Commission Rule 350-110-670 shall not apply to proposed uses that would occur in those portions of the main stem of the Columbia River that adjoin the Urban Area.
- (b) The following uses are allowed in streams, ponds, akes, and their buffer zones without review, if they:
 - (A) Are conducted using best management practices;
- (B) Do not require structures, grading, draining, floodng, ditching, vegetation removal, or dredging beyond the extent specified below; and
- (C) Comply with all applicable federal, state, and county aws:
- (i) Fish and wildlife management uses conducted by ederal, state, or Indian tribal resource agencies.
- (ii) Soil, water, and vegetation conservation uses that protect water quality, natural drainage, and fish and wildlife nabitat of streams, ponds, lakes, and riparian areas.

- (iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.
- (iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.
- (v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation and shall require a review use permit. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.
- (vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
 - (vii) Commercial fishing and trapping.
 - (viii) Educational uses and scientific research.
- (ix) Navigation aids, including structures covered by Section 17 (a)(3) of the Scenic Area Act.
- (x) Forest practices that do not violate conditions of approval for other approved uses.
- (xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (3) The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant Commission Rule 350-110-570(5), and reviewed under the applicable provisions of Commission Rule 350-110-520 through 350-110-620:
- (a) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:
- (A) Increase the size of an existing structure by more than 100 percent,
- (B) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or
- (C) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.
- (b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
- (c) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- (4) Uses not listed in Commission Rule 350-110-570 (2) and (3) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to Commission Rule

[233] Miscellaneous

350-110-570(6) and reviewed under the applicable provisions of Commission Rule 350-110-520 through 350-110-620.

- (5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:
- (a) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;
- (b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;
- (c) The structure will be constructed using best management practices;
- (d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- (e) The structure complies with all applicable federal, state, and local laws.
- (6) Applications for all other Review Uses in wetlands shall demonstrate that:
- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by Commission Rule 350-110-560 (6)(a), substituting the term stream, pond, lake, or riparian area as appropriate.
- (b) The proposed use is in the public interest as determined by Commission Rule 350-110-560 (6)(b), substituting the term stream, pond, lake, or riparian area as appropriate.
- (c) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

At a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (A) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife, 1986). In Washington, the Washington Department of Wildlife and Washington Department of Fisheries shall evaluate specific proposals and specify periods for in-water work.
- (B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- (C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.
- (D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
- (E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.
- (F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when

riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

- (d) Groundwater and surface-water quality will not be degraded by the proposed use.
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
- (f) The proposed use complies with all applicable federal, state, and county laws.
- (g) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement guidelines shall apply:

- (A) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.
- (B) Natural hydrologic conditions shall be replicated including current patterns, circulation, velocity, volume, and normal water fluctuation.
- (C) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length cross-sectional profile, and gradient.
- (D) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- (E) Riparian areas shall be rehabilitated to their origina configuration, including slope and contour.
- (F) Fish and wildlife habitat features shall be replicated including pool-riffle ratios, substrata, and structures Structures include large woody debris and boulders.
- (G) Stream channels and banks, shorelines, and riparial areas shall be replanted with native plant species tha replicate the original vegetation community.
- (H) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffe zone has been altered or destroyed, or as soon thereafter a is practicable.
- (I) Three years after an aquatic area or buffer zone i rehabilitated or enhanced, at least 75 percent of the replace ment vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this guideline.
 - (7) Stream, Pond, and Lake Buffer Zones
- (a) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dambuffer zones shall be measured landward from the normat pool elevation of the Columbia River. The following buffer zone widths shall be required:
- (A) Streams used by anadromous or resident fis (tributary fish habitat), special streams, intermittent stream

that include year-round pools, and perennial streams: 100 feet

- (B) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet
- (C) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community as determined by Commission Rule 350-110-560 (7)(b), substituting the term pond or lake as appropriate.
- (b) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
- (c) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Development Review Officer may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Development Review Officer shall, at the project applicant's expense, obtain professional services to render a final delineation.
 - (8) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area. They shall satisfy the following guidelines:

- (a) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.
- (b) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.
- (c) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
- (A) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.
- (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
- (C) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.
- (d) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.
- (e) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

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

350-110-580. General Management Area Sensitive Wildlife Review Criteria.

- (1) Sensitive Wildlife Areas and Sites and Site Plans Near Sensitive Wildlife
- (a) Proposed uses shall not adversely affect sensitive wildlife areas or sensitive wildlife sites:
- (A) "Sensitive wildlife areas" in the Columbia Gorge means the following land and water areas that appear in the wildlife inventory map prepared and maintained by the Gorge Commission:

Bald eagle habitat

Deer and elk winter range

Elk habitat

Mountain goat habitat

Peregrine falcon habitat

Pika colony area

Pileated woodpecker habitat

Pine marten habitat

Shallow water fish habitat (Columbia R.)

Special streams

Special habitat area

Spotted owl habitat

Sturgeon spawning area

Tributary fish habitat

Turkey habitat

Waterfowl area

Western pond turtle habitat

- (B) "Sensitive wildlife sites" means sites that are used by animal species that are
- (i) listed as endangered or threatened pursuant to federal or state endangered species acts,
- (ii) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,
- (iii) listed as sensitive by the Oregon Fish and Wildlife Commission, or
- (iv) considered to be of special interest to the public (limited to great blue heron, osprey, golden eagle, and prairie falcon).
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- (2) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:
- (a) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.
- (b) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands

that have not been cultivated, or have lain idle, for more than 5 years.

- (c) Forest practices that do not violate conditions of approval for other approved uses.
- (d) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
- (e) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.
 - (3) Field Survey
- A field survey to identify sensitive wildlife areas or sites shall be required for:
 - (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
- (c) Public transportation facilities that are outside improved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

- (4) Uses not listed in Commission Rule 350-110-580(2) may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to Commission Rule 350-110-580(5) and reviewed under the applicable provisions of Commission Rule 350-110-520 through 350-110-620.
- (5) Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon Department of Fish and Wildlife or the Washington Department of Wildlife by the Development Review Officer. State wildlife biologists will review the site plan and their field survey records and:
- (A) Identify/verify the precise location of the wildlife area or site,
- (B) Ascertain whether the wildlife area or site is active or abandoned, and
- (C) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.
- (b) The following factors may be considered when site plans are reviewed:
 - (A) Biology of the affected wildlife species.
- (B) Published guidelines regarding the protection and management of the affected wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron. The Washington Department of Wildlife has prepared similar guidelines for a variety of species, including

- the western pond turtle, the pereguine falcon, and the Larch Mountain salamander (Rodrick and Milner, 1991).
- (C) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
- (D) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.
- (E) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.
- (c) The wildlife protection process may terminate if the Development Review Officer, in consultation with the state wildlife agency, determines:
 - (A) The sensitive wildlife area or site is not active, or
- (B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance
- (d) If the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Development Review Officer will incorporate them into the development review order and the wildlife protection process may conclude.
- (e) The project applicant shall prepare a wildlife management plan if the Development Review Officer, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.
- (f) The Development Review Officer shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record and address any written comments submitted by the state wildlife agency in the land use review order.

Based on the comments from the state wildlife agency, the Development Review Officer will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the Development Review Officer shall justify how the opposing conclusion was reached.

The Development Review Officer shall require the applicant to revise the wildlife management plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(6) Wildlife Management Plans

Wildlife management plans shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habita requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and

nitigates temporary impacts to the wildlife area or site nd/or buffer zone.

Wildlife management plans shall meet the following uidelines:

- (a) Wildlife management plans shall be prepared by a rofessional wildlife biologist hired by the project applicant.
- (b) All relevant background information shall be ocumented and considered, including biology of the ffected species, published protection and management uidelines, physical characteristics of the subject parcel, past nd present use of the subject parcel, and useful life of the vildlife area or site.
- (c) The core habitat of the sensitive wildlife species hall be delineated. It shall encompass the sensitive wildlife rea or site and the attributes, or key components, that are ssential to maintain the long-term use and integrity of the vildlife area or site.
- (d) A wildlife buffer zone shall be employed. It shall e wide enough to ensure that the core habitat is not dversely affected by new uses, or natural forces, such as ire and wind. Buffer zones shall be delineated on the site lan map and shall reflect the physical characteristics of the roject site and the biology of the affected species.
- (e) The size, scope, configuration, or density of new ses within the core habitat and the wildlife buffer zone shall e regulated to protect sensitive wildlife species. The timing nd duration of all uses shall also be regulated to ensure that ney do not occur during the time of the year when wildlife pecies are sensitive to disturbance. The following shall pply:
- (A) New uses shall generally be prohibited within the ore habitat. Exceptions may include uses that have tempoary and negligible effects, such as the installation of minor nderground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.
- (B) Intensive uses shall be generally prohibited in vildlife buffer zones. Such uses may be conditionally uthorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the vildlife buffer zone and rehabilitation and/or enhancement vill be completed before a particular species returns.
- (f) Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, t shall be rehabilitated to its natural condition to the naximum extent practicable. When complete rehabilitation s not possible, such as when new structures permanently isplace wildlife habitat, enhancement shall also be required. Inhancement shall achieve a no net loss of the integrity of ne wildlife area or site.

Rehabilitation and enhancement actions shall be docunented in the wildlife management plan and shall include a nap and text.

(g) The applicant shall prepare and implement a 3-year nonitoring plan when the affected wildlife area or site is ccupied by a species that is listed as endangered or threatned pursuant to federal or state wildlife lists. It shall nelude an annual report and shall track the status of the vildlife area or site and the success of rehabilitation and/or nhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement guidelines.

- (7) New fences in deer and elk winter range
- (a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.
- (b) New and replacement fences that are allowed in winter range shall comply with the guidelines in <u>Specifications for Structural Range Improvements</u> (Sanderson, et. al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:
- (A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
- (B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
- (C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
- (D) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
- (c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

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.

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.

350-110-590. General Management Areas Rare Plant Review Criteria.

- (1) Sensitive Plants and Site Plans for Review Uses Near Sensitive Plants
- (a) Proposed uses shall not adversely affect sensitive plants. "Sensitive plants" means plant species that are
 - (A) endemic to the Columbia River Gorge and vicinity,
- (B) listed as endangered or threatened pursuant to federal or state endangered species acts, or
- (C) listed as endangered, threatened, or sensitive by the Oregon or Washington Natural Heritage program.
- (b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

- (2) The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:
- (a) Low-intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming, and hiking. Regarding sensitive plants, horseback riding is not considered a low-intensity use.
- (b) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.
- (c) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.
- (d) Forest practices that do not violate conditions of approval for other approved uses.
- (e) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
 - (3) Field Survey

A field survey to identify sensitive plants shall be required for:

- (a) Land divisions that create four or more parcels;
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
- (c) Public transportation facilities that are outside improved rights-of-way;
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. Field surveys shall identify the precise location of the sensitive plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map.

- (4) Uses not listed in Commission Rule 350-110-590(2) may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to Commission Rule 350-110-590(5), and reviewed under the applicable provisions of Commission Rule 350-110-520 through 350-110-620.
- (5) Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:
- (a) Site plans shall be submitted to the Oregon or Washington Natural Heritage Program by the Development Review Officer. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with

- recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.
- (b) The rare plant protection process may conclude i the Development Review Officer, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone
- (c) New uses shall be prohibited within sensitive plan species buffer zones, except those listed in Commission Rule 350-110-590(2).
- (d) If a proposed use must be allowed within a sensitive plant buffer area in accordance with Commission Rule 350 110-150(7), the project applicant shall prepare a protection and rehabilitation plan pursuant to Commission Rule 350 110-590(6).
- (e) The Development Review Officer shall submit copy of all field surveys and protection and rehabilitation plans to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 day from the date that a field survey is mailed to submit written comments to the Development Review Officer.

The Development Review Officer shall record an address any written comments submitted by the Natura Heritage Program staff in the land use review order.

Based on the comments from the Natural Heritag. Program staff, the Development Review Officer will mak a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Development Review Officer shall justify how the opposing conclusion was reached.

(6) Protection and Rehabilitation Plans

Protection and rehabilitation plans shall minimize an offset unavoidable impacts that result from a new use the occurs within a sensitive plant buffer zone as the result of variance.

Protection and rehabilitation plans shall meet th following guidelines:

- (a) Protection and rehabilitation plans shall be prepare by a professional botanist or plant ecologist hired by th project applicant.
- (b) Construction, protection, and rehabilitation activitie shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, an replacement efforts will be maximized.
- (c) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable Replacement is used here to mean the establishment of particular plant species in areas of suitable habitat no affected by new uses. Replacement may be accomplished be seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plar site as practicable. The project applicant shall ensure that a least 75 percent of the replacement plants survive 3 year after the date they are planted.

- (d) Sensitive plants and their surrounding habitat the will not be altered or destroyed shall be protected an maintained. Appropriate protection and maintenanc techniques shall be applied, such as fencing, conservatio easements, livestock management, and noxious weed contro
- (e) Habitat of a sensitive plant that will be affected be temporary uses shall be rehabilitated to a natural condition

- (f) Protection efforts shall be implemented before instruction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.
- (g) Protection and rehabilitation plans shall include aps, photographs, and text. The text shall:
- (A) Describe the biology of sensitive plant species that ill be affected by a proposed use.
- (B) Explain the techniques that will be used to protect insitive plants and their surrounding habitat that will not be tered or destroyed.
- (C) Describe the rehabilitation and enhancement actions at will minimize and offset the impacts that will result om a proposed use.
- (D) Include a 3-year monitoring, maintenance, and placement program. The project applicant shall prepare id submit to the Development Review Officer an annual port that documents milestones, successes, problems, and ontingency actions.
 - (7) Sensitive Plant Buffer Zones
- (a) A 200-foot buffer zone shall be maintained around nsitive plants. Buffer areas shall remain in an undisturbed, itural condition.
- (b) Buffer zones may be reduced if a project applicant monstrates that intervening topography, vegetation, an-made features, or natural plant habitat boundaries gate the need for a 200 foot radius. Under no circumances shall the buffer zone be less than 25 feet.
- (c) Requests to reduce buffer areas shall be considered a professional botanist or plant ecologist hired by the oject applicant:
 - (A) Identifies the precise location of the sensitive plants,
 - (B) Describes the biology of the sensitive plants, and
- (C) Demonstrates that the proposed use will not have y negative effects, either direct or indirect, on the affected ants and the surrounding habitat that is vital to their ng-term survival.

All requests shall be prepared as a written report. iblished literature regarding the biology of the affected ants and recommendations regarding their protection and anagement shall be cited. The report shall include detailed aps and photographs.

(d) The Development Review Officer shall submit all quests to reduce sensitive plant species buffer areas to the regon or Washington Natural Heritage Program. The atural Heritage Program staff will have 20 days from the te that such a request is mailed to submit written coments to the Development Review Officer.

The Development Review Officer shall record and dress any written comments submitted by the Oregon or ashington Natural Heritage Program in the development view order.

Based on the comments from the Oregon or Washington tural Heritage Program, the Development Review Officer II make a final decision on whether the reduced buffer as is justified. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the evelopment Review Officer shall justify how the opposing nclusion was reached.

350-110-600. Special Management Areas Natural Resource Review Criteria.

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation of destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the natural resource site evaluation and project analysis and evaluation for new uses and developments, except those sponsored by non-Forest Service federal and state agencies.

- (1) Buffer zones shall be undisturbed unless it has been shown that no practicable alternatives exist, pursuant to Commission Rule 350-110-560 (6(a)(A) through (C), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan that no adverse effects would result.
- (2) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection guidelines:
- (a) Location of the following sites and areas. The Forest Service will provide this information to the applicant.
- (A) Sites of sensitive wildlife and sensitive plant species.
- (B) Location of riparian and wetland areas. The exact location of the wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989). Changes to this manual shall not apply to wetlands in the Special Management Area unless the Management Plan has been amended.
- (b) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife or Washington Department of Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Development Review Officer.
 - (4) Review of the site plan shall consider the following:
- (a) Biology and habitat requirements of the flora or fauna of concern.
- (b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.
- (c) Existing condition of the site and the surrounding habitat and the useful life of the site.
- (d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.
- (e) Minimum natural resource protection guidelines including buffer zones.
- (f) Closure of forest practice roads necessary to protect natural resources.
 - (g) Comments from state and federal agencies.
- (5) Minimum natural resource protection guidelines include:
 - (a) Sites of sensitive wildlife and sensitive plan species.
- (A) A 200-foot buffer zone shall be created for sensitive plant species.
- (B) A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by

species requirements shall be as determined by a Forest Service biologist in consultation with other state or federal agency biologists.

- (b) Riparian areas, wetlands, parks, and lakes.
- (A) Wetlands shall not be destroyed except within roads and railroad rights-of-way as provided in guideline 6. Riparian areas shall not be destroyed, except for water-dependent uses, such as boat ramps, and road construction and reconstruction. The above-stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.
- (B) Adding any fill or draining of wetlands is prohibited.
- (C) A minimum 200-foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;
- (D) A 200 foot buffer zone shall be created along each fish-bearing and perennial stream.
- (E) A 50-foot buffer zone shall be created along intermittent streams.
- (F) Revegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.
- (G) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all the following:
- (i) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way;
 - (ii) The wetland is not critical habitat; and
- (iii) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.
 - (c) Fish and wildlife habitat:
- (A) Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.
- (B) New developments and uses shall not interfere with fish passage.
- (C) Filling of shallow-water fishery habitat shall be allowed only after an analysis shows that no other practicable sites exist. Filling shall only be considered for water-dependent uses, and mitigation shall be required.
- (D) New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Dept. of Fish and Wildlife 1986).
- (E) In areas of big game winter range, adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.
 - (F) Forest practices shall maintain the following:
- (i) Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife

trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.

In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16-inch diameter at breast height (dbh) or greater, preferably with limbs down to the ground, shall be maintained.

- (ii) Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area
- (iii) Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.
 - (d) Bio-diversity.
- (A) New uses shall avoid disturbance to old-growth forests.
- (B) Forest practices shall maintain species composition at existing proportions in the activity area.
- (C) Forest practices in areas with existing oak species shall maintain a minimum of 25 square feet basal area pe acre of oak in areas with predominantly oak trees of 1-foo dbh or more, or maintain a minimum forty percent oal canopy cover per 40 acres in which 10 trees per acre mus be of the largest tree size, in areas with predominantly oal trees less than 1-foot dbh. No area greater than 10 acres it size and supporting existing oak species shall be devoid o oak trees.
- (D) A mix in age and size of hardwoods shall be maintained to provide vertical diversity and replacement.
- (E) For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.
 - (e) Soil productivity.
- (A) New developments and land uses shall control al soil movement within the area shown on the site plan.
- (B) The soil area disturbed by new development or lanuses shall not exceed 15 percent of the project area.
- (C) Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other sois stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.
 - (D) Forest practices shall maintain the following:
- (i) Soil organic matter shall be provided at a minimur of 15 tons per acre and 25 tons per acre of dead and dow woody material in the east and west side vegetation communities, respectively.
- (ii) Potential ground disturbance activities shall b designed to minimize disturbance to the soil organic horizor
 - (f) Air and water quality.
- (A) Streambank and shoreline stability shall be mair tained or restored with natural revegetation.
- (B) All new developments shall be carried out t comply with state water quality requirements.
- (C) County, state, and federal regulations for air an water quality and for pesticide use shall be followed.
- (D) Existing levels of air visibility shall not be degrac ed.
- (g) The applicant shall develop a natural resourc mitigation plan for all new developments or uses propose within a buffer zone. The applicant's mitigation plan shal
 - (A) Include existing natural and cultural features.

Miscellaneous [240]

- (B) Include proposed actions within and adjacent to the buffer zone.
- (C) Include mitigation measures as necessary to comply with the minimum natural resource protection guidelines and protect natural resources from adverse effects.
- (D) Be prepared by a natural resource specialist as defined.
- (E) Demonstrate mitigation measures that would offset the adverse effects of the proposed new use or developments and that would ensure protection, long-term viability, and function of the resource being protected by the buffer zone.
- (F) Be reviewed to ensure the proposed mitigation measures are adequate and comply with minimum natural resource protection guidelines. The mitigation plan shall be reviewed by the Forest Service in consultation with appropriate state or federal agencies, and reviewed and approved by the Development Review Officer.

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

<u>350-110-610.</u> General Management Areas Recreation Resource Review Criteria.

The following uses may be allowed, subject to compliince with Commission Rule 350-110-610 (5) and (6).

- (1) Recreation Intensity Class 1 Very Low Intensity
- (a) Parking areas for a maximum of 10 cars for any allowed uses in Recreation Intensity Class 1.
 - (b) Trails for hiking, equestrian and mountain biking e.
 - (c) Pathways for pedestrian and bicycling use.
- (d) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian ise).
 - (e) Scenic viewpoints and overlooks.
 - (f) Wildlife/botanical viewing and nature study areas.
 - (g) River access areas.
- (h) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.
- (i) Entry name signs not to exceed 10 square feet per ign.
 - (j) Boat docks, piers or wharfs.
 - (k) Picnic areas.
 - (l) Rest-rooms/comfort facilities.
 - (2) Recreation Intensity Class 2 Low Intensity
 - (a) All uses permitted in Recreation Intensity Class 1.
- (b) Parking areas for a maximum of 25 cars, including paces for campground units, to serve any allowed uses in tecreation Intensity Class 2.
- (c) Simple interpretive signs and displays, not to exceed total of 100 square feet.
- (d) Entry name signs not to exceed 20 square feet per ign.
 - (e) Boat ramps, not to exceed two lanes.
 - (f) Campgrounds for 20 units or less, tent sites only.
 - (3) Recreation Intensity Class 3 Moderate Intensity
- (a) All uses permitted in Recreation Intensity Classes 1 nd 2.

- (b) Parking areas for a maximum of 75 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 3.
 - (c) Interpretive signs, displays and/or facilities.
- (d) Visitor information and environmental education signs, displays or facilities.
- (e) Entry name signs not to exceed 32 square feet per sign.
 - (f) Boat ramps, not to exceed three lanes.
- (g) Concessions stands, pursuant to applicable policies in Chapter 4, Part I of the Management Plan.
- (h) Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.
 - (4) Recreation Intensity Class 4 High Intensity
- (a) All uses permitted in Recreation Intensity Classes 1, 2, and 3.
- (b) Parking areas for a maximum of 250 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 4.
 - (c) Horseback riding stables and associated facilities.
- (d) Entry name signs, not to exceed 40 square feet per sign.
 - (e) Boat ramps.
- (f) Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.
 - (5) Approval Criteria for Recreation Uses
- All proposed recreation projects outside of Public Recreation or Commercial Recreation land use designations shall comply with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-110-520 through 350-110-620) and shall satisfy the following:
- (a) Compliance with Commission Rule 350-110-520 through 610.
- (b) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" guideline for the landscape setting in which the use is located.
- (c) For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland:
- (A) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.
- (B) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm

practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland.

(d) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the county fire marshall) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

- (e) Trail or trailhead projects shall comply with applicable trails policies in the Management Plan.
- (f) For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan.
- (g) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with guidelines for protection of tribal treaty rights in Part IV, Chapter 3, Indian Tribal Treaty Rights and Consultation in the Management Plan.
- (h) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(i) For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access):

A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

- (6) Facility Design Guidelines for All Recreation Projects
- (a) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.
- (b) The facility design guidelines contained herein are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is consid-

ered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

- (c) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.
- (d) Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.
- (e) Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.
- (f) Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.
- (g) Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.
- (h) Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
- (i) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.
- (j) Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Development Review Officer may allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.
- (k) A majority of trees, shrubs and other plants in landscaped areas shall be species native or naturalized to the landscape setting in which they occur (landscape setting design guidelines specify lists of appropriate species).
- (I) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.
- (m) Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.

- (n) Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.
- (o) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in neight shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, and scaping shall include appropriate shrubs, groundcover and other plant materials.
- (p) Minimum required perimeter landscape buffer widths or parking areas or campgrounds may be reduced by as nuch as 50 percent, at the discretion of the Development Review Officer, if existing vegetation stands and/or existing opography are utilized such that the development is not risible from any Key Viewing Area.
- (q) Grading or soil compaction within the drip line of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
- (r) All parking areas and campsites shall be set back rom Scenic Travel Corridors, and the Columbia River and ts major tributaries at least 100 feet. Required perimeter andscaped buffers may be included when calculating such tetbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavenents.
- (s) Project applicants shall utilize measures and equipnent necessary for the proper maintenance and survival of ill vegetation utilized to meet the landscape guidelines ontained herein, and shall be responsible for such maintenance and survival.
- (t) All parking areas shall be set back from property oundaries by at least 50 feet. All campsites and associated acilities shall be set back from property boundaries by at east 100 feet.
- (u) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified Recreation ntensity Class 4 (except for proposals predominantly levoted to boat access) shall comply with Commission Rule 50-110-610 (5)(i) regarding provision of mass transportation ccess.

<u>350-110-620.</u> Special Management Area Recreation lesource Review Criteria.

- (1) The following shall apply to all new recreation levelopments and land uses in the Special Management Area:
- (a) New developments and land uses shall not displace xisting recreational use.
- (b) Only natural resource-based recreation shall be llowed.
- (c) Recreation resources shall be protected from adverse ffects by evaluating new developments and land uses as

- proposed in the site plan. An analysis of both on and off site cumulative effects shall be required.
- (d) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
- (e) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
- (f) The facility guidelines contained in Commission Rule 350-110-620(1) are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).
- (g) New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.
- (h) The Development Review Officer may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that:
- (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.
- (B) The proposed use is dependent on resources present at the site.
- (C) Reasonable alternative sites, including those in Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (D) The proposed use is consistent with the goals, objectives, and policies in Chapter 4, Part I of the Management Plan.
- (E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
- (F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
- (G) Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreation Intensity Class 4.
- (i) Accommodations of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Class 3 and 4) day-use recreation sites, except for sites predominantly devoted to boat access.
- (2) Special Management Areas Recreation Intensity Class Guidelines
- (a) Recreation Intensity Class 1 Very Low Intensity Emphasis is to provide opportunities for semi-primitive recreation opportunities.
- (A) Permitted uses are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.

- (B) The maximum site design capacity shall not exceed 35 people at one time on the site. The maximum design capacity for parking areas shall be 10 vehicles.
 - (C) The following uses may be permitted:
 - (i) Trails and trailheads.
 - (ii) Parking areas.
 - (iii) Dispersed campsites accessible only by a trail.
 - (iv) Viewpoints and overlooks.
 - (v) Picnic areas.
 - (vi) Signs.
 - (vii) Interpretive exhibits and displays.
 - (viii) Rest-rooms.
 - (b) Recreation Intensity Class 2 Low Intensity

Emphasis is to provide semi-primitive recreation opportunities.

- (A) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.
- (B) The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.
- (C) All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2. The following uses may also be permitted:
 - (i) Campground with vehicle access.
- (ii) Boat anchorages designed for no more than 10 boats at one time.
 - (iii) Swimming areas.
 - (c) Recreation Intensity Class 3 Moderate Intensity

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

- (A) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.
- (B) Maximum site design capacity shall not exceed 250 people at on the site. The maximum design capacity shall be 50 vehicles. The General Management vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.
- (C) All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The following uses may also be permitted:
- (i) Campgrounds improvement may include water, power, sewer, and sewage dump stations.
- (ii) Boat anchorages designed for not more than 15 boats.
- (iii) Public visitor, interpretive, historic, and environmental education facilities.
 - (iv) Full service rest-rooms, may include showers.
 - (v) Boat ramps.
 - (vi) Riding stables.
 - (d) Recreation Intensity Class 4 High Intensity

Emphasis is for providing road natural, rural, and suburban recreation opportunities with a high level of social interaction

(A) Permitted uses are those in which people can participate in activities to realize experiences such as

socialization, cultural and natural history appreciation, and physical activity.

- (B) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The General Management Area vehicle capacity of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.
- (C) All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4.

[244]

350-110-630.

NOTICE OF APPLICATION REQUIREMENTS

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
GENERAL MANAGEMENT AREA								
Residential LUD - Review uses except SFDs located adjacent to Agriculture & Forest LUDs, and those uses within 1000' of a sensitive wildlife area or site, or a rare plant	Х	X	Х	х	Х			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	Х	Х	Х	x		Х		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	Х	Х	Х	х	Х		Х	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	Х	Х	X	Х		Х	Х	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	Х	Х	х	х	X			х
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	Х	Х	х	Х		X		Х

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Agriculture LUD - Review uses except non-farm SFD in Large-Scale Agriculture LUD and uses within 1000' of sensitive wildlife area or site, or rare plant	Х	Х	X	Х	Х			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	Х	X	X	Х	Х		Х	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large- Scale Agriculture LUD	X	Х	Х	Х	Χ .			Х
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	X	Х	Х	х		Х		
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of sensitive wildlife area or site	Х	Х	Х	· X		Х	Χ .	
Agriculture LUD - Non-farm SFD in Large- Scale Agriculture within 1000' of rare plant	Х	Х	Х	Х		Х		Х

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD - Review uses except utility facilities, railroads, home occupations, cottage industries, wineries, ag. product process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and those review uses within 1000' feet of a sensitive wildlife area or site, or rare plant	х	х	х	х	X	·		
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and not within 1000' feet of a sensitive wildlife area or site, or rare plant	X	X	X	х		Х		
Forest LUD - Review uses within 1000' of a sensitive wildlife area or site, except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	Х	X	х	х	х		Х	

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD - Review uses within 1000' of a rare plant except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	x	х	×	х	х			X
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a sensitive wildlife area or site	х	х	х	х		Х	x	
Forest LUD - Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities within 1000' of a rare plant	Х	X	Х	Х		Х		х
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	х	Х	х	Х	х			

Miscellaneous [246]

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Commercial LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	Х	х	х	х		х	
Commercial LUD - Review uses within 1000' of a rare plant	х	Х	Х	Х	х			Х
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	х	х	Х	Х			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	х	х	Х	Х	Х		Х	
Recreation LUD - Review uses within 1000' of a rare plant	х	Х	х	х	Х			Х
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	Х	Х	х	Х	Х			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	Х	х	Х	Х	X		Х	
Open Space LUD - Review uses within 1000' of a rare plant	х	Х	Х	х	x			Х
Agriculture-Special LUD - Review uses	Х	Х	Х	х	х			x
SPECIAL MANAGEMENT AREAS								l
Review Uses - All LUDs	Х	Х	X	Х	Х		х	

WSR 93-11-023 EMERGENCY RULES COLUMBIA RIVER GORGE COMMISSION

[Filed May 6, 1993, 10:55 a.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

CERTIFICATE AND ORDER FOR FILING TEMPORARY ADMINISTRATIVE RULES WITH THE OFFICE OF THE CODE REVISER

I HEREBY CERTIFY that the copies shown below are a true, full and correct copy of temporary rule(s) adopted on April 13, 1993, by the Columbia River Gorge Commission to become effective June 1, 1993, through October 31, 1993.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premis-

NOW THEREFORE, IT IS HEREBY ORDERED that the following action be taken: Adopting 350-110, 350-100, 350-90, and 350-80 as administrative rules of the Columbia River Gorge Commission.

DATED this 28th day of April, 1993.

Jonathan Doherty
Executive Director

Statutory Authority: RCW 43.97.015, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

FINDINGS FOR EMERGENCY RULE ADOPTION OF GORGE COMMISSION ORDINANCES - 350-80, 350-90, 350-100, AND 350-110

Summary of Rules: The rules set forth land use ordinances to implement the Columbia River Gorge National Scenic Area Management Plan in Klickitat County and Clark County, Washington and Wasco County and Hood River County, Oregon.

Statement of Need: The National Scenic Area Act requires the commission to adopt land use ordinances in gorge counties that have not met the act's requirement and schedule for adopting county land use ordinances; the public needs a detailed process for proceeding with land use applications under the Columbia River Gorge National Scenic Area Management Plan; and emergency adoption is necessary because it is inconsistent with the public interest to defer action to implement the act with land use ordinances and, further notice and an opportunity to comment will take

[247] Miscellaneous

place as the traditional rulemaking process continues at the same time. This action balances the necessity for implementing the act and allowing for further public comment.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, and general welfare, and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Statutory Authority: Authority to adopt the rules as proposed drives from the Scenic Area Act (16 U.S.C. § 544 et seq.) and the Columbia River Compact, Article I, Section a(4)(g), at ORS 196.150 and RCW 43.97.015. The proposed rules are necessary as a result of federal law, 16 U.S.C. § 544 et seq. as well as state law.

Documents Relied Upon: The Columbia River Gorge National Scenic Area Management Plan and the National Scenic Area Act. The documents are available at the commission office.

Statement of Anticipated Effects: This rule will implement the Management Plan for the Columbia River Gorge National Scenic Area Act through a land use ordinance as required by the National Scenic Area Act. The rule is derived directly from the Management Plan. It includes guidelines for allowable land uses, provisions for protecting scenic, natural, cultural and recreational resources, and procedural requirements for making land use applications. These rules will have the effect of governing land uses within the "general management area" and "special management areas" of the Columbia River Gorge National Scenic Area. Any proposed development project on lands within these areas will be subject to the rule when making a land use application.

Fiscal Impact:

I. Background

Commission Rule 350-16-004 requires that the commission prepare: "A statement of fiscal impact identifying the state agencies, units of local government, and the public which may be economically affected by the adoption, amendment, or repeal of [a] rule and an estimate of that economic impact on state agencies, units or local government, and the public. In considering the economic effect of the proposed action on the public, the [commission] shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance on small businesses affected."

The proposed rule implements the Management Plan for the Columbia River Gorge National Scenic Area which was adopted by the Columbia River Gorge Commission in October 1991 and concurred with by the Secretary of Agriculture in February 1992. The Management Plan was written pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.R. [U.S.C.] § 544 et seq. (Public Law 99-663).

The act further requires that the gorge commission adopt land use ordinances for those counties which do not adopt their own. These proposed rules will implement the Management Plan in four of the six gorge counties; the other two counties have adopted their own land use ordinances which will implement the Management Plan.

The act identifies two purposes: To establish a national Scenic Area to protect and provide for the enhancement of the scenic, cultural, recreation, and natural resources of the

Columbia River Gorge; and to protect and support the economy of the Columbia Gorge area by encouraging growth to occur in existing Urban Areas and by allowing future economic development in a manner that is consistent with paragraph 1.

The regulations of the act apply to only 90% of the land area in the Scenic Area (the General Management Areas and Special Management Areas). Urban Areas, which make up the remaining 10% of the land area, are exempt from the regulations of the act. Urban Areas are the cities, towns, and communities where there is significant residential, commercial, or industrial development and extensive supporting infrastructure; the majority of the population and economic activity in the Scenic Area is found in Urban Areas. Thus the proposed rules will affect only a small portion of the residents and businesses in the Scenic Area.

II. Enhancement of the Overall Economy

Implementing the Management Plan will protect and enhance the overall economy of the Scenic Area in many ways:

Utilizing the over \$32 million in federal funding which was authorized in the Scenic Act for recreation and economic development.

Increasing tourism by protecting the scenic, natural, and cultural resources, and enhancing recreational opportunities.

Protecting agricultural and forest land for continued agriculture and forest management, two of the regions principal industries.

Enhancing the economic viability of gorge communities by encouraging economic growth in Urban Areas and Rural Centers.

Economic Development Monies. Congress authorized over \$32 million in federal monies for recreation and economic development. The authorizations are as follows:

\$10 million for recreation development

\$5 million for an Oregon interpretive center

\$5 million for a Washington conference center

\$2.8 million to restore the Historic Columbia River

\$5 million each to Oregon and Washington for the purpose of making economic development loans and grants

Increasing Tourism. In 1987, approximately 3.8 million nonresident visitors traveled through and/or participated in recreation activities in the Scenic Area. Total 1987 nonresident visitor expenditures were estimated to be approximately \$61.8 million. (Economics Research Associates, 1988)

Grant funds will be given over several years to promote the Scenic Area and a number of major developments are currently underway or being planned. These include the new Skamania Lodge in Stevenson, Washington, and the proposed Discovery Center near The Dalles, Oregon. Constructing and operating these new facilities provides many new jobs for Scenic Area residents.

For example, over a ten year period, Skamania Lodge is expected to generate approximately 235 jobs with an annual payroll over \$3.9 million. In related services, the lodge is expected to generate 460 jobs and annual expenditures of \$25 million.

Additional recreation development is allowed on virtually all land in the Scenic Area. Expanding recreational opportunities was recommended in Economic Opportunities

Study for the Columbia River Gorge (Economics Research Associates, 1988).

Protecting Resource Land. The gorge has a long history of land-based industries. Extensive agriculture and forest management operations remain in the Scenic Area. Approximately 140,000 acres (nearly one-half) of the Scenic Area is designated either agriculture or forest land. In 1987, the total forest industry employment was over 4,000 with a total payroll of approximately \$100 million. (Economics Research Associates from industry, 1988)

By limiting further fragmentation of this resource land for residential uses, the Management Plan encourages the retention of these resource-based jobs and supports an existing strong industry. Protecting resource land was recommended in Economic Opportunities Study for the Columbia River Gorge (Economics Research Associates, 1988).

Enhancing the economic viability of gorge communities. The Management Plan encourages growth to occur in Urban Areas and rural centers. By limiting commercial and other urban-related activities in more rural areas, the need to expand infrastructure to remote locations is reduced, and existing infrastructure is used more efficiently. As communities spend less money extending urban services, they will be better able to support business development and expansion in areas where urban services already exist. Some commercial development which is less reliant on urban services is allowed outside of Urban Areas. Limiting major infrastructure investment was recommended in Economic Opportunities Study for the Columbia River Gorge (Economics Research Associates, 1988).

III. Effects on State Agencies and Local Government

The Scenic Act envisions a partnership between federal, state, and local agencies and the gorge commission. Together the expertise of each agency will achieve the purposes of he act. The planning process used to develop the Managenent Plan allowed each agency to clarify its own role. While it is not possible to quantify to [the] economic effects o each agency, below is a discussion of possible effects.

State Agencies. A number of state agencies, such as ish and Wildlife, Archaeology and Historic Preservation, and Transportation have important roles in the proposed ules. These agencies are given an opportunity to comment on proposed development projects. In most cases, comments rom these agencies will not be required.

These agencies have already transferred enough infornation to the gorge commission so that the commission staff nay evaluate potential impacts. Thus the commission is dready doing much of the work that these agencies might do hemselves.

It is not expected that the roles of these agencies will lifter from their current roles. Currently, these agencies are given an opportunity to comment on proposed development projects, and additional information is often sent.

County Governments. There are six counties in the scenic Area; however, the proposed rules will apply to only our of the six counties. Possible economic effects on these ounties is not expected to differ from the current situation. Although the gorge commission will continue to make land se permitting decisions, counties will continue to be an important part of the land use decision process. This has ome economic effects.

The burden of administering the proposed rule, including staff time and mailing costs, will still lie with the gorge commission. And counties will not [be] liable for any costs related to implementing the land use decisions made by the gorge commission. A potential benefit to counties is the opportunity to adopt the ordinances written by the gorge commission. This will help defray the costs of writing ordinances themselves.

The only additional economic cost to counties will be not having access to the federal recreation and economic development monies. Only when these counties adopt their own land use ordinances, and those ordinances are found to be consistent with the Management Plan, are these counties and the Urban Areas within the counties become eligible for the federal economic and recreation development funds authorized in the act.

Columbia River Gorge Commission. The gorge commission will continue to make land use decisions on proposed development projects in these four counties. The decision-making process is expected to remain much the same as the current process, except that additional time will be necessary to collect all the necessary information to make a full decision. The gorge commission will be assisted by many other agencies such as state natural resource and archaeological agencies, the U.S. Forest Service, and Native American Tribal Governments.

Administration of the land use ordinances by the gorge commission will also limit the time that the gorge commission can spend on implementing recreation and economic development projects and lobbying for additional funds.

Native American Tribal Governments. Native American Tribal Governments will be consulted under the proposed rules and will have the opportunity to review and comment on proposed new uses on lands or in waters where cultural resources exist and where tribal members exercise treaty or other rights. The tribal governments have a similar role now and would have the same role even if the counties adopted their own ordinances.

IV. Effects on the Public and Small Businesses

Landowners and the public. Implementing the Management Plan will immediately institute uniformity in regulations, predictability in decision-making, and simplification of the decision process. These are positive effects of the proposed rules. Landowners will have a much better understanding of the value of their land without the uncertainty of the development guidelines currently in effect. Many landowners or potential buyers have submitted land use development applications just to find out what they could potentially build on the land. The proposed rules will eliminate many of the current costly delays and unanticipated decisions.

Additional information prior to submittal of a land use application will be required. This however, follows the "Go slow to go fast" adage. Currently, most of the land use approvals require the applicant to return to the commission with color samples, refined site plans, and other information before construction begins. The new rules require this information up-front, thus when an approval is issued, in most cases, the applicant may proceed without further approvals from the gorge commission.

In addition, the proposed rules bring many resource protection laws under the same umbrella. The rules defer to

some existing laws and mimics provisions of others. Completing the development review process in the new rules will assist landowners in meeting the needs of other natural resource agencies.

Potential economic costs to landowners include a somewhat longer decision-making process under the proposed rules, and some additional information requirements for major development projects. The proposed rule will increase the development review time from six weeks to ten weeks, and require more detail before an application will be accepted.

The gorge commission, in preparing the development guidelines for the General Management Area, was careful to ensure that a viable economic use was left on each individual parcel. In the Special Management Area, where some commercial-scale forest land was designated as open space, the forest service will buy the land within three years, or the land will revert to a nonrestrictive General Management Area designation. In the general management, forest practices are exempt from the regulations of the Management Plan, and thus exempt from these proposed rules.

Because the procedural and substantive development guidelines are given in the Management Plan, these economic effects are not unique to these proposed rules; they will be the same when the counties adopt their own land use ordinances.

Small Businesses. As mentioned above, the majority of the commercial and industrial activity in the Scenic Area occurs in the Urban Areas which are exempt from the regulations of the Management Plan and thus the proposed rules as well. The proposed rules will not change the current or future operation of these activities.

The proposed rules will not have an economic effect on small businesses. Existing businesses are grandfathered and will not require new use permits. The most significant economic effect will come when the counties adopt their own land use ordinances, thus making the federal monies available for grants and loans.

V. Conclusion

While it is not possible to quantify the economic effects of the proposed rules, the greatest economic effect will be when benefits the counties receive when they adopt their own land use ordinances. Any new administrative costs will be generally absorbed by the gorge commission and not other agencies or the public.

Reviser's note: The rules relating to chapters 350-80, 350-90, 350-100, and 350-110 were both proposed for permanent adoption and adopted as emergency rules. Due to the length of the rules, and the fact that they are identical in both their proposed and emergency versions, they are displayed in the Register only once, under WSR 93-11-022 shown above.

WSR 93-13-003 NOTICE OF PUBLIC MEETINGS BOARD FOR VOLUNTEER FIREFIGHTERS

[Memorandum-June 2, 1993]

The July meeting of the State Board for Volunteer Firefighters has been rescheduled. The meeting will take place at 9:00 a.m. on July 16, 1992 [1993], in Suite 207 of

the Olympia Forum Building, 601 11th Avenue S.E., not on July 23 as had been previously planned.

WSR 93-13-010 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMUNITY DEVELOPMENT

[Memorandum-June 1, 1993]

The Washington State Department of Community Development plans to hold a public hearing on the proposed 1993-1994 state plan for the low-income home energy assistance program (LIHEAP).

The hearing will be held Thursday, July 22, 1993, at the Olympia Center, 222 North Columbia, Room 200, Olympia, WA 98501. The hearing will begin at 10:00 a.m. and close at 12:00 p.m. unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., July 22, 1993. Written testimony should be sent to the attention of Bruce Yasutake, Energy Services Section, Department of Community Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

If you have any questions or need additional information, please contact Bruce Yasutake at (206) 586-0498 or SCAN 321-0498.

WSR 93-13-016 NOTICE OF PUBLIC MEETINGS BOARD FOR VOLUNTEER FIREFIGHTERS

[Memorandum-June 7, 1993]

The July meeting of the State Board for Volunteer Firefighters has been rescheduled again. The meeting will take place at 9:00 a.m. on August 6, 1993, in Suite 207 of the Olympia Forum Building, 601 11th Avenue S.E., not or July 16 or 23 as had been previously planned.

WSR 93-13-017 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Risk Management) [Memorandum—June 4, 1993]

The Retro Advisory Group Meeting scheduled for June 10 1993, has been rescheduled as follows: July 29, 1993, 10:00 a.m. to 12:00 noon, 2420 Bristol Court, 2nd Floor, park of Evergreen Parkway or in any space marked "GEN" in parking lot. Shuttle service is available; get off shuttle a Bristol Court stop.

WSR 93-13-031 NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum-June 9, 1993]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, June 16, 1993, at 1:30 p.m. in Room 203 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 93-13-032 NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum-June 11, 1993]

Board of Trustees Meeting June 15, 1993 SKB 103 (2:00 - 7:15)

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 93-13-033 NOTICE OF PUBLIC MEETINGS WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum-June 8, 1993]

SPECIAL MEETING NOTICE

WASHINGTON STATE
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
JUNE 29, 1993

12:30 - 2:00 p.m., Skoal Room, Main Floor/Carvery, SeaTac Airport, Seattle, Washington, the Planning and Coordination Committee of the Workforce Training and Education Coordinating Board will meet to continue discussions and make recommendations on the distribution of Carl Perkins Vocational Education leadership funds.

2:00 - 5:00 p.m., Small Auditorium, Mezzanine Level, SeaTac Airport, Seattle, Washington, a special meeting of the Workforce Coordinating Board will convene at 2:00 p.m. in the small auditorium at SeaTac. The board will meet to discuss and take action on Carl Perkins Vocational Education leadership funds and the workforce priorities that should apply to the ESHB 1988 funding available to colleges for the delivery of basic skills training, vocational education training, and related supportive services for eligible unemployed Washington residents.

WSR 93-13-040 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF AGRICULTURE DEPARTMENT OF ECOLOGY DEPARTMENT OF HEALTH

[Memorandum—June 14, 1993, 2:11 p.m.]

NOTICE OF PUBLIC HEARING WASHINGTON STATE AND ENVIRONMENTAL PROTECTION AGENCY AGREEMENT

The Washington State Departments of Ecology, Health, and Agriculture and the U.S. Environmental Protection Agency (EPA) are requesting public review and comment on proposed environmental programs prior to submittal of annual state grant applications to EPA for state fiscal years 1994 and 1995 (July 1, 1993 - June 30, 1995).

This state/environmental protection agency agreement (SEA) addresses environmental problems that have been identified as priorities by both levels of government. It identifies planned state activities in the areas of air quality, water quality, drinking water, hazardous waste, and pesticides that are proposed for federal grant support. The grants require state matching funds. The activities will be carried out by state employees with federal technical assistance.

The draft SEA document will be available to the public after June 22, 1993, at Ecology Headquarters (Lacey), Ecology Regional Offices (Tumwater, Bellevue, Yakima, and Spokane), Health Headquarters (Tumwater), Agriculture Headquarters (Olympia), and EPA offices (Seattle and Lacey).

A public hearing will be held to receive comments on the draft SEA. Written comments will also be accepted until July 29, 1993.

Public Hearing: July 22, 1993, at 7:00 p.m., Lacey Timberland Library, 500 College Street S.E., Lacey, WA.

Requests for the draft SEA and written comments should be addressed to: Dee Peace Ragsdale, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (206) 459-6280.

WSR 93-13-041 NOTICE OF PUBLIC MEETINGS TRANSPORTATION COMMISSION

[Memorandum-June 10, 1993]

The July 1993 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, July 14, and 9:00 a.m. on Thursday, July 15, 1993, in the Fidalgo Elementary School Gymnasium, 1360 Gibralter Road, Anacortes, WA. There will be subcommittee meetings at 9:00 a.m., Wednesday, July 14, in the Cafeteria and Gymnasium of Fidalgo Elementary School.

The August 1993 Washington State Transportation Commission meeting will be held at 1:00 p.m. on Wednesday, August 18, and 9:00 a.m. on Thursday, August 19, 1993, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings at 9:00 a.m., Wednesday, August 18, in the

Transportation Building, Rooms 1D2 and 1D22, Olympia, Washington.

WSR 93-13-042 NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES

[Memorandum-June 7, 1993]

The location of the July 6, 1993, board of trustees meeting has been changed from North Seattle Community College to the Siegal Center, 1500 Harvard.

North Seattle will host the October 5, 1993, board meeting.

WSR 93-13-043 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ECOLOGY

[Memorandum-June 4, 1993]

The state of Washington intends to request that the Environmental Protection Agency (EPA) redesignate Tacoma from "unclassifiable" to "attainment" for sulfur dioxide (SO₂). This redesignation request will be submitted on or after August 9, 1993, in accordance with Section 107 (d)(3)(D) of the Federal Clean Air Act.

In 1978, EPA designated in area of Tacoma extending approximately 3 1/2 miles almost due south from the ASARCO copper smelter as "nonattainment" for SO₂. In 1979, based on a stipulated agreement between EPA and ASARCO entered in the Ninth Circuit Court of Appeals, EPA redesignated Tacoma from "nonattainment" to "unclassifiable" for SO₂. The ASARCO smelter ceased operation in March 1984, and there have been no violations of the SO₂ standards since it closed. No bankable emission reduction credits were issued or requested due to the closure, and the 180-day period for requesting emission reduction credits has lapsed.

For further information or to comment on the proposed action, contact: Dan Clarkson, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (206) 459-6252 (SCAN 585-6252).

WSR 93-13-051 NOTICE OF PUBLIC MEETINGS OFFICE OF THE GOVERNOR

[Memorandum—June 15, 1993]

The Governor's Affirmative Action Policy Committee (GAAPCom) is meeting to review affirmative action plans.

GOVERNOR'S AFFIRMATIVE ACTION POLICY COMMITTEE 1993-1994 MEETING SCHEDULE

Labor & Industries Building Room #S129 7273 Linderson Way Tumwater, WA

September 28-30, 1993 January 18-20, 1994 February 15-17, 1994 March 15-17, 1994 Department of Personnel Conference Room 521 Capitol Way Olympia, WA November 16-18, 1993

WSR 93-13-054 NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum-June 15, 1993]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, July 29, 1993, in the Haguewood Restaurant's Meeting Room (adjacent to the Red Lion Bayshore Inn) beginning at 8:15 a.m.

This meeting is a funding session for Washington wildlife and recreation program (WWRP) projects. The funding consideration will begin at 9:30 a.m.

If your plan to participate and have materials for committee review, please submit them to IAC no later than July 1, 1993. This will allow time for us to distribute them to committee members in a timely fashion.

Related Activities: On Wednesday, July 28, committee members will participate in a workshop to review the WWRP process. The workshop is open to all interested persons, but no action or testimony will be taken. The workshop will take place (approximately 2:00 - 4:30 p.m.) in the Vern Burton Memorial Community Center, Rooms South and Central, at 308 East Fourth Street.

On Friday, July 30, IAC members and designees will participate in a field trip to sites funded by IAC in and around the Port Angeles area.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by Thursday, July 15, 1993, at (206) 902-3000.

WSR 93-13-060 NOTICE OF PUBLIC MEETINGS GAMBLING COMMISSION

[Memorandum-June 17, 1993]

The Gambling Commission changed the location for the November commission meeting. The regular meetings for the remainder of the year will be held on the following dates that the following locations:

June 11, 1993

Seattle Sheraton Hotel
1400 6th Avenue
Seattle, WA 98101

July 9, 1993

Silverdale on the Bay
3037 Bucklin Hill Road
Silverdale, WA 98310

August 13, 1993 Pasco Red Lion Hotel 2525 North 20th Pasco, WA 99301 September 10, 1993

Heritage Inn/Best Western
151 E. McLeod Road
Bellingham, WA 98982

October 15, 1993

Cavannaugh's River Inn
North 700 Division
Spokane, WA 99202

November 19, 1993

SeaTac Radisson
17001 Pacific Highway South
Seattle, WA 98188

December, 1993

No meeting

WSR 93-13-070 NOTICE OF PUBLIC MEETINGS PUGET SOUND WATER QUALITY AUTHORITY

[Memorandum—June 16, 1993]

The location of our July 21 authority meeting has been hanged to the following: July 21, 1993, LaConner, twinomish Health Services Building, The Social Services Building, 1759 Reservation Road, LaConner.

Due to 1994 Puget Sound Management Plan preparation, here will be several forthcoming date additions. These hanges will be sent as soon as they are confirmed by the uthority members.

The meetings generally start at 9:30 a.m., any variation from his starting time will be announced in advance. Persons nterested in more information about the meetings are invited o call Duane Fagergren at 493-9306 (in Lacey) or 1-800-30UND [1-800-54-SOUND].

WSR 93-13-071 ATTORNEY GENERAL OPINION Cite as: AGO 1993 No. 7 [April 23, 1993]

AXATION—PROPERTY—DISTRICTS—MEDICAL AID—Applicability of the 106 percent limit to levy for mergency medical care

CW 84.52.069(2) authorizes certain taxing districts to levy regular property tax for emergency medical care and nedical services. RCW 84.55.010 establishes the 106 ercent limit which is applicable to regular property tax evies. The 106 percent limit applies to the emergency nedical care levy after the first year.

lequested by:

Honorable William J. Hawkins Island County Prosecuting Attorney Post Office Box 5000 Coupeville, WA 98239

WSR 93-13-072 ATTORNEY GENERAL OPINION Cite as: AGO 1993 No. 8 [April 27, 1993]

STATE—CITIES AND TOWNS—COUNTIES—TREASURER—FUNDS—INVESTMENTS—PUBLIC FUNDS—Ability of state and local governments to invest in commercial paper

- 1. Article 8, sections 5 and 7, and article 12, section 9 of the Washington Constitution prohibit gifts or loans of public money or credit and the acquisition of interests in private stocks or bonds.
- RCW 43.84.080(7) authorizes the state treasurer, under certain circumstances, to invest public funds in commercial paper. RCW 39.59.020 empowers local governments to make investments authorized by law for the state treasurer.
- Under article 8, sections 5 and 7, and article 12, section 9 of the Washington Constitution, state and local governments can invest in commercial paper purchased on the secondary market.

Requested by:

Honorable Daniel K. Grimm State Treasurer Legislative Building, MS 0200 Olympia, Washington 98504-0200

WSR 93-13-073 ATTORNEY GENERAL OPINION Cite as: AGO 1993 No. 9

[April 27, 1993]

CITIES AND TOWNS—COUNTIES—COURTS—TRAFFIC INFRACTIONS—MOTOR VEHICLES—DEPARTMENT OF LICENSING—Ability of district courts to require attendance at a traffic school

- RCW 46.83.050 provides when a court finds that a
 person has committed a traffic infraction, the person
 may be required to attend a traffic school as part of the
 sentence imposed or as a condition for suspension or
 deferral of the sentence. However, the court does not
 have the authority to defer making a finding that a
 traffic infraction has been committed and then order the
 person to attend traffic school as a condition of dismissing the charge.
- 2. RCW 46.63.151 provides no costs may be awarded to either party in a traffic infraction case, except for certain costs related to failure to provide proof of financial responsibility pursuant to RCW 46.30.020(2). A court cannot require the payment of costs as a condition of dismissing a traffic infraction charge.
- 3. If a court enters a finding that a person has committed a traffic infraction, RCW 46.20.270(2) requires the court to forward an abstract of that finding to the Department of Licensing. RCW 46.52.120(1) requires the Department to keep this record, and RCW 46.52.130 authorizes the Department to furnish this record to certain

[253] Miscellaneous

insurance carriers. If the court does not enter a finding that a traffic infraction has been committed, there is no requirement to furnish any information to the Department.

Requested by:

The Honorable Mike Padden State Representative, District 4 425 John L. O'Brien Building, MS 0608 Olympia, Washington 98504-0608

WSR 93-13-074 ATTORNEY GENERAL OPINION Cite as: AGO 1993 No. 10

[June 1, 1993]

FIREARMS—CRIMES—Ability of an individual convicted of certain crimes to regain the right to possess a handgun upon pardon or final discharge

RCW 9.41.070(2) provides that one can regain the right to possess a firearm if the person is exempt under 18 U.S.C. § 921 (a)(20). This federal statute provides an exemption when an individual's civil rights have been restored, unless the restoration of civil rights expressly provides that the person may not possess a firearm. The restoration of civil rights upon pardon or final discharge, pursuant to chapter 9.96 RCW, does not meet the exemption in 18 U.S.C. § 921 (a)(20) because RCW 9.41.040(3) expressly provides that an individual whose conviction is subject to a pardon, annulment, or equivalent procedure cannot possess a handgun unless there is also a finding of rehabilitation or innocence.

Requested by:

Honorable Albert Bauer State Senator, District 49 401-C Legislative Building, MS 0461 Olympia, WA 98504-0461

Honorable Sid Snyder State Senator, District 19 303 Legislative Building, MS 0419 Olympia, WA 98504-0419

WSR 93-13-075 ATTORNEY GENERAL OPINION Cite as: AGO 1993 No. 11 [June 2, 1993]

COUNTIES—POLICE POWER—CRIMES—PRISONERS—JAILS—SENTENCES—COSTS—FEES—Authority of a county to charge a fee for booking prisoners sentenced to serve time in a county jail on intermittent days

offenses and to prescribe penalties for their commission including the imposition of specific costs. Subject to certain limitations, a county may include as a cost a multiple booking fee imposed on persons convicted of such county offenses and sentenced to serve time in the county jail on intermittent days. Such a multiple booking fee could offset the cost to the county of processing individual in and out of jail.

2. A county does not have the authority to impose a multiple booking fee on individuals serving time in the county jail on intermittent days who have been convicted a violating a state statute. The Legislature, rather than the county, specifies the punishment for state crimes including costs.

Requested by:

The Honorable John Knodell Grant County Prosecuting Attorney Post Office Box 37 Ephrata, WA 98823

WSR 93-13-084 NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON

[Memorandum—June 15, 1993]

The August 20, 1993, meeting of the University of Washington board of regents has been cancelled.

The next regular meeting of the board will be held as scheduled on September 17, 1993.

WSR 93-13-088 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF HEALTH

(Examining Board of Psychology) [Memorandum—June 17, 1993]

We have previously filed our meeting dates and locations fo 1993. Following is the new location for the September 10 11, 1993, board meeting: 4931 Oyster Bay Road N.W. Olympia, WA 98502.

WSR 93-13-092 RULES OF COURT STATE SUPREME COURT

[June 10, 1993]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO CrRLJ 3.2 (f), (p), (s) AND IRLJ 6.2(d)

ORDER NO. 25700-A-522

The District and Municipal Judges Association having recommended the proposed amendments to CrRLJ 3.2 (f) (p), and (s) and IRLJ 6.2(d), and the Court having determined that the amendments will aid in the prompt an orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted
- (b) That pursuant to the emergency provisions of GI 9(i), the amendments will be published expeditiously in th Washington Reports and will become effective upon publication

DATED at Olympia, Washington this 10th day of June 1993.

Andersen, C.J.

Smith, J.
Guy, J.
Johnson, J.
Madsen, J.

CrRLJ 3.2 (f), (p), (s)

(f) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, and subject to RCW 9.95.062, 9.95.064, 10.64.025 and 10.64.027, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(p) Forfeitable Wildlife Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

VHERE A BAIL 'HE BREAKDO	AMOUNT IS SHOWN, WN IS:	BAIL	60% PSEA	30% PSEA	TOTAL
CW 7.16.010	VIOLATION Hunting Contest Fishing Contest	130 130	78 78	39 39	247 247
7.16.020(1)	Fishing Closed Season +47 per steelhead, dolly varden or sea-run cutthroat +9 per other fish Hunting Closed Season Big Game (Mandatory Appearance)	50	30	15	95 800
	Small Game Trap Closed Season (Mandatory Appearance) Possessed Closed Season Big Game (Mandatory Appearance)	130	78	39	247 250 800
	Small Game Fish	130 50	78 30	39 15	247 95
7.16.020(2)	Exceed Big Game (Mandatory Appearance)				800
	Small Game	130	78	39	247
	Fish +47 per steelhead, dolly varden or sea-run cutthroat +9 per other fish taken in excess of double daily bag	50 limit	30	15	95
7.16.020(3)	Fish Closed Waters +47 per steelhead, dolly varden or sea-run cutthroat +9 per other fish Hunt on Reserve	50	30	15	95
	Big Game (Mandatory Appearance) Small Game	130	78	39	800 247
7.16.020(4)	Hunt Closed Area Big Game (Mandatory Appearance) Small Game	130	78	39	800 247
7.16.020(5)	Fish Without License				
7.10.020(3)	Hunt Without License Taxidermy Without License (Mandatory Appearance)	50 250	30 150	15 75	95 475 500
	No Upland Bird Permit	50	30	15	95
•	No Deer Tag No Elk Tag	190	114	57	361
	Fish Guide	190 190	114 114	57 57	361 361
7.16.040 7.16.050 7.16.060 7.16.070 7.16.080 7.16.090	Trafficking (Mandatory Appearance) Spotlighting (Mandatory Appearance) Netting (Mandatory Appearance) Hunt Intoxicated (Mandatory Appearance) Deleterious Substance (Mandatory Appearance) Wastage	170	117	31	1,000 1,000 1,000 500 800
7.10.070	11 usuugo				

Big Game Small Game	190 80	114 48	57 24	361 152
Mutilation Big Game Small Game	190 80	114 48	57 24	361 152
Nuisance Dog	80	48	24	152
Dog on Reserve Weapon on Reserve Trap on Reserve	130 130 130	78 78 78	39 39 39	247 247 247
Possess Protected Wildlife (Mandatory Appearance) Hunt Protected Wildlife (Mandatory Appearance)				500 500
Resisting and/or Obstructing (Mandatory Appearance)				500
Release Wildlife Release Aquatic Plant	250 250	150 150	75 75	475 475
Damage Fish Ladder (Mandatory Appearance) Damage Fish Trap (Mandatory Appearance) Damage Fish Screen (Mandatory Appearance)				500 500 500
Interfere With Trap No Identification on Trap	80 130	48 78	24 39	152 247
Damage Department Sign	. 80	. 48	24	152
Unlawful Posted Sign	130	78	39	247
No Fish Screen	190	114	57	361
Loaded Firearms in Vehicles	130	78	. 39	247
Shoot From Road	130	78	39	247
License Fraud (Mandatory Appearance) Illegal License (Mandatory Appearance) Excess License (Mandatory Appearance) Excess Tag (Mandatory Appearance)				350 350 350 350
No Waterfowl Stamp	50	30	15	95
Disobey Check Station	130	78	39	247
Hunting/Fishing During Revoked Status (Mandatory Appearance)				500
Transfer of License, Tag, Permit or Stamp	190	114	57	361
No Conservation License	50	30	15	95
Deleterious Wildlife Import Wildlife Untagged Pelt No Game Farm License Game Farm Invoice Game Farm Acquisition Shooting Preserve Field Trial Violation Unmarked Birds Unlawful Firearm Unlawful Muzzeloader Unlawful Archery Hunter Orange Hunt From Vehicle Hunt From Powered Boat	190 190 80 190 80 80 190 80 50 80 50 190	114 114 48 114 48 48 114 48 30 48 48 30 114	57 57 24 57 24 57 24 57 24 15 24 24 24 15 57	361 361 152 361 152 152 361 152 95 152 152 95 361 361 361
	Small Game Mutilation Big Game Small Game Nuisance Dog Dog on Reserve Weapon on Reserve Trap on Reserve Possess Protected Wildlife (Mandatory Appearance) Hunt Protected Wildlife (Mandatory Appearance) Resisting and/or Obstructing (Mandatory Appearance) Release Wildlife Release Aquatic Plant Damage Fish Ladder (Mandatory Appearance) Damage Fish Trap (Mandatory Appearance) Damage Fish Screen (Mandatory Appearance) Damage Fish Screen (Mandatory Appearance) Interfere With Trap No Identification on Trap Damage Department Sign Unlawful Posted Sign No Fish Screen Loaded Firearms in Vehicles Shoot From Road License Fraud (Mandatory Appearance) Illegal License (Mandatory Appearance) Excess License (Mandatory Appearance) Excess Tag (Mandatory Appearance) No Waterfowl Stamp Disobey Check Station Hunting/Fishing During Revoked Status (Mandatory Appearance) Transfer of License, Tag, Permit or Stamp No Conservation License Deleterious Wildlife Import Wildlife Untagged Pelt No Game Farm License Game Farm Invoice Game Farm Acquisition Shooting Preserve Field Trial Violation Unmarked Birds Unlawful Firearm Unlawful Muzzeloader Unlawful Muzzeloader Unlawful Archery Hunter Orange Hunt From Vehicle	Mutilation Big Game Small Game Nuisance Dog Dog on Reserve Possess Protected Wildlife (Mandatory Appearance) Hunt Protected Wildlife (Mandatory Appearance) Resisting and/or Obstructing (Mandatory Appearance) Release Wildlife Release Wildlife Release Aquatic Plant Damage Fish Ladder (Mandatory Appearance) Damage Fish Trap (Mandatory Appearance) Damage Fish Screen (Mandatory Appearance) Damage Fish Screen (Mandatory Appearance) Damage Department Sign Unlawful Posted Sign No Fish Screen Loaded Firearms in Vehicles Shoot From Road License Fraud (Mandatory Appearance) Excess License (Mandatory Appearance) Excess License (Mandatory Appearance) Excess Tag (Mandatory Appearance) Exces	Small Game 80 48 Mutilation 80 48 Nuisance Dog 80 48 Nuisance Dog 80 48 Dog on Reserve 130 78 Weapon on Reserve 130 78 Trap on Reserve 130 78 Possess Protected Wildlife (Mandatory Appearance) 130 78 Resisting and/or Obstructing (Mandatory Appearance) 250 150 Release Mildlife 250 150 Release Aquatic Plant 250 150 Damage Fish Ladder (Mandatory Appearance) 250 150 Damage Fish Ceren (Mandatory Appearance) 250 150 Damage Fish Screen (Mandatory Appearance) 130 78 No Identification on Trap 130 78 No Fish Screen 190 114 Loaded Firearms in Vehicles 130 78 Shoot From Road 130 78 License Fraud (Mandatory Appearance) 250 30 Excess License (Mandatory Appearance) 250 <	Small Game 80 48 24 Mutilation Big Game 190 114 57 Small Game 80 48 24 Nuisance Dog 80 48 24 Dog on Reserve 130 78 39 Trap on Reserve 130 78 39 Possess Protected Wildlife (Mandatory Appearance) 130 78 39 Possess Protected Wildlife (Mandatory Appearance) 250 150 75 Release Wildlife 250 150 75 Release Wildlife (Mandatory Appearance) 250 150 75 Damage Fish Ladder (Mandatory Appearance) 250 150 75 Damage Fish Trap (Mandatory Appearance) 80 48 24 Interfere With Trap 80 48 24 No Eish Screen (Mandatory Appearance) 130 78 39 Damage Department Sign 80 48 24 Unlawful Posted Sign 130 78 39 No Fish Screen

Miscellaneous [256]

	Washington State Re	egister, Issue 93-13		WSR	93-13-092
232-12-061	Failure To Tag	190	114	57	361
232-12-061	Failure To Notch Tag	150			. 501
	Intentional .	190	114	57	361
	Inadvertent	80	48	24	152
232-12-064	Wildlife in Captivity	80	48	· 24	152
232-12-067	Unlawful Sale of Wildlife (Mandatory A		•		500
232-12-074	Unlawful Retention	80	48	24	152
232-12-077	Possession Without Statement	80	48	24	152
232-12-081	Failure To Stop at Check Station	130	78	39	247
232-12-087	Sell/Possess Indian Caught Fish	80	48	24	152
232-12-091	Buy Steelhead Without License	190	114	57	361
232-12-094	No Fish Buyer Record	190	114	57	361
232-12-097	Unlawful Transport of Steelhead	190	114	57	361
232-12-101	Falconry Violations	80	48	24	152
through					
232-12-129					
232-12-131	Special Permit Violation	80	48	24	152
232-12-141	Trap Violation	80	48	24	152
232-12-144	Possession of Live Bait	. 80	48	24	152
232-12-147	Two Poles	50	30	15	95
	Snagging (Mandatory Appearance)				350
	Illegal Gear	50	30	15	95
232-12-151	Fly Fish Violation	80	48	24	152
232-12-154	Fish Juvenile Waters	50	30	15	95
232-12-157	No Steelhead Permit	80	48	24	152
222 12 161	Failure To Record Steelhead	50	30	15	95
232-12-161	Fish Guide Violation	190	114	57	361
232-12-164	Fish 400 ft. From Dam	80	48	24	152
232-12-174	Domestic Animals on Dep't Land	130	78	39	247
232-12-177	Operating Vehicles on Dep't Land	80	48	24	152
232-12-181	Grazing Violation	250	150	75	475
232-12-184	Aircraft on Dep't Land	250	150	75	475
232-12-187	Access Area Violation	50	30	15	95
232-12-224	Possess Wildlife Off Reservation	80	48	24	152
232-12-227	Hunter Education Violation	80	48	24	152
232-12-247	Shoot Transmission Line	190	114	57 57	361
232-12-251	Remove Minerals	190	114	57	361
232-12-254 232-12-257	Litter on Department Lands	80	48	24	152
232-12-261	Unattended Decoy Use of Live Decoys	80	48	24	152
232-12-264	Bait Game Birds	190	114	57 20	361
232-12-267	No Feathered Head (Game Birds)	130	78 20	39	247
232-12-207	No Evidence of Sex (Big Game)	50	30	15	95
232-12-271	No Planting Permit	190	114	57 57	361
232-12-271	Rehabilitation Violation	190	114	57 24	361
232-12-275	Scientific Permit	80 80	48	24	152
232-12-277	Ledger Violation	80	48	24	152
232-12-284	No Bighorn Brand	190	48	24 57	152
232-12-287	Possession of Dead Wildlife		114		361
232-12-291	Hunting After Hours	80 50	48	24	152
636-16-671	Hunting Before Hours	50	30 30	15 15	95 05
232-12-292	Eagle Habitat Violation (Mandatory Appe		30	13	95 500
232-28	Hunting, Fishing, Trapping	arance)			500
LJL-LO	Pamphlet Violations	80	48	24	152
	i unipinot violations	80	40	24	132

(s) Forfeitable Utilities and Transportation Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:	BAIL	60% PSEA	30% PSEA	TOTAL

VVSIC 75-15-072	washington batte Register, assue to re-				
RCW & WAC	VIOLATION				
81.04.380	Violation of Chapter by Officer, Agent, Employee of Public Service Co. (Mandatory Appearance)				500
81.04.385	Failure To Comply with Commission Orders/Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Person Violating Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Failure To Observe Order, Aiding, Abetting, Etc. (Mandatory Appearance)				250
81.68.045	Certificate Required—Auto Transp.				
480-30-030	(Mandatory Appearance)				500
81.68.045	Certificate Required—Excursion Bus				500
480-40-030 81.70.220	(Mandatory Appearance) Certificate Required—Charter Bus				300
480-40-030	(Mandatory Appearance)				500
81.70.330	No Name or Permit Number Displayed—				
	Charter/Excursion Bus	50	30	15	95
480-30-090	Fail to ID Vehicle—Auto Transp.	50	30	15	95
81.70.340	Fail To Register ICC Authority— Charter/Excursion Bus	80	48	24	152
480-40-120 480-30-100	Disqualified Driver—Suspended or Revoked,	00	70	2-7	132
400-30-100	and Other Disqualifying Offenses as Listed				
	in 49 C.F.R. § 391.15 (Mandatory Appearance)				500
480-40-070	Disqualified Driver—License Suspended or Revoked, and Other		,		
	Disqualifying Offenses as Listed in 49 C.F.R. § 391.15—				500
490 20 100	Charter/Excursion Bus (Mandatory Appearance) Medical Certificate Violation—				300
480-30-100	Auto Transp.	50	. 30	15	95
480-40-070	Medical Certificate Violation—				
100 10 070	Charter/Excursion Bus	50	30	15	95
480-30-097	Moving Equipment Ordered Out of Service Without				500
100 10 065	Repairs Made—Auto Transp. (Mandatory Appearance)				500
480-40-065	Moving Equipment Ordered Out of Service Without Repairs Made—Charter/Excursion Bus				
	(Mandatory Appearance)				500
480-30-100	Hours of Service—Auto Transp.—				
	Driver in Service	50	30	15	95
480-30-100(1)	Driver Out of Service	80	48	24	152
81.77.040	Certificate of Convenience and Necessity Required—				500
480-70-070 480-70-300	Solid Waste Transp. (Mandatory Appearance) Fail to ID Vehicle—Solid Waste Transp.	50	30	15	95
480-70-400	Disqualified Driver—License Suspended or Revoked,	-			
100 70 100	and Other Disqualifying Offenses as Listed in 49 C.F.R.				
	§ 391.15—Solid Waste Transp. (Mandatory Appearance)				500
480-70-400	Medical Certificate Violation—Solid	50	30	15	95
490 70 225	Waste Transp. Moving Equipment Ordered Out of Service Without Repairs	30	30	13	73
480-70-325	Made—Solid Waste Transp. (Mandatory Appearance)				500
480-70-330	Hours of Service—Solid Waste Transp.				
.00 10 222	Driver in Service	50	30	15	95
	Driver Out of Service	80	48	24	152
81.80.060	No Valid Combination of Services	130	78	39	247
01 00 070	Permit No Valid Permit—Common/Contract	130	70	33	241
81.80.070	(Mandatory Appearance)				500
81.80.100	Exceeding Permit Authority	130	78	39	247
81.80.300	No Valid ID Cab Card Displayed	50	30	15	95
480-12-130		50	20	1.5	05
81.80.318	Fail To Obtain Valid Trip Permit	50	30	15	95
81.80.320	Insufficient/No Regulatory Fees Paid	50	30	15	95
81.80.355	Unlawful Advertising	80	48	24	152
	[258]				
Miscellaneous	[#50]				

	Washington State Register, Issue 93	-13		WSR	93-13-092
81.80.371	Fail To Register Appropriate			. •	
480-12-126	ICC Authority	80	48	24	152
480-12-121	Fail To Display Copy of Permit	25	15	7	47
480-12-135	Improper Use of Cab Card				*
	and Stamp	130	78	39	247
480-12-150	No Name or Permit Number				
	Displayed	50	30	15	95
480-12-165	Moving Equipment Ordered Out of Service Without				
	Repairs Made (Mandatory Appearance)				500
480-12-180(6)	Disqualified Driver—License Suspended or Revoked,				- 4 9
	and Other Disqualifying Offenses as Listed				
	in 49 C.F.R. § 391.15 (Mandatory Appearance)				500
480-12-180(1)	Attendance/Surveillance of Hazardous Material Laden				
	Motor Vehicle (Mandatory Appearance)				500
480-12-180(1)	Parking of Hazardous Material Laden Motor Vehicle				
	(Mandatory Appearance)				500
480-12-180(1)	Explosive Laden Vehicle Off Route				200
	(Mandatory Appearance)				500
480-12-180(6)	Medical Certificate Violation	50	30	15	95
480-12-190	Hours of Service Violation				,,
	Driver in Service	50	30	15	95
480-12-190(1)	Driver Out of Service	80	48	24	152
480-12-195	Hazardous Material Transportation				
	(Mandatory Appearance)				500
480-12-205	Unauthorized Passenger in Vehicle	25	15	7	47
480-12-210	Failure To Display Commission			,	• • •
	Approved Lease	50	30	15	95
480-12-260	Failure To Display Bill of Lading/				,,,
	Shipping Document	50	30	15	95
480-12-321	Failure To File Log Road				,,,
	Classification	50	30	15	95
81.90.030	Certificate Required (Mandatory Appearance)				500
81.90.140	Failure To Register Interstate				, 300
480-35-110	Authority	80	48	24	152
480-35-120	Failure To Display Valid		••	- '	1.72
	Identification Decal	50	30	15	95
	•		50	1.5),

IRLJ 6.2(d)

(d) Penalty Schedule. The following infractions shall have the penalty listed, not including statutory assessments.

Ser	ious Infractions	Penalty
1.	Wrong way on freeway	\$165
2.	(RCW 46.61.150) Wrong way on freeway access	\$70
	(RCW 46.61.155)	\$70
3.	Backing on limited access highway (RCW 46.61.605)	\$70
4.	Spilling or failure to secure load	\$70
	(RCW 46.61.655)	
5.	Throwing or depositing debris on highway (RCW 46.61.645)	\$70
6.	Disobeying school patrol	\$70
	(RCW 46.61.385)	
7.	Passing stopped school bus (with red lights flashing) (RCW 46.61.370)	\$70
8.	Violation of posted road restriction	\$165
	(RCW 46.44.080; RCW 46.44.105(4))	
9.	Switching license plates, loan of license or use of another's (RCW 46.16.240)	\$70
10.	Altering or using altered license plates	\$70

(RCW 46.16.240)

Operator's Licenses (RCW 46.20) All RCW 46.20 infractions	\$25
Vehicle Licenses (RCW 46.16) Expired Vehicle License (RCW 46.16.010) Two months or less	\$25
Over 2 months	\$70
Speeding (RCW 46.61.400) is speed limit is over 40 m.p.h. 1-5 m.p.h. over limit	\$10
6-10 m.p.h. over limit	\$20
11-15 m.p.h. over limit	\$35 \$50
16-20 m.p.h. over limit 21-25 m.p.h. over limit	\$50 \$65
26-30 m.p.h. over limit	\$85
31-35 m.p.h. over limit	\$110
36-40 m.p.h. over limit	\$135
Over 40 m.p.h. over limit	\$165
Speeding if speed limit is 40 m.p.h. or less 1-5 m.p.h. over limit	\$20
6-10 m.p.h. over limit	\$25
11-15 m.p.h. over limit	\$40
16-20 m.p.h. over limit	\$60
21-25 m.p.h. over limit	\$85 \$110
26-30 m.p.h. over limit 31-35 m.p.h. over limit	\$135
Over 35 m.p.h. over limit	\$165
Speed Too Fast for Conditions (RCW 46.61.400(1))	\$25
Rules of the Road	
1. Failure to stop	\$25
(RCW 46.61.050, .210)	
2. Failure to yield the right of way	\$25
(RCW 46.61.180, .190, .205, .210, .235, .300, .365) 3. Following too close	\$25
(RCW 46.61.145, .635)	
4. Failure to signal	\$25
(RCW 46.61.310) 5. Improper lane usage or travel	\$25
(RCW 46.61.140)	
6. Impeding traffic	\$25
(RCW 46.61.425) 7. Improper passing	\$25
(RCW 46.61.110, .115, .120, .125, .130)	42 3
8. Prohibited and improper turn	\$25
(RCW 46.61.290, .295, .305) 9. Crossing double yellow line left of center line	\$25
(RCW 46.61.100, .130, .140)	
10. Operating with obstructed vision (RCW 46.61.615)	\$25
11. Wrong way on one-way street	\$25
(RCW 46.61.135)	#25
12. Failure to comply with restrictive signs (RCW 46.61.050)	\$25
Accident	
If an accident occurs in conjunction with any of	\$50
the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the	
infraction shall be:	

 Equipment (RCW 46.37) Illegal use of emergency equipment (RCW 46.37.190) Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.3 	\$70 (7.390 (1) and (3))
First offense (the penalty may be waived upon proof to the court of compliance)	\$30
Second offense within 1 year of first offense	\$50
Third and subsequent offenses within 1 year of first offense	\$70
3. Any other equipment infraction (RCW 46.37.010)	\$25
Motorcycles Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500)	\$25
Parking 1. Illegal parking on roadway (RCW 46.61.560) 2. Any other parking infraction (not defined by city or county ordinance)	\$20 \$10
Pedestrians Any infraction regarding pedestrians (not defined by city or county ordinance)	\$10
Bicycles Any infraction regarding bicycles	\$15
Load Violations (all under RCW 46.44, except over license capacity) (see RCW 46.16)	
1. Over legal—tires, wheelbase (RCW 46.44.105(1)) (First offense) (Second offense) (Third offense) In addition to the above (RCW 46.44.105(2)) 3¢ per excess pound	\$55 \$85 \$100
 Over license capacity (RCW 46.16.145) (First offense) (Second offense) (Third offense) Violation of special permit Failure to obtain special permit Failure to submit to being weighed Illegal vehicle combination (RCW 46.44.036) Illegally transporting mobile home Any other infraction defined in RCW 46.44 	\$55 \$85 \$100 \$50 \$50 \$50 \$50 \$55 \$35
Private Carrier (RCW 46.73) 1. Failure to display valid medical exam 2. Violation of daily log book Driver not out of service Driver out of service	\$52 \$52 \$78
Off-Road Vehicles (ATV's) (RCW 46.09) Any RCW 46.09 infraction	\$30
Snowmobiles (RCW 46.10) Any RCW 46.10 infraction	\$30
Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))	\$25
Failure to provide proof of motor vehicle insurance (RCW 46.30.020)	\$250
Defective Equipment/Driver Safety (auto transp.) (WAC 480-30-095)	<u>\$25</u>
Commercial Vehicle License (auto transp.) (WAC 480-30-095(1))	<u>\$25</u>
Defective Equipment/Driver Safety (charter/excursion bus)	

(WAC 480-40-075)	<u>\$25</u>
Commercial Vehicle License (charter/excursion bus) (WAC 480-40-075(1))	<u>\$25</u>
Defective Equipment/Driver Safety (solid waste transp.) (WAC 480-70-400)	<u>\$25</u>
Commercial Vehicle License (solid waste transp.) (WAC 480-70-400(1))	<u>\$25</u>
Failure To Have Proof of Insurance (RCW 81.80.190)	<u>\$250</u>
Defective Equipment/Driver Safety (WAC 480-12-180)	<u>\$25</u>
Commercial Vehicle License (WAC 480-12-180(1))	<u>\$25</u>
Defective Equipment/Driver Safety (limousine) (WAC 480-35-090)	<u>\$25</u>
Commercial Vehicle License (limousine) (WAC 480-35-090(1))	<u>\$25</u>

WSR 93-13-093 RULES OF COURT STATE SUPREME COURT

[June 10, 1993] IN THE MATTER OF THE ADOPTION

ORDER NO. 25700-A-523

OF THE AMENDMENTS TO CrR 6.3, JuCR 2.3 (a), (b), JuCR 3.4(c), AND JuCR 7.3

The Superior Court Judges Association having recommended the adoption of the amendments to CrR 6.3, JuCR 2.3 (a), (b), JuCR 3.4(c), and JuCR 7.3, and the Court having considered the proposed amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the amendments as attached hereto are adopted.
- (b) That the amendments will be published in the special rules edition of the Washington Reports in July, 1993, and will become effective September 1, 1993.

DATED at Olympia, Washington this 10th day of June, 1993.

	Andersen, C.J.
Utter, J.	Smith, J.
Brachtenbach, J.	Guy, J.
Dolliver, J.	Johnson, J.
Durham, J.	Madsen, J.

JuCR 2.3 (a), (b)

(a) Notice of Right to Shelter Care Hearing. The notice of the right to request a shelter care hearing required by RCW 13.34.060 shall be given to the juvenile child, his or her parents, guardian, or custodian within 72 hours as soon as possible and in no event longer than 24 hours of the

taking into custody of the <u>juvenile</u> <u>child</u>, and in accordance with rule 11.2.

(b) Shelter Care Hearing ((requested)) Required. If a shelter care hearing has been requested the court shall hold the hearing within 72 hours (excluding Saturdays, Sundays and holidays) of the request for a shelter care hearing. The court shall hold a shelter care hearing within 72 hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, that such waiver is knowing and voluntary.

JuCR 3.4(c)

(c) Scheduling Factfinding Hearing. The court shall schedule a factfinding hearing to be held within 45 75 days of the filing of the petition alleging dependency, giving preference to those cases where the juvenile is held in shelter care. The court may, for good cause shown, continue the hearing to a later time at the request of a party.

CrR 6.3 **SELECTING THE JURY**

When the action is called for trial, the elerk shall prepare separate ballots containing the names of jurors shall be selected at random from the jurors summoned who have appeared and have not been excused, and deposit them in a box. He shall draw the required number of names for purposes of voir dire examination. Any necessary additions to the panel shall be drawn from the clerk's list of qualified jurors. The clerk shall thereupon prepare separate ballots and deposit them in the trial jury box.

JuCR 7.3 DETENTION AND RELEASE

(a) Time for First Appearance Generally. Any juvenile who has been taken into custody and detained must be given receive a hearing judicial determination on the issues of probable cause and detention as soon as it is practicable to do so no later than 48 hours following the juvenile's arrest. The court shall make every reasonable effort to conduct the hearing by the end of the next judicial day. The time limits established by applicable statutes and by this rule are the maximum allowable times.

(b) Determination of Probable Cause. The court shall determine probable cause on the sworn testimony of a peace officer or prosecuting attorney. The sworn testimony may be by written affidavit or electronically recorded, and in either case the testimony shall be preserved.

- (b) (c) If No Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody before an information is filed, the court shall make every reasonable effort to conduct a hearing on the issue of detention by the end of the next judicial day. The juvenile shall be released unless an information is filed within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. A In the absence of any prior determination, a juvenile held in detention after the filing of an information shall be given a hearing to determine whether continued detention is necessary and, in the absence of any prior determination, whether there is probable cause to believe that the detained juvenile eommitted the offense. The juvenile shall be released unless these this determinations are is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the information has been filed.
- (e) (d) If Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody after an information has been filed and is held in detention, the juvenile shall be given a hearing to determine whether continued detention is necessary and, in the absence of any prior determination, whether there is probable cause to believe that the detained juvenile committed the offense. The court shall make every reasonable effort to conduct the hearing by the end of the next judicial day. The juvenile shall be released unless these this determinations are is made within 72 hours (excluding Saturdays. Sundays, and holidays) after the juvenile is taken into custody.
- (d) (e) If Motion Not Filed Before Custody. If a juvenile alleged to have violated a conditional release order or a disposition order is taken into custody and held in detention before a motion to modify the conditional release order or the disposition order is filed, the court shall make every reasonable effort to conduct a hearing on the issue of detention by the end of the next judicial day. The juvenile shall be released unless a motion is filed within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. A In the absence of any prior determination, a juvenile held in detention after the filing of a motion shall be given a preliminary hearing within 72 hours (excluding Saturdays, Sundays, and holidays) of the filing of the motion, or the juvenile shall be released to determine whether continued detention is necessary. The juvenile shall be released unless this determination is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.
- (e) (f) If Petition or Motion filed Before Custody. If a juvenile alleged to have violated a diversion agreement, a conditional release order, or a disposition order is taken into custody and held in detention after a petition to terminate the diversion agreement or a motion to modify the conditional order or the disposition order has been filed, the juvenile shall be given a preliminary hearing within 72 hours (excluding Saturdays, Sundays, and holidays) of the time the

juvenile is taken into custody, or the juvenile shall be released.

WSR 93-13-094 RULES OF COURT STATE SUPREME COURT

[June 10, 1993]

IN THE MATTER OF THE ADOPTION ORDER OF THE AMENDMENTS TO NEW GR 17, NO. 25700-A-524 CrRLJ 8.4 (e), CRLJ 5, RAP 18.5 AND CR 5(i)

The Court Management Council and the Washington State Bar Association having recommended the adoption of New GR 17, and the amendments to CrRLJ 8.4, CRLJ 5, RAP 18.5 and CR 5(j), and the Court having considered the new rule, proposed amendments and comments submitted thereto, and having determined that the new rule and proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the new rule and the amendments as attached hereto are adopted.
- (b) That the new rule and amendments will be published in the special rules edition of the Washington Reports in July, 1993, and will become effective September 1, 1993.

DATED at Olympia, Washington this 10th day of June, 1993.

	Andersen, C.J.
Robert F. Utter	Smith, J.
Robert F. Brachtenbach	Guy, J.
Dolliver, J.	Johnson, J.
Durham, J.	Madsen, J.

GR 17 [New Rule] FACSIMILE TRANSMISSION

(a) Facsimile Transmission Authorized; Exceptions.

(1) Except as set forth in subsection (a)(5), the clerks of the court may accept for filing documents sent directly to the clerk or to another by electronic facsimile (fax) transmission. A fax copy shall constitute an original for all court purposes. The attorney or party sending the document via fax to the clerk or to another shall retain the original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on

(DATE) VIA FAX FOR FILING IN COURT.

(2) If a document is transmitted by facsimile to another

for filing with a court, the person responsible for the filing must attach an original affidavit as the last page of the document. The affidavit must bear the name of the court, case caption, case number, the name of the document to be filed, and a statement that the individual signing the affidavit has examined the document, determined that it consists of a stated number of pages, including the affidavit page, and that it is complete and legible. The affidavit shall bear the original signature, the printed name, address, phone number and facsimile number of the individual who received the document for filing.

- (3) The clerk of the court may use fax transmission to send any document requiring personal service to one charged with personally serving the document. Notices and other documents may be transmitted by the clerk to counsel of record by fax.
- (4) Clerks may charge reasonable fees to be established by the Office of the Administrator for the Courts, for receiving, collating, and verifying fax transmissions.
- (5) Without prior approval of the clerk of the receiving court, facsimile transmission is not authorized for judge's working copies (courtesy copies) or for those documents for which a filing fee is required. Original wills and negotiable instruments may not be filed by facsimile transmission.
- (6) Facsimile Machine Not Required. Nothing in this rule shall require an attorney or a clerk of a court to have a facsimile machine.

(b) Conditions.

- (1) Documents transmitted to the clerk by fax shall be letter size (8 1/2 by 11 inches). Documents over 10 pages in length may not be filed by fax without prior approval of the clerk.
- (2) Any document transmitted to the clerk by fax must be accompanied by a fax transmittal sheet in a format prescribed by the court. The form must include the case number (if any), case caption, number of pages, the sender's name, the sender's voice and facsimile telephone numbers, and fax fee remittance certification. Transmittal sheets are not considered legal filings.
- (3) A document transmitted directly to the clerk of the court shall be deemed received at the time the clerk's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.
- (4) Court personnel will not verify receipt of a facsimile transmission by telephone or return transmission and persons transmitting by facsimile shall not call the clerk's office to verify receipt.
- (5) The clerk shall neither accept nor file a document unless it is on bond paper.
- (6) The clerk shall develop procedures for the collection of fax service fees for those documents transmitted directly to the clerk. Nonpayment of the fax service fee shall not affect the validity of the filing.
- (7) Agencies or individuals exempt from filing fees are not exempt from the fax service fees for documents transmitted directly to the clerk.

CR 5(j)

(j) Filing by Facsimile. [Reserved. See GR 17— Facsimile Transmission.]

CrRLJ 8.4(e)

(e) Filing by Facsimile. [Reserved. See GR 17-Facsimile Transmission.]

RAP 18.5(d)

(d) Filing by Facsimile. [Reserved. See GR 17— Facsimile Transmission.]

CRLJ 5(i)

(i) Filing by Facsimile. [Reserved. See GR 17— Facsimile Transmission.]

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

WSR 93-13-095 RULES OF COURT STATE SUPREME COURT

[June 10, 1993]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO RAP 12.5(c), ORDER

NO. 25700-A-525 RAP 12.6 and RALJ 4.3(b)

The Court having considered the proposed amendments and comments submitted thereto for RAP 12.5(c), RAP 12.6 and RALJ 4.3(b), and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
- (b) That the amendments will be published in the special rules edition of the Washington Reports in July, 1993, and will become effective September 1, 1993.

DATED at Olympia, Washington this 10th day of June, 1993.

	Andersen, C.J.
Utter, J.	Smith, J.
Brachtenbach, J.	Guy, J.
Durham, J.	Johnson, J.
Dolliver, J.	Madsen, J.

RAP 12.5(c)

(c) When Mandate Issued by Supreme Court.

- (1) The clerk of the Supreme Court issues the mandate for a Supreme Court decision terminating review upor stipulation of the parties that no motion for reconsideration will be filed.
- (2) In the absence of that such a stipulation, and excep to the extent the mandate is stayed as provided in rule 12.6 except in a case in which the penalty of death is to be imposed, the clerk issues the mandate: (1) Twenty twenty

days after the decision is filed, unless (i) a motion for reconsideration has been earlier filed, or (ii) the decision is a ruling of the commissioner or clerk and a motion to modify the ruling has been earlier filed. (2) If a motion for reconsideration is timely filed and denied, the clerk will issue the mandate upon filing the order denying the motion for reconsideration.

(3) In a case in which the penalty of death is to be imposed, unless the parties stipulate to earlier issuance of the mandate, the clerk will issue the mandate upon the expiration of the time for applying for review by the United States Supreme Court, or, if such an application is timely filed, upon receipt of the Supreme Court's order disposing of the matter.

RAP 12.6

STAY OF MANDATE PENDING DECISION ON APPLICATION FOR REVIEW BY UNITED STATES SUPREME COURT

The Except as provided in RAP 12.5, the appellate court will not stay issuance of the mandate for the length of time necessary to secure a decision by the United States Supreme Court on an application for review, except in a case in which the penalty of death has been imposed.

RALJ 4.3(b)

(b) Criminal Case. The Notwithstanding RCW 9.95.062 and 9.95.064, the court of limited jurisdiction shall stay enforcement of a sentence in a criminal case if a notice of appeal is filed by the defendant and (1) the defendant posts cash bail or files a bond to the State in a reasonable sum fixed by the court of limited jurisdiction, with sureties as the court may require, or (2) the court of limited jurisdiction determines that enforcement of the sentence should be stayed without cash bail or a bond. A stay must be conditioned on the defendant's timely prosecution of the appeal. In a criminal case, the trial court has authority to fix conditions of release of a defendant and to revoke a suspended or deferred sentence.

WSR 93-13-096 RULES OF COURT STATE SUPREME COURT

[June 10, 1993]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO RPC 1.8(e), CAR 16 (c)(8), RAP 9.2(b), RAP 10.4(a), RAP 18.3, RAP 18.4, CR 4, CR 28, CR 30 (c), (e), AND (h), CR 32(a), CR 37, CR 44, CR 45 (d)(1), CR 56, CR 69, MAR 6.2 and MAR 7.3

NO. 25700-A-526

ORDER

The Washington State Bar Association having recommended the adoption of the amendments to RPC 1.8(e), CAR 16 (c)(8), RAP 9.2(b), RAP 10.4(a), RAP 18.3, RAP 18.4, CR 4, CR 28, CR 30 (c), (e), and (h), CR 32(a), CR 37, CR 44, CR 45 (d)(1), CR 56, CR 69, MAR 6.2 and MAR 7.3, and the Court having considered the proposed amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

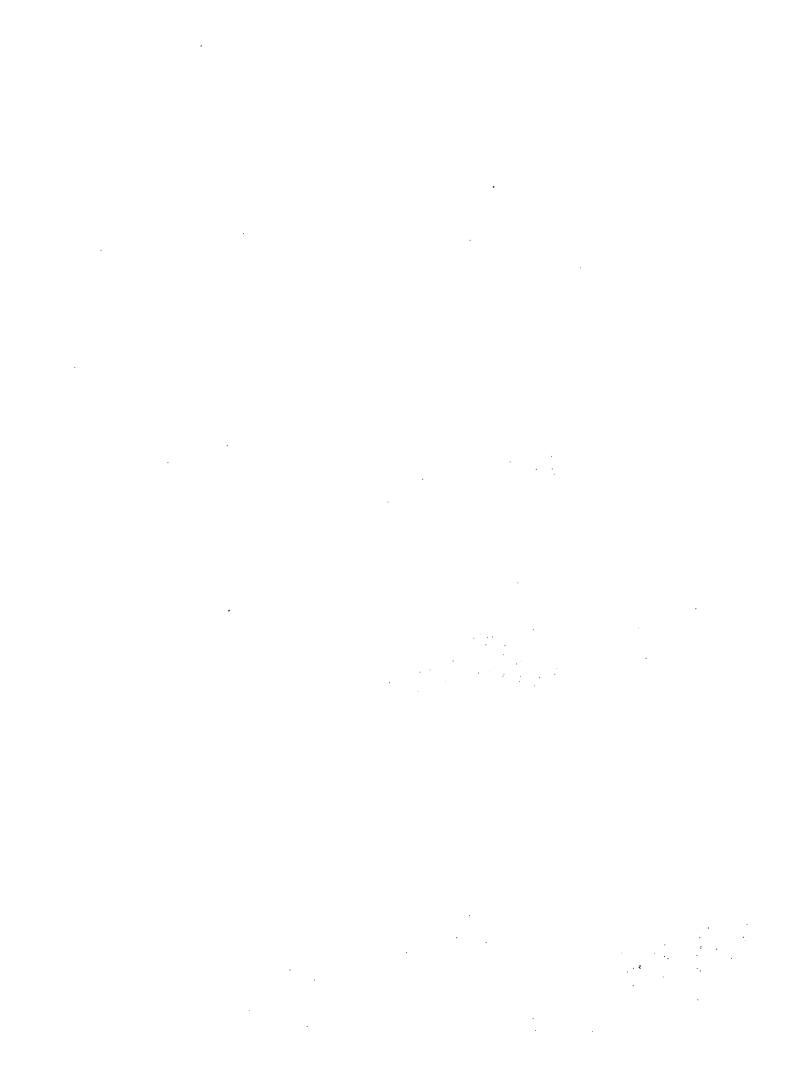
Now, therefore, it is hereby

- ORDERED:
- (a) That the amendments as attached hereto are adopted.
- (b) That the amendments will be published in the special rules edition of the Washington Reports in July, 1993, and will become effective September 1, 1993.

DATED at Olympia, Washington this 10th day of June, 1993.

	Andersen, C.J.
Utter, J.	Guy, J.
Brachtenbach, J.	Smith, J.
Durham, J.	Johnson, J.
Dolliver, J.	Madsen, J.

Reviser's note: The material contained in this filing will appear in the 93-14 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.



KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

AMD = Amendment of existing section
A/R = Amending and recodifying a section

DECOD = Decodification of an existing section

NEW = New section not previously codified

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

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC#		WSR #	WAC #		WSR #
4-24-010	REP-P	93-08-089	4-25-360	REP	93-12-064	16-10-020	NEW-W	93-06-008
4-24-010	REP	93-12-064	4-25-400	NEW-P	93-08-090	16-10-020	NEW-P	93-06-076
4-24-020	REP-P	93-08-089	4-25-400	NEW .	93-12-063	16-10-020	NEW	93-10-046
4-24-020	REP	93-12-064	4-25-510	NEW-P	93-08-091	16-10-030	NEW-P	93-04-113
4-24-021	REP-P	93-08-089	4-25-510	NEW	93-12-077	16-10-030	NEW-W	93-06-008
4-24-021	REP	93-12-064	4-25-511	NEW-P	93-08-092	16-10-030	NEW-P	93-06-076
4-24-030	REP-P	93-08-089	4-25-511	NEW	93-12-076	16-10-030	NEW	93-10-046
4-24-030	REP	93-12-064	4-25-520	NEW-P	93-08-093	16-201-010	NEW-P	93-12-044
4-24-040	REP-P	93-08-089	4-25-530	NEW-P	93-08-094	16-201-020	NEW-P	93-12-044
4-24-040	REP	93-12-064	4-25-530	NEW	93-12-075	16-201-025	NEW-P	93-12-044
4-24-041	REP-P	93-08-089	4-25-540	NEW-P	93-08-095	16-201-028	NEW-P	93-12-044
4-24-041	REP	93-12-064	4-25-540	NEW	93-12-074	16-201-030	NEW-P	93-12-044
4-24-050	REP-P	93-08-089	4-25-550	NEW-P	93-08-096	16-201-040	NEW-P	93-12-044
4-24-050	REP	93-12-064	4-25-550	NEW	93-12-073	16-201-050	NEW-P	93-12-044
4-24-060	REP-P	93-08-089	4-25-551	NEW-P	93-08-097	16-201-060	NEW-P	93-12-044
4-24-060	REP	93-12-064	4-25-551	NEW	93-12-072	16-201-070	NEW-P	93-12-044
4-24-070	REP-P	93-08-089	4-25-710	NEW-P	93-08-098	16-201-080	NEW-P	93-12-044
4-24-070	REP	93-12-064	4-25-710	NEW	93-12-071	16-201-100	NEW-P	93-12-044
4-24-080	REP-P	93-08-089	4-25-720	NEW-P	93-08-099	16-201-110	NEW-P	93-12-044
4-24-080	REP	93-12-064	4-25-720	NEW	93-12-070	16-201-120	NEW-P	93-12-044
4-24-090	REP-P	93-08-089	4-25-721	NEW-P	93-08-100	16-201-130	NEW-P	93-12-044
4-24-090	REP ·	93-12-064	4-25-721	NEW	93-12-069	16-201-140	NEW-P	93-12-044
4-24-101	REP-P	93-08-089	4-25-730	NEW-P	93-08-101	16-201-150	NEW-P	93-12-044
4-24-101	REP	93-12-064	4-25-730	NEW	93-12-068	16-201-160	NEW-P	93-12-044
4-24-110	REP-P	93-08-089	4-25-740	NEW-P	93-08-102	16-201-170	NEW-P	93-12-044
4-24-110	REP	93-12-064	4-25-740	NEW	93-12-067	16-201-180	NEW-P	93-12-044
4-24-120	REP-P	93-08-089	4-25-755	NEW-P	93-08-103	16-201-190	NEW-P	93-12-044
4-24-120	REP	93-12-064	4-25-755	NEW	93-12-066	16-201-200	NEW-P	93-12-044
4-24-131	REP-P	93-08-089	4-25-760	NEW-P	93-08-104	16-201-210	NEW-P	93-12-044
4-24-131	REP	93-12-064	4-25-760	NEW	93-12-065	16-201-220	NEW-P	93-12-044
4-24-140	REP-P	93-08-089	10-04-020	AMD-P	93-07-097	16-201-230	NEW-P	93-12-044
4-24-140	REP	93-12-064	10-04-020	AMD	93-10-098	16-201-240	NEW-P	93-12-044
4-24-150	REP-P	93-08-089	10-08-150	AMD-P	93-07-096	16-201-250	NEW-P	93-12-044
4-24-150	REP	93-12-064	10-08-150	AMD	93-10-097	16-201-260	NEW-P	93-12-044
4-25-010	REP-P	93-08-089	16-08-021	AMD-P	93-07-021	16-201-270	NEW-P	93-12-044
4-25-010	REP	93-12-064	16-08-021	AMD-E	93-07-022	16-201-280	NEW-P	93-12-044
4-25-040	REP-P	93-08-089	16-08-021	AMD	93-10-059	16-201-290	NEW-P	93-12-044
4-25-040	REP	93-12-064	16-08-022	NEW-P	93-07-021	16-218-001	AMD-P	93-12-134
4-25-140	REP-P	93-08-089	16-08-022	NEW-E	93-07-022	16-218-010	AMD-P	93-12-134
4-25-140	REP	93-12-064	16-08-022	NEW	93-10-059	16-218-02001	AMD-P	93-12-134
4-25-141	REP-P	93-08-089	16-08-141	AMD-P	93-07-021	16-218-030	NEW-P	93-12-134
4-25-141	REP .	93-12-064	16-08-141	AMD-E	93-07-021	16-219-010	NEW-P	93-12-134
4-25-142	REP-P	93-08-089	16-08-141	AMD	93-10-059	16-219-015	NEW-P	93-12-128
4-25-142	REP	93-12-064	16-08-151	AMD-P	93-07-021	16-219-015	NEW-E	93-12-128
4-25-190	REP-P	93-08-089	16-08-151	AMD-E	93-07-021	16-219-015	RESCIND	93-13-036
4-25-190	REP	93-12-064	16-08-151	AMD-L AMD	93-10-059	16-219-015	NEW-E	93-13-046
4-25-191	REP-P	93-08-089	16-10-010	NEW-P	93-04-113	16-219-020	NEW-P	93-12-128
4-25-191	REP	93-12-064	16-10-010	NEW-W	93-06-008	16-219-020	NEW-E	93-12-128
4-25-260	REP-P	93-08-089	16-10-010	NEW-P	93-06-076	16-219-020	RESCIND	93-13-038
4-25-260	REP	93-12-064	16-10-010	NEW	93-10-046	16-219-020	NEW-E	93-13-045
4-25-360	REP-P	93-08-089	16-10-020	NEW-P	93-04-113	16-219-025	NEW-P	93-13-046
7 25 500		20 00 007	1 .0 10 020	11511-1	73-04-113	10-217-025	14F44-L	73-14-148

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-219-025	NEW-E	93-13-038	16-229-480	NEW-P	93-12-044	51-11-0101	AMD-W	93-08-08
16-219-025	RESCIND	93-13-045	16-230-250	AMD-E	93-12-038	51-11-0200	AMD-P	93-08-07
16-219-025 16-219-025	NEW-E	93-13-046	16-230-250	AMD-P	93-12-129	51-11-0201	AMD-P	93-08-07
16-219-023	NEW-P	93-12-128	16-230-260	AMD-E	93-12-038	51-11-0401	AMD-P	93-08-07
16-219-030	NEW-E	93-13-038	16-230-260	AMD-P	93-12-129	51-11-0401	AMD-W	93-08-08
16-219-030	RESCIND	93-13-045	16-230-270	AMD-E	93-12-038	51-11-0502	AMD-P	93-08-07
16-219-030	NEW-E	93-13-046	16-230-270	AMD-P	93-12-129	51-11-0502	AMD-W	93-08-08
16-219-030	REP-P	93-04-114	16-230-280	REP-E	93-12-038	51-11-0503	AMD-P	93-08-07
16-228-900	REP-W	93-06-007	16-230-280	REP-P	93-12-129	51-11-0503	AMD-W	93-08-08
16-228-900	REP-P	93-06-075	16-230-281	NEW-E	93-12-038	51-11-0505	AMD-P	93-08-07
16-228-900	REP	93-10-047	16-230-281	NEW-P	93-12-129	51-11-0505	AMD-W	93-08-08
16-228-905	NEW-P	93-04-114	16-230-290	AMD-E	93-12-038	51-11-0528	AMD-P	93-08-07
16-228-905 16-228-905	NEW-W	93-06-007	16-230-290	AMD-P	93-12-129	51-11-0528	AMD-W	93-08-08
16-228-905	NEW-P	93-06-075	16-230-300	REP-E	93-12-038	51-11-0529	AMD-P	93-08-07
			16-230-300	REP-P	93-12-129	51-11-0529	AMD-W	93-08-08
16-228-905	NEW	93-10-047	16-250-300	AMD-P	93-13-090	51-11-0531	AMD-P	93-08-07
16-228-910	NEW-P	93-04-114		AMD-F	93-04-078	51-11-0531	AMD-W	93-08-08
16-228-910	NEW-W	93-06-007	16-400-210	AMD-E	93-04-103	51-11-0532	AMD-P	93-08-07
16-228-910	NEW-P	93-06-075	16-400-210		93-04-105	51-11-0532	AMD-W	93-08-08
16-228-910	NEW .	93-10-047	16-400-210	AMD AMD-P	93-07-103	51-11-0538	AMD-P	93-08-07
16-228-915	NEW-P	93-04-114	16-403-220		93-05-022	51-11-0538	AMD-W	93-08-08
16-228-915	NEW-W	93-06-007	16-409-015	AMD-W	93-05-022	51-11-0539	AMD-P	93-08-07
16-228-915	NEW-P	93-06-075	16-409-065	REP-W	93-05-022	51-11-0539	AMD-W	93-08-08
16-228-915	NEW	93-10-047	16-409-075	AMD-W PREP	93-03-022	51-11-0540	AMD-P	93-08-07
16-228-920	NEW-P	93-04-114	16-415		93-07-053	51-11-0540	AMD-W	93-08-08
16-228-920	NEW-W	93-06-007	16-432	PREP NEW-P	93-07-033	51-11-0542	AMD-P	93-08-07
16-228-920	NEW-P	93-06-075	16-461-011	NEW-P	93-12-047	51-11-0542	AMD-W	93-08-08
16-228-920	NEW	93-10-047	16-461-011	AMD-P	93-12-047	51-11-0601	AMD-P	93-08-07
16-228-925	NEW-P	93-04-114	16-462-030		93-06-083	51-11-0601	AMD-W	93-08-08
16-228-925	NEW-W	93-06-007	16-532-120	AMD-P	93-09-014	51-11-0605	AMD-P	93-08-07
16-228-925	NEW-P	93-06-075	16-532-120	AMD		51-11-0605	AMD-W	93-08-08
16-228-925	NEW	93-10-047	16-555-010	AMD-P	93-04-094	51-11-0606	AMD-P	93-08-07
16-228-930	NEW-P	93-04-114	16-555-010	AMD	93-10-063	51-11-0606	AMD-W	93-08-08
16-228-930	NEW-W	93-06-007	16-555-020	AMD-P	93-04-094	51-11-0607	AMD-W	93-08-07
16-228-930	NEW-P	93-06-075	16-555-020	AMD	93-10-063	51-11-0607	AMD-W	93-08-08
16-228-930	NEW	93-10-047	16-570-040	AMD-P	93-07-085		AMD-P	93-08-07
16-229-010	NEW-P	93-12-044	16-570-040	AMD	93-11-032	51-11-0608		93-08-07
16-229-015	NEW-P	93-12-044	16-602-040	NEW-E	93-12-039	51-11-0608 51-11-0631	AMD-W AMD-P	93-08-07
16-229-020	NEW-P	93-12-044	16-674-002	REP	93-03-079		AMD-W	93-08-08
16-229-025	NEW-P	93-12-044	16-674-010	AMD	93-03-079	51-11-0631	AMD-P	93-08-07
16-229-030	NEW-P	93-12-044	16-674-020	REP	93-03-079	51-11-0700		93-08-07
16-229-040	NEW-P	93-12-044	16-674-060	NEW	93-03-079	51-11-1000	AMD-P	93-08-07
16-229-050	NEW-P	93-12-044	16-674-070	NEW	93-03-079	51-11-1100	NEW-P	
16-229-060	NEW-P	93-12-044	16-674-080	NEW	93-03-079	51-11-1101	NEW-W	93-08-08
16-229-070	NEW-P	93-12-044	16-674-090	NEW	93-03-079	51-11-1102	NEW-W	93-08-08
16-229-080	NEW-P	93-12-044	16-674-100	NEW	93-03-079	51-11-1103	NEW-W	93-08-08
16-229-090	NEW-P	93-12-044	44-10-030	AMD-E	93-07-017	51-11-1104	NEW-W	93-08-08
16-229-100	NEW-P	93-12-044	50-14-020	AMD-P	93-11-087	51-11-1105	NEW-W	93-08-08
16-229-110	NEW-P	93-12-044	50-14-020	AMD	93-13-142	51-11-1106	NEW-W	93-08-08
16-229-120	NEW-P	93-12-044	50-14-030	AMD-P	93-11-087	51-11-1107	NEW-W	93-08-08
16-229-130	NEW-P	93-12-044	50-14-030	AMD	93-13-142	51-11-1108	NEW-W	93-08-08
16-229-140	NEW-P	93-12-044	50-14-040	AMD-P	93-11-087	51-11-1109	NEW-W	93-08-08
16-229-150	NEW-P	93-12-044	50-14-040	AMD	93-13-142	51-11-1110	NEW-P	93-08-07
16-229-160	NEW-P	93-12-044	50-14-050	AMD-P	93-11-087	51-11-1120	NEW-P	93-08-0
16-229-170	NEW-P	93-12-044	50-14-050	AMD	93-13-142	51-11-1130	NEW-P	93-08-0
16-229-180	NEW-P	93-12-044	50-14-060	AMD-P	93-11-087	51-11-1131	NEW-P	93-08-0
16-229-200	NEW-P	93-12-044	50-14-060	AMD	93-13-142	51-11-1132	NEW-P	93-08-0
16-229-210	NEW-P	93-12-044	50-14-070	AMD-P	93-11-087	51-11-1133	NEW-P	93-08-0
16-229-220	NEW-P	93-12-044	50-14-070	AMD	93-13-142	51-11-1134	NEW-P	93-08-0
16-229-230	NEW-P	93-12-044	50-14-080	AMD-P	93-11-087	51-11-1140	NEW-P	93-08-0
16-229-240	NEW-P	93-12-044	50-14-080	AMD	93-13-142	51-11-1141	NEW-P	93-08-0
16-229-250	NEW-P	93-12-044	50-14-090	AMD-P	93-11-087	51-11-1142	NEW-P	93-08-0
16-229-260	NEW-P	93-12-044	50-14-090	AMD	93-13-142	51-11-1143	NEW-P	93-08-0
16-229-270	NEW-P	93-12-044	50-14-100	AMD-P	93-11-087	51-11-1144	NEW-P	93-08-0
16-229-270	NEW-P	93-12-044	50-14-100	AMD	93-13-142	51-11-1150	NEW-P	93-08-0
16-229-300	NEW-P	93-12-044	50-14-110	AMD-P	93-11-087	51-11-1160	NEW-P	93-08-0
			50-14-110	AMD	93-13-142	51-11-1201	NEW-P	93-08-0
16-229-310	NEW-P	93-12-044	50-14-110	AMD-P	93-13-142	51-11-1201	NEW-W	93-08-0
16-229-400	NEW-P	93-12-044	50-14-130	AMD	93-13-142	51-11-1210	NEW-P	93-08-0
16-229-410	NEW-P	93-12-044			93-13-144	51-11-1301	NEW-P	93-08-0
16-229-420	NEW-P	93-12-044	50-20-130	AMD-P	93-13-144	51-11-1301	NEW-P	93-08-0
	NEW-P	93-12-044	50-30-030	AMD-P				93-08-0
16-229-430			#O 40 *OO					
16-229-430 16-229-440 16-229-450	NEW-P NEW-P	93-12-044 93-12-044	50-48-100 50-48-100	AMD-P AMD	93-05-052 93-07-113	51-11-1302 51-11-1302	NEW-P NEW-W	93-08-0

[2]

WAC #		WSR #	WAC #		WSR #	WAC #	·	WSR #
51 11 1202	NEW-W	93-08-084	51 11 1001	NEW W	02 00 004	121 47 005	NEW E	02.00.047
51-11-1303 51-11-1310	NEW-W NEW-P	93-08-077	. 51-11-1901 51-11-1902	NEW-W NEW-W	93-08-084 93-08-084	131-47-085 131-47-090	NEW-E NEW-E	93-09-047 93-09-047
51-11-1311	NEW-P	93-08-077	51-11-2000	NEW-W	93-08-084	131-47-095	NEW-E	93-09-047
51-11-1312	NEW-P	93-08-077	51-11-2001	NEW-P	93-08-077	131-47-100	NEW-E	93-09-047
51-11-1313	NEW-P	93-08-077	51-11-2001	NEW-W	93-08-084	131-47-105	NEW-E	93-09-047
51-11-1314	NEW-P	93-08-077	51-11-2002	NEW-P	93-08-077	131-47-110	NEW-E	93-09-047
51-11-1320	NEW-P	93-08-077	51-11-2002	NEW-W	93-08-084	131-47-115	NEW-E	93-09-047
51-11-1321	NEW-P	93-08-077	51-11-2003	NEW-P	93-08-077	131-47-120	NEW-E	93-09-047
51-11-1322	NEW-P	93-08-077	51-11-2003	NEW-W	93-08-084	131-47-125	NEW-E	93-09-047
51-11-1323	NEW-P	93-08-077	51-11-2004	NEW-P	93-08-077	131-47-130	NEW-E	93-09-047
51-11-1330	NEW-P	93-08-077	51-11-2004	NEW-W	93-08-084	131-47-135	NEW-E	93-09-047
51-11-1331	NEW-P	93-08-077	51-11-2005	NEW-P	93-08-077	131-47-140	NEW-E	93-09-047
51-11-1332	NEW-P	93-08-077	51-11-2005	NEW-W	93-08-084	131-47-145	NEW-E	93-09-047
51-11-1333 51-11-1334	NEW-P NEW-P	93-08-077 93-08-077	51-11-2006 51-11-2006	NEW-P NEW-W	93-08-077 93-08-084	131-47-150	NEW-E	93-09-047
51-11-1334	NEW-P	93-08-077	51-11-2007	NEW-W	93-08-084	131-47-155 131-47-160	NEW-E NEW-E	93-09-047 93-09-047
51-11-1401	NEW-W	93-08-077	51-11-2007	NEW-P	93-08-077	137-47-165	NEW-E	93-09-047
51-11-1402	NEW-P	93-08-077	51-11-2008	NEW-P	93-08-077	132G-116-010	REP	93-02-063
51-11-1402	NEW-W	93-08-084	51-11-2008	NEW-W	93-08-084	132G-116-020	AMD	93-02-063
51-11-1410	NEW-P	93-08-077	51-11-2009	NEW-P	93-08-077	132G-116-025	NEW	93-02-063
51-11-1411	NEW-P	93-08-077	51-11-2009	NEW-W	93-08-084	132G-116-030	AMD	93-02-063
51-11-1412	NEW-P	93-08-077	51-11-99901	NEW-S	93-10-004	132G-116-035	NEW	93-02-063
51-11-1413	NEW-P	93-08-077	51-11-99902	NEW-S	93-10-004	132G-116-040	REP	93-02-063
51-11-1414	NEW-P	93-08-077	51-11-99903	NEW-S	93-10-004	132G-116-045	NEW	93-02-063
51-11-1415	NEW-P	93-08-077	51-11-99904	NEW-S	93-10-004	132G-116-050	REP	93-02-063
51-11-1420	NEW-P	93-08-077	51-13-101	AMD	93-02-056	132G-116-055	NEW	93-02-063
51-11-1421	NEW-P	93-08-077	51-13-202	AMD	93-02-056	132G-116-060	REP	93-02-063
51-11-1422	NEW-P NEW-P	93-08-077	51-13-300	AMD	93-02-056	132G-116-080	AMD	93-02-063
51-11-1423 51-11-1424	NEW-P	93-08-077 93-08-077	51-13-302 51-13-303	AMD AMD	93-02-056 93-02-056	132G-116-090 132G-116-095	AMD NEW	93-02-063 93-02-063
51-11-1430	NEW-P	93-08-077	51-13-304	AMD	93-02-056	132G-116-100	REP	93-02-063
51-11-1431	NEW-P	93-08-077	51-13-401	AMD	93-02-056	132G-116-105	NEW	93-02-063
51-11-1432	NEW-P	93-08-077	51-13-402	AMD	93-02-056	132G-116-110	REP	93-02-063
51-11-1433	NEW-P	93-08-077	51-13-502	AMD	93-02-056	132G-116-115	NEW	93-02-063
51-11-1434	NEW-P	93-08-077	51-13-503	AMD	93-02-056	132G-116-120	REP	93-02-063
51-11-1435	NEW-P	93-08-077	67-35-030	AMD-P	93-07-117	132G-116-125	NEW	93-02-063
51-11-1436	NEW-P	93-08-077	67-35-030	AMD	93-10-067	132G-116-130	REP	93-02-063
51-11-1437	NEW-P	93-08-077	67-35-040	AMD-P	93-06-048	132G-116-135	NEW	93-02-063
51-11-1440	NEW-P	93-08-077	67-35-040	AMD	93-09-013	132G-116-140	REP	93-02-063
51-11-1441	NEW-P	93-08-077	67-35-055	REP-P	93-06-048	132G-116-145	NEW	93-02-063
51-11-1442	NEW-P	93-08-077	67-35-055	REP	93-09-013	132G-116-150	REP	93-02-063
51-11-1450	NEW-P NEW-P	93-08-077	67-35-056	REP-P REP	93-06-048 93-09-013	132G-116-155 132G-116-160	NEW	93-02-063
51-11-1451 51-11-1452	NEW-P	93-08-077 93-08-077	67-35-056 98-60-010	NEW-P	93-03-063	132G-116-160 132G-116-170	REP REP	93-02-063 93-02-063
51-11-1453	NEW-P	93-08-077	98-60-010	NEW-F	93-07-040	132G-116-176	NEW	93-02-063
51-11-1454	NEW-P	93-08-077	98-60-020	NEW-P	93-03-063	132G-116-179	REP	93-02-063
51-11-1501	NEW-P	93-08-077	98-60-020	NEW	93-07-040	132G-116-185	NEW	93-02-063
51-11-1501	NEW-W	93-08-084	98-60-030	NEW-P	93-03-063	132G-116-190	REP	93-02-063
51-11-1502	NEW-W	93-08-084	98-60-030	NEW	93-07-040	132G-116-195	NEW	93-02-063
51-11-1503	NEW-W	93-08-084	98-60-040	NEW-P	93-03-063	132G-116-200	REP	93-02-063
51-11-1504	NEW-W	93-08-084	98-60-040	NEW	93-07-040	132G-116-205	NEW	93-02-063
51-11-1505	NEW-W	93-08-084	98-60-050	NEW-P	93-03-063	132G-116-210	REP	93-02-063
51-11-1510	NEW-P	93-08-077	98-60-050	NEW	93-07 - 040	132G-116-215	NEW	93-02-063
51-11-1511	NEW-P	93-08-077	98-70-010	AMD-P	93-03-062	132G-116-220	REP	93-02-063
51-11-1512	NEW-P	93-08-077	98-70-010	AMD	93-07-041	132G-116-225	NEW	93-02-063
51-11-1513	NEW-P	93-08-077	131-16-091	AMD-P	93-10-103	132G-116-230	REP	93-02-063
51-11-1520	NEW-P	93-08-077	131-16-092	AMD-P	93-10-103	132G-116-235	NEW	93-02-063
51-11-1521	NEW-P	93-08-077	131-16-093	`AMD-P	93-10-103	132G-116-240	REP	93-02-063
51-11-1522	NEW-P	93-08-077	131-47-010 131-47-015	NEW-E	93-09-047 93-09-047	132G-116-245 132G-116-250	NEW REP	93-02-063 93-02-063
51-11-1530	NEW-P	93-08-077 93-08-077	131-47-015	NEW-E NEW-E	93-09-047	132G-116-250 132G-116-255	NEW	93-02-063
51-11-1531	NEW-P NEW-P	93-08-077	131-47-025	NEW-E	93-09-047	132G-116-253 132G-116-260	REP	93-02-063
51-11-1532	NEW-P	93-08-077	131-47-023	NEW-E	93-09-047	132G-116-265	NEW	93-02-063
51-11-1601 51-11-1602	NEW-W	93-08-084	131-47-035	NEW-E	93-09-047	132G-116-203 132G-116-270	AMD	93-02-063
51-11-1603	NEW-W	93-08-084	31-47-040	NEW-E	93-09-047	132G-116-275	NEW	93-02-063
51-11-1604	NEW-W	93-08-084	131-47-045	NEW-E	93-09-047	132G-116-273	REP	93-02-063
51-11-1605	NEW-W	93-08-084	131-47-050	NEW-E	93-09-047	132G-116-285	NEW .	93-02-063
51-11-1606	NEW-W	93-08-084	131-47-055	NEW-E	93-09-047	132G-116-290	REP	93-02-063
51-11-1607	NEW-W	93-08-084	131-47-060	NEW-E	93-09-047	132G-116-295	NEW	93-02-063
51-11-1608	NEW-W	93-08-084	131-47-065	NEW-E	93-09-047	132G-116-300	REP	93-02-063
51-11-1701	NEW-P	93-08-077	131-47-070	NEW-E	93-09-047	132G-116-305	NEW	93-02-063
51-11-1701	NEW-W	93-08-084	131-47-075	NEW-E	93-09-047	132G-116-310	REP	93-02-063
51-11-1801	NEW-W	93-08-084	131-47-080	NEW-E	93-09-047	l 132G-116-315	NEW	93-02-063
				[3]				Table

[3] Table

WAC#		WSR #	WAC #		WSR #	WAC #		WSR #
132G-116-320	REP	93-02-063	132J-125-250	NEW	93-04-022	173-50-080	AMD-P	93-13-12 [°]
132G-116-330	REP	93-02-063	132J-125-260	NEW	93-04-022	173-50-090	AMD-P	93-13-12
132G-116-340	AMD	93-02-063	132J-125-270	NEW	93-04-022	173-50-100	AMD-P	93-13-12
132G-116-350	REP	93-02-063	132J-125-280	NEW	93-04-022	173-50-120	AMD-P	93-13-12
132H-116-315	AMD-P	93-08-067	132J-125-290	NEW	93-04-022	173-50-130	AMD-P	93-13-12
132H-116-315	AMD	93-12-007	132J-125-300	NEW	93-04-022	173-50-190	AMD-P	93-13-12
132H-120-050	AMD-P	93-08-068	132J-125-310	NEW	93-04-022	173-50-200	AMD-P	93-13-12
132H-120-050	AMD	93-12-008	132L-133-020	NEW-P	93-06-067	173-164-010	REP-P	93-09-06
132H-120-200	AMD-P	93-08-068	132L-133-020	NEW	93-13-050	173-164-020	REP-P	93-09-06
132H-120-200	AMD	93-12-008	132P-136-010	AMD-P	93-12-099	173-164-030	REP-P	93-09-06 [,] 93-09-06 [,]
132H-120-220	AMD-P	93-08-068	132P-136-020	AMD-P AMD-P	93-12-099 93-12-099	173-164-040 173-164-050	REP-P REP-P	93-09-06
132H-120-220 132H-120-225	AMD AMD-P	93-12-008 93-08-068	132P-136-030 132P-136-040	AMD-P	93-12-099	173-164-060	REP-P	93-09-06
132H-120-225	AMD-F	93-12-008	132P-136-050	AMD-P	93-12-099	173-164-070	REP-P	93-09-06
132H-120-245	AMD-P	93-08-068	132P-136-060	AMD-P	93-12-099	173-164-080	REP-P	93-09-06
132H-120-245	AMD	93-12-008	132V-120-270	AMD-P	93-13-049	173-202-020	AMD-P	93-05-04
132H-120-300	AMD-P	93-08-068	132V-120-280	AMD-P	93-13-049	173-202-020	AMD-E	93-07-090
132H-120-300	AMD	93-12-008	132V-120-290	AMD-P	93-13-049	173-202-020	AMD	93-11-062
132H-120-335	AMD-P	93-08-068	132V-120-300	AMD-P	93-13-049	173-205-010	NEW-P	93-08-08:
32H-120-335	AMD	93-12-008	132V-120-310	AMD-P	93-13-049	173-205-020	NEW-P	93-08-08:
132H-120-475	AMD-P	93-08-068	132V-120-320	AMD-P	93-13-049	173-205-030	NEW-P	93-08-08:
132H-120-475	AMD	93-12-008	132V-300-010	NEW	93-03-078	173-205-040	NEW-P	93-08-08:
132H-160-180	AMD-P	93-12-098	132V-300-020	NEW	93-03-078	173-205-050	NEW-P	93-08-08:
132H-160-185	NEW-P	93-12-097	132V-300-030	NEW	93-03-078	173-205-060	NEW-P	93-08-08:
132J-108-020	AMD	93-04-022	136-320-010	AMD-P	93-07-045	173-205-070	NEW-P	93-08-08:
132 J- 108-050	AMD	93-04-022	136-320-020	AMD-P	93-07-045	173-205-080	NEW-P	93-08-08:
132J-120-010	REP	93-04-022	136-320-030	AMD-P	93-07-045	173-205-090	NEW-P	93-08-08: 93-08-08:
132J-120-020	REP	93-04-022	136-320-040	AMD-P	93-07-045	173-205-100 173-205-110	NEW-P NEW-P	93-08-08:
132J-120-030	REP	93-04-022 93-04-022	136-320-050 136-320-060	AMD-P AMD-P	93-07-045 93-07-045	173-205-110	NEW-P	93-08-08:
132J-120-040 132J-120-050	REP REP	93-04-022	136-320-000	AMD-P	93-07-045	173-205-120	NEW-P	93-08-08:
132J-120-050 132J-120-060	REP	93-04-022	136-320-080	AMD-P	93-07-045	173-216-010	AMD-P	93-03-06
132 J -120-000	REP	93-04-022	139-05-240	AMD-W	93-05-039	173-216-010	AMD-E	93-03-06
132J-120-080	REP	93-04-022	139-05-240	AMD-P	93-07-118	173-216-010	AMD	93-10-099
132J-120-090	REP	93-04-022	139-05-240	AMD	93-13-098	173-216-030	AMD-P	93-03-06
132J-120-100	REP	93-04-022	139-05-242	NEW-C	93-03-084	173-216-030	AMD-E	93-03-06
132J-120-110	REP	93-04-022	139-05-242	NEW-C	93-08-030	173-216-030	AMD	93-10-09
132J-120-120	REP	93-04-022	139-05-242	NEW	93-13-103	173-216-040	AMD-P	93-03-06
132J-120-130	REP	93-04-022	139-05-250	AMD-P	93-08-055	173-216-040	AMD-E	93-03-06
132 J -125-010	NEW	93-04-022	139-05-250	AMD	93-13-097	173-216-040	AMD	93-10-09
132J-125-020	NEW	93-04-022	139-05-910	REP-P	93-10-029	173-216-050	AMD-P	93-03-06
132J-125-030	NEW	93-04-022	139-05-910	REP	93-13-100	173-216-050 173-216-050	AMD-E AMD	93-03-06′ 93-10-09′
132J-125-055	NEW	93-04-022	139-05-912 139-05-912	NEW-P NEW	93-10-030 93-13-101	173-216-030	AMD-P	93-10-09
132J-125-060 132J-125-065	NEW NEW	93-04-022 93-04-022	139-03-912	AMD-W	93-05-040	173-216-070	AMD-E	93-03-06
	NEW	93-04-022	139-10-220	AMD-P	93-07-120	173-216-070	AMD-E	93-10-09
132J-125-070 132J-125-075	NEW	93-04-022	139-10-220	AMD	93-13-099	173-216-125	AMD-P	93-13-12
132 J -125-080	NEW	93-04-022	139-10-222	NEW-C	93-03-085	173-216-130	AMD-P	93-03-06
132J-125-085	NEW	93-04-022	139-10-222	NEW	93-07-119	173-216-130	AMD-E	93-03-06
132 J -125-090	NEW	93-04-022	173-19-2205	AMD-P	93-09-062	173-216-130	AMD	93-10-09
132J-125-095	NEW	93-04-022	173-19-240	AMD-P	93-10-100	173-216-140	AMD-P	93-03-06
132J-125-100	NEW	93-04-022	173-19-2401	AMD	93-07-116	173-216-140	AMD-E	93-03-06
132J-125-105	NEW	93-04-022	173-19-2401	AMD-P	93-10-100	173-216-140	AMD	93-10-09
132J-125-110	NEW	93-04-022	173-19-2521	AMD	93-04-106	173-220-010	AMD-P	93-03-06
132 J -125-115	NEW	93-04-022	173-19-2521	AMD-P	93-05-043	173-220-010	AMD-E	93-03-06
132 J -125-120	NEW	93-04-022	173-19-2521	AMD	93-12-011	173-220-010	AMD	93-10-09
132J-125-125	NEW	93-04-022	173-19-350	AMD	93-02-048	173-220-020	AMD-P	93-03-06
132 J -125-130	NEW	93-04-022	173-19-3503	AMD-C	93-04-064	173-220-020	AMD-E	93-03-06
132J-125-135	NEW	93-04-022	173-19-3503	AMD	93-08-026	173-220-020	AMD	93-10-09
132J-125-140	NEW	93-04-022	173-19-3903	AMD-P	93-03-091	173-220-030	AMD-P	93-03-06
132J-125-145	NEW	93-04-022	173-19-3903	AMD	93-13-020	173-220-030	AMD-E	93-03-06 93-10-09
132J-125-150	NEW	93-04-022	173-19-3911	AMD-P	93-06-051	173-220-030	AMD AMD-P	93-10-09
132J-125-155	NEW	93-04-022 93-04-022	173-19-3911 173-19-410	AMD-C AMD-C	93-13-047 93-04-065	173-220-040 173-220-040	AMD-P	93-03-06
132J-125-160 132J-125-165	NEW NEW	93-04-022 93-04-022	173-19-410	AMD-C AMD-C	93-04-063	173-220-040	AMD-E	93-03-00
132J-125-165 132J-125-170	NEW NEW	93-04-022	173-19-410	AMD-C	93-07-091	173-220-045	REP-P	93-10-09
132J-125-170 132J-125-180	NEW	93-04-022	173-19-410	AMD-W AMD-P	93-06-050	173-220-045	REP-E	93-03-06
132J-125-180 132J-125-190	NEW	93-04-022	173-19-4203	AMD-P	93-11-061	173-220-045	REP	93-10-09
132J-125-190 132J-125-200	NEW	93-04-022	173-19-4203	AMD	93-12-107	173-220-050	AMD-P	93-03-06
132J-125-200 132J-125-210	NEW	93-04-022	173-19-450	AMD	93-04-063	173-220-050	AMD-E	93-03-06
132J-125-210 132J-125-220	NEW	93-04-022	173-50-040	AMD-P	93-13-127	173-220-050	AMD	93-10-09
132J-125-230	NEW	93-04-022	173-50-050	AMD-P	93-13-127	173-220-060 173-220-060	AMD-P AMD-E	93-03-06 93-03-06

[4]

Table of WAC Sections Affected

WAC #		WSR #	WAC#		WSR #	WAC #		.WSR #
						WAC #		. WSK #
173-220-060	AMD	93-10-099	173-226-190	NEW-E	93-03-067	173-303-520	AMD-P	93-12-109
173-220-070	AMD-P	93-03-066	173-226-190	NEW	93-10-099	173-303-600	AMD-P	93-12-109
173-220-070	AMD-E	93-03-067	173-226-200	NEW-P	93-03-066	173-303-610	AMD-P	93-12-109
173-220-070	AMD	93-10-099	173-226-200	NEW-E	93-03-067	173-303-630	AMD-P	93-12-109
173-220-090	AMD-P	93-03-066	173-226-200	NEW	93-10-099	173-303-640	AMD-P	93-12-109
173-220-090	AMD-E	93-03-067	173-226-210	NEW-P	93-03-066	173-303-645	AMD-P	93-12-109
173-220-090	AMD	93-10-099	173-226-210	NEW-E	93-03-067	173-303-646	NEW-P	93-12-109
173-220-100	AMD-P	93-03-066	173-226-210	NEW	93-10-099	173-303-650	AMD-P	93-12-109
173-220-100	AMD-E	93-03-067	173-226-220	NEW-P	93-03-066	173-303-655	AMD-P	93-12-109
173-220-100	AMD	93-10-099	173-226-220	NEW-E	93-03-067	173-303-660	AMD-P	93-12-109
173-220-110	AMD-P	93-03-066	173-226-220	NEW	93-10-099	173-303-670	AMD-P	93-12-109
173-220-110	AMD-E	93-03-067	173-226-230	NEW-P	93-03-066	173-303-680	AMD-P	93-12-109
173-220-110	AMD	93-10-099	173-226-230	NEW-E	93-03-067	173-303-800	AMD-P	93-12-109
173-220-210	AMD-P	93-13-127	173-226-230	NEW	93-10-099	173-303-802	AMD-P	93-12-109
173-220-225	AMD-P	93-03-066	173-226-240	NEW-P	93-03-066	173-303-805	AMD-P	93-12-109
173-220-225	AMD-E	93-03-067	173-226-240	NEW-E	93-03-067	173-303-806	AMD-P	93-12-109
173-220-225	AMD	93-10-099	173-226-240	NEW	93-10-099	173-303-807	AMD-P	93-12-109
173-226-010	NEW-P	93-03-066	173-226-250	NEW-P	93-03-066	173-303-810	AMD-P	93-12-109
173-226-010	NEW-E	93-03-067	173-226-250	NEW-E	93-03-067	173-303-830	AMD-P	93-12-109
173-226-010	NEW	93-10-099	173-226-250	NEW	93-10-099	173-303-840	AMD-P	93-12-109
173-226-020	NEW-P	93-03-066	173-250-010	REP-P	93-09-064	173-303-900	AMD-P	93-12-109
173-226-020	NEW-E	93-03-067	173-250-020	REP-P	93-09-064	173-303-910	AMD-P	93-12-109
173-226-020	NEW	93-10-099	173-250-030	REP-P	93-09-064	173-303-910	AMD-P	93-12-109
173-226-030	NEW-P	93-03-066	173-250-040	REP-P	93-09-064	173-303-9904	AMD-P	93-12-109
173-226-030	NEW-E	93-03-067	173-303-016	AMD-P	93-12-109	173-303-9905	AMD-P	93-12-109
173-226-030	NEW	93-10-099	173-303-020	AMD-P	93-12-109	173-303-9905	AMD-P	93-12-109
173-226-040	NEW-P	93-03-066	173-303-040	AMD-P	93-12-109	173-303-9907	AMD-P	93-12-109
173-226-040	NEW-E	93-03-067	173-303-045	AMD-P	93-12-109	173-303-9908	NEW-P	93-12-109
173-226-040	NEW	93-10-099	173-303-070	AMD-E	93-02-049	173-303-9708	AMD-P	
173-226-050	NEW-P	93-03-066	173-303-070	AMD	93-02-050	173-322-010	AMD-P	93-12-108
173-226-050	NEW-E	93-03-067	173-303-070	AMD-P	93-12-109	173-322-020	AMD-P	93-12-108
173-226-050	NEW	93-10-099	173-303-071	AMD-P	93-12-109	173-322-030	AMD-P	93-12-108
173-226-060	NEW-P	93-03-066	173-303-072	AMD-P	93-12-109	173-322-040	AMD-P AMD-P	93-12-108
173-226-060	NEW-E	93-03-067	173-303-075	AMD-P	93-12-109	173-322-030	AMD-P	93-12-108
173-226-060	NEW	93-10-099	173-303-082	AMD-P	93-12-109	173-322-000	AMD-P	93-12-108
173-226-070	NEW-P	93-03-066	173-303-083	AMD-P	93-12-109	173-322-070	AMD-P	93-12-108
173-226-070	NEW-E	93-03-067	173-303-084	AMD-P	93-12-109	173-322-080	AMD-P	93-12-108
173-226-070	NEW	93-10-099	173-303-090	AMD-P	93-12-109	173-322-100		93-12-108
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173-226-080	NEW-E	93-03-067	173-303-101	AMD-P	93-12-109	173-322-110	AMD-P	93-12-108
173-226-080	NEW	93-10-099	173-303-102	AMD-P	93-12-109	173-328-010	NEW	93-09-065
173-226-090	NEW-P	93-03-066	173-303-102	AMD-P	93-12-109	173-328-020	NEW	93-09-065
173-226-090	NEW-E	93-03-067	173-303-110	AMD-P	93-12-109	173-328-040	NEW	93-09-065
173-226-090	NEW	93-10-099	173-303-120	AMD-E	93-02-049	173-328-050	NEW NEW	93-09-065
173-226-090	AMD-P	93-13-127	173-303-120	AMD AMD	93-02-050	173-328-060		93-09-065
173-226-100	NEW-P	93-03-066	173-303-120	AMD-P	93-12-109	173-328-000	NEW NEW	93-09-065
173-226-100	NEW-E	93-03-067	173-303-140	AMD-P	93-12-109	173-328-070	NEW-P	93-09-065
173-226-100	NEW	93-10-099	173-303-160	AMD-P	93-12-109	173-351-100	NEW-P	93-12-110
173-226-110	NEW-P	93-03-066	173-303-161	AMD-P	93-12-109	173-351-100	NEW-P	93-12-110
73-226-110	NEW-E	93-03-067	173-303-170	AMD-P	93-12-109	173-351-120	NEW-P	93-12-110
73-226-110	NEW	93-10-099	173-303-180	AMD-P	93-12-109	173-351-130		93-12-110
73-226-120	NEW-P	93-03-066	173-303-100	AMD-P	93-12-109	173-351-140	NEW-P NEW-P	93-12-110
73-226-120	NEW-E	93-03-067	173-303-200	AMD-P	93-12-109	173-351-200	NEW-P NEW-P	93-12-110
73-226-120	NEW	93-10-099	173-303-201	AMD-P	93-12-109	173-351-210		93-12-110
73-226-130	NEW-P	93-03-066	173-303-202	AMD-P	93-12-109	173-351-220	NEW-P	93-12-110
73-226-130	NEW-E	93-03-067	173-303-210	AMD-P	93-12-109	173-351-300	NEW-P NEW-P	93-12-110
73-226-130	NEW	93-10-099	173-303-230	AMD-P	93-12-109	173-351-400		93-12-110
73-226-140	NEW-P	93-03-066	173-303-240	AMD-P	93-12-109		NEW-P	93-12-110
73-226-140	NEW-E	93-03-067	173-303-240	AMD-P	93-12-109	173-351-410	NEW-P	93-12-110
73-226-140	NEW	93-10-099	173-303-281	AMD-P	93-12-109	173-351-415	NEW-P	93-12-110
73-226-150	NEW-P	93-03-066	173-303-282	AMD-P		173-351-420	NEW-P	93-12-110
73-226-150	NEW-E	93-03-067	173-303-290		93-12-109	173-351-430	NEW-P	93-12-110
73-226-150	NEW-E	93-10-099	173-303-300	AMD-P	93-12-109	173-351-440	NEW-P	93-12-110
73-226-160	NEW-P	93-10-099	173-303-320	AMD-P	93-12-109	173-351-450	NEW-P	93-12-110
73-226-160	NEW-P	93-03-066	173-303-330	AMD-P	93-12-109	173-351-460	NEW-P	93-12-110
	NEW-E	93-10-099		AMD-P	93-12-109	173-351-465	NEW-P	93-12-110
73-226-160	NEW-P	93-10-099	173-303-370	AMD-P	93-12-109	173-351-480	NEW-P	93-12-110
73-226-170	NEW-P NEW-E		173-303-390	AMD-P	93-12-109	173-351-490	NEW-P	93-12-110
73-226-170		93-03-067	173-303-400	AMD-P	93-12-109	173-351-500	NEW-P	93-12-110
73-226-170	NEW D	93-10-099	173-303-505	AMD-P	93-12-109	173-351-600	NEW-P	93-12-110
73-226-180	NEW-P	93-03-066	173-303-506	NEW-E	93-02-049	173-351-700	NEW-P	93-12-110
73-226-180	NEW-E	93-03-067	173-303-506	NEW	93-02-050	173-351-720	NEW-P	93-12-110
73-226-180 73-226-190	NEW NEW-P	93-10-099 93-03-066	173-303-510	AMD-P	93-12-109	173-351-730	NEW-P	93-12-110
/3-220-190	IATPAA-L	73-03-000	173-303-515	AMD-P	93-12-109	l 173-351-740	NEW-P	93-12-110
•								

[5] Table

Table

WAC #		WSR #	WAC #		WSR #	WAC #		WSR
			172 122 222	4345	93-10-062	172 401 040	AMD	93-13-0
173-351-750	NEW-P	93-12-110	173-422-030	AMD		173-491-040		93-13-0
73-351-760	NEW-P	93-12-110	173-422-035	AMD-P	93-03-092	173-491-050	AMD B	
73-351-990	NEW-P	93-12-110	173-422-035	AMD	93-10-062	173-491-050	AMD-P	93-04-1 93-13-0
73-400	AMD-C	93-03-065	173-422-040	AMD-P	93-03-092	173-491-050	AMD AMD-P	93-13-0
73-400-030	AMD-S	93-05-048	173-422-040	AMD	93-10-062	180-16-222		93-04-1
73-400-040	AMD-S	93-05-048	173-422-050	AMD-P	93-03-092	180-16-222	AMD	
73-400-070	AMD-W	93-07-042	173-422-050	AMD	93-10-062	180-16-223	AMD-P	93-04-1
73-400-075	AMD	93-05-044	173-422-060	AMD-P	93-03-092	180-16-223	AMD	93-07-1
73-400-080	NEW-S	93-05-048	173-422-060	AMD	93-10-062	180-20-005	NEW-P NEW	93-04-1 93-08-0
73-400-100	AMD-S	93-05-048	173-422-065	NEW-P	93-03-092	180-20-005		
73-400-105	AMD-S	93-05-048	173-422-065	NEW	93-10-062	180-20-030	NEW-P	93-04-1
73-400-107 ·	NEW-S	93-05-048	173-422-070	AMD-P	93-03-092	180-20-030	NEW	93-08-0
73-400-110	AMD-S	93-05-048	173-422-070	AMD	93-10-062	180-20-031	NEW-P	93-04-
73-400-112	NEW-S	93-05-048	173-422-075	NEW-P	93-03-092	180-20-031	NEW	93-08-
73-400-113	NEW-S	93-05-048	173-422-075	NEW	93-10-062	180-20-034	NEW-P	93-04-
73-400-114	NEW-S	93-05-048	173-422-080	REP-P	93-03-092	180-20-034	NEW	93-08-
73-400-115	AMD	93-05-044	173-422-080	REP	93-10-062	180-20-035	NEW-P	93-04-
73-400-116	NEW-W	93-07-042	173-422-090	AMD-P	93-03-092	180-20-035	NEW	93-08-
73-400-120	AMD-S	93-05-048	173-422-090	AMD	93-10-062	180-20-040	NEW-P	93-04-
73-400-131	AMD-S	93-05-048	173-422-095	NEW-P	93-03-092	180-20-040	NEW	93-08-
73-400-136	AMD-S	93-05-048	173-422-095	NEW	93-10-062	180-20-045	NEW-P	93-04-
73-400-130	AMD-S	93-05-048	173-422-100	AMD-P	93-03-092	180-20-045	NEW	93-08-
	AMD-S	93-05-048	173-422-100	AMD	93-10-062	180-20-050	NEW-P	93-04-
73-400-171		93-05-048	173-422-100	REP-P	93-03-092	180-20-055	NEW-P	93-04-
73-400-180	AMD-S		173-422-110	REP	93-10-062	180-20-055	NEW	93-08-
73-400-230	AMD	93-05-044	173-422-110	AMD-P	93-03-092	180-20-060	NEW-P	93-04-
73-400-250	AMD-S	93-05-048	173-422-120	AMD	93-10-062	180-20-060	NEW	93-08-
73-401-100	NEW-P	93-07-062			93-03-092	180-20-065	NEW-P	93-04-
73-401-200	NEW-P	93-07-062	173-422-130	AMD-P		180-20-065	NEW	93-08-
73-401-300	NEW-P	93-07-062	173-422-130	AMD	93-10-062	180-20-003	NEW-P	93-04-
73-401-400	NEW-P	93-07-062	173-422-130	AMD-P	93-12-080			93-04-
73-401-500	NEW-P	93-07-062	173-422-130	AMD-E	93-12-081	180-20-070	NEW	
73-401-510	NEW-P	93-07-062	173-422-140	AMD-P	93-03-092	180-20-075	NEW-P	93-04-
73-401-520	NEW-P	93-07-062	173-422-140	AMD	93-10-062	180-20-075	NEW	93-08-
73-401-600	NEW-P	93-07-062	173-422-150	REP-P	93-03-092	180-20-080	NEW-P	93-04-
73-401-605	NEW-P	93-07-062	173-422-150	REP	93-10-062	180-20-080	NEW	93-08-
73-401-610	NEW-P	93-07-062	173-422-160	AMD-P	93-03-092	180-20-090	NEW-P	93-04-
73-401-615	NEW-P	93-07-062	173-422-160	AMD	93-10-062	180-20-090	NEW	93-08-
73-401-620	NEW-P	93-07-062	173-422-170	AMD-P	93-03-092	180-20-095	NEW-P	93-04-
73-401-625	NEW-P	93-07-062	173-422-170	AMD	93-10-062	180-20-095	NEW	93-08-
73-401-630	NEW-P	93-07-062	173-422-180	REP-P	93-03-092	180-20-100	REP-P	93-04
73-401-635	NEW-P	93-07-062	173-422-180	REP	93-10-062	180-20-100	REP	93-08
73-401-640	NEW-P	93-07-062	173-430	AMD-P	93-03-090	180-20-101	NEW-P	93-04
73-401-645	NEW-P	93-07-062	173-430	AMD-E	93-04-002	180-20-101	NEW	93-08
73-401-650	NEW-P	93-07-062	173-430	AMD-C	93-09-063	180-20-105	REP-P	93-04
73-401-700	NEW-P	93-07-062	173-430-010	AMD-P	93-03-090	180-20-105	REP	93-08-
73-401-700	NEW-P	93-07-062	173-430-010	AMD-E	93-04-002	180-20-106	REP-P	93-04
	NEW-P	93-07-062	173-430-010	AMD-E	93-12-012	180-20-106	REP	93-08
73-401-710		93-07-062	173-430-010	AMD-P	93-03-090	180-20-111	NEW-P	93-04
73-401-720	NEW-P	93-07-062	173-430-020	AMD-E	93-04-002	180-20-111	NEW	93-08
73-401-722	NEW-P	93-07-062	173-430-020	AMD-E	93-12-012	180-20-115	NEW-P	93-04
73-401-725	NEW-P	93-07-062	173-430-020	AMD-P	93-03-090	180-20-115	NEW	93-08
73-401-730	NEW-P		173-430-030	AMD-E	93-04-002	180-20-120	NEW-P	93-04
73-401-735	NEW-P	93-07-062		AMD-E	93-12-012	180-20-120	NEW	93-08
73-401-750	NEW-P	93-07-062	173-430-030		93-03-090	180-20-123	NEW-P	93-04
73-401-800	NEW-P	93-07-062	173-430-040	AMD-P	93-03-090	180-20-123	NEW	93-08
73-401-805	NEW-P	93-07-062	173-430-040	AMD-E		180-20-125	NEW-P	93-04
73-401-810	NEW-P	93-07-062	173-430-040	AMD-E	93-12-012		NEW-P	93-04
73-401-820	NEW-P	93-07-062	173-430-050	AMD-P	93-03-090	180-20-125		93-06
73-420-010	NEW	93-04-006	173-430-050	AMD-E	93-04-002	180-20-130	NEW-P	
73-420-020	NEW	93-04-006	173-430-060	AMD-P	93-03-090	180-20-130	NEW	93-08
73-420-030	NEW	93-04-006	173-430-060	AMD-E	93-04-002	180-20-135	NEW-P	93-04
73-420-040	NEW	93-04-006	173-430-060	AMD-E	93-12-012	180-20-135	NEW	93-08
73-420-050	NEW	93-04-006	173-430-070	AMD-P	93-03-090	180-20-140	NEW-P	93-04
73-420-060	NEW	93-04-006	173-430-070	AMD-E	93-04-002	180-20-140	NEW	93-08
173-420-000	NEW	93-04-006	173-430-070	AMD-E	93-12-012	180-20-145	NEW-P	93-04
173-420-070	NEW	93-04-006	173-430-080	AMD-P	93-03-090	180-20-145	NEW	93-08
	NEW	93-04-006	173-430-080	AMD-E	93-04-002	180-20-150	NEW-P	93-04
173-420-090			173-430-080	AMD-E	93-12-012	180-20-150	NEW	93-08
173-420-100	NEW	93-04-006	173-430-080	AMD-E	93-04-105	180-20-155	NEW-P	93-04
173-420-110	NEW	93-04-006		AMD	93-04-105	180-20-155	NEW	93-08
173-422-010	AMD-P	93-03-092	173-433-110			180-20-155	NEW-P	93-04
173-422-010	AMD	93-10-062	173-433-170	AMD	93-04-105		NEW-P	93-04
	AMD-P	93-03-092	173-491-020	AMD-P	93-04-108	180-20-160		
173-422-020			- 41 - 020 - a - a - a -		00 10 011	100 30 300		
173-422-020 173-422-020	AMD	93-10-062 93-03-092	173-491-020 173-491-040	AMD AMD-P	93-13-011 93-04-108	180-20-200 180-20-200	REP-P REP	93-04 93-08

[6]

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-20-205	REP-P	93-04-117	204-84-100	REP	93-11-018	212-26-005	REP	93-05-032
180-20-205	REP	93-08-007	212-12	NEW-C	93-04-060	212-26-010	REP-E	93-04-061
180-20-210	REP-P	93-04-117	212-12-001	NEW-E	93-04-061	212-26-010	REP	93-05-032
180-20-210	REP	93-08-007	212-12-001	NEW	93-05-032	212-26-015	REP-E	93-04-061
180-20-215	REP-P	93-04-117	212-12-005	NEW-E	93-04-061	212-26-015	REP	93-05-032
180-20-215	REP	93-08-007	212-12-005	NEW	93-05-032	212-26-020	REP-E	93-04-061
180-20-220	REP-P REP	93-04-117 93-08-007	212-12-011 212-12-011	NEW-E NEW	93-04-061	212-26-020	REP	93-05-032
180-20-220 180-20-225	REP-P	93-04-117	212-12-011	NEW-E	93-05-032 93-04-061	212-26-025 212-26-025	REP-E	93-04-061
180-20-225	REP	93-08-007	212-12-015	NEW-E	93-05-032	212-26-023	REP REP-E	93-05-032 93-04-061
180-20-230	REP-P	93-04-117	212-12-020	NEW-E	93-04-061	212-26-030	REP	93-05-032
180-20-230	REP	93-08-007	212-12-020	NEW	93-05-032	212-26-035	REP-E	93-04-061
180-26-020	AMD-P	93-04-118	212-12-025	NEW-E	93-04-061	212-26-035	REP	93-05-032
180-26-020	AMD	93-07-104	212-12-025	NEW	93-05-032	212-26-040	REP-E	93-04-061
180-26-025	AMD-P	93-04-119	212-12-030	NEW-E	93-04-061	212-26-040	REP	93-05-032
180-26-025	AMD-W	93-07-100	212-12-030	NEW	93-05-032	212-26-045	REP-E	93-04-061
180-27-070	AMD-P	93-08-041	212-12-035	NEW-E	93-04-061	212-26-045	REP	93-05-032
180-27-070	AMD	93-13-026	212-12-035	NEW	93-05-032	212-26-050	REP-E	93-04-061
180-27-505	AMD	93-04-019	212-12-040	NEW-E	93-04-061	212-26-050	REP	93-05-032
180-51-005	AMD	93-04-115	212-12-040	NEW E	93-05-032	212-26-055	REP-E	93-04-061
180-51-025	AMD AMD	93-04-115 93-04-115	212-12-044 212-12-044	NEW-E NEW	93-04-061	212-26-055	REP	93-05-032
180-51-030 180-51-055	AMD	93-04-115	212-12-044	NEW REP-E	93-05-032 93-04-061	212-26-060	REP-E	93-04-061
180-51-100	AMD	93-04-115	212-14-001	REP-E	93-04-061	212-26-060 212-26-065	REP REP-E	93-05-032 93-04-061
180-78-010	AMD-P	93-04-119	212-14-001	REP-E	93-04-061	212-26-065	REP-E REP	93-04-061
180-78-010	AMD	93-07-101	212-14-005	REP	93-05-032	212-26-070	REP-E	93-03-032
180-79-010	AMD-P	93-04-120	212-14-010	REP-E	93-04-061	212-26-070	REP	93-05-032
180-79-010	AMD	93-07-101	212-14-010	REP	93-05-032	212-26-075	REP-E	93-04-061
180-79-236	AMD	93-05-007	212-14-015	REP-E	93-04-061	212-26-075	REP	93-05-032
192-12-141	AMD-P	93-07-086	212-14-015	REP	93-05-032	212-26-080	REP-E	93-04-061
192-12-141	AMD	93-10-025	212-14-020	REP-E	93-04-061	212-26-080	REP	93-05-032
192-12-180	AMD-P	93-13-137	212-14-020	REP	93-05-032	212-26-085	REP-E	93-04-061
192-12-182	AMD-P	93-13-137	212-14-025	REP-E	93-04-061	212-26-085	REP	93-05-032
192-12-184	AMD-P	93-13-137	212-14-025	REP	93-05-032	212-26-090	REP-E	93-04-061
192-12-186	AMD-P	93-13-137	212-14-030	REP-E	93-04-061	212-26-090	REP	93-05-032
192-16-070	NEW-E	93-13-007	212-14-030	REP	93-05-032	212-26-095	REP-E	93-04-061
194-10-030	AMD AMD	93-02-033	212-14-035	REP-E	93-04-061	212-26-095	REP	93-05-032
194-10-100 194-10-110	AMD	93-02-033 93-02-033	212-14-035 212-14-040	REP REP-E	93-05-032 93-04-061	212-26-100 212-26-100	REP-E	93-04-061
194-10-110	AMD	93-02-033	212-14-040	REP-E	93-04-001	212-26-100	REP REP-E	93-05-032 93-04-061
194-10-130	AMD	93-02-033	212-14-045	REP-E	93-04-061	212-26-105	REP-E	93-05-032
196-24-041	NEW-P	93-09-024	212-14-045	REP	93-05-032	212-28-001	REP-E	93-04-061
196-24-041	NEW	93-13-064	212-14-050	REP-E	93-04-061	212-28-001	REP	93-05-032
196-24-097	NEW-P	93-09-022	212-14-050	REP	93-05-032	212-28-010	REP-E	93-04-061 .
196-24-097	NEW	93-13-065	212-14-055	REP-E	93-04-061	212-28-010	REP	93-05-032
196-24-098	NEW-P	93-09-023	212-14-055	REP	93-05-032	212-28-015	REP-E	93-04-061
196-24-098	NEW	93-13-065	212-14-060	REP-E	93-04-061	212-28-015	REP	93-05-032
196-26-020	AMD-P	93-07-111	212-14-060	REP	93-05-032	212-28-020	REP-E	93-04-061
196-26-020	AMD	93-10-057	212-14-070	REP-E	93-04-061	212-28-020	REP	93-05-032
204-10-120	AMD-P	93-05-029	212-14-070	REP	93-05-032	212-28-025	REP-E	93-04-061
204-10-120	AMD NEW-P	93-11-018	212-14-080 212-14-080	REP-E	93-04-061	212-28-025	REP	93-05-032
204-44-040	NEW-P NEW	93-05-028 93-11-017	l l	REP	93-05-032	212-28-030	REP-E	93-04-061
204-44-040 204-82A-070	AMD-P	93-11-017	212-14-090 212-14-090	REP-E REP	93-04-061 93-05-032	212-28-030 212-28-035	REP	93-05-032
204-84-010	REP-P	93-05-029	212-14-100	REP-E	93-04-061	212-28-035	REP-E REP	93-04-061 93-05-032
204-84-010	REP	93-11-018	212-14-100	REP	93-05-032	212-28-033	REP-E	93-03-032
204-84-020	REP-P	93-05-029	212-14-105	REP-E	93-04-061	212-28-040	REP	93-05-032
204-84-020	REP	93-11-018	212-14-105	REP	93-05-032	212-28-045	REP-E	93-04-061
204-84-030	REP-P	93-05-029	212-14-110	REP-E	93-04-061	212-28-045	REP .	93-05-032
204-84-030	REP	93-11-018	212-14-110	REP	93-05-032	212-28-050	REP-E	93-04-061
204-84-040	REP-P	93-05-029	212-14-115	REP-E	93-04-061	212-28-050	REP	93-05-032
204-84-040	REP	93-11-018	212-14-115	REP	93-05-032	212-28-055	REP-E	93-04-061
204-84-050	REP-P	93-05-029	212-14-120	REP-E	93-04-061	212-28-055	REP	93-05-032
204-84-050	REP	93-11-018	212-14-120	REP	93-05-032	212-28-060	REP-E	93-04-061
204-84-060	REP-P	93-05-029	212-14-12001	REP-E	93-04-061	212-28-060	REP	93-05-032
204-84-060	REP	93-11-018	212-14-12001	REP	93-05-032	212-28-065	REP-E	93-04-061
204-84-070	REP-P	93-05-029	212-14-125	REP-E	93-04-061	212-28-065	REP	9,3-05-032
204-84-070	REP	93-11-018	212-14-125	REP	93-05-032	212-28-070	REP-E	93-04-061
204-84-080	REP-P	93-05-029	212-14-130	REP-E	93-04-061	212-28-070	REP	93-05-032
204-84-080	REP	93-11-018	212-14-130	REP	93-05-032	212-28-075	REP-E	93-04-061
204-84-090 204-84-090	REP-P REP	93-05-029 · 93-11-018	212-26-001 212-26-001	REP-E	93-04-061	212-28-075	REP	93-05-032
204-84-100	REP-P	93-05-029	212-26-001	REP REP-E	93-05-032 93-04-061	212-28-080 212-28-080	REP-E REP	93-04-061
₽0 1 -100 .	VP1 -1	75 05-029	. 2.2-20-003	MDI "D	75 0 11 -001	. 414-40-000	KEF	93-05-032

[7] Table

Table

WAC #	_	WSR #	WAC #		WSR #	WAC #		WSR
112.20.005	DEDE	02 04 061	212-32-150	REP	93-05-032	212-40-065	REP-E	93-04
12-28-085	REP-E	93-04-061	212-32-130	REP-E	93-03-052	212-40-065	REP	93-05
12-28-085	REP	93-05-032			93-05-032	212-40-003	REP-E	93-04
12-28-090	REP-E	93-04-061	212-32-155	REP	93-03-032	212-40-070	REP-E	93-05
12-28-090	REP	93-05-032	212-32-160	REP-E			REP-E	93-03
2-28-095	REP-E	93-04-061	212-32-160	REP	93-05-032	212-40-075		
12-28-095	REP	93-05-032	212-36-001	REP-E	93-04-061	212-40-075	REP	93-05
12-28-100	REP-E	93-04-061	212-36-001	REP	93-05-032	212-40-080	REP-E	93-04
12-28-100	REP	93-05-032	212-36-005	REP-E	93-04-061	212-40-080	REP	93-05
12-28-105	REP-E	93-04-061	212-36-005	REP	93-05-032	212-40-085	REP-E	93-04
12-28-105	REP	93-05-032	212-36-010	REP-E	93-04-061	212-40-085	REP	93-05
12-28-110	REP-E	93-04-061	212-36-010	REP	93-05-032	212-40-090	REP-E	93-04
12-28-110 12-28-110	REP	93-05-032	212-36-015	REP-E	93-04-061	212-40-090	REP	93-05
12-32-001	REP-E	93-04-061	212-36-015	REP	93-05-032	212-40-095	REP-E	93-04
	REP	93-05-032	212-36-020	REP-E	93-04-061	212-40-095	REP	93-05
12-32-001			212-36-020	REP	93-05-032	212-40-100	REP-E	93-04
12-32-005	REP-E	93-04-061				212-40-100	REP	93-05
12-32-005	REP	93-05-032	212-36-025	REP-E	93-04-061			93-03
12-32-010	REP-E	93-04-061	212-36-025	REP	93-05-032	212-40-105	REP-E	
12-32-010	REP	93-05-032	212-36-030	REP-E	93-04-061	212-40-105	REP	93-05
12-32-015	REP-E	93-04-061	212-36-030	REP	93-05-032	212-42-001	REP-E	93-04
12-32-015	REP	93-05-032	212-36-035	REP-E	93-04-061	212-42-001	REP	93-05
12-32-020	REP-E	93-04-061	212-36-035	REP	93-05-032	212-42-005	REP-E	93-04
12-32-020	REP	93-05-032	212-36-040	REP-E	93-04-061	212-42-005	REP	93-05
12-32-025	REP-E	93-04-061	212-36-040	REP	93-05-032	212-42-010	REP-E	93-04
12-32-025	REP	93-05-032	212-36-045	REP-E	93-04-061	212-42-010	REP	93-05
12-32-023	REP-E	93-04-061	212-36-045	REP	93-05-032	212-42-015	REP-E	93-04
		93-05-032	212-36-050	REP-E	93-04-061	212-42-015	REP	93-05
12-32-030	REP		212-36-050	REP	93-05-032	212-42-020	REP-E	93-04
12-32-035	REP-E	93-04-061		REP-E	93-04-061	212-42-020	REP	93-05
12-32-035	REP	93-05-032	212-36-055		93-05-032	212-42-025	REP-E	93-04
12-32-040	REP-E	93-04-061	212-36-055	REP			REP	93-05
12-32-040	REP	93-05-032	212-36-060	REP-E	93-04-061	212-42-025		
12-32-045	REP-E	93-04-061	212-36-060	REP	93-05-032	212-42-030	REP-E	93-04
12-32-045	REP	93-05-032	212-36-065	REP-E	93-04-061	212-42-030	REP	93-05
12-32-050	REP-E	93-04-061	212-36-065	REP	93-05-032	212-42-035	REP-E	93-04
12-32-050	REP	93-05-032	212-36-070	REP-E	93-04-061	212-42-035	REP	93-05
12-32-055	REP-E	93-04-061	212-36-070	REP	93-05-032	212-42-040	REP-E	93-04
12-32-055	REP	93-05-032	212-36-075	REP-E	93-04-061	212-42-040	REP	93-0
12-32-060	REP-E	93-04-061	212-36-075	REP	93-05-032	212-42-045	REP-E	93-04
12-32-060	REP	93-05-032	212-36-080	REP-E	93-04-061	212-42-045	REP	93-05
12-32-065	REP-E	93-04-061	212-36-080	REP	93-05-032	212-42-050	REP-E	93-04
		93-05-032	212-36-085	REP-E	93-04-061	212-42-050	REP	93-05
12-32-065	REP		212-36-085	REP	93-05-032	212-42-055	REP-E	93-04
12-32-070	REP-E	93-04-061		REP-E	93-04-061	212-42-055	REP	93-0
12-32-070	REP	93-05-032	212-36-090		93-05-032	212-42-060	REP-E	93-04
12-32-075	REP-E	93-04-061	212-36-090	REP				93-0
12-32-075	REP	93-05-032	212-36-095	REP-E	93-04-061	212-42-060	REP	
12-32-080	REP-E	93-04-061	212-36-095	REP	93-05-032	212-42-065	REP-E	93-04
12-32-080	REP	93-05-032	212-36-100	REP-E	93-04-061	212-42-065	REP	93-0
12-32-085	REP-E	93-04-061	212-36-100	REP .	93-05-032	212-42-070	REP-E	93-04
12-32-085	REP	93-05-032	212-40-001	REP-E	93-04-061	212-42-070	REP	93-0
12-32-090	REP-E	93-04-061	212-40-001	REP	93-05-032	212-42-075	REP-E	93-0
12-32-090	REP	93-05-032	212-40-005	REP-E	93-04-061	212-42-075	REP	93-0
12-32-095	REP-E	93-04-061	212-40-005	REP	93-05-032	212-42-080	REP-E	93-0
	REP	93-05-032	212-40-010	REP-E	93-04-061	212-42-080	REP	93-0
12-32-095	REP-E	93-04-061	212-40-010	REP	93-05-032	212-42-085	REP-E	93-0
12-32-100			212-40-015	REP-E	93-04-061	212-42-085	REP	93-0
12-32-100	REP	93-05-032	1	REP	93-05-032	212-42-090	REP-E	93-0
12-32-105	REP-E	93-04-061	212-40-015			· ·	REP-L	93-0
12-32-105	REP	93-05-032	212-40-020	REP-E	93-04-061	212-42-090		93-0
12-32-110	REP-E	93-04-061	212-40-020	REP	93-05-032	212-42-095	REP-E	
12-32-110	REP	93-05-032	212-40-025	REP-E	93-04-061	212-42-095	REP	93-0
12-32-115	REP-E	93-04-061	212-40-025	REP	93-05-032	212-42-100	REP-E	93-0
12-32-115	REP	93-05-032	212-40-030	REP-E	93-04-061	212-42-100	REP	93-0
12-32-120	REP-E	93-04-061	212-40-030	REP	93-05-032	212-42-105	REP-E	93-0
12-32-120	REP	93-05-032	212-40-035	REP-E	93-04-061	212-42-105	REP	93-0
	REP-E	93-04-061	212-40-035	REP	93-05-032	212-42-110	REP-E	93-0
12-32-125		93-05-032	212-40-040	REP-E	93-04-061	212-42-110	REP	93-0
212-32-125	REP		212-40-040	REP	93-05-032	212-42-115	REP-E	93-0
12-32-130	REP-E	93-04-061			93-04-061	212-42-115	REP	93-0
212-32-130	REP	93-05-032	212-40-045	REP-E			REP-E	93-0 93-0
212-32-135	REP-E	93-04-061	212-40-045	REP	93-05-032	212-42-120		
212-32-135	REP	93-05-032	212-40-050	REP-E	93-04-061	212-42-120	REP	93-0
212-32-140	REP-E	93-04-061	212-40-050	REP	93-05-032	212-42-125	REP-E	93-0
	REP	93-05-032	212-40-055	REP-E	93-04-061	212-42-125	REP	93-0
212-32-140					00.05.000	1 212 42 001	DEDE	93-0
212-32-140 212-32-145		93-04-061	212-40-055	REP	93-05-032	212-43-001	REP-E	
212-32-140 212-32-145 212-32-145	REP-E REP	93-04-061 93-05-032	212-40-055 212-40-060	REP REP-E	93-05-0 <i>32</i> 93-04-061	212-43-001 212-43-001 212-43-005	REP-E REP-E REP-E	93-0: 93-0: 93-0

[8]

Table of WAC Sections Affected

WAC#		WSR #	WAC #		WSR #	WAC #		WSR #
212-43-005	REP	93-05-032	212-45-050	REP-E	93-04-061	212-52-095	REP	93-05-032
212-43-010	REP-E	93-04-061	212-45-050	REP	93-05-032	212-52-100	REP-E	93-04-061
212-43-010	REP	93-05-032	212-45-055	REP-E	93-04-061	212-52-100	REP	93-05-032
212-43-015	REP-E	93-04-061	212-45-055	REP	93-05-032	212-52-105	REP-E	93-04-061 93-05-032
212-43-015 212-43-020	REP REP-E	93-05-032 93-04-061	212-45-060 212-45-060	REP-E REP	93-04-061 93-05-032	212-52-105 212-52-110	REP REP-E	93-05-032
212-43-020	REP-E	93-05-032	212-45-065	REP-E	93-03-052	212-52-110	REP	93-05-032
212-43-025	REP-E	93-04-061	212-45-065	REP	93-05-032	212-52-112	REP-E	93-04-061
212-43-025	REP	93-05-032	212-45-070	REP-E	93-04-061	212-52-112	REP	93-05-032
212-43-030	REP-E	93-04-061	212-45-070	REP	93-05-032	212-52-115	REP-E	93-04-061
212-43-030	REP	93-05-032	212-45-075	REP-E	93-04-061	212-52-115	REP	93-05-032
212-43-035	REP-E	93-04-061	212-45-075	REP	93-05-032	212-52-120	REP-E	93-04-061
212-43-035	REP	93-05-032	212-45-080	REP-E REP	93-04-061 93-05-032	212-52-120	REP	93-05-032
212-43-040 212-43-040	REP-E REP	93-04-061 93-05-032	212-45-080 212-45-085	REP-E	93-03-032	212-52-125 212-52-125	REP-E REP	93-04-061 93-05-032
212-43-045	REP-E	93-04-061	212-45-085	REP	93-05-032	212-52-99001	REP-E	93-04-061
212-43-045	REP	93-05-032	212-45-090	REP-E	93-04-061	212-52-99001	REP	93-05-032
212-43-050	REP-E	93-04-061	212-45-090	REP	93-05-032	212-52-99002	REP-E	93-04-061
212-43-050	REP	93-05-032	212-45-095	REP-E	93-04-061	212-52-99002	REP	93-05-032
212-43-055	REP-E	93-04-061	212-45-095	REP	93-05-032	212-56A-001	REP-E	93-04-061
212-43-055	REP	93-05-032	212-45-100	REP-E	93-04-061	212-56A-001	REP	93-05-032
212-43-060 212-43-060	REP-E REP	.93-04-061 93-05-032	212-45-100 212-45-105	REP REP-E	93-05-032 93-04-061	212-56A-005 212-56A-005	REP-E REP	93-04-061 93-05-032
212-43-065	REP-E	93-04-061	212-45-105	REP	93-05-032	212-56A-010	REP-E	93-04-061
212-43-065	REP	93-05-032	212-45-110	REP-E	93-04-061	212-56A-010	REP	93-05-032
212-43-070	REP-E	93-04-061	212-45-110	REP	93-05-032	212-56A-015	REP-E	93-04-061
212-43-070	REP	93-05-032	212-45-115	REP-E	93-04-061	212-56A-015	REP	93-05-032
212-43-075	REP-E	93-04-061	212-45-115	REP	93-05-032	212-56A-020	REP-E	93-04-061
212-43-075	REP	93-05-032	212-52-001	REP-E REP	93-04-061 93-05-032	212-56A-020	REP	93-05-032
212-43-080 212-43-080	REP-E REP	93-04-061 93-05-032	212-52-001 212-52-002	REP-E	93-03-032	212-56A-030 212-56A-030	REP-E REP	93-04-061 93-05-032
212-43-085	REP-E	93-04-061	212-52-002	REP	93-05-032	212-56A-035	REP-E	93-04-061
212-43-085	REP	93-05-032	212-52-005	REP-E	93-04-061	212-56A-035	REP	93-05-032
212-43-090	REP-E	93-04-061	212-52-005	REP	93-05-032	212-56A-040	REP-E	93-04-061
212-43-090	REP	93-05-032	212-52-012	REP-E	93-04-061	212-56A-040	REP	93-05-032
212-43-095	REP-E REP	93-04-061 93-05-032	212-52-012 212-52-016	REP REP-E	93-05-032 93-04-061	212-56A-045 212-56A-045	REP-E REP	93-04-061 93-05-032
212-43-095 212-43-100	REP-E	93-03-032	212-52-016	REP	93-05-032	212-56A-050	REP-E	93-03-032
212-43-100	REP	93-05-032	212-52-018	REP-E	93-04-061	212-56A-050	REP	93-05-032
212-43-105	REP-E	93-04-061	212-52-018	REP	93-05-032	212-56A-055	REP-E	93-04-061
212-43-105	REP	93-05-032	212-52-020	REP-E	93-04-061	212-56A-055	REP	93-05-032
212-43-110	REP-E	93-04-061	212-52-020	REP	93-05-032	212-56A-060	REP-E	93-04-061
212-43-110	REP REP-E	93-05-032 93-04-061	212-52-025 212-52-025	REP-E REP	93-04-061 93-05-032	212-56A-060 212-56A-065	REP REP-E	93-05-032 93-04-061
212-43-115 212-43-115	REP	93-05-032	212-52-023	REP-E	93-04-061	212-56A-065	REP	93-05-032
212-43-113	REP-E	93-04-061	212-52-027	REP	93-05-032	212-56A-070	REP-E	93-04-061
212-43-120	REP	93-05-032	212-52-028	REP-E	93-04-061	212-56A-070	REP	93-05-032
212-43-125	REP-E	93-04-061	212-52-028	REP	93-05-032	212-56A-075	REP-E	93-04-061
212-43-125	REP	93-05-032	212-52-030	REP-E	93-04-061	212-56A-075	REP	93-05-032
212-43-130	REP-E	93-04-061	212-52-030	REP REP-E	93-05-032 93-04-061	212-56A-080	REP-E	93-04-061
212-43-130 212-43-135	REP REP-E	93-05-032 93-04-061	212-52-037 212-52-037	REP	93-05-032	212-56A-080 212-56A-085	REP REP-E	93-05-032 93-04-061
212-43-135	REP	93-05-032	212-52-041	REP-E	93-04-061	212-56A-085	REP	93-05-032
212-45-001	REP-E	93-04-061	212-52-041	REP	93-05-032	212-56A-090	REP-E	93-04-061
212-45-001	REP	93-05-032	212-52-045	REP-E	93-04-061	212-56A-090	REP	93-05-032
212-45-005	REP-E	93-04-061	212-52-045	REP	93-05-032	212-56A-095	REP-E	93-04-061
212-45-005	REP	93-05-032	212-52-050	REP-E	93-04-061 93-05-032	212-56A-095	REP	93-05-032
212-45-010	REP-E REP	93-04-061 93-05-032	212-52-050 212-52-055	REP REP-E	93-03-032	212-56A-100 212-56A-100	REP-E REP	93-04-061 93-05-032
212-45-010 212-45-015	REP-E	93-03-032	212-52-055	REP-E	93-05-032	212-56A-105	REP-E	93-03-032
212-45-015	REP	93-05-032	212-52-060	REP-E	93-04-061	212-56A-105	REP	93-05-032
212-45-020	REP-E	93-04-061	212-52-060	REP	93-05-032	212-56A-110	REP-E	93-04-061
212-45-020	REP	93-05-032	212-52-070	REP-E	93-04-061	212-56A-110	REP	93-05-032
212-45-025	REP-E	93-04-061	212-52-070	REP	93-05-032	212-56A-115	REP-E	93-04-061
212-45-025	REP	93-05-032	212-52-075	REP-E	93-04-061	212-56A-115	REP	93-05-032
212-45-030	REP-E REP	93-04-061 93-05-032	212-52-075 212-52-080	REP REP-E	93-05-032 93-04-061	212-56A-120 212-56A-120	REP-E REP	93-04-061 93-05-032
212-45-030 212-45-035	REP-E	93-03-032	212-52-080	REP-E	93-05-032	212-56A-125	REP-E	93-04-061
212-45-035	REP	93-05-032	212-52-085	REP-E	93-04-061	212-56A-125	REP	93-05-032
212-45-040	REP-E	93-04-061	212-52-085	REP	93-05-032	212-56A-130	REP-E	93-04-061
212-45-040	REP	93-05-032	212-52-090	REP-E	93-04-061	212-56A-130	REP	93-05-032
212-45-045	REP-E REP	93-04-061 93-05-032	212-52-090 212-52-095	REP REP-E	93-05-032 93-04-061	212-56A-135 212-56A-135	REP-E REP	93-04-061 93-05-032
212-45-045	KEF	75*0.1*034	1 212-32-033	KET-E	75- 04-0 01	. 212-30A-133	IVE1	75-05-052

[9] Table

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
212-56A-140	REP-E	93-04-061	212-65-070	REP	93-05-032	220-32-05100T	REP-E	93-04-073
212-56A-140	REP	93-05-032	212-65-075	REP-E	93-04-061	220-32-05100U	NEW-E	93-04-073
212-64-001	REP-E	93-04-061	212-65-075	REP	93-05-032	220-32-05100U	REP-E	93-06-015
212-64-001	REP	93-05-032	212-65-080	REP-E	93-04-061	220-32-05100V	NEW-E	93-06-015
212-64-005	REP-E	93-04-061	212-65-080	REP	93-05-032	220-32-05100V	REP-E	93-06-069
212-64-005	REP	93-05-032	212-65-085	REP-E	93-04-061	220-32-05100W	NEW-E	93-06-069
212-64-015	REP-E	93-04-061	212-65-085	REP	93-05-032	220-32-05500C	NEW-E	93-10-061
212-64-015	REP	93-05-032	212-65-090	REP-E	93-04-061	220-32-05500C	REP-E	93-12-010
212-64-020	REP-E	93-04-061	212-65-090	REP	93-05-032	220-32-05500D	NEW-E	93-12-010
212-64-020	REP	93-05-032	212-65-095	REP-E	93-04-061	220-32-05500D	REP-E	93-13-030
212-64-025	REP-E	93-04-061	212-65-095	REP	93-05-032	220-32-05500E	NEW-E	93-13-030
212-64-025	REP	93-05-032	212-65-100	REP-E	93-04-061	220-33-01000M	REP-E	93-05-017
212-64-030	REP-E	93-04-061	212-65-100	REP	93-05-032	220-33-01000N	NEW-E	93-05-017
212-64-030	REP	93-05-032	212-70-010	REP-E	93-04-061	220-33-01000N	REP-E	93-06-014
212-64-033	REP-E	93-04-061	212-70-010	REP	93-05-032	220-33-01000P	NEW-E	93-06-070
212-64-033	REP	93-05-032	212-70-020	REP-E	93-04-061	220-33-01000P	REP-E	93-07-001
212-64-035	REP-E	93-04-061	212-70-020	REP	93-05-032	220-33-01000Q	NEW-E	93-07-001
212-64-035	REP	93-05-032	212-70-030	REP-E	93-04-061	220-33-03000E	NEW-E	93-12-041
212-64-037	REP-E	93-04-061	212-70-030	REP	93-05-032	220-33-03000E	REP-E	93-13-078
212-64-037	REP	93-05-032	212-70-040	REP-E	93-04-061	220-33-03000F	NEW-E	93-13-078
212-64-039	REP-E	93-04-061	212-70-040	REP	93-05-032	220-36-023	AMD-P	93-09-074
212-64-039	REP	93-05-032	212-70-050	REP-E	93-04-061	220-36-023	AMD-C	93-13-006
212-64-040	REP-E	93-04-061	212-70-050	REP	93-05-032	220-40-027	AMD-P	93-09-074
212-64-040	REP .	93-05-032	212-70-060	REP-E	93-04-061	220-40-027	AMD-C	93-13-006
212-64-043	REP-E	93-04-061	212-70-060	REP	93-05-032	220-44-04000D	NEW-E	93-11-010
212-64-043	REP	93-05-032	212-70-070	REP-E	93-04-061	220-44-050	AMD-P	93-04-095
212-64-045	REP-E	93-04-061	212-70-070	REP	93-05-032	220-44-050	AMD	93-07-093
212-64-045	REP	93-05-032	212-70-080	REP-E	93-04-061	220-44-05000B	REP-E	93-09-067
212-64-050	REP-E	93-04-061	212-70-080	REP	93-05-032	220-44-05000C	NEW-E	93-09-067
212-64-050	REP	93-05-032	212-70-090	REP-E	93-04-061	220-44-05000C	REP-E	93-10-094
212-64-055	REP-E	93-04-061	212-70-090	REP	93-05-032	220-44-05000D	NEW-E	93-10-094
212-64-055	REP	93-05-032	212-70-100	REP-E	93-04-061	220-44-05000D	REP-E	93-12-078
212-64-060	REP-E	93-04-061	212-70-100	REP	93-05-032	220-44-05000E	NEW-E	93-12-078
212-64-060	REP	93-05-032	212-70-110	REP-E	93-04-061	220-44-09000B	NEW-E	93-10-094
212-64-065	REP-E	93-04-061	212-70-110	REP	93-05-032	220-47-302	AMD-P	93-09-073
212-64-065	REP	93-05-032	212-70-120	REP-E	93-04-061	220-47-304	AMD-P	93-09-073
212-64-067	REP-E	93-04-061	212-70-120	REP	93-05-032	220-47-307	AMD-P	93-09-073
212-64-067	REP	93-05-032	212-70-130	REP-E	93-04-061	220-47-311	AMD-P	93-09-073
212-64-068	REP-E	93-04-061	212-70-130	REP	93-05-032	220-47-401	AMD-P	93-09-073
212-64-068	REP	93-05-032	212-70-140	REP-E	93-04-061	220-47-411	AMD-P	93-09-073
212-64-069	REP-E	93-04-061	212-70-140	REP	93-05-032	220-48-005	AMD-P	93-12-092
212-64-069	REP	93-05-032	212-70-150	REP-E	93-04-061	220-49-02000E	NEW-E	93-06-044
212-64-070	REP-E	93-04-061	212-70-150	REP	93-05-032	220-52-019	AMD-P	93-12-092
212-64-070	REP	93-05-032	212-70-160	REP-E	93-04-061	220-52-01901	AMD-P	93-12-092
212-65-001	REP-E	93-04-061	212-70-160	REP	93-05-032	220-52-043	AMD-P	93-12-092
212-65-001	REP	93-05-032	212-70-170	REP-E	93-04-061	220-52-046	AMD-P	93-12-092
212-65-005	REP-E	93-04-061	212-70-170	REP	93-05-032	220-52-050	AMD-P	93-12-092
212-65-005	REP	93-05-032	212-70-180	REP-E	93-04-061	220-52-051	AMD-P	93-12-092
212-65-010	REP-E	93-04-061	212-70-180	REP	93-05-032	220-52-05100N	NEW-E	93-09-028
212-65-010	REP	93-05-032	212-70-190	REP-E	93-04-061	220-52-05100P	NEW-E	93-11-057
212-65-015	REP-E	93-04-061	212-70-190	REP	93-05-032	220-52-068	NEW-P	93-12-092
212-65-015	REP	93-05-032	212-70-200	REP-E	93-04-061	220-52-069	AMD-P	93-12-092
212-65-020	REP-E	93-04-061	212-70-200	REP	93-05-032	220-52-06900A	NEW-E	93-07-04
212-65-020	REP	93-05-032	212-70-210	REP-E	93-04-061	220-52-071	AMD-P	93-12-092
212-65-025	REP-E	93-04-061	212-70-210	REP	93-05-032	220-52-07100K	NEW-E	93-09-028
212-65-025	REP	93-05-032	212-70-220	REP-E	93-04-061	220-52-07100K	REP-E	93-10-04
212-65-030	REP-E	93-04-061	212-70-220	REP	93-05-032	220-52-07100L	NEW-E	93-10-04
212-65-030	REP	93-05-032	212-70-230	REP-E	93-04-061	220-52-07100L	REP-E	93-13-089
212-65-035	REP-E	93-04-061	212-70-230	REP	93-05-032	220-52-07100M	NEW-E	93-13-058
212-65-035	REP	93-05-032	212-70-240	REP-E	93-04-061	220-52-07100M	REP-E	93-13-089
212-65-040	REP-E	93-04-061	212-70-240	REP	93-05-032	220-52-07100N	NEW-E	93-13-08
212-65-040	REP-E	93-05-032	212-70-240	REP-E	93-04-061	220-52-07300M	REP-E	93-05-00
212-65-045		93-03-032	212-70-250	REP	93-05-032	220-52-07300N	NEW-E	93-05-00
212-65-045	REP-E REP	93-04-061	212-70-250	REP-E	93-03-032	220-52-07300N 220-52-07300N	REP-E	93-03-00
				REP-E	93-04-001	220-52-075 220-52-075		
212-65-050	REP-E	93-04-061	212-70-260	REP AMD-P	93-05-032	220-52-0/5 220-55-00100A	AMD-P	93-12-093
212-65-050	REP	93-05-032	220-16-015			2	NEW-E	93-13-02
212-65-055	REP-E	93-04-061	220-16-460	NEW-P	93-04-096	220-55-010	AMD-P	93-04-09
212-65-055	REP	93-05-032	220-20-010	AMD-P	93-12-092	220-55-010	AMD	93-08-03
212-65-060	REP-E	93-04-061	220-20-020	AMD-P	93-09-074	220-56-100	AMD-P	93-04-09
212-65-060	REP	93-05-032	220-20-020	AMD-C	93-13-006	220-56-105	AMD-P	93-04-09
212 (5 2/5	REP-E	93-04-061	220-20-02500A	NEW-E	93-11-040	220-56-105	AMD	93-08-034
			1	NICHUP	02 12 002	220 57 105000	NICU C	02.00.01
212-65-065 212-65-065 212-65-070	REP REP-E	93-05-032 93-04-061	220-20-026 220-24-02000T	NEW-P NEW-E	93-12-092 93-10-043	220-56-10500B 220-56-116	NEW-E AMD-P	93-08-016 93-04-096

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-56-124	NEW-P	93-04-096	220-56-390	AMD	93-08-034	222-20-010	AMD	93-12-001
220-56-124	NEW	93-08-034	220-57-137	AMD-P	93-04-096	222-24-050	AMD-P	93-05-010
220-56-126	AMD-P	93-04-096	220-57-137	AMD	93-08-034	222-24-050	AMD	93-12-001
220-56-126	AMD	93-08-034	220-57-160	AMD-P	93-04-096	222-30-020	AMD-P	93-05-010
220-56-128	AMD-P	93-04-096	220-57-160	AMD	93-08-034	222-30-020	AMD	93-12-001
220-56-128	AMD	93-08-034	220-57-16000Q	NEW-E	93-04-043	222-30-040	AMD-P	93-05-010
220-56-131	AMD-P	93-04-096	220-57-16000R	NEW-E	93-06-013	222-30-040	AMD-E	93-10-015
220-56-131	AMD	93-08-034	220-57-16000R	REP-E	93-06-068	222-30-040	AMD	93-12-001
220-56-132	AMD-P	93-04-096 93-08-034	220-57-16000S 220-57-175	NEW-E AMD-P	93-08-018 93-04-096	222-34-040 222-34-040	AMD-P	93-05-010
220-56-132 220-56-180	AMD AMD-P	93-04-096	220-57-175	AMD-P	93-04-096	222-34-040	AMD AMD-P	93-12-001 93-05-010
220-56-180	AMD	93-08-034	220-57-175	AMD-P	93-04-096	222-38-020	AMD	93-12-001
220-56-190	AMD-P	93-04-096	220-57-210	AMD-C	93-08-033	222-38-030	AMD-P	93-05-010
220-56-190	AMD-C	93-08-033	220-57-235	AMD-P	93-04-096	222-38-030	AMD	93-12-001
220-56-19000P	NEW-E	93-10-045	220-57-235	AMD	93-08-034	222-46-020	AMD-P	93-05-010
220-56-191	NEW-P	93-04-096	220-57-255	AMD-P	93-04-096	222-46-020	AMD	93-12-001
220-56-191	NEW-C	93-08-033	220-57-255	AMD	93-08-034	222-50-020	AMD-P	93-05-010
220-56-19100A	NEW-E	93-13-036	220-57-270	AMD-P	93-04-096	222-50-020	AMD-E	93-07-060
220-56-195	AMD-P	93-04-096	220-57-29000N	NEW-E	93-08-016	222-50-020	AMD	93-12-001
220-56-195	AMD-C	93-08-033	220-57-310	AMD-P	93-04-096	230-02-035	AMD	93-06-011
220-56-220	AMD-P AMD-P	93-04-096 .93-04-096	220-57-310 220-57-315	AMD AMD-P	93-08-034 93-04-096	230-02-270 230-02-270	AMD-P AMD	93-07-081 93-12-082
220-56-235 220-56-235	AMD-P AMD	93-08-034	220-57-315	AMD-P	93-04-096	230-02-270	AMD-P	93-12-082
220-56-240	AMD-P	93-04-096	220-57-315 220-57-31500W	NEW-E	93-08-016	230-02-400	AMD-P	93-10-042
220-56-240	AMD	93-08-034	220-57-31500W	REP-E	93-13-009	230-04-040	AMD	93-13-062
220-56-240	AMD-P	93-10-095	220-57-31500X	NEW-E	93-13-009	230-04-400	AMD-P	93-07-082
220-56-24000A	NEW-E	93-09-026	220-57-319	AMD-P	93-04-096	230-04-400	AMD	93-12-082
220-56-245	AMD-P	93-04-096	220-57-319	AMD	93-08-034	230-08-010	AMD-P	93-08-066
220-56-245	AMD	93-08-034	220-57-350	AMD-P	93-04-096	230-08-010	AMD	93-13-063
220-56-255	AMD-P	93-04-096	220-57-350	AMD	93-08-034	230-08-090	AMD-P	93-06-036
220-56-255	AMD	93-08-034	220-57-370	AMD-P	93-10-095	230-08-090	AMD	93-10-005
220-56-255	AMD-P	93-10-095	220-57-380	AMD-P	93-04-096	230-08-095	AMD-P	93-10-042
220-56-25500R	NEW-E	93-13-002	220-57-380	AMD B	93-08-034	230-08-095	AMD D	93-13-062
220-56-270	AMD-P AMD	93-04-096 93-08-034	220-57-400 220-57-425	AMD-P AMD-P	93-04-096 93-04-096	230-12-030 230-20-010	AMD-P AMD-P	93-13-061 93-10-042
220-56-270 220-56-285	AMD-P	93-08-034	220-57-425	AMD-C	93-04-030	230-20-010	AMD	93-13-062
220-56-285	AMD	93-08-034	220-57-425	AMD-P	93-04-096	230-20-064	AMD-P	93-10-042
220-56-28500A	NEW-E	93-09-026	220-57-430	AMD-C	93-08-033	230-20-064	AMD	93-13-062
220-56-307	AMD-P	93-04-096	220-57-445	AMD-P	93-04-096	230-20-070	AMD-P	93-13-061
220-56-307	AMD	93-08-034	220-57-445	AMD	93-08-034	230-20-111	NEW-E	93-07-080
220-56-310	AMD-P	93-04-096	220-57-460	AMD-P	93-04-096	230-20-111	NEW-P	93-07-083
220-56-310	AMD	93-08-034	220-57-460	AMD	93-08-034	230-20-242	NEW-P	93-10-042
220-56-315	AMD-P	93-04-096	220-57-465	AMD-P	93-04-096	230-20-242	NEW	93-13-062
220-56-315	AMD	93-08-034	220-57-465	AMD AMD-P	93-08-034 93-04-096	230-20-246 230-20-246	AMD-P AMD	93-10-042 93-13-062
220-56-320	AMD-P	93-04-096 93-08-034	220-57-495 220-57-495	AMD-P	93-04-096	230-20-246	AMD-P	93-13-062
220-56-320 220-56-325	AMD AMD-P	93-04-096	220-57-49700	NEW-E	93-08-016	230-20-670	AMD-1	93-12-082
220-56-325	AMD	93-04-090	220-57-50500U	NEW-E	93-08-016	230-20-685	AMD-P	93-07-082
220-56-32500W	NEW-E	93-11-057	220-57-515001	NEW-E	93-08-016	230-20-685	AMD	93-12-082
220-56-32500X	NEW-E	93-11-063	220-57-515001	REP-E	93-13-029	230-25-160	AMD-P	93-07-081
220-56-32500X	REP-E	93-12-079	220-57-51500J	NEW-E	93-13-029	-230-25-160	AMD	93-12-082
220-56-32500Y	NEW-E	93-12-079	220-57A-183	AMD-P	93-04-096	230-30-060	AMD-P	93-07-081
220-56-32500Y	REP-E	93-13-057	220-57A-183	AMD	93-08-034	230-30-060	AMD	93-12-082
220-56-330	AMD-P	93-04-096	220-88-030	AMD-P	93-12-092	230-30-072	AMD-P	93-08-066
220-56-330	AMD	93-08-034	222-08-040	AMD-P	93-05-010	230-30-072	AMD	93-13-063
220-56-335	AMD-P	93-04-096	222-08-040	AMD AMD-P	93-12-001 93-05-010	230-30-075 230-30-080	AMD AMD-P	93-04-007 93-07-083
220-56-335	AMD AMD-P	93-08-034 93-04-096	222-10-110 222-10-110	AMD-F AMD	93-03-010	230-30-080	AMD-F AMD	93-12-082
220-56-350 220-56-350	AMD-F AMD	93-04-090	222-10-110	AMD-P	93-05-010	230-30-080	REP-P	93-07-083
220-56-350	AMD-P	93-10-095	222-12-020	AMD	93-12-001	230-30-095	REP .	93-12-082
220-56-35000R	NEW-E	93-08-059	222-12-050	AMD-P	93-05-010	230-30-097	NEW-P	93-07-087
220-56-35000K	NEW-E	93-09-025	222-12-050	AMD	93-12-001	230-30-097	NEW	93-12-082
220-56-36000C	NEW-E	93-07-092	222-16-010	AMD-P	93-05-010	230-30-100	AMD-P	93-07-083
220-56-36000C	REP-E	93-08-017	222-16-010	AMD-E	93-07-060	230-30-100	AMD	93-12-082
220-56-36000D	NEW-E	93-08-017	222-16-010	AMD	93-12-001	230-30-106	AMD-P	93-06-036
220-56-36000D	REP-E	93-10-096	222-16-050	AMD-P	93-05-010	230-30-106	AMD	93-10-005
220-56-36000E	NEW-E	93-10-096	222-16-050	AMD	93-12-001	230-30-300	AMD-P	93-06-036
220-56-380	AMD-P	93-04-096	222-16-070	AMD-P	93-05-010	230-30-300	AMD B	93-10-005
220-56-380	AMD	93-08-034	222-16-070	AMD B	93-12-001 93-05-010	230-40-055 230-40-055	AMD-P AMD	93-07-082 93-12-082
220-56-38000L	NEW-E AMD-P	93-09-027 93-04-096	222-16-080 222-16-080	AMD-P AMD-E	93-05-010	230-40-120	AMD-P	93-12-082
220-56-382 220-56-382	AMD-P AMD	93-04-096	222-16-080	AMD-E	93-12-001	230-40-125	AMD-P	93-10-042
220-56-390	AMD-P	93-04-096	222-20-010	AMD-P	93-05-010	230-40-125	AMD	93-13-062
	-			[11]				Table

[11] Table

			1			1		
WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
232-12-001	AMD-P	93-13-140	232-28-61932	NEW-P	93-06-021	244-12-060	AMD-P	93-07-03
232-12-017	AMD	93-04-039	232-28-61932	NEW	93-10-055	244-12-060	AMD-W	93-09-04
232-12-019	AMD-P	93-06-019	232-28-61932	REP-P	93-13-140	244-12-060	AMD-P	93-09-05
232-12-019	AMD-P	93-06-020	232-28-61933	NEW-P	93-06-022	244-12-060	AMD	93-13-01
232-12-019	AMD	93-10-011	232-28-61933	NEW	93-10-053	244-12-100	NEW-P	93-07-03
232-12-019	AMD	93-10-012	232-28-61933	REP-P	93-13-140	244-12-100	NEW-W	93-09-04
232-12-021	AMD	93-04-040	232-28-61934	NEW-E	93-06-061	244-12-100	NEW-P	93-09-05
232-12-045	NEW-E AMD	93-04-083 93-04-038	232-28-61935	NEW-P NEW	93-06-057 93-10-056	244-12-100	NEW	93-13-01
232-12-064 232-12-074	REP	93-04-038	232-28-61935 232-28-61935	REP-P	93-10-056	246-01-001 246-01-010	NEW	93-08-00
232-12-074	NEW-P	93-06-018	232-28-61936	NEW-E	93-13-140	246-01-010	NEW NEW	93-08-00 93-08-00
232-12-166	NEW	93-10-013	236-14-010	NEW-W	93-05-041	246-01-030	NEW	93-08-00
232-12-242	NEW	93-04-074	236-14-010	NEW-P	93-09-068	246-01-040	NEW	93-08-00
232-12-619	AMD-P	93-06-017	236-14-010	NEW-W	93-10-090	246-01-050	NEW	93-08-00
232-12-619	AMD	93-10-054	236-14-015	NEW-W	93-05-041	246-01-060	NEW	93-08-00
232-12-619	AMD-P	93-13-140	236-14-015	NEW-P	93-09-068	246-01-070	NEW	93-08-00
232-28-022	AMD-P	93-06-074	236-14-015	NEW-W	93-10-090	246-01-080	NEW	93-08-00
232-28-022	AMD	93-13-048	236-14-050	NEW-W	93-05-041	246-01-090	NEW	93-08-00
232-28-226	AMD-P	93-06-064	236-14-050	NEW-P	93-09-068	246-01-100	NEW	93-08-00
232-28-226	AMD	93-11-016	236-14-050	NEW-W	93-10-090	246-08-001	REP-P	93-08-07
232-28-227	AMD-P	93-06-059	236-14-100	NEW-W	93-05-041	246-08-001	REP	93-13-00
232-28-227	AMD	93-11-015	236-14-100	NEW-P	93-09-068	246-08-020	REP-P	93-08-07
232-28-228	AMD-P	93-06-058	236-14-100	NEW-W	93-10-090	246-08-020	REP	93-13-00
232-28-228	AMD	93-11-014	236-14-200	NEW-W	93-05-041	246-08-030	REP-P	93-08-07
232-28-233 232-28-233	REP-P REP	93-06-062 93-11-011	236-14-200 236-14-200	NEW-P NEW-W	93-09-068 93-10-090	246-08-030	REP	93-13-00
232-28-234	REP-P	93-06-063	236-14-200	NEW-W	93-10-090	246-08-040 246-08-040	REP-P REP	93-08-07 93-13-00
232-28-234	REP	93-11-012	236-14-300	NEW-P	93-09-068	246-08-050	REP-P	93-13-00
232-28-235	REP-P	93-06-060	236-14-300	NEW-W	93-10-090	246-08-050	REP	93-13-00
232-28-235	REP	93-11-013	236-14-900	NEW-W	93-05-041	246-08-060	REP-P	93-08-07
232-28-236	NEW-P	93-06-060	236-14-900	NEW-P	93-09-068	246-08-060	REP	93-13-00
232-28-236	NEW	93-11-013	236-14-900	NEW-W	93-10-090	246-08-070	REP-P	93-08-07
232-28-237	NEW-P	93-06-063	236-22-010	AMD-P	93-09-030	246-08-070	REP	93-13-00
232-28-237	NEW	93-11-012	236-22-010	AMD	93-12-090	246-08-080	REP-P	93-08-07
232-28-238	NEW-P	93-06-062	236-22-020	NEW-P	93-09-030	246-08-080	REP	93-13-00
232-28-238	NEW	93-11-011	236-22-020	NEW	93-12-090	246-08-090	REP-P	93-08-07
232-28-416	REP-P	93-13-136	236-22-030	NEW-P	93-09-030	246-08-090	REP	93-13-00
232-28-417	NEW-P	93-13-136	236-22-030	NEW	93-12-090	246-08-100	REP-P	93-08-07
232-28-619	AMD-P	93-13-140	236-22-031	NEW-P	93-09-030	246-08-100	REP	93-13-00
232-28-61901 232-28-61902	REP-P REP-P	93-13-140 93-13-140	236-22-031 236-22-032	NEW NEW-P	93-12-090 93-09-030	246-08-101 246-08-101	NEW-P	93-08-07
232-28-61902 232-28-61904	REP-P	93-13-140	236-22-032	NEW-P	93-09-030	246-08-101	NEW NEW-P	93-13-00 93-08-07
232-28-61905	REP-P	93-13-140	236-22-032	NEW-P	93-09-030	246-08-102	NEW	93-13-00
232-28-61906	REP-P	93-13-140	236-22-033	NEW	93-12-090	246-08-103	NEW-P	93-08-07
232-28-61907	REP-P	93-13-140	236-22-034	NEW-P	93-09-030	246-08-103	NEW	93-13-00
232-28-61908	REP-P	93-13-140	236-22-034	NEW	93-12-090	246-08-104	NEW-P	93-08-07
232-28-61909	REP-P	93-13-140	236-22-035	NEW-P	93-09-030	246-08-104	NEW	93-13-00
232-28-61910	REP-P	93-13-140	236-22-035	NEW	93-12-090	246-08-105	NEW-P	93-08-07
232-28-61911	REP-P	93-13-140	236-22-036	NEW-P	93-09-030	246-08-105	NEW	93-13-00
232-28-61912	REP-P	93-13-140	236-22-036	NEW	93-12-090	246-08-106	NEW-P	93-08-07
232-28-61913	REP-P	93-13-140	236-22-037	NEW-P	93-09-030	246-08-106	NEW	93-13-00
232-28-61914	NEW-W	93-03-015	236-22-037	NEW D	93-12-090	246-08-110	REP-P	93-08-07
232-28-61916	REP-P REP-P	93-13-140 93-13-140	236-22-038 236-22-038	NEW-P NEW	93-09-030 93-12-090	246-08-110	REP	93-13-00
232-28-61917	REP-P	93-13-140	236-22-040	NEW-P	93-12-090	246-08-120 246-08-120	REP-P	93-08-07
232-28-61918 232-28-61919	REP-P	93-13-140	236-22-040	NEW-P	93-12-090	246-08-120	REP REP-P	93-13-00 93-08-07
232-28-61923	NEW	93-04-046	236-22-050	NEW-P	93-09-030	246-08-130	REP	93-13-00
232-28-61923	REP-P	93-13-140	236-22-050	NEW	93-12-090	246-08-140	REP-P	93-08-07
232-28-61924	NEW	93-04-047	236-22-060	NEW-P	93-09-030	246-08-140	REP	93-13-00
232-28-61924	REP-P	93-13-140	236-22-060	NEW	93-12-090	246-08-150	REP-P	93-08-07
232-28-61925	NEW	93-04-049	236-22-070	NEW-P	93-09-030	246-08-150	REP	93-13-00
232-28-61925	REP-P	93-13-140	236-22-070	NEW	93-12-090	246-08-160	REP-P	93-08-07
232-28-61926	NEW	93-04-050	236-22-080	NEW-P	93-09-030	246-08-160	REP	93-13-00
232-28-61926	REP-P	93-13-140	236-22-080	NEW	93-12-090	246-08-170	REP-P	93-08-07
232-28-61927	NEW	93-04-051	236-22-100	AMD-P	93-09-030	246-08-170	REP	93-13-00
232-28-61927	REP-P	93-13-140	236-22-100	AMD	93-12-090	246-08-180	REP-P	93-08-07
232-28-61928	NEW	93-04-048	236-22-200	NEW-P	93-09-030	246-08-180	REP	93-13-0
232-28-61928	REP-P	93-13-140	236-22-200	NEW	93-12-090	246-08-190	REP-P	93-08-0
232-28-61929	NEW	93-04-052	236-22-210	NEW-P	93-09-030	246-08-190	REP	93-13-00
232-28-61929	REP-P	93-13-140	236-22-210	NEW AMD B	93-12-090	246-08-200	REP-P	93-08-07
232-28-61930	NEW	93-04-053	242-02-220	AMD-P	93-08-032	246-08-200	REP	93-13-00
232-28-61930	REP-P NEW-E	93-13-140 93-03-039	242-02-220 242-02-562	AMD NEW-W	93-11-068 93-06-045	246-08-210 246-08-210	REP-P REP	93-08-07 93-13-00
232-28-61931								

WAC #		WSR #	WAC#.		WSR #	WAC#		WSR #
246-08-320	REP-P	93-08-071	246-10-204	NEW-P	93-08-071	246-11-030	NEW	93-08-003
246-08-320	REP	93-13-005	246-10-204	NEW	93-13-005	246-11-040	NEW-P	93-04-102
246-08-330	REP-P	93-08-071	246-10-205	NEW-P	93-08-071	246-11-040	NEW	93-08-003
246-08-330	REP	93-13-005	246-10-205	NEW	93-13-005	246-11-050	NEW-P	93-04-102
246-08-340	REP-P	93-08-071	246-10-301	NEW-P	93-08-071	246-11-050	NEW	93-08-003
246-08-340 246-08-350	REP	93-13-005	246-10-301	NEW	93-13-005	246-11-060	NEW-P	93-04-102
246-08-350	REP-P REP	93-08-071 93-13-005	246-10-302	NEW-P	93-08-071	246-11-060	NEW	93-08-003
246-08-360	REP-P	93-08-071	246-10-302 246-10-303	NEW NEW-P	93-13-005 93-08-071	246-11-070 246-11-070	NEW-P NEW	93-04-102 93-08-003
246-08-360	REP	93-13-005	246-10-303	NEW	93-13-005	246-11-080	NEW-P	93-04-102
246-08-370	REP-P	93-08-071	246-10-304	NEW-P	93-08-071	246-11-080	NEW	93-08-003
246-08-370	REP	93-13-005	246-10-304	NEW	93-13-005	246-11-090	NEW-P	93-04-102
246-08-380	REP-P	93-08-071	246-10-305	NEW-P	93-08-071	246-11-090	NEW	93-08-003
246-08-380	REP	93-13-005	246-10-305	NEW	93-13-005	246-11-100	NEW-P	93-04-102
246-08-420 246-08-440	NEW NEW	93-08-004 93-08-004	246-10-306	NEW-P	93-08-071	246-11-100	NEW	93-08-003
246-08-450	NEW	93-08-004	246-10-306 246-10-401	NEW NEW-P	93-13-005 93-08-071	246-11-110 246-11-110	NEW-P NEW	93-04-102 93-08-003
246-08-520	AMD	93-08-004	246-10-401	NEW	93-13-005	246-11-110	NEW-P	93-04-102
246-08-560	AMD	93-08-004	246-10-402	NEW-P	93-08-071	246-11-120	NEW	93-08-003
246-10-101	NEW-P	93-08-071	246-10-402	NEW	93-13-005	246-11-130	NEW-P	93-04-102
246-10-101	NEW	93-13-005	246-10-403	NEW-P	93-08-071	246-11-130	NEW	93-08-003
246-10-102	NEW-P	93-08-071	246-10-403	NEW	93-13-005	246-11-140	NEW-P	93-04-102
246-10-102	NEW D	93-13-005	246-10-404	NEW-P	93-08-071	246-11-140	NEW	93-08-003
246-10-103 246-10-103	NEW-P NEW	93-08-071 93-13-005	246-10-404 246-10-405	NEW NEW-P	93-13-005 93-08-071	246-11-150	NEW-P	93-04-102
246-10-104	NEW-P	93-08-071	246-10-405	NEW-P	93-13-005	246-11-150 246-11-160	NEW NEW-P	93-08-003 93-04-102
246-10-104	NEW	93-13-005	246-10-501	NEW-P	93-08-071	246-11-160	NEW-F	93-08-003
246-10-105	NEW-P	93-08-071	246-10-501	NEW	93-13-005	246-11-170	NEW-P	93-04-102
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246-10-107	NEW-P	93-08-071	246-10-503	NEW	93-13-005	246-11-190	NEW-P	93-04-102
246-10-107 246-10-108	NEW NEW-P	93-13-005 93-08-071	246-10-504 246-10-504	NEW-P NEW	93-08-071 93-13-005	246-11-190 246-11-200	NEW D	93-08-003
246-10-108	NEW	93-13-005	246-10-505	NEW-P	93-13-003	246-11-200	NEW-P NEW	93-04-102 93-08-003
246-10-109	NEW-P	93-08-071	246-10-505	NEW	93-13-005	246-11-210	NEW-P	93-04-102
246-10-109	NEW	93-13-005	246-10-601	NEW-P	93-08-071	246-11-210	NEW	93-08-003
246-10-110	NEW-P	93-08-071	246-10-601	NEW	93-13-005	246-11-220	NEW-P	93-04-102
246-10-110	NEW	93-13-005	246-10-602	NEW-P	93-08-071	246-11-220	NEW	93-08-003
246-10-111 246-10-111	NEW-P NEW	93-08-071 93-13-005	246-10-602	NEW	93-13-005	246-11-230	NEW-P	93-04-102
246-10-111	NEW-P	93-13-003	246-10-603 246-10-603	NEW-P NEW	93-08-071 93-13-005	246-11-230 246-11-250	NEW NEW-P	93-08-003 93-04-102
246-10-112	NEW	93-13-005	246-10-604	NEW-P	93-08-071	246-11-250	NEW-P	93-08-003
246-10-113	NEW-P	93-08-071	246-10-604	NEW	93-13-005	246-11-260	NEW-P	93-04-102
246-10-113	NEW	93-13-005	246-10-605	NEW-P	93-08-071	246-11-260	NEW	93-08-003
246-10-114	NEW-P	.93-08-071	246-10-605	NEW	93-13-005	246-11-270	NEW-P	93-04-102
246-10-114	NEW	93-13-005	246-10-606	NEW-P	93-08-071	246-11-270	NEW	93-08-003
246-10-115 246-10-115	NEW-P NEW	93-08-071 93-13-005	246-10-606	NEW	93-13-005	246-11-280	NEW-P	93-04-102
246-10-116	NEW-P	93-13-003	246-10-607 246-10-607	NEW-P NEW	93-08-071 93-13-005	246-11-280 246-11-290	NEW NEW-P	93-08-003 93-04-102
246-10-116	NEW	93-13-005	246-10-608	NEW-P	93-08-071	246-11-290	NEW-P	93-08-003
246-10-117	NEW-P	93-08-071	246-10-608	NEW	93-13-005	246-11-300	NEW-P	93-04-102
246-10-117	NEW	93-13-005	246-10-701	NEW-P	93-08-071	246-11-300	NEW	93-08-003
246-10-118	NEW-P	93-08-071	246-10-701	NEW	93-13-005	246-11-310	NEW-P	93-04-102
246-10-118	NEW	93-13-005	246-10-702	NEW-P	93-08-071	246-11-310	NEW	93-08-003
246-10-119	NEW-P	93-08-071	246-10-702	NEW	93-13-005	246-11-320	NEW-P	93-04-102
246-10-119 246-10-120	NEW NEW-P	93-13-005 93-08-071	246-10-703 246-10-703	NEW-P NEW	93-08-071	246-11-320	NEW	93-08-003
246-10-120	NEW-P	93-13-005	246-10-703	NEW-P	93-13-005 93-08-071	246-11-330 246-11-330	NEW-P	93-04-102 93-08-003
246-10-121	NEW-P	93-08-071	246-10-704	NEW-P	93-13-005	246-11-340	NEW NEW-P	93-04-102
246-10-121	NEW	93-13-005	246-10-705	. NEW-P	93-08-071	246-11-340	NEW	93-08-003
246-10-122	NEW-P	93-08-071	246-10-705	NEW	93-13-005	246-11-350	NEW-P	93-04-102
246-10-122	NEW	93-13-005	246-10-706	NEW-P	93-08-071	246-11-350	NEW	93-08-003
246-10-123	NEW-P	93-08-071	246-10-706	NEW	93-13-005	246-11-360	NEW-P	93-04-102
246-10-123	NEW D	93-13-005	246-10-707	NEW-P	93-08-071	246-11-360	NEW	93-08-003
246-10-124 246-10-124	NEW-P NEW	93-08-071 93-13-005	246-10-707	NEW D	93-13-005	246-11-370	NEW-P	93-04-102
246-10-124	NEW-P	93-13-003	246-11-001 246-11-001	NEW-P NEW	93-04-102 93-08-003	246-11-370 246-11-380	NEW NEW-P	93-08-003 93-04-102
246-10-201	NEW	93-13-005	246-11-010	NEW-P	93-04-102	246-11-380	NEW-F	93-04-102
246-10-202	NEW-P	93-08-071	246-11-010	NEW	93-08-003	246-11-390	NEW-P	93-04-102
246-10-202	NEW	93-13-005	246-11-020	NEW-P	93-04-102	246-11-390	NEW	93-08-003
246-10-203	NEW-P	93-08-071	246-11-020	NEW	93-08-003	246-11-400	NEW-P	93-04-102
246-10-203	NEW	93-13-005	246-11-030	NEW-P	93-04-102	246-11-400	NEW	93-08-003
			:	[13]				Table

[13] Table

Table

WAC #		WSR #	WAC#		WSR #	WAC#		WSR #
			246 264 225		02.11.075	246-290-640	NEW-P	93-04-122
246-11-420	NEW-P	93-04-102	246-264-005	NEW-W	93-11-075	246-290-640	NEW-P	93-04-122
246-11-420	NEW	93-08-003	246-282-005	NEW-W	93-11-075 93-13-125	246-290-650	NEW-P	93-04-122
246-11-430	NEW-P	93-04-102	246-282-990 246-290-001	AMD-P AMD-P	93-13-123	246-290-650	NEW	93-04-122
246-11-430	NEW	93-08-003	246-290-001	AMD-F	93-08-011	246-290-652	NEW-P	93-04-122
246-11-440	NEW-P	93-04-102 93-08-003	246-290-001	AMD-P	93-04-122	246-290-652	NEW	93-08-011
246-11-440 246-11-450	NEW NEW-P	93-04-102	246-290-010	AMD	93-08-011	246-290-654	NEW-P	93-04-122
246-11-430 246-11-450	NEW	93-08-003	246-290-020	AMD-P	93-04-122	246-290-654	NEW	93-08-011
246-11-470	NEW-P	93-04-102	246-290-020	AMD	93-08-011	246-290-660	NEW-P	93-04-122
246-11-470	NEW	93-08-003	246-290-030	AMD-P	93-04-122	246-290-660	NEW	93-08-011
246-11-480	NEW-P	93-04-102	246-290-030	AMD	- 93-08-011	246-290-662	NEW-P	93-04-122
246-11-480	NEW	93-08-003	246-290-040	AMD-P	93-04-122	246-290-662	NEW	93-08-011
246-11-490	NEW-P	93-04-102	246-290-040	AMD	93-08-011	246-290-664	NEW-P	93-04-122
246-11-490	NEW	93-08-003	246-290-050	AMD-P	93-04-122	246-290-664	NEW	93-08-011
246-11-500	NEW-P	93-04-102	246-290-050	AMD	93-08-011	246-290-666	NEW-P	93-04-122 93-08-011
246-11-500	NEW	93-08-003	246-290-060	AMD-P	93-04-122	246-290-666	NEW NEW-P	93-04-122
246-11-510	NEW-P	93-04-102	246-290-060	AMD	93-08-011	246-290-668 246-290-668	NEW-F	93-04-122
246-11-510	NEW	93-08-003	246-290-100	AMD-P	93-04-122 93-08-011	246-290-670	NEW-P	93-04-122
246-11-520	NEW-P	93-04-102	246-290-100 246-290-110	AMD AMD-P	93-04-122	246-290-670	NEW	93-08-011
246-11-520	NEW	93-08-003	246-290-110	AMD-F	93-04-122	246-290-672	NEW-P	93-04-122
246-11-530	NEW-P NEW	93-04-102 93-08-003	246-290-110	AMD-P	93-04-122	246-290-672	NEW	93-08-011
246-11-530	NEW-P	93-04-102	246-290-120	AMD	93-08-011	246-290-674	NEW-P	93-04-122
246-11-540 246-11-540	NEW-P	93-08-003	246-290-130	AMD-P	93-04-122	246-290-674	NEW	93-08-011
246-11-550	NEW-P	93-04-102	246-290-130	AMD	93-08-011	246-290-676	NEW-P	93-04-122
246-11-550	NEW	93-08-003	246-290-135	NEW-P	93-04-122	246-290-676	NEW	93-08-011
246-11-560	NEW-P	93-04-102	246-290-135	NEW	93-08-011	246-290-678	NEW-P	93-04-122
246-11-560	NEW	93-08-003	246-290-200	AMD-P	93-04-122	246-290-678	NEW	93-08-011
246-11-570	NEW-P	93-04-102	246-290-200	AMD	93-08-011	246-290-680	NEW-P	93-04-122
246-11-570	NEW	93-08-003	246-290-210	REP-P	93-04-122	246-290-680	NEW	93-08-011
246-11-580	NEW-P	93-04-102	246-290-210	REP	93-08-011	246-290-686	NEW-P	93-04-122 93-08-011
246-11-580	NEW	93-08-003	246-290-230	AMD-P	93-04-122	246-290-686	NEW NEW-P	93-08-011
246-11-590	NEW-P	93-04-102	246-290-230	AMD	93-08-011	246-290-690 246-290-690	NEW-F	93-04-122
246-11-590	NEW	93-08-003	246-290-250 246-290-250	AMD-P AMD	93-04-122 93-08-011	246-290-692	NEW-P	93-04-122
246-11-600	NEW-P	93-04-102 93-08-003	246-290-230	AMD-P	93-04-122	246-290-692	NEW	93-08-011
246-11-600	NEW NEW-P	93-04-102	246-290-300	AMD	93-08-011	246-290-694	NEW-P	93-04-122
246-11-610 246-11-610	NEW	93-08-003	246-290-310	AMD-P	93-04-122	246-290-694	NEW	93-08-011
246-100-011	AMD-P	93-03-003	246-290-310	AMD	93-08-011	246-290-696	NEW-P	93-04-122
246-100-011	AMD	93-08-036	246-290-320	AMD-P	93-04-122	246-290-696	NEW	93-08-011
246-100-041	AMD-P	93-03-003	246-290-320	AMD	93-08-011	246-293-440	REP-P	93-08-071
246-100-041	AMD	93-08-036	246-290-330	AMD-P	93-04-122	246-293-440	REP	93-13-005
246-100-042	NEW-P	93-06-094	246-290-330	AMD	93-08-011	246-294-001	NEW	93-03-047
246-100-042	NEW	93-10-038	246-290-400	REP-P	93-04-122	246-294-010	NEW	93-03-047
246-100-076	AMD-P	93-03-003	246-290-400	REP	93-08-011	246-294-020	NEW	93-03-047
246-100-076	AMD	93-08-036	246-290-420	AMD-P	93-04-122	246-294-030	NEW	93-03-047 93-03-047
246-100-236	AMD-P	93-03-003	246-290-420	AMD	93-08-011 93-04-122	246-294-040 246-294-050	NEW	93-03-047
246-100-236	AMD	93-08-036	246-290-440	AMD-P	93-04-122	246-294-060	NEW	93-03-04
246-130-040	AMD-E	93-04-015	246-290-440 246-290-450	AMD REP-P	93-04-122	246-294-070	NEW	93-03-041
246-130-040	AMD-P	93-06-095 93-11-006	246-290-450	REP	93-08-011	246-294-080	NEW	93-03-041
246-130-040 246-130-070	AMD-W AMD-E	93-04-015	246-290-470	AMD-P	93-04-122	246-294-090	NEW	93-03-04
246-130-070	AMD-P	93-06-095	246-290-470	AMD	93-08-011	246-294-100	NEW	93-03-04
246-130-070	AMD-W	93-11-006	246-290-480	AMD-P	93-04-122	246-310-280	AMD-P	93-08-070
246-201-005	NEW-W	93-11-075	246-290-480	AMD	93-08-011	246-310-280	AMD	93-13-01:
246-203-005	NEW-W	93-11-075	246-290-601	NEW-P	93-04-122	246-310-381	NEW-E	93-13-04
246-205-005	NEW-W	93-11-075	246-290-601	NEW	93-08-011	246-316-020	AMD-W	93-04-09
246-215-005	NEW-W	93-11-075	246-290-610	NEW-P	93-04-122	246-316-020	AMD-P	93-08-07
246-217-005	NEW-W	93-11-075	246-290-610	NEW	93-08-011	246-316-040	AMD-W	93-04-09
246-254-053	AMD-P	93-08-069	246-290-620	NEW-P	93-04-122	246-316-040	AMD-P	93-08-07
246-254-053	AMD	93-13-019	246-290-620	NEW	93-08-011	246-316-045	NEW-W	93-04-09
246-254-070	AMD-P	93-08-069	246-290-630	NEW-P	93-04-122	246-316-045	NEW-P	93-08-07
246-254-070	AMD	93-13-019	246-290-630	NEW	93-08-011	246-316-050	AMD-W	93-04-09
246-254-080	AMD-P	93-08-069	246-290-632	NEW-P	93-04-122	246-316-050	AMD-P	93-08-07 93-12-00
246-254-080	AMD	93-13-019	246-290-632	NEW	93-08-011	246-316-240	AMD-E	93-12-00
246-254-090	AMD-P	93-08-069	246-290-634	NEW-P	93-04-122	246-316-260	AMD-E AMD	93-12-00
246-254-090	AMD	93-13-019	246-290-634	NEW	93-08-011	246-318-010	AMD-W	93-07-01
246-254-100	AMD-P	93-08-069	246-290-636	NEW-P	93-04-122	246-318-040 246-318-040	AMD-W AMD-P	93-04-09
246-254-100	AMD	93-13-019	246-290-636	NEW D	93-08-011	246-318-040	NEW-W	93-04-09
246-254-120	AMD-P	93-08-069	246-290-638	NEW-P	93-04-122 93-08-011	246-318-042	NEW-W	
	AMD	93-13-019	246-290-638	NEW	ラン・UO-UII	2-10-310-0-12		
246-254-120 246-260-005	NEW-W	93-11-075	246-290-639	NEW-P	93-04-122	246-318-500	AMD	93-07-01

[14]

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-318-520	AMD	93-07-011	246-358-140	NEW	93-03-032	246-828-550	NEW	93-07-007
246-318-530	AMD	93-07-011	246-358-145	AMD	93-03-032	246-828-560	NEW	93-07-007
246-318-540	AMD	93-07-011	246-358-155	AMD	93-03-032	246-828-570	NEW-P	93-13-145
246-318-550 246-318-560	AMD AMD	93-07-011 93-07-011	246-358-165 246-358-175	AMD	93-03-032	246-828-990	AMD-P	93-10-071
246-318-500 246-318-570	AMD	93-07-011	246-358-990	AMD AMD	93-03-032 93-03-031	246-830-990 246-836-990	AMD-P AMD-P	93-10-071 93-10-071
246-318-580	AMD	93-07-011	246-360-005	NEW-W	93-11-075	246-838-120	AMD-I	93-04-080
246-318-590	AMD	93-07-011	246-374-005	NEW-W	93-11-075	246-838-330	NEW	93-04-080
246-318-600	AMD	93-07-011	246-376-005	NEW-W	93-11-075	246-838-990	AMD	93-07-023
246-318-610 246-318-620	AMD AMD	93-07-011 93-07-011	246-378-005 246-388-070	NEW-W AMD-W	93-11-075 93-04-091	246-839-115 246-839-115	NEW-P NEW	93-06-091 93-11-007
246-318-630	AMD	93-07-011	246-388-070	AMD-P	93-04-091	246-839-990	AMD-P	93-11-007
246-318-640	AMD	93-07-011	246-388-072	NEW-W	93-04-091	246-839-990	AMD	93-12-125
246-318-650	AMD	93-07-011	246-388-072	NEW-P	93-08-078	246-843-001	AMD-P	93-08-105
246-318-660	AMD	93-07-011	246-420-005	NEW-W	93-11-075	246-843-001	AMD	93-13-004
246-318-670 246-318-680	AMD AMD	93-07-011 93-07-011	246-491-005 246-520-005	NEW-W NEW-W	93-11-075 93-11-075	246-843-010 246-843-010	AMD-P AMD	93-08-105 93-13-004
246-318-690	AMD	93-07-011	246-610-005	NEW-W	93-11-075	246-843-090	AMD-P	93-08-105
246-318-700	AMD	93-07-011	246-650-005	NEW-W	93-11-075	246-843-090	AMD	93-13-004
246-318-710	AMD	93-07-011	246-680-005	NEW-W	93-11-075	246-843-180	AMD-P	93-08-105
246-318-720	AMD	93-07-011	246-760-005	NEW-W	93-11-075	246-843-180	AMD	93-13-004
246-318-730 246-318-740	AMD AMD	93-07-011 93-07-011	246-762-005 246-806-090	NEW-W AMD-P	93-11-075 93-06-090	246-843-205 246-843-205	AMD-P AMD	93-08-105 93-13-004
246-318-750	AMD	93-07-011	246-806-090	AMD-W	93-09-054	246-843-990	AMD-P	93-10-071
246-318-760	AMD	93-07-011	246-806-100	AMD-P	93-06-090	246-843-990	AMD	93-13-004
246-318-770	AMD	93-07-011	246-806-100	AMD	93-09-055	246-845-020	REP-P	93-10-039
246-318-780	AMD	93-07-011	246-806-110	AMD-P	93-06-090	246-845-030	REP-P	93-10-039
246-318-790 246-318-799	AMD REP	93-07-011 93-07-011	246-806-110 246-806-130	AMD AMD-P	93-09-055 93-06-090	246-845-040 246-845-050	REP-P NEW-P	93-10-039 93-10-039
246-318-800	AMD	93-07-011	246-806-130	AMD-F	93-09-055	246-845-060	NEW-P	93-10-039
246-318-810	AMD	93-07-011	246-806-140	AMD-P	93-06-090	246-845-070	NEW-P	93-10-039
246-318-820	AMD	93-07-011	246-806-140	AMD	93-09-055	246-845-080	NEW-P	93-10-039
246-318-830	AMD	93-07-011	246-806-150	REP-P	93-06-090	246-845-090	NEW-P	93-10-039
246-318-840 246-318-850	AMD AMD	93-07-011 93-07-011	246-806-150 246-806-160	REP AMD-P	93-09-055 93-06-090	246-845-100 246-845-110	NEW-P NEW-P	93-10-039 93-10-039
246-318-860	AMD	93-07-011	246-806-160	AMD	93-09-055	246-845-990	AMD-P	93-10-037
246-318-870	AMD	93-07-011	246-806-190	AMD-P	93-06-090	246-847-055	NEW-P	93-12-089
246-318-99902	AMD	93-07-011	246-806-190	AMD	93-09-055	246-847-068	NEW-P	93-12-089
246-321-018 246-321-018	NEW-W NEW-P	93-04-091 93-08-078	246-807-395 246-807-396	NEW-E NEW-E	93-10-006 93-10-006	246-847-070 246-847-080	AMD-P AMD-P	93-12-089 93-12-089
246-321-018	NEW-F	93-04-091	246-810-020	AMD-P	93-10-000	246-847-115	AMD-P	93-12-089
246-323-022	NEW-P	93-08-078	246-810-990	AMD-P	93-10-071	246-847-125	NEW-P	93-12-089
246-325-022	NEW-W	93-04-091	246-815-100	AMD	93-06-042A	246-847-130	AMD-P	93-12-089
246-325-022	NEW-P	93-08-078	246-815-990	AMD-P	93-12-121	246-847-200	AMD-P	93-12-089
246-327-090 246-327-090	NEW-W NEW-P	. 93-04-091 .93-08-078	246-816-220 246-816-220	AMD-P AMD-W	93-08-106 93-13-014	246-849-200 246-849-200	NEW-P NEW	93-03-046 93-10-008
246-327-090	NEW-P	93-04-091	246-816-225	NEW-P	93-08-106	246-849-210	NEW-P	93-03-046
246-329-035	NEW-P	93-08-078	246-816-225	NEW-W	93-13-014	246-849-210	NEW	93-10-008
246-331-100	NEW-W	93-04-091	246-818-120	AMD	93-07-108	246-849-220	NEW-P	93-03-046
246-331-100	NEW-P	93-08-078	246-818-130	AMD-S	93-07-107	246-849-220	NEW	93-10-008
246-336-100 246-336-100	NEW-W NEW-P	93-04-091 93-08-078	246-818-130 246-818-140	AMD AMD	93-12-005 93-07-108	246-849-230 246-849-230	NEW-P NEW	93-03-046 93-10-008
246-340-085	NEW-W	93-04-091	246-824-040	AMD-P	93-10-040	246-849-240	NEW-P	93-03-046
246-340-085	NEW-P	93-08-078	246-824-071	NEW-P	93-10-040	246-849-240	NEW	93-10-008
246-358-001	AMD	93-03-032	246-824-072	NEW-P	93-10-040	246-849-250	NEW-P	93-03-046
246-358-001	AMD-E	93-07-052	246-824-073	NEW-P	93-10-040	246-849-250	NEW	93-10-008
246-358-001 246-358-001	AMD-P AMD	93-07-106 93-12-043	246-824-200 246-824-210	NEW-P NEW-P	93-02-066 93-02-066	246-849-260 246-849-260	NEW-P NEW	93-03-046 93-10-008
246-358-010	AMD	93-03-032	246-824-220	NEW-P	93-02-066	246-849-270	NEW-P	93-03-046
246-358-020	NEW	93-03-032	246-824-230	NEW-P	93-02-066	246-849-270	NEW	93-10-008
246-358-025	AMD	93-03-031	246-824-240	. NEW-P	93-02-066	246-849-990	AMD-P	93-10-071
246-358-030	NEW	93-03-031	246-824-990	AMD-P	93-10-071	246-851-110	AMD-P	93-08-079
246-358-035 246-358-045	REP AMD	93-03-032 93-03-032	246-828-005 246-828-340	NEW AMD	93-07-009 93-07-010	246-851-270 246-851-360	REVIEW REVIEW	93-03-030 93-03-030
246-358-045	AMD	93-03-032	246-828-400	NEW	93-07-008	246-851-360	AMD-P	93-03-030
246-358-065	AMD	93-03-032	246-828-410	NEW	93-07-008	246-851-520	REVIEW	93-03-030
246-358-075	AMD	93-03-032	246-828-420	NEW	93-07-008	246-851-530	REVIEW	93-03-030
246-358-085	AMD	93-03-032	246-828-430	NEW	93-07-008	246-851-530	REP-P	93-08-079
246-358-095 246-358-105	AMD AMD	93-03-032 93-03-032	246-838-500 246-828-510	NEW NEW	93-07-007 93-07-007	246-851-540 246-851-550	NEW-P NEW-P	93-08-079 93-08-079
246-358-115	AMD	93-03-032	246-828-520	NEW	93-07-007	246-851-560	NEW-P	93-08-079
246-358-125	AMD	93-03-032	246-828-530	NEW	93-07-007	246-857-020	REP	93-04-017
246-358-135	AMD	93-03-032	246-828-540	NEW	93-07-007	246-857-030	REP	93-04-017
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[15] Table

246-857-040 246-857-050 246-857-060 246-857-070 246-857-080 246-857-090 246-857-100 246-857-110 246-857-120 246-857-130 246-857-150 246-857-150 246-857-160 246-857-170 246-857-180 246-857-190 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-300 246-857-310 246-857-310 246-857-330 246-857-330 246-857-330 246-857-340	REP REP REP REP REP REP REP REP REP REP	93-04-017 93-04-017	246-924-065 246-924-070 246-924-070 246-924-070 246-924-350 246-924-351 246-924-351 246-924-352 246-924-352 246-924-353 246-924-353 246-924-354 246-924-355 246-924-355 246-924-355 246-924-356 246-924-356 246-924-357 246-924-357 246-924-357	NEW AMD-P AMD-E AMD REP-P REP NEW-P NEW	93-06-092 93-04-014 93-06-023 93-07-078 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067	246-935-080 246-935-080 246-935-125 246-935-125 246-935-125 246-976-470 246-976-510 246-976-520 246-976-600 246-976-600 246-976-650 246-976-650 246-976-720 246-976-730 246-976-730 246-976-780	REP-P REP AMD-P	93-04-07 93-08-02 93-04-07 93-08-02 93-10-07 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12
246-857-050 246-857-060 246-857-070 246-857-080 246-857-090 246-857-100 246-857-110 246-857-120 246-857-130 246-857-140 246-857-150 246-857-160 246-857-170 246-857-180 246-857-190 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-300 246-857-300 246-857-300 246-857-310 246-857-310 246-857-320 246-857-330	REP REP REP REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017	246-924-070 246-924-070 246-924-350 246-924-350 246-924-351 246-924-351 246-924-352 246-924-352 246-924-353 246-924-353 246-924-354 246-924-355 246-924-355 246-924-356 246-924-356 246-924-356 246-924-357	AMD-P AMD-E AMD REP-P REP NEW-P NEW	93-04-014 93-06-023 93-07-078 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036	246-935-080 246-935-125 246-935-125 246-935-990 246-976-470 246-976-510 246-976-560 246-976-600 246-976-600 246-976-650 246-976-680 246-976-720 246-976-730 246-976-770	REP AMD-P	93-08-02 93-04-07 93-08-02 93-10-07 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12
246-857-060 246-857-070 246-857-080 246-857-090 246-857-100 246-857-110 246-857-130 246-857-130 246-857-150 246-857-150 246-857-160 246-857-170 246-857-180 246-857-190 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-200 246-857-300 246-857-300 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017	246-924-070 246-924-350 246-924-350 246-924-351 246-924-351 246-924-352 246-924-352 246-924-353 246-924-353 246-924-354 246-924-355 246-924-355 246-924-355 246-924-356 246-924-356 246-924-357 246-924-357	AMD-E AMD REP-P REP NEW-P	93-06-023 93-07-078 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036 93-02-067 93-07-036	246-935-125 246-935-990 246-976-470 246-976-510 246-976-560 246-976-600 246-976-610 246-976-650 246-976-680 246-976-720 246-976-730 246-976-770	AMD-P AMD P AMD-P	93-08-02 93-10-07 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12 93-13-12
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246-857-180 246-857-190 246-857-200 246-857-210 246-857-220 246-857-230 246-857-240 246-857-250 246-857-270 246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-310 246-857-320 246-857-330	REP REP REP REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017	246-924-355 246-924-355 246-924-356 246-924-356 246-924-357 246-924-357	NEW-P NEW NEW-P NEW	93-02-067 93-07-036 93-02-067	246-976-730 246-976-770	AMD-P AMD-P	93-13-12 93-13-12
246-857-190 246-857-200 246-857-210 246-857-220 246-857-230 246-857-240 246-857-250 246-857-260 246-857-270 246-857-280 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017 93-04-017 93-04-017 93-04-017	246-924-355 246-924-356 246-924-356 246-924-357 246-924-357	NEW NEW-P NEW	93-07-036 93-02-067	246-976-770	AMD-P	93-13-12
246-857-200 246-857-210 246-857-220 246-857-230 246-857-240 246-857-250 246-857-260 246-857-270 246-857-280 246-857-290 246-857-310 246-857-320 246-857-320	REP REP REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017 93-04-017 93-04-017	246-924-356 246-924-356 246-924-357 246-924-357	NEW-P NEW	93-02-067			
246-857-210 246-857-220 246-857-230 246-857-240 246-857-250 246-857-260 246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-320	REP REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017 93-04-017	246-924-356 246-924-357 246-924-357	NEW		246-976-780	AMD-P	93.13.13
246-857-220 246-857-230 246-857-240 246-857-250 246-857-260 246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017 93-04-017	246-924-357 246-924-357					75-15-12
246-857-230 246-857-240 246-857-250 246-857-260 246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP REP REP REP REP	93-04-017 93-04-017 93-04-017	246-924-357	NEW-P	93-07-036	246-976-790	AMD-P	93-13-12
246-857-240 246-857-250 246-857-260 246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP REP REP REP	93-04-017 93-04-017			93-02-067	246-976-810	AMD-P	93-13-12
246-857-250 246-857-260 246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP REP REP	93-04-017	246-024-359	NEW	93-07-036	246-976-820	AMD-P	93-13-12
246-857-260 246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP REP REP		4 70-744- 330	NEW-P	93-02-067	246-976-830	NEW-P	93-13-12
246-857-270 246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP REP REP	93-04-017	246-924-358	NEW	93-07-036	246-976-840	NEW-P	93-13-12
246-857-280 246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP REP	JJ:U T -U1/	246-924-359	NEW-P	93-02-067	246-976-850	NEW-P	93-13-12
246-857-290 246-857-300 246-857-310 246-857-320 246-857-330	REP	93-04-017	246-924-359	NEW	93-07-036	246-976-860	NEW-P	93-13-12
246-857-300 246-857-310 246-857-320 246-857-330		93-04-017	246-924-360	REP-P	93-02-067	246-976-990	AMD-P	93-13-12
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246-857-320 246-857-330	REP	93-04-017	246-924-361	NEW-P	93-02-067	250-20-011	AMD-E	93-04-07
246-857-330	REP	93-04-017	246-924-361	NEW	93-07-036	250-20-011	AMD	93-08-01
	REP	93-04-017	246-924-363	NEW-P	93-02-067	250-20-015	AMD-P	93-03-08
246-857-340	REP	93-04-017	246-924-363	NEW	93-07-036	250-20-015	AMD-E	93-04-07
	REP	93-04-017	246-924-364	NEW-P	93-02-067	250-20-015	AMD	93-08-01
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246-863-050	AMD	93-10-007	246-924-365	NEW-P	93-02-067	250-20-021	AMD-E	93-04-07
246-863-130	NEW-W	93-04-018	246-924-365	NEW	93-07-036	250-20-021	AMD	93-08-01
246-869-245	NEW-W	93-07-051	246-924-366	NEW-P	93-02-067	250-20-031	AMD-P	93-03-08
246-883-030	AMD	93-05-046	246-924-366	NEW	93-07-036	250-20-031	AMD-E	93-04-07
246-887-132	NEW-P	93-08-108	246-924-367	NEW-P	93-02-067	250-20-031	AMD	93-08-01
246-887-160	AMD	93-06-093	246-924-367	NEW	93-07-036	250-20-041	AMD-P	93-03-08
246-887-160	AMD-P	93-08-109	246-924-370	REP-P	93-02-067	250-20-041	AMD-E	93-04-0
246-901-030	AMD-P	93-08-107	246-924-370	REP	93-07-036	250-20-041	AMD	93-08-01
246-901-030	AMD-W	93-13-039	246-924-380	REP-P	93-02-067	250-20-051	AMD-P	93-03-08
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246-901-060	AMD-P	93-08-107	246-924-390	REP-P	93-02-067	250-20-051	AMD	93-08-01
246-901-065	NEW-P	93-08-107	246-924-390	REP	93-07-036	250-25-060	AMD-P	93-11-08
246-903-010	AMD	93-04-016	246-924-400	REP-P	93-02-067	250-25-070	AMD-P	93-11-08
246-903-020	AMD	93-04-016	246-924-400	REP	93-07-036	250-25-080	AMD-P	93-11-08
246-907-030	AMD	93-05-045	246-924-410	REP-P	93-02-067	250-40-030	AMD-P	93-11-09
246-907-030	AMD-P	93-12-003	246-924-410	REP	93-07-036	250-40-030	AMD-E	93-13-03
246-915-020	AMD	93-04-081	246-924-420	REP-P	93-02-067	250-40-040	AMD-P	93-11-09
246-915-080	AMD	93-04-081	246-924-420	REP	93-07-036	250-40-040	AMD-E	93-13-0
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246-915-145	NEW-W	93-04-082	246-924-440	REP	93-07-036	250-40-060	AMD-E	93-13-0
246-917-121	AMD-P	93-05-047	246-924-450	REP-P	93-02-067	250-40-070	AMD-P	93-11-0
246-917-121	AMD	93-11-008	246-924-450	REP	93-07-036	250-40-070	AMD-E	93-13-0
246-917-990	AMD-W	93-11-073	246-924-475	NEW-P	93-11-038	250-44-050	AMD	93-07-0
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246-917-990	AMD-E	93-12-124	246-930-499	AMD-P	93-10-072	250-44-130	AMD	93-07-0
246-918-260	AMD-P	93-05-047	246-933-010	AMD-P	93-04-079	250-62-010	NEW-P	93-12-1
246-918-260	AMD	93-11-008	246-933-010	AMD	93-08-029	250-62-020	NEW-P	93-12-1
246-922-035	NEW-P	93-08-082	246-933-180	NEW-P	93-04-079	250-62-030	NEW-P	93-12-1
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246-924-055	NEW	93-06-092	246-935-060	AMD-P	93-08-081	250-62-110	NEW-P	93-12-1
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246-924-060	AMD	93-06-092	246-935-070	AMD-P	93-04-079	250-62-130	NEW-P	93-12-10
246-924-065	NEW-P	93-02-065	246-935-070	AMD	93-08-029	250-62-140	NEW-P	93-12-1

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250-62-150	NEW-P	93-12-106	296-17-350	AMD	93-12-093	296-17-604	AMD-P	93-07-114
250-62-160	NEW-P	93-12-106	296-17-430	AMD-P	93-07-114	296-17-604	AMD	93-12-093
250-62-170	NEW-P	93-12-106	296-17-430	AMD B	93-12-093	296-17-606	AMD-P	93-07-114
250-62-180 250-62-190	NEW-P NEW-P	93-12-106 93-12-106	296-17-440 296-17-440	AMD-P AMD	93-07-114 93-12-093	296-17-606 296-17-618	AMD AMD-P	93-12-093 93-07-114
250-62-200	NEW-P	93-12-106	296-17-450	AMD-P	93-07-114	296-17-618	AMD	93-12-093
250-62-210	NEW-P	93-12-106	296-17-450	AMD	93-12-093	296-17-61804	AMD-P	93-07-114
250-65-030	AMD-P	93-11-089	296-17-501	AMD-P	93-07-114	296-17-61804	AMD	93-12-093
250-65-040	AMD-P	93-11-089	296-17-501	AMD	93-12-093	296-17-646	AMD-P	93-07-114
250-65-050 250-65-060	AMD-P AMD-P	93-11-089 93-11-089	296-17-506 296-17-506	AMD-P AMD	93-07-114 93-12-093	296-17-646 296-17-669	AMD AMD-P	93-12-093 93-07-114
250-66-020	AMD-P	93-11-094	296-17-50601	AMD-P	93-07-114	296-17-669	AMD-F	93-07-114
250-70-030	AMD-P	93-11-090	296-17-50601	AMD	93-12-093	296-17-676	AMD-P	93-07-114
250-76-020	AMD-P	93-11-091	296-17-50602	AMD-P	93-07-114	296-17-676	AMD	93-12-093
250-76-070	AMD-P	93-11-091	296-17-50602	AMD	93-12-093	296-17-67601	AMD-P	93-07-114
250-78-050	AMD-P	93-11-092	296-17-510	AMD-P	93-07-114	296-17-67601	AMD	93-12-093
250-78-060 251-10-060	AMD-P AMD-E	93-11-092 93-13-008	296-17-510 296-17-512	AMD AMD-P	93-12-093 93-07-114	296-17-67602 296-17-67602	AMD-P AMD	93-07-114 93-12-093
251-10-061	NEW-E	93-13-008	296-17-512	AMD-F	93-12-093	296-17-686	AMD-P	93-12-093
251-10-001	AMD	93-06-033	296-17-521	AMD-P	93-07-114	296-17-686	AMD	93-12-093
251-12-290	AMD	93-06-033	296-17-521	AMD	93-12-093	296-17-690	AMD-P	93-07-114
251-17-090	AMD-E	93-13-008	296-17-52102	AMD-P	93-07-114	296-17-690	AMD	93-12-093
251-18-180	AMD-E	93-13-008	296-17-52102	AMD	93-12-093	296-17-700	AMD-P	93-07-114
251-18-190 251-18-240	AMD-E AMD-E	93-13-008 93-13-008	296-17-52108 296-17-52108	AMD-P AMD	93-07-114 93-12-093	296-17-700 296-17-704	AMD AMD-P	93-12-093 93-07-114
251-18-240	AMD-E	93-13-008	296-17-52110	AMD-P	93-12-093	296-17-704	AMD-P	93-07-114
251-19-060	AMD-E	93-13-008	296-17-52110	AMD	93-12-093	296-17-707	AMD-P	93-07-114
251-19-100	AMD-E	93-13-008	296-17-524	AMD-P	93-07-114	296-17-707	AMD	93-12-093
251-22-167	AMD-P	93-11-103	296-17-524	AMD	93-12-093	296-17-708	AMD-P	93-07-114
251-22-195	AMD-P	93-11-103	296-17-526	AMD-P	93-07-114	296-17-708	AMD	93-12-093
251-22-197 251-22-200	NEW-P AMD-P	93-11-103 93-11-103	296-17-526 296-17-527	AMD AMD-P	93-12-093 93-07-114	296-17-710 296-17-710	AMD-P AMD	93-07-114 93-12-093
251-22-200	REP	93-06-032	296-17-527	AMD-P	93-12-093	296-17-715	AMD-P	93-12-093
260-48-110	AMD-E	93-09-008	296-17-53504	AMD-P	93-07-114	296-17-715	AMD	93-12-093
260-48-110	AMD-P	93-11-060	296-17-53504	AMD	93-12-093	296-17-721	AMD-P	93-07-114
260-48-328	AMD-P	93-11-101	296-17-538	AMD-P	93-07-114	296-17-721	AMD	93-12-093
260-48-331	NEW-P	93-11-102	296-17-538	AMD	93-12-093	296-17-724	AMD-P	93-07-114
275-25	AMD-E	93-11-051	296-17-545 296-17-545	AMD-P AMD	93-07-114 93-12-093	296-17-724 296-17-747	AMD AMD-P	93-12-093 93-07-114
275-25 275-25-010	AMD-P AMD-E	93-11-053 93-11-051	296-17-555	AMD-P	93-12-093	296-17-747	AMD-F	93-12-093
275-25-010	AMD-P	93-11-053	296-17-555	AMD	93-12-093	296-17-758	AMD-P	93-07-114
275-25-040	AMD-E	93-11-051	296-17-56101	NEW-P	93-07-114	296-17-758	AMD	93-12-093
275-25-040	AMD-P	93-11-053	296-17-56101	NEW	93-12-093	296-17-759	AMD-P	93-07-114
275-25-300	REP-E	93-11-051	296-17-562	AMD-P	93-07-114	296-17-759	AMD	93-12-093
275-25-300	REP-P REP-E	93-11-053 93-11-051	296-17-562 296-17-568	AMD AMD-P	93-12-093 93-07-114	296-17-761 296-17-761	AMD-P AMD	93-07-114 93-12-093
275-25-310 275-25-310	REP-E	93-11-053	296-17-568	AMD-P	93-12-093	296-17-761	AMD-P	93-07-114
275-25-310	REP-E	93-11-051	296-17-56901	AMD-P	93-07-114	296-17-762	AMD	93-12-093
275-25-330	REP-P	93-11-053	296-17-56901	AMD	93-12-093	296-17-76201	AMD-P	93-07-114
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275-25-810 275-25-840	REP-E	93-11-051	296-17-57002	AMD-P	93-12-093	296-17-76204	AMD-F	93-12-093
275-25-840	REP-P	93-11-053	296-17-57003	AMD	93-12-093	296-17-76205	AMD-P	93-07-114
275-26-065	AMD	93-04-029	296-17-572	AMD-P	93-07-114	296-17-76205	AMD	93-12-093
284-07-060	NEW-C	93-04-062	296-17-572	, AMD	93-12-093	296-17-777	AMD-P	93-07-114
284-07-060	NEW	93-07-020	296-17-574	AMD-P	93-07-114	296-17-777	AMD	93-12-093
287-04-030	REP	93-04-008	296-17-574	AMD	93-12-093	296-17-855	AMD-P	93-07-114
287-04-031	NEW	93-04-008	296-17-579 296-17-579	AMD-P AMD	93-07-114 93-12-093	296-17-855 296-17-873	AMD B	93-12-093 93-07-114
296-04-270 296-04-280	AMD AMD	93-04-100 93-04-100	296-17-580	AMD-P	93-12-093	296-17-873	AMD-P AMD	93-12-093
296-15-022	AMD-P	93-04-100	296-17-580	AMD	93-12-093	296-17-875	AMD-P	93-07-114
296-15-022	AMD	93-11-064	296-17-582	AMD-P	93-07-114	296-17-895	AMD	93-12-093
296-15-023	AMD-P	93-07-115	296-17-582	AMD	93-12-093	296-17-89501	NEW-P	93-07-114
296-15-023	AMD	93-11-064	296-17-58201	AMD-P	93-07-114	296-17-89501	NEW	93-12-093
296-15-030	AMD-P	93-07-115	296-17-58201	AMD	93-12-093	296-17-896	REP-P	93-07-114
296-15-030	AMD AMD-P	93-11-064 93-07-115	296-17-584 296-17-584	AMD-P AMD	93-07-114 93-12-093	296-17-896 296-20-010	REP AMD-P	93-12-093 93-11-095
296-15-060 296-15-060	AMD-P	93-07-113 93-11-064	296-17-58502	NEW-P	93-12-093	296-20-010	AMD-P AMD-P	93-11-095
296-15-065	AMD-P	93-07-115	296-17-58502	NEW	93-12-093	296-20-015	AMD-P	93-11-095
296-15-065	AMD .	93-11-064	296-17-594	AMD-P	93-07-114	296-20-01501	AMD-P	93-11-095
296-17-350	AMD-P	93-07-114	296-17-594	AMD	93-12-093	296-20-020	AMD-P	93-11-095
				[17]				Table

[17] Table

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR
206 20 020	AMD B	93-11-095	296-22-025	REP-P	93-11-095	296-22-315	REP-P	93-11-0
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296-20-03001			296-22-027	REP-P	93-11-095	296-22-330	REP-P	93-11-0
296-20-035	AMD-P	93-11-095		REP-P	93-11-095	296-22-333	REP-P	93-11-0
296-20-051	AMD-P	93-11-095	296-22-030			296-22-337	REP-P	
296-20-06101	AMD-P	93-11-095	296-22-031	REP-P	93-11-095			93-11-0 93-11-0
296-20-065	AMD-P	93-11-095	296-22-035	REP-P	93-11-095	296-22-340	REP-P	
96-20-110	AMD-P	93-11-095	296-22-036	REP-P	93-11-095	296-22-350	REP-P	93-11-0
296-20-1102	AMD-P	93-11-095	296-22-037	REP-P	93-11-095	296-22-355	REP-P	93-11-0
296-20-1103	AMD-P	93-11-095	296-22-038	REP-P	93-11-095	296-22-365	REP-P	93-11-0
296-20-115	REP-P	93-11-095	296-22-039	REP-P	93-11-095	296-22-370	REP-P	93-11-0
296-20-120	AMD-P	93-11-095	296-22-040	REP-P	93-11-095	296-22-375	REP-P	93-11-0
296-20-125	AMD-P	93-11-095	296-22-042	REP-P	93-11-095	296-22-405	REP-P	93-11-0
296-20-12501	AMD-P	93-11-095	296-22-051	REP-P	93-11-095	296-22-410	REP-P	93-11-0
296-20-12502	REP-P	93-11-095	296-22-052	REP-P	93-11-095	296-22-413	REP-P	93-11-0
296-20-132	AMD-P	93-11-095	296-22-053	REP-P	93-11-095	296-22-415	REP-P	93-11-0
196-20-132 196-20-135	AMD-P	93-11-095	296-22-061	REP-P	93-11-095	296-22-420	REP-P	93-11-0
				REP-P	93-11-095	296-22-425	REP-P	93-11-0
296-20-170	AMD-P	93-11-095	296-22-063		93-11-095	296-22-427	REP-P	93-11-0
96-20-17002	AMD-P	93-11-095	296-22-067	REP-P				
296-21	AMD-P	93-11-095	296-22-071	REP-P	93-11-095	296-22-430	REP-P	93-11-0
296-21-140	REP-P	93-11-095	296-22-073	REP-P	93-11-095	296-22-435	REP-P	93-11-0
296-21-150	REP-P	93-11-095	296-22-079	REP-P	93-11-095	296-22-440	REP-P	93-11-0
96-21-160	REP-P	93-11-095	296-22-082	REP-P	93-11-095	296-22-445	REP-P	93-11-0
96-21-170	REP-P	93-11-095	296-22-087	REP-P	93-11-095	296-22-450	REP-P	93-11-0
296-21-180	REP-P	93-11-095	296-22-091	REP-P	93-11-095	296-22-455	REP-P	93-11-0
296-21-190	REP-P	93-11-095	296-22-095	REP-P	93-11-095	296-22-465	REP-P	93-11-0
296-21-200	REP-P	93-11-095	296-22-097	REP-P	93-11-095	296-22-470	REP-P	93-11-0
296-21-210	REP-P	93-11-095	296-22-100	REP-P	93-11-095	296-22-475	REP-P	93-11-0
296-21-210	REP-P	93-11-095	296-22-105	REP-P	93-11-095	296-23-010	REP-P	93-11-0
			296-22-110	REP-P	93-11-095	296-23-01001	REP-P	93-11-0
96-21-240	NEW-P	93-11-095		KET-F		296-23-01001	REP-P	93-11-0
96-21-250	NEW-P	93-11-095	296-22-115	REP-P	93-11-095			93-11-0
96-21-260	NEW-P	93-11-095	296-22-116	REP-P	93-11-095	296-23-01004	REP-P	
96-21-270	NEW-P	93-11-095	296-22-120	REP-P	93-11-095	296-23-01005	REP-P	93-11-0
96-21-280	NEW-P	93-11-095	296-22-125	REP-P	93-11-095	296-23-01006	REP-P	93-11-0
296-21-290	NEW-P	93-11-095	296-22-130	REP-P	93-11-095	296-23-01007	REP-P	93-11-0
296-21-300	NEW-P	93-11-095	296-22-132	REP-P	93-11-095	296-23-01008	REP-P	93-11-0
296-21-310	NEW-P	93-11-095	296-22-135	REP-P	93-11-095	296-23-015	REP-P	93-11-0
296-21-320	NEW-P	93-11-095	296-22-140	REP-P	93-11-095	296-23-020	REP-P	93-11-0
296-21A-010	REP-P	93-11-095	296-22-141	REP-P	93-11-095	296-23-025	REP-P	93-11-0
96-21A-011	REP-P	93-11-095	296-22-145	REP-P	93-11-095	296-23-030	REP-P	93-11-0
		93-11-095	296-22-146	REP-P	93-11-095	296-23-035	REP-P	93-11-0
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296-21A-014	REP-P				93-11-095	296-23-045	REP-P	93-11-(
296-21A-01401	REP-P	93-11-095	296-22-150	REP-P				93-11-0
296-21A-035	REP-P	93-11-095	296-22-155	REP-P	93-11-095	296-23-050	REP-P	
296-21A-037	REP-P	93-11-095	296-22-160	REP-P	93-11-095	296-23-055	REP-P	93-11-0
296-21A-040	REP-P	93-11-095	296-22-165	REP-P	93-11-095	296-23-065	REP-P	93-11-0
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296-21A-046	REP-P	93-11-095	296-22-180	REP-P	93-11-095	296-23-07901	REP-P	93-11-0
96-21A-047	REP-P	93-11-095	296-22-190	REP-P	93-11-095	296-23-07902	REP-P	93-11-0
96-21A-050	REP-P	93-11-095	296-22-195	REP-P	93-11-095	296-23-07903	REP-P	93-11-0
296-21A-0501	REP-P	93-11-095	296-22-200	REP-P	93-11-095	296-23-07905	REP-P	93-11-0
296-21A-0502	REP-P	93-11-095	296-22-205	REP-P	93-11-095	296-23-07906	REP-P	93-11-0
	REP-P	93-11-095	296-22-210	REP-P	93-11-095	296-23-07907	REP-P	93-11-
296-21A-057			296-22-215	REP-P	93-11-095	296-23-07908	REP-P	93-11-
296-21A-062	REP-P	93-11-095	1			296-23-080	REP-P	93-11-
96-21A-064	REP-P	93-11-095	296-22-220	REP-P	93-11-095	l l		
296-21A-066	REP-P	93-11-095	296-22-225	REP-P	93-11-095	296-23-120	REP-P	93-11-
96-21A-070	REP-P	93-11-095	296-22-230	REP-P	93-11-095	296-23-125	REP-P	93-11-
96-21A-075	REP-P	93-11-095	296-22-235	REP-P	93-11-095	296-23-130	REP-P	93-11-
296-21A-080	REP-P	93-11-095	296-22-245	REP-P	93-11-095	296-23-135	NEW-P	93-11-
296-21A-086	REP-P	93-11-095	296-22-250	REP-P	93-11-095	296-23-140	NEW-P	93-11-
296-21A-090	REP-P	93-11-095	296-22-255	REP-P	93-11-095	296-23-145	NEW-P	93-11-
296-21A-095	REP-P	93-11-095	296-22-260	REP-P	93-11-095	296-23-150	NEW-P	93-11-
	REP-P	93-11-095	296-22-265	REP-P	93-11-095	296-23-155	NEW-P	93-11-
296-21A-125			296-22-263	REP-P	93-11-095	296-23-160	NEW-P	93-11-
296-21A-128	REP-P	93-11-095		REP-P	93-11-095	296-23-165	NEW-P	93-11-
296-21A-130	REP-P	93-11-095	296-22-275					93-11-
296-22-010	REP-P	93-11-095	296-22-280	REP-P	93-11-095	296-23-170	NEW-P	
296-22-016	REP-P	93-11-095	296-22-285	REP-P	93-11-095	296-23-175	NEW-P	93-11-
296-22-017	REP-P	93-11-095	296-22-290	REP-P	93-11-095	296-23-180	NEW-P	93-11-
296-22-01701	REP-P	93-11-095	296-22-295	REP-P	93-11-095	296-23-185	NEW-P	93-11-
296-22-020	REP-P	93-11-095	296-22-300	REP-P	93-11-095	296-23-190	NEW-P	93-11-
296-22-020	REP-P	93-11-095	296-22-305	REP-P	93-11-095	296-23-195	NEW-P	93-11-
296-22-021 296-22-022	REP-P	93-11-095	296-22-306	REP-P	93-11-095	296-23-200	REP-P	93-11-
	REP-P	93-11-095	296-22-300	REP-P	93-11-095	296-23-201	REP-P	93-11-0
206 22 022			1 7.70*4.4*.307	1/1-1	70 AA 070			
296-22-023 296-22-024	REP-P	93-11-095	296-22-310	REP-P	93-11-095	296-23-20101	REP-P	93-11-

[18]

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WAC #		WSR #	WAC #		WSR #	WAC#	<u> </u>	WSR #
204 22 20102	REP-P	93-11-095	296-23A-150	AMD-P	93-11-095	296-62-07405	NEW	93-07-044
296-23-20102 296-23-204	REP-P	93-11-095	296-23A-130 296-23A-200	AMD-P	93-11-095	296-62-07407	NEW-P	93-07-044
296-23-205	NEW-P	93-11-095	296-23A-205	AMD-P	93-11-095	296-62-07407	NEW	93-07-044
296-23-208	REP-P	93-11-095	296-23A-230	AMD-P	93-11-095	296-62-07409	NEW-P	93-02-057
296-23-210	NEW-P	93-11-095	296-23A-235	AMD-P	93-11-095	296-62-07409	NEW	93-07-044
296-23-212	REP-P	93-11-095	296-23A-240	REP-P	93-11-095	296-62-07411	NEW-P	93-02-057
296-23-215	NEW-P	93-11-095	296-23A-242	REP-P	93-11-095	296-62-07411	NEW	93-07-044
296-23-216 296-23-220	REP-P NEW-P	93-11-095 93-11-095	296-23A-244 296-23A-246	REP-P REP-P	93-11-095 93-11-095	296-62-07413 296-62-07413	NEW-P NEW	93-02-057 93-07-044
296-23-221	REP-P	93-11-095	296-23A-248	REP-P	93-11-095	296-62-07415	NEW-P	93-02-057
296-23-224	REP-P	93-11-095	296-23A-250	REP-P	93-11-095	296-62-07415	NEW	93-07-044
296-23-225	NEW-P	93-11-095	296-23A-252	REP-P	93-11-095	296-62-07417	NEW-P	93-02-057
296-23-228	REP-P	93-11-095	296-23A-254	REP-P	93-11-095	296-62-07417	NEW	93-07-044
296-23-230	NEW-P	93-11-095	296-23A-256	REP-P	93-11-095	296-62-07419	NEW-P	93-02-057
296-23-231	REP-P	93-11-095	296-23A-258	REP-P	93-11-095	296-62-07419	NEW	93-07-044
296-23-232 296-23-235	REP-P NEW-P	93-11-095 93-11-095	296-23A-260 296-23A-262	REP-P REP-P	93-11-095 93-11-095	296-62-07421 296-62-07421	NEW-P NEW	93-02-057 93-07-044
296-23-240	NEW-P	93-11-095	296-23A-264	REP-P	93-11-095	296-62-07421	NEW-P	93-02-057
296-23-245	NEW-P	93-11-095	296-23A-266	REP-P	93-11-095	296-62-07423	NEW	93-02-037
296-23-250	NEW-P	93-11-095	296-23A-268	REP-P	93-11-095	296-62-07425	NEW-P	93-02-057
296-23-255	NEW-P	93-11-095	296-23A-300	AMD-P	93-11-095	296-62-07425	NEW	93-07-044
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296-23-265	NEW-P	93-11-095	296-23A-315	AMD-P	93-11-095	296-62-07427	NEW	93-07-044
296-23-270	NEW-P REP-P	93-11-095 93-11-095	296-23A-320 296-23A-325	AMD-P REP-P	93-11-095 93-11-095	296-62-07429 296-62-07429	NEW-P NEW	93-02-057
296-23-412 296-23-421	REP-P	93-11-095	296-23A-323 296-23A-330	REP-P	93-11-095	296-62-07431	NEW-P	93-07-044 93-02-057
296-23-430	REP-P	93-11-095	296-23A-335	REP-P	93-11-095	296-62-07431	NEW	93-02-037
296-23-440	REP-P	93-11-095	296-23A-340	REP-P	93-11-095	296-62-07433	NEW-P	93-02-057
296-23-450	REP-P	93-11-095	296-23A-345	REP-P	93-11-095	296-62-07433	NEW	93-07-044
296-23-460	REP-P	93-11-095	296-23A-350	REP-P	93-11-095	296-62-07441	NEW-P	93-02-057
296-23-470	REP-P	93-11-095	296-23A-355	REP-P	93-11-095	296-62-07441	NEW	93-07-044
296-23-480	REP-P	93-11-095	296-23A-360	REP-P	93-11-095	296-62-07443	NEW-P	93-02-057
296-23-485	REP-P REP-P	93-11-095 93-11-095	296-23A-400 296-23A-410	AMD-P REP-P	93-11-095 93-11-095	296-62-07443 296-62-07445	NEW NEW-P	93-07-044 93-02-057
296-23-490 296-23-495	REP-P	93-11-095	296-23A-415	REP-P	93-11-095	296-62-07445	NEW	93-02-037
296-23-500	REP-P	93-11-095	296-23A-420	REP-P	93-11-095	296-62-07447	NEW-P	93-02-057
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296-23-50007	REP-P	93-11-095	296-46-21008	AMD	93-06-072	296-62-07601	NEW	93-04-111
296-23-50007	REP-P	93-11-095	296-46-21052	AMD	93-06-072	296-62-07603	NEW	93-04-111
296-23-50009	REP-P	93-11-095	296-46-220	AMD	93-06-072	296-62-07605	NEW	93-04-111
296-23-50010	REP-P	93-11-095	296-46-225	NEW	93-06-072	296-62-07607	NEW	93-04-111
296-23-50011	REP-P	93-11-095	296-46-23040	AMD	93-06-072	296-62-07609	NEW	93-04-111
296-23-50012	REP-P	93-11-095	296-46-23062	AMD	93-06-072	296-62-07611 296-62-07613	NEW NEW	93-04-111 93-04-111
296-23-50013 296-23-50014	REP-P REP-P	93-11-095 93-11-095	296-46-316 296-46-360	AMD AMD	93-06-072 93-06-072	296-62-07615	NEW	93-04-111
296-23-50014	REP-P	93-11-095	296-46-365	NEW	93-06-072	296-62-07617	NEW	93-04-111
296-23-50016	REP-P	93-11-095	296-46-422	AMD	93-06-072	296-62-07619	NEW	93-04-111
296-23-610	REP-P	93-11-095	296-46-495	AMD	93-06-072	296-62-07621	NEW	93-04-111
296-23-615	REP-P	93-11-095	296-46-514	AMD	93-06-072	296-62-07623	NEW	93-04-111
296-23-620	REP-P	93-11-095	296-46-517	REP	93-06-072	296-62-07625	NEW	93-04-111
296-23-710	REP-P	93-11-095	296-46-55001	REP	93-06-072	296-62-07627	NEW	93-04-111
296-23-715 296-23-720	REP-P REP-P	93-11-095 93-11-095	296-46-680 296-46-700	AMD AMD	93-06-072 93-06-072	296-62-07629 296-62-07631	NEW NEW	93-04-111 93-04-111
296-23-725	REP-P	93-11-095	296-46-702	NEW	93-06-072	296-62-07633	NEW	93-04-111
296-23-730	REP-P	93-11-095	296-46-710	NEW	93-06-072	296-62-07635	NEW	93-04-111
296-23-810	REP-P	93-11-095	296-46-935	NEW	93-03-048	296-62-07637	NEW	93-04-111
296-23-811	REP-P	93-11-095	296-56-60001	AMD-P	93-02-057	296-62-07639	NEW	93-04-111
296-23-900	REP-P	93-11-095	296-56-60001	AMD	93-07-044	296-62-07654	NEW	93-04-111
296-23-910	REP-P	93-11-095	296-56-60005	AMD-P	93-10-101	296-62-07656	NEW	93-04-111
296-23-950	REP-P REP-P	93-11-095 93-11-095	296-56-60235 296-62-07105	AMD-P AMD-P	93-10-101 93-10-101	296-62-07658 296-62-07660	NEW NEW	93-04-111 93-04-111
296-23-960 296-23-970	REP-P	93-11-095	296-62-07105	NEW-P	93-10-101	296-62-07662	NEW	93-04-111
296-23-970 296-23-980	REP-P	93-11-095	296-62-074	NEW-P	93-07-044	296-62-07664	NEW	93-04-111
296-23-990	REP-P	93-11-095	296-62-07401	NEW-P	93-02-057	296-62-07666	NEW	93-04-111
296-23A-100	AMD-P	93-11-095	296-62-07401	NEW	93-07-044	296-62-07668	NEW	93-04-111
296-23A-110	AMD-P	93-11-095	296-62-07403	NEW-P	93-02-057	296-62-07670	NEW	93-04-111
296-23A-115	AMD-P	93-11-095	296-62-07403	NEW D	93-07-044	296-62-07672	NEW	93-04-111
296-23A-130	AMD-P	93-11-095	l 296-62-07405	NEW-P	93-02-057	1 296-62-07711	AMD-P	93-10-101
				-f 10 1				Table

[19] Table

WAC #		WSR #	WAC#		WSR #	WAC#		WSR #
296-62-3090	AMD-P	93-10-101	296-155-17343	NEW	93-04-111	296-306-070	AMD	93-07-01
296-62-14501	AMD-P	93-10-101	296-155-17345	NEW	93-04-111	296-306-081	NEW-W	93-10-04
296-62-14503	AMD-P	93-10-101	296-155-17347	NEW	93-04-111	296-306-08101	NEW-W	93-10-04
296-62-14505	AMD-P	93-10-101	296-155-17349	NEW	93-04-111	296-306-08103	NEW-W	93-10-04
296-62-14507	AMD-P	93-10-101	296-155-17351	NEW	93-04-111	296-306-08105	NEW-W	93-10-04
296-62-14509	AMD-P	93-10-101	296-155-17353	NEW '	93-04-111	296-306-082	NEW-W	93-10-04
296-62-14511	AMD-P	93-10-101	296-155-17355	NEW	93-04-111	296-306-08201	NEW-W	93-10-04
296-62-14513	AMD-P	93-10-101	296-155-17357	NEW	93-04-111	296-306-083	NEW-W	93-10-04
296-62-14515	AMD-P	93-10-101	296-155-17359	NEW	93-04-111	296-306-08301	NEW-W	93-10-04
296-62-14517	AMD-P	93-10-101	296-155-174	NEW-P	93-02-057	296-306-08307	NEW-W	93-10-04
296-62-14519	AMD-P	93-10-101	296-155-174	NEW	93-07-044	296-306-084	NEW	93-07-01
296-62-14521	AMD-P	93-10-101	296-155-203	AMD-P	93-10-101	296-306-08401	NEW-W	93-10-04
296-62-14523	AMD-P	93-10-101	296-155-20301	AMD-P	93-10-101	296-306-08403	NEW-W	93-10-04
296-62-14525	AMD-P	93-10-101	296-155-20307	AMD-P	93-10-101	296-306-08405	NEW-W	93-10-04 93-10-04
296-62-14527	AMD-P	93-10-101	296-155-24510	AMD-P	93-10-101	296-306-08407	NEW-W	93-10-04
296-62-14529	AMD-P	93-10-101	296-155-300	AMD-P	93-10-101	296-306-08409	NEW-W	
296-62-14540	NEW-P	93-10-101	296-155-305	AMD-P	93-10-101	296-306-105	AMD	93-07-01
296-62-14542	NEW-P	93-10-101	296-155-310	AMD-P	93-10-101	296-306-115	AMD	93-07-01
296-62-14545	NEW-P	93-10-101	296-155-375	AMD	93-04-111	296-306-145	AMD	93-07-01
296-62-14547	NEW-P	93-10-101	296-155-444	AMD-P	93-10-101	296-306-14501	NEW-W	93-10-04
296-62-14549	NEW-P	93-10-101	296-155-447	AMD-P	93-10-101	296-306-14503	NEW-W	93-10-04
296-62-14551	NEW-P	93-10-101	296-155-449	AMD-P	93-10-101	296-306-14505	NEW-W	93-10-04
296-62-14553	NEW-P	93-10-101	296-155-459	AMD-P	93-10-101	296-306-14507	NEW-W	93-10-04 93-10-04
296-104-010	AMD-P	93-08-073	296-155-462	AMD-P	93-10-101	296-306-14509	NEW-W	
296-104-010	AMD	93-12-014	296-304-01001	AMD-P	93-10-101	296-306-146 296-306-147	NEW-W	93-10-04 93-10-04
296-104-055	AMD-P	93-08-073	296-304-020	AMD	93-04-111		NEW-W	
296-104-055	AMD AMD-P	93-12-014	296-304-02003	AMD-P	93-10-101	296-306-148	NEW-W AMD	93-10-04 93-07-01
296-104-200 296-104-200	AMD-P AMD	93-08-073 93-12-014	296-304-03001 296-304-03005	AMD-P AMD-P	93-10-101 93-10-101	296-306-165 296-306-200	AMD	93-07-01
		93-12-014	296-304-03007	AMD-P AMD-P	93-10-101	296-306-26001	AMD	93-07-01
296-104-500 296-104-500	AMD-P AMD	93-08-073	296-304-03007	AMD-P	93-10-101	296-306-265	AMD	93-07-01
296-104-501	AMD-P	93-12-014	296-304-04005	AMD-P	93-10-101	296-306-270	AMD	93-07-01
	AMD-P AMD	93-08-073	296-304-09003	AMD-P	93-10-101	296-306-27095	AMD	93-07-01
296-104-501 296-104-700	AMD-P	93-12-014	296-304-09003	AMD-P	93-10-101	296-306-330	NEW	93-07-01
296-104-700	AMD-P	93-12-014	296-306-010	AMD-C	93-07-012	296-306-33001	NEW-W	93-10-04
296-116-082	AMD-E	93-06-012	296-306-01001	NEW-P	93-02-057	296-306-400	AMD	93-07-01
296-116-082	AMD-E	93-06-012	296-306-01001	NEW-P	93-02-037	296-306-40003	AMD	93-07-01
296-116-082	AMD-F	93-09-016	296-306-012	AMD	93-07-012	296-306-40007	NEW	93-07-01
296-116-110	AMD-P	93-04-109	296-306-035	AMD	93-07-012	296-306-40009	NEW	93-07-01
296-116-110	AMD	93-07-076	296-306-060	AMD	93-07-012	296-306-40011	NEW	93-07-01
296-116-185	AMD-C	93-03-001	296-306-061	NEW	93-07-012	296-401-075	NEW	93-03-04
296-116-185	AMD	93-03-080	296-306-06101	NEW-W	93-10-041	308-13-020	AMD-P	93-12-10
296-116-185	AMD-P	93-10-102	296-306-06103	NEW-W	93-10-041	308-13-022	REP-P	93-12-10
296-116-185	AMD	93-13-055	296-306-06105	NEW-W	93-10-041	308-13-024	NEW-P	93-12-10
296-116-300	AMD-P	93-08-027	296-306-06107	NEW-W	93-10-041	308-13-025	REP-P	93-12-10
296-116-300	AMD-C	93-12-009	296-306-06109	NEW-W	93-10-041	308-13-032	AMD-P	93-12-10
296-116-300	AMD	93-12-133	296-306-06111	NEW-W	93-10-041	308-13-100	AMD-P	93-12-10
296-116-360	AMD-P	93-04-110	296-306-06113	NEW-W	93-10-041	308-17-150	AMD-P	93-07-09
296-116-360	AMD	93-07-077	296-306-06115	NEW-W	93-10-041	308-17-150	AMD-W	93-12-04
296-125-070	NEW	93-04-112	296-306-06117	NEW-W	93-10-041	308-17-150	AMD-P	93-13-14
296-155-012	AMD-P	93-10-101	296-306-06119	NEW-W	93-10-041	308-18-150	AMD-P	93-07-09
296-155-173	NEW	93-04-111	296-306-062	NEW-W	93-10-041	308-18-150	AMD	93-11-02
296-155-17301	NEW	93-04-111	296-306-063	NEW-W	93-10-041	308-30-005	NEW	93-05-00
296-155-17303	NEW	93-04-111	296-306-064	NEW-W	93-10-041	308-30-010	AMD	93-05-00
296-155-17305	NEW	93-04-111	296-306-06401	NEW-W	93-10-041	308-30-020	AMD	93-05-00
296-155-17307	NEW	93-04-111	296-306-06403	NEW-W	93-10-041	308-30-030	AMD	93-05-00
296-155-17309	NEW	93-04-111	296-306-06405	NEW-W	93-10-041	308-30-040	AMD	93-05-00
296-155-17311	NEW	93-04-111	296-306-06407	NEW-W	93-10-041	308-30-050	AMD	93-05-00
296-155-17313	NEW	93-04-111	296-306-06409	NEW-W	93-10-041	308-30-060	AMD	93-05-00
296-155-17315	NEW	93-04-111	296-306-06411	NEW-W	93-10-041	308-30-070	AMD	93-05-00
296-155-17317	NEW	93-04-111	296-306-06413	NEW-W	93-10-041	308-30-080	AMD	93-05-00
296-155-17319	NEW	93-04-111	296-306-06415	NEW-W	93-10-041	308-30-090	AMD	93-05-00
296-155-17321	NEW	93-04-111	296-306-06417	NEW-W	93-10-041	308-30-110	NEW-W	93-08-08
296-155-17323	NEW	93-04-111	296-306-067	NEW-W	93-19-041	308-30-110	NEW	93-05-00
296-155-17325	NEW	93-04-111	296-306-06701	NEW-W	93-10-041	308-30-130	NEW	93-05-00
296-155-17327	NEW	93-04-111	296-306-06703	NEW-W	93-10-041	308-30-140	NEW	93-05-00
296-155-17329	NEW	93-04-111	296-306-06705	ŅEW-W	93-10-041	308-30-150	NEW	93-05-00
296-155-17331	NEW	93-04-111	296-306-06707	NEW-W	93-10-041	308-30-155	NEW	93-05-00
	NEW	93-04-111	296-306-06709	NEW-W	93-10-041	308-30-160	NEW	93-05-00
206-155-17222	445544	73- 04- 111	270-300-00703					
296-155-17333 296-155-17335	NFW	Q3_04_111	296_306_068	NEW-W	9.5-10-041	1 308-30-170	NEW-W	93-0x-0x
296-155-17335	NEW NEW	93-04-111 93-04-111	296-306-068	NEW-W NEW-W	93-10-041 93-10-041	308-30-170 308-30-180	NEW-W NEW-W	93-08-08 93-08-08
	NEW NEW NEW	93-04-111 93-04-111 93-04-111	296-306-068 296-306-06801 296-306-06803	NEW-W NEW-W NEW-W	93-10-041 93-10-041 93-10-041	308-30-170 308-30-180 308-30-190	NEW-W NEW-W NEW-W	93-08-08 93-08-08 93-08-08

· Table [20]

WAC #		WSR #	WAC #		WSR #	WAC#		. WSR #
308-56A-125	AMD-P	93-10-073	308-93-460	AMD-P	93-11-076	315-11-400	REP-P	93-12-104
308-56A-140	AMD-P	93-10-073	308-96A-005	AMD-P	93-11-069	315-11-401	REP-P	93-12-104
308-56A-160	NEW-P	93-10-073	308-96A-057	AMD-P	93-11-069	315-11-402	REP-P	93-12-104
308-56A-420	AMD-P	93-10-073	308-96A-066	NEW-P	93-11-069	315-11-410	REP-P	93-12-104
308-61 308-61-010	AMD REP	93-08-076 93-08-076	308-96A-072 308-96A-295	NEW-P AMD-P	93-11-069 93-11-069	315-11-411	REP-P	93-12-104
308-61-025	REP	93-08-076	308-96A-330	AMD-P	93-11-069	315-11-412 315-11-420	REP-P REP-P	93-12-104 93-12-104
308-61-026	AMD	93-08-076	308-96A-560	AMD-P	93-11-069	315-11-421	REP-P	93-12-104
308-61-030	REP	93-08-076	308-125-010	AMD-P	93-12-127	315-11-422	REP-P	93-12-104
308-61-040 308-61-135	REP AMD	93-08-076 93-08-076	308-125-020 308-125-030	AMD-P	93-12-127	315-11-430	REP-P	93-12-104
308-61-168	AMD	93-08-076	308-125-035	AMD-P REP-P	93-12-127 93-12-127	315-11-431 315-11-432	REP-P REP-P	93-12-104
308-61-200	REP	93-08-076	308-125-040	AMD-P	93-12-127	315-11-440	REP-P	93-12-104 93-12-104
308-61-205	REP	93-08-076	308-125-045	AMD-P	93-12-127	315-11-441	REP-P	93-12-104
308-61-210 308-61-220	REP REP	93-08-076	308-125-050	AMD-P	93-12-127	315-11-442	REP-P	93-12-104
308-61-230	REP	93-08-076 93-08-076	308-125-060 308-125-065	AMD-P NEW-P	93-12-127 93-12-127	315-11-450	REP-P	93-12-104
308-61-240	REP	93-08-076	308-125-070	AMD-P	93-12-127	315-11-451 315-11-452	REP-P REP-P	93-12-104 93-12-104
308-61-250	REP	93-08-076	308-125-085	AMD-P	93-12-127	315-11-460	REP-P	93-12-104
308-61-260	REP	93-08-076	308-125-090	AMD-P	93-12-127	315-11-461	REP-P	93-12-104
308-61-270 308-61-300	REP REP	93-08-076 93-08-076	308-125-100 308-125-110	AMD-P	93-12-127	315-11-462	REP-P	93-12-104
308-61-305	REP	93-08-076	308-125-110	AMD-P AMD-P	93-12-127 93-12-127	315-11-470	REP-P	93-12-104
308-61-310	REP	93-08-076	308-125-140	AMD-P	93-12-127	315-11-471 315-11-472	REP-P REP-P	93-12-104 93-12-104
308-61-320	REP	93-08-076	308-125-160	REP-P	93-12-127	315-11-480	REP-P	93-12-104
308-61-330	REP	93-08-076	308-125-180	AMD-P	93-12-127	315-11-481	REP-P	93-12-104
308-61-340 308-61-400	REP REP	93-08-076 93-08-076	308-125-190	AMD-P	93-12-127	315-11-482	REP-P	93-12-104
308-61-405	REP	93-08-076	308-125-210 308-125-225	AMD-P NEW-P	93-12-127 93-12-127	315-11-490 315-11-491	REP-P	93-12-104
308-61-410	REP	93-08-076	314-12-015	AMD-P	93-12-120	315-11-491	REP-P REP-P	93-12-104 93-12-104
308-61-420	REP	93-08-076	314-12-020	AMD-P	93-07-110	315-11-500	REP-P	93-12-104
308-61-430	REP	93-08-076	314-12-020	AMD-W	93-10-069	315-11-501	REP-P	93-12-104
308-61-440 308-61-450	REP REP	93-08-076 93-08-076	314-12-020 314-12-025	AMD-P AMD-P	93-12-117	315-11-502	REP-P	93-12-104
308-63-010	NEW	93-08-076	314-12-025	AMD-P	93-07-110 93-10-070	315-11-510 315-11-511	REP-P REP-P	93-12-104
308-63-020	NEW	93-08-076	314-12-030	AMD-P	93-06-066	315-11-512	REP-P	93-12-104 93-12-104
308-63-030	NEW	93-08-076	314-12-030	AMD	93-10-092	315-11-520	REP-P	93-12-104
308-63-040	NEW	93-08-076	314-12-140	AMD-P	93-07-110	315-11-521	REP-P	93-12-104
308-63-050 308-63-060	NEW NEW	93-08-076 93-08-076	314-12-140 314-16-020	AMD AMD-P	93-10-070 93-07-110	315-11-522 315-11-530	REP-P	93-12-104
308-63-070	NEW	93-08-076	314-16-020	AMD	93-10-070	315-11-531	REP-P REP-P	93-12-104 93-12-104
308-63-080	NEW	93-08-076	314-16-030	AMD-P	93-07-110	315-11-532	REP-P	93-12-104
308-63-090	NEW	93-08-076	314-16-030	AMD-W	93-10-069	315-11-540	REP-P	93-12-104
308-63-100 308-63-110	NEW NEW	93-08-076 93-08-076	314-16-090 314-16-190	AMD-P AMD-P	93-12-118	315-11-541	REP-P	93-12-104
308-63-120	NEW	93-08-076	314-16-190	AMD-P	93-06-066 93-10-092	315-11-542 315-11-550	REP-P REP-P	93-12-104 93-12-104
308-63-130	NEW	93-08-076	314-16-196	AMD-P	93-06-066	315-11-551	REP-P	93-12-104
308-63-140	NEW	93-08-076	314-16-196	AMD	93-10-092	315-11-552	REP-P	93-12-104
308-63-150	NEW NEW	93-08-076	314-16-250	AMD-P	93-12-119	315-11-560	REP-P	93-12-104
308-63-160 308-65-010	NEW	93-08-076 93-08-076	314-20-015 314-20-015	AMD-P AMD	93-07-109 93-11-028	315-11-561	REP-P	93-12-104
308-65-020	NEW	93-08-076	314-20-019	AMD-P	93-07-110	315-11-562 315-11-570	REP-P REP-P	93-12-104 93-12-104
308-65-030	NEW	93-08-076	314-20-030	AMD	93-10-070	315-11-571	REP-P	93-12-104
308-65-040	NEW	93-08-076	314-20-070	AMD-P	93-06-066	315-11-572	REP-P	93-12-104
308-65-050 308-65-060	NEW NEW	93-08-076 93-08-076	314-20-070 314-20-180	AMD	93-10-092	315-11-580	REP-P	93-12-104
308-65-070	NEW	93-08-076	314-20-180	NEW-E NEW-P	93-11-027 93-12-116	315-11-581 315-11-582	REP-P	93-12-104
308-65-080	NEW	93-08-076	314-24-095	AMD-P	93-07-109	315-11-590	REP-P REP-P	93-12-104 93-12-104
308-65-090	NEW	93-08-076	314-24-095	AMD	93-11-028	315-11-591	REP-P	93-12-104
308-65-100	NEW	93-08-076	314-24-160	AMD-P	93-07-109	315-11-592	REP-P	93-12-104
308-65-110 308-65-120	NEW NEW	93-08-076 93-08-076	314-24-160 314-40-030	AMD	93-11-028	315-11-890	AMD-P	93-03-094
308-65-130	NEW	93-08-076	314-40-030	AMD-P AMD	93-07-109 93-11-028	315-11-890 315-11-920	AMD	93-07-016
308-65-140	NEW	93-08-076	314-52-080	AMD-P	93-07-109	315-11-920	NEW NEW	93-03-008 93-03-008
308-65-150	NEW	93-08-076	314-52-080	AMD	93-11-028	315-11-922	NEW	93-03-008
308-65-160	NEW	93-08-076	314-70-050	NEW-P	93-07-109	315-11-930	NEW	93-03-008
308-65-170 308-65-180	NEW NEW	93-08-076 93-08-076	314-70-050 315-02-230	NEW	93-11-028	315-11-931	NEW	93-03-008
308-65-190	NEW	93-08-076	315-02-230	NEW AMD	93-04-004 93-04-004	315-11-932 315-11-940	NEW	93-03-008
108-66-196	NEW-P	93-10-073	315-06-125	AMD	93-04-004	315-11-941	NEW NEW	93-03-008 93-03-008
308-93-050	AMD-P	93-11-076	315-06-125	AMD-P	93-07-121	315-11-942	NEW	93-03-008
308-93-070 308-93-174	AMD-P NEW-P	93-11-076 93-11-076	315-06-125 315-06-130	AMD	93-11-056	315-11-950	NEW-P	93-03-094
100-73-174	14P.44-L	9.5-11 - 0/0	1 313-00-130	AMD	93-04-004	315-11-950	NEW	93-07-016
				1 71 1				

[21]

Table

WAC #		WSR #	WAC #		WSR #	WAC #		WSR
			217.02.000	NEW D	02.06.097	317 20 200	NEW	02.07
315-11-951	NEW-P	93-03-094	317-02-090	NEW-P	93-06-087 93-11-003	317-20-200 317-20-210	NEW-P	93-07- 93-02-
315-11-951	NEW	93-07-016	317-02-090	NEW		317-20-210	NEW-P	93-02-
15-11-952	NEW-P	93-03-094	317-02-100	NEW-P	93-06-087 93-11-003	317-20-210	NEW-P	93-07-
15-11-952	NEW	93-07-016	317-02-100	NEW D	93-11-003	317-20-220	NEW-P	93-02-
15-11-960	NEW-P	93-03-094	317-02-110	NEW-P		317-20-220	NEW-P	93-07-
15-11-960	NEW	93-07-016	317-02-110	NEW D	93-11-003 93-06-087	317-20-230	NEW-F	93-02-
15-11-961	NEW-P	93-03-094	317-02-120 317-02-120	NEW-P NEW	93-11-003	317-20-230	NEW-P	93-07-
15-11-961	NEW	93-07-016		NEW-P	93-06-088	317-20-240	NEW	93-02
15-11-962	NEW-P	93-03-094	317-03-010	NEW-P	93-11-002	317-20-240	NEW-P	93-02
15-11-962	NEW	93-07-016	317-03-010		93-11-002	317-20-900	NEW	93-02
15-11-970	NEW-P	93-03-094	317-03-020	NEW-P	93-11-002	317-30-010	NEW-P	93-07
15-11-970	NEW	93-07-016	317-03-020	NEW D	93-11-002	317-30-010	NEW-I	93-02
15-11-971	NEW-P	93-03-094	317-03-030	NEW-P		317-30-010	NEW-P	93-07
15-11-971	NEW	93-07-016	317-05-010	NEW-P	93-02-053	317-30-020	NEW-F	93-02
15-11-972	NEW-P.	93-03-094	317-05-010	NEW	93-07-004	317-30-020	NEW-P	93-07
15-11-972	NEW	93-07-016	317-05-020	NEW-P	93-02-053			93-02
15-11-980	NEW-P	93-07-121	317-05-020	NEW	93-07-004	317-30-030	NEW NEW-P	93-07
15-11-980	NEW	93-11-056	317-05-030	NEW-P	93-02-053	317-30-040		93-02
15-11-981	NEW-P	93-07-121	317-05-030	NEW	93-07-004	317-30-040	NEW D	93-07
15-11-981	NEW	93-11-056	317-10-035	AMD-P	93-09-069	317-30-050	NEW-P	
15-11-982	NEW-P	93-07-121	317-10-060	AMD-P	93-06-089	317-30-050	NEW	93-07
15-11-982	NEW	93-11-056	317-10-060	AMD	93-11-001	317-30-060	NEW-P	93-02
15-11-990	NEW-P	93-07-121	317-20	NEW-P	93-02-055	317-30-060	NEW	93-07
15-11-990	NEW	93-11-056	317-20	NEW	93-07-005	317-30-070	NEW-P	93-02
15-11 - 991	NEW-P	93-07-121	317-20-010	NEW-P	93-02-055	317-30-070	NEW	93-07
15-11-991	NEW	93-11-056	317-20-010	NEW	93-07-005	317-30-080	NEW-P	93-02
15-11-992	NEW-P	93-07-121	317-20-020	NEW-P	93-02-055	317-30-080	NEW	93-07
15-11-992	NEW	93-11-056	317-20-020	NEW	93-07-005	317-30-090	NEW-P	93-02
15-11A-100	NEW-P	93-07-121	317-20-025	NEW	93-07-005	317-30-090	NEW	93-07
15-11A-100	NEW	93-11-056	317-20-030	NEW-P	93-02-055	317-30-100	NEW-P	93-02
15-11A-101	NEW-P	93-12-104	317-20-030	NEW	93-07-005	317-30-100	NEW	93-07
15-11A-102	NEW-P	93-12-104	317-20-040	NEW-P	93-02-055	317-30-110	NEW-P	93-02
15-11A-103	NEW-P	93-12-104	317-20-040	NEW	93-07-005	317-30-110	NEW	93-07
15-11A-104	NEW-P	93-12-104	317-20-050	NEW-P	93-02-055	317-30-120	NEW-P	93-02
15-11A-105	NEW-P	93-12-104	317-20-050	NEW	93-07-005	317-30-120	NEW	93-07
15-20-005	NEW-P	93-12-104	317-20-055	NEW-P	93-02-055	317-30-130	NEW-P	93-02
15-20-070	REP-P	93-12-104	317-20-055	NEW	93-07-005	317-30-130	NEW	93-07
15-20-075	NEW-P	93-12-104	317-20-060	NEW-P	93-02-055	317-30-140	NEW-P	93-02
15-20-080	REP-P	93-12-104	317-20-060	NEW	93-07-005	317-30-140	NEW	93-07
15-20-085	NEW-P	93-12-104	317-20-065	NEW-P	93-02-055	317-30-150	NEW-P	93-02
115-20-090	REP-P	93-12-104	317-20-065	NEW	93-07-005	317-30-150	NEW	93-07
15-20-095	NEW-P	93-12-104	317-20-066	NEW-P	93-02-055	317-30-900	NEW-P	93-02
15-20-100	REP-P	93-12-104	317-20-066	NEW	93-07-005	317-30-900	NEW	93-0
15-20-105	NEW-P	93-12-104	317-20-070	NEW-P	93-02-055	317-100-010	NEW-P	93-09
15-20-110	REP-P	93-12-104	317-20-070	NEW	93-07-005	317-100-020	NEW-P	93-09
15-20-115	NEW-P	93-12-104	317-20-080	NEW-P	93-02-055	317-100-030	NEW-P	93-0
15-20-120	REP-P	93-12-104	317-20-080	NEW	. 93-07-005	317-100-040	NEW-P	93-0
15-20-130	REP-P	93-12-104	317-20-090	NEW-P	93-02-055	317-100-050	NEW-P	93-0
15-20-140	REP-P	93-12-104	317-20-090	NEW	93-07-005	317-100-060	NEW-P	93-0
15-20-150	REP-P	93-12-104	317-20-100	NEW-P	93-02-055	317-100-070	NEW-P	93-0
15-34-040	AMD	93-03-008	317-20-100	NEW	93-07-005	317-100-080	NEW-P	93-0
17-01-010	NEW-P	93-06-086	317-20-110	NEW-P	93-02-055	317-100-090	NEW-P	93-0
17-01-010	NEW	93-11-004	317-20-110	NEW	93-07-005	318-04-020	AMD-P	93-1
17-01-020	NEW-P	93-06-086	317-20-120	NEW-P	93-02-055	318-04-030	AMD-P	93-1
17-01-020	NEW	93-11-004	317-20-120	NEW	93-07-005	318-04-050	AMD-P	93-1
17-01-030	NEW-P	93-06-086	317-20-130	NEW-P	93-02-055	326-02-031	NEW-P	93-1
17-01-030	NEW	93-11-004	317-20-130	NEW	93-07-005	326-02-031	NEW-E	93-1
17-02-010	NEW-P	93-06-087	317-20-140	NEW-P	93-02-055	326-02-032	NEW-P	93-1
317-02-010	NEW	93-11-003	317-20-140	NEW	93-07-005	326-02-032	NEW-E	93-1
317-02-020	NEW-P	93-06-087	317-20-150	NEW-P	93-02-055	326-02-033	NEW-P	93-1
317-02-020	NEW	93-11-003	317-20-150	NEW	93-07-005	326-02-033	NEW-E	93-1
317-02-030	NEW-P	93-06-087	317-20-155	NEW	93-07-005	326-02-034	NEW-P	93-1
317-02-030	NEW	93-11-003	317-20-160	NEW-P	93-02-055	326-02-034	NEW-E	93-1
317-02-030	NEW-P	93-06-087	317-20-160	NEW	93-07-005	326-40-010	AMD-E	93-0
317-02-040	NEW-P	93-11-003	317-20-165	NEW-P	93-02-055	332-24-710	NEW	93-0
317-02-040	NEW-P	93-06-087	317-20-165	NEW	93-07-005	332-24-720	NEW-P	93-0
317-02-050	NEW-P	93-11-003	317-20-103	NEW-P	93-02-055	332-24-720	NEW	93-0
317-02-050 317-02-060	NEW-P	93-11-003	317-20-170	NEW	93-07-005	332-24-730	NEW-P	93-0
			317-20-170	NEW-P	93-02-055	332-24-730	NEW-P	93-1
317-02-060	NEW D	93-11-003	317-20-180	NEW	93-07-005	332-24-730	NEW-W	93-1
317-02-070	NEW-P	93-06-087		NEW-P	93-07-003	332-24-730	NEW-E	93-0
317-02-070	NEW	93-11-003	317-20-190 317-20-190	NEW-P	93-02-033	332-26-080	AMD-E	93-1
	NEW-P	93-06-087	J11-20-190	145 44	75-01-005	332 20.000		
317-02-080 317-02-080	NEW	93-11-003	317-20-200	NEW-P	93-02-055	352-12-020	AMD	93-08

[22]

			1					
WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
352-12-020	AMD-E	93-10-060	356-30-331	NEW-E	93-09-003	365-300-070	NEW-P	93-07-112
352-12-020	AMD	93-08-025	356-30-331	NEW-P	93-09-057	365-300-070	NEW	93-11-039
352-12-030	AMD-E	93-10-060	356-34-020	AMD-W	93-02-035	365-300-081	NEW-E	93-07-063
352-12-050	AMD	93-06-001	356-34-022	NEW-W	93-02-035	365-300-081	NEW-P	93-07-112
352-32-010	AMD	93-06-001	356-34-090	AMD	93-02-040	365-300-081	NEW E	93-11-039
352-32-010	AMD	93-08-025 93-06-001	356-35-010 356-35-010	AMD-C AMD-C	93-02-041 93-04-098	365-300-090 365-300-090	NEW-E NEW-P	93-07-063 93-07-112
352-32-030 352-32-035	AMD AMD	93-06-001	356-35-010	AMD-C	93-04-098	365-300-090	NEW-P	93-11-039
352-32-033	AMD	93-06-001	356-35-010	AMD-W	93-07-054	374-60-020	AMD	93-04-041
352-32-250	AMD	93-08-025	356-35-010	AMD-P	93-10-027	374-60-060	AMD	93-04-041
352-32-250	AMD-E	93-10-060	365-135-020	AMD-P	93-09-061	374-60-070	AMD	93-04-041
352-32-252	AMD	93-08-025	365-135-020	AMD	93-13-012	374-60-120	AMD	93-04-041
352-32-252	AMD-E	93-10-060	365-135-040	AMD-P	93-09-061	388-11-010 388-11-011	AMD	93-05-020
352-32-285	AMD NEW-P	93-06-001 93-04-097	365-135-040 365-135-050	AMD AMD-P	93-13-012 93-09-061	388-11-015	AMD AMD-P	93-05-020 93-13-067
356-05-157 356-05-157	NEW-F	93-08-046	365-135-050	AMD	93-13-012	388-11-030	AMD-P	93-13-067
356-05-157	NEW-W	93-10-026	365-135-070	NEW-P	93-09-061	388-11-035	NEW-P	93-13-067
356-05-157	NEW-P	93-10-028	365-135-070	NEW	93-13-012	388-11-045	AMD	93-05-020
356-05-160	REP-W	93-02-035	365-140-030	AMD-P	93-08-087	388-11-055	AMD-P	93-13-067
356-05-307	NEW-P	93-12-100	365-140-040	AMD-P	93-08-087	388-11-115	REP-P	93-13-067
356-09-040	AMD-P	93-12-100	365-140-050	AMD-P	93-08-087	388-11-120	AMD	93-05-020
356-09-050	AMD-P AMD-P	93-12-100 93-04-097	365-140-060 365-195-210	AMD-P AMD-P	93-08-087 93-13-138	388-11-120 388-11-135	AMD-P AMD-P	93-13-067 93-13-067
356-10-030	AMD-P AMD-C	93-08-046	365-195-220	AMD-P AMD-P	93-13-138	388-11-145	AMD-P	93-13-067
356-10-030 356-10-030	AMD-W	93-10-026	365-195-620	AMD-P	93-13-138	388-11-150	AMD	93-05-020
356-10-060	AMD-P	93-08-043	365-195-700	AMD-P	93-13-138	388-11-170	AMD-P	93-13-067
356-10-060	AMD-C	93-12-083	365-195-705	NEW-P	93-13-138	388-11-210	AMD	93-05-020
356-14-075	AMD-P	93-08-044	365-195-710	AMD-P	93-13-138	388-14-030	AMD	93-05-020
356-14-075	AMD	93-12-087	365-195-715	NEW-P	93-13-138	388-14-205	AMD	93-05-020
356-14-220	AMD-W	93-02-035	365-195-720	AMD-P	93-13-138	388-14-385	AMD	93-05-020
356-14-260	AMD-P	93-08-072	365-195-725 365-195-730	NEW-P NEW-P	93-13-138 93-13-138	388-14-420 388-14-427	AMD NEW	93-05-020 93-05-020
356-14-260	AMD-C AMD-W	93-12-084 93-02-035	365-195-735	NEW-P	93-13-138	388-14-435	AMD	93-05-020
356-15-030 356-15-030	AMD-W	93-08-072	365-195-740	NEW-P	93-13-138	388-15-132	AMD-P	93-10-093
356-15-030	AMD-C	93-12-084	365-195-745	NEW-P	93-13-138	388-15-132	AMD	93-13-021
356-15-033	NEW-W	93-02-035	365-195-750	NEW-P	93-13-138	388-15-136	REP-P	93-10-093
356-15-050	AMD-W	93-02-035	365-195-755	NEW-P	93-13-138	388-15-136	REP	93-13-021
356-15-060	AMD-P	93-02-039	365-195-760	NEW-P	93-13-138	388-15-170	AMD-P	93-07-018
356-15-060	AMD-C	93-06-080	365-195-765 365-195-770	NEW-P NEW-P	93-13-138 93-13-138	388-15-170 388-15-170	AMD-E AMD	93-07-019 93-10-021
356-15-060 356-15-060	AMD-C AMD	93-09-059 93-12-086	365-195-800	AMD-P	93-13-138	388-15-202	NEW-C	93-10-021
356-15-080	AMD-W	93-02-035	365-195-805	NEW-P	93-13-138	388-15-202	NEW	93-06-042
356-15-100	AMD-W	93-02-035	365-195-810	AMD-P	93-13-138	388-15-203	NEW-C	93-04-023
356-18-060	AMD-P	93-08-072	365-195-815	NEW-P	93-13-138	388-15-203	NEW	93-06-042
356-18-060	AMD-C	93-12-084	365-195-820	AMD-P	93-13-138	388-15-204	NEW-C	93-04-023
356-18-110	AMD-P	93-08-072	365-195-825	NEW-P	93-13-138	388-15-204	NEW	93-06-042
356-18-110	AMD-C	93-12-084 93-08-072	365-195-830 365-195-835	AMD-P NEW-P	93-13-138 93-13-138	388-15-205 388-15-205	NEW-C NEW	93-04-023 93-06-042
356-18-145 356-18-145	NEW-P NEW-C	93-12-084	365-195-840	AMD-P	93-13-138	388-15-207	AMD	93-04-036
356-18-150	AMD-P	93-08-072	365-195-845	NEW-P	93-13-138	388-15-208	AMD	93-04-036
356-18-150	AMD-C	93-12-084	365-195-850	NEW-P	93-13-138	388-15-209	AMD	93-04-036
356-18-230	REP-P	93-02-037	365-195-855	NEW-P	93-13-138	388-15-212	AMD	93-04-036
356-18-230	REP	93-06-081	365-195-860	NEW-P	93-13-138	388-15-213	AMD	93-04-036
356-22-005	NEW-P	93-10-028	365-195-865	NEW-P	93-13-138	388-15-214	AMD	93-04-036
356-22-070	AMD	93-02-040	365-300-010	NEW-E	93-07-063 93-07-112	388-15-215 388-15-216	AMD AMD	93-04-036 93-04-036
356-22-070	AMD-P AMD	93-08-047 93-12-085	365-300-010 365-300-010	NEW-P NEW	93-07-112	388-15-217	AMD	93-04-036
356-22-070 356-26-030	AMD-P	93-12-083	365-300-010	NEW-E	93-07-063	388-15-600	AMD-P	93-11-085
356-26-030	AMD-1	93-12-088	365-300-020	NEW-P	93-07-112	388-15-600	AMD .	93-13-135
356-26-040	AMD	93-02-040	365-300-020	NEW	93-11-039	388-15-610	AMD-P	93-11-085
356-26-060	. AMD-P	93-02-038	365-300-030	NEW-E	93-07-063	388-15-610	AMD	93-13-135
356-26-060	AMD-C	93-06-077	365-300-030	NEW-P	93-07-112	388-15-615	AMD-P	93-11-085
356-26-060	AMD	93-08-048	365-300-030	NEW	93-11-039	388-15-615	AMD	93-13-135
356-26-060	AMD-P	93-12-102	365-300-040	NEW-E	93-07-063	388-15-620	AMD-P	93-11-085
356-26-105	NEW-P	93-12-101	365-300-040 365-300-040	NEW-P NEW	93-07-112 93-11-039	388-15-620 388-15-630	AMD AMD-P	93-13-135 93-11-085
356-30-130 356-30-130	AMD-P AMD	93-08-042 93-12-088	365-300-040	NEW-E	93-11-039	388-15-630	AMD-P	93-11-083
356-30-130 356-30-260	AMD-P	93-12-088	365-300-050	NEW-P	93-07-112	388-15-820	AMD-P	93-07-071
356-30-260	AMD-C	93-09-058	365-300-050	NEW	93-11-039	388-15-820	AMD	93-10-023
356-30-330	AMD-C	93-02-036	365-300-060	NEW-E	93-07-063	388-15-830	AMD-P	93-07-071
356-30-330	AMD-C	93-04-099	365-300-060	NEW-P	93-07-112	388-15-830	AMD	93-10-023
356-30-330	AMD-C	93-08-045	365-300-060	NEW E	93-11-039	388-15-840	AMD-P	93-07-071
356-30-330	AMD-W	93-09-060	365-300-070	NEW-E	93-07-063	1 388-15-840	AMD	93-10-023
				F 23 1				Table

[23] Table

Table

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-15-850	AMD-P	93-07-071	388-34-180	REP-P	93-06-040	388-42-100	REP-E	93-11-08
388-15-850	AMD	93-10-023	388-34-180	REP-W	93-08-113	388-42-100	REP-P	93-11-08
388-15-860	AMD-P	93-07-071	388-34-370	REP-P	93-06-040	388-42-100	REP	93-13-13
388-15-860	AMD	93-10-023	388-34-370	REP-W	93-08-113	388-42-110	REP-E	93-11-08
388-15-870	AMD-P	93-07-071	388-34-372	REP-P	93-06-040	388-42-110	REP-P	93-11-08
388-15-870	AMD	93-10-023	388-34-372	REP-W	93-08-113	388-42-110	REP	93-13-13
388-15-880	AMD-P	93-07-071	388-34-374	REP-P	93-06-040	388-42-115	REP-E	93-11-08
388-15-880	AMD	93-10-023	388-34-374	REP-W	93-08-113	388-42-115	REP-P	93-11-08
388-15-890 388-15-890	NEW-P NEW	93-07-071 93-10 - 023	388-34-375 388-34-375	REP-P REP-W	93-06-040 93-08-113	388-42-115 388-42-125	REP REP-E	93-13-13 93-11-08
388-21-005	NEW	93-10-023	388-34-376	REP-P	93-06-040	388-42-125	REP-P	93-11-08
388-24-074	AMD-P	93-03-055	388-34-376	REP-W	93-08-113	388-42-125	REP	93-13-13
388-24-074	AMD	93-12-055	388-34-378	REP-P	93-06-040	388-42-150	AMD	93-05-02
388-24-253	AMD-P	93-04-035	388-34-378	REP-W	93-08-113	388-42-150	REP-E	93-11-08
388-24-253	AMD.	93-07-034	388-34-380	REP-P	93-06-040	388-42-150	REP-P	93-11-08
388-28-392	AMD	93-04-028	388-34-380	REP-W	93-08-113	388-42-150	REP	93-13-13
388-28-425	AMD-P	93-03-056	388-34-384	REP-P	93-06-040	388-47-115	AMD-P	93-03-05
388-28-425	AMD D	93-12-056	388-34-384	REP-W REP-C	93-08-113 93-12-050	388-47-115 388-49-015	AMD AMD-E	93-12-0€ 93-11-02
388-28-435 388-28-435	AMD-P AMD	93-05-004 93-07-126	388-37 388-37	REP-C	93-12-030	388-49-015	AMD-E AMD-P	93-11-02
388-28-485	AMD-P	93-07-120	388-37-010	REP-P	93-08-074	388-49-015	AMD	93-11-03
388-28-485	AMD	93-10-022	388-37-020	REP-P	93-08-074	388-49-020	AMD-P	93-08-03
388-28-570	AMD-P	93-03-057	388-37-021	REP-P	93-08-074	388-49-020	AMD	93-11-04
388-28-570	AMD	93-12-057	388-37-025	REP-P	93-08-074	388-49-120	AMD-P	93-07-07
388-28-575	AMD-P	93-04-027	388-37-029	REP-P	93-08-074	388-49-120	AMD-C	93-10-01
388-28-575	AMD	93-07-031	388-37-030	REP-P	93-08-074	388-49-200	AMD-P	93-08-03
388-28-590	AMD-P	93-04-026	388-37-032	REP-P	93-08-074	388-49-200	AMD	93-11-04
388-28-590	AMD	93-07-032	388-37-035	REP-P	93-08-074	388-49-220	AMD-P	93-08-04
388-29-100 388-29-110	AMD AMD	93-04-030 93-04-030	388-37-037 388-37-038	REP-P REP-P	93-08-074 93-08-074	388-49-220 388-49-430	AMD AMD-P	93-11-04 93-13-05
388-29-112	AMD	93-04-030	388-37-039	REP-P	93-08-074	388-49-560	AMD	93-04-06
388-29-130	AMD-P	93-09-017	388-37-040	REP-P	93-08-074	388-49-610	AMD-P	93-11-02
388-29-130	AMD	93-12-052	388-37-045	NEW-C	93-04-025	388-49-610	AMD	93-13-13
388-29-160	AMD	93-04-030	388-37-045	NEW	93-06-073	388-49-700	AMD	93-04-03
388-29-220	AMD	93-04-030	388-37-045	REP-P	93-08-074	388-51-020	AMD-P	93-07-07
388-29-280	AMD-P	93-09-017	388-37-050	AMD-C	93-04-025	388-51-020	AMD	93-12-05
388-29-280	AMD	93-12-052	388-37-050	AMD	93-06-073	388-51-040	AMD-P	93-07-07
388-29-295 388-31-035	AMD AMD-P	93-04-030 93-13-018	388-37-050 388-37-100	REP-P REP-P	93-08-074 93-08-074	388-51-040 388-51-110	AMD AMD-P	93-12-05 93-07-07
388-34-010	REP-P	93-13-018	388-37-110	REP-P	93-08-074	388-51-110	AMD	93-12-05
388-34-010	REP-W	93-08-113	388-37-115	REP-P	93-08-074	388-51-115	AMD-P	93-07-07
388-34-015	REP-P	93-06-040	388-37-120	REP-P	93-08-074	388-51-115	AMD	93-12-05
388-34-015	REP-W	93-08-113	388-37-130	REP-P	93-08-074	388-51-120	AMD-P	93-07-07
388-34-020	REP-P	93-06-040	388-37-135	REP-P	93-08-074	388-51-120	AMD	93-12-05
388-34-020	REP-W	93-08-113	388-37-140	REP-P	93-08-074 93-08-074	388-51-123	AMD-P AMD	93-07-07
388-34-025 388-34-025	REP-P REP-W	93-06-040 93-08-113	388-37-150 388-37-160	REP-P REP-P		388-51-123 388-51-125	REP-P	93-12-05 93-07-07
388-34-025 388-34-035	REP-P	93-06-113	388-37-170	REP-P		388-51-125	REP	93-07-07
388-34-035	REP-W	93-08-113	388-37-180	REP-P	93-08-074	388-51-130	AMD-P	93-07-07
388-34-040	REP-P	93-06-040	388-37-190	REP-P	93-08-074	388-51-130	AMD	93-12-05
388-34-040	REP-W	93-08-113	388-37-300	REP-P	93-08-074	388-51-135	AMD-P	93-07-07
388-34-045	REP-P	93-06-040	388-37-310	REP-P	93-08-074	388-51-135	AMD	93-12-05
388-34-045	REP-W	93-08-113	388-37-320	REP-P	93-08-074	388-51-150	REP-P	93-07-07
388-34-055	REP-P	93-06-040	388-37-330	REP-P	93-08-074	388-51-150	REP	93-12-05
388-34-055	REP-W REP-P	93-08-113 93-06-040	388-37-340 388-37-350	REP-P REP-P	93-08-074 93-08-074	388-51-155 388-51-155	NEW-P NEW	93-07-07 93-12-05
388-34-085 388-34-085	REP-P	93-08-113	388-37-360	REP-P	93-08-074	388-51-160	NEW-P	93-12-03
388-34-095	REP-P	93-06-040	388-37-370	REP-P	93-08-074	388-51-160	NEW	93-12-05
388-34-095	REP-W	93-08-113	388-37-380	REP-P	93-08-074	388-51-170	NEW-P	93-07-07
388-34-110	REP-P	93-06-040	388-42-020	AMD	93-05-021	388-51-170	NEW	93-12-05
388-34-110	REP-W	93-08-113	388-42-020	REP-E	93-11-083	388-51-180	NEW-P	93-07-07
388-34-120	REP-P	93-06-040	388-42-020	REP-P	93-11-084	388-51-180	NEW	93-12-05
388-34-120	REP-W	93-08-113	388-42-020	REP	93-13-134	388-51-200	REP-P	93-07-07
388-34-125	REP-P	93-06-040	388-42-025	AMD	93-05-021	388-51-200	REP	93-12-05
388-34-125	REP-W	93-08-113	388-42-025	REP-E REP-P	. 93-11-083 93-11-084	388-51-210 388-51-210	NEW-P NEW	93-07-07
388-34-140 388-34-140	REP-P REP-W	93-06-040 93-08-113	388-42-025 388-42-025	REP-P	93-11-084	388-51-250	NEW-P	93-12-05 93-07-07
388-34-150	REP-P	93-06-040	388-42-030	REP-E	93-13-134	388-51-250	NEW-F	93-07-07
388-34-150	REP-W	93-08-113	388-42-030	REP-P	93-11-084	388-51-260	NEW-P	93-07-07
J00-J4-1.NJ			1 -		93-13-134	388-51-260		
388-34-160	REP-P	93-06-040	388-42-030	REP		300-31-200	NEW	93-12-05
	REP-P REP-W	93-06-040 93-08-113	388-42-040	REP-E	93-11-083	388-51-300	REP-P	93-07-07
388-34-160								

[24]

Table of WAC Sections Affected

WAC #		WSR #	WAC#		WSR #	WAC #	·	WSR #
388-60-005	NEW	93-10-024	388-82-160	AMD	93-11-049	388-95-337	AMD-P	93-04-032
388-60-120	NEW-P	93-06-082	388-83-015	AMD-P	93-06-009	388-95-337	AMD	93-07-029
388-60-120	NEW	93-10-024	388-83-015	AMD-E	93-06-010	388-95-340	AMD-P	93-03-027
388-60-130	NEW-P	93-06-082	388-83-015	AMD	93-08-111	388-95-340	AMD-E	93-03-029
388-60-130 388-60-140	NEW NEW-P	93-10-024 93-06-082	388-83-015 388-83-015	AMD-P AMD-E	93-13-079 93-13-082	388-95-340 388-95-360	AMD AMD-P	93-06-041 93-03-027
388-60-140	NEW	93-10-024	388-83-026	AMD-P	93-03-026	388-95-360	AMD-F	93-03-027
388-60-150	NEW-P	93-06-082	388-83-026	AMD-E	93-03-028	388-95-360	AMD	93-06-041
388-60-150	NEW	93-10-024	388-83-026	AMD	93-06-038	388-95-360	AMD-P	93-08-022
388-60-160 388-60-160	NEW-P NEW	93-06-082 93-10-024	388-83-029 388-83-029	AMD-P AMD	93-11-067 93-13-131	388-95-360	AMD-E	93-08-023
388-60-170	NEW-P	93-10-024	388-83-03101	NEW-P	93-13-131	388-95-360 388-96-026	AMD AMD-P	93-11-049 93-08-065
388-60-170	NEW	93-10-024	388-83-032	AMD-P	93-08-022	388-96-026	AMD	93-12-051
388-60-180	NEW-P	93-06-082	388-83-032	AMD-E	93-08-023	388-96-113	AMD-P	93-08-065
388-60-180	NEW	93-10-024	388-83-032	AMD	93-11-049	388-96-113	AMD	93-12-051
388-62-020 388-62-020	REP-P REP	93-08-075 93-12-054	388-83-033 388-83-033	AMD-P AMD-E	93-03-060 93-03-061	388-96-572 388-96-572	AMD-P AMD	93-08-065
388-62-025	REP-P	93-08-075	388-83-033	AMD-E	93-06-037	388-96-585	AMD-P	93-12-051 93-08-065
388-62-025	REP	93-12-054	388-83-033	AMD-P	93-08-022	388-96-585	AMD	93-12-051
388-62-035	REP-P	93-08-075	388-83-033	AMD-E	93-08-023	388-96-709	NEW-P	93-08-065
388-62-035	REP	93-12-054	388-83-033	AMD	93-11-049	388-96-709	NEW	93-12-051
388-62-070 388-62-070	REP-P REP	93-08-075 93-12-054	388-83-041 388-83-041	AMD-P AMD-E	93-03-026 93-03-028	388-96-710 388-96-710	AMD-P AMD	93-08-065 93-12-051
388-62-075	REP-P	93-08-075	388-83-041	AMD	93-06-038	388-96-754	AMD-P	93-08-065
388-62-075	REP	93-12-054	388-83-046	NEW-P	93-07-122	388-96-754	AMD-W	93-12-048
388-62-080	REP-P	93-08-075	388-83-046	NEW	93-11-045	388-96-774	AMD-P	93-08-065
388-62-080 388-62-095	REP REP-P	93-12-054 93-08-075	388-83-130 388-83-130	AMD-P	93-03-060	388-96-774	AMD	93-12-051
388-62-095	REP-P	93-12-054	388-83-130	AMD-E AMD	93-03-061 93-06-037	388-99-010 388-99-010	AMD-P AMD-E	93-03-060 93-03-061
388-62-135	REP-P	93-08-075	388-83-200	AMD-P	93-07-123	388-99-010	AMD-L AMD	93-06-037
388-62-135	REP	93-12-054	388-83-200	AMD	93-11-044	388-99-020	AMD-E	93-04-087
388-62-190	REP-P	93-08-075	388-83-210	AMD-P	93-07-123	388-99-020	AMD-P	93-04-090
388-62-190 388-62-200	REP REP-P	93-12-054 93-08-075	388-83-210 388-83-220	AMD AMD-P	93-11-044 93-07-123	388-99-020 388-99-055	AMD F	93-07-028
388-62-200	REP-F	93-12-054	388-83-220	AMD-P	93-07-123	388-99-055	AMD-E AMD-P	93-04-088 93-04-089
388-70-520	AMD-E	93-03-081	388-84-105	AMD-P	93-03-060	388-99-055	AMD	93-07-125
388-70-520	AMD-P	93-03-082	388-84-105	AMD-E	93-03-061	388-99-060	AMD-P	93-13-024
388-70-520	AMD	93-07-030	388-84-105	AMD	93-06-037	388-99-060	AMD-E	93-13-129
388-74-010 388-74-010	NEW-P NEW	93-09-018 93-12-053	388-84-115 388-86-008	AMD-P REP-P	93-13-122 93-07-124	388-150-010 388-150-020	AMD-P AMD-P	93-13-056 93-13-056
388-74-030	NEW-P	93-09-018	388-86-008	REP	93-11-047	388-150-060	AMD-P	93-13-056
388-74-030	NEW	93-12-053	388-86-012	AMD-P	93-03-034	388-150-070	AMD-P	93-13-056
388-77A-010	NEW-P	93-03-059	388-86-012	AMD	93-06-039	388-150-150	AMD-P	93-13-056
388-77A-010 388-77A-020	NEW NEW-P	93-12-058 93-03-059	388-86-021 388-86-021	AMD-P AMD	93-08-006 93-11-048	388-150-160 388-150-165	AMD-P AMD-P	93-13-056 93-13-056
388-77A-020	NEW-P	93-12-058	388-86-035	AMD-P	93-11-048	388-150-170	AMD-P	93-13-056
388-77A-030	NEW-P	93-03-059	388-86-047	AMD-P	93-13-024	388-150-180	AMD-P	93-13-056
388-77A-030	NEW	93-12-058	388-86-047	AMD-E	93-13-129	388-150-190	AMD-P	93-13-056
388-77A-040	NEW-P	93-03-059	388-86-100	AMD-C	93-02-034	388-150-200	AMD-P	93-13-056
388-77A-040 388-77A-041	NEW NEW	93-12-058 93-12-058	388-86-100 388-86-120	AMD-W AMD-P	93-05-019 93-13-037	388-150-210 388-150-220	AMD-P AMD-P	93-13-056 93-13-056
388-77A-050	NEW-P	93-03-059	388-86-200	NEW-P	93-13-037	388-150-240	AMD-P	93-13-056
388-77A-050	NEW	93-12-058	388-86-200	NEW-C	93-10-017	388-150-250	AMD-P	93-13-056
388-77A-055	NEW	93-12-058	388-86-200	NEW-C	93-11-009	388-150-270	AMD-P	93-13-056
388-81-047	AMD-P	93-13-120	388-86-200	NEW	93-11-086	388-150-280	AMD-P	93-13-056
388-81-060 388-81-065	AMD NEW-E	93-04-024 93-13-121	388-86-200 388-86-200	AMD-P AMD-E	93-13-080 93-13-081	388-150-295 388-150-330	NEW-P AMD-P	93-13-056 93-13-056
388-81-065	NEW-P	93-13-123	388-87-005	AMD-P	93-08-021	388-150-340	AMD-P	93-13-056
388-81-100	NEW-P	93-07-124	388-87-005	AMD-E	93-08-024	388-150-390	AMD-P	93-13-056
388-81-100	NEW	93-11-047	388-87-005	AMD	93-11-046	388-150-460	AMD-P	93-13-056
388-82-010	AMD	93-04-033	388-92-025	AMD-P	93-07-122	388-150-470	AMD-P	93-13-056
388-82-115 388-82-115	AMD-P AMD-E	93-03-060 93-03-061	388-92-025 388-92-027	AMD NEW-P	93-11-045 93-07-122	388-150-490 388-150-500	AMD-P AMD-P	93-13-056 93-13-056
388-82-115	AMD-E AMD	93-06-037	388-92-027	NEW-F	93-11-045	388-160	NEW-C	93-08-009
388-82-140	AMD-P	93-08-022	388-92-036	AMD-E	93-06-053	388-160	NEW-C	93-10-020
388-82-140	AMD-E	93-08-023	388-92-036	AMD-P	93-06-054	388-160	NEW-C	93-12-095
388-82-140	AMD	93-11-049	388-92-036	AMD B	93-08-112	388-160	NEW-C	93-13-025
388-82-150 388-82-150	NEW AMD-P	93-04-024 93-08-022	388-92-045 388-92-045	AMD-P AMD-E	93-03-026 93-03-028	388-160-010 388-160-020	NEW-P NEW-P	93-05-031 93-05-031
388-82-150	AMD-E	93-08-023	388-92-045	AMD-L AMD	93-06-038	388-160-030	NEW-P	93-05-031
388-82-150	AMD	93-11-049	388-95-310	NEW-P	93-06-040	388-160-040	NEW-P	93-05-031
388-82-160	AMD-P	93-08-022	388-95-310	NEW-W	93-08-113	388-160-050	NEW-P	93-05-031
388-82-160	AMD-E	93-08-023	1 388-95-337	AMD-E	93-04-031	388-160-060	NEW-P	93-05-031

[25] Table

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
88-160-070	NEW-P	93-05-031	388-235-1500	NEW-P	93-08-074	388-280-1150	NEW-P	93-08-0
88-160-080	NEW-P	93-05-031	388-235-2000	NEW-P	93-08-074	388-280-1150	NEW	93-12-0
88-160-090	NEW-P	93-05-031	388-235-3000	NEW-P	93-08-074	388-280-1160	NEW-P	93-08-0
88-160-100	NEW-P	93-05-031	388-235-4000	NEW-P	93-08-074	388-280-1160	NEW	93-12-0
88-160-110	NEW-P	93-05-031	388-235-5000	NEW-P	93-08-074	388-330-010	AMD-P	93-07-0
38-160-120	NEW-P	93-05-031	388-235-5040	NEW-P	93-08-074	388-330-010	AMD-C	93-10-0
88-160-130	NEW-P	93-05-031	388-235-5050	NEW-P	93-08-074	388-330-010	AMD-C	93-12-0
88-160-140	NEW-P	93-05-031	388-235-5070	NEW-P	93-08-074	388-330-020	AMD-P	93-07-0
88-160-150	NEW-P	93-05-031	388-235-5080	NEW-P	93-08-074	388-330-020	AMD-C	93-10-0
88-160-160	NEW-P	93-05-031	388-235-5090	NEW-P	93-08-074	388-330-020	AMD-C	93-12-0
88-160-170	NEW-P	93-05-031	388-235-5100	NEW-P	93-08-074	388-330-030	AMD-P	93-07-0
88-160-180	NEW-P	93-05-031	388-235-5200	NEW-P	93-08-074	388-330-030	AMD-C	93-10-0
88-160-190	NEW-P	93-05-031	388-235-5300	NEW-P	93-08-074	388-330-030	AMD-C	93-12-0
38-160-200	NEW-P	93-05-031	388-235-5400	NEW-P	93-08-074	388-330-050	AMD-P	93-07-0
88-160-210	NEW-P	93-05-031	388-235-5500	NEW-P	93-08-074	388-330-050	AMD-C	93-10-0
88-160-220	NEW-P	93-05-031	388-235-5600	NEW-P	93-08-074	388-330-050	AMD-C	93-12-0
88-160-230	NEW-P	93-05-031	388-235-5700	NEW-P	93-08-074	388-540-001	NEW-P	93-13-0
88-160-240	'NEW-P	93-05-031	388-235-5800	NEW-P	93-08-074	388-540-001	NEW-E	93-13-1
88-160-250	NEW-P	93-05-031	388-235-5900	NEW-P	93-08-074	388-540-005	NEW-P	93-13-0
88-160-260	NEW-P	93-05-031	388-235-6000	NEW-P	93-08-074	388-540-005	NEW-E	93-13-1
38-160-270	NEW-P	93-05-031	388-235-7000	NEW-P	93-08-074	388-540-010	NEW-P	93-13-0
38-160-280	NEW-P	93-05-031	388-235-7100	NEW-P	93-08-074	388-540-010	NEW-E	93-13-1
88-160-290	NEW-P	93-05-031	388-235-7200	NEW-P	93-08-074	388-540-020	NEW-P	93-13-0
38-160-300	NEW-P	93-05-031	388-235-7300	NEW-P	93-08-074	388-540-020	NEW-E	93-13-1
38-160-310	NEW-P	93-05-031	388-235-7500	NEW-P	93-08-074	388-540-030	NEW-P	93-13-0
38-160-320	NEW-P	93-05-031	388-235-7600	NEW-P	93-08-074	388-540-030	NEW-E	93-13-1
38-160-340	NEW-P	93-05-031	388-235-8000	NEW-P	93-08-074	388-540-040	NEW-P	93-13-0
38-160-350	NEW-P	93-05-031	388-235-8100	NEW-P	93-08-074	388-540-040	NEW-E	93-13-1
88-160-360	NEW-P	93-05-031	388-235-8130	NEW-P	93-08-074	388-540-050	NEW-P	93-13-0
38-160-370	NEW-P	93-05-031	388-235-8140	NEW-P	93-08-074	388-540-050	NEW-E	93-13-1
38-160-380	NEW-P	93-05-031	388-235-8150	NEW-P	93-08-074	388-540-060	NEW-P	93-13-0
88-160-390	NEW-P	93-05-031	388-235-8200	NEW-P	93-08-074	388-540-060	NEW-E	93-13-1
88-160-400	NEW-P	93-05-031	388-235-9000	NEW-P	93-08-074	390-05-190	NEW-P	93-12-0
88-160-410	NEW-P	93-05-031	388-235-9100	NEW-P	93-08-074	390-05-200	AMD-P	93-12-0
88-160-420	NEW-P	93-05-031	388-235-9200	NEW-P	93-08-074	390-05-205	AMD-P	93-12-0
38-160-430	NEW-P	93-05-031	388-235-9300	NEW-P	93-08-074	390-05-210	AMD-P	93-12-0 93-12-0
8-160-440	NEW-P	93-05-031	388-235-9500	NEW-P	93-08-074	390-05-215 390-16-011	AMD-P AMD-P	93-12-0
38-160-450	NEW-P	93-05-031	388-235-9520	NEW-P NEW-P	93-08-074 93-08-074	390-16-011	AMD-F	93-10-0
88-160-460	NEW-P	93-05-031	388-235-9530	NEW-P NEW-P	93-08-074	390-16-012	AMD-E	93-10-0
88-160-470	NEW-P	93-05-031	388-235-9540 388-235-9550	NEW-P	93-08-074	390-16-012	AMD-F	93-10-0
88-160-480	NEW-P	93-05-031 93-05-031	388-235-9560	NEW-P	93-08-074	390-16-031	AMD-L AMD-P	93-10-0
88-160-490	NEW-P	93-05-031	388-235-9570	NEW-P	93-08-074	390-16-031	AMD-1	93-09-(
88-160-500	NEW-P	93-05-031	388-235-9580	NEW-P	93-08-074	390-16-038	AMD-P	93-12-0
88-160-510	NEW-P NEW-P	93-05-031	388-235-9600	NEW-P	93-08-074	390-16-041	AMD-P	93-04-1
88-160-520	NEW-P	93-05-031	388-280-1010	NEW-P	93-08-075	390-16-041	AMD	93-09-0
88-160-530	NEW-P	93-05-031	388-280-1010	NEW	93-12-054	390-16-200	AMD-P	93-12-0
88-160-540 88-160-560	NEW-P	93-05-031	388-280-1010	NEW-P	93-08-075	390-16-207	AMD-P	93-12-0
88-230	NEW-F	93-12-049	388-280-1020	NEW	93-12-054	390-16-226	NEW-P	93-12-0
88-230	NEW-C	93-12-049	388-280-1020	NEW-P	93-08-075	390-16-230	AMD-P	93-12-0
88-230-0010	NEW-P	93-08-064	388-280-1030	NEW	93-12-054	390-16-232	NEW-P	93-12-0
88-230-0010	NEW-P	93-08-064	388-280-1040	NEW-P	93-08-075	390-16-234	NEW-P	93-12-0
88-230-0030 88-230-0040	NEW-P	93-08-064	388-280-1040	NEW	93-12-054	390-16-240	AMD-P	93-12-
38-230-0040 38-230-0050	NEW-P	93-08-064	388-280-1050	NEW-P	93-08-075	390-16-308	AMD	93-04-
88-230-0030	NEW-P	93-08-064	388-280-1050	NEW	93-12-054	390-16-310	AMD-P	93-12-
88-230-0080	NEW-P	93-08-064	388-280-1060	NEW-P	93-08-075	390-16-312	AMD-P	93-12-
38-230-0090	NEW-P	93-08-064	388-280-1060	NEW	93-12-054	390-17-011	NEW-P	93-12-
88-230-0070	NEW-P	93-08-064	388-280-1070	NEW-P	93-08-075	390-17-013	NEW-P	93-12-
88-230-0110	NEW-P	93-08-064	388-280-1070	NEW	93-12-054	390-17-015	NEW-P	93-12-
88-230-0120	NEW-P	93-08-064	388-280-1080	NEW-P	93-08-075	390-17-017	NEW-P	93-12-
88-235	NEW-C	93-12-050	388-280-1080	NEW	93-12-054	390-17-030	NEW-P	93-12-
88-235	NEW-C	93-13-022	388-280-1090	NEW-P	93-08-075	390-17-050	NEW-P	93-12-
88-235-0010	NEW-P	93-08-074	388-280-1090	NEW	93-12-054	390-17-052	NEW-P	93-12-
88-235-0010	NEW-P	93-08-074	388-280-1100	NEW-P	93-08-075	390-17-060	NEW-P	93-12-
88-235-0020	NEW-P	93-08-074	388-280-1100	NEW	93-12-054	390-17-060	NEW-P	93-12-
88-235-0040	NEW-P	93-08-074	388-280-1110	NEW-P	93-08-075	390-17-065	NEW-P	93-12-
88-235-0050	NEW-P	93-08-074	388-280-1110	NEW	93-12-054	390-17-100	NEW-P	93-12-
88-235-0060	NEW-P	93-08-074	388-280-1110	NEW-P	93-08-075	390-17-200	NEW-P	93-12-
88-235-0070	NEW-P	93-08-074	388-280-1120	NEW	93-12-054	390-17-205	NEW-P	93-12-
88-235-0080	NEW-P	93-08-074	388-280-1120	NEW-P	93-08-075	390-17-300	NEW-P	93-12-
88-235-0080	NEW-P	93-08-074	388-280-1130	NEW-F	93-12-054	390-17-305	NEW-P	93-12-
88-235-0090 88-235-0100	NEW-P NEW-P	93-08-074	388-280-1130	NEW-P	93-08-075	390-17-303	NEW-P	93-12-
38-235-0100 38-235-0110	NEW-P	93-08-074	388-280-1140	NEW	93-12-054	390-17-315	NEW-P	93-12-
	INEW-P	ソン・いひ・い/4	1 200-400-1140	11277	ノン・14・UJサ	1 270-11-212	1 122 11 -1	/14-

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
390-17-400	NEW-P	93-12-018	392-167A-035	NEW	93-12-016	392-315-115	REP-P	93-11-033
390-18-010	AMD-P	93-12-034	392-167A-040	NEW-P	93-07-048	392-315-120	REP-E	93-08-037
390-18-020	AMD-P	93-12-035	392-167A-040	NEW	93-12-016	392-315-120	REP-P	93-11-033
390-18-050	NEW	93-04-072	392-167A-045	NEW-P	93-07-048	392-315-125	REP-E	93-08-037
390-20-020 390-20-110	AMD AMD	93-04-072 93-04-072	392-167A-045	NEW -	93-12-016	392-315-125	REP-P	93-11-033
390-20-110	AMD-P	93-09-001	392-167A-050 392-167A-050	NEW-P NEW	93-07-048 93-12-016	392-315-130	REP-E	93-08-037
390-37-140	AMD-C	93-10-050	392-167A-055	NEW-P	93-12-016	392-315-130 392-315-135	REP-P REP-E	93-11-033 93-08-037
390-37-142	AMD-P	93-09-001	392-167A-055	NEW	93-12-016	392-315-135	REP-P	93-11-033
390-37-142	AMD-C	93-10-050	392-167A-060	NEW-P	93-07-048	392-315-140	REP-E	93-08-037
392-105-030	AMD-P	93-03-002	392-167A-060	NEW	93-12-016	392-315-140	REP-P	93-11-033
392-105-030	AMD	93-07-039	392-167A-065	NEW-P	93-07-048	392-315-145	REP-E	93-08-037
392-105-035 392-105-035	AMD-P AMD	93-03 - 002 93-07-039	392-167A-065	NEW	93-12-016	392-315-145	REP-P	93-11-033
392-105-040	AMD-P	93-03-002	392-167A-070 392-167A-070	NEW-P NEW	93-07-048 93-12-016	392-315-150	REP-E	93-08-037
392-105-040	AMD	93-07-039	392-167A-075	NEW-P	93-07-048	392-315-150 392-315-155	REP-P REP-E	93-11-033 93-08-037
392-105-060	AMD-P	93-03-002	392-167A-075	NEW	93-12-016	392-315-155	REP-P	93-11-033
392-105-060	AMD	93-07-039	392-167A-080	NEW-P	93-07-048	392-315-160	REP-E	93-08-037
392-121-445	AMD	93-04-054	392-167A-080	NEW	93-12-016	392-315-160	REP-P	93-11-033
392-122-400	NEW-P	93-07-046	392-167A-085	NEW-P	93-07-048	392-315-165	REP-E	93-08-037
392-122-400	NEW	93-12-017	392-167A-085	NEW	93-12-016	392-315-165	REP-P	93-11-033
392-122-401 392-122-401	NEW-P NEW	93-07-046	392-167A-090	NEW-P	93-07-048	415-04-010	AMD-P	93-08-054
392-122-401	NEW-P	93-12-017 93-07-046	392-167A-090 392-196-005	NEW AMD	93-12-016	415-04-010	AMD	93-11-079
392-122-405	NEW -	93-12-017	392-196-030	AMD	93-07-037 93-07-037	415-04-020 415-04-020	AMD-P AMD	93-08-054 93-11-079
392-122-410	NEW-P	93-07-046	392-196-080	AMD	93-07-037	415-08-010	AMD-P	93-11-079
392-122-410	NEW	93-12-017	392-196-095	AMD	93-07-037	415-08-010	AMD	93-11-079
392-122-415	NEW-P	93-07-046	392-202-110	AMD	93-08-005	415-08-020	AMD-P	93-08-054
392-122-415	NEW	93-12-017	392-315-005	REP-E	93-08-037	415-08-020	AMD	93-11-079
392-123-046	AMD-P	93-11-034	392-315-005	REP-P	93-11-033	415-08-025	NEW-P	93-08-054
392-123-054	AMD-P	93-11-034	392-315-010	REP-E	93-08-037	415-08-025	NEW	93-11-079
392-123-071 392-123-072	AMD-P AMD-P	93-11-034 93-11-034	392-315-010	REP-P	93-11-033	415-08-030	AMD-P	93-08-054
392-123-072	REP-P	93-11-034	392-315-015 392-315-015	REP-E REP-P	93-08-037 93-11-033	415-08-030 415-08-040	AMD D	93-11-079
392-140-250	REP	93-12-015	392-315-020	REP-E	93-08-037	415-08-040	AMD-P AMD	93-08-054 93-11-079
392-140-252	REP-P	93-07-047	392-315-020	REP-P	93-11-033	415-08-060	REP-P	93-08-054
392-140-252	REP	93-12-015	392-315-025	REP-E	93-08-037	415-08-060	REP	93-11-079
392-140-253	REP-P	93-07-047	392-315-025	REP-P	93-11-033	415-08-080	AMD-P	93-08-054
392-140-253	REP	93-12-015	392-315-030	REP-E	93-08-037	415-08-080	AMD	93-11-079
392-140-254	REP-P	93-07-047	392-315-030	REP-P	93-11-033	415-08-090	AMD-P	93-08-054
392-140-254 392-140-255	REP REP-P	93-12-015 93-07-047	392-315-035 392-315-035	REP-E REP-P	93-08-037 93-11-033	415-08-090	AMD	93-11-079
392-140-255	REP	93-12-015	392-315-040	REP-E	93-11-033	415-08-100 415-08-100	AMD-P AMD	93-08-054 93-11-079
392-140-256	REP-P	93-07-047	392-315-040	REP-P	93-11-033	415-08-105	NEW-P	93-08-054
392-140-256	REP	93-12-015	392-315-045	REP-E	93-08-037	415-08-105	NEW	93-11-079
392-140-257	REP-P	93-07-047	392-315-045	REP-P	93-11-033	415-08-110	REP-P	93-08-054
392-140-257	REP	93-12-015	392-315-050	REP-E	93-08-037	415-08-110	REP	93-11-079
392-140-258	REP-P	93-07-047	392-315-050	REP-P	93-11-033	415-08-120	REP-P	93-08-054
392-140-258 392-140-259	REP REP-P	93-12-015 93-07-047	392-315-055 392-315-055	REP-E	93-08-037	415-08-120	REP	93-11-079
392-140-259	REP	93-12-015	392-315-060	REP-P REP-E	93-11-033 93-08-037	415-08-130 415-08-130	REP-P REP	93-08-054 93-11-079
392-140-265	REP-P	93-07-047	392-315-060	REP-P	93-11-033	415-08-140	REP-P	93-11-079
392-140-265	REP	93-12-015	392-315-065	REP-E	93-08-037	415-08-140	REP	93-11-079
392-140-266	REP-P	93-07-047	392-315-065	REP-P	93-11-033	415-08-150	REP-P	93-08-054
392-140-266	REP	93-12-015	392-315-070	REP-E	93-08-037	415-08-150	REP	93-11-079
392-140-267	REP-P	93-07-047	392-315-070	REP-P	93-11-033	415-08-160	REP-P	93-08-054
392-140-267	REP	93-12-015	392-315-075	REP-E	93-08-037	415-08-160	REP	93-11-079
392-142-240 392-142-240	AMD-P AMD	93-09-019 93-13-083	392-315-075	REP-P	93-11-033	415-08-170	REP-P	93-08-054
392-142-240	AMD	93-05-023	392-315-080 392-315-080	REP-E REP-P	93-08-037 93-11-033	415-08-170 415-08-180	REP	93-11-079
392-167A-005	NEW-P	93-07-048	392-315-085	REP-E	93-08-037	415-08-180	REP-P REP	93-08-054 93-11-079
392-167A-005	NEW	93-12-016	392-315-085	REP-P	93-11-033	415-08-190	REP-P	93-08-054
392-167A-010	NEW-P	93-07-048	392-315-090	REP-E	93-08-037	415-08-190	REP	93-11-079
392-167A-010	NEW	93-12-016	392-315-090	REP-P	93-11-033	415-08-200	REP-P	93-08-054
392-167A-015	NEW-P	93-07-048	392-315-095	REP-E	93-08-037	415-08-200	REP	93-11-079
392-167A-015	NEW	93-12-016	392-315-095	REP-P	93-11-033	415-08-210	REP-P	93-08-054
392-167A-020 392-167A-020	NEW-P NEW	93-07-048 93-12-016	392-315-100	REP-E	93-08-037	415-08-210	REP	93-11-079
392-167A-020 392-167A-025	NEW-P	93-12-016	392-315-100 392-315-105	REP-P REP-E	93-11-033 93-08-037	415-08-220	REP-P	93-08-054
392-167A-025	NEW	93-12-016	392-315-105	REP-E REP-P	93-08-037	415-08-220 415-08-230	REP REP-P	93-11-079 93-08-054
392-167A-030	NEW-P	93-07-048	392-315-110	REP-E	93-08-037	415-08-230	REP	93-08-034
392-167A-030	NEW	93-12-016	392-315-110	REP-P	93-11-033	415-08-240	REP-P	93-08-054
392-167A-035	NEW-P	93-07-048	392-315-115	REP-E	93-08-037	415-08-240	REP	93-11-079

[27] Table

Table

WAC # 415-08-250 415-08-250 415-08-260 415-08-260 415-08-270 415-08-270 415-08-280 415-08-290 415-08-300 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-320 415-08-340 415-08-340 415-08-340 415-08-350 415-08-350	REP-P REP REP-P REP-P REP-P AMD-P AMD REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP-P	93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054	415-108-620 415-108-630 415-108-630 415-108-640 415-108-650 415-108-650 415-108-660 415-108-660 415-112-015 415-112-355 415-112-820 415-112-820 415-112-830 434-600-010	NEW NEW-P NEW NEW-P NEW NEW-P NEW NEW-P NEW NEW-P REP-P REP-P AMD-P AMD-P NEW-P	93-11-077 93-08-052 93-11-077 93-08-052 93-11-077 93-08-052 93-11-077 93-08-051 93-08-051 93-08-051 93-08-051	458-12-342 458-12-342 458-14-015 458-14-025 458-14-025 458-14-026 458-14-127 458-14-177 458-14-170 458-14-170	AMD-P AMD AMD-P AMD AMD-P AMD NEW-P NEW AMD-P AMD AMD-P AMD	93-05-016 93-08-049 93-05-015 93-08-050 93-08-050 93-08-015 93-08-050 93-08-050 93-08-050 93-08-050 93-08-050
415-08-250 415-08-260 415-08-270 415-08-270 415-08-270 415-08-280 415-08-280 415-08-290 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-330 415-08-340 415-08-340 415-08-340 415-08-350	REP REP-P REP-P REP-P AMD-P AMD REP-P	93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-630 415-108-630 415-108-640 415-108-650 415-108-650 415-108-660 415-108-660 415-112-015 415-112-35 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW-P NEW NEW-P NEW-P NEW-P NEW-P REW-P REP-P AMD-P AMD-P NEW-P	93-08-052 93-11-077 93-08-052 93-11-077 93-08-052 93-11-077 93-08-051 93-08-051 93-08-051 93-08-051	458-12-342 458-14-015 458-14-025 458-14-025 458-14-026 458-14-026 458-14-127 458-14-127 458-14-170 458-14-170	AMD AMD-P AMD AMD-P AMD NEW-P NEW AMD-P AMD AMD-P AMD AMD-P AMD NEW-P	93-08-049 93-05-013 93-08-050 93-08-050 93-08-050 93-08-015 93-08-050 93-08-050 93-08-050 93-08-050
415-08-260 415-08-270 415-08-270 415-08-270 415-08-280 415-08-280 415-08-290 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-320 415-08-340 415-08-340 415-08-340 415-08-340 415-08-350	REP-P REP REP-P AMD-P AMD REP-P REP REP-P REP REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP-P	93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-630 415-108-640 415-108-650 415-108-650 415-108-660 415-108-660 415-112-015 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW NEW-P NEW NEW-P NEW NEW-P NEW-P REP-P REP-P AMD-P NEW-P	93-11-077 93-08-052 93-11-077 93-08-052 93-11-077 93-08-052 93-11-077 93-08-051 93-08-051 93-08-051	458-14-015 458-14-015 458-14-025 458-14-026 458-14-026 458-14-127 458-14-127 458-14-170 458-14-170 458-14-170	AMD-P AMD AMD-P AMD NEW-P NEW AMD-P AMD AMD-P AMD NEW-P	93-05-015 93-08-050 93-05-015 93-08-050 93-05-015 93-08-050 93-05-015 93-08-050 93-05-015
415-08-260 415-08-270 415-08-280 415-08-280 415-08-290 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-320 415-08-340 415-08-340 415-08-340 415-08-340 415-08-350	REP REP-P	93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-640 415-108-640 415-108-650 415-108-660 415-108-660 415-112-015 415-112-535 415-112-722 415-112-820 415-112-830 434-600-010	NEW-P NEW NEW-P NEW-P NEW-P REP-P REP-P AMD-P NEW-P	93-08-052 93-11-077 93-08-052 93-11-077 93-08-052 93-11-077 93-08-051 93-08-051 93-08-051 93-08-051	458-14-015 458-14-025 458-14-026 458-14-026 458-14-026 458-14-127 458-14-127 458-14-170 458-14-170	AMD AMD-P AMD NEW-P NEW AMD-P AMD AMD-P AMD NEW-P	93-08-050 93-05-012 93-08-050 93-05-012 93-08-050 93-05-012 93-08-050 93-05-012
415-08-270 415-08-280 415-08-280 415-08-280 415-08-290 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-320 415-08-340 415-08-340 415-08-340 415-08-340 415-08-350	REP-P REP AMD-P AMD REP-P REP REP-P	93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-640 415-108-650 415-108-660 415-108-660 415-112-015 415-112-535 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW NEW-P NEW NEW-P NEW-P REP-P REP-P AMD-P NEW-P	93-11-077 93-08-052 93-11-077 93-08-052 93-11-077 93-08-051 93-08-051 93-08-051	458-14-025 458-14-025 458-14-026 458-14-026 458-14-127 458-14-127 458-14-170 458-14-170	AMD-P AMD NEW-P NEW AMD-P AMD AMD-P AMD NEW-P	93-05-01: 93-08-050 93-05-01: 93-08-050 93-05-01: 93-08-050 93-05-01: 93-05-01:
415-08-270 415-08-280 415-08-280 415-08-290 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-320 415-08-340 415-08-340 415-08-340 415-08-340 415-08-350	REP AMD-P AMD REP-P REP REP-P	93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-650 415-108-650 415-108-660 415-108-660 415-112-015 415-112-535 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW-P NEW NEW-P NEW-P REP-P REP-P AMD-P AMD-P NEW-P	93-08-052 93-11-077 93-08-052 93-11-077 93-08-051 93-08-051 93-08-051 93-08-051	458-14-025 458-14-026 458-14-026 458-14-127 458-14-127 458-14-170 458-14-170	AMD NEW-P NEW AMD-P AMD AMD-P AMD NEW-P	93-08-050 93-05-012 93-08-050 93-05-012 93-08-050 93-08-050 93-05-012
415-08-280 415-08-280 415-08-290 415-08-300 415-08-310 415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-340 415-08-340 415-08-350	AMD-P AMD REP-P	93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-650 415-108-660 415-108-660 415-112-015 415-112-535 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW NEW-P NEW-P REP-P REP-P AMD-P AMD-P NEW-P	93-11-077 93-08-052 93-11-077 93-08-051 93-08-051 93-08-051 93-08-051	458-14-026 458-14-026 458-14-127 458-14-127 458-14-170 458-14-170 458-14-171	NEW-P NEW AMD-P AMD AMD-P AMD NEW-P	93-05-01: 93-08-05: 93-05-01: 93-08-05: 93-08-05: 93-05-01:
415-08-280 415-08-290 415-08-300 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-340 415-08-340 415-08-340 415-08-350	AMD REP-P	93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-660 415-108-660 415-112-015 415-112-535 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW-P NEW NEW-P REP-P REP-P AMD-P AMD-P NEW-P	93-08-052 93-11-077 93-08-051 93-08-051 93-08-051 93-08-051	458-14-026 458-14-127 458-14-127 458-14-170 458-14-170 458-14-171	NEW AMD-P AMD AMD-P AMD NEW-P	93-08-05(93-05-01: 93-08-05(93-05-01: 93-08-05(93-05-01:
415-08-290 415-08-290 415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-340 415-08-340 415-08-350	REP-P REP REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP-P	93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-108-660 415-112-015 415-112-535 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW NEW-P REP-P REP-P AMD-P AMD-P NEW-P	93-11-077 93-08-051 93-08-051 93-08-051 93-08-051	458-14-127 458-14-127 458-14-170 458-14-170 458-14-171	AMD-P AMD AMD-P AMD NEW-P	93-05-01 93-08-05 93-05-01 93-08-05 93-05-01
415-08-290 415-08-300 415-08-310 415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-340 415-08-340 415-08-350	REP REP-P	93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-112-015 415-112-535 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	NEW-P REP-P REP-P AMD-P AMD-P NEW-P	93-08-051 93-08-051 93-08-051 93-08-051	458-14-127 458-14-170 458-14-170 458-14-171	AMD AMD-P AMD NEW-P	93-08-05 93-05-01 93-08-05 93-05-01
415-08-300 415-08-310 415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-340 415-08-340 415-08-350	REP-P REP REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP	93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-112-535 415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	REP-P REP-P AMD-P AMD-P NEW-P	93-08-051 93-08-051 93-08-051	458-14-170 458-14-170 458-14-171	AMD-P AMD NEW-P	93-05-01: 93-08-05: 93-05-01:
415-08-300 415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-340 415-08-340 415-08-350	REP REP-P REP-P REP-P REP-P REP-P REP-P REP-P REP	93-11-079 93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-112-722 415-112-810 415-112-820 415-112-830 434-600-010	REP-P AMD-P AMD-P NEW-P	93-08-051 93-08-051	458-14-170 458-14-171	AMD NEW-P	93-08-05 93-05-01
415-08-310 415-08-310 415-08-320 415-08-320 415-08-330 415-08-330 415-08-340 415-08-340 415-08-350	REP-P REP REP-P REP-P REP-P REP-P REP-P	93-08-054 93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-112-810 415-112-820 415-112-830 434-600-010	AMD-P AMD-P NEW-P	93-08-051	458-14-171	NEW-P	93-05-01
415-08-310 415-08-320 415-08-320 415-08-330 415-08-340 415-08-340 415-08-350	REP REP-P REP REP-P REP REP-P REP	93-11-079 93-08-054 93-11-079 93-08-054 93-11-079	415-112-820 415-112-830 434-600-010	AMD-P NEW-P	93-08-051		NEW-I	
415-08-320 415-08-320 415-08-330 415-08-330 415-08-340 415-08-340 415-08-350	REP-P REP REP-P REP REP-P REP	93-08-054 93-11-079 93-08-054 93-11-079	415-112-830 434-600-010	NEW-P		458-14-171	NEW	93-08-05
415-08-320 415-08-330 415-08-330 415-08-340 415-08-340 415-08-350	REP REP-P REP REP-P REP	93-11-079 93-08-054 93-11-079	434-600-010		93-08-051	458-18-220	AMD-P	93-03-02
415-08-330 415-08-330 415-08-340 415-08-340 415-08-350	REP-P REP REP-P REP	93-08-054 93-11-079		NEW	93-04-001	458-18-220	AMD-E	93-03-02
415-08-330 415-08-340 415-08-340 415-08-350	REP REP-P REP	93-11-079		NEW	93-04-001	458-18-220	AMD	93-06-09
415-08-340 415-08-340 415-08-350	REP-P REP		434-610-020	NEW	93-04-001	458-20-101	PREP	93-02-04
415-08-340 415-08-350	REP		434-610-025	NEW	93-04-001	458-20-101	AMD-P	93-08-01
415-08-350		93-11-079	434-610-029	NEW	93-04-001	458-20-101	AMD	93-13-12
	KUF-F	93-08-054	434-610-040	NEW	93-04-001	458-20-102	AMD-E	93-13-08
413-06-330	REP	93-08-034	434-610-050	NEW	93-04-001	458-20-115	PREP	93-12-11
415 00 260	REP-P	93-08-054	434-610-060	NEW	93-04-001	458-20-116	PREP	93-12-11
415-08-360 415-08-360	REP ·	93-08-034	434-610-000	NEW	93-04-001	458-20-117	PREP	93-12-11
	REP-P	93-08-054	434-610-080	NEW	93-04-001	458-20-119	AMD-P	93-07-06
415-08-370	REP	93-08-034	434-610-090	NEW	93-04-001	458-20-124	AMD-P	93-07-07
415-08-370 415-08-380	REP-P	93-08-054	434-610-100	NEW	93-04-001	458-20-149	REP	93-03-00
415-08-380	REP	93-11-079	434-610-110	NEW	93-04-001	458-20-150	PREP	93-12-11
415-08-390	REP-P	93-08-054	434-610-120	NEW	93-04-001	458-20-167	PREP	93-12-11
415-08-390	REP	93-11-079	434-615-010	NEW	93-04-001	458-20-168	AMD-E	93-13-08
415-08-400	REP-P	93-08-054	434-615-020	NEW	93-04-001	458-20-174	PREP	93-02-04
415-08-400	REP	93-11-079	434-615-030	NEW	93-04-001	458-20-17901	AMD-P	93-04-04
415-08-410	REP-P	93-08-054	434-620-010	NEW	93-04-001	458-20-17901	AMD	93-07-06
415-08-410	REP	93-11-079	434-624-010	NEW	93-04-001	458-20-229	AMD	93-04-07
415-08-420	AMD-P	93-08-054	434-624-020	NEW	93-04-001	458-20-230	AMD	93-03-00
415-08-420	AMD	93-11-079	434-624-030	NEW	93-04-001	458-20-900	NEW-E	93-13-08
415-08-430	REP-P	93-08-054	434-624-040	NEW	93-04-001	458-30-262	AMD-P	93-04-02
415-08-430	REP	93-11-079	434-624-050	NEW	93-04-001	458-30-262	AMD-E	93-04-02
415-08-440	REP-P	93-08-054	434-626-010	NEW	93-04-001	458-30-262	AMD	93-07-06
415-08-440	REP	93-11-079	434-626-020	NEW	93-04-001	458-40-634	PREP	93-07-06
415-08-450	REP-P	93-08-054	440-25-005	NEW-E	93-11-050	458-40-634	AMD-P	93-11-08
415-08-450	REP	93-11-079	440-25-005	NEW-P	93-11-052	458-40-640	PREP	93-13-10
415-08-460	REP-P	93-08-054	440-25-010	NEW-E	93-11-050	458-40-660	AMD-P	93-10-09
415-08-460	REP	93-11-079	440-25-010	NEW-P	93-11-052	458-40-670	AMD-P	93-10-09
415-08-470	REP-P	93-08-054	440-25-020	NEW-E	93-11-050	458-40-690	PREP	93-09-02
415-08-470	REP	93-11-079	440-25-020	NEW-P	93-11-052	463-30-055	NEW-P	93-07-09
415-08-480	REP-P	93-08-054	440-25-030	NEW-E	93-11-050	463-30-055	NEW	93-12-01
415-08-480	REP	93-11-079	440-25-030	NEW-P	93-11-052	468-16-030	AMD	93-03-02
415-104-011	NEW-P	93-08-053	440-25-040	NEW-E	93-11-050	468-16-040	AMD	93-03-02
415-104-011	NEW	93-11-078	440-25-040	NEW-P	93-11-052	468-16-050	AMD	93-03-02
415-104-782	NEW-P	93-08-053	440-25-050	NEW-E	93-11-050	468-16-060	AMD	93-03-02
415-104-782	NEW	93-11-078	440-25-050	NEW-P	93-11-052	468-16-070	AMD	93-03-0
415-104-783	NEW-P	93-08-053	440-25-060	NEW-E	93-11-050	468-16-090	AMD	93-03-0
415-104-783	NEW	93-11-078	440-25-060	NEW-P	93-11-052	468-16-100	AMD	93-03-0
415-104-784	NEW-P	93-08-053	440-25-070	NEW-E	93-11-050	468-16-120	AMD	93-03-0
415-104-784	NEW	93-11-078	440-25-070	NEW-P	93-11-052	468-16-130	AMD	93-03-0
415-104-785	NEW-P	93-08-053	440-25-080	NEW-E	93-11-050	468-16-140	AMD	93-03-0
415-104-785	NEW	93-11-078	440-25-080	NEW-P	93-11-052	468-16-150	AMD	93-03-0
415-108-010	AMD-P	93-08-052	440-25-090	NEW-E	93-11-050	468-16-160	AMD	93-03-0
415-108-010	AMD	93-11-077	440-25-090	NEW-P	93-11-052	468-16-170	AMD	93-03-0
415-108-100	REP-P	93-08-052	440-25-100	NEW-E	93-11-050	468-16-180	AMD	93-03-0
415-108-100	REP .	93-11-077	440-25-100	NEW-P	93-11-052	468-16-190	AMD	93-03-0
415-108-110	REP-P	93-08-052	440-25-110	NEW-E	93-11-050	468-16-200	AMD	93-03-0
415-108-110	REP	93-11-077	440-25-110	NEW-P	93-11-052	468-38-360	AMD	93-04-0
415-108-110	REP-P	93-08-052	440-25-120	NEW-E	93-11-050	468-52-010	NEW	93-03-0
415-108-120	REP	93-11-077	440-25-120	NEW-P	93-11-052	468-52-020	NEW	93-03-0
415-108-120	REP-P	93-08-052	446-40-070	AMD-P	93-10-001	468-52-030	NEW	93-03-0
415-108-130	REP	93-11-077	446-80-005	NEW-P	93-13-119	468-52-040	NEW	93-03-0
	REP-P	93-08-052	446-80-003	NEW-P	93-13-119	468-52-050	NEW	93-03-0
415-108-150	REP-P	93-08-052 93-11-077	458-12-010	AMD-P	93-05-016	468-52-060	NEW	93-03-0
415-108-150			458-12-010	AMD-F	93-08-049	468-52-070	NEW	93-03-0
415-108-160	REP-P	93-08-052	458-12-240	REP-P	93-05-016	468-95-035	NEW-C	93-07-0
415-108-160 415-108-620	REP NEW-P	93-11-077 93-08-052	458-12-240	REP	93-08-049	468-95-035	NEW-C	93-10-0

[28]

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WAC #		WSR #	WAC #		WSR #	WAC#		WSR #
468-95-037	NEW-C	93-07-055	490-04B-010	NEW	93-06-005	495B-116-120	NEW	93-05-018
468-95-037	NEW-C	93-10-068	490-08B-010	NEW-P	93-02-045	495B-116-130	NEW	93-05-018
468-300-700	AMD-P AMD-W	93-08-012 93-09-048	490-08B-010	NEW	93-06-005	495B-116-140	NEW	93-05-018
468-300-700 468-300-700	AMD-W	93-09-048	490-08B-020 490-08B-020	NEW-P NEW	93-02-045 93-06-005	495B-116-150 495B-116-160	NEW NEW	93-05-018 93-05-018
468-300-700	AMD-P	93-13-059	490-08B-030	NEW-P	93-02-045	495B-116-170	NEW	93-05-018
478-116-370	AMD-P	93-08-110	490-08B-030	NEW	93-06-005	495B-116-180	NEW	93-05-018
478-116-400	AMD-P	93-08-110	490-08B-040	NEW-P	93-02-045	495B-116-190	NEW	93-05-018
478-116-410	REP-P	93-08-110	490-08B-040	NEW	93-06-005	495B-116-200	NEW	93-05-018
478-116-420 478-116-430	REP-P REP-P	93-08-110 93-08-110	490-08B-050 490-08B-050	NEW-P NEW	93-02-045 93-06-005	495B-116-210 495B-116-220	NEW NEW	93-05-018
478-116-440	AMD-P	93-08-110	490-08B-060	NEW-P	93-02-045	495B-116-230	NEW	93-05-018 93-05-018
478-116-450	AMD-P	93-08-110	490-08B-060	NEW	93-06-005	495B-116-240	NEW	93-05-018
478-116-460	AMD-P	93-08-110	490-08B-070	NEW-P	93-02-045	495B-116-250	NEW	93-05-018
478-116-470	REP-P	93-08-110	490-08B-070	NEW	93-06-005	495B-116-260	NEW	93-05-018
478-116-480 478-116-490	REP-P REP-P	93-08-110 93-08-110	490-08B-080 490-08B-080	NEW-P NEW	93-02-045	495B-116-270	NEW	93-05-018
478-116-500	REP-P	93-08-110	490-10-010	NEW-P	93-06-005 93-02-045	495B-116-280 495B-120-010	NEW NEW	93-05-018 93-05-018
478-116-510	REP-P	93-08-110	490-10-010	NEW	93-06-005	495B-120-020	NEW	93-05-018
478-116-511	REP-P	93-08-110	490-13-010	NEW-P	93-02-045	495B-120-030	NEW	93-05-018
478-116-520	AMD-P	93-08-110	490-13-010	NEW	93-06-005	495B-120-040	NEW	93-05-018
478-116-530	REP-P	93-08-110	490-100-250	AMD-P	93-02-044	495B-120-045	NEW	93-05-018
478-116-540 478-116-550	AMD-P AMD-P	93-08-110 93-08-110	490-100-250 490-276-010	AMD NEW-P	93-06-006 93-02-045	495B-120-050	NEW	93-05-018
478-116-560	REP-P	93-08-110	490-276-010	NEW-P	93-06-005	495B-120-060 495B-120-070	NEW NEW	93-05-018 93-05-018
478-116-582	AMD-P	93-08-110	490-276-020	NEW-P	93-02-045	495B-120-080	NEW	93-05-018
478-116-586	AMD-P	93-08-110	490-276-020	NEW	93-06-005	495B-120-090	NEW	93-05-018
478-116-588	AMD-P	93-08-110	490-276-030	NEW-P	93-02-045	495B-120-100	NEW	93-05-018
478-116-589	NEW-P	93-08-110	490-276-030	NEW	93-06-005	495B-120-110	NEW	93-05-018
478-116-601 480-12-010	AMD-P AMD-P	93-08-110 93-11-098	490-276-040 490-276-040	NEW-P NEW	93-02-045 93-06-005	495B-120-120 495B-120-130	NEW	93-05-018
480-12-010	AMD-P	93-11-099	490-276-050	NEW-P	93-02-045	495B-120-135	NEW NEW	93-05-018 93-05-018
480-12-150	AMD-P	93-11-097	490-276-050	NEW	93-06-005	495B-120-140	NEW	93-05-018
480-12-181	AMD	93-05-038	490-276-060	NEW-P	93-02-045	495B-120-150	NEW	93-05-018
480-12-285	AMD-P	93-11-098	490-276-060	NEW	93-06-005	495B-120-160	NEW	93-05-018
480-30-015 480-30-030	AMD-P AMD-P	93-11-099 93-11-096	490-276-070 490-276-070	NEW-P	93-02-045	495B-120-170	NEW	93-05-018
480-35-030	AMD-P	93-11-096	490-276-070	NEW NEW-P	93-06-005 93-02-045	495B-120-180 495B-120-190	NEW NEW	93-05-018 93-05-018
480-40-015	AMD-P	93-11-099	490-276-080	NEW	93-06-005	495B-120-200	NEW	93-05-018
480-40-030	AMD-P	93-11-096	490-276-090	NEW-P	93-02-045	495B-122-010	NEW	93-05-018
480-70-055	AMD-P	93-11-099	490-276-090	NEW	93-06-005	495B-122-020	NEW	93-05-018
480-70-700 480-70-710	NEW-P NEW-P	93-13-139 93-13-139	490-276-100 490-276-100	NEW-P	93-02-045	495B-122-030	NEW	93-05-018
480-70-710	NEW-P	93-13-139	490-276-100	NEW NEW-P	93-06-005 93-02-045	495B-130-010 495B-131-010	NEW NEW	93-05-018 93-05-018
480-70-730	NEW-P	93-13-139	490-276-110	NEW	93-06-005	495B-132-010	NEW	93-05-018
480-70-740	NEW-P	93-13-139	490-276-120	NEW-P	93-02-045	495B-133-020	NEW	93-05-018
480-70-750	NEW-P	93-13-139	490-276-120	NEW	93-06-005	495B-134-010	NEW	93-05-018
480-70-760	NEW-P	93-13-139	490-276-130	NEW-P	93-02-045	495B-140-010	NEW	93-05-018
480-70-770 480-70-780	NEW-P NEW-P	93-13-139 93-13-139	490-276-130 490-276-140	NEW NEW-P	93-06-005 93-02-045	495B-140-020 495B-140-030	NEW NEW	93-05-018 93-05-018
480-70-790	NEW-P	93-13-139	490-276-140	NEW	93-06-005	495B-140-040	NEW	93-05-018
480-80-390	AMD	93-09-050	495B-104-010	NEW	93-05-018	495B-140-050	NEW	93-05-018
480-93-010	AMD-P	93-13-035	495B-104-020	NEW	93-05-018	495B-140-060	NEW	93-05-018
480-110-023	NEW-P	93-06-056	495B-104-030	NEW	93-05-018	495B-140-070	NEW	93-05-018
480-110-023	NEW	93-12-062	495B-108-010	NEW	93-05-018	495B-140-080	NEW	93-05-018
480-110-176 480-110-176	AMD-P AMD	93-06-056 93-12-062	495B-108-020 495B-108-030	NEW NEW	93-05-018 93-05-018	495B-140-090 495B-140-100	NEW NEW	93-05-018 93-05-018
480-120-021	AMD	93-06-055	495B-108-040	NEW	93-05-018	495B-140-110	NEW	93-05-018
480-120-031	AMD-P	93-02-068	495B-108-050	NEW	93-05-018	495B-168-010	NEW	93-05-018
480-120-031	AMD	93-07-089	495B-108-060	NEW	93-05-018	495B-168-020	NEW	93-05-018
480-120-051	AMD	93-06-055	495B-108-070 .	NEW	93-05-018	495B-168-030	NEW	93-05-018
480-120-086	REP	93-06-055	495B-108-080	NEW	93-05-018	495B-168-040	NEW	93-05-018
480-120-350 480-120-350	NEW-P NEW	93-05-013 93-11-026	495B-116-010 495B-116-020	NEW NEW	93-05-018	495B-168-050	NEW	93-05-018
480-120-330 480-120-500	NEW	93-11-026	495B-116-030	NEW	93-05-018 93-05-018	495B-168-060 495B-276-010	NEW NEW	93-05-018 93-05-018
480-120-505	NEW	93-06-055	495B-116-040	NEW	93-05-018	495B-276-020	NEW	93-05-018
480-120-510	NEW	93-06-055	495B-116-050	NEW	93-05-018	495B-276-030	NEW	93-05-018
480-120-515	NEW	93-06-055	495B-116-060	NEW	93-05-018	495B-276-040	NEW	93-05-018
480-120-520	NEW	93-06-055	495B-116-070	NEW	93-05-018	495B-276-050	NEW	93-05-018
480-120-525 480-120-530	NEW NEW	93-06-055 93-06-055	495B-116-080 495B-116-090	NEW NEW	93-05-018 93-05-018	495B-276-060 495B-276-070	NEW	93-05-018
480-120-535	NEW	93-06-055	495B-116-100	NEW	93-05-018	495B-276-080	NEW NEW	93-05-018 93-05-018
490-04B-010	NEW-P	93-02-045	495B-116-110	NEW	93-05-018	495B-276-090	NEW	93-05-018
			:	.[29]				Table
			,	. [47]				i abie

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
495B-276-100	NEW	93-05-018	495E-116-120	NEW	93-13-106	495E-140-030	NEW-P	93-09-039
495B-276-110	NEW	93-05-018	495E-116-130	NEW-P	93-09-033	495E-140-030	NEW	93-13-112
495B-276-120	NEW	93-05-018	495E-116-130	NEW	93-13-106	495E-140-040	NEW-P	93-09-039
495B-276-130	NEW	93-05-018	495E-116-140	NEW-P	93-09-033	495E-140-040	NEW	93-13-112
495B-276-140	NEW	93-05-018	495E-116-140	NEW	93-13-106	495E-140-050	NEW-P	93-09-039
495B-280-010	NEW	93-05-018	495E-116-150	NEW-P	93-09-033	495E-140-050	NEW	93-13-112
495B-280-015	NEW	93-05-018	495E-116-150	NEW	93-13-106	495E-140-060	NEW-P	93-09-039
495B-280-020	NEW	93-05-018	495E-116-160	NEW-P	93-09-033	495E-140-060	NEW	93-13-112
495B-280-030	NEW	93-05-018	495E-116-160	NEW	93-13-106	495E-140-070	NEW-P	93-09-039
495B-280-040	NEW	93-05-018	495E-116-170	NEW-P	93-09-033	495E-140-070	NEW D	93-13-112 93-09-039
495B-280-050	NEW	93-05-018	495E-116-170	NEW D	93-13-106 93-09-033	495E-140-080 495E-140-080	NEW-P NEW	93-09-039
495B-280-060	NEW NEW	93-05-018 93-05-018	495E-116-180 495E-116-180	NEW-P NEW	93-13-106	495E-140-080 495E-140-090	NEW-P	93-09-039
495B-280-070 495B-280-080	NEW	93-05-018	495E-116-190	NEW-P	93-13-100	495E-140-090	NEW	93-13-112
495B-280-090	NEW	93-05-018	495E-116-190	NEW	93-13-106	495E-140-100	NEW-P	93-09-039
495B-280-100	NEW	93-05-018	495E-120-010	NEW-P	93-09-034	495E-140-100	NEW	93-13-112
495B-280-110	NEW	93-05-018	495E-120-010	NEW	93-13-107	495E-140-110	NEW-P	93-09-039
495B-280-120	NEW	93-05-018	495E-120-020	NEW-P	93-09-034	495E-140-110	NEW	93-13-112
495B-300-010	NEW	93-05-018	495E-120-020	NEW	93-13-107	495E-168-010	NEW-P	93-09-040
495B-300-020	NEW	93-05-018	495E-120-030	NEW-P	93-09-034	495E-168-010	NEW	93-13-113
495B-300-030	NEW	93-05-018	495E-120-030	NEW	93-13-107	495E-168-020	NEW-P	93-09-040
495B-300-040	NEW	93-05-018	495E-120-040	NEW-P	93-09-034	495E-168-020	NEW	93-13-113
495B-310-010	NEW	93-05-018	495E-120-040	NEW	93-13-107	495E-168-030	NEW-P	93-09-040
495B-310-020	NEW	93-05-018	495E-120-045	NEW-P	93-09-034	495E-168-030	NEW	93-13-113
495B-310-030	NEW	93-05-018	495E-120-045	NEW	93-13-107	495E-168-040	NEW-P	93-09-040
495B-310-040	NEW	93-05-018	495E-120-050	NEW-P	93-09-034	495E-168-040	NEW	93-13-113
495B-325-010	NEW	93-05-018	495E-120-050	NEW	93-13-107	495E-168-050	NEW-P	93-09-040
495D-104-010	AMD	93-03-086	495E-120-060	NEW-P	93-09-034	495E-168-050	NEW	93-13-113
495E-104-010	NEW-P	93-09-031	495E-120-060	NEW	93-13-107	495E-168-060	NEW-P NEW	93-09-040 93-13-113
495E-104-010	NEW D	93-13-104	495E-120-070	NEW-P	93-09-034 93-13-107	495E-168-060 495E-276-010	NEW-P	93-13-113
495E-104-020	NEW-P	93-09-031 93-13-104	495E-120-070 495E-120-080	NEW NEW-P	93-13-107	495E-276-010	NEW-F	93-13-114
495E-104-020	NEW NEW-P	93-13-104	495E-120-080	NEW	93-13-107	495E-276-020	NEW-P	93-09-041
495E-104-030 495E-104-030	NEW-F	93-13-104	495E-120-090	NEW-P	93-09-034	495E-276-020	NEW	93-13-114
495E-108-010	NEW-P	93-09-032	495E-120-090	NEW	93-13-107	495E-276-030	NEW-P	93-09-041
495E-108-010	NEW	93-13-105	495E-120-100	NEW-P	93-09-034	495E-276-030	NEW	93-13-114
495E-108-020	NEW-P	93-09-032	495E-120-100	NEW	93-13-107	495E-276-040	NEW-P	93-09-041
495E-108-020	NEW	93-13-105	495E-120-110	NEW-P	93-09-034	495E-276-040	NEW	93-13-114
495E-108-030	NEW-P	93-09-032	495E-120-110	NEW	93-13-107	495E-276-050	NEW-P	93-09-041
495E-108-030	NEW	93-13-105	495E-120-120	NEW-P	93-09-034	495E-276-050	NEW	93-13-114
495E-108-040	NEW-P	93-09-032	495E-120-120	NEW	93-13-107	495E-276-060	NEW-P	93-09-041
495E-108-040	NEW	93-13-105	495E-120-130	NEW-P	93-09-034	495E-276-060	NEW	93-13-114
495E-108-050	NEW-P	93-09-032	495E-120-130	NEW	93-13-107	495E-276-070	NEW-P	93-09-041
495E-108-050	NEW	93-13-105	495E-120-140	NEW-P	93-09-034	495E-276-070	NEW	93-13-114
495E-108-060	NEW-P	93-09-032	495E-120-140	NEW	93-13-107	495E-276-080	NEW-P NEW	93-09-041
495E-108-060	NEW	93-13-105	495E-120-150	NEW-P	93-09-034	495E-276-080 495E-276-090	NEW-P	93-13-114 93-09-041
495E-108-070	NEW-P	93-09-032	495E-120-150 495E-120-160	NEW NEW-P	93-13-107 93-09-034	495E-276-090	NEW	93-13-114
495E-108-070	NEW NEW-P	93-13-105 93-09-032	495E-120-160 495E-120-160	NEW-F	93-13-107	495E-276-100	NEW-P	93-09-041
495E-108-080 495E-108-080	NEW-P	93-13-105	495E-120-170	NEW-P	93-09-034	495E-276-100	NEW	93-13-114
495E-116-010	NEW-P	93-09-033	495E-120-170	NEW	93-13-107	495E-276-110	NEW-P	93-09-041
495E-116-010	NEW	93-13-106	495E-120-180	NEW-P	93-09-034	495E-276-110	NEW	93-13-114
495E-116-020	NEW-P	93-09-033	495E-120-180	NEW	93-13-107	495E-276-120	NEW-P	93-09-041
495E-116-020	NEW	93-13-106	495E-120-190	NEW-P	93-09-034	495E-276-120	NEW	93-13-114
495E-116-030	NEW-P	93-09-033	495E-120-190	NEW	93-13-107	495E-276-130	NEW-P	93-09-041
495E-116-030	NEW	93-13-106	495E-122-010	NEW-P	93-09-035	495E-276-130	NEW	93-13-114
495E-116-040	NEW-P	93-09-033	495E-122-010	NEW	93-13-108	495E-276-140	NEW-P	93-09-041
495E-116-040	NEW	93-13-106	495E-122-020	NEW-P	93-09-035	495E-276-140	NEW	93-13-114
495E-116-050	NEW-P	93-09-033	495E-122-020	NEW	93-13-108	495E-280-010	NEW-P	93-09-042
495E-116-050	NEW	93-13-106	495E-122-030	NEW-P	93-09-035	495E-280-010	NEW	93-13-115
495E-116-060	NEW-P	93-09-033	495E-122-030	NEW	93-13-108	495E-280-015	NEW-P	93-09-042
495E-116-060	NEW	93-13-106	495E-122-040	NEW-P	93-09-035	495E-280-015	NEW	93-13-115
495E-116-070	NEW-P	93-09-033	495E-122-040	NEW	93-13-108	495E-280-020	NEW-P	93-09-042
495E-116-070	NEW	93-13-106	495E-132-010	NEW-P	93-09-036	495E-280-020	NEW D	93-13-115
495E-116-080	NEW-P	93-09-033	495E-132-010	NEW	93-13-109	495E-280-030	NEW-P	93-09-042
495E-116-080	NEW	93-13-106	495E-133-020	NEW-P	93-09-037	495E-280-030	NEW D	93-13-115
495E-116-090	NEW-P	93-09-033	495E-133-020	NEW D	93-13-110	495E-280-040	NEW-P	93-09-042 93-13-115
495E-116-090	NEW D	93-13-106	495E-134-010	NEW-P NEW	93-09-038 93-13-111	495E-280-040 495E-280-050	NEW NEW-P	02.00,043
495E-116-100	NEW-P	93-09-033	495E-134-010	NEW-P	93-13-111	495E-280-050 495E-280-050		93-09-042
495E-116-100	NEW D	93-13-106	495E-140-010	NEW-P NEW	93-13-112	495E-280-060		93-13-113
495E-116-110	NEW-P	93-09-033	495E-140-010 495E-140-020	NEW-P	93-09-039	495E-280-060	NEW-P	93-09-042
495E-116-110 495E-116-120	NEW NEW-P	93-13-106 93-09-033	495E-140-020 495E-140-020	NEW-F	93-13-112	495E-280-070	NEW-P	93-09-042
47.JE-110-120	MEW-P	73-07-033	1 47JE-140-020	1 11 11	75-15-112	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		75 07-072

[30]

			Table of WAC Se	ections Affected		
WAC #		WSR #	WAC #	WSR #	WAC #	WSR #
1055 200 050						
495E-280-070	NEW	93-13-115	,		<u> </u>	
495E-280-080 495E-280-080	NEW-P NEW	93-09-042 93-13-115				
495E-280-080 495E-280-090	NEW-P	93-13-113			1	
495E-280-090	NEW	93-13-115			Ì	
495E-280-100	NEW-P	93-09-042				
495E-280-100	NEW	93-13-115				
495E-280-110	NEW-P	93-09-042				
495E-280-110	NEW	93-13-115	•			
495E-280-120	NEW-P	93-09-042				
495E-280-120	NEW	93-13-115				
495E-300-010	NEW-P	93-09-043				
495E-300-010 495E-300-020	NEW NEW-P	93-13-116 93-09-043				
495E-300-020	NEW	93-13-116				
495E-300-030	NEW-P	93-09-043				
495E-300-030	NEW	93-13-116			Î	
495E-300-040	NEW-P	93-09-043				
495E-300-040	NEW	93-13-116				
495E-300-050	NEW-P	93-09-043			·	
495E-300-050	NEW	93-13-116			ļ	
495E-325-010	NEW-P	93-09-044				
495E-325-010	NEW	93-13-117				
495E-400-010	NEW-P	93-09-045 93-13-118				
495E-400-010 495E-400-020	NEW NEW-P	93-13-118				
495E-400-020	NEW-F	93-13-118				
495E-400-030	NEW-P	93-09-045				
495E-400-030	NEW	93-13-118				
495E-400-040	NEW-P	93-09-045				
495E-400-040	NEW	93-13-118				
495E-400-050	NEW-P	93-09-045				
495E-400-050	NEW	93-13-118				
495E-400-060	NEW-P	93-09-045				
495E-400-060	NEW	93-13-118				
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ACCOUNTANCY, BOARD OF	DDOD	02.00.006	Apples	/	
Address changes	PROP	93-08-096	apple maggot survey and detection		
A dividianting and another	PERM	93-12-073	program	EMED	02.04.070
Adjudicative proceedings	PROP PERM	93-08-095 93-12-074	funding	EMER PROP	93-04-078 93-04-103
Board inquiries, duty to response	PROP	93-12-074		PERM	93-04-105
board inquiries, duty to response	PERM	93-12-072	assessments on shipments	EMER	93-04-078
Confidential information	PROP	93-08-092	assessments on simplificates	PROP	93-04-103
	PERM	93-12-076	labeling as to state or		75 0. 105
CPA certificates			country of origin	PROP	93-13-141
applications	PROP	93-08-102	Asparagus		
	PERM	93-12-067	container and packaging standards	PROP	93-01-131
education requirements	PROP	93-08-098	•	PROP	93-05-022
•	PERM	93-12-071	Asparagus commission		
examinations	PROP	93-08-089	meetings	MISC	93-01-117
	PERM	93-12-064	Barley commission		
	PROP	93-08-099	meetings	MISC	93-06-034
	PERM	93-12-070	Beef commission	14100	02 02 050
	PROP PERM	93-08-100 93-12-069	meetings County and area fairs	MISC	93-03-052
experience requirements	PROP	93-12-009	special assistance grant limits	PERM	93-02-028
experience requirements	PERM	93-12-068	Environmental Protection Agency/state	FERM	93-02-028
reinstatement	PROP	93-08-104	agreement	MISC	93-13-040
	PERM	93-12-065	Fairs)J-1J-040
temporary permits	PROP	93-08-103	county and area fairs		
, , , , , , , , , , , , , , , , , , , ,	PERM	93-12-066	special assistance grant limits	PERM	93-02-028
Fees	PROP	93-08-094	Farmed salmon commission		
	PERM	93-12-075	meetings	MISC	93-08-056
Liability insurance			Fertilizers		
for corporations	PROP	93-08-088	bulk storage and containment	PROP	93-12-044
Licensing requirements	PROP	93-08-089	Fruits and vegetables		
	PERM	93-12-064	origin labeling of product	PROP	93-08-060
	PROP PERM	93-08-098	Farmer and a second second	PROP	93-12-047
	PROP	93-12-071 93-08-101	Fryer commission	MISC	93-04-085
	PERM	93-12-068	meetings Grapes	MISC	93-04-083
	PROP	93-08-102	certified nursery stock, application		
	PERM	93-12-067	and fees	PROP	93-13-091
	PROP	93-08-103	Hop commission	· Roi	70 10 071
	PERM	93-12-066	baled hops labeling	PROP	93-06-083
	PROP	93-08-104		PERM	93-09-014
•	PERM	93-12-065	meetings	MISC	93-01-128
Meetings	PROP	93-08-091	Hops		
	PERM	93-12-077	certified rootstock, field standards		
Officers	PROP	93-08-091	for production	PROP	93-13-090
	PERM	93-12-077	certification analysis	PROP	93-12-134
Practice and procedure	PROP	93-08-089	fees	PROP	93-12-134
D 11	PERM	93-12-064	Noxious weed control board	MICC	02.01.004
Preamble	PROP PERM	93-08-090 93-12-063	meetings noxious weed list and schedule	MISC	93-01-094
Public records, availability	PROP	93-12-003	of penalties	PERM	93-01-004
rubic lecolds, availability	PERM	93-12-064	practice and procedure	PERM	93-01-004
	PROP	93-08-093	Noxious weed seed	LEKIN	75-01-001
			prohibited noxious weed seeds	PERM	93-01-069
ADMINISTRATIVE HEARINGS, OFFICE OF			restricted noxious weed seeds		93-01-069
Adjudicative proceedings			Pesticides		
interpreters	PROP	93-07-096	apiaries, pesticide use		
-	PERM	93-10-097	restrictions	EMER	93-12-038
Organization and operation	PROP	93-07-097		PROP	93-12-129
	PERM 9	93-10-098	microencapsulated methyl parathion,		
			use restrictions	EMER	93-12-038
AGRICULTURE, DEPARTMENT OF				PROP	93-12-129
Adjudicative proceedings	DD OD	02.07.021	penalty assignment schedule	PROP	93-04-114
presiding officers	PROP	93-07-021 93-07-022		PROP	93-06-007
	EMER PERM	93-07-022		PROP PERM	93-06-075 93-10-047
Apiaries	I DIVIVI	75-10-UJ7	phosdrin, use restrictions	PROP	93-10-047
identification markings	EMER	93-12-039	phosonin, use restrictions		93-12-126
pesticides, use restrictions		93-12-038			93-13-045
L	PROP	93-12-129			93-13-046
	•		violations, rights of persons aggrieved		
			by	PROP	93-04-113
				PROP	93-06-008
•				PROP	93-06-076
•				PERM	93-10-046

ziram, use restrictions	PROP	93-12-128	Meetings	MISC	93-06-047
Plant services			B-	MISC	93-12-006
holly, cut spray standards	PROP	93-07-053	Parking and traffic	PROP	93-08-067
nursery stock standards	PROP	93-07-053	ranng and tarrie	PERM	93-12-007
Rapeseed	i koi	75 07 055	Refund policy	PROP	93-12-097
production districts	PROP	93-07-085	Retuind policy	PROP	93-12-098
production districts	PERM	93-11-032	Rules coordinator	MISC	93-05-051
Dedhamiltonian	FERIN	93-11-032		PROP	93-03-031
Red raspberry commission	MICC	03.01.050	Student conduct code		
meetings	MISC	93-01-052		PERM	93-12-008
Rules coordinator	MISC	93-11-100			
State/Environmental Protection Agency			BELLINGHAM TECHNICAL COLLEGE		
agreement	MISC	93-13-040	Board of trustees	PERM	93-05-018
Strawberry commission			Debts, services withheld		
affected producer, definition	PROP	93-04-094	for outstanding	PERM	93-05-018
	PERM	93-10-063	Discrimination	PERM	93-05-018
chemical regulation	PROP	93-04-094	Facilities use	PERM	93-05-018
	PERM	93-10-063	Family Educational Rights and		
meetings	MISC	93-02-061	Privacy Act compliance	PERM	93-05-018
Weeds			Financial aid	PERM	93-05-018
noxious weed seeds, prohibited	PERM	93-01-069	Grievance procedures	PERM	93-05-018
noxious weed seeds, restricted	PERM	93-01-069	Library-media center code	PERM	93-05-018
Weights and measures	. 2	,, ,,	Meetings	MISC	93-01-021
city sealers				MISC	93-05-003
report forms	PROP	93-02-016		MISC	93-06-071
report forms	PERM	93-03-079		MISC	93-08-057
inspection fees	PROP	93-02-016		MISC	93-08-058
inspection rees	PERM	93-03-079		MISC	93-11-019
railroad scale testing requirements	PROP		•	MISC	93-12-131
ramoad scale testing requirements		93-02-016	Oii		
22.7	PERM	93-03-079	Organization and operation	PERM	93-05-018
Wheat commission		02 01 042	Parking and traffic	PERM	93-05-018
meetings	MISC	93-01-043	Practice and procedure	PERM	93-05-018
Wine commission			Public records, availability	PERM	93-05-018
meetings	MISC	93-03-074	Rules coordinator	PERM	93-05-018
			Scholarships	PERM	93-05-018
ASIAN AMERICAN AFFAIRS, COMMISSION			State Environmental Policy		
Meetings	MISC	93-10-009	Act compliance	PERM	93-05-018
			Student conduct code	PERM	93-05-018
					93-05-018
ATTORNEY GENERAL'S OFFICE			Tuition and fee schedule	PERM	73-03-010
Lemon Law					
	EMER	93-07-017	BENTON FRANKLIN WALLA WALLA COU		
Lemon Law arbitration requests Opinions	EMER	93-07-017	BENTON FRANKLIN WALLA WALLA COU POLLUTION CONTROL AUTHORITY	JNTIES A	AIR
Lemon Law arbitration requests	EMÈR	93-07-017	BENTON FRANKLIN WALLA WALLA COU POLLUTION CONTROL AUTHORITY Agricultural burning	INTIES A	AIR 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3)	EMÈR MISC	93-07-017 93-10-034	BENTON FRANKLIN WALLA WALLA COU POLLUTION CONTROL AUTHORITY	INTIES A	AIR
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and			BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders	INTIES A PROP	AIR 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8)			BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects	PROP PROP PROP PROP	93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and	MISC	93-10-034	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders	PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services	MISC	93-10-034	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties	PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7)	MISC MISC	93-10-034 9 3-13-072	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties	PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon	MISC MISC	93-10-034 93-13-072 93-13-071	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges	PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10)	MISC MISC	93-10-034 9 3-13-072	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority	MISC MISC	93-10-034 93-13-072 93-13-071	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession	MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2)	MISC MISC	93-10-034 93-13-072 93-13-071	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for	MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6)	MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services	MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31)	MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board	MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee,	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4)	MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29)	MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-01-062	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No. 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5)	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-10-036	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendor selection review	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11)	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-01-062	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendor selection review Vendors	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-10-036 93-13-075	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendor selection review	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of district courts to require (1993, No. 9)	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-01-062 93-10-036 93-13-075 93-13-073	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendor selection review Vendors	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-10-036 93-13-075	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendors eligibility	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of district courts to require (1993, No. 9) Rules coordinator	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-01-062 93-10-036 93-13-075 93-13-073	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendors eligibility BLIND, WASHINGTON STATE SCHOOL	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-07-117 93-07-10-067
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No 6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of district courts to require (1993, No. 9) Rules coordinator	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-01-062 93-10-036 93-13-075 93-13-073	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendors elegibility BLIND, WASHINGTON STATE SCHOOL FOR THE	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-07-117 93-10-067
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Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No.6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of district courts to require (1993, No. 9) Rules coordinator BEEF COMMISSION (See AGRICULTURE, DEPARTMENT OF)	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-01-062 93-10-036 93-13-075 93-13-073	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendors election review Vendors eligibility BLIND, WASHINGTON STATE SCHOOL FOR THE Rules coordinator	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-07-117 93-10-067
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No.6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of district courts to require (1993, No. 9) Rules coordinator BEEF COMMISSION (See AGRICULTURE, DEPARTMENT OF) BELLEVUE COMMUNITY COLLEGE	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-10-036 93-13-075 93-13-073 93-12-130	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendor selection review Vendors eligibility BLIND, WASHINGTON STATE SCHOOL FOR THE Rules coordinator BOILER RULES, BOARD OF	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-07-117 93-10-067
Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No.6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of district courts to require (1993, No. 9) Rules coordinator BEEF COMMISSION (See AGRICULTURE, DEPARTMENT OF)	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-10-036 93-10-036 93-13-073 93-12-130	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendor selection review Vendors eligibility BLIND, WASHINGTON STATE SCHOOL FOR THE Rules coordinator BOILER RULES, BOARD OF (See LABOR AND INDUSTRIES,	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-07-117 93-10-067
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Lemon Law arbitration requests Opinions campaign contributions, reporting requirements (1993, No. 3) commercial paper investments by state and local governments (1993, No. 8) emergency medical care and services property tax levies (1993, No. 7) firearms possession by convicted person upon pardon or final discharge (1993, No. 10) fisheries department authority regarding fish possession and size limits (1993, No.2) hazardous waste plans, fees for implementation (1993, No.6) library fees for services (1992, No. 31) municipal firemen's pension board membership (1993, No. 4) natural resources department, earned interest credits (1992, No. 29) pesticide use, state preemption of local authority to regulate (1993, No. 5) prisoners, authority of county to charge booking fees (1993, No. 11) traffic school attendance, ability of district courts to require (1993, No. 9) Rules coordinator BEEF COMMISSION (See AGRICULTURE, DEPARTMENT OF) BELLEVUE COMMUNITY COLLEGE	MISC MISC MISC MISC MISC MISC MISC MISC	93-10-034 93-13-072 93-13-071 93-13-074 93-10-033 93-10-037 93-02-058 93-10-035 93-10-036 93-10-036 93-13-073 93-12-130	BENTON FRANKLIN WALLA WALLA COUPOLLUTION CONTROL AUTHORITY Agricultural burning Air operating permits Appeals from board orders Asbestos projects Board powers and duties Control officer's powers and duties Fees and charges Open burning Solid fuel burning devices Source registration Variances BLIND, DEPARTMENT OF SERVICES FOR THE Definitions challenge test licensee, term deleted Vending facilities operation in absence of assigned vendor vendor or licensee selection vendor selection review Vendors eligibility BLIND, WASHINGTON STATE SCHOOL FOR THE Rules coordinator BOILER RULES, BOARD OF (See LABOR AND INDUSTRIES,	PROP PROP PROP PROP PROP PROP PROP PROP	93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-13-128 93-07-117 93-10-067

UILDING CODE COUNCIL			COMMUNITY DEVELOPMENT, DEPARTM	FNT OF	
Barrier-free facilities	PERM	93-01-166	Bond cap allocation	PROP	93-09-061
Energy code			•	PERM	93-13-012
efficiency requirements for	DD OD	02.00.022	Comprehensive plans and development		
nonresidential buildings	PROP PROP	93-08-077 93-08-084	regulations criteria for adoption	PROP	93-13-138
	PROP	93-10-004	Development loan fund	FROF	93-13-136
Fireworks			meetings	MISC	93-01-121
storage, use, and handling	PERM	93-01-162	Development regulations and comprehensive		
Fueling tank vehicles	DEDA	02.01.162	plans		
fleet fueling requirements Indoor air quality	PERM	93-01-163	criteria for adoption Emergency food assistance program	PROP	93-13-138
ventilation and indoor air			funding	PROP	93-08-087
quality code	PROP	93-01-016	Enhanced 911	inoi	22 00 007
	PERM	93-02-056	funding	EMER	93-07-063
Meetings	MISC	93-01-160		PROP	93-07-112
Policies and procedures Rules coordinator	PROP MISC	93-01-161 93-05-025	Fire marshal standards	PERM	93-11-039
Uniform codes	MISC	93-03-023	rife maishar standards	PROP EMER	93-04-060 93-04-061
fire code and fire code standards	PERM	93-01-162		PERM	93-05-032
	PERM	93-01-163	Fire protection services division		
Ventilation and indoor air quality code	PROP	93-01-016	meetings	MISC	93-05-005
Water conservation performance standards	PERM PERM	93-02-056 93-01-164	Growth management		
water conservation performance standards	LEVIN	93-01-104	comprehensive plans and development regulations, criteria for	PROP	93-13-138
ENTRAL WASHINGTON UNIVERSITY			Low-income home energy assistance	INOI	/5-15-150
Meetings	MISC	93-08-001	program hearings	MISC	93-13-010
Rules coordinator	MISC	93-01-095	Public works board		
ENTRALIA COLLECE			meetings	MISC	93-01-127
ENTRALIA COLLEGE Meetings	MISC	93-01-071	rules coordinator	MISC MISC	93-07-059 93-04-104
Organization and operation	PROP	93-06-067	Rules coordinator	MISC	93-04-104
	PERM	93-13-050			
Rules coordinator	MISC	93-06-084	COMMUNITY ECONOMIC REVITALIZATION		RD
LADY COLLECE			(See TRADE AND ECONOMIC DEVELOPMENT OF)	MENT,	
LARK COLLEGE Meetings	MISC	93-02-005	DEPARTMENT OF)		
Rules coordinator	MISC	93-02-005	CONSERVATION AND RENEWABLE		
			ENERGY SYSTEM		
LEMENCY AND PARDONS BOARD			Meetings	MISC	93-03-076
Meetings	MISC MISC	93-01-040 93-02-022		MISC	93-05-002
	MISC	93-02-022	CONSERVATION COMMISSION		
LOVER PARK TECHNICAL COLLEGE			Meetings	MISC	93-03-035
Meetings	MISC	93-12-061			
Parking and traffic	PROP	93-01-033	CONVENTION AND TRADE CENTER	14100	03.01.14
ODE REVISER'S OFFICE			Meetings	MISC MISC	93-01-145 93-03-053
Rules coordinator	MISC	93-01-001		MISC	93-06-004
				MISC	93-07-025
OLUMBIA RIVER GORGE COMMISSION				MISC	93-07-056
Appeals from decisions	MISC	93-11-020		MISC	93-09-011
Land use ordinance	MISC MISC	93-11-021 93-03-093		MISC MISC	93-09-046 93-11-066
Dana use oranialee	MISC	93-03-093		MISC	93-11-000 93-13-031
	MISC	93-11-023			70 10 001
Clark County	MISC	93-04-126	CORRECTIONS, DEPARTMENT OF		
	MISC	93-11-022	Rules coordinator	MISC	93-08-014
Hand Birray County, Onnon	MISC MISC	93-11-023	COUNTY DOAD ADMINISTRATION DOADS		
Hood River County, Oregon	MISC	93-04-125 93-11-022	COUNTY ROAD ADMINISTRATION BOARD Pavement management systems	P ROP	93-07-045
	MISC	93-11-023	Rules coordinator	MISC	93-07-043
Klickitat County	MISC	93-04-124			, c 02 00,
	MISC	93-11-022	CRIMINAL JUSTICE TRAINING COMMISSI	ON	
Ween County Ores	MISC	93-11-023	Basic law enforcement academy	DD 4-	02.00.00
Wasco County, Oregon	MISC MISC	93-04-123 93-11-022	curriculum	PROP	93-08-055 93-13-097
	MISC	93-11-022	readmission	PROP	93-13-097
				PROP	93-08-030
OMMUNITY AND TECHNICAL COLLEGE	S,				93-13-103
STATE BOARD FOR	DED 14	02.01.015	requirements	PROP	93-05-039
Annuity contract repurchase Personnel standards	PERM PROP	93-01-015 93-10-103	training requirements	PROP PERM	93-07-118 93-13-098
Project even start	EMER	93-09-047		LERIVI	/3-13-070
Running start program		93-01-014			
			f 2 3		

Corrections academies			agreement	MISC	93-13-040
readmission	PROP	93-03-085	Flood control		
	PERM		grant funding priorities	MISC	93-09-066
requirements	PROP		Forest practices		
	PROP	93-07-120	aquatic habitat protection	PERM	93-01-091
	PERM	93-13-099	water quality protection	PERM	93-01-091
Fire marshals				PROP	93-05-042
training requirements	PROP	93-10-029		EMER	93-07-090
	PROP	93-10-030		PERM	93-11-062
	PERM	93-13-100	Mixed waste		
	PERM	93-13-101	management fees	PERM	93-09-065
			Motor vehicles		
DEAF, WASHINGTON SCHOOL FOR THE			emission inspection	PROP	93-03-092
Rules coordinator	MISC	93-01-129	·	PERM	93-10-062
				PROP	93-12-080
EASTERN WASHINGTON UNIVERSITY				EMER	93-12-081
Discrimination	PERM	93-01-073	Oil spills		
			gasoline vapor control, compliance		
ECOLOGY, DEPARTMENT OF			schedules	PERM	93-03-089
Agricultural activities				PROP	93-04-108
burning permit	PROP	93-03-090	•	PERM	93-13-011
	EMER	93-04-002		PERM	93-13-068
	EMER	93-09-063	oil transfer and handling facilities,		
	EMER	93-12-012	personnel training and certific-		
grass seed production permit	EMER	93-04-002	ation	PERM	93-01-089
	EMER	93-12-012	Oil transfer and handling facilities		
Air quality			personnel training and certification		
agricultural burning, permit	PROP	93-03-090	,	PERM	93-01-089
5, 1	EMER		Rules coordinator	MISC	93-01-087
	PROP	93-09-063	Service stations		
	EMER		gasoline vapor control, compliance		
air pollution sources, regulation	PROP	93-03-065	schedules	PERM	93-03-089
F	PERM		•	PROP	93-04-108
	PROP	93-05-048			93-13-011
	PROP	93-07-042			93-13-068
	PROP	93-07-062	Shoreline master programs		70 10 000
gasoline vapor control,		,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,,	Clark County	PERM	93-01-108
compliance schedules	PERM	93-03-089	Dupont, city of	PROP	93-04-064
compliance series are	PROP	93-04-108	Duponi, only of	PERM	
		93-13-011	Edmonds, city of	PROP	93-03-091
		93-13-068			93-13-020
motor vehicle emission inspection	PROP	93-03-092	Jefferson County	PROP	93-10-100
motor vemere emission inspection	PERM	93-10-062	Montesano, city of		93-09-062
	PROP	93-12-080	Mountlake Terrace, city of	PROP	93-06-051
	EMER	93-12-081	mountaine rorrace, enty or	PROP	93-13-047
operating permits	PROP	93-07-062	Olympia, city of	PROP	93-06-050
solid fuel burning devices	·)5 07 00 2	5.7p.a, vy 5.	PROP	93-11-061
emission performance standards	PERM	93-04-105			93-12-107
fees		93-01-137	Pierce County		93-02-048
ices		93-04-105	Port Townsend, city of	PROP	93-01-088
Tacoma, Environmental Protection Agency	LIKIM	75-04-105	Tort Townsend, erry or	PERM	93-07-116
redesignation	MISC	93-13-043		PROP	93-10-100
transportation activities, conformity	MISC	/3-13-043	San Juan County	PERM	93-01-138
to air quality implementation plans	PERM	93-04-006	Seattle, city of	PERM	93-01-136
Chlorofluorcarbon refrigerants	LICIVI	93-04-000	Scattic, city of	PROP	93-05-043
reclamation and recycling	EMER	93-02-049		PERM	93-03-043
reciamation and recycling	PERM	93-02-049	Stevens County	PROP	93-12-011
1:	EMER		Stevens County		93-04-063
recycling requirements				PROP	
~	PERM	93-02-050	Transport of the set	PROP	93-11-074
Clean Air Act			Tacoma, city of	PERM	93-01-110
violations	E) (E)	00.00.010	Vancouver, city of	PERM	93-01-109
maximum penalty	EMER	93-02-012	Whatcom County	PROP	93-02-011
Dam safety regulations	PERM	93-01-090	0 11 6 11 2 1 2	PERM	93-04-063
Dangerous waste			Solid fuel burning devices		
chlorofluorocarbon refrigerants	EMER	93-02-049	emission performance standards	PERM	93-04-105
	PERM		fees	EMER	
designation	PROP	93-12-109	_ '	PERM	93-04-105
facilities, requirements	PROP	93-12-109	Solid waste		
tracking system	PROP	93-12-109	municipal solid waste landfills, criteria	PROP	93-12-110
Drinking water			State/Environmental Protection Agency		
	PROP	93-12-108	agreement	MISC	93-13-040
remedial action grants					
remedial action grants Environmental laboratories	· noi		Tacoma		
	PROP	93-13-127	Environmental Protection Agency air		
Environmental laboratories		93-13-127 93-13-127		MISC	93-13-043

Fransportation activities, conformity to			EMPLOYMENT SECURITY DEPARTMENT	1	•
air quality implementation plans	PERM	93-04-006	Rules coordinator		.93-01-167
Waste				MISC	93-05-008
discharge general permit program	PROP	93-03-066	Training		:
	EMER	93-03-067	commissioner approval	· PROP	93-13-137
	PERM	93-10-099	Unemployment compensation		
mixed waste facilities			commissioner approved training	PROP	93-11-005
management fees	PERM	93-09-065	voluntary layoffs	EMER	93-13-007
national pollutant discharge elimination			waiting period credit or benefits,		
system permit program	PROP	93-03-066	claims	PROP	93-07-086
	EMER	93-03-067		PERM	
solid waste			Voluntary layoffs	EMER	93-13-007
municipal solid waste landfills,	2222	00.10.110	ENDE ON THE ONLY WITH CHEEP THE TANK THE PARTY.		
criteria	PROP	93-12-110	ENERGY FACILITY SITE EVALUATION		
state waste discharge permit	DDOD	02.02.066	COUNCIL	14100	02 02 022
program	PROP	93-03-066 93-03-067	Meetings Members	MISC	93-02-023
		93-10-099	salaries and benefits, applicant		
Wastewater	I LIKIVI	75-10-077	funding of	PROP	93-07-094
construction grants priority and			fullding of	PERM	93-07-094
ranking system	PROP	93-09-064		LUCIVI	93-12-013
discharge permit program	PROP	93-03-066	ENERGY OFFICE		
disentage permit program		93-03-067	Organization	PERM	93-02-033
		93-10-099	Public records	LDIG	75 02 035
Water quality			availability	PERM	93-02-033
drinking water			copying fees	PERM	93-02-033
remedial action grants	PROP	93-12-108			
forest practices	EMER	93-07-090	ENGINEERS AND LAND SURVEYORS, BOA	ARD	
whole effluent toxicity			OF REGISTRATION FOR PROFESSIONAL	L	
testing and limits	PROP	93-08-085	Adjudicative proceedings		
Water rate charges	PROP	93-09-064	failure to meet prerequisites	PROP	93-09-024
Water resources management program				PERM	93-13-064
Columbia River main stem	PERM	93-01-009	Comity		93-01-081
Snake River main stem	PERM	93-01-010	Document preparation requirements	PROP	93-09-023
Water rights					93-13-066
Columbia River water withdrawal	PERM	93-01-009	Evaluation of license candidates	PERM	93-01-081
Snake River water withdrawal	PERM	93-01-010	Examinations		93-01-081
Woodstoves	DEDIA	02.04.105	Meetings	MISC	93-03-041
emission performance standards	PERM	93-04-105	Seal/stamp usage	PROP	93-09-022
fees	PERM	93-04-105		PERM	93-13-065
)MONDS COMMUNITY COLLEGE			EVERETT COMMUNITY COLLEGE		
Meetings	MISC	93-01-079	Meetings	MISC	93-02-030
viccings	MISC	93-02-013	Moctings	MISC	95-02-050
	MISC	93-05-049	EVERGREEN STATE COLLEGE, THE		
	MISC	93-07-049	Meetings	MISC	93-01-112
	MISC	93-09-005	•	-	
	MISC	93-13-032	FARMED SALMON COMMISSION (See		
			AGRICULTURE, DEPARTMENT OF)		
DUCATION, STATE BOARD OF					
Architectural and engineering services	PROP	93-08-041	FISHERIES, DEPARTMENT OF		
		93-13-026	Commercial		
Corporal punishment reporting requirement	PERM		baitfish		
High school graduation requirements	PERM	93-04-115	seasons	EMER	93-06-044
Instructional specialist certificate	PERM		bottomfish		
Meetings	MISC	93-08-008	coastal bottomfish		
Racial imbalance prohibition	DD OD	02.04.110	catch limits	EMER	93-01-140
acceptance criteria	PROP	93-04-119		EMER	93-04-095
at the discussion	PROP	93-07-100		PERM	93-07-093
School bus drivers	PROP	93-04-117		EMER	93-09-067
standards and qualifications	PERM	93-04-117		EMER	93-10-094 93-12-078
a i i i i i i i i i i i i i i i i i i i	PEKIVI	93-06-007	Puget Sound bottomfish	EMER	
School construction funding assistance, priority system	PERM	93-04-019	seasons	PROP EMER	93-12-092 93-11-010
	LEKIVI	33-04-013	buoy brands	PROP	
Site conditions acceptance criteria	PROP	93-04-118	crabs	LVOL	93-12-092
acceptance criteria	PERM	93-07-104	areas and seasons	PROP	02 12 002
Toochar	LEKIVI	7J-07*1U4	gear	PROP	93-12-092 93-12-092
Teachers definitions of terms	PROP	93-04-120	experimental fishery permit advisory	INOF	73-14-074
Genutions of terms	PERM	93-07-101	board	PROP	93-12-092
out-of-endorsement placement	PROP	93-04-116	geoducks		73-14-U74
Out-of-chidotachicht pracement	PERM	93-07-102	gear and unlawful acts	PROP	93-12-092
teacher preparation programs	PROP	93-04-120	licenses	PROP	93-12-092
toward but the transfer of the	PERM	93-07-101			

Index

Subject/Agency Index (Citation in bold type refer to material in this issue)

salmon			rules and definitions, amendments	PROP	93-04-096
coastal harbors				PROP	93-08-033
seasons and gear	PROP	93-09-074		PERM	93-08-034
C. I. L' D' L. D. L'II.	PROP	93-13-006	salmon		
Columbia River above Bonneville,	EMER	93-04-073	areas and seasons	EMER	93-08-016
seasons	EMER		Columbia River	EMER	93-04-043
	EMER			EMER EMER	93-06-013
Columbia River below Bonneville,	LIVILI	75-00-007		EMER	93-06-068 93-08-018
seasons	EMER	93-05-017	Klickatat River		93-13-009
	EMER	93-06-014	saltwater seasons and bag limits		93-10-045
	EMER	93-06-070	out valor bearing and out minus		93-13-036
	EMER	93-07-001	Wind River		93-13-029
Columbia River tributaries	EMER	93-10-061	shad		
	EMER	93-12-010	areas and seasons	EMER	93-09-026
	EMER	93-13-030	shrimp		
Puget Sound			area and seasons	EMER	93-11-057
seasons and gear	PROP	93-09-073		EMER	
troll season	EMER	93-10-043			93-12-079
scallops	EMED	02.07.042		EMER	93-13-057
areas and seasons coastal waters	EMER	93-07-043 93-12-092	smelt	EMED	02 01 000
Puget Sound	PROP PROP	93-12-092	areas and seasons	EMER	93-01-008
sea cucumbers	rkor	73-12-092	sturgeon areas and seasons	EMER	93-09-026
areas and seasons	EMER	93-10-044	Rules coordinator	MISC	93-09-026
weds and seasons	PROP	93-12-092	Rules coordinator	MISC	93-03-014
		93-13-058	FOREST PRACTICES BOARD		
		93-13-089	Application and notification	PROP	93-05-010
sea urchins				PERM	
areas and seasons	EMER	93-05-006	Chemicals	PROP	93-05-010
	EMER	93-07-006		PERM	93-12-001
shad			Definitions	PROP	93-05-010
Columbia River	EMER		•	PERM	93-12-001
	EMER	93-13-078	Endangered Species Act		
shellfish	22.02	00.10.000	relationship to Forest Practices Act	EMER	93-07-060
harvest logs	PROP	93-12-092	Enforcement	PROP	93-05-010
lawful and unlawful acts	EMER	93-11-040	Forest landowners	PERM	93-12-001
shrimp coastal waters	PROP	93-12-092	stewardship management plan	EMER	02.02.010
Puget Sound	EMER		Marbled murrelet	LIVIER	93-02-010
r ugot bound	EMER	93-11-057	critical wildlife habitats	EMER	93-07-060
	PROP	93-12-092	Meetings	MISC	93-01-132
smelt				MISC	93-03-088
areas and seasons	EMER	93-01-008		MISC	93-06-029
sturgeon		•		MISC	93-08-086
coastal harbors				MISC	93-11-082
seasons and gear	PROP	93-09-074	Policy and organization	PROP	93-05-010
Columbia River	51.455			PERM	93-12-001
above Bonneville, seasons		93-02-008	Practices and procedure	PROP	93-05-010
trawl gear	PROP	93-12-092	Defended a	PERM	
Personal use			Reforestation	PROP	93-05-010
clams area closures	EMED	93-08-059	Road construction and maintenance	PERM	-
area closures		93-08-039	Road construction and mannenance	PROP PERM	93-05-010 93-12-001
areas and seasons	LIVILI	75-07-025	State Environmental Policy Act (SEPA)	LEKWI	93-12-001
razor	EMER	93-01-017	compliance	PROP	93-05-010
,		93-01-104	••····p/·•iico	PERM	93-12-001
		93-07-092	Stewardship management plan	EMER	
	EMER	93-08-017	Stream shade cover	EMER	
	EMER	93-10-096		EMER	
seasons	PROP	93-10-095	Timber harvesting	PROP	93-05-010
crab				PERM	93-12-001
areas and seasons	EMER		Watershed analysis	PROP	93-05-010
		93-13-057		PERM	93-12-001
definitions and rules, amendments	PROP	93-04-096	0.12 m2 m2 0.02 m =======		
	PROP	93-08-033	GAMBLING COMMISSION		
6 1.6-1.	PERM	93-08-034	Amusement games		
food fish	E1 (EE	02.00.027	locations within grocery stores	DEE:	02.01.012
bag limits	EMER	93-09-026	authorized		93-01-013
free fishing days	PROP	93-10-095	managers, operators, and employees	PROP	93-13-061
free fishing days halibut	ENEK	93-13-028	operating requirements	PROP PERM	93-07-082 93-12-082
areas and seasons	EMED	93-13-002	wager and prize limits	PROP	93-12-082
oysters	2EK		Free with	PERM	93-12-082
areas and seasons	PERM	93-09-027			

[6]

			mutual holding companies		
3ingo	PROP	93-10-042	establishment and operation	PROP	93-11-087
accounting requirements		93-13-062	establishment and operation		93-13-142
authorized activities	PROP		Facilities off state capitol grounds		
	PERM	93-13-062	parking program	PROP	93-09-068
certification procedure for charitable				PROP	93-10-090
and nonprofit organizations	PROP	93-10-042		PROP	93-12-091
		93-13-062	Parking fees	PROP	93-05-041
disclosure of prizes and rules	PROP	93-10-042		PROP	93-09-068
		93-13-062		PROP PROP	93-10-090 93-12-091
limitations on prizes and receipts	PROP	93-10-042 93-13-062	Retrospective rating advisory group	rkor	93-12-091
ti	EMER	93-13-062	meetings	MISC	93-13-017
live performances as gifts	PROP	93-07-083	Risk management, division of	MISC	/5-15-01,
managers, operators, and employees	PROP	93-13-061	local government self-insurance	PROP	93-07-014
procedures for conducting	PROP	93-10-042	φ	PROP	93-09-030
procedures for conductung		93-13-062	Rules coordinator	MISC	93-07-084
Card games			Savings and loan associations, division of		
daily records	PROP	93-06-036	credit union supervisory		
 ,	PERM	93-10-005	committees	PROP	93-07-103
definition	PROP	93-13-061			
tournaments for fees and prizes	PROP	93-07-082	GOVERNOR, OFFICE OF THE		
	PERM	93-12-082	Affirmative action policy committee	MICO	02 12 051
wager limits	PROP	93-04-044	meetings	MISC	93-13-051
Field offices and operations	PROP	93-01-133	Americans with Disabilities Act	MICC	02.06.040
	PERM	93-06-011	implementation	MISC	93-06-049
Licenses	DD OD	02.07.002	Ethical conduct standards for executive branch employees	MISC	93-03-049
denial, suspension, or revocation	PROP PERM	93-07-082 93-12-082	Higher education coordinating board designated	MISC	93-03-049
*	PERM	73-12-062	as review entity for Program Integrity		
Liquor as prizes	PROP	93-13-061	Triad	MISC	93-03-023
raffles for members only	MISC	93-03-009	Independent living and rehabilitation		
Meetings	MISC	93-13-060	advisory councils established	MISC	93-10-065
Punchboards and pull tabs			Rehabilitation and independent living		
coin-operated pull tab dispensing devices	PROP	93-07-083	advisory councils established	MISC	93-10-065
com operates para and employee	PROP	93-07-087	State of emergency		
	PERM	93-12-082	proclamation	MISC	93-04-005
electronic punchboards	PROP	93-07-081	termination	MISC	93-04-076
·	PERM	93-12-082	Travel expenditures for agencies,		02 10 06
flares, standards	PROP	93-06-036	standards	MISC	93-10-06
	PERM	93-10-005	CRAVE HARRON COLLECT		
fund raising events, pull tabs at	PROP	93-07-081	GRAYS HARBOR COLLEGE	MISC	93-01-130
	PERM	93-12-082 93-08-066	Meetings	WIISC	93-01-130
inventory and retention	PROP PERM	93-08-000	GREEN RIVER COMMUNITY COLLEGE		
		93-12-062	Meetings	MISC	93-02-004
name of manufacturer, display required	PROP	93-07-083	Student code of conduct	PERM	93-04-022
name of manufacturer, display requires	PERM	93-12-082			
prizes, minimum percentages	PERM	93-04-007	GROWTH PLANNING HEARINGS BOARDS		
recall of defective devices	PROP	93-06-036	Meetings	MISC	93-01-105
recuir of detective devices	PERM	93-10-005		MISC	93-03-017
Raffles			Petitions for review, filing	PROP	93-08-032
liquor raffled during members only				PERM	93-11-068
raffle	PROP	93-13-061	Practice and procedure	PROP	93-06-045
managers, operators, and employees	PROP	93-13-061	HARDWOODS COMMISSION		
Record-keeping requirements	PROP	93-08-066	HARDWOODS COMMISSION		
	PERM	93-12-082	(See TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)		
		93-13-063	DEVELOPMENT, DEFARTMENT OF)		
Rules coordinator	MISC	93-04-084	HEALTH CARE AUTHORITY		
Washington blackjack	PROP	93-10-042	Rules coordinator	MISC	93-08-019
rules of play		93-10-042	Rules coolumnio		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
wager limits, exception	PROP	93-04-044	HEALTH, DEPARTMENT OF		
wager minis, exception	PROP	93-10-042	Abortion facilities		
		93-13-062	criminal history disclosure and background		
			inquiries	PROP	93-04-091
ENERAL ADMINISTRATION,			-	PROP	93-08-078
DEPARTMENT OF			Adjudicative proceedings		
Banking, division of			disciplinary boards	PROP	93-04-102
check sellers				PERM	93-08-003
bonding requirements	PROP	93-13-143	secretary programs and professions	PROP	93-08-071
consumer loan companies				PEKM	93-13-005
charges, restrictions	PROP	93-13-144			
interstate acquisition reciprocity	PROP PERM	93-05-052 93-07-113			
	FERIN	73-07-113			-
			[7]		Inda

Adult residential rehabilitation centers criminal history disclosure			Dental hygienists licenses		
and background inquiries	PROP	93-04-091	fees	PROP	93-12-121
. IDS	PROP	93-08-078	out-of-state applicants	PROP PERM	93-01-147 93-06-042
AIDS	en m.c		Description and organization	PROP	93-00-0427
prescription drug and HIV intervention proge eligibility	PROP	93-06-095	Description and organization	PERM	93-08-004
engionity	PROP	93-11-006	Disciplinary boards		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
reporting requirements	PROP	93-03-003	adjudicative proceedings	PROP	93-04-102
reperming requirements	PERM	93-08-036	,	PERM	93-08-003
spending limitations	EMER	93-04-015	Drinking water		
Blood lead levels reporting	PROP	93-06-094	operating permit		
	PERM	93-10-038	fees	PERM	93-03-047
Boarding homes			requirements	PERM	93-03-047
criminal history disclosure and background		00.04.004	surface water standards and treatment	PROP	93-04-122
inquiries	PROP	93-04-091	Commence and test and testing	PERM	93-08 - 011
	PROP	93-08-078	Emergency medical services and trauma		
nursing care for residents Certification	EMER	93-12-004	care systems administration	PERM	93-01-148
expiration	PROP	93-10-071	certification	PERM	93-01-148
fees	PROP	93-10-071	continuing education	PERM	
temporary and provisional	inoi)5 1 0 0/1	definitions	PERM	
certificates	PROP	93-10-072	designation standards	PROP	93-13-124
Certificate of need			facilities	PERM	93-01-148
kidney disease treatment centers	EMER	93-01-150	fees	PROP	
•	PROP	93-08-070	licensure	PERM	
		93-13-015	training	PERM	
nursing homes	EMER	93-13-044	trauma registry	PERM	93-01-148
Childbirth centers			verification of trauma care services	PERM	93-01-148
criminal history disclosure and	DD 0.D	02.04.001	Environmental Protection Agency/state	MICC	93-13-040
background inquiries	PROP	93-04-091	agreement	MISC	93-13-040
China and disciplinate board	PROP	93-08-078	Health, board of rule-making authority	PROP	93-11-075
Chiropractic disciplinary board	MISC	93-02-064	Hearing aids, council on	IKOI	73-11-073
meetings professional standards,	MISC	73-02-004	hearing aid businesses	•	
mandatory reporting	EMER	93-10-006	adjudicative proceedings	PROP	93-13-145
Chiropractic examiners, board of	LIVIDA	75 10 000	bonding requirements	PERM	93-07-010
AIDS education	PROP	93-06-090	licenses		
	PERM	93-09-055	activities requiring	PERM	93-07-009
continuing education	PROP	93-06-090	continuing education requirements	PERM	93-07-007
	PROP	93-09-054	fees	PROP	93-10-071
	PERM	93-09-055	temporary practice permits	PERM	93-07-008
meetings	MISC	93-01-151	Home care agencies		
	MISC	93-08-062	criminal history disclosure and background	PROP	93-04-091
temporary permits	PROP PERM	93-06-090 93-09-055	inquiries	PROP	93-04-091
	PROP	93-06-090	Home health agencies	ikoi)3-00-070
x-ray technicians, registration		93-09-055	criminal history disclosure and background		
Contact lenses	LIKIVI	75 07 055	inquiries	PROP	93-04-091
fitting and dispensing	PROP	93-02-066		PROP	93-08-078
records retention	PROP	93-02-066	Hospice agencies		
Counselors			criminal history disclosure and background		
fees	PROP	93-10-071	inquiries	PROP	93-04-091
Criminal history disclosure and background				PROP	93-08-078
inquiries	PROP	93-04-091	Hospitals		
	PROP	93-08-078	criminal history disclosure and background	DDOD	02.04.001
Dental disciplinary board			inquiries	PROP	93-04-091
dental lab technicians	DD OD	02.00.106	new construction regulations	PROP	93-08-078 93-01-149
permitted acts	PROP	93-08-106	new construction regulations	PROP PERM	93-01-149
I' and resons	PROP	93-13-014	Kidney disease treatment centers	LEKIVI	95-07-011
unlicensed persons	PROP	93-08-106	certificate of need		
permitted acts	PROP	93-13-014	application moratorium	EMER	93-01-150
Dental examiners, board of	IKOI	75-15 014	dialysis station need formula	PROP	93-08-070
licensure without examination					93-13-015
application procedures	PROP	93-01-025	Lead poisoning		
application procedures	PROP	93-07-107	blood lead levels reporting	PROP	93-06-094
	PERM	93-12-005	. •	PERM	93-10-038
		93-01-025	Massage practitioners		
eligibility	PROP	75 01 025			
eligibility	PROP PERM		fees	PROP	93-10-071
eligibility examination standards			Medical examiners, board of		
	PERM PROP PERM	93-07-108 93-01-025 93-07-108		PROP PERM	93-10-071
	PERM PROP	93-07-108 93-01-025 93-07-108 93-01-025	Medical examiners, board of		

[8]

retired active physicians			cattle anabolic steroid implants	PERM	93-06-093
fees	PROP	93-11-073	ephedrine prescription restrictions	PERM	93-05-046
	PROP	93-12-122	licenses		
	EMER	93-12-124	fees	PROP	93-01-146
license renewal	PERM	93-01-078	• •	PERM	93-05-045
licenses	PERM	93-01-078		PROP	93-12-003
special purpose examination	PROP	93-05-047	nuclear pharmacies		
	PERM	93-11-008	accepted professional standards,		
surgical assistants			definition	PERM	93-04-016
utilization and supervision	PROP	93-05-047	patient medication, customized	55514	00.01.051
At a second of the	PERM	93-11-008	packages	PERM	93-01-051
Naturopathic physicians	DD OD	93-10-071	pharmacy assistants certification	DDOD	02.09.107
fees Nursing, board of	PROP	93-10-071	education and training	PROP PROP	93-08-107 93-08-107
mailing address, responsibility			education and training	PROP	93-08-107
for maintaining	PROP	93-06-091	specialized functions	PROP	93-12-123
101 mantaning	PERM	93-11-007	physician assistants, registration	PROP	93-12-003
registered nurses	Likin	75-11-007	practice and procedures	PERM	93-04-017
fees	PROP	93-08-080	prescription drug repackaging	PERM	93-01-051
1003	PERM	93-12-125	presemption orag representating	PROP	93-07-051
Nursing home administrators, board of			steroid compounds	PROP	93-08-109
definitions	PROP	93-08-105	Physical therapy, board of		
• •	PERM	93-13-004	aide supervision ratio	PROP	93-04-082
examinations	PROP	93-08-105	continuing competency	PROP	93-04-082
	PERM	93-13-004	examination requirements for those		
fees	PROP	93-10-071	failing exam twice	PERM	93-04-081
licenses	PROP	93-08-105	renewal of license	PERM	93-04-081
		93-13-004	unapproved schools, applicants	PERM	93-04-081
standards of conduct	PROP	93-08-105	Podiatric medical board		
	PERM	93-13-004	address notification	PROP	93-08-082
Nursing homes			advertising, prohibited types	PROP	93-08-082
certificate of need	EMER	93-13-044	temporary practice permits	PROP	93-08-082
Nursing pools			Practical nursing, board of	DED. 4	02.04.000
fees	PROP	93-10-071	impaired practical nurse program	PERM	93-04-080
quality assurance standards	PROP	93-10-039	Parama Com	PERM	93-07-023
registration	PROP	93-10-039	licenses, fees	PERM	93-07-023
Occupational therapy practice board			Practice and procedure	PROP	93-01-007
licensure	DD OD	02 12 000	Psychology, examining board of	PERM	93-08-004
application	PROP PROP	93-12-089 93-12-089	adjudicative proceedings		
examinations	PROP	93-12-089	model procedural rules	PROP	93-11-038
inactive status out-of-state applicants	PROP	93-12-089	model procedural fules	EMER	
renewals	PROP	93-12-089	assessment procedures	PROP	93-02-067
Ocularists	ikoi	75-12-007	assessment procedures	PERM	
training and licensing requirements	PROP	93-03-046	competence	PROP	93-02-067
training and necessing requirements	PERM	93-10-008	oompotenee		93-07-036
Opticians			confidentiality of clients	PROP	93-02-067
contact lens			•	PERM	93-07-036
fitting and dispensing	PROP	93-02-066	education prerequisites to licensing	PROP	93-02-065
licensure		•		PERM	93-06-092
application	PROP	93-10-040	ethical conduct	PROP	93-02-067
fees	PROP	93-10-040		PERM	93-07-036
	PROP	93-10-071	examination	PROP	93-04-014
retired active license	PROP	93-10-040		PERM	93-07-078
temporary permits	PROP	93-10-040		EMER	93-06-023
records retention	PROP	93-02-066	experience prerequisites to licensing	PROP	93-02-065
meetings	MISC	93-01-153		PERM	93-06-092
Optometry board			fees	PROP	93-02-067
contact lens				PERM	93-07-036
emergency replacement	PROP	93-08-079	fraud, misrepresentation, or deception	PROP	93-02-067
identification on prescriptions	MISC	93-03-030		PERM MISC	93-07-036 93-13-088
to the state of	PROP	93-08-079	meetings		
prescription, definition	MISC	93-03-030	misconduct	PROP PERM	93-02-067 93-07-036
prescription release	PROP	93-08-079	-coords retention	PROP	93-02-067
records retention	MISC MISC	93-03-030 93-03-030	records retention	PERM	93-02-007
specifications			Public records, availability	PROP	93-01-007
continuing advection	PROP PROP	93-08-079 93-08-079	Public records, availability	PERM	93-01-007
continuing education	FROP	73-00-077	Radiation protection, division of	. 51(141	25 00-00 -
Pharmacy, board of			fee schedule	PROP	93-08-069
address notification	PROP	93-04-101	100 001100110		93-13-019
audiess nouncation	PERM	93-10-007	Registration		22 20 047
aminorex	PROP	93-08-108	expiration	PROP	93-10-071
authority to order medications for			fees	PROP	93-10-071
administration	PROP	93-04-018			

	Residential treatment centers for psychiatrically			technical corrections	PROP	93-03-087
	impaired children and youth criminal history disclosure and				EMER	93-04-070
	background inquiries	PROP	93-04-091	State work study program	PERM	93-08-010
	ouckground inquiries	PROP	93-04-091	State work study program	PROP	93-11-093
	Shellfish	ikoi	75-06-076	Washington state scholars program	PROP	93-13-034
	certification fees	PROP	93-13-125	Work study program	PROP	93-11-094 93-11-093
	State/Environmental Protection Agency		70 10 120	Work study program		93-11-093
	agreement	MISC	93-13-040		ENIER	93-13-034
	Rules coordinator	MISC	93-01-050	HIGHER EDUCATION, JOINT CENTER FO	R	
	Rural health care facilities			Meetings	MISC	93-01-082
	criminal history disclosure and background				MISC	93-03-083
	inquiries	PROP	93-04-091			70 00 000
		PROP	93-08-078	HIGHER EDUCATION PERSONNEL BOARI)	
	Temporary-worker housing			Appeals		
	operating licenses	PERM	93-03-031	board responsibilities	PROP	93-01-142
	standards	PERM	93-03-032		PERM	93-06-033
		EMER	93-07-052	burden of proof	PROP	93-01-142
		PROP	93-07-106		PERM	93-06-033
	Votorinory hound of course	PERM	93-12-043	preparation of record	PROP	93-01-142
	Veterinary board of governors adjudicative proceedings				PERM	93-06-033
	model procedural rules	PROP	02 12 052	rights of applicants	PERM	
	animal technicians	PROP	93-13-052	Demotion, voluntary	PERM	
	examinations	PROP	93-04-079	Disability leave		93-13-008
	·	PERM	93-08-029	Eligible lists	PROP	93-11-103
		PROP	93-08-081	Eligible lists	PERM	
		PERM	93-12-126	Examination process .		93-13-008 93-01-156
	definitions	PROP	93-04-079	Examination process	PERM	
		PERM	93-08-029	Layoff lists		93-13-008
	fees	PROP	93-10-071	Layoff options	PERM	
	licenses	PROP	93-04-079	Leave of absence without pay	PROP	93-11-103
		PERM	93-08-029	excepted work period	PROP	93-01-141
	registration	PROP	93-04-079	•		93-06-032
		PERM	93-08-029	Meetings	MISC	93-01-154
,	veterinarian fees	PROP	93-04-121	Parental leave	PROP	93-11-103
		PERM	93-08-028	Qualifications		93-01-158
,	N	PROP	93-10-071	Recruitment and examination process		93-01-158
,	Water			Serious health condition leave	PROP	93-11-103
	drinking water operating permit	DEDM	02 02 047	Transfer/lateral movement		93-13-008
	surface water standards and	PERM	93-03-047	Trial service period	EMER	93-13-008
	treatment	PROP	93-04-122	HIGHLINE COMMUNITY COLLEGE		
	treatment	PERM	93-04-122	Adult education, advisory council for		
	water system evaluation project review	Likivi	75-00-011	meetings	MISC	93-01-070
	and approval fees	PERM	93-01-006	meetings	MISC	93-01-070
	1,1		75 01 050	HISPANIC AFFAIRS, COMMISSION ON		
HI	GHER EDUCATION COORDINATING BO	ARD		Meetings	MISC	93-02-052
1	American Indian endowed scholarship			· ·	MISC	93-07-050
	program	PROP	93-11-091			75 07 050
	Award for excellence in education			HORSE RACING COMMISSION		
	academic grant	PROP	93-11-092	Appeals	PROP	93-01-107
I	Degree Authorization Act			Entry, wager on one is wager on all	EMER	93-09-008
	administration and governance	PROP	93-12-106		PROP	93-11-060
	application requirements	PERM	93-01-103	Rules coordinator	MISC	93-09-051
	institution authorization	PERM	93-01-103	Stewards		
	private vocational schools	PERM	93-01-103	punishment, authority to award	PROP	93-01-107
r	surety bond requirement Displaced homemaker program	PERM	93-01-103	Trifecta rules	PROP	93-11-101
•	Dispraced nomemaker program	PROP PERM	93-01-099	Twin trifecta rules	PROP	93-11-102
F	Educational opportunity grant	FERIVI	93-07-061	HOUSING FINANCE COMMISSION		
•	program	PROP	93-11-090	Qualified allocation plan	DEDIA	02 01 120
F	future teacher conditional	· KOI	JJ-11-070	Agained anocation bign	PERM	93-01-122
•	scholarship program	PROP	93-11-089	HUMAN RIGHTS COMMISSION		
ŀ	lealth professional loan repayment			Meetings	MISC	93-01-020
	and scholarship program	PROP	93-11-088		MISC	93-01-020
S	state need grant program				MISC	93-01-065
	student eligibility	PROP	93-03-087		MISC	93-02-042
		EMER	93-04-070			93-05-036
		PERM	93-08-010		MISC	93-06-046
					MISC	93-09-052
					MISC	93-11-065
					MISC	93-12-103
	•					

NDETERMINATE SENTENCE REVIEW BOA	RD		Minors		
	MISC	93-03-077	nonagricultural employment	PERM	93-01-068
March Continue.				PERM	93-01-116
NSURANCE COMMISSIONER, OFFICE OF				PERM	93-04-112
Actuaries			Nonagricultural employment of minors	PERM	93-01-068
statement of actuarial opinion, quali-			F7	PERM	93-01-116
	PROP	93-01-159	•	PERM	93-04-112
	PROP	93-04-062	Occupational health standards		
	PERM	93-07-020	general	PERM	93-01-005
Insurers			6	PERM	93-01-067. :
	PROP	93-01-159		PROP	93-02-057
otatement of action of	PROP	93-04-062		PERM	93-07-044
	PERM	93-07-020		PROP	93-10-101
Medicare supplement insurance		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Safety and health standards		
	PERM	93-01-048	agriculture	PROP	93-02-031
	MISC	93-01-048	agriculture	PROP	93-02-057
Rules coordinator	WIISC	75-01-022		PERM	93-07-012
AMPEDECT DATEC				PERM	93-07-044
NTEREST RATES				PROP	93-10-041
(See inside front cover)			construction work	PERM	93-01-067
CONTROL OF A DECEMBER OF A DEC			construction work	PROP	93-01-007
INVESTMENT BOARD, STATE	MICC	02.00.015			
	MISC	93-09-015		PERM	93-04-111
Rules of conduct	PERM	93-04-008		PERM	93-07-044
COLUMNICATION COLUMNICATION ON			,	PROP	93-10-101
JUDICIAL CONDUCT, COMMISSION ON		02.01.010	general	PROP	93-10-101
1.14-18-	MISC	93-01-019	longshore, stevedore, and waterfront	DD 0D	
	MISC	93-06-065	operations	PROP	93-02-057
Rules coordinator	MISC	93-01-041		PERM	93-04-111
				PERM	93-07-044
LABOR AND INDUSTRIES, DEPARTMENT O				PROP	93-10-101
rigiteurar curvy com	PROP	93-02-031	ship repairing, shipbuilding,		
	PROP	93-02-057	and shipbreaking	PROP	93-10-101
	PERM	93-07-012	signage	PERM	93-01-067
	PERM	93-07-044	Workers' compensation		
Apprenticeship and training council			health care providers' reimbursement	PROP	93-11-095
apprenticeship agreements	PERM	93-04-100	manual of rules, classifications,		
	PERM	93-04-100	and rate tables	PROP	93-07-114
Asbestos, notice to employees of				PERM	93-12-093
	PERM	93-01-005	self-insurance certification	PROP	93-07-115
Boiler rules, board of				PERM	93-11-064
	PROP	93-08-073	signaling	PERM	93-01-067
	PERM	93-12-014			
	PROP	93-08-073	LAKE WASHINGTON TECHNICAL COLLEG	GE	
1003	PERM		Affirmative action	PERM	93-01-084
	MISC	93-01-063	Board of trustees	PERM	93-03-086
meetings	PROP	93-08-073	Bookstore operation	PERM	93-01-084
new compared to the control of the c		93-12-014	College calendar	PERM	
	PROP	93-08-073	Copyright and patent policy	PERM	93-01-084
		93-12-014	Debts, services withheld for outstanding	PERM	
Child labor regulations	., 2	,	Meetings	MISC	93-01-042
	PERM	93-01-068		MISC	93-01-124
110010 01 110111	PERM	93-01-116		PERM	
	PERM	93-01-068	Nepotism policy	PERM	93-01-084
nouse to me and	PERM		Tuition and fees		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
timen all a seek and a seek and a seek a	PERM	93-01-068	refunds	PERM	93-01-084
Inner were perment	PERM	93-01-068	Totalido	· Divi	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
parent/school authorization	PERM	93-01-068	LEGAL FOUNDATION OF WASHINGTON		
promoted and nazaroous work		93-01-068		MISC	93-06-003
	PERM	93-01-008	Meetings	MISC	93-00-003
Electrical board	14150	02.06.042	LICENSING, DEPARTMENT OF		
mooning.	MISC	93-06-043	. '		
Electrical installations		00 00 010	Cemetery board	DD O D	02.02.062
	PERM	93-03-048	fees	PROP	93-03-062
rational Electrical electrical	PROP	93-01-144		PERM	93-07-041
	PERM	93-06-072	Cremated remains disposition	DDCC	02.02.062
Electricians			business licensing	PROP	93-03-063
journeyman electricians				PERM	93-07-040
	PERM	93-03-048	Engineers and land surveyors	DE 0 =	00.0=
Longshore, stevedore, and waterfront		•	fees	PROP	93-07-111
	PROP	93-02-057		PERM	93-10-057
	PERM	93-04-111	Hulk haulers/scrap processors	PROP	93-01-115
	PERM	93-07-044		PERM	93-08-076
	PROP	93-10-101	Landscape architects		
			licenses		
			examinations	PROP	93-12-105
			reinstatement	PROP	93-12-105
			(11)		1,1
			[11]		Index

Motor vehicles			LIQUOR CONTROL BOARD		
dealer temporary permits,			Beer		
display	PROP	93-10-073	bottles and containers, reuse	PROP	93-12-118
hulk haulers/scrap processors	PROP	93-01-115	kegs, retail sale of malt liquor in	PROP	93-12-119
	PERM	93-08-076	partial beer tax exemption	EMER	93-11-027
imported vehicles				PROP	93-12-116
ownership documentation	PROP	93-10-073	Breweries, retail sale of beer on		
license plates, personalized	PROP	93-11-069	premises	PROP	93-07-109
registration and certificates of				PERM	93-11-028
title	PROP	93-10-073	Destruction of liquor by enforcement		
rental cars			officers	PROP	93-07-109
taxation and licensing of	PERM	93-01-066		PERM	93-11-028
title and registration advisory committee			Dispensing apparatus and container	PERM	93-10-070
meetings	MISC	93-12-045	Licenses	LEKIVI	75-10-070
unauthorized and abandoned vehicles	PROP	93-01-115	applicants		
	PERM	93-08-076	certification	PROP	02 12 120
wreckers	PROP	93-01-115	criminal history record checks		93-12-120
WICCREIS	PERM	93-08-076		PROP	93-12-117
Motorougla anfaty advisery based	FERM	93-06-070	fingerprinting	PROP	93-12-117
Motorcycle safety advisory board	MICC	02.04.002	qualifications	PROP	93-07-110
meetings	MISC	93-04-003		PROP	93-10-069
Notaries public	PERM	93-05-009		PROP	93-12-117
	PROP	93-08-083		PROP	93-12-120
Private detectives			class H restaurant operation	PROP	93-06-066
licensing fees	PROP	93-07-099		PERM	93-10-092
	PROP	93-12-040	defective beer or keg claims	PROP	93-06-066
	PROP	93-13-146	· ·	PERM	93-10-092
Private security guards			requirements for qualification	PROP	93-07-110
licensing fees	PROP	93-07-098	1	PROP	93-10-069
· ·	PERM	93-11-025		PROP	93-12-117
Real estate appraisers				PROP	93-12-120
address notification	PROP	93-12-127	true party of interest	PROP	93-06-066
certification application	PROP	93-03-019	Meetings	MISC	
continuing education	PROP	93-12-127			93-01-052A
definitions	PROP		Novelty advertising	PROP	93-07-109
deminions		93-03-019	Do I and	PERM	93-11-028
	PROP	93-12-127	Packaging	PERM	93-10-070
examinations	PROP	93-03-019	Private clubs, licensing	PROP	93-07-109
	PROP	93-12-127		PERM	93-11-028
experience requirements	PROP	93-03-019	Prohibited practices	PERM	93-10-070
	PROP	93-12-127	Public hearings	MISC	93-01-134
fees	PROP	93-03-019	Rules coordinator	MISC	93-02-032
reciprocity	PROP	93-12-127	Temporary licenses	PERM	93-10-070
records, accessibility	PROP	93-12-127	Wine		10 10 0.0
temporary practice	PROP	93-03-019	fortified wine	PROP	93-07-109
• • •	PROP	93-12-127		PERM	93-11-028
Real estate commission			Wineries, retail sale of wine on	Leitin	75 11 020
meetings	MISC	93-01-045	premises	PROP	93-07-109
Rules coordinator	MISC	93-01-092	promises	PERM	
Securities division	mise	75-01-072		FERM	93-11-028
financial planner, what constitutes	PERM	93-01-113	LOTTERY COMMISSION		
investment counselor, what constitutes		93-01-113		PD O D	
			Adjudicative proceedings	PROP	93-12-104
NASAA statements of policy, adoption	PERM	93-01-075	Debts owed the state	PROP	93-07-121
preferred stock issuance standards	PERM	93-01-074		PERM	93-11-056
registered offerings			Instant game number 89 - Lucky 8's		
NASAA statements of policy, adoption	PERM	93-01-075	definitions	PROP	93-03-094
Security guards, private				PERM	93-07-016
licensing fees	PROP	93-07-098	Instant game number 92 - Triple Play		
	PERM	93-11-025	criteria	PERM	93-03-008
Title and registration advisory committee			definitions	PERM	93-03-008
meetings	MISC	93-12-045	ticket validation	PERM	93-03-008
Unauthorized and abandoned vehicles	PROP	93-01-115	Instant game number 93 - Hog Mania	Leith	23-03-000
	PERM	93-08-076	criteria	PERM	93-03-008
Uniform commercial code		75 00 070	definitions		
fees for program services	PERM	93-01-061	ticket validation	PERM	93-03-008
forms, standardized			The state of the s	PERM	93-03-008
	PERM	93-01-061	Instant game number 94 - Applebucks II		
Vessels	DD 05	02.01	criteria	PERM	93-03-008
dealer decals fee	PROP	93-01-111	definitions	PERM	93-03-008
dealer registration fees	PROP	93-01-111	ticket validation	PERM	93-03-008
fees	PROP	93-11-076	Instant game number 95 - High Roller		
registration and certificate of title	PROP	93-11-076	criteria	PROP	93-03-094
Wreckers	PROP	93-01-115		PERM	93-07-016
	PERM	93-08-076	definitions	PROP	93-03-094
		•		PERM	93-07-016
			ticket validation	PROP	93-07-010
				PERM	93-03-094
				I DIVIVI	>2-01 - 010

[12] Index

•			,		
Instant game number 96 - Tic-Tac-Dough		. •	Definitions	PROP	93-02-053
criteria	PRO	P 93-03-094		PERM	
definitions		M 93-07-016	General information	PROP	
definitions	PRO			PERM	
ticket validation	PRO	M 93-07-016 P 93-03-094	Oil spill contingency plans	PROP	93-06-089
		M 93-07-016		PROP	
Instant game number 97 - Lucky Charm	LEKI	VI 93-07-010	Oil saill amounting at	PERM	
criteria	PROF	93-03-094	Oil spill prevention plans	PROP	
		4 93-07-016	Passenger and cargo vessel screening	PERM	
definitions	PROF		assemble and cargo vesser screening	PROP	93-02-054
	PERM	A 93-07-016	Public records, availability	PERM PROP	
ticket validation	PROF			PERM	
Instant come auchar 00 A 1 A 1 A	PERN	4 93-07-016	Regional marine safety committees	LONI	75-11-003
Instant game number 98 - Ace in the Hole criteria	DD 0 =		guidelines and procedures	PROP	93-06-088
cincila .	PROP			PERM	
definitions	PERM	1 93-11-056	meetings	MISC	93-02-014
de l'inicions		93-07-121 1 93-11-056		MISC	93-05-035
ticket validation	PROP			MISC	93-09-007
		1 93-11-056		MISC	93-10-003
Instant game number 99 - Megamoney	· Litti	. 25-11-050		MISC	93-10-064
criteria	PROP	93-07-121	Rules coordinator	MISC	93-11-070
	PERM	1 93-11-056	State Environmental Policy Act	MISC	93-03-022
definitions	PROP	93-07-121	compliance	PROP	93-09-070
	PERM	93-11-056	Tank vessel oil spill prevention	rkor	93-09-070
ticket validation	PROP		plans	PROP	93-02-055
Instant come works 100 The B	PERM	93-11-056	-	PERM	
Instant game number 100 - Top Banana criteria	DD 0.5				75 07 005
Cincila	PROP		MARITIME COMMISSION		
definitions	PERM	93-11-056	Assessment schedule	PROP	93-11-072
		93-07-121 93-11-056	Definitions	PROP	93-11-072
ticket validation	PROP		Meetings	MISC	93-03-006
	PERM		Vessel assessment schedule	PROP	93-11-072
Instant game number 101 - Top Banana		70 11 000	MINORITY AND WOMEN'S BUSINESS		
criteria	PROP	93-12-104	ENTERPRISES, OFFICE OF		
definitions	PROP	93-12-104	Bid criteria		
ticket validation	PROP	93-12-104	monetary value	EMER	93-05-037
nstant game number 102 - Mistledough			Fees	PROP	93-12-135
criteria definitions	PROP	93-12-104		EMER	
ticket validation	PROP	93-12-104	Office account, creation	PROP	93-12-135
nstant game number 103 - Lucky Duck	PROP	93-12-104		EMER	93-12-136
criteria	PROP	93-12-104	NATIDAL DECOUDERS DEDICATED	_	
definitions	PROP	93-12-104	NATURAL RESOURCES, DEPARTMENT OF Forest closures)F	
ticket validation	PROP	93-12-104	closed seasons	E) (B)	
nstant game number 104 - Money Match		10 12 10 1	closed seasons		93-09-020
criteria	PROP	93-12-104	Forest fire advisory board	EMER	93-10-058
definitions	PROP	93-12-104	meetings	MISC	93-10-106
ticket validation	PROP	93-12-104	Forest practices board	MISC	33-10-100
nstant game number 105 - Cash Cards			(see FOREST PRACTICES BOARD)		
criteria definitions	PROP	93-12-104	Forest protection zones		
ticket validation	PROP	93-12-104	King County	PROP	93-04-107
otto	PROP	93-12-104		PROP	93-10-107
prizes	DEDI	03 02 000		PROP	93-10-108
rizes	PERM	93-03-008	Kitsap County	PERM	93-03-007
claim, defined	DEDM	02.04.004	Pierce County	PROP	93-03-064
debts owed state	PERM PERM	93-04-004	N . 11 1	PERM	93-07-002
payable after death or disability	PERM	93-04-004 93-04-004	Natural heritage advisory council		
payments	PERM		meetings .	MISC	93-04-092
ules coordinator	MISC	93-07-015	Natural resources, board of		
	MISC	75-07-013	meetings	MISC	93-01-018
RINE OVERSIGHT BOARD					93-01-119
leetings	MISC	93-01-106			93-04-059
	MISC	93-02-015	Rules coordinator		93-05-024
	MISC	93-03-040	Timber sales, policies and procedures	MISC	93-01-114
	MISC	93-10-104	for conditioning or denying permits	PERM	93-01-126
	MISC	93-10-105	White Salmon Oak natural resources	· PIVIVI	/J-U1-120
	MISC	93-12-082A	conservation area	MISC	93-09-072
DINE CAPERY OFFICE			Woodard Bay natural resources		-5 67-012
RINE SAFETY, OFFICE OF	D. C.	00.00	conservation area	MISC	93-09-071
argo and passenger vessel screening	PROP	93-02-054			
	PERM	93-07-003			
		_			

NORTHWEST AIR POLLUTION AUTHORIT Regulations updated	Γ Y PROP	93-04-009	I	PERSONNEL, BOARD AND DEPARTMENT Absences		
Regulations updated	PERM	-		partial day, exceptions work period	PROP PERM	93-02-037 93-06-081
NOXIOUS WEED CONTROL BOARD				Affirmative action program		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
(See AGRICULTURE, DEPARTMENT OF)				department responsibilities	PROP	93-12-100
CANADAG AND DOLLAWING COMPAGE				testing, qualifications	PROP	93-12-100
OLYMPIC AIR POLLUTION CONTROL AU		93-13-077		Allocation or reallocation determination review request	DDAD	02.00.042
Appeals from board orders Asbestos	PROP			determination review request	PROP PROP	93-08-043 93-12-083
Compliance schedules	PROP	93-13-077		Applicants	ikoi	73-12-003
Construction	1 1101	, , , , , , , , , , , , , , , , , , ,		disqualification	PERM	93-02-040
notice and application	PROP	93-13-077			PROP	93-08-047
Control officer					PERM	93-12-085
powers and duties	PROP			name removal for cause	PERM	
Definitions		93-13-077		protest process	PERM	93-02-040
Emissions, standards		93-13-077		Certification	DEDIA	02.02.040
Fees		93-13-076		disqualification		93-02-040
Gasoline vapor recovery	PROP	93-13-077 93-13-077		name removal for cause notification process	PERM PROP	93-02-040 93-12-102
Incineration operation		93-13-077		protest process	PERM	93-12-102
Open fires		93-13-077		qualification verification	PROP	93-12-101
Operating permits	PROP	93-13-076		referral process guidelines	PROP	93-02-038
Recordkeeping and reporting	PROP				PROP	93-06-077
Registration	PROP	93-13-076			PERM	93-08-048
Regulatory actions and penalties	PROP	93-13-077		Compensatory time		
Service of notice	PROP	93-13-077		usage	PROP	93-08-072
Solid fuel burning devices	PROP			.	PROP	93-12-084
Variances	PROP	93-13-077		Demotion Disability	PROP	93-02-035
Waste-wood burners	PROP	93-13-077		reasonable accommodation	PROP	93-02-041
OLYMPIC COLLEGE				reasonable accommodation	PROP	93-02-041
Meetings	MISC	93-01-057			PROP	93-06-078
Meetings	MISC	93-06-027			PROP	93-07-054
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			PROP	93-10-027
OUTDOOR RECREATION, INTERAGENCY				separation	PROP	93-02-041
COMMITTEE FOR					PROP	93-04-098
Meetings	MISC	93-01-058			PROP	93-06-078
	MISC	93-06-025			PROP	93-07-054
	MISC	93-13-054		B 216 2 16 1	PROP	93-10-027
PARKS AND RECREATION COMMISSION				Essential functions, defined	PROP PROP	93-04-097 93-08-046
Campsite reservations	PROP	93-01-165			PROP	93-10-026
Campsite reservations	PERM	93-06-001			PROP	93-10-028
Fees	PROP	93-01-165		Leave without pay		75 10 020
	PERM			usage	PROP	93-08-072
	PERM	93-08-025			PROP	93-12-084
	EMER			Partial day absence, exceptions		
Firearms and/or weapons	PROP	93-01-165		work period	PROP	93-02-037
	PERM	93-06-001			PERM	93-06-081
Fort Worden	DEDIA	02.01.020		Position allocations and reallocations	PROP	93-04-097
fees Marine facilities	PERM	93-01-029			PROP PROP	93-08-046 93-10-026
marine trail camping areas	PROP	93-01-165		Probationary periods	PROP	93-10-026
marine train camping areas	PERM	93-06-001		Trobationary periods .	PROP	93-09-058
moorage fees and permits	PROP	93-01-165		Qualifications for a job class		75 07 050
	PERM			preponderance concept	PROP	93-12-100
	PERM			Reduction in force		
	EMER	93-10-060		guidelines and procedures	PROP	93-02-036
Marine trail camping areas	PROP	93-01-165			PROP	93-04-099
		93-06-001			PROP	93-08-045
Rules coordinator	MISC	93-08-061		reasons, regulations, and procedure	PROP	93-09-060
Senior citizens, off-season pass	PROP	93-01-165		transition pool	EMER	93-09-003
	PERM			Pofo-als	PROP	93-09-057
		93-08-025 93-10-060		Referrals name removal for cause	DEDA	03.02.040
	BIVIEK	73-10-000		Registers	PERM	93-02-040
PENINSULA COLLEGE				designations	PROP	93-08-042
Meetings	MISC	93-03-075		•	PERM	93-12-088
o -				disqualification	PERM	93-02-040
PERSONNEL APPEALS BOARD				name removal for cause	PERM	93-02-040
Meetings	MISC	93-06-085		protest process	PERM	93-02-040
Rules coordinator	MISC	93-01-098		Rules coordinator	MISC	93-08-031
				Salary schedule	DDOD	02.02.02.5
				exchange time	PROP	93-02-035
Index			[14]			

overtime	PROP	93-02-035	035 receipt of campaign contributions		93-12-023
reduction in salary	PROP	93-02-035	uncertain origin, contributions of	PROP	93-12-030
wage and hour records	PROP	93-02-035	Loans	PROP	93-12-031
Y-rate, administration	PROP	93-08-044	Meetings	MISC	93-10-048
1 1410, 40111111111111111111111111111111	PERM	93-12-087	Political advertising		
Seasonal career employment	PROP	93-08-042	political party identification	PROP	93-12-035
Sousonal out of the state of th	PERM	93-12-088	sponsor identification	PROP	93-12-034
Shift premium provisions and			Registration statements		
compensation	PROP	93-02-039	forms	PROP	93-10-049
Vopansanon	PROP	93-06-080		EMER	93-10-051
	PROP 93-09-059 Rules coordinator		Rules coordinator	MISC	93-08-002
	PERM	93-12-086	Same office last sought, definition	PROP	93-12-032
Sick leave	• =	70 12 000	Surplus funds		70 12 002
usage	PROP	93-08-072	transfers	PROP	93-12-033
usuge	PROP	93-12-084	use in future	PROP	93-12-027
Suspension	PROP	93-02-035			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Vacation leave		,, oz 055	PUBLIC EMPLOYMENT RELATIONS COM	IMISSION	V
usage	PROP	93-08-072	Rules coordinator	MISC	93-09-004
usuge	PROP	93-12-084			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
		,, . .	PUBLIC INSTRUCTION, SUPERINTENDEN	T OF	
PIERCE COLLEGE			Allocations, 1991-93		
Meetings	MISC	93-03-014	redirection of apportionment	PERM	93-04-054
Weetings	MISC	93-06-026	Basic education allocations	LDICI	75 04 05 1
Rules coordinator	MISC	93-01-046	redirection of apportionment	PERM	93-04-054
Rules coolulitator	MISC	75-01-040	Early intervention services	PROP	93-07-046
PILOTAGE COMMISSIONERS, BOARD O)F		Larry lines vention services	PROP	93-07-047
Exempt vessels	PROP	93-04-110		PROP	93-07-048
Exempt vessels	PERM	93-04-110		PERM	93-12-015
Dilat Barras	FERM	93-01-011		PERM	93-12-015
Pilot licenses	PROP	93-06-052		PERM	93-12-010
limitations on new pilots	EMER	93-06-012	Educational excellence award	PERM	93-08-005
	PERM	93-00-012	Even start project	EMER	93-08-003
•				ENIER	93-06-037
renewal or reinstatement	PROP	93-04-109	Fair start program	PROP	02.07.049
	PERM	93-07-076	allocation of moneys	PERM	93-07-048
Pilotage tariff rates	DD OD	02 02 001	11-1		93-12-016
Grays Harbor district	PROP	93-03-001	policies and procedures	PROP	93-07-046
	PERM	93-03-080		PERM	93-12-017
	PROP	93-10-102	Project even start	PROP	93-11-033
		93-13-055	Public records, availability	PROP	93-03-002
Puget Sound district	PROP	93-08-027		PERM	93-07-039
	PROP	93-12-009	School buses		00.00.010
	PERM	93-12-133	depreciation allocation calculation	PROP	93-09-019
Rules coordinator	MISC	93-03-021		PERM	
			stopping on the roadway	PROP	93-01-086
POLLUTION LIABILITY INSURANCE AG	SENCY			PERM	93-05-023
Underground storage tank community			School district budgeting		
assistance program			documents required	PROP	93-11-034
grants to tank owners or operators	PROP	93-01-139	Teacher assistance program	PROP	93-02-017
•	PERM	93-04-041		PERM	93-07-037
PUBLIC DISCLOSURE COMMISSION			PUBLIC WORKS BOARD (See COMMUNIT	Y	
Advertising, political			DEVELOPMENT, DEPARTMENT OF)		
political party identification	PROP	93-12-035		_	
sponsor identification	PROP	93-12-034	PUGET SOUND AIR POLLUTION CONTRO)L	
Agent, definition	PROP	93-12-019	AGENCY		
Aggregate, definition	PROP	93-12-024	Asbestos control standards		
Brief enforcement hearings	PROP	93-09-001	application requirements and fees	PROP	93-12-094
	PROP	93-10-050	definitions	PROP	93-12-0 9 4
Candidate, definition	PROP	93-12-020	emission control	PROP	93-12-094
Consumable, definition	PROP	93-12-021	Asbestos removal projects		
Contribution, definition	PROP	93-12-022	fees	PERM	93-06-002
Contributions			requirements	PERM	93-06-002
earmarked contributions, use	PROP	93-12-028	Asbestos-containing material		
encouraging expenditures to avoid			handling procedures	PERM	93-06-002
contributions, result	PROP	93-12-025	removal certification	PERM	93-06-002
forms for reporting	PROP	93-04-127	Clean Air Act		
Totalio for Topotting	PERM	93-09-002	civil penalties	PROP	93-12-132
identification of source	PROP	93-01-135	construction review, fees	PROP	93-12-132
identification of source	EMER	93-01-136	oxygenated gasoline, surcharge	PROP	93-12-132
	PERM	93-04-072	registration and operating permits,		
Exempt activities, definition	1 201/1/1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	fees	PROP	93-12-132
and reporting	PROP	93-12-046	Fees	PERM	93-04-086
in-kind contributions and expenditures	PROP	93-12-046	Outdoor fires		
limitations	PROP	93-12-028	prohibited types and areas	PROP	93-08-020
Illintations		93-12-010	Francisco Abro and man	PERM	93-11-071
	11.01				
			F 4 F 1		

variances from regulation	PERM	93-04-086	packing materials and containers	PROP	93-12-111
			public utility tax, deductions	PROP	93-04-045
PUGET SOUND WATER QUALITY AUTHO				PERM	
Meetings	MISC	93-02-051	refunds for overpayment	PERM	
	MISC	93-10-014	sales of heat	PROP	93-01-102
	MISC	93-13-070	Interim tax reporting information	EMER	93-13-087
DENTON TECHNICAL COLLEGE			Property tax	22.22	
RENTON TECHNICAL COLLEGE	55.05	00.00.001	agricultural land valuation	PROP	93-04-020
Board of trustees	PROP			PERM	
D.1. 1. 11.6		93-13-104		EMER	93-04-021
Debts, services withheld for outstanding	Debts, services withheld for outstanding PROP 93-0		credit against timber excise tax	PROP	93-09-029
Digariasian policies and accordance		93-13-108	forest land values	PERM	93-02-024
Discrimination policies and procedures	PROP	93-09-043	new construction, assessment	PROP	93-05-016
Paulisia - mid-line for		93-13-116	1 6 12	PERM	93-08-049
Facilities, guidelines for use	PROP	93-09-039	real property, definition	PROP	93-05-016
Faculty	PERM	93-13-112	and a decision of the second	PERM	93-08-049
tenure, dismissal, and reduction in force	PROP	93-09-045	refunds, rate of interest	PROP EMER	93-03-024
tenure, dismissar, and reduction in force		93-09-043		PERM	93-03-025
Financial aid	PROP		Rules coordinator	MISC	93-06-096
i manciai aid		93-09-036 93-13-109	Sales tax	MISC	93-01-049
Library resource center policies	PROP	93-09-040		PROP	93-12-113
Elorary resource center poncies		93-13-113	dunnage, sale of hospitals		93-12-113
Meetings	MISC	93-13-113	labels, name plates, tags, and premiums	PROP	93-12-112
Organization and operation	PROP	93-01-120	meals, sale of	PROP	
Organization and operation		93-09-037 93-13-110	meais, sale of	PROP	93-07-069
Parking and traffic	PROP	93-09-033	antametrists anhthalmalagists	PROP	93-07-070
raiking and traine		93-09-033 93-13-106	optometrists, ophthalmologists, and ocularists	PROP	93-12-114
Practice and procedure	PROP	93-09-032	resale certificates	FROF	93-12-114
ractice and procedure		93-13-105	use and penalties for misuse	EMED	93-13-085
Public records, availability	PROP	93-09-041	schools, school districts, and	EWIER	73-13-003
i done records, availability		93-13-114	educational institutions	PROP	93-12-115
Rules coordinator	MISC	93-01-120	Tax appeals, board of	rkor	93-12-113
Nules cooldinator	MISC	93-03-042	direct appeals	PROP	93-05-015
	PROP	93-09-038	uncet appears	PERM	93-08-050
		93-13-111	Tax registration	PROP	93-02-046
State Environmental Policy Act	I LIANIVI	70-13-111	Tax Tegistration	PROP	93-08-013
compliance	PROP	93-09-044			93-13-126
compilation		93-13-117	Tax reporting information, interim		93-13-087
Students		<i>70 10 11.</i>	Timber excise tax	DIVIDA	/5-15-007
conduct code rules	PROP	93-09-034	personal property tax credit	PROP	93-09-029
332		93-13-107	stumpage values	PERM	93-02-025
records, availability	PROP	93-09-042	stanipage values	PROP	93-07-068
,		93-13-115		PROP	93-10-091
				PROP	93-11-081
RETIREMENT SYSTEMS, DEPARTMENT O	F		A Committee of the Comm	PROP	
Adjudicative proceedings	PROP	93-08-054			
,	PERM	93-11-079	RULES COORDINATORS	•	
Law enforcement officer's and			Agriculture, department of	MISC	93-11-100
fire fighters' retirement system			Attorney general's office	MISC	93-12-130
members elected to public office	PROP	93-08-053	Bellevue Community College	MISC	93-05-051
	PERM	93-11-078	Bellingham Technical College	MISC	93-05-018
Public employees' retirement system			Blind, Washington state school for the	MISC	93-01-118
unions as employers	PROP	93-08-052	Building code council	MISC	93-05-025
	PERM	93-11-077	Central Washington University	MISC	93-01-095
Teachers' retirement system			Centralia College	MISC	93-06-084
part-time teachers, determination of			Clark College	MISC	93-02-005
pension benefits	PROP	93-08-051	Code reviser's office	MISC	93-01-001
			Community development, office of	MISC	93-04-104
REVENUE, DEPARTMENT OF			Corrections, department of	MISC	93-08-014
Assessment roll corrections	PROP	93-05-015	County road administration board	MISC	93-02-059
	PERM	93-08-050	Deaf, Washington school for the	MISC	93-01-129
Business and occupation tax			Ecology, department of	MISC	93-01-087
dunnage, sale of	PROP	93-12-113	Employment security department	MISC	93-01-167
hospitals	EMER	93-13-086		MISC	93-05-008
jewelry repair shops	PERM	93-03-005	Fisheries, department of	MISC	93-05-014
meals, sale of	PROP	93-07-069	Gambling commission	MISC	93-04-084
	PROP	93-07-070	General administration, department of	MISC	93-07-084
County boards of equalization			Health care authority	MISC	93-08-019
jurisdiction and authority	PROP	93-05-015	Health, department of	MISC	93-01-050
	PERM	93-08-050	Horse racing commission	MISC	93-09-051
Excise tax			Indeterminate sentence review board		93-03-077
assessments .			Insurance commissioner, office of		93-01-022
statutory limitations	DEDM	02 02 004	I	MICC	93-09-015
	PERM	93-03-004	Investment board	MISC	
interstate motor carriers	PROP	93-03-047	Judicial conduct, commission on	MISC	93-01-041
interstate motor carriers Index					

Licensing, department of					
	MISC	93-01-092	nursing home accounting and reimbursement		
Liquor control board	MISC	93-02-032	system	PROP	93-08-065
Lottery commission	MISC	93-07-015		PROP	93-12-048
Marine safety, office of	MISC	93-03-022		PERM	93-12-051
Natural resources, department of Personnel appeals board	MISC	93-01-114	Aid to families with dependent children		
Parks and recreation commission	MISC MISC	93-01-098 93-08-061	alien sponsorship, income and	DDOD	02.04.026
Personnel, department of	MISC	93-08-031	resources	PROP PERM	93-04-026 93-07-032
Pierce College	MISC	93-01-046	benefits	PROP	93-07-032
Pilotage commissioners, board of	MISC	93-03-021	benefits	PERM	93-03-059
Public disclosure commission	MISC	93-08-002	earned income exemption	PROP	93-03-057
Public employment relations commission	MISC	93-09-004		PERM	93-12-057
Public works board	MISC	93-04-104	eligibility	PROP	93-03-056
Renton Technical College	MISC	93-01-120		PERM	93-12-056
	MISC	93-03-042	employable		
Davanua danastment of	PROP	93-09-038	unemployment of parent	PROP	93-03-055
Revenue, department of Shoreline Community College	MISC MISC	93-01-049	:	PERM	93-12-055
Tax appeals, board of	MISC	93-02-026 93-01-054	income disregard	PROP	93-04-027
Transportation commission	MISC	93-02-027	income exemption	PERM PROP	93-07-031 93-04-035
Transportation, department	MISC	93-02-043	meonic exemption	PERM	93-04-033
Transportation improvement board	MISC	93-05-011	income use and potentials	PROP	93-07-034
University of Washington	MISC	93-04-042	•	PERM	93-10-022
Utilities and transportation commission	MISC	93-01-038	medical assistance extensions	PERM	93-01-034
Washington State University	MISC	93-04-010	personal property exemption	PROP	93-05-004
Wildlife, department of	MISC	93-05-001		PERM	93-07-126
Workforce training and education	DDOD		Alcohol and substance abuse, division of		
coordinating board	PROP	93-02-045	chemical dependency services administration	EMED	02 11 050
SEATTLE COMMUNITY COLLEGES			administration	EMER EMER	93-11-050 93-11-051
Meetings	MISC	93-01-028		PROP	93-11-051
	MISC	93-01-096		PROP	93-11-052
	MISC	93-01-097	Child care		75 11 035
	MISC	93-05-026	background inquiries	PROP	93-07-035
	MISC	93-06-035	·	PROP	93-10-018
	MISC	93-07-057		PROP	93-12 - 096
	MISC	93-10-031	child day care centers		
	MISC	93-13-042	licensing requirements health and safety standards	PROP	93-13-056
SECRETARY OF STATE			nearm and safety standards	PROP EMER	93-07-018 93-07-019
Archives and records management, division of	٠.	• -		PERM	93-10-021
public records management	PERM	93-04-001	overnight youth shelters	LLINI	75 10-021
state agency records officers, duties	PERM	93-04-001	licensing requirements	PROP	93-05-031
state archivist, duties	PERM	93-04-001		PROP	93-08-009
state records committee, duties	PERM	93-04-001		PROP	93-10-020
Corporations division	DDOD				93-12-095
_ fees	PROP PROP	93-13-147		PROP	02 12 025
		02 12 147		PROP PROP	93-13-025
Fees	FROF	93-13-147	school-age child care centers	PROP	
	rkor	93-13-147	licensing requirements	PROP PERM	93-02-020
SHORELINE COMMUNITY COLLEGE			•	PROP PERM PROP	93-02-020 93-07-073
	MISC PERM	93-13-147 93-06-028 93-02-063	licensing requirements transitional child care	PROP PERM	93-02-020 93-07-073
SHORELINE COMMUNITY COLLEGE Meetings	MISC	93-06-028	licensing requirements	PROP PERM PROP	93-02-020 93-07-073
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator	MISC PERM	93-06-028 93-02-063	licensing requirements transitional child care Child protective services authority limitations	PROP PERM PROP PERM PROP	93-02-020 93-07-073 93-12-059
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE	MISC PERM MISC	93-06-028 93-02-063 93-02-026	licensing requirements transitional child care Child protective services	PROP PERM PROP PERM PROP PERM PROP	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator	MISC PERM MISC	93-06-028 93-02-063 93-02-026	licensing requirements transitional child care Child protective services authority limitations eligibility for services	PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-13-021
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE	MISC PERM MISC	93-06-028 93-02-063 93-02-026	licensing requirements transitional child care Child protective services authority limitations	PROP PERM PROP PERM PROP PERM PROP PERM PROP	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-10-093
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings	MISC PERM MISC	93-06-028 93-02-063 93-02-026	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance	PROP PERM PROP PERM PROP PERM PROP PERM PROP	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-13-021
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES,	MISC PERM MISC	93-06-028 93-02-063 93-02-026	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services,	PROP PERM PROP PERM PROP PERM PROP PERM PROP	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-10-093
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	MISC PERM MISC	93-06-028 93-02-063 93-02-026	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-13-021
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES,	MISC PERM MISC MISC	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services,	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-13-021
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program	MISC PERM MISC	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-13-021
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions	MISC PERM MISC MISC MISC	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-13-021
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services	MISC PERM MISC MISC MISC	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-10-093 93-13-021
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services assessment and service plan develop-	MISC PERM MISC MISC MISC EMER PROP PERM	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-09-018 93-12-053 93-05-031 93-08-009 93-10-020
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services	MISC PERM MISC MISC MISC EMER PROP PERM	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-10-093 93-13-021 93-09-018 93-12-053 93-05-031 93-08-009 93-10-020 93-12-095
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services assessment and service plan develop-	MISC PERM MISC MISC MISC EMER PROP PERM	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030 93-01-030 93-04-023	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing requirements	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-12-053 93-12-053 93-09-018 93-12-053 93-09-018 93-12-053
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services assessment and service plan development	MISC PERM MISC MISC MISC EMER PROP PERM	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030 93-01-030 93-04-023 93-06-042	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing requirements Community options program entry	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-10-093 93-13-021 93-09-018 93-12-053 93-05-031 93-08-009 93-10-020 93-12-095
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services assessment and service plan develop-	MISC PERM MISC MISC MISC EMER PROP PERM PROP PERM PROP	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030 93-01-030 93-04-023 93-06-042 93-01-031	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing requirements Community options program entry system (COPES)	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM PROP PROP PROP PROP	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-09-018 93-12-053 93-05-031 93-08-009 93-10-020 93-12-095 93-13-025
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services assessment and service plan development	MISC PERM MISC MISC MISC EMER PROP PERM	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030 93-01-030 93-04-023 93-06-042	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing requirements Community options program entry	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-10-093 93-13-021 93-09-018 93-12-053 93-05-031 93-08-009 93-10-020 93-12-095
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services assessment and service plan development chore personal care services	MISC PERM MISC MISC MISC EMER PROP PERM PROP PERM PROP PERM	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030 93-01-030 93-04-023 93-06-042 93-01-031 93-04-036	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing requirements Community options program entry system (COPES)	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM PROP PROP PROP PROP PROP	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-09-018 93-12-053 93-05-031 93-08-009 93-10-020 93-12-095 93-13-025
SHORELINE COMMUNITY COLLEGE Meetings Parking and traffic Rules coordinator SKAGIT VALLEY COLLEGE Meetings SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adoption support program definitions Aging and adult services assessment and service plan development chore personal care services	MISC PERM MISC MISC MISC EMER PROP PERM PROP PERM PROP PERM PROP	93-06-028 93-02-063 93-02-026 93-02-006 93-07-024 93-03-081 93-03-082 93-07-030 93-01-030 93-04-023 93-04-023 93-04-036 93-07-071	licensing requirements transitional child care Child protective services authority limitations eligibility for services reports, acceptance Children, youth, and family services, division of complaint procedure overnight youth shelters, licensing requirements Community options program entry system (COPES)	PROP PERM PROP PERM PROP PERM PROP PERM PROP PERM PROP PROP PROP PROP PROP PROP	93-02-020 93-07-073 93-12-059 93-10-093 93-13-021 93-10-093 93-13-021 93-10-093 93-13-021 93-09-018 93-12-053 93-05-031 93-08-009 93-10-020 93-12-095 93-13-025 93-07-123 93-11-044

payment procedures	PROP	93-11-085 93-13-135	general assistance-unemployable program	PROP	93-01-056
restrictions	PROP	93-13-135	eligibility	PROP	93-01-036
		93-13-135		PERM	93-06-073
services	PROP	93-11-085		PROP	93-08-074
	PERM	93-13-135		PROP	93-12-050
Developmentally disabled				PROP	93-13-022
residential programs	DD OD	02.01.002	income disregard	PROP PROP	93-04-027
staffing requirements	PROP PERM	93-01-003 93-04-029	personal property exemption	PERM	93-05-004 93-07-126
Diversity initiative, department intent	PROP	93-01-125	pregnant women, eligibility	PROP	93-08-064
Siverency minimum of department intent	PERM	93-04-037	program women, ongremmy	PROP	93-08-049
Domestic violence				PROP	93-13-023
perpetrator program standards	PROP	93-06-082	standards of assistance	PROP	93-09-017
For the test of the section of the section of	PERM	93-10-024	Wasailan and trans	PERM	93-12-052
Family independence program conversion of enrollees to aid to families			Hospice services medically needy	PROP	93-13-024
with dependent children recipients	PROP	93-03-055	medically needy		93-13-024
with dependent emidien recipients	PROP	93-03-056	Income assistance	21.121	,
•	PROP	93-03-057	prospective budgeting, changes	PROP	93-11-024
	PROP	93-03-058		PERM	93-13-133
·	PROP	93-03-059	resources, exemptions	nn o n	02 12 052
	PERM	93-12-055	vehicles	PROP PROP	93-13-053 93-01-143
	PERM PERM	93-12-056 93-12-057	standards of assistance	PERM	93-01-143
	PERM	93-12-057	telephone assistance program	LKM	75-04-050
	PERM	93-12-060	billing procedures	PROP	93-13-018
medical assistance extensions	PERM	93-01-034	United States repatriate program	PROP	93-08-075
meetings	MISC	93-01-023	Job opportunities and basic skills training		
personal property exemption	PROP	93-05-004	program (JOBS)	DD OD	02.02.050
unameloument of morent	PERM PROP	93-07-126 93-03-055	employability plans	PROP PERM	93-03-058 93-12-060
unemployment of parent	PERM	93-03-055	supportive services	PROP	93-07-073
Family planning services	PROP		supportive services	PERM	93-12-059
Food stamp program			transitional child care	PROP	93-07-073
benefits, continuation pending fair				PERM	93-12-059
hearing	PERM	93-04-034	Kidney centers	DDOD	02 12 001
coupons, issuance and use	PERM	93-04-069	administration	PROP	93-13-001 93-13-130
	EMER PROP	93-11-029 93-11-030	Medical assistance	ENEK	93-13-130
		93-13-132	aliens, newly legalized	PROP	93-06-009
denial of benefits	PROP	93-07-075	anomy, no way regarded	EMER	93-06-010
	PROP	93-10-019		PERM.	93-08-111
disabled persons, eligibility	PROP	93-08-038	aliens, undocumented	DD OD	00.10.000
	PROP	93-08-039	pregnant women, services for		93-13-079 93-13-082
	PROP PERM	93-08-040 93-11-041	audiometric services	PROP	93-03-034
	PERM	93-11-042	audionicitie services	PERM	93-06-039
·	PERM	93-11-043	availability of income	PERM	93-01-037
hearing, benefits continuation			•	PROP	93-03-026
pending fair hearing	PERM	93-04-034		PROP	93-03-027
law enforcement				EMER	93-03-028
coupon issuance for investigative	EMER	93-11-029		EMER PERM	93-03-029 93-06-038
purposes	PROP	93-11-029		PERM	93-06-041
		93-13-132	categorically needy, eligibility	PROP	93-01-002
Funeral and interment services				PERM	93-04-033
assistance program	EMER	93-11-083		PROP	
	PROP	93-11-084	chemical dependency treatment	PROP	93-13-037
		93-13-134	community alternatives program (CAP)	DD OD	02.07.122
available services	PROP EMER	93-02-018 93-02-021	eligibility	PROP PERM	93-07-123 93-11-044
	PERM	93-02-021	community options program entry system	LEKIVI	73-11-0
maximum cost standards	PROP	93-02-018	(COPES)		
-	EMER	93-02-021	eligibility	PROP	93-07-123
	PERM	93-05-021		PERM	93-11-044
General assistance			copayments for clients		93-13-121
alien sponsorship, income and	PROP	93-04-026	coordinated community AIDS service	PKOP	93-13-123
resources eligibility	PROP	93-04-026	alternatives (CASA)		
-	PROP	93-12-049	eligibility	PROP	93-07-123
	_			PERM	93-11-044
			dentures	PROP	93-08-006
				PERM	93-11-048

durable medical equipment	PROP	93-01-024	outward bound residential alternatives		
	PROP	93-02-034	(OBRA)		
	PROP	93-05-019	eligibility	PROP	93-07-123
eligible providers defined	PROP	93-08-021	engionny		
engible providers defined	EMER			PERM	93-11-044
		93-08-024	patient requiring regulation in use		
	PERM	93-11-046	of services	PROP	93-07-124
exempt resources	PROP	93-03-026		PERM	93-11-047
	EMER	93-03-028	pregnant women, services for	PROP	93-13-079
•	PERM	93-06-038		EMER	93-13-082
	EMER	93-06-053	prosthetic/orthotic devices	PROP	93-01-024
	PROP	93-06-054	·	PROP	93-02-034
	PERM	93-08-112		PROP	93-05-019
extensions	PERM		provider enrollment, eligibility	PROP	93-08-021
,	PROP	93-11-067	provider emoninem, engionity	ÉMER	
		93-13-131	recovery from estates		93-08-024
Comiles alamina agains				PROP	93-13-120
family planning services	PROP		relative financial responsibility	PROP	93-07-122
hospice services	PROP			PERM	93-11-045
	EMER	93-13-129	school medical services for special		
hospital inpatient services			education students	PERM	93-01-044
payment rate	PERM	93-01-035	services not covered	PROP	93-07-074
income, eligibility	PROP	93-03-026		PROP	93-13-037
	EMER	93-03-028	special low-income medicare benefi-		
institutionalized client, allocation of			ciaries	PROP	93-01-032
income and resources	PROP	93-03-027	ciures	PERM	
meone and resources	EMER	93-03-029			93-04-024
		93-06-041	Nussing home-	EMER	93-02-019
•			Nursing homes		
	PROP	93-08-022	accounting and reimbursement system	PROP	93-08-065
	EMER	93-08-023		PROP	93-12-048
•	PERM	93-11-049		PERM	93-12-051
institutionalized client,			Repatriate program	PROP	93-08-075
availability of resources	EMER	93-04-031		PERM	93-12-054
·	PROP	93-04-032	Shelters		
	PERM		overnight youth shelters, licensing		
kidney centers, administration		93-13-001	requirements	PROP	93-05-031
kidney centers, administration		93-13-130	requirements		
Parks and a constant				PROP	93-08-009
limits on scope of services	PROP	93-07-074		PROP	93-10-020
	PROP	93-10-017		PROP	93-12-095
	PROP	93-11-009		PROP	93-13-025
	PERM	93-11-086	Standards of assistance		
	PROP	93-13-080	basic requirements	EMER	93-02-002
	EMER	93-13-081	Support enforcement, office of		
Medicaid			child support obligations	PROP	93-01-085
eligibility	PROP	93-03-060	emia support obligations	PERM	93-05-020
engionity		93-03-061		PROP	93-03-020 93-13-067
		93-06-037	and former hand		
			conference board	PROP	93-01-085
	PROP	93-08-022		PERM	93-05-020
	EMER	93-08-023	confidentiality	PROP	93-01-085
medical care programs				PERM	93-05-020
payment conditions	PERM	93-01-036	enforcement	PROP	93-01-085
medically needy				PERM	
eligibility	EMER	93-04-087	medical support obligations	PROP	
- 6	PROP	93-04-090	responsibilities of office	PROP	93-01-085
		93-07-028	. coponoionings of office	PERM	93-05-020
hospice services		93-13-024	Telephone assistance program	I PICIVI	75-05 - 020
nospice services		93-13-024		DD O D	02 12 010
timinal consile con and	LIVILK	73-13-149	billing procedures	PROP	93-13-018
limited casualty program, base	E) (==	00.01.000	Time-loss compensation		
period	EMER	93-04-088	attorney's fees, allowable	PROP	93-01-012
	PROP	93-04-089		PERM	93-04-028
	PERM	93-07-125	calculation of lien	PROP	93-01-012
scope of care	PERM	93-01-044 `		PERM	93-04-028
•		93-13-024			
		93-13-129	SOUTH PUGET SOUND COMMUNITY COL	LECE	
Medicare cost sharing, eligibility	PROP	93-01-032			03 05 022
Medicate cost snaring, enginitity			Meetings	MISC	93-05-033
	EMER			MISC	93-11-031
	PERM	93-04-024		MISC	93-11-037
	PROP	93-08-022			
	EMER	93-08-023	SOUTHWEST AIR POLLUTION CONTROL		
midwife services and payment	PERM	93-02-001	AUTHORITY		
nursing facility operated by fraternal,			Air contaminant sources		
religious, or benevolent organization			implementation of regulations	PROP	93-10-089
client eligibility	PROP	93-06-040	Appeals	PROP	93-10-085
onone on Browney	PROP	93-08-113	Asbestos control standards	PROP	93-10-085
'	INOF	>2-00-112			
			Board members	PROP	93-10-085
•			Bubble rules	PROP	93-10-083
			Compliance		

public involvement	PROP	93-10-084	Wildlife offenses,		
schedules	PROP	93-10-084	forfeitable (CrRLJ 3.2(p))	MISC	93-13-092
variances	PROP	93-10-084	((- //)		70 20 07 2
Definitions	PROP	93-10-079	TACOMA COMMUNITY COLLEGE		
Deterioration prevention	PROP	93-10-083	Discrimination	PERM	93-03-078
Emission reduction credits	PROP	93-10-083	Grievance procedure	PERM	93-03-078
Emission standards	PROP	93-10-078	•	PROP	93-13-049
	PROP	93-10-080	Meetings	MISC	93-01-072
enforcement and penalties	PROP	93-10-085	-	MISC	93-05-050
Meetings	MISC	93-02-062		MISC	93-10-010
New sources					
performance standards	PROP	93-10-078	TAX APPEALS, BOARD OF		
	PROP	93-10-082	Meetings	MISC	93-01-055
review	PROP	93-10-082	Rules coordinator	MISC	93-01-054
Open fires	PROP	93-10-085			
Operating permit program	PROP	93-10-074	TRADE AND ECONOMIC DEVELOPMENT,		
	PROP	93-10-075	DEPARTMENT OF		
	PROP	93-10-076	Community economic revitalization board		
Oxygenated fuels regulation	PROP	93-10-087	meetings	MISC	93-02-003
Petroleum contaminated soil			· ·	MISC	93-09-021
volatile organic emissions	PROP	93-10-088	•	MISC	93-11-054
,	PROP	93-10-077	Hardwoods commission		
Records, monitoring, and reporting	PROP	93-10-081	assessments		
Registration of sources	PROP	93-10-081	payment and collection	PROP	93-07-038
exemptions	PROP	93-10-081		PROP	93-09-049
Regulations, implementations	PROP	93-10-089		PROP	93-09-053
Startup and shutdown	PROP	93-10-081		PERM	93-13-013
•			meetings	MISC	93-08-015
SPOKANE, COMMUNITY COLLEGES OF				MISC	93-11-058
Meetings	MISC	93-01-047	report form	PROP	93-07-038
-			•	PROP	93-09-049
SPOKANE COUNTY AIR POLLUTION CO	NTROL		•	PROP	93-09-053
AUTHORITY				PERM	93-13-013
Grass field burning	PROP	93-07-088			
_	PERM	93-11-036	TRAFFIC SAFETY COMMISSION		
			Meetings	MISC	93-02-029
STATE EMPLOYEES BENEFITS BOARD			-	MISC	93-05-012
Meetings	MISC	93-07-064			
-			TRANSPORTATION COMMISSION		
SUPREME COURT	•		Meetings	MISC	93-01-123
					93-04-055
Appeals, court of				MISC	75.04.033
Appears, court of commissioners, qualifications	MISC	93-13-096		MISC	93-06-024
commissioners, qualifications Attorney fees and costs	MISC MISC	93-13-096 93-13-096			93-06-024
commissioners, qualifications Attorney fees and costs Awards, filing				MISC	93-06-024
commissioners, qualifications Attorney fees and costs	MISC	93-13-096		MISC MISC	93-06-024 93-07-095
commissioners, qualifications Attorney fees and costs Awards, filing	MISC MISC	93-13-096 93-13-096		MISC MISC MISC	93-06-024 93-07-095 93-09-056
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements	MISC MISC	93-13-096 93-13-096 93-13-096	Rules coordinator	MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees	MISC MISC MISC PERM MISC	93-13-096 93-13-096 93-13-096 93-07-027 93-13-096		MISC MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations	MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-07-027 93-13-096	Rules coordinator TRANSPORTATION, DEPARTMENT OF	MISC MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions	MISC MISC MISC PERM MISC	93-13-096 93-13-096 93-13-096 93-07-027 93-13-096		MISC MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3)	MISC MISC MISC PERM MISC MISC	93-13-096 93-13-096 93-13-096 93-07-027 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF	MISC MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits	MISC MISC MISC PERM MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-07-027 93-13-096 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries	MISC MISC MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination	MISC MISC MISC PERM MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways	MISC MISC MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits	MISC MISC MISC PERM MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries	MISC MISC MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3)	MISC MISC MISC PERM MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries	MISC MISC MISC MISC MISC MISC PROP PERM	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions	MISC MISC MISC PERM MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries	MISC MISC MISC MISC MISC MISC PROP PERM	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3)	MISC MISC MISC PERM MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries	MISC MISC MISC MISC MISC MISC PROP PERM	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094 93-13-093	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading	MISC MISC MISC MISC MISC MISC PROP PERM	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3)	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management	MISC MISC MISC MISC MISC MISC PROP PERM PROP PROP EMER	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c))	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and	MISC MISC MISC MISC MISC MISC PROP PERM PROP EMER PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-059
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6)	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093 93-13-093	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction	MISC MISC MISC MISC MISC MISC PROP PERM PROP EMER PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b))	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094 93-13-093 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors	MISC MISC MISC MISC MISC MISC PROP PERM PROP EMER PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-059
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094 93-13-093 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction	MISC MISC MISC MISC MISC MISC PROP PERM PROP EMER PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059 93-03-033 93-03-020
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions,	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors	MISC MISC MISC MISC MISC MISC PROP PERM PROP PEMER PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059 93-03-033 93-03-020 93-01-076
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d))	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors	MISC MISC MISC MISC MISC MISC PROP PERM PROP PEMER PROP PERM PERM PROP PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059 93-03-033 93-03-020 93-01-076 93-07-055
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines	MISC MISC MISC MISC MISC MISC PROP PERM PROP PEMER PROP PERM PERM PERM PROP PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059 93-03-033 93-03-020 93-01-076 93-07-055 93-10-068
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas written statement (CrR 4.2(g))	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines Rules coordinator	MISC MISC MISC MISC MISC MISC PROP PERM PROP PROP PEMER PROP PERM PERM PROP PROP PROP PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-08-012 93-09-048 93-13-059 93-03-033 93-03-020 93-01-076 93-07-055 93-02-043 93-01-076
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas written statement (CrR 4.2(g)) Professional conduct	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines Rules coordinator	MISC MISC MISC MISC MISC PROP PERM PROP PEMER PROP PERM PERM PERM PERM PROP PROP PROP PROP PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059 93-03-033 93-03-020 93-01-076 93-07-055 93-10-068 93-02-043
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas written statement (CrR 4.2(g)) Professional conduct Records, authentication	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines Rules coordinator	MISC MISC MISC MISC MISC MISC PROP PERM PROP EMER PROP PERM PERM PROP PROP PROP PROP PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-08-012 93-09-048 93-13-027 93-13-059 93-03-030 93-03-020 93-01-076 93-07-055 93-10-068 93-07-055 93-01-076 93-07-055
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commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas written statement (CrR 4.2(g)) Professional conduct Records, authentication Release after finding or plea of guilty (CrRLJ 3.2(f))	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines Rules coordinator Stop line locations	MISC MISC MISC MISC MISC MISC PROP PERM PROP EMER PROP PERM PERM PROP PROP PROP PROP PROP PROP	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-08-012 93-09-048 93-13-027 93-13-059 93-03-030 93-03-020 93-01-076 93-07-055 93-10-068 93-07-055 93-01-076 93-07-055
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commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas written statement (CrR 4.2(g)) Professional conduct Records, authentication Release after finding or plea of guilty (CrRLJ 3.2(f)) Service of summons and complaint Stay enforcement (RALJ 4.3(b)) Transcript of proceedings Utilities and transportation offenses,	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-095	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines Rules coordinator Stop line locations	MISC MISC MISC MISC MISC MISC MISC PROP PERM PROP PROP PROP PROP PROP PROP PROP PR	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059 93-03-033 93-03-020 93-01-076 93-07-055 93-10-068 93-07-055 93-10-068 93-03-016
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 3.4(c)) shelter care hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas written statement (CrR 4.2(g)) Professional conduct Records, authentication Release after finding or plea of guilty (CrRLJ 3.2(f)) Service of summons and complaint Stay enforcement (RALJ 4.3(b)) Transcript of proceedings	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-094 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-095	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines Rules coordinator Stop line locations	MISC MISC MISC MISC MISC MISC MISC PROP PERM PROP PROP PROP PROP PROP PROP PROP PR	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-04-071 93-08-012 93-09-048 93-13-027 93-13-059 93-03-033 93-03-020 93-01-076 93-07-055 93-10-068 93-07-055 93-10-068
commissioners, qualifications Attorney fees and costs Awards, filing Briefs, requirements Character and fitness committee recommendations Costs and attorney fees Counsel, withdrawal (RAP 18.3) Depositions Examination and cross examination Exhibits Facsimile transmission, authorization and exceptions Jury selection (CrR 6.3) Juveniles detention and release (JuCR 7.3) factfinding hearing (JuCR 2.3(a), (b)) Mandate issuance (RAP 12.5(c), RAP 12.6) Motion and proceedings Motor vehicle infractions, penalty schedule (IRLJ 6.2(d)) Pleas written statement (CrR 4.2(g)) Professional conduct Records, authentication Release after finding or plea of guilty (CrRLJ 3.2(f)) Service of summons and complaint Stay enforcement (RALJ 4.3(b)) Transcript of proceedings Utilities and transportation offenses,	MISC MISC MISC MISC MISC MISC MISC MISC	93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-093 93-13-093 93-13-093 93-13-093 93-13-095 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096 93-13-096	TRANSPORTATION, DEPARTMENT OF Building or house moves on highways Ferries preferential loading Highway access management access control classification system and standards Highway construction prequalification of contractors Pavement edge lines Rules coordinator Stop line locations	MISC MISC MISC MISC MISC MISC MISC PROP PERM PROP PEMER PROP PEMER PROP PROP MISC PROP PROP MISC MISC MISC MISC	93-06-024 93-07-095 93-09-056 93-12-037 93-13-041 93-02-027 93-01-011 93-08-012 93-09-048 93-13-059 93-03-033 93-03-020 93-01-076 93-07-055 93-10-068 93-07-055 93-10-068

UNIVERSITY OF WASHINGTON			E-911 information	. PROP	93-05-013
Meetings	MISC	93-01-083	D > 11 Information		93-11-026
	MISC	93-02-007	Water companies	FERIN	93-11-020
	MISC	93-02-007		•	
			customer revenue jurisdictional		
	MISC	93-03-011	threshold	· PROP	93-06-056
	MISC	93-03-012		PERM	93-12-062
	MISC	93-03-013	public records, availability	PROP	93-06-056
	MISC	93-03-036	•	PERM	93-12-062
	MISC	93-03-037		I Divivi	75 12 002
	MISC	93-03-038	VOCATIONAL EDUCATION, COUNCIL OF	.1	
		93-03-043			
	MISC		Meetings	MISC	93-11-059
	MISC	93-03-044			
	MISC	93-03-045	VOLUNTEER FIREFIGHTERS, BOARD FO	R	
	MISC	93-03-050	Meetings	MISC	93-08-035
	MISC	93-03-051	ŭ	MISC	93-13-003
	MISC	93-03-054			
	MISC			MISC	93-13-016
		93-03-068	1711771 1711771 000 000 000 000		
	MISC	93-03-069	WALLA WALLA COMMUNITY COLLEGE		
•	MISC	93-03-070	Meetings	MISC	93-01-059
	MISC	93-03-071			
	MISC	93-03-072	WASHINGTON STATE LIBRARY		
	MISC	93-03-073	Library commission		
	MISC	93-04-011	· meetings	14100	02 01 050
			. meetings	MISC	93-01-053
	MISC	93-04-012		MISC	93-05-027
	MISC			MISC	93-05-030
	MISC	93-04-056		MISC	93-11-055
	MISC	93-04-057		MISC	93-12-036
	MISC	93-04-058		Misc	75-12-050
	MISC	93-04-067	WASHINGTON STATE PATROL		
	MISC	93-04-068	Board		
	MISC	93-05-034	responsibilities and functions	PROP	93-10-001
	MISC	93-07-065	Log trucks, load fastening devices	PROP	93-05-028
	MISC	93-09-006	•	PERM	93-11-017
	MISC	93-09-009	Pole trailers, load fastening devices	PROP	93-05-028
	MISC	93-09-012	Total manager road rastening devices		
	MISC		C:	PERM	93-11-017
D 11 1 1 100		93-13-084	Sirens, standards	PROP	93-05-029
Parking and traffic	PROP	93-08-110		PERM	93-11-018
Rules coordinator	MISC	93-04-042	Vehicle identification numbers	PROP	93-10-002
			Weighing requirement, exemption	PROP	93-13-119
JSURY RATES					
(See inside front cover)			WASHINGTON STATE UNIVERSITY		
(800 110120 110111 00:01)			Meetings	MICC	02 11 000
ITH ITHES AND TRANSPORTATION				MISC	93-11-080
JTILITIES AND TRANSPORTATION			Rules coordinator	MISC	93-04-010
COMMISSION					
Adoption by reference			WESTERN WASHINGTON UNIVERSITY		
definitions	PROP	93-11-099	Firearms and dangerous weapons	PERM	93-01-080
Auto transportation companies			Smoking on campus	PERM	93-01-080
certificates	PROP	93-11-096		1 Ditivi	75-01-000
Limousine charter party carriers		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	WHATCOM COMMUNITY COLLEGE		
• •	DDOD	02.11.007			
certificates	PROP	93-11-096	Meetings	MISC	93-01-060
Log trucks, tie down requirements	PERM	93-05-038			
Meetings	MISC	93-01-039	WILDLIFE, COMMISSION AND DEPARTM	ENT	
Motor vehicles			Dogs pursuing or attacking deer or elk,		
identification markings	PROP	93-11-097	capture or destruction authorized	EMER	93-04-083
Natural gas			Firearm restriction areas	PROP	93-06-062
facilities, compliance with federal			restriction wow	PERM	93-11-011
	DDAD	02 12 025	Pisting.	PERM	93-11-011
standards	PROP	93-13-035	Fishing	DE 6-	
Pole trailers, tie down requirements	PERM	93-05-038	free fishing weekend	PROP	93-06-017
Rule book				PERM	93-10-054
compliance with rules	PROP	93-11-098	game fish classification	PROP	93-06-019
Rules coordinator	MISC	93-01-038	•	PROP.	93-06-020
Solid waste collection and disposal				PERM	93-10-011
companies consumer practices	PROP	93-13-139			
	INOI	/J-4J-1J/	game fish assessed as I.V. V. Joseph	PERM	93-10-012
Tariffs	DD 0.5	02 11 000	game fish seasons and catch limits, 1992-94		
fees	PROP	93-11-098	Blue Lake	PERM	93-04-051
Telecommunications			Caliche Lake	PROP	93-03-015
accounting standards, adoption of			channel catfish	PERM	93-04-040
accounting standards, adoption of FCC standards	PROP	93-02-068		PERM PROP	93-04-046 93-06-022
		93-02-068 93-07-089	channel catfish Coldwater Lake	PROP	93-06-022
FCC standards	PERM	93-07-089	Coldwater Lake	PROP PERM	93-06-022 93-10-053
FCC standards mandatory cost changes	PERM PERM	93-07-089 93-09-050	Coldwater Lake Dungeness River	PROP PERM PERM	93-06-022 93-10-053 93-04-053
FCC standards	PERM PERM PROP	93-07-089 93-09-050 93-01-027	Coldwater Lake Dungeness River Gissberg Ponds	PROP PERM PERM PERM	93-06-022 93-10-053 93-04-053 93-04-046
FCC standards mandatory cost changes	PERM PERM PROP PROP	93-07-089 93-09-050 93-01-027 93-01-152	Coldwater Lake Dungeness River	PROP PERM PERM	93-06-022 93-10-053 93-04-053
FCC standards mandatory cost changes quality of service	PERM PERM PROP	93-07-089 93-09-050 93-01-027	Coldwater Lake Dungeness River Gissberg Ponds	PROP PERM PERM PERM	93-06-022 93-10-053 93-04-053 93-04-046
FCC standards mandatory cost changes	PERM PERM PROP PROP	93-07-089 93-09-050 93-01-027 93-01-152	Coldwater Lake Dungeness River Gissberg Ponds	PROP PERM PERM PERM PROP PERM	93-06-022 93-10-053 93-04-053 93-04-046 93-06-057 93-10-056
FCC standards mandatory cost changes quality of service	PERM PERM PROP PROP	93-07-089 93-09-050 93-01-027 93-01-152	Coldwater Lake Dungeness River Gissberg Ponds Green River	PROP PERM PERM PERM PROP PERM PERM	93-06-022 93-10-053 93-04-053 93-04-046 93-06-057 93-10-056 93-04-052
FCC standards mandatory cost changes quality of service	PERM PERM PROP PROP	93-07-089 93-09-050 93-01-027 93-01-152	Coldwater Lake Dungeness River Gissberg Ponds Green River Mayfield Lake	PROP PERM PERM PERM PROP PERM	93-06-022 93-10-053 93-04-053 93-04-046 93-06-057 93-10-056

Pipers Creek	PERM	02 04 050	WORKEOBCE TRAINING AND EDUCA	TION	
		93-04-050	WORKFORCE TRAINING AND EDUCA	TION	
Spokane River	PERM	93-04-049	COORDINATING BOARD	14400	
	PROP	93-06-021	Meetings	MISC	93-01-101
T D:	PERM	93-10-055		PROP	93-02-045
Tucannon River	EMER	93-12-002		MISC	93-02-060
Yale Reservoir	PERM	93-04-048		MISC	93-04-066
steelhead	EMER	93-03-039		MISC	93-04-093
	EMER	93-06-061		PERM	93-06-005
northern squawfish sport-reward fishery	PROP	93-06-018		MISC	93-07-058
	PROP	93-06-019		MISC	93-10-052
	PERM	93-10-012		MISC	93-13-033
	PERM	93-10-013	Organization	PROP	93-02-045
game fish seasons and catch limits, 1994-95		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	3-8	PERM	93-06-005
definitions	PROP	93-13-140	Practice and procedure	PROP	93-02-045
establishment	PROP	93-13-140	ractice and procedure	PERM	93-06-005
Game	I KOI	73-13-140	Public records, availability	PROP	93-00-003
dead nonresident wildlife			rubile fectius, availability		
	DED.4	02.04.040	D 1 1' .	PERM	93-06-005
importation and retention prohibited	PERM	93-04-040	Rules coordinator	PROP	93-02-045
deleterious exotic wildlife				PERM	93-06-005
designation	PERM	93-04-039	Vocational schools, private		
possession, transfer, or release			nondegree programs	PROP	93-02-044
prohibited	PERM	93-04-039		PERM	93-06-006
protective measures for wildlife					
in captivity	PERM	93-04-039	YAKIMA VALLEY COMMUNITY COLL	ÆGE	
endangered and threatened species			Facilities, guidelines for use	PROP	93-12-099
recovery plan	PROP	93-06-016	Meetings	MISC	93-03-018
possession, transfer, or release			U		70 00 010
of certain wildlife species	PERM	93-04-039			
or certain whatie species	PERM	93-04-038			
retention of game	PERM	93-04-075			
	FERIN	93-04-073			
Game management units	DD 0.D	02.06.024			
boundary descriptions	PROP	93-06-074			
		93-13-048	•		
Hunting restrictions	PERM	93-04-074			
Hunting seasons					
closure areas, 1993-94	PROP	93-06-062			
	PERM	93-11-011			
deer and bear, 1993-94	PROP	93-06-064			
	PERM	93-11-016			
deer and elk, 1993-94	PROP	93-06-063			
	PERM	93-11-012			
elk, 1993-94	PROP	93-06-059			
one, 1995 94	PROP	93-06-063			
	PERM	93-11-012			
	PERM	93-11-015			
firearm restrictions, 1993-94					
irearm restrictions, 1995-94	PROP	93-06-062			
6 1 1000 00	PERM	93-11-011			
migratory waterfowl, 1992-93	EMER	93-01-100			
	PROP	93-13-136	·		
migratory waterfowl, 1993-94	PROP	93-13-136			
small game, 1993-94	PROP	93-06-058			
	PERM	93-11-014			
special species, 1993-94	PROP	93-06-060			
• •	PERM	93-11-013			
Rules coordinator	MISC	93-05-001			
Wildlife		70 00 00.			
dead nonresident wildlife					
importation and retention					
•	PERM	93-04-040			
prohibited	PERM	93-04-040			
deleterious exotic wildlife	DED. 4	00.04.000			
designation	PERM	93-04-039			
possession, transfer, or release					
prohibited	PERM	93-04-039			
protective measures for wildlife					
in captivity	PERM	93-04-039			
possession, transfer, or release of					
certain wildlife species	PERM	93-04-038	,		
Total California aparent	PERM	93-04-039	•		
Wildlife rescue coalition	. 2.1171	75 5. 657			
meetings	MISC	93-01-093			
Alcottings .	141100	75 GI-075			
WINE COMMISSION					
WINE CUMMISSION					

WINE COMMISSION
(See AGRICULTURE, DEPARTMENT OF)

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