

OCTOBER 6, 1993

OLYMPIA, WASHINGTON

ISSUE 93-19



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE (Computed and filed by the State Treasurer under RCW 19.52.025)

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

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1993 - 1994
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
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
94-01	Nov 24	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 25
94-02	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 8
94-03	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 2	Feb 22
94-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
94-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
94-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
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94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995

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;

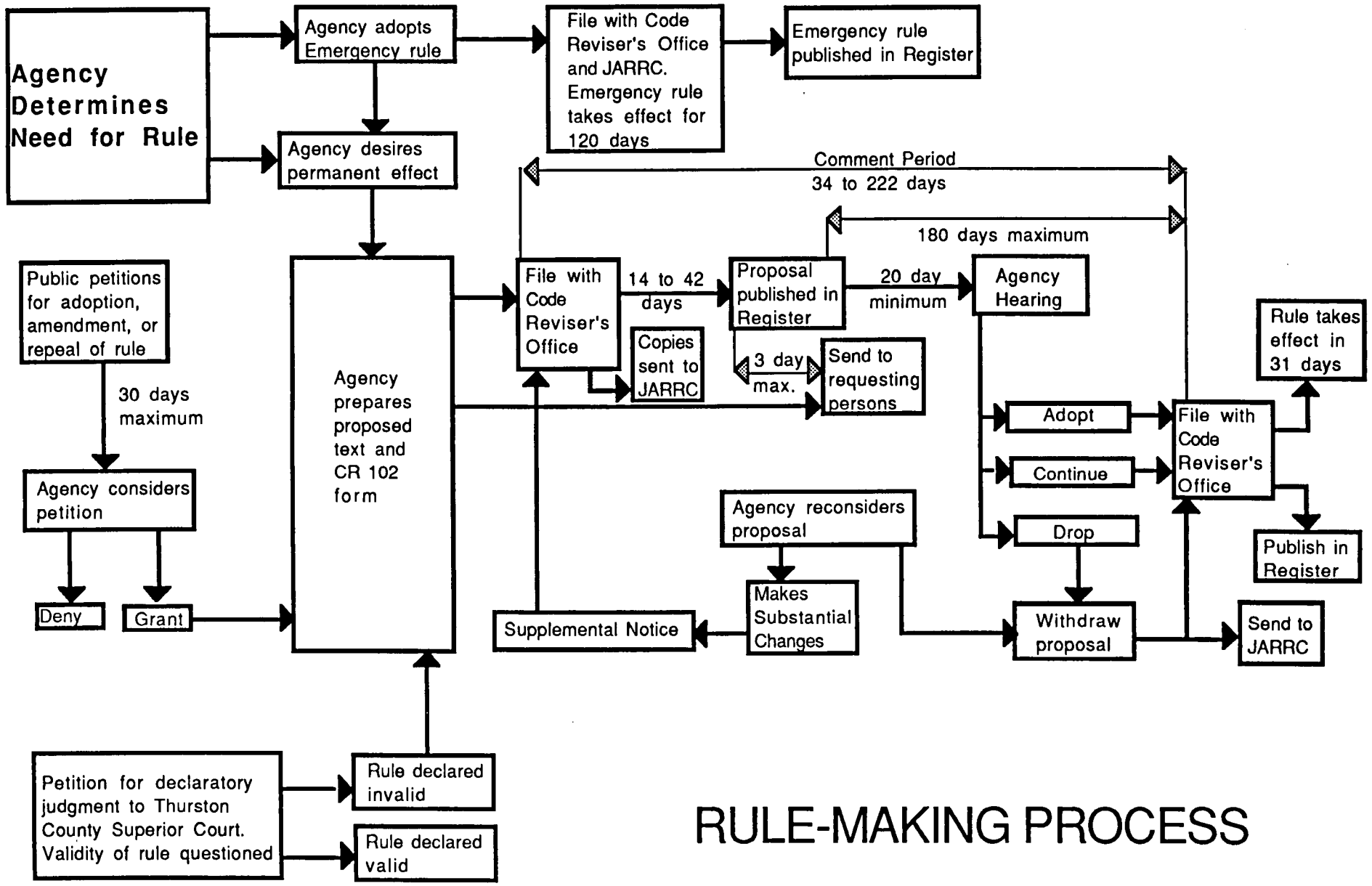
There is no economic impact on business;

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.



RULE-MAKING PROCESS

WSR 93-19-032**WITHDRAWAL OF PROPOSED RULES
WASHINGTON STATE LOTTERY**

[Filed September 7, 1993, 2:53 p.m.]

Pursuant to the requirement of WAC 1-21-060, notice is hereby provided that the proposed amendment to WAC 315-06-125 filed in WSR 93-16-096 of the Washington Administrative Code is hereby withdrawn.

Evelyn P. Yenson
Director

WSR 93-19-033**PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed September 7, 1993, 2:59 p.m.]

Original Notice.

Title of Rule: New sections WAC 390-16-034 Additional reporting requirements of contributor information, 390-16-309 Identification of affiliated entities, and 390-17-060 Exempt activities—Definition, reporting; and amending WAC 390-37-020 Enforcement procedures—Initiation of complaint, 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing, and 390-37-063 Enforcement procedures—Demand for information—Subpoenas.

Purpose: WAC 390-16-034, secure additional information to better identify sources of political contributions; WAC 390-16-309, identify what affiliated entities are; WAC 390-17-060, define exempt activities; WAC 390-37-020, broaden the base of potential sources of complaints to be considered by Public Disclosure Commission; WAC 390-37-060, allow for some review of complaints by commissioners prior to extensive investigation by Public Disclosure Commission staff; and WAC 390-37-063, delegate authority to issue subpoenas to staff.

Statutory Authority for Adoption: RCW 42.17.370(1) (and 42.17.090 (1)(j) for WAC 390-16-034).

Statute Being Implemented: Initiative 134.

Summary: WAC 390-16-034, requires the reporting of a contributor's principal occupation and employer. Reasons: Information necessary to assure compliance with the contribution limits and restrictions imposed by Initiative 134; WAC 390-16-309, identifies when two entities will be considered one for the purposes of contribution limits. Reasons: Information necessary to assure compliance with the contribution limits and restrictions imposed by Initiative 134; WAC 390-17-060, identifies what activities are exempt from reporting. Reasons: Information necessary to assure compliance with the contribution limits and restrictions imposed by Initiative 134; WAC 390-37-020, allows for complaints to come from state and local government agencies; WAC 390-37-060, executive director may review a complaint with commissioners before investing substantial commissioner scarce resources in an investigation. Reasons: With a growing number of complaints anticipated because of Initiative 134, staff will not be able to pursue all. Commissioners will have to decide early in the process which matters merit attention, and which do not; and WAC 390-37-063, allows Public Disclosure Commission staff to issue subpoenas during an investigation rather than make such

routine fact-finding activity subject to commissioners' action. Reasons: Investigations are often delayed and given undue premature publicity when Public Disclosure Commission staff must go to an open commission meeting for a request for a subpoena.

Name of Agency Personnel Responsible for all Rules Except WAC 390-37-063, Drafting: Roselyn Marcus, Attorney General's Office, Olympia, 586-1913; Implementation and Enforcement: David Clark, Public Disclosure Commission, Olympia, 753-1111. For WAC 390-37-063, Drafting: Graham Johnson, Public Disclosure Commission, Olympia, 753-1111; Implementation and Enforcement: David Clark, Public Disclosure Commissioner, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-16-034, information about a contributor's employment is required in other states which have contribution limits as a means of helping to assure that limits and reimbursement restrictions are not exceeded. Now that Washington has similar laws, this added information is essential for monitoring compliance; WAC 390-16-309, this rule explains when two or more entities shall be treated as one because of an affiliation, etc; WAC 390-17-060, this rule defines what exempt activities and the reporting process; WAC 390-37-020, this rule explains the process for filing complaints with the Public Disclosure Commission; WAC 390-37-060, this rule explains the procedures for investigating complaints; and WAC 390-37-063, this rule allows staff to issue subpoenas.

Proposal does not change existing rules.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, Olympia, Washington, on October 26, 1993, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by October 10, 1993.

Date of Intended Adoption: October 26, 1993.

August 31, 1993
Graham E. Johnson
Executive Director

NEW SECTION**WAC 390-16-034 Additional reporting requirements.**

Pursuant to RCW 42.17.090 (1)(j), each report required under RCW 42.17.080 (1) and (2) shall disclose, in addition to the name and address of each person who has made one or more contributions in the aggregate amount of one hundred dollars or more, the occupation and the name and address of the person's employer.

NEW SECTION**WAC 390-16-309 Identification of affiliated entities.**

(1) Two or more entities are treated as a single entity and share one contribution limit under RCW 42.17.640, if one of the entities is:

(a) a corporation and the other is a subsidiary, branch or department of the corporation;

(b) a trade association, labor union or collective bargaining association and the other is a local unit or branch of the trade association, labor union or collective bargaining association.

(2) Two or more entities are treated as a single entity and share one contribution limit under RCW 42.17.640, if one of the entities is a trade association, labor union or collective bargaining association and the other is an affiliate of the trade association, labor union or collective bargaining association.

(3) An entity is an affiliate of a trade association, labor union or collective bargaining association if it does not maintain executive and fiscal independence over its operations and functions as demonstrated by:

(a) Whether the trade association, labor union or collective bargaining association owns a controlling interest in the voting stock or securities of the entity;

(b) Whether the trade association, labor union or collective bargaining association has the authority or the ability to direct or participate in the governance of the entity through provisions of constitutions, bylaws, contracts or other rules, or through formal or informal practices or procedures;

(c) Whether the trade association, labor union or collective bargaining association has the authority or the ability to hire, appoint, demote or otherwise control the officers or other decision making employees or members of the entity;

(d) Whether the trade association, labor union or collective bargaining association has common or overlapping members, officers or employees with the entity which indicates a formal or ongoing relationship between the two entities or which indicates the creation of a successor entity;

(e) Whether the trade association, labor union or collective bargaining association provides funds, services or goods in a significant amount or on an ongoing basis through direct or indirect means to the entity;

(f) Whether the trade association, labor union or collective bargaining association causes or arranges for funds, services or goods in a significant amount or on an ongoing basis through direct or indirect means to the entity;

(g) Whether the trade association, labor union or collective bargaining association or its agent had an active or significant role in the formation of the entity;

(h) Whether the trade association, labor union or collective bargaining association or entity has similar patterns of contributions or contributors which indicates a formal or ongoing relationship between the entities;

(i) Whether the trade association, labor union or collective bargaining association participates in joint fundraising efforts with the entity.

NEW SECTION

WAC 390-17-060 Exempt activities—Definitions, reporting. (1)(a) "Exempt Contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17.630 (5)(b)(iv) and (vi). Such contributions are required to be reported under RCW 42.17.090, but are not subject to the contribution

limits in RCW 42.17.640. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW 42.17.640.

(c) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fundraising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW 42.17.640.

(2) "Exempt Contributions Account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt Activities" are those activities described in RCW 42.17.630 (5)(b), expenditures for which are exempt from the contribution limits of RCW 42.17.640. However, only those activities described in RCW 42.17.630 (5)(b)(iv) and (vi) as further defined in subsection (4) and (5) of this rule are eligible for payment with exempt contributions.

(4)(a) If activities described in RCW 42.17.630 (5)(b)(iv) promote clearly identified candidate(s), the activities are a contribution to those candidate(s). Expenditures for these activities may not be made with exempt contributions. If more than one clearly identified candidate is promoted, the amount expended shall be allocated proportionally among those candidates. The amount expended for such activities shall be reported as a contribution to that candidate(s). Candidate(s) shall be notified in writing of the contribution within five (5) business days of the expenditure.

(b) A candidate is deemed to be clearly identified if: the name of the candidate is used; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

(c) An activity that benefits or opposes fewer than three (3) individual candidates shall be presumed to be for the purpose of promoting individual candidates whether or not they are clearly identified. Such an activity does not constitute a contribution to any candidate who is not clearly identified, but the activity shall not be paid with exempt funds.

(5)(a) "Internal Organization Expenditures" described in RCW 42.17.630 (5)(b)(vi) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fundraising Expenditures" described in RCW 42.17.630 (5)(b)(vi) are expenditures for fundraising purposes, including: facilities for fundraisers, consumables furnished at the event and the cost of holding social events and

party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to subsections (5)(a) and (b) above are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(6) For purposes of RCW 42.17.630 (5)(b)(iv) and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

WAC 390-37-020 Enforcement procedures—Initiation of complaint. (1) A complaint alleging a violation of chapter 42.17 RCW may be brought to the attention of the commission staff by:

(a) A member of the public;

(b) The commission staff;

(c) A commission member, who shall then be disqualified from participating in the decision of an enforcement hearing that may arise from the complaint; ~~((or))~~

(d) Referral from the office of the attorney general or any other law enforcement agency~~((-))~~;

(e) A state agency, local agency or member of a state or local agency.

(2) The person or entity against whom a complaint is filed shall be known as the respondent.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91)

WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing. (1) Upon receipt of a complaint not obviously unfounded or frivolous, the executive director shall direct an investigation be conducted. If after an initial review of the complaint it is determined that a complete and thorough investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before continuing the investigation.

(2) The executive director shall initiate an enforcement hearing whenever an investigation reveals facts which the executive director has reason to believe are a material violation of chapter 42.17 RCW and do not constitute substantial compliance.

~~((2))~~ (3) The respondent shall be notified of the date of the hearing no later than ten days before that date pursuant to WAC 10-08-040.

~~((3))~~ (4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). If a request is made for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330.

AMENDATORY SECTION (Amending Order 85-04 [86-01], filed 10/31/85 [2/5/86])

WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas. (1) During the course of an audit or an investigation, the executive director may issue a (~~("demand for information")~~) subpoena directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The (~~("demand for information")~~) subpoena shall

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the executive director will (~~(present a request to the commission, at its next regular or special meeting, to issue a subpoena for the information pursuant to RCW 42.17.370(5))~~) apply to the Superior Court for an appropriate order or other remedy.

The (~~("demand for information")~~) subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission may issue a subpoena under RCW 42.17.370(5) to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the commission deems relevant and material.

~~((3) Whenever the commission will consider the issuance of a subpoena, the executive director will place the matter on the published agenda for that meeting and, in addition, give the respondent, if any, and the person to whom the subpoena would be directed, at least five days written notice of the time and place where the meeting will be held.)~~

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

**WSR 93-19-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed September 8, 1993, 4:40 p.m.]

Continuance of WSR 93-16-057.

Title of Rule: WAC 388-11-143 Department review of support orders.

Purpose: This proposed rule will govern when the Office of Support Enforcement will review and initiate an action to modify a child support order as a result of a review.

Date of Intended Adoption: September 17, 1993.

September 8, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

WSR 93-19-047
PROPOSED RULES
HEALTH CARE AUTHORITY
 [Filed September 9, 1993, 11:24 a.m.]

Original Notice.

Title of Rule: WAC 182-08-160 Group coverage when not in pay status, 182-08-175 Group coverage while on family and medical leave, and 182-08-190 Employer contribution to the public employees health insurance account.

Purpose: Change PEBB group coverage to include family leave. This bill was enacted by the federal government.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Summary: Implement the federal Family and Medical Leave Act of 1993, an act to grant family and temporary medical leave under certain circumstances.

Reasons Supporting Proposal: Compliance with federal law.

Name of Agency Personnel Responsible for Drafting: Elin Meyer, Olympia, Washington, 438-7961; Implementation: Sharon Thompson, Olympia, Washington, 438-7971; and Enforcement: Berry Myers, Olympia, Washington, 493-9392.

Name of Proponent: Health Care Authority, governmental.

Rule is necessary because of federal law, P.L. 103.3, Family and Medical Leave Act of 1993.

Explanation of Rule, its Purpose, and Anticipated Effects: Extend employer paid health benefits for qualifying family leave event.

Proposal Changes the Following Existing Rules: Previous rules would not have allowed continued benefits during this unpaid leave period.

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

Hearing Location: 676 Woodland Square Loop S.E., Building B, 1st Floor, Northwest Room, Lacey, WA, on November 1, 1993, at 10:00 a.m.

Submit Written Comments to: Elin Meyer, Internal Control and Operations Policy Manager, P.O. Box 42682, Olympia, WA 98504-2682, by October 25, 1993.

Date of Intended Adoption: November 1, 1993.

September 9, 1993

Elin S. Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 86-16-061, Resolution No. 86-3, filed 8/5/86)

WAC 182-08-160 Group coverage when not in pay status. An employee who is temporarily not in pay status may retain state group coverages, except long term disability, by self-payment of premium during any authorized leave without pay, during a layoff because of a reduction in force, or while receiving time loss benefits under worker's compensation, subject to a maximum (~~(self-pay)~~) period of twenty-nine months. Provided, that with respect to medical and dental coverages, this twenty-nine month period shall be reduced by the number of months of self-pay allowed under (~~WAC 182-12-210~~) COBRA and the number of employer-paid months allowed under family and medical leave.

Provided further, that part-time faculty may self-pay their life, medical and dental coverages between periods of employer paid coverage for a maximum of eighteen months. Medical only or medical and dental coverage may be self-paid but not dental only coverage. An employee may retain long term disability coverage by self-payment of premium up to twenty-four months during an authorized leave without pay, but only if such leave is an approved educational leave. An eligible employee will retain up to twelve weeks of employer paid medical, dental, basic life and basic long-term disability coverage during approved family and medical leave and may self-pay their optional life and long-term disability. With the exception of approved family leave, employees not in pay status are ineligible to receive credit for the employer premium contribution.

NEW SECTION

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations implementing that act, shall continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

AMENDATORY SECTION (Amending Order 2-78, filed 1/10/78)

WAC 182-08-190 Employer contribution to the (~~SEIB revolving fund~~) public employees health insurance account. An employer contribution in the amount established by the board shall be made to the (~~SEIB revolving fund~~) public employees health insurance account for each eligible employee in pay status for eight or more hours during a calendar month or for each eligible employee on family and medical leave.

WSR 93-19-048
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 9, 1993, 12:44 p.m.]

Original Notice.

Title of Rule: Radiation protection standards.

Purpose: The purpose of the rules and regulations for radiation protection is to ensure that worker and public exposure to sources of radiation is minimal and that safety is maintained.

Statutory Authority for Adoption: RCW 70.98.050.

Statute Being Implemented: RCW 70.98.050.

Summary: The radiation safety standards are being revised to comply with updated nationally recognized radiation protection standards, to remain compatible with the United States Nuclear Regulatory Commission, to improve

readability, to incorporate housekeeping changes, and to clarify existing regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: T. R. Strong, Tumwater, 586-8949.

Name of Proponent: Division of Radiation Protection, Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It is the purpose of the rules and regulations for radiation protection to state the requirements necessary to ensure maximum protection of the public health and the maximum safety to all persons from sources of radiation.

Proposal Changes the Following Existing Rules: The radiation safety standards are being modified to comply with updated national standards, to remain compatible with the United States Nuclear Regulatory Commission, to improve readability, to incorporate housekeeping changes, and to clarify existing regulations.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

INTRODUCTION: The Department of Health licenses approximately 440 businesses, institutions, and private practices to possess and/or use radioactive materials and registers 5000 facilities to use x-ray machines. Licensees and registrants come from many different standard industrial classification (SIC) categories.

The Regulatory Fairness Act, chapter 19.85 RCW, requires 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 businesses. The proposed revisions to radiation protection standards must meet the provisions of chapter 19.85 RCW.

Chapter 70.98 RCW requires the Department of Health to ensure that worker and public exposure to radiation is minimal and that safety is maintained. The rules and regulations for radiation protection outline the specific requirements to achieve the legislative mandate. The radiation safety standards are being revised to comply with recently updated nationally mandated radiation protection standards, to remain compatible with the United States Nuclear Regulatory Commission, to improve readability, to incorporate housekeeping changes and to clarify existing regulations.

INCORPORATION OF NATIONAL RADIATION SAFETY STANDARDS AND COMPATIBILITY WITH THE UNITED STATES NUCLEAR REGULATORY COMMISSION: The state of Washington is an agreement state with the United States Nuclear Regulatory Commission which means that the state has assumed specific authority to regulate the possession and use of radioactive materials. This agreement status prevails provided the radiation protection program remains compatible with the federal requirements. The United States Nuclear Regulatory Commission is requiring every agreement state to change its radiation protection standards to meet updated standards as a matter of compatibility. The updated Nuclear Regulatory Commission standards have incorporated the revised nationally recognized radiation safety standards.

The state's radiation regulatory program is located in the Division of Radiation Protection, Department of Health. The state's radiation regulatory program has a number of sections including radioactive materials, x-ray control, environmental monitoring, waste management, etc. Although the United States Nuclear Regulatory Commission mandate applies to licensed uses of radioactive materials, these radiation safety standards will be utilized by all program components. The proposed revised radiation protection standards are based on national standards required by the United States Nuclear Regulatory Commission, and will impact all businesses, large and small. The department would establish a confusing and inconsistent situation if there were a set of radiation safety standards for radioactive materials users and another one for x-ray machine users. Therefore, nationally recognized health physics standards are incorporated and applicable for all users of sources of radiation. An example is a new national standard which reduces the allowable exposure limits to individual members of the public from 500 millirems to 100 millirems per year. The Nuclear Regulatory Commission mandates that regulations applicable to users of radioactive materials incorporate this new limit regardless of size of business. Acceptable public health practice also makes this standard applicable to X-ray machine facilities.

Another example of the impact is expanded coverage of personnel monitoring. Currently the WAC regulations require individuals to wear film badges or similar devices when the potential dose exceeds 25% of the allowable personal exposure limit. The new standard requires monitoring of occupational exposure when the potential dose exceeds 10%. Here again, this expanded personnel monitoring coverage is mandated by the Nuclear Regulatory Commission for radioactive material users. From a radiation safety perspective, all users of sources of radiation should be required to meet this requirement, regardless of size of facility or source of radiation (radioactive materials or x-ray). It would not be appropriate to have a two tiered radiation safety regulation when health and safety is involved.

Another new mandated requirement is the automatic employee notification of their annual dose. The proposed regulations would require an annual report to the worker on the amount of radiation to which the worker has been exposed. This is a worker's "right to know" issue and must be applicable to all sizes of business. The department chooses to propose this requirement for all business. The department does not believe this creates a disproportionate burden on small business. If a business has 5 workers, then 5 notices must be generated; whereas, a business with 1000 employees must produce 1000 notices. The burden is consistent with the size of the business or the number of employees.

OTHER PROPOSED REQUIREMENTS: A number of changes have been [made] to the radiation protection regulations which are not mandated by the United States Nuclear Regulatory Commission. Changes are proposed to the chapters applicable to users of x-ray machines to ensure minimal patient exposure. These proposed radiation safety items include a requirement for consistency of operation between x-ray machines, a requirement to record total patient exposure for fluoroscopic procedures, and a quality control program required for medical facilities with 5 or more x-ray

systems. In each of these cases, the department does not believe there would be a disproportionate burden placed on a small business. The proposed requirement to record the total patient exposure for fluoroscopic procedures is important because of the patient's "right to know" the total dose received. Fluoroscopic procedures typically result in high radiation exposure to the patient and associated workers. The exposure records would be used in case of, for instance, problems with a fluoroscopic machine where reconstruction of exposure records is needed. The impact of this record-keeping process is related to the size of business in that a larger facility will do more fluoroscopic procedures than a small one. The proposed regulations also require a quality control program for medical facilities with 5 or more x-ray systems. A quality control program will better ensure that a facility will produce high quality radiographs with minimal exposure to the worker and the public. Medical facilities with 5 or more x-ray systems would generate a large number of radiographs on a daily basis; it is critical that a consistent and high quality radiograph be produced. A quality control program is not required of dental, veterinary, chiropractic or other small x-ray machine facilities.

It is proposed that industrial radiographers using radioactive materials provide telephone notification of all temporary jobs sites away from their licensed locations. This is not a direct federal requirement but is proposed as a mechanism to fulfill a federal requirement to adequately inspect actual operations of industrial radiography licensees. Due to the hazardous nature of their work (the potential for significant radiation exposure primarily to the radiographer but also to the general public), it is critical that the inspections of actual working conditions be performed. This task is complicated by the United States Nuclear Regulatory Commission guidelines requiring unannounced inspections. The department considered two options for inspecting temporary industrial radiography sites: Have the licensee notify the department of off-site work or have department staff wait outside the licensee's facility and follow the radiographer's vehicle to the job site. This latter option was determined to be neither efficient nor cost effective as a regular method of operation. The impact to the business for this proposed requirement is the time spent reporting to the state the times and places of temporary job sites. The impact is related to the size of business in that larger firms are predicted to do more temporary job work than a small business. However, to further mitigate the impact, the program will randomly select licensees to provide reporting for a limited time only. Thus a licensee may only need to report all jobs during a given month once a year. This minimizes the impact while still providing the agency with the most cost effective method of performing unannounced inspections. Therefore, it is proposed that the licensee notify the department using a 1-800 telephone number as required. If a radiation safety survey reveals major radiation safety violations, then the licensee, whether small or large, would be required to notify the department of all its temporary job sites. The health and safety of the worker(s) and general public are critical issues, and routine periodic reporting is deemed appropriate.

SUMMARY: The proposed revision updates the rules and regulations for radiation protection. The primary reason for revising these regulations is to remain compatible with the

United States Nuclear Regulatory Commission by updating the standards to reflect revised nationally recognized standards. The department has chosen to make the radiation protection standards applicable to all users of sources of radiation.

The burden of the proposed regulations on small businesses has been considered. An equal consideration is the health and safety of the occupational worker and the general public which demands that uniformity and consistency be achieved in the regulations whether a business is small or large.

Hearing Location: Department of Health, Division of Radiation Protection, Airdustrial Center, Building 5, Olympia, Washington 98504, on October 29, 1993, at 10:00 to 11:00 a.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, Department of Health, P.O. Box 47902, Olympia, WA 98504-7902, by October 28, 1993.

Date of Intended Adoption: October 29, 1993.

August 31, 1993

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-002 Purpose. It is the purpose of these regulations to state such requirements as shall be applied to the use of all ionizing radiation, radiation machines, and radioactive materials to ensure the maximum protection of the public health and the maximum safety to all persons at, or in the vicinity of, the place of use, storage, or disposal thereof. These regulations are intended to be consistent with the best use of radiation machines and radioactive materials.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-220-007 Statement of philosophy. In accordance with the recommendations of the Environmental Protection Agency, formerly the Federal Radiation Council, approved by the president of the United States of America, persons engaged in activities under licenses issued by the Washington state department of health pursuant to the Atomic Energy Act of 1954, as amended, shall, in addition to complying with the requirements set forth in chapter 246-221 WAC, make every reasonable effort to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable. Such persons should make particular efforts to keep the radiation exposure of an embryo or fetus as low as is reasonably achievable during the entire gestation period as recommended by the National Council on Radiation Protection and Measurements. The term "as low as is reasonably achievable" means ((as low as is readily achievable)) making every reasonable effort to maintain exposures to radiation as far below the dose limits in these regulations as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, ((and)) the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other socioeconomic considerations, and in

relation to the utilization of nuclear energy, ionizing radiation, and radioactive materials in the public interest.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-220-010 Definitions. As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) "A₁" means the maximum activity of special form radioactive material permitted to be transported in a Type A package. "A₂" means the maximum activity of normal form radioactive material permitted to be transported in a Type A package. A₁ and A₂ values are assigned to individual radionuclides and are tabulated in Appendix A of WAC 246-220-110. Methods of calculating values are also given.

(2) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(3) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

~~((3))~~ (4) "Act" means Nuclear energy and radiation, chapter 70.98 RCW.

~~((4))~~ (5) "Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

(6) "Adult" means an individual eighteen or more years of age.

(7) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

~~((5))~~ (8) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of particulates, dusts, fumes, mists, vapors, or gases.

~~((6))~~ (9) "Airborne radioactivity area" means ~~((a) any) a~~ room, enclosure, or operating area in which airborne radioactive material exists in concentrations ~~((a) in excess of the ((amounts specified in Appendix A, Table I, Column 1 of chapter 246-221 WAC; or (b) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed twenty five percent of the amounts))~~ derived air concentration (DAC) specified in WAC 246-221-290, Appendix A, ~~((Table I, Column 1))~~ or (b) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or twelve DAC-hours.

(10) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in WAC 246-221-290.

(11) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

(12) "Becquerel" (Bq) means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (s⁻¹).

(13) "Bioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these regulations, "radiobioassay" is an equivalent term.

~~((7))~~ (14) "Brachytherapy" means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, or interstitial application.

~~((8))~~ (15) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

~~((9))~~ (16) "Calendar quarter" means not less than twelve consecutive weeks nor more than fourteen consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

~~((10))~~ (17) "Calibration" means the determination of (a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (b) the strength of a source of radiation relative to a standard.

~~((11))~~ (18) "CFR" means Code of Federal Regulations.

~~((12))~~ (19) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: For Class D, Days, of less than ten days, for Class W, Weeks, from ten to one hundred days, and for Class Y, Years, of greater than one hundred days. For purposes of these regulations, "lung class" and "inhalation class" are equivalent terms. For "class of waste" see WAC 246-249-040.

(20) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(21) "Committed dose equivalent" ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the fifty-year period following the intake.

(22) "Committed effective dose equivalent" ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).

(23) "Controlled area." See "Restricted area."

~~((13))~~ (24) "Curie" means a unit of ~~((measurement))~~ quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} transformations per second (tps). ~~((Commonly used submultiples of the curie are the millicurie and the microcurie. One millicurie (mCi) = 0.001 curie = 3.7×10^7 tps. (Formerly referred to as disintegrations per seconds or dps.) One microcurie (uCi) = 0.000001 curie = 3.7×10^4 tps. One picocurie (pCi) = 10^{-12} Ci. One nanocurie (nCi) = 10^{-9} Ci. One tps = 60 dpm.~~

~~((14))~~ (25) "Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy, and her estimated date of conception.

(26) "Deep dose equivalent" (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

(27) "Department" means the department of health, division of radiation protection, which has been designated as the state radiation control agency.

~~((15))~~ (28) "Depleted uranium" means the source material uranium in which the isotope Uranium-235 is less than 0.711 percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

~~((16))~~ "dpm" means disintegrations per minute. See also "curie."

(17) "Dose" as used in these regulations shall mean absorbed dose or dose equivalent as appropriate.

(a) "Absorbed dose" is the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest. The special unit of absorbed dose is the rad. (See rad.)

(b) "Dose equivalent" is a quantity that expresses on a common scale for all radiation a measure of the postulated effect on a given organ. It is defined as the absorbed dose in rads times certain modifying factors. The unit of dose equivalent is the rem. (See rem.)

~~((18))~~ (29) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of two thousand hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for two thousand hours in a year. DAC values are given in WAC 246-221-290.

(30) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take two thousand DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(31) "Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent. For purposes of these regulations, "radiation dose" is an equivalent term.

(32) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

~~((19))~~ "Exposure" means the quotient of dQ by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having " dm " are completely stopped in air. (The special unit of exposure is the roentgen (R).)*

Note: *When not underlined as above the term 'exposure' has a more general meaning in these regulations.

(20) "Exposure rate" means the exposure per unit of time, such as R/min., mR/h, etc.

~~((21))~~ (33) "Dose equivalent (H_T)" means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

(34) "Dose limits" means the permissible upper bounds of radiation doses established in accordance with these regulations. For purposes of these regulations, "limits" is an equivalent term.

(35) "Dosimetry processor" means a person that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

(36) "dpm" means disintegrations per minute. See also "curie."

(37) "Effective dose equivalent (H_E)" means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum w_T H_T$).

(38) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(39) "Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, without respect to their intended use.

(40) "Exposure" means (a), when used as a verb, being exposed to ionizing radiation or to radioactive material, or (b), when used as a noun, the quotient of ΔQ by Δm where " ΔQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " Δm " are completely stopped in air. The special unit of exposure is the roentgen (R) and the SI equivalent is the coulomb per kilogram. One roentgen is equal to 2.58×10^{-4} coulomb per kilogram of air.

(41) "Exposure rate" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

(42) "External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

(43) "Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

(44) "Eye dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 mg/cm²).

(45) "Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

~~((22))~~ (46) "Generally applicable environmental radiation standards" means standards issued by the United States Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(47) "Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule/kilogram (100 rad).

(48) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

~~((23))~~ (49) "High radiation area" means any area, accessible to individuals, in which ~~((there exists))~~ radiation ~~((at such))~~ levels ~~((that a major portion of the body could receive in any one hour a dose in excess of 100 millirems))~~ could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of these regulations, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

~~((24))~~ (50) "Highway route controlled quantity" means a quantity of radioactive material in a single package which exceeds:

- (a) 3,000 times the A₁ or A₂ quantity as appropriate; or
- (b) 30,000 curies, whichever is ~~((least))~~ less.

~~((25))~~ (51) "Human use" means the intentional internal or external administration of radiation or radioactive material to human beings.

~~((26))~~ (52) "Immediate" or "immediately" means as soon as possible but no later than four hours after the initiating condition.

(53) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act (Title 10 CFR).

~~((27))~~ (54) "Individual" means any human being.

~~((28))~~ (55) "Individual monitoring" means the assessment of:

(a) Dose equivalent (i) by the use of individual monitoring devices or (ii) by the use of survey data; or

(b) Committed effective dose equivalent (i) by bioassay or (ii) by determination of the time-weighted air concentra-

tions to which an individual has been exposed, that is, DAC-hours.

(56) "Individual monitoring devices" means devices designed to be worn by a single individual for the assessment of dose equivalent. For purposes of these regulations, individual monitoring equipment and personnel monitoring equipment are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.

(57) "Inspection" means an official examination or observation by the department including but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

~~((29))~~ "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

~~((30))~~ (58) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

~~((31))~~ (59) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(60) "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

(61) "License" means a license issued by the department in accordance with the regulations adopted by the department.

~~((32))~~ (62) "Licensed material" means radioactive material received, possessed, used, transferred, or disposed under a general or specific license issued by the department.

(63) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

~~((33))~~ (64) "Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and which has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

~~((34))~~ (65) "Lost or missing licensed material" means licensed material whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

(66) "Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in Section 71.4 of 10 CFR Part 71.

~~((35))~~ (67) "Member of the public" means an individual who does not meet the definition of a worker as defined

in this subsection. A worker is considered a member of the public when not engaged in work for his or her employer.

((68)) "Minor" means an individual less than eighteen years of age.

((69)) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these regulations, radiation monitoring and radiation protection monitoring are equivalent terms.

((70)) "NARM" means any naturally occurring or accelerator-produced radioactive material ~~((except source material))~~. It does not include by-product, source, or special nuclear material. For the purpose of meeting the definition of a Licensing State by the Conference of Radiation Control Program Directors, Inc. (CRCPD), NARM refers only to discrete sources of NRAM. Diffuse sources of NARM are excluded from consideration by the CRCPD for Licensing State designation purposes.

~~((36))~~ ((71)) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

~~((37))~~ ((72)) "NDA" means a new drug application which has been submitted to the United States Food and Drug Administration.

~~((38))~~ ((73)) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these regulations, a "deterministic effect" is an equivalent term.

((74)) "Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."

~~((39))~~ ((75)) "Nuclear Regulatory Commission" (NRC) means the United States Nuclear Regulatory Commission or its duly authorized representatives.

((76)) "Nuclear waste" as used in WAC 246-232-090(5) means any quantity of source or byproduct material, (not including radiography sources being returned to the manufacturer) required to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Nuclear waste, as used in these regulations, is a special classification of radioactive waste.

~~((40))~~ ((77)) "Occupational dose" means ~~((exposure of an individual to radiation in a restricted area; or in the course of employment in which the individual's duties involve exposure to radiation: Provided, That occupational dose shall not be deemed to include any exposure of an individual to radiation for the purpose of diagnosis or therapy of such individual))~~ the dose received by a worker in the course of employment from exposure to sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received: From background radiation, as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the public.

~~((41))~~ ((78)) "Ore refineries" means all processors of a radioactive material ore.

~~((42))~~ ((79)) "Package" means the packaging together with its radioactive contents as presented for transport.

((80)) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

~~((43))~~ ((81)) "Permittee" means a person who has applied for, and received, a valid site use permit for use of the low-level waste disposal facility at Hanford, Washington.

~~((44))~~ ((82)) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing, but shall not include federal government agencies.

~~((45))~~ ((83)) "Personal supervision" means supervision such that the supervisor is physically present at the facility and in such proximity that contact can be maintained and immediate assistance given as required.

~~((46))~~ ((84)) "Personnel monitoring equipment" ~~((means devices (e.g., film badges, pocket dosimeters, and thermoluminescent dosimeters) designed to be worn or carried by an individual for the purpose of estimating the dose received by the individual))~~. See individual monitoring devices.

~~((47))~~ ((85)) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

~~((48))~~ ((86)) "Physician" means an individual licensed by this state to prescribe and dispense drugs in the practice of medicine.

~~((49))~~ ((87)) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

((88)) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

~~((50))~~ ((89)) "Public dose" means the dose received by a member of the public from exposure to sources of radiation under the licensee's or registrant's control. It does not include occupational dose, dose received from background radiation, dose received as a patient from medical practices, or dose from voluntary participation in medical research programs.

((90)) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department possession of knowledge ~~((and))~~ training, and experience to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs. The department reserves the right to recognize the qualifications of an individual in specific areas of radiation protection.

~~((51))~~ ((91)) "Quality factor" (Q) means the modifying factor, listed in Tables I and II, that is used to derive dose equivalent from absorbed dose.

TABLE I
QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to A Unit Dose Equivalent ¹
X, gamma, or beta radiation and high-speed electrons	1	1

<u>Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge</u>	<u>20</u>	<u>0.05</u>
<u>Neutrons of unknown energy</u>	<u>10</u>	<u>0.1</u>
<u>High-energy protons</u>	<u>10</u>	<u>0.1</u>

^a Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 Sv.

If it is more convenient to measure the neutron fluence rate rather than to determine the neutron dose equivalent rate in

sievert per hour or rem per hour as required for Table I, then 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of these regulations, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

	Neutron Energy (MeV)	Quality Factor ^a (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)
(thermal)	2.5 x 10 ⁻⁸	2	980 x 10 ⁶	980 x 10 ⁸
	1 x 10 ⁻⁷	2	980 x 10 ⁶	980 x 10 ⁸
	1 x 10 ⁻⁶	2	810 x 10 ⁶	810 x 10 ⁸
	1 x 10 ⁻⁵	2	810 x 10 ⁶	810 x 10 ⁸
	1 x 10 ⁻⁴	2	840 x 10 ⁶	840 x 10 ⁸
	1 x 10 ⁻³	2	980 x 10 ⁶	980 x 10 ⁸
	1 x 10 ⁻²	2.5	1010 x 10 ⁶	1010 x 10 ⁸
	1 x 10 ⁻¹	7.5	170 x 10 ⁶	170 x 10 ⁸
	5 x 10 ⁻¹	11	39 x 10 ⁶	39 x 10 ⁸
	1	11	27 x 10 ⁶	27 x 10 ⁸
	2.5	9	29 x 10 ⁶	29 x 10 ⁸
	5	8	23 x 10 ⁶	23 x 10 ⁸
	7	7	24 x 10 ⁶	24 x 10 ⁸
	10	6.5	24 x 10 ⁶	24 x 10 ⁸
	14	7.5	17 x 10 ⁶	17 x 10 ⁸
	20	8	16 x 10 ⁶	16 x 10 ⁸
	40	7	14 x 10 ⁶	14 x 10 ⁸
	60	5.5	16 x 10 ⁶	16 x 10 ⁸
	1 x 10 ²	4	20 x 10 ⁶	20 x 10 ⁸
	2 x 10 ²	3.5	19 x 10 ⁶	19 x 10 ⁸
	3 x 10 ²	3.5	16 x 10 ⁶	16 x 10 ⁸
	4 x 10 ²	3.5	14 x 10 ⁶	14 x 10 ⁸

^a Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

^b Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

(92) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately thirteen consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

(93) "Rad" means the special unit of absorbed dose. One rad equals one-hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue. One rad is equal to an absorbed dose of 100 erg/gram or 0.01 joule/kilogram (0.01 gray).

((52)) (94) "Radiation" means ((ionizing radiation, i.e., gamma rays and x-rays, alpha and beta particles, high speed electrons, and other nuclear particles)) alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons,

high-speed protons, and other particles capable of producing ions. For purposes of these regulations, ionizing radiation is an equivalent term. Radiation, as used in these regulations, does not include magnetic fields or nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

((53)) (95) "Radiation area" means any area, accessible to individuals, in which ((there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirems, or in any five consecutive days a dose in excess of 100 millirems)) radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at thirty centimeters from the source of radiation or from any surface that the radiation penetrates.

((54)) (96) "Radiation machine" means any device capable of producing ionizing radiation except those ((which produce radiation only from radioactive material)) devices with radioactive materials as the only source of radiation.

((55)) (97) "Radiation safety officer" means ((one)) an individual who has the knowledge((-authority;)) and respon-

sibility to apply appropriate radiation protection regulations and ~~((measures))~~ has been assigned such responsibility by the licensee or registrant.

~~((56))~~ (98) "Radiation source." See "Source of radiation."

~~((57))~~ (99) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

~~((58))~~ (100) "Radioactive waste" means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

~~((59))~~ (101) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

~~((60))~~ (102) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

(103) "Registrable item" means any radiation machine except those exempted by RCW 70.98.180 or exempted by the department pursuant to the authority of RCW 70.98.080.

~~((61))~~ (104) "Registrant" means any person who is registered by the department or is legally obligated to register with the department in accordance with these regulations and the act.

~~((62))~~ (105) "Registration" means registration with the department in accordance with the regulations adopted by the department.

~~((63))~~ (106) "Regulations of the United States Department of Transportation" means the regulations in 49 CFR Parts 170-189, 14 CFR Part 103, and 46 CFR Part 146.

~~((64))~~ "Rem" means a measure of the dose of any radiation to body tissue in terms of its estimated biological effect relative to a dose received from an exposure to one roentgen (R) of x rays. (One millirem (mrem) = 0.001 rem.) For the purpose of these regulations, any of the following is considered to be equivalent to a dose of one rem:

- (a) An exposure of 1 R of x, or gamma radiation;
- (b) A dose of 1 rad due to x, gamma, or beta radiation;
- (c) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;
- (d) A dose of 0.1 rad due to neutrons or high energy protons.*
- (e) A dose of 0.4 rad due to thermal neutrons.

Note: *If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron absorbed dose in rads, one rem of neutron radiation may, for purposes of these regulations, be assumed to be equivalent to fourteen million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

Neutron Flux Dose Equivalents

Neutron energy (MeV)	Number of neutrons per square centimeter for a dose equivalent of 1 rem (neutrons/cm ²)	Average flux density to deliver 100 millirems in 40 hours (neutrons/cm ² per second)
Thermal	970 x 10 ⁶	670
0.0001	720 x 10 ⁶	500
0.005	820 x 10 ⁶	570
0.02	400 x 10 ⁶	280
0.1	120 x 10 ⁶	80
0.5	43 x 10 ⁶	30
1.0	26 x 10 ⁶	18
2.5	29 x 10 ⁶	20
5.0	26 x 10 ⁶	18
7.5	24 x 10 ⁶	17
10.0	24 x 10 ⁶	17
10 to 30	14 x 10 ⁶	10

~~((65))~~ (107) "Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

(108) "Research and development" means: (a) Theoretical analysis, exploration, or experimentation; or (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

~~((66))~~ (109) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(110) "Restricted area" ~~((controlled area))~~ means any area ~~((the access))~~ to which ~~((is controlled))~~ access is limited by the licensee or registrant for purposes of ~~((protection of))~~ protecting individuals against undue risks from exposure to radiation and radioactive material. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

~~((67))~~ (111) "Roentgen" (R) means the special unit of ~~((exposure))~~ exposure. One roentgen equals 2.58 x 10⁻⁴ coulombs/kilogram of air ~~((see "Exposure"))~~.

~~((68))~~ (112) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

(113) "Sealed source" means any device containing radioactive material ~~((that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling))~~ to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

~~((69))~~ (114) "Shallow dose equivalent" (H_s), which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centi-

meter (7 mg/cm²) averaged over an area of 1 square centimeter.

(115) "SI" means an abbreviation of the International System of Units.

(116) "Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

(117) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

(118) "Source container" means a device in which radioactive material is transported or stored.

(119) "Source material" means: (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

~~((70))~~ (120) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

~~(71)~~ "Source container" means a device in which radioactive material is transported or stored.

~~(72))~~ (120) "Source material milling" means ~~((any activity that results in the production of byproduct material as defined in subsection (8)(b) of this section))~~ the extraction or concentration of uranium or thorium from any ore processing primarily for its source material content.

~~((73))~~ (121) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

(122) "Special form radioactive material" means radioactive material which satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can only be opened by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and

(c) It satisfies the test requirements ~~((of 10 CFR 71.75))~~ specified by the United States Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the United States Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed or constructed after June 30, 1985, must meet requirements of this definition applicable at the time of its design or construction.

~~((74))~~ (123) "Special nuclear material" means:

(a) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched in any of the foregoing, but does not include source material.

(124) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty grams of contained U-235; Uranium-233 in quantities not exceeding two hundred grams; Plutonium in quantities not

exceeding two hundred grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175(\text{grams contained U-235})}{350} + \frac{50(\text{grams U-233})}{200} + \frac{50(\text{grams Pu})}{200} < 1$$

~~((75))~~ (125) "State" as used in WAC 246-232-090(5) means the several states of the union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

~~((76))~~ (126) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these regulations, probabilistic effect is an equivalent term.

(127) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, release, disposal, ~~((and/or))~~ or presence of sources of radiation ~~((under a specific set of conditions to determine actual or potential radiation hazards))~~. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, calculations and measurements of levels of radiation or concentration of radioactive material present.

~~((77))~~ (128) "Test" means (a) the process of verifying compliance with an applicable regulation, or (b) a method for determining the characteristics or condition of sources of radiation or components thereof.

~~((78))~~ (129) "These regulations" mean all parts of the rules for radiation protection of the state of Washington.

~~((79))~~ (130) "Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

(131) "Type A packaging" means packaging designed in accordance with 49 CFR 173.411 and 173.412 to retain its integral containment and shielding under normal conditions of transport as demonstrated by tests described in 49 CFR 173.465 or 173.466 as appropriate. The contents are limited to A₁ or A₂ quantities. The package does not require competent authority approval.

~~((80))~~ (132) "Type A quantity" means a quantity of radioactive material less than or equal to the A₁ or A₂ value for a single radionuclide, or for which the sum of the fractions does not exceed unity for a mixture of radionuclides.

~~((81))~~ (133) "Type B packaging" means packaging approved by the United States Nuclear Regulatory Commission for the transport of quantities of radioactivity in excess of A₁ or A₂. It is defined in detail in 10 CFR 71.4.

~~((82))~~ (134) "Type B quantity" means a quantity of radioactive material in excess of a Type A quantity. It requires Type B packaging for transportation.

~~((83))~~ "Uncontrolled area." See "Unrestricted area."

~~((84))~~ (135) "United States Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy Research and Development Administration and to the administrator thereof pursuant to sections 104 (b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814 effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

~~((85))~~ (136) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

~~((86))~~ (137) "Unrestricted area" (uncontrolled area) means any area ~~((access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters))~~ which is not a restricted area and where the external dose will not exceed 2 mrem in any one hour. In addition, the public dose, taking into account occupancy factors, will not exceed 100 mrem total effective dose equivalent in any one year.

(138) "Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates.

~~((87))~~ (139) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

~~((88))~~ (140) "Week" means seven consecutive days starting on Sunday.

(141) "Weighting factor" w_T for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

<u>Organ or Tissue</u>	<u>w_T</u>
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03

<u>Remainder</u>	<u>0.30^a</u>
<u>Whole Body</u>	<u>1.00^b</u>

^a 0.30 results from 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

^b For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(142) "Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

(143) "Worker" means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant ~~((but does not include the licensee or registrant))~~. Where the licensee or registrant is an individual rather than one of the other legal entities defined under "person," the radiation exposure limits for the worker also apply to the individual who is the licensee or registrant. If students of age eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be occupational workers. Individuals of less than eighteen years of age shall meet the requirements of WAC 246-221-050.

(144) "Working level" (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are — for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.

(145) "Working level month" (WLM) means an exposure to one working level for one hundred seventy hours — two thousand working hours per year divided by twelve months per year is approximately equal to one hundred seventy hours per month.

(146) "Year" means the period of time beginning in January used to determine compliance with the provisions of these regulations. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

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 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-080 Prohibited uses. (1) Hand-held fluoroscopic screens shall not be used unless listed in the Registry of Sealed Sources and Devices or accepted for certifications by the United States Food and Drug Administration, Center for Devices and Radiological Health.

(2) Shoe-fitting fluoroscopic devices shall not be used.

PROPOSED

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-220-090 Communications. All communications and reports concerning these regulations, and applications filed thereunder, should be addressed to the Department of Health, Division of Radiation Protection, ((Mailstop LE-43)) P.O. Box 47827, Olympia, Washington 98504-7827. The emergency telephone number in Seattle, is 206-682-5327 or 206 (NUCLEAR).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-120 Appendix B—Information on transportation special form licensed material. (1) "Special form" means any of the following physical forms of licensed material:

(a) The material is in solid form having no dimension less than 0.5 millimeter or at least one dimension greater than five millimeters; does not melt, sublime, or ignite in air at a temperature of 1,000 degrees Fahrenheit; will not shatter or crumble if subjected to the percussion test described in this section; and is not dissolved or converted into dispersible form to the extent of more than 0.005 percent by weight by immersion for one week in water at 68 degrees Fahrenheit or in air at 86 degrees Fahrenheit; or

(b) The material is securely contained in a capsule having no dimension less than 0.5 millimeter or at least one dimension greater than five millimeters, which will retain its contents if subjected to the tests prescribed in this section; and which is constructed of materials which do not melt, sublime, or ignite in air at 1,475 degrees Fahrenheit, and do not dissolve, or convert into dispersible form, to the extent of more than 0.005 percent by weight by immersion for one week in water at 68 degrees Fahrenheit or in air at 86 degrees Fahrenheit.

(2) *Tests for special form licensed material.*

(a) Free drop - A free drop through a distance of thirty feet onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

(b) Percussion - Impact of the flat circular end of a one inch diameter steel rod weighing three pounds, dropped through a distance of forty inches. The capsule or material shall be placed on a sheet of lead, of hardness number 3.5 to 4.5 on the Vickers scale, and not more than one inch thick, supported by a smooth essentially unyielding surface.

(c) Heating - Heating in air to a temperature of 1,475 degrees Fahrenheit and remaining at that temperature for a period of ten minutes.

(d) Immersion - Immersion for twenty-four hours in water at room temperature. The water shall be at pH 6-pH 8, with a maximum conductivity of ten ((microohms)) micromhos per centimeter.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-220-130 Appendix C—The international system of units (SI). ((This appendix does not contain any regulations, but is included for informational purposes only.

~~The Metric Conversion Act of 1975 (PL 94-168) urges the increasing awareness and use of the International System of Units (SI). This appendix is included to acquaint licensees and/or registrants with selected terms of SI units. Future revisions to chapters 246-220 through 246-255 WAC may use these units.~~

~~(1) Absorbed dose. The unit of absorbed dose is the gray (Gy) which is equal to 1 joule per kilogram. One rad is equal to 1×10^{-2} gray. A submultiple is the milligray (mGy).~~

~~(2) Dose equivalent. The unit of dose equivalent is the sievert (Sv) which is equal to 1 joule per kilogram as modified by the quality factor. One rem is equal to 1×10^{-2} sievert. A submultiple is the millisievert (mSv).~~

~~(3) Exposure. The unit of exposure is the coulombs per kilogram (C/kg). One roentgen is equal to 2.58×10^{-4} coulombs per kilogram of dry air. Multiples of this unit are the millicoulomb per kilogram (mC/kg) and the microcoulomb per kilogram (uC/kg) of dry air at standard temperature and pressure.~~

~~(4) Radioactivity. The unit of measurement of radioactivity is the becquerel (Bq) and is equal to one transformation per second. One curie is equal to 3.7×10^{10} becquerels. Multiples are megabecquerel (MBq) and gigabecquerel (GBq).)~~ Conversion factors.

<u>Multiply</u>	<u>by</u>	<u>to obtain</u>
becquerels	2.703×10^{-11}	curies
becquerels	2.703×10^{-8}	millicuries
curies	3.700×10^{10}	becquerels
curies	2.220×10^{12}	disintegrations/min (dpm)
curies	10^3	millicuries
curies	10^6	microcuries
curies	10^{12}	picocuries
dis/min (dpm)	4.505×10^{-10}	millicuries
dis/min (dpm)	4.505×10^{-7}	microcuries
dis/sec (Bq)	2.703×10^{-8}	millicuries
dis/sec (Bq)	2.703×10^{-5}	microcuries
gray	100	rad
microcuries	3.700×10^4	becquerels
microcuries	2.220×10^6	disintegrations/min (dpm)
millicuries	3.700×10^7	becquerels
millicuries	2.220×10^9	disintegrations/min (dpm)
rad	0.01	gray
rem	0.01	sievert
sievert	100	rem

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-001 Purpose and scope. (1) This chapter establishes standards for protection against radiation hazards. Except as otherwise specifically provided, this chapter applies to all licensees or registrants. The requirements of this chapter are designed to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee or registrant so the total dose to an individual, including doses resulting from all sources of radiation other than background radiation, does not exceed the standards for protection against radiation prescribed in this chapter.

(2) The limits in this chapter do not apply to doses due to background radiation, to exposure of patients to radiation

for the purpose of medical diagnosis or therapy, or to voluntary participation in medical research programs.

(3) Nothing in this chapter shall be interpreted as limiting ~~((the intentional exposure of patients to radiation for the purpose of medical diagnosis or therapy))~~ actions that may be necessary to protect health and safety in an emergency.

(4) The definitions contained in WAC 246-220-010 also apply to this chapter. WAC 246-220-007, Statement of philosophy, is directly applicable to this chapter.

NEW SECTION

WAC 246-221-005 Radiation protection programs.

(1) Each specific licensee shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of this chapter.

(2) The licensee shall use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

(3) The licensee shall review the radiation protection program content and implementation at the frequency specified in the license.

(4) Each licensee shall maintain records of the radiation protection program, including:

- (a) The provisions of the program; and
- (b) Audits, where required, and other reviews of program content and implementation.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-010 ((Radiation dose to individuals in restricted areas.)) Occupational dose limits for adults.

(1) ~~((Except as provided in subsection (2) of this section no licensee or registrant shall possess, use, store, receive, or transfer sources of radiation in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from all sources of radiation in the licensee's or registrant's possession a dose in excess of the limits specified in the following table:~~

Rem per Calendar Quarter

Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads	1.25
Hands and forearms; feet and ankles	18.75
Skin of whole body	7.5

Note: *For determining the doses specified in this section a dose from x or gamma rays up to 10 MeV may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

~~(2) A licensee or registrant may permit an individual in a restricted area to receive a dose to the whole body greater than that permitted under subsection (1) of this section, provided that:~~

- ~~(a) During any calendar quarter the dose to the whole body from sources of radiation in the licensee's or registrant's possession shall not exceed three rems; and~~
- ~~(b) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not~~

~~exceed 5(N-18) rems when "N" equals the individual's age in years at the individual's last birthday; and~~

~~(c) The licensee or registrant has determined the individual's accumulated occupational dose to the whole body on department Form RHF 4 or on a clear and legible record containing all the information required in that form and has otherwise complied with the requirements of WAC 246-221-020. As used in subsection (2) of this section "dose to the whole body" shall be deemed to include any dose to the whole body, gonads, active blood-forming organs, head and trunk, or lens of the eye; and~~

~~(d) The licensee or registrant has determined that the predicted dose to the whole body is as low as is reasonably achievable and consistent with the statements in WAC 246-220-007. The licensee or registrant shall perform an evaluation of the expected whole body dose before permitting any individual to receive a whole body dose in excess of the limits specified in subsection (1) of this section.~~

~~A written record of the prior evaluation of this exposure shall be retained for inspection by the department.)~~ The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to WAC 246-221-030, to the following dose limits:

- (a) An annual limit, which is the more limiting of:
 - (i) The total effective dose equivalent being equal to 0.05 Sv (5 rem); or
 - (ii) The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 0.50 Sv (50 rem).

(b) The annual limits to the lens of the eye, to the skin, and to the extremities which are:

- (i) An eye dose equivalent of 0.15 Sv (15 rem); and
- (ii) A shallow dose equivalent of 0.50 Sv (50 rem) to the skin or to any extremity.

(2) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, must be subtracted from the limits specified in WAC 246-221-030 for planned special exposures that the individual may receive during the current year and during the individual's lifetime.

(3) The assigned deep dose equivalent and shallow dose equivalent shall be for the portion of the body receiving the highest exposure. The deep dose equivalent, eye dose equivalent and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.

(4) Derived air concentration (DAC) and annual limit on intake (ALI) values are specified in WAC 246-221-290 and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits.

(5) Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity.

(6) The licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person during the current year as determined in accordance with WAC 246-221-020.

NEW SECTION

WAC 246-221-015 Compliance with requirements for summation of external and internal doses. (1) If the licensee is required to monitor pursuant to both WAC 246-221-090 and 246-221-100, the licensee shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee is required to monitor only pursuant to WAC 246-221-090 or only pursuant to WAC 246-221-100, then summation is not required to demonstrate compliance with the dose limits. The licensee may demonstrate compliance with the requirements for summation of external and internal doses pursuant to subsections (2), (3), and (4) of this section. The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation, but are subject to separate limits.

(2) **Intake by inhalation.** If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

(a) The sum of the fractions of the inhalation ALI for each radionuclide; or

(b) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by two thousand; or

(c) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors, w_T , and the committed dose equivalent, $H_{T,50}$, per unit intake is greater than ten percent of the maximum weighted value of H_{50} , that is, $w_T H_{T,50}$, per unit intake for any organ or tissue.

(3) **Intake by oral ingestion.** If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than ten percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

(4) **Intake through wounds or absorption through skin.** The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to this section.

(5) **External dose from airborne radioactive material.** Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, eye dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud. Airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-020 Determination of prior (~~accumulated~~) occupational dose. (~~Determination of prior dose. Each licensee or registrant shall require any individual, prior to first entry of the individual into the licensee's or registrant's restricted area during each employment or work assignment under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in WAC 246-221-010(1) and 246-221-050 to disclose and verify in a written, signed statement, either:~~)

~~(1) That the individual had no prior occupational dose during the current calendar quarter; or~~

~~(2) The nature and amount of any occupational dose which the individual may have received during that specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons. Each licensee shall maintain records of such statements until the department authorizes their disposition.)~~ (1) For each individual who may enter the licensee's or registrant's restricted area and is likely to receive, in a year, an occupational dose requiring monitoring pursuant to WAC 246-221-090, the licensee or registrant shall:

(a) Determine the occupational radiation dose received during the current year; and

(b) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

(2) Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

(a) The internal and external doses from all previous planned special exposures; and

(b) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.

(3) In complying with the requirements of subsection (1) of this section, a licensee or registrant may:

(a) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year; and

(b) Accept, as the record of lifetime cumulative radiation dose, an up-to-date Form RHF-4A, or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

(c) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, telegram, facsimile, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

(4) The licensee or registrant shall record the exposure history, as required by subsection (1) of this section, on Form RHF-4A, or other clear and legible record, of all the information required on that form. The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing Form RHF-4A. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on Form RHF-4A indicating the periods of time for which data are not available.

(5) Licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed under the regulations in effect before January 1, 1994. Further, occupational exposure histories obtained and recorded on Form RHF-4 before January 1, 1994, would not have included effective dose equivalent, but may be used in the absence of specific information on the intake of radionuclides by the individual.

(6) If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(a) In establishing administrative controls under WAC 246-221-010(5) for the current year, that the allowable dose limit for the individual is reduced by 12.5 mSv (1.25 rem) for each calendar quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(b) That the individual is not available for planned special exposures.

(7) The licensee or registrant shall retain the records on Form RHF-4A or equivalent until the department terminates each pertinent license requiring this record. The licensee or registrant shall retain records used in preparing Form RHF-4 or THF-4A for three years after the record is made.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-030 Requirements for ~~((exceeding occupational radiation doses))~~ planned special exposures. ~~(((1) Before permitting, pursuant to WAC 246-221-010(2), any individual in a restricted area to receive an occupational radiation dose in excess of the standards specified in WAC 246-221-010(1) each licensee or registrant shall:~~

(a) Obtain a certificate on state of Washington occupational external radiation exposure history (Form RHF 4) or on a clear and legible record containing all the information required in that form, signed by the individual, showing each period of time after the individual attained the age of 18 in which the individual received an occupational dose of radiation; and

(b) Calculate on Form RHF 4 in accordance with the instructions appearing therein, or on a clear and legible record containing all the information required in that form, the ~~previously accumulated occupational dose received by~~

the individual and the additional dose allowed for that individual under WAC 246-221-010(2).

In the preparation of Form RHF 4, or a clear and legible record containing all the information required in that form, the licensee or registrant shall make a reasonable effort to obtain reports of the individual's previously accumulated occupational dose. For each period for which the licensee or registrant obtains such reports, the dose shown in the report shall be used in preparing the form. In any case where a licensee or registrant is unable to obtain reports of the individual's occupational dose for a previous complete calendar quarter, it shall be assumed that the individual has received the occupational dose specified in whichever of the following columns apply:

	<u>Column 1</u>	<u>Column 2</u>
	<u>Assumed Dose in Rems for Calendar Quarters Prior to January 1, 1961</u>	<u>Assumed Dose in Rems for Calendar Quarters Beginning on or After January 1, 1961</u>
Part of Body		
Whole body, gonads, active blood forming organs, head and trunk, lens of eye	3.75	1.25

(2) The licensee or registrant shall retain and preserve records used in preparing Form RHF 4 until the department authorizes their disposition. If calculation of the individual's accumulated occupational dose for all periods prior to January 1, 1961, yields a result higher than the applicable accumulated dose value for the individual as of that date, as specified in WAC 246-221-010 (2)(b) the excess may be disregarded.) A licensee or registrant may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in WAC 246-221-010 provided that each of the following conditions is satisfied:

(1) The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the higher exposure are unavailable or impractical.

(2) The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorizes the planned special exposure, in writing, before the exposure occurs.

(3) Before a planned special exposure, the licensee or registrant ensures that each individual involved is:

(a) Informed of the purpose of the planned operation; and

(b) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

(c) Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

(4) Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant ascertains prior doses as required by WAC 246-221-020(2) during the lifetime of the individual for each individual involved.

(5) Subject to WAC 246-221-010(2), the licensee or registrant shall not authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:

(a) The numerical values of any of the dose limits in WAC 246-221-010(1) in any year; and

(b) Five times the annual dose limits in WAC 246-221-010(1) during the individual's lifetime.

(6) The licensee or registrant maintains records that describe:

(a) The exceptional circumstances requiring the use of a planned special exposure; and

(b) The name of the management official who authorized the planned special exposure and a copy of the signed authorization; and

(c) What actions were necessary; and

(d) Why the actions were necessary; and

(e) What precautions were taken to assure that doses were maintained ALARA; and

(f) What individual and collective doses were expected to result.

(7) The licensee or registrant records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within thirty days from the date of the planned special exposure. The dose from planned special exposures shall not be considered in controlling future occupational dose of the individual pursuant to WAC 246-221-010(1) but shall be included in evaluations required by subsections (4) and (5) of this section.

(8) The licensee or registrant submits a written report in accordance with WAC 246-221-265.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-040 Determination of internal exposure of individuals to concentrations of radioactive materials in restricted areas. ((1) Requirements for exposures to individuals:

(a) No licensee shall possess, use, or transfer radioactive material in such a manner as to permit any individual in a restricted area to inhale a quantity of radioactive material in any period of one calendar quarter greater than the quantity which would result from inhalation for 40 hours per week for 13 weeks at uniform concentrations of radioactive material in air specified in WAC 246-221-290, Appendix A, Table I, Column 1^{1, 2, 3}. If the radioactive material is of such form that intake by absorption through the skin is likely, individual exposures to radioactive material shall be controlled so that the uptake of radioactive material by any organ from either inhalation or absorption or both routes of intake^{4, 5} in any calendar quarter does not exceed that which would result from inhaling such radioactive material for 40 hours per week for 13 weeks at uniform concentrations specified in WAC 246-221-290, Appendix A, Table I, Column 1.

(b) No licensee shall possess, use, or transfer mixtures of U-234, U-235, and U-238 in soluble form in such a manner as to permit any individual in a restricted area to inhale a quantity of such material in excess of the intake limits specified in Appendix A, Table I, Column 1 of this part. If such soluble uranium is of a form such that absorption through the skin is likely, individual exposures to such material shall be controlled so that the uptake of such material by any organ from either inhalation or absorption or

both routes of intake⁴ does not exceed that which would result from inhaling such material at the limits specified in WAC 246-221-290, Appendix A, Table I, Column 1 and footnote 4 thereto.

(c) For purposes of determining compliance with the requirements of this section the licensee shall use suitable measurements of concentrations of radioactive materials in air for detecting and evaluating airborne radioactivity in restricted areas and in addition, as appropriate, shall use measurements of radioactivity in the body, measurements of radioactivity excreted from the body, or any combination of such measurements as may be necessary for timely detection and assessment of individual intakes of radioactivity by exposed individuals. It is assumed that an individual inhales radioactive material at the airborne concentration in which he or she is present unless he or she uses respiratory protective equipment pursuant to this section. When assessment of a particular individual's intake of radioactive material is necessary, intakes less than those which would result from inhalation for 2 hours in any one day or for 10 hours in any one week at uniform concentrations specified in Appendix A, Table I, Column 1 need not be included in such assessment, provided that for any assessment in excess of these amounts the entire amount is included.

(2)(a) The licensee shall, as a precautionary procedure, use process or other engineering controls, to the extent practicable, to limit concentrations of radioactive materials in air to levels below those which delimit an airborne radioactivity area as defined in WAC 246-220-010.

(b) When it is impracticable to apply process or other engineering controls to limit concentrations of radioactive material in air below those defined in WAC 246-220-010, other precautionary procedures, such as increased surveillance, limitation of working times, or provision of respiratory protective equipment, shall be used to maintain intake of radioactive material by any individual within any period of seven consecutive days as far below that intake of radioactive material which would result from inhalation of such material for 40 hours at the uniform concentrations specified in Appendix A, Table I, Column 1 as is reasonably achievable. Whenever the intake of radioactive material by any individual exceeds this 40-hour control measure, the licensee shall make such evaluations and take such actions as are necessary to assure against recurrence. The licensee shall maintain records of such occurrences, evaluations, and actions taken in a clear and readily identifiable form suitable for summary review and evaluation.

(3) When respiratory protective equipment is used to limit the inhalation of airborne radioactive material pursuant to subsection (2)(b) of this section, the licensee may make allowance for such use in estimating exposures of individuals to such materials provided that such equipment is used as stipulated in Regulatory Guide 8.15, "Acceptable Programs for Respiratory Protection."⁶

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, the department may impose further restrictions:

(a) On the extent to which a licensee may make allowance for use of respirators in lieu of provision of process, containment, ventilation, or other engineering controls, if application of such controls is found to be practicable; and

~~(b) As might be necessary to assure that the respiratory protective program of the licensee is adequate in limiting exposures of personnel to airborne radioactive materials.~~

~~(5) The licensee shall notify, in writing, the department at least 30 days before the date that respiratory protective equipment is first used under the provisions of this section.~~

Notes: ¹Since the concentration specified for tritium oxide vapor assumes equal intakes by skin absorption and inhalation, the total intake permitted is twice that which would result from inhalation alone at the concentration specified in H 3(a) in Appendix A, Table I, Column I for 40 hours per week for 13 weeks.

²For radioactive materials designated "sub" in the "isotope" column of the table, the concentration value specified is based upon exposure to the material as an external radiation source. Individual exposures to these materials may be accounted for as part of the limitation on individual dose in WAC 246-221-010. These materials shall be subject to the precautionary procedures required by subsection (2)(a) of this section.

³Multiply the concentration values specified in Appendix A, Table I, Column I by 6.3×10^9 ml to obtain the quarterly quantity limit. Multiply the concentration value specified in Appendix A, Table I, Column I of this part by 2.5×10^9 ml to obtain the annual quantity limit for Rn-222.

⁴Significant intake by ingestion or injection is presumed to occur only as a result of circumstances such as accident, inadvertence, poor procedure, or similar special conditions. Such intakes must be evaluated and accounted for by techniques and procedures as may be appropriate to the circumstances for the occurrence. Exposures so evaluated shall be included in determining whether the limitation on individual exposures in subsection (1)(a) of this section has been exceeded.

⁵Regulatory guidance on assessment of individual intakes of radioactive material is given in Regulatory Guide 8.9, "Acceptable Concepts, Models, Equations and Assumptions for a Bioassay Program," single copies of which are available from the Office of Standards Development, United States Nuclear Regulatory Commission, Washington, D.C. 20555, upon written request.

⁶Single copies of Regulatory Guide 8.15 are available for the Office of Standards Development, United States Nuclear Regulatory Commission, Washington, D.C. 20555, upon written request.) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required under WAC 246-221-100, take suitable and timely measurements of:

(a) Concentrations of radioactive materials in air in work areas; or

(b) Quantities of radionuclides in the body; or

(c) Quantities of radionuclides excreted from the body;

or

(d) Combinations of these measurements.

(2) Unless respiratory protective equipment is used, as provided in WAC 246-221-117, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

(3) When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior or the material in an individual is known, the licensee may:

(a) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and

(b) Upon prior approval of the department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and

(c) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent. See WAC 246-221-290.

(4) If the licensee chooses to assess intakes of Class Y material using the measurements given in subsection (1)(b) or (c) of this section, the licensee may delay the recording and reporting of the assessments for periods up to seven months, unless otherwise required by WAC 246-221-250 or 246-221-260. This delay permits the licensee to make additional measurements basic to the assessments.

(5) If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:

(a) The sum of the ratios of the concentration to the appropriate DAC value, that is, D, W, or Y, from WAC 246-221-290 for each radionuclide in the mixture; or

(b) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

(6) If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

(7) When a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:

(a) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in WAC 246-221-010 and in complying with the monitoring requirements in WAC 246-221-100; and

(b) The concentration of any radionuclide disregarded is less than ten percent of its DAC; and

(c) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed thirty percent.

(8) When determining the committed effective dose equivalent, the following information may be considered:

(a) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 0.05 Sv (5 rem) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(b) For an ALI and the associated DAC determined by the nonstochastic organ dose limit of 0.50 Sv (50 rem), the intake of radionuclides that would result in a committed effective dose equivalent of 0.05 Sv (5 rem), that is, the stochastic ALI, is listed in parentheses in Table I of WAC 246-221-290. The licensee may, as a simplifying assumption, use the stochastic ALIs to determine committed effective dose equivalent. However, if the licensee uses the stochastic ALIs, the licensee shall also demonstrate that the limit in WAC 246-221-010 (1)(a)(ii) is met.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-050 (~~(Exposure of)~~ **Occupational dose limits for minors.*** ~~((+))~~) No licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to cause any occupationally exposed individual (~~(within a restricted area.)~~) who is under 18 years of age, to receive (~~in any period of one calendar quarter~~) from all sources of radiation in such licensee's or registrant's possession a dose in excess of 10 percent of the annual occupational dose limits specified in (~~the table in~~) WAC 246-221-010(1).

~~((2) No licensee shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in WAC 246-221-290, Appendix A, Table II, of this chapter. For purposes of this paragraph, concentrations may be averaged over periods not greater than a week.~~

~~(3) The provisions of WAC 246-221-040 (2)(b) and (3) shall apply to exposures subject to subsection (2) of this section except that the references in WAC 246-221-040 (2)(b) and (3) to Appendix A, Table I, Column 1 shall be deemed to be referenced to Appendix A, Table II, Column 1.~~

Note: ~~*For determining the doses specified in this section, a dose from x or gamma rays up to 10 MeV may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.)~~

NEW SECTION

WAC 246-221-055 Dose to an embryo/fetus. (1) The licensee or registrant shall ensure that the dose to an embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 5 mSv (0.5 rem).

(2) Once pregnancy has been declared, the licensee or registrant shall make every effort to keep the exposure rate to a declared pregnant woman at a level whereby the dose to the embryo/fetus will be no more than 0.50 mSv (0.05 rem) in any one month.

(3) If by the time the woman declares pregnancy to the licensee or registrant, the dose to the embryo/fetus has exceeded 4.5 mSv (0.45 rem), the licensee or registrant shall be deemed to be in compliance with subsection (1) of this section if the additional dose to the embryo/fetus does not exceed 0.50 mSv (0.05 rem) during the remainder of the pregnancy.

(4) The dose to an embryo/fetus shall be taken as the sum of:

(a) The calculated dose equivalent to the embryo/fetus resulting from external exposure of the declared pregnant woman or, in the absence of this information, the deep dose equivalent to the declared pregnant woman; and

(b) The dose to the embryo/fetus from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.

(5) The licensee or registrant shall maintain the records of dose to an embryo/fetus with the records of dose to the

declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file, but may be maintained separately from the dose records.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-060 (~~(Permissible levels of radiation from external sources in unrestricted areas.)*~~) **Dose limits for individual members of the public.**

~~((Note: *It is the intent of this section to limit radiation levels so that it is unlikely that individuals in unrestricted areas would receive a dose to the whole body in excess of 0.5 rem in any calendar year. If in specific instances, it is determined by the department that this intent is not met, the department may, pursuant to WAC 246-220-100, impose such additional requirements on the licensee or registrant as may be necessary to meet the intent.~~

~~(1) Except as authorized by the department pursuant to subsection (2) of this section, no licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to create in any unrestricted area from such sources of radiation in that person's possession:~~

~~(a) Radiation levels which, if an individual were continuously present in the area, could result in the individual's receiving a dose in excess of two millirems in any one hour; or~~

~~(b) Radiation levels which, if an individual were continuously present in the area, could result in the individual's receiving a dose in excess of one hundred millirems in any seven consecutive days.~~

~~(2) Any person may apply to the department for proposed limits upon levels of radiation in unrestricted areas in excess of those specified in subsection (1) of this section resulting from the applicant's possession or use of sources of radiation. Such applications should include information as to anticipated average radiation levels and anticipated occupancy times for each unrestricted area involved. The department may approve the proposed limits if the applicant demonstrates to the satisfaction of the department that the proposed limits are not likely to cause any individual to receive a dose to the whole body in any period of one calendar year in excess of 0.5 rem and that the proposed limits are consistent with WAC 246-220-007.~~

~~(3) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operation," shall comply with that part.) (1) Each licensee or registrant shall conduct operations so that:~~

~~(a) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 1 mSv (0.1 rem) in a year, exclusive of the dose contribution from the licensee's or registrant's disposal of radioactive material into sanitary sewerage in accordance with WAC 246-221-190; and~~

~~(b) The dose in any unrestricted area from external sources does not exceed 0.02 mSv (0.002 rem) in any one hour.~~

~~(2) If the licensee or registrant permits members of the public to have access to restricted areas, they shall be~~

escorted and the limits for members of the public continue to apply to those individuals.

(3) Notwithstanding subsection (1) of this section, a licensee or registrant may continue to operate a facility constructed and put into operation prior to January 1, 1994 where:

(a) The annual dose limit for an individual member of the public is less than 5 mSv (0.5 rem) total effective dose equivalent; and

(b) The facility's approved operating conditions for each radiation source remain the same. Any increase in the following operating conditions shall require modification of the facility shielding applicable to the source of radiation to meet the 1 mSv (0.1 rem) total effective dose equivalent limit for individual members of the public: size of the radiation source, workload, or occupancy factors associated with the source of radiation; and

(c) Any change in the permanent shielding of the facility due to remodeling, repair or replacement shall meet the 1 mSv (0.1 rem) total effective dose equivalent limit for individual members of the public for radiation affected by that portion of the shielding.

(4) Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-070 ((Concentration in effluents released to unrestricted areas.)) Compliance with dose limits for individual members of the public. (1) ((A licensee shall not possess, use, or transfer licensed material so as to release to an unrestricted area radioactive material in concentrations which exceed the limits specified in WAC 246-221-290, Appendix A, Table II, except as authorized pursuant to subsection (2) of this section. For purposes of this section concentrations may be averaged over a period not greater than one calendar year.

(2) An application for a license or amendment may include proposed limits higher than those specified in subsection (1) of this section. The department will approve the proposed limits if the applicant demonstrates:

(a) That the applicant has made a reasonable effort to minimize the radioactivity contained in effluents released to unrestricted areas; and

(b) That it is not likely that radioactive material discharged in the effluent would result in the exposure of an individual to concentrations of radioactive material in air or water exceeding the limits specified in WAC 246-221-290, Appendix A, Table II.

(3) An application for higher limits pursuant to subsection (2) of this section shall include information demonstrating that the applicant has made a reasonable effort to minimize the radioactivity discharged in effluents to unrestricted areas, and shall include, as pertinent:

(a) Information as to flow rates, total volume of effluent, peak concentration of each radionuclide in the effluent, and concentration of each radionuclide in the effluent averaged over a period of one calendar year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(b) A description of the properties of the effluents, including:

(i) Chemical composition;

(ii) Physical characteristics, including suspended solids content in liquid effluents, and nature of gas or aerosol for air effluents;

(iii) The hydrogen ion concentrations (pH) of liquid effluents, and

(iv) The size range of particulates in effluents released into air;

(e) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river or stream, a description of water uses downstream from the point of release of the effluent;

(d) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one calendar year:

(i) In air at any point of human occupancy, or

(ii) In water at points of use downstream from the point of release of the effluent;

(e) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;

(f) A description of the environmental monitoring equipment, including sensitivity of the system, and procedures and calculations to determine concentrations of radionuclides in the unrestricted area and possible reconcentrations of radionuclides; and

(g) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release.

(4) For the purposes of this section, the concentration limits in WAC 246-221-290, Appendix A, Table II of this part shall apply at the boundary of the restricted area. The concentration of radioactive material discharged through a stack, pipe or similar conduit may be determined with respect to the point where the material leaves the conduit. If the conduit discharges within the restricted area, the concentration at the boundary may be determined by applying appropriate factors for dilution, dispersion, or decay between the point of discharge and the boundary.

(5) In addition to limiting concentrations in effluent streams, the department may limit quantities of radioactive material released in air or water during a specified period of time if it appears that the daily intake of radioactive material from air, water, or food by a suitable sample of an exposed population group, averaged over a period not exceeding one calendar year, would otherwise exceed the daily intake resulting from continuous exposure to air or water containing one-third the concentration of radioactive material specified in WAC 246-221-290, Appendix A, Table II.

(6) In addition to the limits set in subsection (1) of this section all radioactive emissions to the atmosphere must meet the requirements of chapter 246-247 WAC.

(7)) (1) The licensee shall make or cause to be made surveys of radiation levels in unrestricted areas and radioactive materials in effluents released to unrestricted areas to demonstrate compliance with the dose limits for individual members of the public in WAC 246-221-060.

(2) A licensee shall show compliance with the annual dose limit in WAC 246-221-060 by:

(a) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit; or

(b) Demonstrating that:

(i) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of WAC 246-221-290; and

(ii) If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.02 mSv (0.002 rem) in an hour and 0.50 mSv (0.05 rem) in a year.

(3) Upon approval from the department, the licensee may adjust the effluent concentration values in WAC 246-221-290, Table II, for members of the public, to take into account the actual physical and chemical characteristics of the effluents, such as, aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form.

(4) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by WAC 246-221-190.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-080 Leak tests. (1) Each sealed radioactive source (~~(possessed under the provisions of a specific license,)~~) other than hydrogen-3 (tritium), with a half-life greater than thirty days and in any form other than gas, shall be tested and results obtained for leakage and/or contamination prior to initial use and at six-month intervals or as specified by the license, except that each source designed for the purpose of emitting alpha particles shall be tested at intervals not to exceed three months. If at any other time there is reason to suspect that a sealed source might have been damaged, it shall be tested for leakage and results obtained before further use. In the absence of a certificate from a transferor indicating that a test for leakage has been made within six months prior to the transfer (three months for a source designed to emit alpha particles), the sealed source shall not be put into use until tested and the results received.

(2) Leak tests shall be capable of detecting the presence of 185 Bq (0.005 microcurie) of removable contamination. The results of leak tests made pursuant to subsection (1) of this section shall be recorded in units of becquerel microcuries and shall be maintained for inspection by the department. Any test conducted pursuant to subsection (1) which reveals the presence of 185 Bq (0.005 microcurie) or more of removable contamination shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use shall take action to prevent the spread of contamination and shall cause it to be decontaminated and repaired or to be disposed in accordance with WAC 246-232-080. If a sealed source shows evidence of leaking, a report shall be filed with the department within five days of the test, describing the equipment involved, the test results, and the corrective action taken. (~~(Where sealed sources are permanently mounted in devices or equipment,)~~)

(3) Test samples shall be taken from the sealed source or from the internal surfaces or the opening of the container in which the sealed source is stored or from surfaces of devices or equipment in which the sealed source is permanently mounted. Tests for contamination and leakage may be made by wiping appropriate accessible surfaces on which one might expect contamination to accumulate and measuring these wipes for transferred contamination. Test samples shall also be taken from the interior surfaces of the container in which a sealed source of radium is stored.

(~~(3)~~) (4) The test for leakage for sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 37 Bq (0.001 microcuries) of radon-222 in a twenty-four-hour period when the collection efficiency for radon-222 and its daughters has been determined with respect to collection method, volume and time. The required test of the interior surface of a container in which a sealed source of radium is stored shall be capable of detecting the presence of 185 Bq (0.005 microcuries) of a radium daughter which has a half-life greater than four days. The presence of 37 Bq (0.001 μ Ci) or more of radon-222 per twenty-four hours or 185 Bq (0.005 microcuries) or more of contamination shall be considered evidence of leakage and subsection (2) of this section shall apply.

(5) Leak tests are required for sealed radioactive sources that are greater than 3.7 MBq (100 microcuries) for beta and gamma (~~(emitters)~~) emitting sources and greater than 370 KBq (10 microcuries) for sources designed to emit alpha (~~(emitters)~~) particles.

(6) Tests for leakage or contamination shall be performed by persons specifically authorized by the department, an agreement state, a licensing state, or the United States Nuclear Regulatory Commission to perform such services.

AMENDATORY SECTION (Amending Order 245, filed 2/21/92, effective 3/23/92)

WAC 246-221-090 Personnel monitoring. Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of WAC 246-221-010, 246-221-030, 246-221-050 and 246-221-055.

(1) Each licensee or registrant shall supply (~~(appropriate personnel monitoring equipment to,)~~) and shall require the use of (~~(such equipment)~~) individual monitoring devices by:

(a) Each (~~(individual who enters a restricted area under such circumstances that the individual receives, or is)~~) adult likely to receive, in one year from sources external to the body, a dose in (~~(any calendar quarter in)~~) excess of (~~(25)~~) ten percent of the applicable (~~(value)~~) limits specified in WAC 246-221-010(1).

(b) Each (~~(individual under 18 years of age who enters a restricted area under such circumstances that the individual receives, or is)~~) minor or declared pregnant woman likely to receive, in one year from sources external to the body, a dose (~~(in any calendar quarter)~~) in excess of (~~(5)~~) ten percent of the applicable (~~(value)~~) limits specified in WAC (~~(246-221-010(1))~~) 246-221-050 or 246-221-055.

(c) Each individual who enters a high or very high radiation area.

(2) Personnel monitoring devices assigned to an individual:

(a) Shall not intentionally be exposed to give a false or erroneous reading;

(b) Shall be assigned to one individual per exposure interval (i.e., weekly, monthly) and used to determine exposure for that individual only;

(c) Shall not be worn by any individual other than that individual originally assigned to the device;

(d) Personnel monitoring devices that are exposed while not being worn by the assigned individual shall be processed and recorded as soon as possible. A replacement monitoring device shall be assigned to the individual immediately. A record of the circumstances of the exposure shall be retained.

(3) All personnel dosimeters, ~~((except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to ((hands and forearms, feet, and ankles)))~~) any extremities, that require processing to determine the radiation dose and that are utilized by licensees or registrants to comply with subsection (1) of this section, with other applicable provisions of chapters 246-220 through 246-255 WAC, or with conditions specified in a licensee's license must be processed and evaluated by a dosimetry processor:

(a) Holding current personnel dosimetry accreditation from either the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology (formerly known as the National Bureau of Standards) or the United States Department of Energy Laboratory Accreditation Program for Personnel Dosimetry Systems (DOELAP); and

(b) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP or DOELAP program that most closely approximate the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

(4) For the purposes of this section "dosimetry processor" means an individual or an organization that processes and evaluates personnel monitoring equipment in order to determine the radiation dose delivered to the equipment.

(5) Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to subsection (1) of this section, and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before January 1, 1994, need not be changed. These records shall include, when applicable:

(a) The deep dose equivalent to the whole body, eye dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities; and

(b) The total effective dose equivalent when required by WAC 246-221-015; and

(c) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

(6) The licensee or registrant shall maintain the records specified in subsection (5) of this section on department Form RHF-5A, in accordance with the instructions provided thereon, or in clear and legible records containing all the information required by Form RHF-5A; and shall update the information at least annually.

(7) Each licensee or registrant shall ensure that individuals, for whom they are required to monitor occupational

doses in accordance with subsection (1) of this section, wear individual monitoring devices as follows:

(a) An individual monitoring device used for monitoring the dose to the whole body shall be worn at the unshielded location of the whole body likely to receive the highest exposure. When a protective apron is worn, the location of the individual monitoring device is typically at the neck (collar).

(b) Any additional individual monitoring device used for monitoring the dose to an embryo/fetus of a declared pregnant woman, pursuant to WAC 246-221-055(1), shall be located at the waist under any protective apron being worn by the woman.

(c) An individual monitoring device used for monitoring the eye dose equivalent, to demonstrate compliance with WAC 246-221-010 (1)(b)(i), shall be located at the neck (collar), outside any protective apron being worn by the monitored individual, or at an unshielded location closer to the eye.

(d) An individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with WAC 246-221-010 (1)(b)(ii), shall be worn on the extremity likely to receive the highest exposure. Each individual monitoring device shall be oriented to measure the highest dose to the extremity being monitored.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-100 Orders requiring furnishing bioassay services. (1) Each licensee shall monitor, to determine compliance with WAC 246-221-040, the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(a) Adults likely to receive, in 1 year, an intake in excess of ten percent of the applicable ALI in Table I, Columns 1 and 2, of WAC 246-221-290; and

(b) Minors and declared pregnant women likely to receive, in one year, a committed effective dose equivalent in excess of 0.50 mSv (0.05 rem).

(2) Where necessary or desirable in order to aid in determining the extent of an individual's exposure to concentrations of radioactive material, the department may incorporate license provisions or issue an order requiring a licensee or registrant to make available to the individual appropriate bioassay services and to furnish a copy of the reports of such services to the department.

(3) Each licensee shall maintain records of doses received by all individuals for whom monitoring was required pursuant to subsections (1) and (2) of this section, and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before January 1, 1994, need not be changed. These records shall include, when applicable:

(a) The estimated intake or body burden of radionuclides; and

(b) The committed effective dose equivalent assigned to the intake or body burden of radionuclides; and

(c) The specific information used to calculate the committed effective dose equivalent pursuant to WAC 246-221-040; and

(d) The total effective dose equivalent when required by WAC 246-221-015; and

(e) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

(4) The licensee or registrant shall maintain the records specified in subsection (3) of this section on department Form RHF-5A, in accordance with the instructions provided thereon, or in clear and legible records containing all the information required by Form RHF-5A; and shall update the information at least annually.

NEW SECTION

WAC 246-221-102 Control of access to high radiation areas. (1) The licensee or registrant shall ensure that each entrance or access point to a high radiation area has one or more of the following features:

(a) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 1 mSv (0.1 rem) in one hour at thirty centimeters from the source of radiation or from any surface that the radiation penetrates; or

(b) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(c) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

(2) In place of the controls required by subsection (1) of this section for a high radiation area, the licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

(3) The licensee or registrant may apply to the department for approval of alternative methods for controlling access to high radiation areas.

(4) The licensee or registrant shall establish the controls required by subsections (1) and (3) of this section in a way that does not prevent individuals from leaving a high radiation area.

(5) The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the regulations of the United States Department of Transportation provided that:

(a) The packages do not remain in the area longer than three days; and

(b) The dose rate at one meter from the external surface of any package does not exceed 0.1 mSv (0.01 rem) per hour.

(6) The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits and to operate within the ALARA provisions of the licensee's radiation protection program.

(7) The licensee or registrant is not required to control entrance or access to rooms or other areas as described in

this section if the licensee or registrant has met all the specific requirements for access and control specified in other applicable chapters of these regulations, such as, chapter 246-243 WAC for industrial radiography, chapter 246-225 WAC for x-rays in the healing arts, and chapter 246-229 WAC for particle accelerators.

NEW SECTION

WAC 246-221-104 Control of access to very high radiation areas. (1) In addition to the requirements in WAC 246-221-102, the licensee or registrant shall institute additional measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at five Gy (500 rad) or more in one hour at one meter from a source of radiation or any surface through which the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic x-ray systems are the only source of radiation, or to nonself-shielded irradiators.

(2) The licensee or registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area as described in this section if the licensee or registrant has met all the specific requirements for access and control specified in other applicable chapters of these regulations, such as, chapter 246-243 WAC for industrial radiography, chapter 246-225 WAC for x-rays in the healing arts, and chapter 246-229 WAC for particle accelerators.

NEW SECTION

WAC 246-221-106 Control of access to very high radiation areas—Irradiators. (1) This section applies to licensees or registrants with sources of radiation in nonself-shielded irradiators. This section does not apply to sources of radiation that are used in teletherapy, in industrial radiography, or in completely self-shielded irradiators in which the source of radiation is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create a radiation level of five Gy (500 rad) or more in one hour at one meter in an area that is accessible to any individual.

(2) Each area in which there may exist radiation levels in excess of five Gy (500 rad) in one hour at one meter from a source of radiation that is used to irradiate materials shall meet the following requirements:

(a) Each entrance or access point shall be equipped with entry control devices which:

(i) Function automatically to prevent any individual from inadvertently entering a very high radiation area; and

(ii) Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of one mSv (0.1 rem) in one hour; and

(iii) Prevent operation of the source of radiation if it would produce radiation levels in the area that could result in a deep dose equivalent to an individual in excess of one mSv (0.1 rem) in one hour.

(b) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by (a) of this subsection:

(i) The radiation level within the area, from the source of radiation, is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of one mSv (0.1 rem) in one hour; and

(ii) Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard and at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices.

(c) The licensee or registrant shall provide control devices so that, upon failure or removal of physical radiation barriers other than the sealed source's shielded storage container:

(i) The radiation level from the source of radiation is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of one mSv (0.1 rem) in one hour; and

(ii) Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee or registrant or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.

(d) When the shield for stored sealed sources is a liquid, the licensee shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

(e) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of (c) and (d) of this subsection.

(f) Each area shall be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source of radiation can be put into operation and in time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source of radiation from being put into operation.

(g) Each area shall be controlled by use of such administrative procedures and such devices as are necessary to ensure that the area is cleared of personnel prior to each use of the source of radiation.

(h) Each area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source of radiation, the radiation level from the source of radiation in the area is below that at which it would be possible for an individual to receive a deep dose equivalent in excess of one mSv (0.1 rem) in one hour.

(i) Entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, shall be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for irradiated materials shall be equipped to detect and signal the presence of any loose radioactive material that is carried toward such

an exit and automatically to prevent loose radioactive material from being carried out of the area.

(3) The entry control devices required in subsection (2)(a) of this section shall be tested for proper functioning:

(a) Prior to initial operation with the source of radiation on any day, unless operations were continued uninterrupted from the previous day; and

(b) Prior to resumption of operation of the source of radiation after any unintentional interruption; and

(c) In accordance with a schedule for periodic tests of the entry control and warning systems submitted by the licensee or registrant and approved by the department.

(4) The licensee or registrant shall not conduct operations, other than those necessary to place the source of radiation in safe condition or to effect repairs on controls, unless control devices are functioning properly.

(5) Licensees, registrants, or applicants for licenses or registrations for sources of radiation within the purview of subsection (2) of this section which will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of subsection (2) of this section, such as those for the automatic control of radiation levels, may apply to the department for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in subsection (2) of this section. At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

(6) The entry control devices required by subsections (2) and (3) of this section shall be established in such a way that no individual will be prevented from leaving the area.

(7) The licensee shall maintain records of tests made pursuant to subsection (3) of this section on entry control devices for very high radiation areas. These records shall include the date, time, and results of each such test of function.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-110 Surveys. (1) Each licensee or registrant shall make or cause to be made such surveys, as defined in WAC 246-220-010, as may be necessary for the licensee or registrant to establish compliance with these regulations and are reasonable under the circumstances to evaluate radiation levels, concentrations or quantities of radioactive material, and the extent of potential radiation hazards that may be present. Records of such surveys shall be preserved as specified in WAC 246-221-230. Information on performing surveys may be found in the United States Nuclear Regulatory Commission's Regulatory Guide 8.23.

(2) The licensee shall ensure that instruments and equipment used for quantitative radiation measurements, for example, dose rate and effluent monitoring, are calibrated annually at intervals not to exceed thirteen months for the radiation measured.

NEW SECTION

WAC 246-221-113 Use of process, engineering or other controls. (1) The licensee shall use, to the extent practicable, process or other engineering controls, such as, containment or ventilation, to control the concentrations of radioactive material in air.

(2) When it is not practicable to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means:

- (a) Control of access; or
- (b) Limitation of exposure times; or
- (c) Use of respiratory protection equipment; or
- (d) Other controls.

NEW SECTION

WAC 246-221-117 Use of individual respiratory protection equipment. (1) If the licensee uses respiratory protection equipment to limit intakes pursuant to WAC 246-221-113:

(a) The licensee shall use only respiratory protection equipment that is:

(i) Tested and certified or had certification extended by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration; or

(ii) Approved by the department on the basis of the licensee's submittal of an application for authorized use of other respiratory protection equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

(b) The licensee shall implement and maintain a respiratory protection program that includes:

(i) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures; and

(ii) Surveys and bioassays, as appropriate, to evaluate actual intakes; and

(iii) Testing of respirators for operability immediately prior to each use; and

(iv) Written procedures regarding selection, fitting, issuance, maintenance, cleaning, repair, and testing of respirators, including testing for operability immediately prior to each use; supervision and training of personnel; monitoring, including air sampling and bioassays; and recordkeeping; and

(v) Determination by a physician prior to initial fitting of respirators, and at least every twelve months thereafter, that the individual user is physically able to use the respiratory protection equipment.

(c) The licensee shall issue a written policy statement on respirator usage covering:

(i) The use of process or other engineering controls, instead of respirators; and

(ii) The routine, nonroutine, and emergency use of respirators; and

(iii) The length of periods of respirator use and relief from respirator use.

(d) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

(e) The licensee shall use equipment within the equipment manufacturer's expressed limitations for type and mode of use and shall provide proper visual, communication, and other special capabilities, such as adequate skin protection, when needed.

(2) When estimating exposure of individuals to airborne radioactive materials, the licensee may make allowance for respiratory protection equipment used to limit intakes pursuant to WAC 246-221-113, provided that the following conditions, in addition to those in subsection (1) of this section, are satisfied:

(a) The licensee selects respiratory protection equipment that provides a protection factor, specified in WAC 246-221-295, greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in WAC 246-221-290, Table I, Column 3. However, if the selection of respiratory protection equipment with a protection factor greater than the peak concentration is inconsistent with the goal specified in WAC 246-221-113 of keeping the total effective dose equivalent ALARA, the licensee may select respiratory protection equipment with a lower protection factor provided that such a selection would result in a total effective dose equivalent that is ALARA. The concentration of radioactive material in the air that is inhaled when respirators are worn may be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than initially estimated, the corrected value shall be used; if the exposure is later found to be less than initially estimated, the corrected value may be used.

(b) The licensee shall obtain authorization from the department before assigning respiratory protection factors in excess of those specified in WAC 246-221-295. The department may authorize a licensee to use higher protection factors on receipt of an application that:

(i) Describes the situation for which a need exists for higher protection factors, and

(ii) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(3) In an emergency, the licensee shall use as emergency equipment only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration.

(4) Unless already authorized by license condition, the licensee shall notify the department in writing at least thirty days before the date that respiratory protection equipment is first used pursuant to either subsection (1) or (2) of this section.

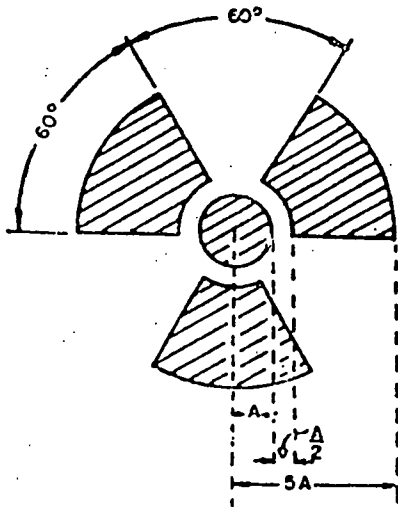
AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-120 Caution signs, and labels~~(, and signals)~~. (1) ~~(General)~~ The radiation symbol shall be used on all signs, labels, or other written means of warning individuals concerning radiation hazards.

(a) ~~(Except as otherwise authorized by the department, symbols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background))~~ The symbol prescribed by this section is the conventional three-blade design: Radiation symbol

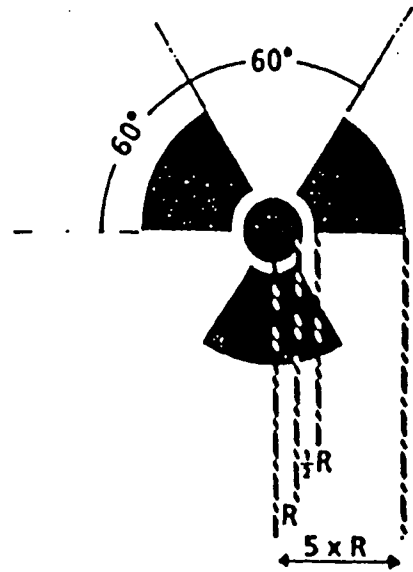
- ~~((i) Cross-hatch area is to be magenta or purple.~~
- ~~((ii) Background is to be yellow.~~

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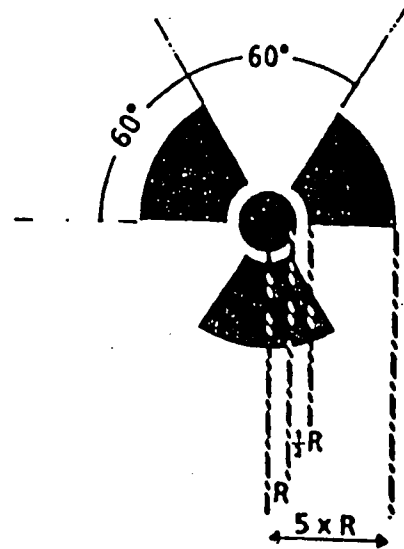


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(b) The symbol prescribed by this section shall be:
(i) Magenta, purple, or black on a yellow background;

or

(ii) Conspicuously etched or stamped without regard to a color requirement on sources, source holders or device components containing sources which are subjected to extreme environmental conditions.

(2) The conventional radiation symbol as described in ~~((a) of this)~~ subsection (1) of this section shall be used only for:

~~((+))~~ (a) Instructing individuals to be cognizant of a potential radiation hazard as prescribed in ~~((+))~~ subsections (4) through ~~((+))~~ (10) of this ~~((subsection))~~ section.

~~((+))~~ (b) Indicating that information presented pertains to the topic of radiation.

~~((+))~~ (3) In addition to the contents of signs and labels prescribed in this section, a licensee or registrant may provide on or near such signs and labels any additional

information which may be appropriate in aiding individuals to minimize exposure to radiation.

~~((d))~~ (4) Each radiation area and entrance thereto shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - RADIATION AREA. However, in an exceptionally large room where other activities of a nonradiological nature are conducted the entrance need not be posted provided a conspicuous barricade with an appropriate number of signs is established to delineate the radiation area.

(Note: *The word "DANGER" may be substituted for "CAUTION" on signs required by (d) through (h) of this subsection.

~~(e) High radiation areas:~~

~~(i))~~ (5) Each high radiation area and all entrances thereto shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - HIGH RADIATION AREA or DANGER - HIGH RADIATION AREA. The licensee or registrant may satisfy this requirement by posting the sign at the boundary of the radiation area.

~~((ii))~~ Each entrance or access point to a high radiation area shall be:

~~(A) Equipped with a control device which shall cause the level of radiation to be reduced below that at which an individual might receive a dose of one hundred millirems in one hour upon entry into the area; or~~

~~(B) Equipped with a control device which shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering the high radiation area and the licensee or a supervisor of the activity are made aware of the entry; or~~

~~(C) Maintained locked except during periods when access to the area is required, with positive control over each individual entry.~~

~~(iii) The controls required by (e)(ii) of this subsection shall be established in such a way that no individual will be prevented from leaving a high radiation area.~~

~~(iv) In the case of a high radiation area established for a period of thirty days or less, direct surveillance to prevent unauthorized entry may be substituted for the controls required by (e)(ii) of this subsection. Direct surveillance requires the continuous physical presence of an individual capable of taking all necessary precautions to prevent unwarranted exposure of individuals.~~

~~(v) Any licensee or registrant may apply to the department for approval of methods not included in (e)(ii) and (iv) of this subsection for controlling access to high radiation areas. The department will approve the proposed alternatives if the licensee or registrant demonstrates that the alternative methods of control will prevent unauthorized entry into a high radiation area, and that the requirement of (e)(ii) of this subsection is met.~~

~~(vi) Very high radiation areas:~~

~~(A) Each area in which there may exist radiation levels in excess of five hundred rems in one hour at one meter from a sealed radioactive source⁷ that is used to irradiate materials shall:~~

~~(I) Have each entrance or access point equipped with entry control devices which shall function automatically to prevent any individual from inadvertently entering the area when such radiation levels exist; permit deliberate entry into~~

~~the area only after a control device is actuated that shall cause the radiation level within the area, from the sealed source, to be reduced below that at which it would be impossible for an individual to receive a dose in excess of one hundred mrem in one hour; and prevent operation of the source if the source would produce radiation levels in the area that could result in a dose to an individual in excess of one hundred mrem in one hour. The entry control devices required by (e)(vi)(A) of this subsection shall be established in such a way that no individual will be prevented from leaving the area.~~

~~(II) Be equipped with additional control devices such that upon failure of the entry control devices to function as required by (e)(vi)(A)(I) of this subsection the radiation level within the area, from the sealed source, shall be reduced below that at which it would be possible for an individual to receive a dose in excess of one hundred mrem in one hour; and visible and audible alarm signals shall be generated to make an individual attempting to enter the area aware of the hazard and the licensee or at least one other individual who is familiar with the activity and prepared to render or summon assistance, aware of such failure of the entry control devices;~~

~~(III) Be equipped with control devices such that upon failure or removal of physical radiation barriers other than the source's shielded storage container the radiation level from the source shall be reduced below that at which it would be possible for an individual to receive a dose in excess of one hundred mrem in one hour; and visible and audible alarm signals shall be generated to make potentially affected individuals aware of the hazard and the licensee or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier. When the shield for the stored source is a liquid, means shall be provided to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding. Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of (e)(vi)(A)(III) of this subsection;~~

~~(IV) Be equipped with devices that will automatically generate visible and audible alarm signals to alert personnel in the area before the source can be put into operation and in sufficient time for any individual in the area to operate a clearly identified control device which shall be installed in the area and which can prevent the source from being put into operation;~~

~~(V) Be controlled by use of such administrative procedure and such devices as are necessary to assure that the area is cleared of personnel prior to each use of the source preceding which use it might have been possible for an individual to have entered the area;~~

~~(VI) Be checked by a physical radiation measurement to assure that prior to the first individual's entry into the area after any use of the source, the radiation level from the source in the area is below that at which it would be possible for an individual to receive a dose in excess of one hundred mrem in one hour;~~

~~(VII) Have entry control devices required in (e)(vi)(A) (I) of this subsection which have been tested for proper functioning prior to initial operation with such source of~~

radiation on any day that operations are not uninterruptedly continued from the previous day or before resuming operations after any unintended interruption, and for which records are kept of the dates, times, and results of such tests of function. No operations other than those necessary to place the source in safe condition or to effect repairs on controls shall be conducted with such source unless control devices are functioning properly. The licensee shall submit an acceptable schedule for more complete periodic tests of the entry control and warning systems to be established and adhered to as a condition of the license;

~~(VIII) Have those entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through such portals. Exit portals for processed materials shall be equipped to detect and signal the presence of loose radiation sources that are carried toward such an exit and to automatically prevent such loose sources from being carried out of the area.~~

~~(B) Licensees with, or applicants for, licenses for radiation sources that are within the purview of (e)(vi)(A) of this subsection, and that must be used in a variety of positions or in peculiar locations, such as open fields or forests, that make it impracticable to comply with certain requirements of (e)(vi)(A) of this subsection, such as those for the automatic control of radiation levels, may apply to the department for approval, prior to use of safety measures that are alternative to those specified in (e)(vi)(C) of this subsection, and that will provide at least an equivalent degree of personnel protection in the use of such sources. At least one of the alternative measures must include an entry preventing interlock control based on a physical measurement of radiation that assures the absence of high radiation levels before an individual can gain access to an area where such sources are used.~~

~~(f) Airborne radioactivity areas:)) (6) Each very high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: GRAVE DANGER - VERY HIGH RADIATION AREA. The licensee or registrant may satisfy this requirement by posting the sign at the boundary of the high radiation area or at the boundary of the radiation area.~~

(7) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - AIRBORNE RADIOACTIVITY AREA OR DANGER - AIRBORNE RADIOACTIVITY AREA.

~~((g) Additional requirements:~~

~~(i)) (8) Each area or room in which any radioactive material((, other than natural uranium or thorium,)) is used or stored in an amount exceeding 10 times the quantity of radioactive material specified in ((Appendix B of this part)) WAC 246-221-300 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - RADIOACTIVE MATERIAL OR DANGER - RADIOACTIVE MATERIAL.~~

~~((ii) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding one hundred times the quantity specified in Appendix B of this part shall be conspicuously posted with a sign or signs~~

~~bearing the radiation caution symbol and the words: CAUTION* - RADIOACTIVE MATERIAL.~~

~~(h) Containers and articles:~~

~~(i) Except as provided in this section,)) (9) Each container of radioactive material shall bear a durable, clearly visible label identifying the radioactive contents((-~~

~~(ii) A label required pursuant to (h)(i) of this subsection shall bear)) including:~~

~~(a) The radiation caution symbol and the words: CAUTION* - RADIOACTIVE MATERIAL OR DANGER - RADIOACTIVE MATERIAL. ((It shall also provide))~~

~~(b) Sufficient information to permit individuals handling or using the containers, or working in the vicinity thereof, to take precautions to avoid or minimize exposures((-~~

~~As appropriate, the information will include)), such as radionuclides present, radiation levels, ((kinds of material,)) estimate of activity((- date for which activity is estimated)) and mass enrichment.~~

~~((i)) (c) Where containers are used for storage, ((the labels required in this subdivision shall state also)) the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.~~

~~((i)) (10) All radiation machines shall be labeled in a conspicuous manner ((which cautions)) so as to caution individuals that radiation is produced when the machine is being operated.~~

~~((2) Notwithstanding the provisions of subsection (1)(h), (i) of this section labeling is not required:~~

~~(a) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures when the person using such containers is present. For such containers a label identifying the radioactive contents is not required.~~

~~(b) For containers that do not contain radioactive material in quantities greater than the applicable quantities listed in WAC 246-221-300, Appendix B.~~

~~(c) For containers containing only natural uranium or thorium in quantities no greater than ten times the applicable quantities listed in WAC 246-221-300, Appendix B.~~

~~(d) For containers that do not contain radioactive material in concentrations greater than the applicable concentrations listed in WAC 246-221-290, Column 2, Table I, Appendix A.~~

~~(e) For containers when they are attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established by the regulations in this part;~~

~~(f) For containers when they are in transport and packaged and labeled in accordance with regulations published by the United States Department of Transportation;~~

~~(g) For containers which are accessible only to individuals authorized to handle or use them* or to work in the vicinity thereof, provided that the contents are identified to such individuals by a readily available written record;~~

Note: *For example, containers in locations such as water filled canals, storage vaults, or hot cells.

~~(h) For manufacturing and process equipment such as piping and tanks.~~

~~(3) Each licensee, prior to disposal of an empty container which previously held radioactive material shall properly~~

survey for contamination and remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

⁷This paragraph does not apply to radioactive sources that are used in teletherapy, in radiography, or in completely self-shielded irradiators in which the source is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual. This paragraph also does not apply to sources from which the radiation is incidental to some other use nor to nuclear reactor generated radiation other than radiation from byproduct, source, or special nuclear materials that are used in sealed sources in nonself-shielded irradiators.)

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-130 Exceptions from posting and labeling requirements. (1) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level ((~~30.5~~) 30) centimeters from the surface of the source container or housing does not exceed 0.05 mSv (five millirem) per hour.

(2) Rooms or other areas in hospitals are not required to be posted with caution signs(~~, and control of entrance or access thereto pursuant to WAC 246-221-120 (1)(e) is not required,~~) because of the presence of patients containing ((~~less than 30 millieuries of~~) radioactive material provided that ((~~there are personnel in attendance who will take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations in this chapter~~)) confinement is not required pursuant to chapters 246-239 and 246-240 WAC.

(3) Caution signs are not required to be posted in areas or rooms containing radioactive material for periods of less than eight hours provided that:

(a) The material is constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in this part; and

(b) Such area or room is subject to the licensee's or registrant's control.

(4) A room or other area is not required to be posted with a caution sign(~~, and control is not required for each entrance or access point to a room or other area which is used solely for the storage~~) because of the presence of radioactive material prepared for transport and packaged and labeled in accordance with regulations of the United States Department of Transportation.

(5) ((~~Rooms with x-ray equipment may not be required to be posted with caution signs provided that access is controlled~~)) A room or area is not required to be posted with a caution sign because of the presence of a diagnostic x-ray system used solely for healing arts purposes.

(6) The interior of a teletherapy room is not required to be posted with caution signs provided such posting is conspicuously placed at the entrance(s) to the rooms.

(7) A licensee is not required to label:

(a) Containers holding licensed material in quantities less than the quantities listed in WAC 246-221-300; or

(b) Containers holding licensed material in concentrations less than those specified in WAC 246-221-290, Table III; or

(c) Containers attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established by this chapter; or

(d) Containers when they are in transport and packaged and labeled in accordance with the regulations of the United States Department of Transportation; or

(e) Containers such as those located in water-filled canals, storage vaults, or hot cells, that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, provided the contents are identified to these individuals by a readily available written record. The record shall be retained as long as the containers are in use for the purpose indicated on the record; or

(f) Installed manufacturing or process equipment, such as chemical process equipment, piping, and tanks.

(8) Each licensee, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, shall remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-150 Security and control of stored radioactive material. (1) Licensed radioactive materials and registered radiation machines shall be secured from, or controlled in such a manner so as to prevent, unauthorized access or removal from the place of storage.

(2) Licensed radioactive materials in an unrestricted area and not in storage shall be tended under the constant surveillance and immediate control of the licensee.

(3) Registered radiation machines in an unrestricted area and not in storage shall be under the control of the registrant.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-160 Procedures for picking up, receiving, and opening packages. (1)(a) Each licensee or registrant who expects to receive a package containing quantities of radioactive material in excess of the Type A₁ or A₂ quantities specified in WAC 246-220-110 shall make arrangements to receive:

(i) ((~~If the package is to be delivered to the licensee's or registrant's facility by the carrier, make arrangements to receive~~)) The package when it is offered for delivery by the carrier; or

(ii) ((~~If the package is to be picked up by the licensee or registrant at the carrier's terminal, make arrangements to receive~~)) Immediate notification from the carrier of the arrival of the package at the carrier's terminal.

(b) Each licensee ((~~or registrant~~)) who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(2)((~~a~~)) Each licensee ((~~or registrant, upon receipt of a package of radioactive material, shall monitor the external~~

surfaces of the package for radioactive contamination caused by leakage of the radioactive contents, except:

(i) Packages containing less than one hundred times the quantity of nuclide(s) specified in WAC 246-232-120, Schedule B;

(ii) Packages containing no more than 10 millicuries of radioactive material consisting solely of tritium, carbon-14, sulfur-35, or iodine-125;

(iii) Packages containing only radioactive material as gases or in special form;

(iv) Packages containing only radioactive material in other than liquid form (including Mo-99/Tc-99m generators) and not exceeding the Type A₁ or A₂ quantity limit specified in WAC 246-220-110; and

(v) Packages containing only radionuclides with half-lives of less than 30 days and a total quantity of no more than 100 millicuries.

The monitoring shall be performed)) shall:

(a) Monitor for radioactive contamination the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains only radioactive material in the form of gas or in special form as defined in WAC 246-220-010 and 246-220-120; and

(b) Monitor the radiation levels of the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in WAC 246-220-110, and the radioactive material is in the form of a gas or in special form as defined in WAC 246-220-010 and 246-220-120; and

(c) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if the package has evidence of potential contamination, such as packages that are crushed, wet, or damaged.

(3) The monitoring shall be performed:

(a) Immediately upon receipt if there is evidence of package degradation or any other evidence of potential contamination or excessive radiation levels; or

(b) As soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or no later than three hours from the beginning of the next working day if received after normal working hours.

((b) If removable radioactive contamination in excess of 0.01 microcurie (22,200 transformations per minute) per one hundred square centimeters of package surface is found on the external surfaces of the package, the licensee shall immediately notify by telephone, telegraph, mailgram or facsimile, the final delivering carrier, shipper and the department.

(3)(a) Each licensee or registrant, upon receipt of a package containing quantities of radioactive material in excess of the Type A₁ or A₂ quantities specified in WAC 246-220-110, other than those transported by exclusive use vehicle, shall monitor the radiation levels external to the package. The package shall be monitored as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, and no later than three hours from the beginning of the next working day if received after normal working hours.

(b) If radiation levels are found on the external surface of the package in excess of two hundred millirem per hour, or at one meter from the external surface of the package in excess of ten millirem per hour, the licensee or registrant shall immediately notify, by telephone, telegraph, mailgram or facsimile, the shipper, the final delivering carrier and the department.)

(4) The licensee shall immediately notify the final delivery carrier and, by telephone and telegram, mailgram, or facsimile, the department when:

(a) For normal shipments, removable radioactive surface contamination exceeds either 22 dpm/cm² for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 2.2 dpm/cm² for all other alpha emitting radionuclides; or

(b) For exclusive use shipments, removable radioactive surface contamination exceeds either 220 dpm/cm² for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 22 dpm/cm² for all other alpha emitting radionuclides; or

(c) For normal shipments, external radiation levels exceed two mSv/hour (200 millirem per hour) at any point on the external surface of the package; or

(d) For exclusive use shipments, external radiation levels exceed ten mSv/hour (1000 millirem per hour) at any point on the external surface of the package.

(5) Each licensee ((or registrant)) shall establish and maintain procedures for safely opening packages in which radioactive material is received, and shall assure that such procedures are followed and that due consideration is given to instructions for the type of package being opened and the monitoring of potentially contaminated packaging material (including packages containing radioactive material in gaseous form) to assure that only background levels of radiation are present prior to disposal of such material as nonradioactive waste. ((In addition, this shall include a wipe sample of the outside of any inner package which contains a liquid or dispersible radionuclide (radioactive wastes shall be exempted). Copies of such written procedures shall be retained for inspection by the department.))

(6) Licensees transferring special form sources to and from a work site in vehicles owned or operated by the licensee are exempt from the contamination monitoring requirements of subsection (2)(a) of this section but are not exempt from the monitoring requirement in subsection (2)(b) of this section for measuring radiation levels to ensure that the source is still properly lodged in its shield.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-170 Waste disposal, general requirement. (1) No licensee shall dispose of any radioactive material except:

((+)) (a) By transfer to an authorized recipient as provided in WAC 246-232-080, or chapter 246-249 WAC; or

~~((2))~~ (b) As authorized pursuant to WAC 246-221-070, 246-221-180, 246-221-190, ~~((or))~~ 246-221-200, 246-221-210, or 246-221-220.

(c) By decay in storage as authorized in a specific license.

(2) A person shall be specifically licensed to receive waste containing licensed material from other persons for:

(a) Treatment prior to disposal; or

(b) Treatment or disposal by incineration; or

(c) Decay in storage; or

(d) Disposal at a land disposal facility licensed pursuant to chapter 246-250 WAC; or

(e) Storage until transferred to a disposal facility authorized to receive the waste.

(3) Nothing in chapter 246-221 WAC relieves the licensee from complying with other applicable federal, state, and local regulations governing any other toxic or hazardous properties of materials that may be disposed pursuant to this chapter.

(4) Each licensee shall maintain records of all transfers and disposals of radioactive material.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-180 Method of obtaining approval of proposed disposal procedures. Any person may apply to the department for approval of proposed procedures to dispose of radioactive material in a manner not otherwise authorized in this chapter. Each application shall contain a description of the radioactive material, including the quantities and kinds of radioactive material and levels of radioactivity involved, the physical and chemical properties that have an impact on risk evaluation, and the proposed manner and conditions of disposal. The application, where appropriate, shall also include an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; analyses and procedures to ensure that doses are maintained ALARA within the dose limits of this chapter; and procedures to be observed to minimize the risk of unexpected or hazardous exposures.

The department will not approve any application for a license to receive radioactive material from other persons for disposal on land not owned by a state or the federal government.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-190 Disposal by release into sanitary sewerage systems. (1) No licensee shall discharge radioactive material into a sanitary sewerage system unless:

~~((1))~~ (a) It is readily soluble or it is biological material which is readily dispersible in water;

~~((2))~~ The quantity of any radioactive material released into the system by the licensee in any one day does not exceed the larger of:

(a) The quantity which, if diluted by the average daily quantity of sewage released into the sewer by the licensee, will result in an average concentration not greater than the

limits specified in WAC 246-221-290, Appendix A, Table I, Column 2; or

(b) Ten times the quantity of such material specified in WAC 246-221-300, Appendix B of this part;

~~(3))~~ (b) The quantity of any radioactive material released in any one month, if diluted by the average monthly quantity of water released by the licensee, will not result in an average concentration exceeding the limits specified in WAC 246-221-290, ~~((Appendix A, Table I, Column 2))~~ Table III; and

~~((4))~~ The gross quantity of all radioactive material except hydrogen-3 and carbon-14 released into the sewerage system by the licensee does not exceed one curie (1Ci) per year. The amount released into the sewerage system for hydrogen-3 shall not exceed 5 curies per year and for carbon-14 shall not exceed 1 curie per year. (c) The sum of the fractions for each radionuclide, if more than one radionuclide is released, will not exceed unity; where the fraction for each radionuclide is determined by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in Table III of WAC 246-221-290; and

(d) The total quantity of licensed and other radioactive material that the licensee releases into the sanitary sewerage system in a year does not exceed 185 GBq (5 Ci) of hydrogen-3, 37 GBq (1 Ci) of carbon-14, and 37 GBq (1 Ci) of all other radioactive materials combined.

(2) Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this section ~~((= Provided, That the licensee provides for appropriate radiological monitoring whenever any waste line in the licensee's installation which may carry such excreta is opened)).~~

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-220 Disposal of specific wastes. (1) Any licensee may dispose of the following licensed material without regard to its radioactivity:

~~((1))~~ (a) 1.85 KBq (0.05 microcuries) or less of hydrogen-3 or carbon-14, per gram of medium, used for liquid scintillation counting; and

~~((2))~~ (b) 1.85 KBq (0.05 microcuries) or less of hydrogen-3 or carbon-14, per gram of animal tissue averaged over the weight of the entire animal ~~((= Provided however, Tissue may not be disposed)).~~

(2) The licensee shall not dispose of tissue under this section in a manner that would permit its use either as food for humans or as animal feed; and

(3) Nothing in this section, however, relieves the licensee of maintaining records showing the receipt, transfer and disposal of such byproduct material as specified in WAC 246-220-020; and

(4) Nothing in this section relieves the licensee from complying with other applicable federal, state and local regulations governing any other toxic or hazardous property of these materials.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-230 Records ((of surveys, radiation monitoring, and disposal)) important to radiation safety.

~~(1) ((Each licensee or registrant shall maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under WAC 246 221 090. Such records shall be kept on state of Washington current occupational external radiation exposure (Form RHF 5), in accordance with the instructions contained in that form, or on clear and legible records containing all the information required by Form RHF 5. The doses entered on the forms or records shall be for periods of time not exceeding one calendar quarter.~~

~~(2) Each licensee or registrant shall maintain records in the same units used in this part, showing the results of surveys required by WAC 246 221 110 monitoring required by WAC 246 221 160, and disposals made under WAC 246 221 180, 246 221 190, 246 221 200, 246 221 210, and 246 221 220.~~

~~(3)(a) Records of individual exposure to radiation and to radioactive material which must be maintained pursuant to the provisions of subsection (1) of this section and records of bioassays, including results of whole body counting examinations made pursuant to WAC 246 221 100, shall be preserved indefinitely or until the department authorizes their disposal.~~

~~(b) Records of the results of surveys and monitoring which must be maintained pursuant to subsection (2) of this section shall be preserved for two years after completion of the survey except that the following records shall be maintained until the department authorizes their disposition:~~

- ~~(i) Records of the results of surveys to determine compliance with WAC 246 221 040;~~
- ~~(ii) In the absence of personnel monitoring data, records of the results of surveys to determine external radiation dose;~~
- ~~(iii) Records of the results of surveys used to evaluate the release of radioactive effluents to the environment.~~

~~(4) Records of disposal of licensed material made pursuant to WAC 246 221 180, 246 221 190, 246 221 200, 246 221 210, or 246 221 220 shall be maintained until the department authorizes their disposition.)~~ Each licensee or registrant shall make and retain records of activities, program reviews, measurements, and calculations which may be necessary to determine the extent of occupational and public exposure from sources of radiation under the control of the licensee or registrant.

(2) Each record required by this section shall be legible throughout the specified retention period.

(3) Each licensee or registrant shall use the SI units: Becquerel, gray, sievert and coulomb per kilogram, or the special units: Curie, rad, rem, and roentgen, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by these regulations.

(4) The licensee or registrant shall make a clear distinction among the quantities entered on the records required by these regulations such as, total effective dose equivalent, shallow dose equivalent, eye dose equivalent, deep dose equivalent, or committed effective dose equivalent.

(5) Records which must be maintained pursuant to this part ((may)) shall be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by department regulations. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Electronic media data storage systems shall incorporate standard or universally recognized security measures. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures.

(6) The licensee shall maintain adequate safeguards against tampering with and loss of records.

(7) The licensee or registrant shall retain the following required records until the department terminates each pertinent license or registration requiring the record, and upon termination of the license or registration, the licensee or registrant shall permanently store:

(a) Records of prior occupational dose and exposure history as recorded on department Form RHF-4 or RHF-4A, or equivalent;

(b) Records on department Form RHF-5 or RHF-5A, or equivalent, of doses received by all individuals for whom monitoring was required pursuant to WAC 246-221-090 and 246-221-100;

(c) Records of doses received during planned special exposures, accidents, and emergency conditions;

(d) The specific information used to calculate the committed effective dose equivalent pursuant to WAC 246-221-040(3);

(e) Records of the results of surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(f) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(g) Records showing the results of air sampling, surveys, and bioassays required pursuant to WAC 246-221-117 (1)(b)(i) and (ii);

(h) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

(8) The licensee or registrant shall retain the following records until the department terminates the pertinent license or registration requiring the record:

(a) Records of waste disposal made under the provisions of WAC 246-221-180, 246-221-190, 246-221-210 and 246-221-220, chapter 246-249 WAC, and any burials in soil as previously authorized;

(b) Records of dose to individual members of the public as required by WAC 246-221-060(4);

(c) Records of the provisions of the radiation protection program as required by WAC 246-221-005.

(9) The licensee or registrant shall retain the following records for three years after the record is made:

(a) Records of testing entry control devices for very high radiation areas as required by WAC 246-221-106(3);

(b) Records used in preparing department Form RHF-4 or RHF-4A

records showing the results of general surveys required by WAC 246-221-110 and package surveys required by WAC 246-221-160;

(c) Records of calibrations required by WAC 246-221-110;

(d) Records of program audits and other reviews of the content and implementation of the radiation protection program required by WAC 246-221-005;

(e) Records of waste disposal by decay in storage.

~~((6))~~ (10) If there is a conflict between the department's regulations in this part, license condition, or other written department approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this part for such records shall apply unless the department, pursuant to WAC 246-220-050, has granted a specific exemption from the record retention requirements specified in the regulations in this part.

~~((7))~~ (11) The discontinuance or curtailment of activities does not relieve the licensee or registrant of responsibility for retaining all records required by this section. ~~((A licensee or registrant may, however, request the department to accept such records. The acceptance of the records by the department relieves the licensee or registrant of subsequent responsibility only in respect to their preservation as required in this section.))~~

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-240 Reports of ~~((theft or loss of))~~ stolen, lost or missing radiation sources. (1) Each licensee and/or registrant shall report ~~((immediately))~~ by telephone (206/682-5327) and confirm promptly by letter telegram, mailgram, or facsimile to the State Department of Health, Division of Radiation Protection, ~~((Mailstop LE-13))~~ P.O. Box 47827, Olympia, Washington ~~((98504, the actual or attempted theft or loss as soon as such theft or loss becomes known to the licensee and/or registrant of:~~

(1) Any radiation producing machine; or

(2) Any quantity of radioactive material in excess of a quantity exempted under WAC 246-221-300, Appendix B, or any item not exempted in chapter 246-232 WAC)) 98504-7827.

(a) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing radioactive material in an aggregate quantity equal to or greater than one thousand times the quantity specified in WAC 246-221-300; or

(b) Within thirty days after its occurrence becomes known to the licensee, lost, stolen, or missing radioactive material in an aggregate quantity greater than ten times the quantity specified in Appendix C that is still missing or any item not exempted in chapter 246-232 WAC; or

(c) Immediately after its occurrence becomes known to the registrant, a stolen, lost, or missing radiation machine.

(2) Each licensee or registrant required to make a report pursuant to subsection (1) of this section shall, within thirty days after making the telephone report, make a written report to the department setting forth the following information:

(a) A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and, for

radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted; and

(b) A description of the circumstances under which the loss or theft occurred; and

(c) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved; and

(d) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas; and

(e) Actions that have been taken, or will be taken, to recover the source of radiation; and

(f) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

(3) Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within thirty days after the licensee or registrant learns of such information.

(4) The licensee or registrant shall prepare any report filed with the department pursuant to this section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-250 Notification of incidents. (1) Immediate notification. Notwithstanding other requirements for notification, each licensee and/or registrant shall immediately notify the State Department of Health, Division of Radiation Protection, ~~((Mailstop LE-13))~~ P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206/682-5327) and confirming letter, telegram, mailgram, or facsimile of any incident involving any radiation source which may have caused or threatens to cause:

~~((a) A dose to the whole body of any individual, or any dosimetry device assigned to any individual, of twenty five rems or more of radiation; a dose to the skin of the whole body of any individual or any dosimetry device assigned to any individual of one hundred fifty rems or more of radiation; or a dose to the feet, ankles, hands, or forearms of any individual, or any dosimetry device assigned to any individual, of three hundred seventy five rems or more of radiation; or~~

~~((b) The release of radioactive material in concentrations which, if averaged over a period of twenty four hours, would exceed five thousand times the limits specified for such materials in WAC 246-221-290, Appendix A, Table II.)) (a) An individual to receive:~~

~~((i) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or~~

~~((ii) An eye dose equivalent of 0.75 Sv (75 rem) or more; or~~

~~((iii) A shallow dose equivalent to the skin or extremities of 2.5 Sv (250 rem) or more; or~~

~~((b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake five times the occupational ALI. This provision does not apply to locations where personnel are not normally~~

stationed during routine operations, such as hot-cells or process enclosures.

(2) **Twenty-four hour notification.** Each licensee and/or registrant shall within twenty-four hours of discovery of the event, notify the State Department of Health, Division of Radiation Protection, ((Mailstop LE-13)) P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206/682-5327) and confirming letter, telegram, mailgram, or facsimile of any incident involving any radiation source possessed which may have caused or threatens to cause:

~~((a) A dose to the whole body of any individual, or any dosimetry device assigned to any individual, of five rems or more of radiation; a dose to the skin of the whole body of any individual or any dosimetry device assigned to any individual of thirty rems or more of radiation; or a dose to the feet, ankles, hands, or forearms or any dosimetry device assigned to any individual, of seventy five rems or more of radiation; or~~

~~(b) The release of radioactive material in concentrations which, if averaged over a period of twenty four hours, would exceed five hundred times the limits specified for such materials in WAC 246-221-290, Appendix A, Table H-)) (a) An individual to receive, in a period of twenty-four hours:~~

~~(i) A total effective dose equivalent exceeding 0.05 Sv (5 rem); or~~

~~(ii) An eye dose equivalent exceeding 0.15 Sv (15 rem); or~~

~~(iii) A shallow dose equivalent to the skin or extremities exceeding 0.5 Sv (50 rem); or~~

~~(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.~~

(3) For each occurrence, requiring notification pursuant to this section, a prompt investigation of the situation shall be initiated by the licensee/registrant. A written report of the findings of the investigation shall be sent to the department within thirty days.

(4) The licensee or registrant shall prepare each report filed with the department pursuant to this section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

Any report filed with the department pursuant to this section shall ~~((be prepared in the manner))~~ contain the information described in WAC 246-221-260 (2) and (3).

(5) The provisions of this section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to WAC 246-221-265.

(6) Telephone notifications that do not involve immediate or twenty-four hour notification shall not be made to the emergency number (Seattle 206/682-5327). Routine calls should be made to the Olympia office (206/753-3468).

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-260 Reports of overexposures and excessive levels and concentrations. (1) In addition to any notification required by WAC 246-221-250, each licensee or registrant shall ~~((make a report in writing within 30 days to the department of each exposure of an individual to radiation level or concentrations of radioactive material in excess of any applicable limit as set forth in this part or as otherwise approved by the department))~~ submit a report to the department within thirty days after learning of any of the following occurrences:

(a) Incidents for which notification is required by WAC 246-221-250; or

(b) Doses in excess of any of the following:

(i) The occupational dose limits for adults in WAC 246-221-010; or

(ii) The occupational dose limits for a minor in WAC 246-221-050; or

(iii) The limits for an embryo/fetus of a declared pregnant woman in WAC 246-221-055; or

(iv) The limits for an individual member of the public in WAC 246-221-060; or

(v) Any applicable limit in the license; or

(c) Levels of radiation or concentrations of radioactive material in:

(i) A restricted area in excess of applicable limits in the license; or

(ii) An unrestricted area in excess of ten times the applicable limit set forth in this chapter or in the license or registration, whether or not involving exposure of any individual in excess of the limits in WAC 246-221-060; or

(d) For source materials milling licensees and nuclear power plants subject to the provisions of United States Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(2) Each report required by subsection (1) of this section shall describe:

(a) The extent of exposure of individuals to radiation or to radioactive material, including estimates of each individual's dose as required by subsection (3) of this section;

(b) Levels of radiation and concentrations of radioactive material involved;

(c) The cause of exposure, levels or concentrations; and

(d) Corrective steps taken or planned to assure against a recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards, and associated license conditions.

(3) ~~((Any))~~ Each report filed with the department pursuant to this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's dose. With respect to the limit for the embryo/fetus in WAC 246-221-055, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable part of the report.

(4) Individuals shall be notified of reports in accordance with the requirements of WAC 246-222-040.

~~((5) In addition to any notification required by WAC 246-221-250, each licensee shall make a report in writing within 30 days to the department of levels of radiation or releases of radioactive material in excess of limits specified by 40 CFR Part 190, "Environmental radiation protection standards for nuclear power operations," or in excess of license conditions related to compliance with 40 CFR Part 190. Each report required under this paragraph shall describe the extent of exposure of individuals to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.))~~

NEW SECTION

WAC 246-221-265 Special reports to the department—Planned special exposures, individual monitoring results from certain licensees, and leaking sources. (1) The licensee or registrant shall submit a written report to the department within thirty days following any planned special exposure conducted in accordance with WAC 246-221-030, informing the department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by WAC 246-221-030.

(2) Each licensee in a category listed in subsection (3) of this section shall submit an annual report of the results of individual monitoring carried out by the licensee for each individual for whom monitoring was required by WAC 246-221-090 and 246-221-100 during that year. The licensee may include additional data for individuals for whom monitoring was provided but not required. The licensee shall use department Form RHF-5A or electronic media containing all the information required by department Form 5A.

(3) The requirement to submit individual monitoring results annually applies to each person licensed by the department to:

- (a) Possess or use sources of radiation for purposes of industrial radiography pursuant to chapters 246-235 and 246-243 WAC; or
- (b) Receive radioactive waste from other persons for disposal pursuant to chapter 246-250 WAC; or
- (c) Possess or use at any time, for processing or manufacturing for distribution pursuant to chapter 246-235 WAC, radioactive material in quantities exceeding any one of the following quantities:

Radionuclide	Activity	
	Ci	GBq
Cesium-137	1	37
Cobalt-60	1	37
Gold-198	100	3,700
Iodine-131	1	37
Iridium-192	10	370
Krypton-85	1,000	37,000

Promethium-147	10	370
Technetium-99m	1,000	37,000

(4) The department may require as a license condition, or by rule, regulation, or order pursuant to WAC 246-220-100, reports of annual individual monitoring results from licensees processing or manufacturing for distribution radionuclides not on the list in subsection (3)(c) of this section, provided the radionuclides are in quantities sufficient to cause comparable radiation levels to those on the list.

(5) The licensee shall file the report required by subsection (2) of this section, covering the preceding year, on or before April 30 of each year. The licensee shall submit the report to the department.

(6) The licensee shall file a written report with the department within five days after learning that a sealed source is leaking or contaminated. The report shall describe the source, source holder, equipment in which the source is installed, the test results and the corrective action taken.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-270 Vacating premises and release of equipment. (1) Each specific licensee shall, no less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of licensed activities, notify the department in writing of intent to vacate. ~~((When deemed necessary by the department, the licensee shall decontaminate the premises in such a manner as the department may specify.))~~

(2) Each licensee, before vacating any premise or transferring the premise, shall permanently decontaminate such premise below or equal to the standards specified in WAC 246-232-140. A survey shall be made after such decontamination and the Department and the landlord or subsequent tenant or transferee shall be provided with a copy of such survey no later than the date of vacating or relinquishing possession or control of the premise.

(3) No machinery, instruments, laboratory equipment or any other property used in contact with, or close proximity to radioactive material at a licensed premise shall be assigned, sold, leased, or transferred to an unlicensed person unless such property has been decontaminated below or equal to the standards specified in WAC 246-232-140. A survey shall be made after such decontamination and the Department and subsequent owner or transferee shall be provided with a copy of such survey report.

NEW SECTION

WAC 246-221-275 Notification of changes in a facility. Each licensee or registrant shall notify the department of changes in any room or area in a facility where a source of radiation is used. Changes of interest to the department include, but are not limited to, new or replacement equipment containing or emitting radiation, increased occupancy, repair or replacement of existing shielding, new shielding, alteration of the ventilation system, and changes in procedures done in the room or area.

NEW SECTION

WAC 246-221-285 Protection factors for respirators.

(1) The licensee may use the following information in the selection of respiratory protective equipment to be used only where the contaminants have been identified and the concentration, or possible concentrations, are known.

Protection Factors ¹		Tested & Certified Equipment		
Description ²	Modes ³	Particulates only	Particulates, gases, vapors ⁵	NIOSH & MSHA ⁴ tests for permissibility
I. AIR-PURIFYING RESPIRATORS⁶				
Facepiece, half-mask ⁷	NP	10		30 CFR 11, Subpart K.
Facepiece, full	NP	50		
Facepiece, half-mask, full, or hood	PP	1000		
II. ATMOSPHERE-SUPPLYING RESPIRATORS				
1. Air-line respirator				
Facepiece, half-mask	CF		1000	
Facepiece, half-mask	D		5	
Facepiece, full	CF		2000	
Facepiece, full	D		5	30 CFR 11, Subpart J.
Facepiece, full	PD		2000	
Hood	CF		8	
Suit	CF		9	10
2. Self-contained breathing apparatus (SCBA)				
Facepiece, full	D		50	
Facepiece, full	PD		10,000 ¹¹	30 CFR 11, Subpart H.
Facepiece, full	RD		50	
Facepiece, full	RP		5,000 ¹²	
III. COMBINATION RESPIRATORS				
Any combination of air-purifying and atmosphere-supplying respirators	Protection factor for type and mode of operation as listed above			30 CFR 11, Sec.11.63(b)

FOOTNOTES

- The protection factor is a measure of the degree of protection afforded by a respirator, defined as the ratio of the concentration of airborne radioactive material outside the respiratory protective equipment to that inside the equipment, usually inside the facepiece, under conditions of use. It is applied to the ambient airborne concentration to estimate the concentrations inhaled by the wearer according to the following formula:

$$\text{Concentration inhaled} = \frac{\text{Ambient airborne concentration}}{\text{Protection factor}}$$

The protection factors apply:

- Only for individuals trained in using respirators and wearing properly fitted respirators that are used and maintained under supervision in a well-planned respiratory protective program.
- For air-purifying respirators only when high efficiency particulate filters, above 99.97% removal efficiency by thermally generated 0.3 µm dioctyl phthalate (DOP) test or equivalent, are used in atmospheres not deficient in oxygen and not containing radioactive gas or vapor respiratory hazards.
- No adjustment is to be made for the use of sorbents against radioactive material in the form of gases or vapors.
- For atmosphere-supplying respirators only when supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with the National

Institute for Occupational Safety and Health and the Mine Safety and Health Administration certification described in 30 CFR 11. Oxygen and air shall not be used in the same apparatus.

- Only for shaven faces and where nothing interferes with the seal of tight-fitting facepieces against the skin. Hoods and suits are excepted.
- The mode symbols are defined as follows:
 CF = continuous flow
 D = demand
 NP = negative pressure, that is, negative phase during inhalation
 PD = pressure demand, that is, always positive pressure
 PP = positive pressure
 RD = demand, recirculating or closed circuit
 RP = pressure demand, recirculating or closed circuit
- NIOSH & MSHA are the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration.
- Excluding radioactive contaminants that present an absorption or submersion hazard. For tritium oxide, approximately one-third of the intake occurs by absorption through the skin so that an overall protection factor of less than two is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. If the protection factor for respiratory protective equipment is five, the effective protection factor for tritium is about 1.4; with protection factors of less than ten, the effective factor for tritium oxide is about 1.7; and with protection factors of one hundred or more, the effective factor for tritium oxide is about 1.9. Air-purifying respirators are not suitable for protection against tritium oxide. See also footnote 9 concerning supplied-air suits.
- Canisters and cartridges shall not be used beyond service-life limitations.
- Under-chin type only. This type of respirator is not satisfactory for use where it might be possible, if an accident or emergency were to occur, for the ambient airborne concentrations to reach instantaneous values greater than ten times the pertinent values in Table I, Column 3 of WAC 246-221-290. This type of respirator is not suitable for protection against plutonium or other high-toxicity materials. The mask is to be tested for fit prior to use, each time it is donned.
- Equipment shall be operated in a manner that ensures that proper air flow-rates are maintained. A protection factor of no more than one thousand may be utilized for tested-and-certified supplied-air hoods when a minimum air flow of six cubic feet per minute (0.17 m³/min) is maintained and calibrated air line pressure gauges or flow measuring devices are used. A protection factor of up to two thousand may be used for tested and certified hoods only when the air flow is maintained at the manufacturer's recommended maximum rate for the equipment, this rate is greater than six cubic feet per minute (0.17 m³/min) and calibrated air line pressure gauges or flow measuring devices are used.
- The design of the supplied-air hood or helmet, with a minimum flow of six cubic feet per minute (0.17 m³/min) of air, may determine its overall efficiency and the protection it provides. For example, some hoods aspirate contaminated air into the breathing zone when the wearer works with hands-over-head. This aspiration may be overcome if a short cape-like extension to the hood is worn under a coat or overalls. Other limitations specified by the approval agency shall be considered before using a hood in certain types of atmospheres. See footnote 9.
- Appropriate protection factors shall be determined, taking into account the design of the suit and its permeability to the contaminant under conditions of use. There shall be a standby rescue person equipped with a respirator or other apparatus appropriate for the potential hazards and communications equipment whenever supplied-air suits are used.

PROPOSED

10. No approval schedules are currently available for this equipment. Equipment is to be evaluated by testing or on the basis of reliable test information.
11. This type of respirator may provide greater protection and be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure, such as skin absorption, must be taken into account in such circumstances.
12. Quantitative fit testing shall be performed on each individual, and no more than 0.02% leakage is allowed with this type of apparatus. Perceptible outward leakage of gas from this or any positive pressure self-contained breathing apparatus is unacceptable because service life will be reduced substantially. Special training in the use of this type of apparatus shall be provided to the wearer.

(2) The licensee may use protection factors for respirators approved by the United States Bureau of Mines and the National Institute for Occupational Safety and Health, according to applicable approvals for respirators for type and mode of use to protect against airborne radionuclides, to the extent that they do not exceed the protection factors listed in the table given in subsection (1) of this section. The protection factors listed in this table may not be appropriate to circumstances where chemical or other respiratory hazards exist in addition to radioactive hazards. The selection and use of respirators for such circumstances should take into account applicable approvals of the United States Bureau of Mines and the National Institute for Occupational Safety and Health.

(3) The licensee should also be aware that the concentration values in Table I, Column 3 of WAC 246-221-290 are based on internal dose due to inhalation, and that radioactive contaminants may present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-290 ((Appendix A - Concentrations in air and water above natural background.)) Annual limits on intake (ALI) and derived air concentrations (DAC) of radionuclides for occupational exposure; effluent concentrations; concentrations for release to sanitary sewerage.

Element (atomic number)	Isotope [†]	Table I Restricted Area		Table II Unrestricted Area	
		Column 1	Column 2	Column 1	Column 2
		Air (µCi/ml)	Water (µCi/ml)	Air (µCi/ml)	Water (µCi/ml)
Actinium (89)	Ac-227	S 2x10 ⁻¹²	6x10 ⁻⁵	8x10 ⁻¹⁴	2x10 ⁻⁶
		I 3x10 ⁻¹¹	9x10 ⁻³	9x10 ⁻¹³	3x10 ⁻⁴
	Ac-228	S 8x10 ⁻⁸	3x10 ⁻²	3x10 ⁻⁹	9x10 ⁻⁵
Americium (95)	Am-241	S 6x10 ⁻¹²	1x10 ⁻⁴	2x10 ⁻¹³	4x10 ⁻⁶
		I 1x10 ⁻¹⁰	8x10 ⁻⁴	4x10 ⁻¹²	3x10 ⁻⁵
	Am-242m	S 6x10 ⁻¹²	1x10 ⁻⁴	2x10 ⁻¹³	4x10 ⁻⁶
		I 3x10 ⁻¹⁰	3x10 ⁻³	9x10 ⁻¹²	9x10 ⁻⁵
	Am-242	S 4x10 ⁻⁸	4x10 ⁻²	1x10 ⁻⁹	1x10 ⁻⁴
		I 5x10 ⁻⁸	4x10 ⁻²	2x10 ⁻⁹	1x10 ⁻⁴
Am-243	S 6x10 ⁻¹²	1x10 ⁻⁴	2x10 ⁻¹³	4x10 ⁻⁶	
	I 1x10 ⁻¹⁰	8x10 ⁻⁴	4x10 ⁻¹²	3x10 ⁻⁵	
Am-244	S 4x10 ⁻⁶	1x10 ⁻¹	1x10 ⁻⁷	5x10 ⁻³	
	I 2x10 ⁻⁵	1x10 ⁻¹	8x10 ⁻⁷	5x10 ⁻³	
Antimony (51)	Sb-122	S 2x10 ⁻⁷	8x10 ⁻⁴	6x10 ⁻⁹	3x10 ⁻⁵
		I 1x10 ⁻⁷	8x10 ⁻⁴	5x10 ⁻⁹	3x10 ⁻⁵

Sb-124	S 2x10 ⁻⁷	7x10 ⁻⁴	5x10 ⁻⁹	2x10 ⁻⁵
	I 2x10 ⁻⁸	7x10 ⁻⁴	7x10 ⁻¹⁰	2x10 ⁻⁵
	Sb-125	S 5x10 ⁻⁷	3x10 ⁻²	2x10 ⁻⁸
Argon (18)	Ar-37	Sub 6x10 ⁻³	---	1x10 ⁻⁴
	Ar-41	Sub 2x10 ⁻⁶	---	4x10 ⁻⁸
Arsenic (33)	As-73	S 2x10 ⁻⁶	1x10 ⁻²	7x10 ⁻⁸
		I 4x10 ⁻⁷	1x10 ⁻²	1x10 ⁻⁸
	As-74	S 3x10 ⁻⁷	2x10 ⁻²	1x10 ⁻⁸
As-76	S 1x10 ⁻⁷	2x10 ⁻²	4x10 ⁻⁹	5x10 ⁻⁵
	I 1x10 ⁻⁷	6x10 ⁻⁴	3x10 ⁻⁹	2x10 ⁻⁵
	As-77	S 5x10 ⁻⁷	2x10 ⁻³	2x10 ⁻⁸
Astatine (85)	At-211	S 7x10 ⁻⁹	5x10 ⁻⁵	2x10 ⁻¹⁰
		I 3x10 ⁻⁸	2x10 ⁻³	1x10 ⁻⁹
Barium (56)	Ba-131	S 1x10 ⁻⁶	5x10 ⁻³	4x10 ⁻⁸
		I 4x10 ⁻⁷	5x10 ⁻³	1x10 ⁻⁸
	Ba-140	S 1x10 ⁻⁷	8x10 ⁻⁴	4x10 ⁻⁹
Berkelium (97)	Bk-240	S 9x10 ⁻¹⁰	2x10 ⁻²	3x10 ⁻¹¹
		I 1x10 ⁻⁷	2x10 ⁻²	4x10 ⁻⁹
	Bk-250	S 1x10 ⁻⁷	6x10 ⁻³	5x10 ⁻⁹
Beryllium (4)	Be-7	S 6x10 ⁻⁶	5x10 ⁻²	2x10 ⁻⁷
		I 1x10 ⁻⁶	5x10 ⁻²	4x10 ⁻⁸
Bismuth (83)	Bi-206	S 2x10 ⁻⁷	1x10 ⁻²	6x10 ⁻⁹
		I 1x10 ⁻⁷	1x10 ⁻²	5x10 ⁻⁹
	Bi-207	S 2x10 ⁻⁷	2x10 ⁻²	6x10 ⁻⁹
		I 1x10 ⁻⁸	2x10 ⁻²	5x10 ⁻¹⁰
	Bi-210	S 6x10 ⁻⁹	1x10 ⁻³	2x10 ⁻¹⁰
		I 6x10 ⁻⁹	1x10 ⁻³	2x10 ⁻¹⁰
Bi-212	S 1x10 ⁻⁷	1x10 ⁻²	3x10 ⁻⁹	
	I 2x10 ⁻⁷	1x10 ⁻²	7x10 ⁻⁹	
Bromine (35)	Br-82	S 1x10 ⁻⁶	8x10 ⁻³	4x10 ⁻⁸
		I 2x10 ⁻⁷	1x10 ⁻³	6x10 ⁻⁹
Cadmium (48)	Cd-109	S 5x10 ⁻⁸	5x10 ⁻³	2x10 ⁻⁹
		I 7x10 ⁻⁸	5x10 ⁻³	3x10 ⁻⁹
	Cd-115m	S 4x10 ⁻⁸	7x10 ⁻⁴	1x10 ⁻⁹
		I 4x10 ⁻⁸	7x10 ⁻⁴	1x10 ⁻⁹
	Cd-115	S 2x10 ⁻⁷	1x10 ⁻²	8x10 ⁻⁹
I 2x10 ⁻⁷		1x10 ⁻²	6x10 ⁻⁹	
Calcium (20)	Ca-45	S 3x10 ⁻⁸	3x10 ⁻⁴	1x10 ⁻⁹
		I 1x10 ⁻⁷	5x10 ⁻³	4x10 ⁻⁹
	Ca-47	S 2x10 ⁻⁷	1x10 ⁻²	6x10 ⁻⁹
Californium (98)	Cf-249	S 2x10 ⁻¹²	1x10 ⁻⁴	5x10 ⁻¹⁴
		I 1x10 ⁻¹⁰	7x10 ⁻⁴	3x10 ⁻¹²
	Cf-250	S 5x10 ⁻¹²	4x10 ⁻⁴	2x10 ⁻¹³
		I 1x10 ⁻¹⁰	7x10 ⁻⁴	3x10 ⁻¹²
	Cf-251	S 2x10 ⁻¹²	1x10 ⁻⁴	6x10 ⁻¹⁴
		I 1x10 ⁻¹⁰	8x10 ⁻⁴	3x10 ⁻¹²
Cf-252	S 6x10 ⁻¹²	2x10 ⁻⁴	2x10 ⁻¹³	
	I 3x10 ⁻¹¹	2x10 ⁻⁴	1x10 ⁻¹²	
Cf-253	S 8x10 ⁻¹⁰	4x10 ⁻³	3x10 ⁻¹¹	
	I 8x10 ⁻¹⁰	4x10 ⁻³	3x10 ⁻¹¹	
Cf-254	S 5x10 ⁻¹²	4x10 ⁻⁶	2x10 ⁻¹³	
	I 5x10 ⁻¹²	4x10 ⁻⁶	2x10 ⁻¹³	
Carbon (6)	C-14 (CO ₂)	S 4x10 ⁻⁶	2x10 ⁻²	1x10 ⁻⁷
		Sub 5x10 ⁻⁵	---	1x10 ⁻⁶
Cerium (58)	Ce-141	S 4x10 ⁻⁷	3x10 ⁻³	2x10 ⁻⁸
		I 2x10 ⁻⁷	3x10 ⁻³	5x10 ⁻⁹
	Ce-143	S 3x10 ⁻⁷	1x10 ⁻³	9x10 ⁻⁹
Ce-144	S 1x10 ⁻⁷	1x10 ⁻³	7x10 ⁻⁹	
	I 6x10 ⁻⁹	3x10 ⁻⁴	3x10 ⁻¹⁰	
Cesium (55)	Cs-131	S 1x10 ⁻⁵	7x10 ⁻²	4x10 ⁻⁷
		I 3x10 ⁻⁶	3x10 ⁻²	1x10 ⁻⁷
	Cs-134m	S 4x10 ⁻⁵	2x10 ⁻¹	1x10 ⁻⁶
Cs-134	S 4x10 ⁻⁸	3x10 ⁻⁴	1x10 ⁻⁹	
	I 1x10 ⁻⁸	1x10 ⁻³	4x10 ⁻¹⁰	
Cs-135	S 5x10 ⁻⁷	3x10 ⁻³	2x10 ⁻⁸	
	I 9x10 ⁻⁸	7x10 ⁻³	3x10 ⁻⁹	
Cs-136	S 4x10 ⁻⁷	2x10 ⁻³	1x10 ⁻⁸	
	I 2x10 ⁻⁷	2x10 ⁻³	6x10 ⁻⁹	

Neodymium (60)	Nd 144	S	8×10^{-11}	2×10^{-3}	3×10^{-12}	7×10^{-5}
		I	3×10^{-10}	2×10^{-2}	1×10^{-11}	8×10^{-5}
	Nd 147	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
		I	2×10^{-7}	2×10^{-2}	8×10^{-9}	6×10^{-5}
Nd 149	S	2×10^{-6}	8×10^{-3}	6×10^{-8}	3×10^{-4}	
	I	1×10^{-6}	8×10^{-2}	5×10^{-8}	3×10^{-4}	
	S	4×10^{-12}	9×10^{-5}	1×10^{-13}	3×10^{-6}	
Neptunium (93)	Np 237	I	1×10^{-10}	9×10^{-4}	4×10^{-12}	3×10^{-5}
		S	8×10^{-7}	4×10^{-2}	3×10^{-8}	1×10^{-4}
	Np 239	I	7×10^{-7}	4×10^{-2}	2×10^{-8}	1×10^{-4}
Nickel (28)	Ni 59	S	5×10^{-7}	6×10^{-3}	2×10^{-8}	2×10^{-4}
		I	8×10^{-7}	6×10^{-2}	3×10^{-8}	2×10^{-3}
	Ni 63	S	6×10^{-8}	8×10^{-4}	2×10^{-9}	3×10^{-5}
		I	3×10^{-7}	2×10^{-2}	1×10^{-8}	7×10^{-4}
Ni 65	S	9×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}	
	I	5×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}	
Niobium (41)	Nb 93m	S	1×10^{-7}	1×10^{-2}	4×10^{-9}	4×10^{-4}
		I	2×10^{-7}	1×10^{-2}	5×10^{-9}	4×10^{-4}
	Nb 95	S	5×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}
		I	1×10^{-7}	3×10^{-2}	3×10^{-9}	1×10^{-4}
Nb 97	S	6×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}	
	I	5×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}	
Osmium (76)	Os 185	S	5×10^{-7}	2×10^{-2}	2×10^{-8}	7×10^{-5}
		I	5×10^{-6}	2×10^{-2}	2×10^{-9}	7×10^{-5}
	Os 191m	S	2×10^{-5}	7×10^{-2}	6×10^{-7}	3×10^{-3}
		I	9×10^{-6}	7×10^{-2}	3×10^{-7}	2×10^{-3}
	Os 191	S	1×10^{-6}	5×10^{-3}	4×10^{-8}	2×10^{-4}
I		4×10^{-7}	5×10^{-3}	1×10^{-8}	2×10^{-4}	
Os 193	S	4×10^{-7}	2×10^{-2}	1×10^{-8}	6×10^{-5}	
	I	3×10^{-7}	2×10^{-2}	9×10^{-9}	5×10^{-5}	
Palladium (46)	Pd 103	S	1×10^{-6}	1×10^{-2}	5×10^{-8}	3×10^{-4}
		I	7×10^{-7}	8×10^{-2}	3×10^{-8}	3×10^{-4}
	Pd 109	S	6×10^{-7}	3×10^{-2}	2×10^{-8}	9×10^{-5}
Phosphorus (15)	P 32	S	7×10^{-8}	5×10^{-4}	2×10^{-9}	2×10^{-5}
		I	8×10^{-8}	7×10^{-4}	3×10^{-9}	2×10^{-5}
Platinum (78)	Pt 191	S	8×10^{-7}	4×10^{-2}	3×10^{-8}	1×10^{-4}
		I	6×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}
	Pt 193m	S	7×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
		I	5×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
	Pt 193	S	1×10^{-6}	3×10^{-2}	4×10^{-8}	9×10^{-4}
		I	3×10^{-7}	5×10^{-2}	1×10^{-8}	2×10^{-3}
	Pt 197m	S	6×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
I		5×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}	
Pt 197	S	8×10^{-7}	4×10^{-2}	3×10^{-8}	1×10^{-4}	
	I	6×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}	
Plutonium (94)	Pu 238	S	2×10^{-12}	1×10^{-4}	7×10^{-14}	5×10^{-6}
		I	3×10^{-11}	8×10^{-4}	1×10^{-12}	3×10^{-5}
	Pu 239	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	5×10^{-6}
		I	4×10^{-11}	8×10^{-4}	1×10^{-12}	3×10^{-5}
	Pu 240	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	5×10^{-6}
		I	4×10^{-11}	8×10^{-4}	1×10^{-12}	3×10^{-5}
	Pu 241	S	9×10^{-11}	7×10^{-3}	3×10^{-12}	2×10^{-4}
I		4×10^{-8}	4×10^{-2}	1×10^{-9}	1×10^{-3}	
Pu 242	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	5×10^{-6}	
	I	4×10^{-11}	9×10^{-4}	1×10^{-12}	3×10^{-5}	
Pu 243	S	2×10^{-6}	1×10^{-2}	6×10^{-8}	3×10^{-4}	
	I	2×10^{-6}	1×10^{-2}	8×10^{-8}	3×10^{-4}	
Pu 244	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-6}	
	I	3×10^{-11}	3×10^{-4}	1×10^{-12}	1×10^{-5}	
Polonium (84)	Po 210	S	5×10^{-10}	2×10^{-5}	2×10^{-11}	7×10^{-7}
		I	2×10^{-10}	8×10^{-4}	7×10^{-12}	3×10^{-5}
Potassium (19)	K 42	S	2×10^{-6}	9×10^{-3}	7×10^{-9}	3×10^{-4}
		I	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}
Praseodymium (59)	Pr 142	S	2×10^{-7}	9×10^{-4}	7×10^{-9}	3×10^{-5}
		I	2×10^{-7}	9×10^{-4}	5×10^{-9}	3×10^{-5}
	Pr 143	S	3×10^{-7}	1×10^{-2}	1×10^{-8}	5×10^{-5}
Promethium (61)	Pm 147	S	6×10^{-8}	6×10^{-2}	2×10^{-9}	2×10^{-4}
		I	1×10^{-7}	6×10^{-2}	3×10^{-9}	2×10^{-4}
	Pm 149	S	3×10^{-7}	1×10^{-2}	1×10^{-8}	4×10^{-5}
Protactinium (91)	Pa 230	S	2×10^{-9}	7×10^{-3}	6×10^{-11}	2×10^{-4}
		I	8×10^{-10}	7×10^{-2}	3×10^{-11}	2×10^{-4}
Pa 231	S	1×10^{-12}	3×10^{-5}	4×10^{-14}	9×10^{-7}	
	I	1×10^{-10}	8×10^{-4}	4×10^{-12}	2×10^{-5}	
	S	6×10^{-7}	4×10^{-2}	2×10^{-8}	2×10^{-4}	
Pa 233	S	6×10^{-7}	4×10^{-2}	2×10^{-8}	1×10^{-4}	
	I	2×10^{-7}	3×10^{-2}	6×10^{-9}	1×10^{-4}	
	S	2×10^{-9}	2×10^{-5}	6×10^{-11}	7×10^{-7}	
Radium (88)	Ra 223	S	2×10^{-9}	2×10^{-5}	6×10^{-11}	7×10^{-7}
		I	2×10^{-10}	1×10^{-4}	8×10^{-12}	4×10^{-6}
	Ra 224	S	5×10^{-9}	7×10^{-5}	2×10^{-10}	2×10^{-6}
Ra 226	S	7×10^{-10}	2×10^{-4}	2×10^{-11}	5×10^{-6}	
	I	3×10^{-11}	4×10^{-7}	3×10^{-12}	3×10^{-8}	
	S	5×10^{-11}	9×10^{-4}	2×10^{-12}	3×10^{-5}	
Ra 228	S	7×10^{-11}	8×10^{-7}	2×10^{-12}	3×10^{-8}	
	I	4×10^{-11}	7×10^{-4}	1×10^{-12}	3×10^{-5}	
	S	3×10^{-7}	1×10^{-8}	1×10^{-8}	1×10^{-4}	
Radium (86)	Rn 220	S	3×10^{-7}	1×10^{-8}	1×10^{-8}	1×10^{-4}
		I	1×10^{-8}	3×10^{-9}	3×10^{-9}	3×10^{-5}
Rhenium (75)	Re 183	S	3×10^{-6}	2×10^{-2}	9×10^{-8}	6×10^{-4}
		I	2×10^{-7}	8×10^{-3}	5×10^{-9}	3×10^{-4}
	Re 186	S	6×10^{-7}	3×10^{-2}	2×10^{-8}	9×10^{-5}
I		2×10^{-7}	1×10^{-2}	8×10^{-9}	5×10^{-5}	
Re 187	S	9×10^{-6}	7×10^{-2}	3×10^{-7}	3×10^{-3}	
	I	5×10^{-7}	4×10^{-2}	2×10^{-8}	2×10^{-3}	
	Re 188	S	4×10^{-7}	2×10^{-2}	1×10^{-8}	6×10^{-5}
Rhodium (45)	Rh 103m	S	8×10^{-5}	4×10^{-1}	3×10^{-6}	1×10^{-2}
		I	6×10^{-5}	2×10^{-1}	2×10^{-6}	1×10^{-2}
	Rh 105	S	8×10^{-7}	4×10^{-2}	3×10^{-8}	1×10^{-4}
Rubidium (37)	Rb 86	S	3×10^{-7}	2×10^{-2}	1×10^{-8}	7×10^{-5}
		I	7×10^{-8}	2×10^{-2}	7×10^{-9}	2×10^{-5}
	Rb 87	S	5×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}
Ruthenium (44)	Ru 97	S	2×10^{-6}	1×10^{-2}	8×10^{-8}	4×10^{-4}
		I	3×10^{-6}	1×10^{-2}	6×10^{-8}	3×10^{-4}
	Ru 103	S	5×10^{-7}	2×10^{-2}	2×10^{-8}	8×10^{-5}
I		8×10^{-8}	2×10^{-2}	3×10^{-9}	8×10^{-5}	
Ru 105	S	7×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}	
	I	5×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}	
Ru 106	S	8×10^{-8}	4×10^{-4}	3×10^{-9}	1×10^{-5}	
	I	6×10^{-9}	3×10^{-4}	2×10^{-10}	1×10^{-5}	
Samarium (62)	Sm 147	S	7×10^{-11}	2×10^{-2}	2×10^{-12}	6×10^{-5}
		I	3×10^{-10}	2×10^{-2}	9×10^{-12}	7×10^{-5}
	Sm 151	S	6×10^{-8}	1×10^{-2}	2×10^{-9}	4×10^{-4}
I		1×10^{-7}	1×10^{-2}	5×10^{-9}	4×10^{-4}	
Sm 153	S	5×10^{-7}	2×10^{-2}	2×10^{-8}	8×10^{-5}	
	I	4×10^{-7}	2×10^{-2}	1×10^{-8}	8×10^{-5}	
Scandium (21)	Sc 46	S	2×10^{-7}	1×10^{-2}	8×10^{-9}	4×10^{-5}
		I	2×10^{-8}	1×10^{-2}	8×10^{-10}	4×10^{-5}
	Sc 47	S	6×10^{-7}	3×10^{-2}	3×10^{-8}	9×10^{-5}
I		5×10^{-7}	3×10^{-2}	2×10^{-8}	9×10^{-5}	
Sc 48	S	2×10^{-7}	8×10^{-4}	6×10^{-9}	3×10^{-5}	
	I	1×10^{-7}	8×10^{-4}	5×10^{-9}	3×10^{-5}	
Selenium (34)	Se 75	S	1×10^{-6}	9×10^{-2}	4×10^{-8}	3×10^{-4}
		I	1×10^{-7}	8×10^{-2}	4×10^{-9}	3×10^{-4}
Silicon (14)	Si 31	S	6×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}
		I	1×10^{-6}	6×10^{-2}	3×10^{-8}	2×10^{-4}
Silver (47)	Ag 105	S	6×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}
		I	8×10^{-8}	3×10^{-2}	3×10^{-9}	1×10^{-4}
	Ag 110m	S	2×10^{-7}	9×10^{-4}	7×10^{-9}	3×10^{-5}
I		1×10^{-8}				

PROPOSED

Sulfur (16)	S-35	S	3×10^{-7}	2×10^{-3}	9×10^{-9}	6×10^{-5}
		I	3×10^{-7}	8×10^{-3}	9×10^{-9}	3×10^{-4}
Tantalum (73)	Ta-182	S	4×10^{-8}	1×10^{-3}	1×10^{-9}	4×10^{-5}
		I	2×10^{-8}	1×10^{-3}	7×10^{-10}	4×10^{-5}
Technetium (42)	Tc-96m	S	8×10^{-5}	4×10^{-1}	3×10^{-6}	1×10^{-2}
		I	3×10^{-5}	3×10^{-1}	1×10^{-6}	1×10^{-2}
	Tc-96	S	6×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}
		I	2×10^{-7}	1×10^{-2}	8×10^{-9}	5×10^{-5}
	Tc-97m	S	2×10^{-6}	1×10^{-2}	8×10^{-8}	4×10^{-4}
		I	2×10^{-7}	5×10^{-2}	5×10^{-9}	2×10^{-4}
	Tc-97	S	1×10^{-5}	5×10^{-2}	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-2}	1×10^{-9}	8×10^{-4}
Tc-99m	S	4×10^{-5}	2×10^{-1}	1×10^{-6}	6×10^{-2}	
	I	1×10^{-5}	8×10^{-2}	5×10^{-7}	3×10^{-3}	
Tc-99	S	2×10^{-6}	1×10^{-2}	7×10^{-9}	3×10^{-4}	
	I	6×10^{-8}	5×10^{-3}	2×10^{-9}	2×10^{-4}	
Tellurium (52)	Te-125m	S	4×10^{-7}	5×10^{-2}	1×10^{-8}	2×10^{-4}
		I	1×10^{-7}	3×10^{-2}	4×10^{-9}	1×10^{-4}
	Te-127m	S	1×10^{-7}	2×10^{-2}	5×10^{-9}	6×10^{-5}
		I	4×10^{-8}	2×10^{-2}	1×10^{-9}	5×10^{-5}
	Te-127	S	2×10^{-6}	8×10^{-2}	6×10^{-8}	3×10^{-4}
		I	9×10^{-7}	5×10^{-2}	3×10^{-8}	2×10^{-4}
	Te-129m	S	8×10^{-8}	1×10^{-2}	3×10^{-9}	2×10^{-5}
		I	3×10^{-8}	6×10^{-2}	1×10^{-9}	2×10^{-5}
	Te-129	S	5×10^{-6}	2×10^{-2}	2×10^{-7}	8×10^{-4}
		I	4×10^{-6}	2×10^{-2}	1×10^{-7}	8×10^{-4}
	Te-131m	S	4×10^{-7}	2×10^{-2}	1×10^{-8}	6×10^{-5}
		I	2×10^{-7}	1×10^{-2}	6×10^{-9}	4×10^{-5}
Te-132	S	2×10^{-7}	9×10^{-4}	7×10^{-9}	3×10^{-5}	
	I	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}	
Terbium (65)	Tb-160	S	1×10^{-7}	1×10^{-2}	3×10^{-9}	4×10^{-5}
		I	3×10^{-8}	1×10^{-2}	1×10^{-9}	4×10^{-5}
Thallium (81)	Tl-200	S	3×10^{-6}	1×10^{-2}	9×10^{-8}	4×10^{-4}
		I	1×10^{-6}	7×10^{-2}	4×10^{-8}	2×10^{-4}
	Tl-201	S	2×10^{-6}	9×10^{-3}	7×10^{-8}	3×10^{-4}
		I	9×10^{-7}	5×10^{-3}	3×10^{-8}	2×10^{-4}
	Tl-202	S	8×10^{-7}	4×10^{-2}	3×10^{-8}	1×10^{-4}
		I	2×10^{-7}	2×10^{-2}	8×10^{-9}	7×10^{-5}
Tl-204	S	6×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}	
	I	3×10^{-8}	2×10^{-2}	9×10^{-10}	6×10^{-5}	
Thorium (90)	Th-227	S	3×10^{-10}	5×10^{-4}	1×10^{-11}	2×10^{-5}
		I	2×10^{-10}	5×10^{-4}	6×10^{-12}	2×10^{-5}
	Th-228	S	9×10^{-12}	2×10^{-4}	3×10^{-13}	7×10^{-6}
		I	6×10^{-12}	4×10^{-4}	2×10^{-13}	1×10^{-5}
	Th-230	S	2×10^{-12}	5×10^{-5}	8×10^{-14}	2×10^{-6}
		I	1×10^{-11}	9×10^{-4}	3×10^{-13}	3×10^{-5}
	Th-231	S	1×10^{-6}	7×10^{-3}	5×10^{-8}	2×10^{-4}
		I	1×10^{-6}	7×10^{-3}	4×10^{-8}	2×10^{-4}
	Th-232	S	3×10^{-11}	5×10^{-5}	1×10^{-12}	2×10^{-6}
		I	3×10^{-11}	1×10^{-5}	1×10^{-12}	4×10^{-5}
Th-natural	S	6×10^{-11}	6×10^{-5}	2×10^{-12}	2×10^{-6}	
	I	6×10^{-11}	6×10^{-4}	2×10^{-12}	2×10^{-5}	
Th-234	S	6×10^{-8}	5×10^{-4}	2×10^{-9}	2×10^{-5}	
	I	3×10^{-8}	5×10^{-4}	1×10^{-9}	2×10^{-5}	
Thulium (69)	Tm-170	S	4×10^{-8}	1×10^{-2}	1×10^{-9}	5×10^{-5}
		I	3×10^{-8}	1×10^{-2}	1×10^{-9}	5×10^{-5}
Tm-171	S	1×10^{-7}	1×10^{-2}	4×10^{-9}	5×10^{-4}	
	I	2×10^{-7}	1×10^{-2}	8×10^{-9}	5×10^{-4}	
Tin (50)	Sn-113	S	4×10^{-7}	2×10^{-2}	1×10^{-8}	9×10^{-5}
		I	5×10^{-8}	2×10^{-2}	2×10^{-9}	8×10^{-5}
Sn-125	S	1×10^{-7}	5×10^{-4}	4×10^{-9}	2×10^{-5}	
	I	8×10^{-8}	5×10^{-4}	3×10^{-9}	2×10^{-5}	
Tungsten (74)	W-181	S	2×10^{-6}	1×10^{-2}	8×10^{-8}	4×10^{-4}
		I	1×10^{-7}	1×10^{-2}	4×10^{-9}	3×10^{-4}
	W-185	S	8×10^{-7}	4×10^{-2}	3×10^{-8}	1×10^{-4}
		I	1×10^{-7}	3×10^{-2}	4×10^{-9}	1×10^{-4}
	W-187	S	4×10^{-7}	2×10^{-2}	2×10^{-8}	7×10^{-5}
		I	3×10^{-7}	2×10^{-2}	1×10^{-8}	6×10^{-5}
Uranium (92)	U-230	S	3×10^{-10}	1×10^{-4}	1×10^{-11}	5×10^{-6}
		I	1×10^{-10}	1×10^{-4}	4×10^{-12}	5×10^{-6}
	U-232	S	1×10^{-10}	8×10^{-4}	3×10^{-12}	3×10^{-5}
		I	3×10^{-11}	8×10^{-4}	9×10^{-13}	3×10^{-5}
	U-233	S	5×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	9×10^{-4}	4×10^{-12}	3×10^{-5}
	U-234	S	6×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	9×10^{-4}	4×10^{-12}	3×10^{-5}
U-235	S	5×10^{-10}	8×10^{-4}	2×10^{-11}	3×10^{-5}	
	I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}	

U-236	S	6×10^{-10}	1×10^{-3}	2×10^{-11}	3×10^{-5}	
	I	1×10^{-10}	1×10^{-3}	4×10^{-12}	2×10^{-5}	
U-238	S	7×10^{-11}	1×10^{-3}	3×10^{-12}	4×10^{-5}	
	I	1×10^{-10}	1×10^{-3}	5×10^{-12}	4×10^{-5}	
U-240	S	2×10^{-7}	1×10^{-2}	8×10^{-9}	3×10^{-5}	
	I	2×10^{-7}	1×10^{-2}	6×10^{-9}	3×10^{-5}	
U-Natural	S	1×10^{-10}	1×10^{-3}	5×10^{-12}	3×10^{-5}	
	I	1×10^{-10}	1×10^{-3}	5×10^{-12}	3×10^{-5}	
Vanadium (23)	V-48	S	2×10^{-7}	9×10^{-4}	6×10^{-9}	3×10^{-5}
		I	6×10^{-8}	8×10^{-4}	2×10^{-9}	3×10^{-5}
Xenon (54)	Xe-131m	Sub	2×10^{-5}		4×10^{-7}	
	Xe-133m	Sub	1×10^{-5}		3×10^{-7}	
	Xe-133	Sub	1×10^{-5}		3×10^{-7}	
	Xe-135	Sub	4×10^{-6}		1×10^{-7}	
Ytterbium (70)	Yb-175	S	7×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}
		I	6×10^{-7}	3×10^{-2}	2×10^{-8}	1×10^{-4}
Yttrium (39)	Y-90	S	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}
		I	1×10^{-7}	6×10^{-4}	3×10^{-9}	2×10^{-5}
	Y-91m	S	2×10^{-5}	1×10^{-1}	8×10^{-7}	3×10^{-3}
		I	2×10^{-5}	1×10^{-1}	6×10^{-7}	3×10^{-3}
	Y-91	S	4×10^{-8}	8×10^{-4}	1×10^{-9}	3×10^{-5}
		I	3×10^{-8}	8×10^{-4}	1×10^{-9}	3×10^{-5}
Y-92	S	4×10^{-7}	2×10^{-2}	1×10^{-8}	6×10^{-5}	
	I	3×10^{-7}	2×10^{-2}	1×10^{-8}	6×10^{-5}	
Y-93	S	2×10^{-7}	8×10^{-4}	6×10^{-9}	3×10^{-5}	
	I	1×10^{-7}	8×10^{-4}	5×10^{-9}	3×10^{-5}	
Zinc (30)	Zn-65	S	1×10^{-7}	3×10^{-2}	4×10^{-9}	1×10^{-4}
		I	6×10^{-8}	5×10^{-2}	2×10^{-9}	2×10^{-4}
	Zn-69m	S	4×10^{-7}	2×10^{-2}	1×10^{-8}	7×10^{-5}
		I	3×10^{-7}	2×10^{-2}	1×10^{-8}	6×10^{-5}
Zn-69	S	7×10^{-6}	5×10^{-2}	2×10^{-7}	2×10^{-3}	
	I	9×10^{-6}	5×10^{-2}	3×10^{-7}	2×10^{-3}	
Zirconium (40)	Zr-93	S	1×10^{-7}	2×10^{-2}	4×10^{-9}	8×10^{-4}
		I	3×10^{-7}	2×10^{-2}	1×10^{-8}	8×10^{-4}
	Zr-95	S	1×10^{-7}	2×10^{-2}	1×10^{-9}	6×10^{-5}
		I	3×10^{-8}	2×10^{-2}	1×10^{-9}	6×10^{-5}
Zr-97	S	1×10^{-7}	5×10^{-4}	4×10^{-9}	2×10^{-5}	
	I	9×10^{-8}	5×10^{-4}	3×10^{-9}	2×10^{-5}	

Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half life less than 2 hours.

Sub	2×10^{-6}		3×10^{-8}	
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Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half life greater than 2 hours.

	3×10^{-9}	9×10^{-5}	1×10^{-10}	3×10^{-6}
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Any single radionuclide not listed above, which decays by alpha emission or spontaneous fission.

	6×10^{-13}	4×10^{-7}	2×10^{-14}	3×10^{-8}
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For purposes of these regulations, the designation 10 (number), indicates 10 raised to the minus (number) power.*

Notes: 1 - Soluble (S); Insoluble (I).

* "Sub" means that values given are for submersion in a semispherical infinite cloud of airborne material.

* For purposes of these regulations, it may be assumed that the daughter activity concentrations in the following table are equivalent to an air concentration of 10⁻⁷ microcuries of radon-222 per milliliter of air in equilibrium with the daughters RaA, RaB, RaC, and RaC'.

**Alpha-Emitting Daughter Activity
Collected Per Milliliter of Air**

Maximum Time Between Collection and Measurement (hours) ^a	Microcuries/ml	Total alpha disintegrations per minute per ml
0.5	7.2 x 10 ⁻⁸	0.16
1.0	4.5 x 10 ⁻⁸	0.10
2.0	1.3 x 10 ⁻⁸	0.028
3.0	0.3 x 10 ⁻⁸	0.0072

^a The duration of sample collection and the duration of measurement should be sufficiently short compared to the time between collection and measurement, as not to have a statistically significant effect upon the results.

⁴ For soluble mixtures of U-238, U-234 and U-235 in air chemical toxicity may be the limiting factor. If the percentage by weight (enrichment) of U-235 is less than 5, the concentration value for a 40-hour work week, Table I, is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour work week shall not exceed 8x10⁻³ SA µCi-hr/ml, where SA is the specific activity of the uranium inhaled. The concentration value for Table II is 0.007 milligrams uranium per cubic meter of air. The specific activity for natural uranium is 6.77x10⁻⁷ curies per gram U. The specific activity for other mixtures of U-238, U-235 and U-234, if not known, shall be:

$$SA = 3.6 \times 10^{-7} \text{ curies/gram U} \\ \text{U depleted} \\ SA = (0.4 + 0.38 E + 0.0034 E^2) \cdot 10^{-6} \\ E \geq 0.72$$

where E is the percentage by weight of U-235, expressed as percent.

Note: In any case where there is a mixture in air or water of more than one radionuclide, the limiting values for purposes of this Appendix should be determined as follows:

- If the identity and concentration of each radionuclide in the mixture are known, the limiting values should be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the quantity present in the mixture and the limit otherwise established in Appendix "A" for the specific radionuclide when not in a mixture. The sum of such ratios for all the radionuclides in the mixture may not exceed "1" (i.e., "unity")

Example: If radionuclides a, b, and c are present in concentrations C_a, C_b, and C_c and if the applicable MPC's are MPC_a, MPC_b, and MPC_c respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_a}{MPC_a} + \frac{C_b}{MPC_b} + \frac{C_c}{MPC_c} \leq 1$$

- If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of Appendix "A" shall be:

- For purposes of Table I, Col. 1 6x10⁻¹³
- For purposes of Table I, Col. 2 4x10⁻⁷
- For purposes of Table II, Col. 1 2x10⁻¹⁴
- For purposes of Table II, Col. 2 3x10⁻⁸

- If any of the conditions specified below are met, the corresponding values specified below may be used in lieu of those specified in paragraph 2, above:

- If the identity of each radionuclide in the mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the concentration limit for the mixture is the limit specified in Appendix "A" for the radionuclide in the mixture having the lowest concentration limit; or

- If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in Appendix "A" are not present in the mixture, the concentration limit for the mixture is the lowest concentration limit specified in Appendix "A" for any radionuclide which is not known to be absent from the mixture; or

e. Radionuclide

	Table I Restricted Area		Table II Unrestricted Area	
	Column 1	Column 2	Column 1	Column 2
	Air	Water	Air	Water
	(µCi/ml)	(µCi/ml)	(µCi/ml)	(µCi/ml)

If it is known that Sr-90, I-125, I-126, I-129, I-131, (I-133 Table II only), Pb-210, Po-210, At-211, Ra-223, Ra-224, Ra-226, Ac-227, Ra-228, Th-230, Pa-231, Th-232, Th-nat, Cm-248, Cf-254, and Fm-256 are not present 9x10⁻⁵ 2x10⁻⁶

If it is known that Sr-90, I-125, I-126, I-129, (I-131, I-133, Table II only), Pb-210, Po-210, Ra-223, Ra-226, Ra-228, Pa-231, Th-nat, Cm-248, Cf-254, and Fm-256 are not present 6x10⁻⁵ 2x10⁻⁶

If it is known that Sr-90, I-129 (I-125, I-126, I-131, Table II only), Pb-210, Ra-226, Ra-228, Cm-248, and Cf-254 are not present 2x10⁻⁵ 6x10⁻⁷

If it is known that (I-129, Table II only), Ra-226, and Ra-228 are not present 3x10⁻⁶ 1x10⁻⁷

If it is known that alpha emitters and Sr-90, I-129, Pb-210, Ac-227, Ra-228, Pa-230, Pu-241, and Bk-249 are not present 3x10⁻⁹ 1x10⁻¹⁰

If it is known that alpha emitters and Pb-210, Ac-227, Ra-228, and Pu-241 are not present 3x10⁻¹⁰ 1x10⁻¹¹

If it is known that alpha emitters and Ac-227 are not present 3x10⁻¹¹ 1x10⁻¹²

If it is known that Ac-227, Th-230, Pa-231, Pu-238, Pu-239, Pu-240, Pu-242, Pu-244, Cm-248, Cf-249 and Cf-251 are not present 3x10⁻¹² 1x10⁻¹³

- If the mixture of radionuclides consists of uranium and its daughter products in ore dust prior to chemical processing of the uranium ore, the values specified below may be used in lieu of those determined in accordance with paragraph 1 above or those specified in paragraphs 2 and 3 above.

- For purposes of Table I, Column 1, 1x10⁻¹⁰ µCi/ml gross alpha activity; or 5x10⁻¹¹ µCi/ml natural uranium; or 75 micrograms per cubic meter of air natural uranium.
- For purposes of Table II, Column 1, 3x10⁻¹² µCi/ml gross alpha activity; 2x10⁻¹² µCi/ml natural uranium; or 3 micrograms per cubic meter of air natural uranium.

- For purposes of this note, a radionuclide may be considered as not present in a mixture if (a) the ratio of the concentration of that radionuclide in the mixture (C_r) to the concentration limit for that radionuclide specified in Table II of Appendix "A" (MPC_r) does not exceed 1/10, (i.e., C_r/MPC_r ≤ 1/10) and (b) the sum of such ratios for all radionuclides considered as not present in the mixture does not exceed 1/4 (i.e., C_a/MPC_a + C_b/MPC_b + ... ≤ 1/4.)

For each radionuclide, Table I indicates the chemical form which is to be used for selecting the appropriate ALI or DAC value. The ALIs and DACs for inhalation are given for an aerosol with an activity median aerodynamic diameter (AMAD) of 1 μm (micron) and for three classes (D,W,Y) of radioactive material, which refer to their retention (approximately days, weeks or years) in the pulmonary region of the lung. This classification applies to a range of clearance half-times for D if less than ten days, for W from ten to one hundred days, and for Y greater than one hundred days. Table II provides concentration limits for airborne and liquid effluents released to the general environment. Table III provides concentration limits for discharges to sanitary sewerage.

Note: The values in Tables I, II, and III are presented in the computer "E" notation. In this notation a value of 6E-02 represents a value of 6×10^{-2} or 0.06, 6E+2 represents 6×10^2 or 600, and 6E+0 represents 6×10^0 or 6.

Table I "Occupational Values"

Note that the columns in Table I of this appendix captioned "Oral Ingestion ALI," "Inhalation ALI," and "DAC," are applicable to occupational exposure to radioactive material.

The ALIs in this appendix are the annual intakes of given radionuclide by "Reference Man" which would result in either: A committed effective dose equivalent of 0.05 Sv (5 rem), stochastic ALI; or a committed dose equivalent of 0.5 Sv (50 rem) to an organ or tissue, nonstochastic ALI. The stochastic ALIs were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep dose equivalent to the whole body of 0.05 Sv (5 rem). The derivation includes multiplying the committed dose equivalent to an organ or tissue by a weighting factor, w_T . This weighting factor is the proportion of the risk of stochastic effects resulting from irradiation of the organ or tissue, T, to the total risk of stochastic effects when the whole body is irradiated uniformly. The values of w_T are listed under the definition of weighting factor in WAC 246-221-005. The nonstochastic ALIs were derived to avoid nonstochastic effects, such as prompt damage to tissue or reduction in organ function.

A value of $w_T = 0.06$ is applicable to each of the five organs or tissues in the "remainder" category receiving the highest dose equivalents, and the dose equivalents of all other remaining tissues may be disregarded. The following portions of the GI tract — stomach, small intestine, upper large intestine, and lower large intestine — are to be treated as four separate organs.

Note that the dose equivalents for an extremity, elbows, arms below the elbows, feet and lower legs, knees, and legs below the knees, skin, and lens of the eye are not considered in computing the committed effective dose equivalent, but are subject to limits that must be met separately.

When an ALI is defined by the stochastic dose limit, this value alone is given. When an ALI is determined by the non-stochastic dose limit to an organ, the organ or tissue to which the limit applies is shown, and the ALI for the stochastic limit is shown in parentheses. Abbreviated organ or tissue designations are used:

LLI wall = lower large intestine wall;
St. wall = stomach wall;
Blad wall = bladder wall; and
Bone surf = bone surface.

The use of the ALIs listed first, the more limiting of the stochastic and nonstochastic ALIs, will ensure that nonstochastic effects are avoided and that the risk of stochastic effects is limited to an acceptably low value. If, in a particular situation involving a radionuclide for which the nonstochastic ALI is limiting, use of that nonstochastic ALI is considered unduly conservative, the licensee may use the stochastic ALI to determine the committed effective dose equivalent. However, the licensee shall also ensure that the 0.5 Sv (50 rem) dose equivalent limit for any organ or tissue is not exceeded by the sum of the external deep dose equivalent plus the internal committed dose equivalent to that organ, not the effective dose. For the case where there is no external dose contribution, this would be demonstrated if the sum of the fractions of the nonstochastic ALIs (ALI_{ns}) that contribute to the committed dose equivalent to the organ receiving the highest dose does not exceed unity, that is, $\sum (\text{intake (in } \mu\text{Ci) of each radionuclide}/ALI_{ns}) \leq 1.0$. If there is an external deep dose equivalent contribution of H_p , then this sum must be less than $1 - (H_p/50)$, instead of ≤ 1.0 .

Note that the dose equivalents for an extremity, elbows, arms below the elbows, feet and lower legs, knees, and legs below the knees, skin, and lens of the eye are not considered in computing the committed effective dose equivalent, but are subject to limits that must be met separately.

The derived air concentration (DAC) values are derived limits intended to control chronic occupational exposures. The relationship between the DAC and the ALI is given by:

$$DAC = ALI \text{ (in } \mu\text{Ci)} / (2000 \text{ hours per working year} \\ \times 60 \text{ minutes/hour} \times 2 \times 10^4 \text{ ml per minute}) = \\ [ALI/2.4 \times 10^9] \mu\text{Ci/ml,}$$

where 2×10^4 ml per minute is the volume of air breathed per minute at work by Reference Man under working conditions of light work.

The DAC values relate to one of two modes of exposure: Either external submersion or the internal committed dose equivalents resulting from inhalation of radioactive materials. DACs based upon submersion are for immersion in a semi-infinite cloud of uniform concentration and apply to each radionuclide separately.

The ALI and DAC values include contributions to exposure by the single radionuclide named and any in-growth of daughter radionuclides produced in the body by decay of the parent. However, intakes that include both the parent and daughter radionuclides should be treated by the general method appropriate for mixtures.

The values of ALI and DAC do not apply directly when the individual both ingests and inhales a radionuclide, when the individual is exposed to a mixture of radionuclides by either inhalation or ingestion or both, or when the individual is exposed to both internal and external irradiation. See WAC 246-221-015. When an individual is exposed to radioactive materials which fall under several of the translo-

cation classifications of the same radionuclide, such as, Class D, Class W, or Class Y, the exposure may be evaluated as if it were a mixture of different radionuclides.

It should be noted that the classification of a compound as Class D, W, or Y is based on the chemical form of the compound and does not take into account the radiological half-life of different radionuclides. For this reason, values are given for Class D, W, and Y compounds, even for very short-lived radionuclides.

Table II "Effluent Concentrations"

The columns in Table II of this appendix captioned "Effluents," "Air" and "Water" are applicable to the assessment and control of dose to the public, particularly in the implementation of the provisions of WAC 246-221-070. The concentration values given in Columns 1 and 2 of Table II are equivalent to the radionuclide concentrations which, if inhaled or ingested continuously over the course of a year, would produce a total effective dose equivalent of 0.50 mSv (0.05 rem).

Consideration of nonstochastic limits has not been included in deriving the air and water effluent concentration limits because nonstochastic effects are presumed not to occur at or below the dose levels established for individual members of the public. For radionuclides, where the nonstochastic limit was governing in deriving the occupational DAC, the stochastic ALI was used in deriving the corresponding airborne effluent limit in Table II. For this reason, the DAC and airborne effluent limits are not always proportional as they were in the previous Appendix A of this chapter.

The air concentration values listed in Table II, Column 1 were derived by one of two methods. For those radionuclides for which the stochastic limit is governing, the occupational stochastic inhalation ALI was divided by 2.4×10^9 , relating the inhalation ALI to the DAC, as explained above, and then divided by a factor of three hundred. The factor of three hundred includes the following components: A factor of fifty to relate the 0.05 Sv (5 rem) annual occupational dose limit to the 0.1 rem limit for members of the public, a factor of three to adjust for the difference in exposure time and the inhalation rate for a worker and that for members of the public; and a factor of two to adjust the occupational values, derived for adults, so that they are applicable to other age groups.

For those radionuclides for which submersion, that is external dose, is limiting, the occupational DAC in Table I, Column 3 was divided by two hundred nineteen. The factor of two hundred nineteen is composed of a factor of fifty, as described above, and a factor of 4.38 relating occupational exposure for two thousand hours per year to full-time exposure (eight thousand seven hundred sixty hours per year). Note that an additional factor of two for age considerations is not warranted in the submersion case.

The water concentrations were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^7 . The factor of 7.3×10^7 (ml) includes the following components: The factors of fifty and

two described above and a factor of 7.3×10^5 (ml) which is the annual water intake of Reference Man.

Note 2 of this appendix provides groupings of radionuclides which are applicable to unknown mixtures of radionuclides. These groupings, including occupational inhalation ALIs and DACs, air and water effluent concentrations and releases to sewer, require demonstrating that the most limiting radionuclides in successive classes are absent. The limit for the unknown mixture is defined when the presence of one of the listed radionuclides cannot be definitely excluded as being present either from knowledge of the radionuclide composition of the source or from actual measurements.

Table III "Releases to Sewers"

The monthly average concentrations for release to sanitary sewerage are applicable to the provisions in WAC 246-221-190. The concentration values were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^6 (ml). The factor of 7.3×10^6 (ml) is composed of a factor of 7.3×10^5 (ml), the annual water intake by Reference Man, and a factor of ten, such that the concentrations, if the sewage released by the licensee were the only source of water ingested by a Reference Man during a year, would result in a committed effective dose equivalent of 0.5 rem.

LIST OF ELEMENTS

Name	Symbol	Atomic Number	Name	Symbol	Atomic Number
Actinium	Ac	89	Mercury	Hg	80
Aluminum	Al	13	Molybdenum	Mo	42
Americium	Am	95	Neodymium	Nd	60
Antimony	Sb	51	Neptunium	Np	93
Argon	Ar	18	Nickel	Ni	28
Arsenic	As	33	Niobium	Nb	41
Astatine	At	85	Osmium	Os	76
Barium	Ba	56	Palladium	Pd	46
Berkelium	Bk	97	Phosphorus	P	15
Beryllium	Be	4	Platinum	Pt	78
Bismuth	Bi	83	Plutonium	Pu	94
Bromine	Br	35	Polonium	Po	84
Cadmium	Cd	48	Potassium	K	19
Calcium	Ca	20	Praseodymium	Pr	59
Californium	Cf	98	Promethium	Pm	61
Carbon	C	6	Protactinium	Pa	91
Cerium	Ce	58	Radium	Ra	88
Cesium	Cs	55	Radon	Rn	86
Chlorine	Cl	17	Rhenium	Re	75
Chromium	Cr	24	Rhodium	Rh	45
Cobalt	Co	27	Rubidium	Rb	37
Copper	Cu	29	Ruthenium	Ru	44
Curium	Cm	96	Samarium	Sm	62
Dysprosium	Dy	66	Scandium	Sc	21
Einsteinium	Es	99	Selenium	Se	34
Erbium	Er	68	Silicon	Si	14
Europium	Eu	63	Silver	Ag	47
Fermium	Fm	100	Sodium	Na	11
Fluorine	F	9	Strontium	Sr	38
Francium	Fr	87	Sulfur	S	16
Gadolinium	Gd	64	Tantalum	Ta	73
Gallium	Ga	31	Technetium	Tc	43
Germanium	Ge	32	Tellurium	Te	52
Gold	Au	79	Terbium	Tb	65
Hafnium	Hf	72	Thallium	Tl	81
Holmium	Ho	67	Thorium	Th	90
Hydrogen	H	1	Thulium	Tm	69
Indium	In	49	Tin	Sn	50
Iodine	I	53	Titanium	Ti	22

<u>Iridium</u>	<u>Ir</u>	<u>77</u>	<u>Tungsten</u>	<u>W</u>	<u>74</u>	<u>Lutetium</u>	<u>Lu</u>	<u>71</u>	<u>Yttrium</u>	<u>Y</u>	<u>39</u>
<u>Iron</u>	<u>Fe</u>	<u>26</u>	<u>Uranium</u>	<u>U</u>	<u>92</u>	<u>Magnesium</u>	<u>Mg</u>	<u>12</u>	<u>Zinc</u>	<u>Zn</u>	<u>30</u>
<u>Krypton</u>	<u>Kr</u>	<u>36</u>	<u>Vanadium</u>	<u>V</u>	<u>23</u>	<u>Manganese</u>	<u>Mn</u>	<u>25</u>	<u>Zirconium</u>	<u>Zr</u>	<u>40</u>
<u>Lanthanum</u>	<u>La</u>	<u>57</u>	<u>Xenon</u>	<u>Xe</u>	<u>54</u>	<u>Mendelevium</u>	<u>Md</u>	<u>101</u>			
<u>Lead</u>	<u>Pb</u>	<u>82</u>	<u>Ytterbium</u>	<u>Yb</u>	<u>70</u>						

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	Monthly Average Concentration μCi/ml
			Oral Ingestion ALI μCi	Inhalation ALI μCi	DAC μCi/ml	Air μCi/ml	Water μCi/ml	
<u>1</u>	<u>Hydrogen-3</u>	<u>Water, DAC includes skin absorption</u>	<u>8E+4</u>	<u>8E+4</u>	<u>2E-5</u>	<u>1E-7</u>	<u>1E-3</u>	<u>1E-2</u>
		<u>Gas (HT or T₂) Submersion¹: Use above values as HT and T₂ oxidize in air and in the body to HTO.</u>						
<u>4</u>	<u>Beryllium-7</u>	<u>W, all compounds except those given for Y, oxides, halides, and nitrates</u>	<u>4E+4</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>6E-4</u>	<u>6E-3</u>
<u>4</u>	<u>Beryllium-10</u>	<u>W, see ⁷Be LLI wall (1E+3)</u>	<u>1E+3</u>	<u>2E+2</u>	<u>6E-8</u>	<u>2E-10</u>	<u>-</u>	<u>-</u>
		<u>Y, see ⁷Be</u>	<u>-</u>	<u>1E+1</u>	<u>6E-9</u>	<u>2E-5</u>	<u>2E-4</u>	<u>-</u>
<u>6</u>	<u>Carbon-11²</u>	<u>Monoxide</u>	<u>-</u>	<u>1E+6</u>	<u>5E-4</u>	<u>2E-6</u>	<u>-</u>	<u>-</u>
		<u>Dioxide</u>	<u>-</u>	<u>6E+5</u>	<u>3E-4</u>	<u>9E-7</u>	<u>-</u>	<u>-</u>
		<u>Compounds</u>	<u>4E+5</u>	<u>4E+5</u>	<u>2E-4</u>	<u>6E-7</u>	<u>6E-3</u>	<u>6E-2</u>
<u>6</u>	<u>Carbon-14</u>	<u>Monoxide</u>	<u>-</u>	<u>2E+6</u>	<u>7E-4</u>	<u>2E-6</u>	<u>-</u>	<u>-</u>
		<u>Dioxide</u>	<u>-</u>	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	<u>-</u>	<u>-</u>
		<u>Compounds</u>	<u>2E+3</u>	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	<u>3E-5</u>	<u>3E-4</u>
<u>9</u>	<u>Fluorine-18²</u>	<u>D, fluorides of H, Li, Na, K, Rb, Cs, and Fr</u>	<u>5E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>-</u>	<u>-</u>
			<u>St wall (5E+4)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>7E-4</u>	<u>7E-3</u>
		<u>W, fluorides of Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, As, Sb, Bi, Fe, Ru, Os, Co, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, V, Nb, Ta, Mn, Tc, and Re</u>	<u>-</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>-</u>	<u>-</u>
		<u>Y, lanthanum fluoride</u>	<u>-</u>	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>-</u>	<u>-</u>
<u>11</u>	<u>Sodium-22</u>	<u>D, all compounds</u>	<u>4E+2</u>	<u>6E+2</u>	<u>3E-7</u>	<u>9E-10</u>	<u>6E-6</u>	<u>6E-5</u>
<u>11</u>	<u>Sodium-24</u>	<u>D, all compounds</u>	<u>4E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>5E-5</u>	<u>5E-4</u>
<u>12</u>	<u>Magnesium-28</u>	<u>D, all compounds except those given for W, oxides, hydroxides, carbides, halides, and nitrates</u>	<u>7E+2</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	<u>9E-6</u>	<u>9E-5</u>
			<u>-</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>-</u>	<u>-</u>
<u>13</u>	<u>Aluminum-26</u>	<u>D, all compounds except those given for W, oxides, hydroxides, carbides, halides, and nitrates</u>	<u>4E+2</u>	<u>6E+1</u>	<u>3E-8</u>	<u>9E-11</u>	<u>6E-6</u>	<u>6E-5</u>
			<u>-</u>	<u>9E+1</u>	<u>4E-8</u>	<u>1E-10</u>	<u>-</u>	<u>-</u>
<u>14</u>	<u>Silicon-31</u>	<u>D, all compounds except those given for W and Y, oxides, hydroxides, carbides, and nitrates</u>	<u>9E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>1E-4</u>	<u>1E-3</u>
		<u>Y, aluminosilicate glass</u>	<u>-</u>	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>-</u>	<u>-</u>
			<u>-</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>-</u>	<u>-</u>
<u>14</u>	<u>Silicon-32</u>	<u>D, see ³¹Si LLI wall</u>	<u>2E+3</u>	<u>2E+2</u>	<u>1E-7</u>	<u>3E-10</u>	<u>-</u>	<u>-</u>
			<u>(3E+3)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>4E-5</u>	<u>4E-4</u>
		<u>W, see ³¹Si</u>	<u>-</u>	<u>1E+2</u>	<u>5E-8</u>	<u>2E-10</u>	<u>-</u>	<u>-</u>

		Y, see ³¹ Si	-	<u>5E+0</u>	<u>2E-9</u>	<u>7E-12</u>	-	-
<u>15</u>	<u>Phosphorus-32</u>	D, all compounds except phosphates given for W W, phosphates of Zn ²⁺ , S ³⁺ , Mg ²⁺ , Fe ³⁺ , Bi ³⁺ , and lanthanides	<u>6E+2</u>	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	<u>9E-6</u>	<u>9E-5</u>
			-	<u>4E+2</u>	<u>2E-7</u>	<u>5E-10</u>	-	-
<u>15</u>	<u>Phosphorus-33</u>	D, see ³² P W, see ³² P	<u>6E+3</u>	<u>8E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>8E-5</u>	<u>8E-4</u>
			-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
<u>16</u>	<u>Sulfur-35</u>	Vapor D, sulfides and sulfates except those given for W	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-	-	-
			<u>1E+4</u>	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-	-
			<u>LLI wall (8E+3)</u>	-	-	-	<u>1E-4</u>	<u>1E-3</u>
		W, elemental sulfur, sulfides of Sr, Ba, Ge, Sn, Pb, As, Sb, Bi, Cu, Ag, Au, Zn, Cd, Hg, W, and Mo. Sulfates of Ca, Sr, Ba, Ra, As, Sb, and Bi	<u>6E+3</u>	-	-	-	-	-
<u>17</u>	<u>Chlorine-36</u>	D, chlorides of H, Li, Na, K, Rb, Cs, and Fr W, chlorides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Cr, Mo, W, Mn, Tc, and Re	-	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	-	-
<u>17</u>	<u>Chlorine-38²</u>	D, see ³⁶ Cl	<u>2E+3</u>	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	<u>2E-5</u>	<u>2E-4</u>
			<u>St wall (3E+4)</u>	-	-	-	<u>3E-4</u>	<u>3E-3</u>
		W, see ³⁶ Cl	-	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
<u>17</u>	<u>Chlorine-39²</u>	D, see ³⁶ Cl	<u>2E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	-	-
			<u>St wall (4E+4)</u>	-	-	-	<u>5E-4</u>	<u>5E-3</u>
		W, see ³⁶ Cl	-	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-	-
<u>18</u>	<u>Argon-37</u>	Submersion ¹	-	-	<u>1E+0</u>	<u>6E-3</u>	-	-
<u>18</u>	<u>Argon-39</u>	Submersion ¹	-	-	<u>2E-4</u>	<u>8E-7</u>	-	-
<u>18</u>	<u>Argon-41</u>	Submersion ¹	-	-	<u>3E-6</u>	<u>1E-8</u>	-	-
<u>19</u>	<u>Potassium-40</u>	D, all compounds	<u>3E+2</u>	<u>4E+2</u>	<u>2E-7</u>	<u>6E-10</u>	<u>4E-6</u>	<u>4E-5</u>
<u>19</u>	<u>Potassium-42</u>	D, all compounds	<u>5E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>6E-5</u>	<u>6E-4</u>
<u>19</u>	<u>Potassium-43</u>	D, all compounds	<u>6E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>9E-5</u>	<u>9E-4</u>
<u>19</u>	<u>Potassium-44²</u>	D, all compounds	<u>2E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>9E-8</u>	-	-
			<u>St wall (4E+4)</u>	-	-	-	<u>5E-4</u>	<u>5E-3</u>
<u>19</u>	<u>Potassium-45²</u>	D, all compounds	<u>3E+4</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
			<u>St wall (5E+4)</u>	-	-	-	<u>7E-4</u>	<u>7E-3</u>
<u>20</u>	<u>Calcium-41</u>	W, all compounds	<u>3E+3</u>	<u>4E+3</u>	<u>2E-6</u>	-	-	-
			<u>Bone surf (4E+3)</u>	<u>Bone surf (4E+3)</u>	-	<u>5E-9</u>	<u>6E-5</u>	<u>6E-4</u>
<u>20</u>	<u>Calcium-45</u>	W, all compounds	<u>2E+3</u>	<u>8E+2</u>	<u>4E-7</u>	<u>1E-9</u>	<u>2E-5</u>	<u>2E-4</u>
<u>20</u>	<u>Calcium-47</u>	W, all compounds	<u>8E+2</u>	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	<u>1E-5</u>	<u>1E-4</u>
<u>21</u>	<u>Scandium-43</u>	Y, all compounds	<u>7E+3</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>
<u>21</u>	<u>Scandium-44m</u>	Y, all compounds	<u>5E+2</u>	<u>7E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>7E-6</u>	<u>7E-5</u>
<u>21</u>	<u>Scandium-44</u>	Y, all compounds	<u>4E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>5E-5</u>	<u>5E-4</u>
<u>21</u>	<u>Scandium-46</u>	Y, all compounds	<u>9E+2</u>	<u>2E+2</u>	<u>1E-7</u>	<u>3E-10</u>	<u>1E-5</u>	<u>1E-4</u>
<u>21</u>	<u>Scandium-47</u>	Y, all compounds	<u>2E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
			<u>LLI wall (3E+3)</u>	-	-	-	<u>4E-5</u>	<u>4E-4</u>

21	<u>Scandium-48</u>	<u>Y, all compounds</u>	<u>8E+2</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>
21	<u>Scandium-49²</u>	<u>Y, all compounds</u>	<u>2E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>3E-4</u>	<u>3E-3</u>
22	<u>Titanium-44</u>	<u>D, all compounds except those given for W and Y</u>	<u>3E+2</u>	<u>1E+1</u>	<u>5E-9</u>	<u>2E-11</u>	<u>4E-6</u>	<u>4E-5</u>
		<u>W, oxides, hydroxides, carbides, halides, and nitrates</u>	-	<u>3E+1</u>	<u>1E-8</u>	<u>4E-11</u>	-	-
		<u>Y, SrTiO</u>	-	<u>6E+0</u>	<u>2E-9</u>	<u>8E-12</u>	-	-
22	<u>Titanium-45</u>	<u>D, see ⁴⁴Ti</u>	<u>9E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>
		<u>W, see ⁴⁴Ti</u>	-	<u>4E+4</u>	<u>1E-5</u>	<u>5E-8</u>	-	-
		<u>Y, see ⁴⁴Ti</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-
23	<u>Vanadium-47²</u>	<u>D, all compounds except those given for W</u>	<u>3E+4</u>	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
		<u>St wall</u>	<u>(3E+4)</u>	-	-	-	<u>4E-4</u>	<u>4E-3</u>
		<u>W, oxides, hydroxides, carbides, and halides</u>	-	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
23	<u>Vanadium-48</u>	<u>D, see ⁴⁷V</u>	<u>6E+2</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>9E-6</u>	<u>9E-5</u>
		<u>W, see ⁴⁷V</u>	-	<u>6E+2</u>	<u>3E-7</u>	<u>9E-10</u>	-	-
23	<u>Vanadium-49</u>	<u>D, see ⁴⁷V</u>	<u>7E+4</u>	<u>3E+4</u>	<u>1E-5</u>	-	-	-
		<u>W, see ⁴⁷V</u>	<u>(9E+4)</u>	<u>Bone surf</u> <u>(3E+4)</u>	-	<u>5E-8</u>	<u>1E-3</u>	<u>1E-2</u>
			-	<u>2E+4</u>	<u>8E-6</u>	<u>2E-8</u>	-	-
24	<u>Chromium-48</u>	<u>D, all compounds except those given for W and Y</u>	<u>6E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>8E-5</u>	<u>8E-4</u>
		<u>W, halides and nitrates</u>	-	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	-	-
		<u>Y, oxides and hydroxides</u>	-	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	-	-
24	<u>Chromium-49²</u>	<u>D, see ⁴⁸Cr</u>	<u>3E+4</u>	<u>8E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>4E-4</u>	<u>4E-3</u>
		<u>W, see ⁴⁸Cr</u>	-	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
		<u>Y, see ⁴⁸Cr</u>	-	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
24	<u>Chromium-51</u>	<u>D, see ⁴⁸Cr</u>	<u>4E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>5E-4</u>	<u>5E-3</u>
		<u>W, see ⁴⁸Cr</u>	-	<u>2E+4</u>	<u>1E-5</u>	<u>3E-8</u>	-	-
		<u>Y, see ⁴⁸Cr</u>	-	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	-	-
25	<u>Manganese-51²</u>	<u>D, all compounds except those given for W</u>	<u>2E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		<u>W, oxides, hydroxides, halides, and nitrates</u>	-	<u>6E+4</u>	<u>3E-5</u>	<u>8E-8</u>	-	-
25	<u>Manganese-52m²</u>	<u>D, see ⁵¹Mn</u>	<u>3E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
		<u>W, see ⁵¹Mn</u>	<u>(4E+4)</u>	-	-	-	<u>5E-4</u>	<u>5E-3</u>
			-	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
25	<u>Manganese-52</u>	<u>D, see ⁵¹Mn</u>	<u>7E+2</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>
		<u>W, see ⁵¹Mn</u>	-	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
25	<u>Manganese-53</u>	<u>D, see ⁵¹Mn</u>	<u>5E+4</u>	<u>1E+4</u>	<u>5E-6</u>	-	<u>7E-4</u>	<u>7E-3</u>
		<u>W, see ⁵¹Mn</u>	-	<u>Bone surf</u> <u>(2E+4)</u>	-	<u>3E-8</u>	-	-
			-	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	-
25	<u>Manganese-54</u>	<u>D, see ⁵¹Mn</u>	<u>2E+3</u>	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	<u>3E-5</u>	<u>3E-4</u>
		<u>W, see ⁵¹Mn</u>	-	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	-
25	<u>Manganese-56</u>	<u>D, see ⁵¹Mn</u>	<u>5E+3</u>	<u>2E+4</u>	<u>6E-6</u>	<u>2E-8</u>	<u>7E-5</u>	<u>7E-4</u>
		<u>W, see ⁵¹Mn</u>	-	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	-	-
26	<u>Iron-52</u>	<u>D, all compounds except those given for W</u>	<u>9E+2</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>1E-5</u>	<u>1E-4</u>
		<u>W, oxides, hydroxides, and halides</u>	-	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	-	-
26	<u>Iron-55</u>	<u>D, see ⁵²Fe</u>	<u>9E+3</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	<u>1E-4</u>	<u>1E-3</u>
		<u>W, see ⁵²Fe</u>	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
26	<u>Iron-59</u>	<u>D, see ⁵²Fe</u>	<u>8E+2</u>	<u>3E+2</u>	<u>1E-7</u>	<u>5E-10</u>	<u>1E-5</u>	<u>1E-4</u>
		<u>W, see ⁵²Fe</u>	-	<u>5E+2</u>	<u>2E-7</u>	<u>7E-10</u>	-	-
26	<u>Iron-60</u>	<u>D, see ⁵²Fe</u>	<u>3E+1</u>	<u>6E+0</u>	<u>3E-9</u>	<u>9E-12</u>	<u>4E-7</u>	<u>4E-6</u>
		<u>W, see ⁵²Fe</u>	-	<u>2E+1</u>	<u>8E-9</u>	<u>3E-11</u>	-	-
27	<u>Cobalt-55</u>	<u>W, all compounds except those given for Y</u>	<u>1E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>Y, oxides, hydroxides,</u>						

		<u>halides, and nitrates</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
<u>27</u>	<u>Cobalt-56</u>	<u>W, see ⁵⁵Co</u>	<u>5E+2</u>	<u>3E+2</u>	<u>1E-7</u>	<u>4E-10</u>	<u>6E-6</u>	<u>6E-5</u>
		<u>Y, see ⁵⁵Co</u>	<u>4E+2</u>	<u>2E+2</u>	<u>8E-8</u>	<u>3E-10</u>	-	-
<u>27</u>	<u>Cobalt-57</u>	<u>W, see ⁵⁵Co</u>	<u>8E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>6E-5</u>	<u>6E-4</u>
		<u>Y, see ⁵⁵Co</u>	<u>4E+3</u>	<u>7E+2</u>	<u>3E-7</u>	<u>9E-10</u>	-	-
<u>27</u>	<u>Cobalt-58m</u>	<u>W, see ⁵⁵Co</u>	<u>6E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>8E-4</u>	<u>8E-3</u>
		<u>Y, see ⁵⁵Co</u>	-	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	-	-
<u>27</u>	<u>Cobalt-58</u>	<u>W, see ⁵⁵Co</u>	<u>2E+3</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>Y, see ⁵⁵Co</u>	<u>1E+3</u>	<u>7E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	-
<u>27</u>	<u>Cobalt-60m²</u>	<u>W, see ⁵⁵Co</u>	<u>1E+6</u>	<u>4E+6</u>	<u>2E-3</u>	<u>6E-6</u>	-	-
			<u>St wall</u>	-	-	-	-	-
			<u>(1E+6)</u>	-	-	-	<u>2E-2</u>	<u>2E-1</u>
		<u>Y, see ⁵⁵Co</u>	-	<u>3E+6</u>	<u>1E-3</u>	<u>4E-6</u>	-	-
<u>27</u>	<u>Cobalt-60</u>	<u>W, see ⁵⁵Co</u>	<u>5E+2</u>	<u>2E+2</u>	<u>7E-8</u>	<u>2E-10</u>	<u>3E-6</u>	<u>3E-5</u>
		<u>Y, see ⁵⁵Co</u>	<u>2E+2</u>	<u>3E+1</u>	<u>1E-8</u>	<u>5E-11</u>	-	-
<u>27</u>	<u>Cobalt-61²</u>	<u>W, see ⁵⁵Co</u>	<u>2E+4</u>	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		<u>Y, see ⁵⁵Co</u>	<u>2E+4</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-	-
<u>27</u>	<u>Cobalt-62m²</u>	<u>W, see ⁵⁵Co</u>	<u>4E+4</u>	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-
			<u>St wall</u>	-	-	-	-	-
			<u>(5E+4)</u>	-	-	-	<u>7E-4</u>	<u>7E-3</u>
		<u>Y, see ⁵⁵Co</u>	-	<u>2E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
<u>28</u>	<u>Nickel-56</u>	<u>D, all compounds except those given for W</u>	<u>1E+3</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>W, oxides, hydroxides, and carbides</u>	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
		<u>Vapor</u>	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
<u>28</u>	<u>Nickel-57</u>	<u>D, see ⁵⁶Ni</u>	<u>2E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>W, see ⁵⁶Ni</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
		<u>Vapor</u>	-	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	-	-
<u>28</u>	<u>Nickel-59</u>	<u>D, see ⁵⁶Ni</u>	<u>2E+4</u>	<u>4E+3</u>	<u>2E-6</u>	<u>5E-9</u>	<u>3E-4</u>	<u>3E-3</u>
		<u>W, see ⁵⁶Ni</u>	-	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	-	-
		<u>Vapor</u>	-	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
<u>28</u>	<u>Nickel-63</u>	<u>D, see ⁵⁶Ni</u>	<u>9E+3</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	<u>1E-4</u>	<u>1E-3</u>
		<u>W, see ⁵⁶Ni</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
		<u>Vapor</u>	-	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	-
<u>28</u>	<u>Nickel-65</u>	<u>D, see ⁵⁶Ni</u>	<u>8E+3</u>	<u>2E+4</u>	<u>1E-5</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>
		<u>W, see ⁵⁶Ni</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-
		<u>Vapor</u>	-	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-	-
<u>28</u>	<u>Nickel-66</u>	<u>D, see ⁵⁶Ni</u>	<u>4E+2</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
			<u>LLI wall</u>	-	-	-	-	-
			<u>(5E+2)</u>	-	-	-	<u>6E-6</u>	<u>6E-5</u>
		<u>W, see ⁵⁶Ni</u>	-	<u>6E+2</u>	<u>3E-7</u>	<u>9E-10</u>	-	-
		<u>Vapor</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
<u>29</u>	<u>Copper-60²</u>	<u>D, all compounds except those given for W and Y</u>	<u>3E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
			<u>St wall</u>	-	-	-	-	-
			<u>(3E+4)</u>	-	-	-	<u>4E-4</u>	<u>4E-3</u>
		<u>W, sulfides, halides, and nitrates</u>	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
		<u>Y, oxides and hydroxides</u>	-	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
<u>29</u>	<u>Copper-61</u>	<u>D, see ⁶⁰Cu</u>	<u>1E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		<u>W, see ⁶⁰Cu</u>	-	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
		<u>Y, see ⁶⁰Cu</u>	-	<u>4E+4</u>	<u>1E-5</u>	<u>5E-8</u>	-	-
<u>29</u>	<u>Copper-64</u>	<u>D, see ⁶⁰Cu</u>	<u>1E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		<u>W, see ⁶⁰Cu</u>	-	<u>2E+4</u>	<u>1E-5</u>	<u>3E-8</u>	-	-
		<u>Y, see ⁶⁰Cu</u>	-	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	-	-
<u>29</u>	<u>Copper-67</u>	<u>D, see ⁶⁰Cu</u>	<u>5E+3</u>	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>6E-5</u>	<u>6E-4</u>
		<u>W, see ⁶⁰Cu</u>	-	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	-	-
		<u>Y, see ⁶⁰Cu</u>	-	<u>5E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
<u>30</u>	<u>Zinc-62</u>	<u>Y, all compounds</u>	<u>1E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>2E-5</u>	<u>2E-4</u>
<u>30</u>	<u>Zinc-63²</u>	<u>Y, all compounds</u>	<u>2E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>9E-8</u>	-	-
			<u>St wall</u>	-	-	-	-	-
			<u>(3E+4)</u>	-	-	-	<u>3E-4</u>	<u>3E-3</u>
<u>30</u>	<u>Zinc-65</u>	<u>Y, all compounds</u>	<u>4E+2</u>	<u>3E+2</u>	<u>1E-7</u>	<u>4E-10</u>	<u>5E-6</u>	<u>5E-5</u>

30	<u>Zinc-69m</u>	<u>Y, all compounds</u>	<u>4E+3</u>	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>6E-5</u>	<u>6E-4</u>
30	<u>Zinc-69²</u>	<u>Y, all compounds</u>	<u>6E+4</u>	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	<u>8E-4</u>	<u>8E-3</u>
30	<u>Zinc-71m</u>	<u>Y, all compounds</u>	<u>6E+3</u>	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	<u>8E-5</u>	<u>8E-4</u>
30	<u>Zinc-72</u>	<u>Y, all compounds</u>	<u>1E+3</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>
31	<u>Gallium-65²</u>	<u>D, all compounds except those given for W</u>	<u>5E+4</u> <u>St wall</u> <u>(6E+4)</u>	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-
		<u>W, oxides, hydroxides, carbides, halides, and nitrates</u>	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-
31	<u>Gallium-66</u>	<u>D, see ⁶⁵Ga</u> <u>W, see ⁶⁵Ga</u>	<u>1E+3</u> -	<u>4E+3</u> <u>3E+3</u>	<u>1E-6</u> <u>1E-6</u>	<u>5E-9</u> <u>4E-9</u>	<u>1E-5</u> -	<u>1E-4</u> -
31	<u>Gallium-67</u>	<u>D, see ⁶⁵Ga</u> <u>W, see ⁶⁵Ga</u>	<u>7E+3</u> -	<u>1E+4</u> <u>1E+4</u>	<u>6E-6</u> <u>4E-6</u>	<u>2E-8</u> <u>1E-8</u>	<u>1E-4</u> -	<u>1E-3</u> -
31	<u>Gallium-68²</u>	<u>D, see ⁶⁵Ga</u> <u>W, see ⁶⁵Ga</u>	<u>2E+4</u> -	<u>4E+4</u> <u>5E+4</u>	<u>2E-5</u> <u>2E-5</u>	<u>6E-8</u> <u>7E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
31	<u>Gallium-70²</u>	<u>D, see ⁶⁵Ga</u>	<u>5E+4</u> <u>St wall</u> <u>(7E+4)</u>	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-
		<u>W, see ⁶⁵Ga</u>	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	<u>1E-3</u>	<u>1E-2</u>
31	<u>Gallium-72</u>	<u>D, see ⁶⁵Ga</u> <u>W, see ⁶⁵Ga</u>	<u>1E+3</u> -	<u>4E+3</u> <u>3E+3</u>	<u>1E-6</u> <u>1E-6</u>	<u>5E-9</u> <u>4E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
31	<u>Gallium-73</u>	<u>D, see ⁶⁵Ga</u> <u>W, see ⁶⁵Ga</u>	<u>5E+3</u> -	<u>2E+4</u> <u>2E+4</u>	<u>6E-6</u> <u>6E-6</u>	<u>2E-8</u> <u>2E-8</u>	<u>7E-5</u> -	<u>7E-4</u> -
32	<u>Germanium-66</u>	<u>D, all compounds except those given for W</u> <u>W, oxides, sulfides, and halides</u>	<u>2E+4</u> -	<u>3E+4</u> <u>2E+4</u>	<u>1E-5</u> <u>8E-6</u>	<u>4E-8</u> <u>3E-8</u>	<u>3E-4</u> -	<u>3E-3</u> -
32	<u>Germanium-67²</u>	<u>D, see ⁶⁶Ge</u>	<u>3E+4</u> <u>St wall</u> <u>(4E+4)</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
		<u>W, see ⁶⁶Ge</u>	-	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	<u>6E-4</u>	<u>6E-3</u>
32	<u>Germanium-68</u>	<u>D, see ⁶⁶Ge</u> <u>W, see ⁶⁶Ge</u>	<u>5E+3</u> -	<u>4E+3</u> <u>1E+2</u>	<u>2E-6</u> <u>4E-8</u>	<u>5E-9</u> <u>1E-10</u>	<u>6E-5</u> -	<u>6E-4</u> -
32	<u>Germanium-69</u>	<u>D, see ⁶⁶Ge</u> <u>W, see ⁶⁶Ge</u>	<u>1E+4</u> -	<u>2E+4</u> <u>8E+3</u>	<u>6E-6</u> <u>3E-6</u>	<u>2E-8</u> <u>1E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
32	<u>Germanium-71</u>	<u>D, see ⁶⁶Ge</u> <u>W, see ⁶⁶Ge</u>	<u>5E+5</u> -	<u>4E+5</u> <u>4E+4</u>	<u>2E-4</u> <u>2E-5</u>	<u>6E-7</u> <u>6E-8</u>	<u>7E-3</u> -	<u>7E-2</u> -
32	<u>Germanium-75²</u>	<u>D, see ⁶⁶Ge</u>	<u>4E+4</u> <u>St wall</u> <u>(7E+4)</u>	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
		<u>W, see ⁶⁶Ge</u>	-	<u>8E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>9E-4</u>	<u>9E-3</u>
32	<u>Germanium-77</u>	<u>D, see ⁶⁶Ge</u> <u>W, see ⁶⁶Ge</u>	<u>9E+3</u> -	<u>1E+4</u> <u>6E+3</u>	<u>4E-6</u> <u>2E-6</u>	<u>1E-8</u> <u>8E-9</u>	<u>1E-4</u> -	<u>1E-3</u> -
32	<u>Germanium-78²</u>	<u>D, see ⁶⁶Ge</u>	<u>2E+4</u> <u>St wall</u> <u>(2E+4)</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	-	-
		<u>W, see ⁶⁶Ge</u>	-	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>3E-4</u>	<u>3E-3</u>
33	<u>Arsenic-69²</u>	<u>W, all compounds</u>	<u>3E+4</u> <u>St wall</u> <u>(4E+4)</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
			-	-	-	-	<u>6E-4</u>	<u>6E-3</u>
33	<u>Arsenic-70²</u>	<u>W, all compounds</u>	<u>1E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	<u>2E-4</u>	<u>2E-3</u>
33	<u>Arsenic-71</u>	<u>W, all compounds</u>	<u>4E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>6E-9</u>	<u>5E-5</u>	<u>5E-4</u>
33	<u>Arsenic-72</u>	<u>W, all compounds</u>	<u>9E+2</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>
33	<u>Arsenic-73</u>	<u>W, all compounds</u>	<u>8E+3</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	<u>1E-4</u>	<u>1E-3</u>
33	<u>Arsenic-74</u>	<u>W, all compounds</u>	<u>1E+3</u>	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>2E-5</u>	<u>2E-4</u>
33	<u>Arsenic-76</u>	<u>W, all compounds</u>	<u>1E+3</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>

PROPOSED

33	<u>Arsenic-77</u>	<u>W, all compounds</u>	<u>4E+3</u> <u>LLI wall</u> <u>(5E+3)</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	-	-
			-	-	-	-	<u>6E-5</u>	<u>6E-4</u>
33	<u>Arsenic-78²</u>	<u>W, all compounds</u>	<u>8E+3</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>
34	<u>Selenium-70²</u>	<u>D, all compounds except those given for W</u> <u>W, oxides, hydroxides, carbides, and elemental Se</u>	<u>2E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>5E-8</u>	<u>1E-4</u>	<u>1E-3</u>
			<u>1E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
34	<u>Selenium-73m²</u>	<u>D, see ⁷⁰Se</u> <u>W, see ⁷⁰Se</u>	<u>6E+4</u> <u>3E+4</u>	<u>2E+5</u> <u>1E+5</u>	<u>6E-5</u> <u>6E-5</u>	<u>2E-7</u> <u>2E-7</u>	<u>4E-4</u> -	<u>4E-3</u> -
34	<u>Selenium-73</u>	<u>D, see ⁷⁰Se</u> <u>W, see ⁷⁰Se</u>	<u>3E+3</u> -	<u>1E+4</u> <u>2E+4</u>	<u>5E-6</u> <u>7E-6</u>	<u>2E-8</u> <u>2E-8</u>	<u>4E-5</u> -	<u>4E-4</u> -
34	<u>Selenium-75</u>	<u>D, see ⁷⁰Se</u> <u>W, see ⁷⁰Se</u>	<u>5E+2</u> -	<u>7E+2</u> <u>6E+2</u>	<u>3E-7</u> <u>3E-7</u>	<u>1E-9</u> <u>8E-10</u>	<u>7E-6</u> -	<u>7E-5</u> -
34	<u>Selenium-79</u>	<u>D, see ⁷⁰Se</u> <u>W, see ⁷⁰Se</u>	<u>6E+2</u> -	<u>8E+2</u> <u>6E+2</u>	<u>3E-7</u> <u>2E-7</u>	<u>1E-9</u> <u>8E-10</u>	<u>8E-6</u> -	<u>8E-5</u> -
34	<u>Selenium-81m²</u>	<u>D, see ⁷⁰Se</u> <u>W, see ⁷⁰Se</u>	<u>4E+4</u> <u>2E+4</u>	<u>7E+4</u> <u>7E+4</u>	<u>3E-5</u> <u>3E-5</u>	<u>9E-8</u> <u>1E-7</u>	<u>3E-4</u> -	<u>3E-3</u> -
34	<u>Selenium-81²</u>	<u>D, see ⁷⁰Se</u>	<u>6E+4</u> <u>St wall</u> <u>(8E+4)</u>	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-
		<u>W, see ⁷⁰Se</u>	-	<u>2E+5</u>	<u>1E-4</u>	<u>3E-7</u>	<u>1E-3</u>	<u>1E-2</u>
34	<u>Selenium-83²</u>	<u>D, see ⁷⁰Se</u> <u>W, see ⁷⁰Se</u>	<u>4E+4</u> <u>3E+4</u>	<u>1E+5</u> <u>1E+5</u>	<u>5E-5</u> <u>5E-5</u>	<u>2E-7</u> <u>2E-7</u>	<u>4E-4</u> -	<u>4E-3</u> -
35	<u>Bromine-74m²</u>	<u>D, bromides of H, Li, Na, K, Rb, Cs, and Fr</u>	<u>1E+4</u> <u>St wall</u> <u>(2E+4)</u>	<u>4E+4</u>	<u>2E-5</u>	<u>5E-8</u>	-	-
		<u>W, bromides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Mn, Tc, and Re</u>	-	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
35	<u>Bromine-74²</u>	<u>D, see ^{74m}Br</u>	<u>2E+4</u> <u>St wall</u>	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
		<u>W, see ^{74m}Br</u>	-	<u>(4E+4)</u> <u>8E+4</u>	-	<u>4E-5</u>	-	<u>5E-45E-3</u>
35	<u>Bromine-75²</u>	<u>D, see ^{74m}Br</u>	<u>3E+4</u> <u>St wall</u> <u>(4E+4)</u>	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	-	-
		<u>W, see ^{74m}Br</u>	-	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	<u>5E-4</u>	<u>5E-3</u>
35	<u>Bromine-76</u>	<u>D, see ^{74m}Br</u> <u>W, see ^{74m}Br</u>	<u>4E+3</u> -	<u>5E+3</u> <u>4E+3</u>	<u>2E-6</u> <u>2E-6</u>	<u>7E-9</u> <u>6E-9</u>	<u>5E-5</u> -	<u>5E-4</u> -
35	<u>Bromine-77</u>	<u>D, see ^{74m}Br</u> <u>W, see ^{74m}Br</u>	<u>2E+4</u> -	<u>2E+4</u> <u>2E+4</u>	<u>1E-5</u> <u>8E-6</u>	<u>3E-8</u> <u>3E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
35	<u>Bromine-80m</u>	<u>D, see ^{74m}Br</u> <u>W, see ^{74m}Br</u>	<u>2E+4</u> -	<u>2E+4</u> <u>1E+4</u>	<u>7E-6</u> <u>6E-6</u>	<u>2E-8</u> <u>2E-8</u>	<u>3E-4</u> -	<u>3E-3</u> -
35	<u>Bromine-80²</u>	<u>D, see ^{74m}Br</u>	<u>5E+4</u> <u>St wall</u> <u>(9E+4)</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-
		<u>W, see ^{74m}Br</u>	-	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	<u>1E-3</u>	<u>1E-2</u>
35	<u>Bromine-82</u>	<u>D, see ^{74m}Br</u> <u>W, see ^{74m}Br</u>	<u>3E+3</u> -	<u>4E+3</u> <u>4E+3</u>	<u>2E-6</u> <u>2E-6</u>	<u>6E-9</u> <u>5E-9</u>	<u>4E-5</u> -	<u>4E-4</u> -

35	<u>Bromine-83</u>	D, see ^{74m} Br	$\frac{5E+4}{\text{St wall (7E+4)}}$	$\frac{6E+4}{-}$	$\frac{3E-5}{-}$	$\frac{9E-8}{-}$	-	-
		W, see ^{74m} Br	-	$\frac{6E+4}{-}$	$\frac{3E-5}{-}$	$\frac{9E-8}{-}$	$\frac{9E-4}{-}$	$\frac{9E-3}{-}$
35	<u>Bromine-84²</u>	D, see ^{74m} Br	$\frac{2E+4}{\text{St wall (3E+4)}}$	$\frac{6E+4}{-}$	$\frac{2E-5}{-}$	$\frac{8E-8}{-}$	-	-
		W, see ^{74m} Br	-	$\frac{6E+4}{-}$	$\frac{3E-5}{-}$	$\frac{9E-8}{-}$	$\frac{4E-4}{-}$	$\frac{4E-3}{-}$
36	<u>Krypton-74²</u>	Submersion ¹	-	-	$\frac{3E-6}{-}$	$\frac{1E-8}{-}$	-	-
36	<u>Krypton-76</u>	Submersion ¹	-	-	$\frac{9E-6}{-}$	$\frac{4E-8}{-}$	-	-
36	<u>Krypton-77²</u>	Submersion ¹	-	-	$\frac{4E-6}{-}$	$\frac{2E-8}{-}$	-	-
36	<u>Krypton-79</u>	Submersion ¹	-	-	$\frac{2E-5}{-}$	$\frac{7E-8}{-}$	-	-
36	<u>Krypton-81</u>	Submersion ¹	-	-	$\frac{7E-4}{-}$	$\frac{3E-6}{-}$	-	-
36	<u>Krypton-83m²</u>	Submersion ¹	-	-	$\frac{1E-2}{-}$	$\frac{5E-5}{-}$	-	-
36	<u>Krypton-85m</u>	Submersion ¹	-	-	$\frac{2E-5}{-}$	$\frac{1E-7}{-}$	-	-
36	<u>Krypton-85</u>	Submersion ¹	-	-	$\frac{1E-4}{-}$	$\frac{7E-7}{-}$	-	-
36	<u>Krypton-87²</u>	Submersion ¹	-	-	$\frac{5E-6}{-}$	$\frac{2E-8}{-}$	-	-
36	<u>Krypton-88</u>	Submersion ¹	-	-	$\frac{2E-6}{-}$	$\frac{9E-9}{-}$	-	-
37	<u>Rubidium-79²</u>	D, all compounds	$\frac{4E+4}{\text{St wall (6E+4)}}$	$\frac{1E+5}{-}$	$\frac{5E-5}{-}$	$\frac{2E-7}{-}$	-	-
			-	-	-	-	$\frac{8E-4}{-}$	$\frac{8E-3}{-}$
37	<u>Rubidium-81m²</u>	D, all compounds	$\frac{2E+5}{\text{St wall (3E+5)}}$	$\frac{3E+5}{-}$	$\frac{1E-4}{-}$	$\frac{5E-7}{-}$	-	-
			-	-	-	-	$\frac{4E-3}{-}$	$\frac{4E-2}{-}$
37	<u>Rubidium-81</u>	D, all compounds	$\frac{4E+4}{-}$	$\frac{5E+4}{-}$	$\frac{2E-5}{-}$	$\frac{7E-8}{-}$	$\frac{5E-4}{-}$	$\frac{5E-3}{-}$
37	<u>Rubidium-82m</u>	D, all compounds	$\frac{1E+4}{-}$	$\frac{2E+4}{-}$	$\frac{7E-6}{-}$	$\frac{2E-8}{-}$	$\frac{2E-4}{-}$	$\frac{2E-3}{-}$
37	<u>Rubidium-83</u>	D, all compounds	$\frac{6E+2}{-}$	$\frac{1E+3}{-}$	$\frac{4E-7}{-}$	$\frac{1E-9}{-}$	$\frac{9E-6}{-}$	$\frac{9E-5}{-}$
37	<u>Rubidium-84</u>	D, all compounds	$\frac{5E+2}{-}$	$\frac{8E+2}{-}$	$\frac{3E-7}{-}$	$\frac{1E-9}{-}$	$\frac{7E-6}{-}$	$\frac{7E-5}{-}$
37	<u>Rubidium-86</u>	D, all compounds	$\frac{5E+2}{-}$	$\frac{8E+2}{-}$	$\frac{3E-7}{-}$	$\frac{1E-9}{-}$	$\frac{7E-6}{-}$	$\frac{7E-5}{-}$
37	<u>Rubidium-87</u>	D, all compounds	$\frac{1E+3}{-}$	$\frac{2E+3}{-}$	$\frac{6E-7}{-}$	$\frac{2E-9}{-}$	$\frac{1E-5}{-}$	$\frac{1E-4}{-}$
37	<u>Rubidium-88²</u>	D, all compounds	$\frac{2E+4}{\text{St wall (3E+4)}}$	$\frac{6E+4}{-}$	$\frac{3E-5}{-}$	$\frac{9E-8}{-}$	-	-
			-	-	-	-	$\frac{4E-4}{-}$	$\frac{4E-3}{-}$
37	<u>Rubidium-89²</u>	D, all compounds	$\frac{4E+4}{\text{St wall (6E+4)}}$	$\frac{1E+5}{-}$	$\frac{6E-5}{-}$	$\frac{2E-7}{-}$	-	-
			-	-	-	-	$\frac{9E-4}{-}$	$\frac{9E-3}{-}$
38	<u>Strontium-80²</u>	D, all soluble compounds except SrTiO	$\frac{4E+3}{-}$	$\frac{1E+4}{-}$	$\frac{5E-6}{-}$	$\frac{2E-8}{-}$	$\frac{6E-5}{-}$	$\frac{6E-4}{-}$
		Y, all insoluble compounds and SrTiO	-	$\frac{1E+4}{-}$	$\frac{5E-6}{-}$	$\frac{2E-8}{-}$	-	-
38	<u>Strontium-81²</u>	D, see ⁸⁰ Sr	$\frac{3E+4}{-}$	$\frac{8E+4}{-}$	$\frac{3E-5}{-}$	$\frac{1E-7}{-}$	$\frac{3E-4}{-}$	$\frac{3E-3}{-}$
		Y, see ⁸⁰ Sr	$\frac{2E+4}{-}$	$\frac{8E+4}{-}$	$\frac{3E-5}{-}$	$\frac{1E-7}{-}$	-	-
38	<u>Strontium-82</u>	D, see ⁸⁰ Sr	$\frac{3E+2}{\text{LLI wall (2E+2)}}$	$\frac{4E+2}{-}$	$\frac{2E-7}{-}$	$\frac{6E-10}{-}$	-	-
		Y, see ⁸⁰ Sr	$\frac{2E+2}{-}$	$\frac{9E+1}{-}$	$\frac{4E-8}{-}$	$\frac{1E-10}{-}$	$\frac{3E-6}{-}$	$\frac{3E-5}{-}$
38	<u>Strontium-83</u>	D, see ⁸⁰ Sr	$\frac{3E+3}{-}$	$\frac{7E+3}{-}$	$\frac{3E-6}{-}$	$\frac{1E-8}{-}$	$\frac{3E-5}{-}$	$\frac{3E-4}{-}$
		Y, see ⁸⁰ Sr	$\frac{2E+3}{-}$	$\frac{4E+3}{-}$	$\frac{1E-6}{-}$	$\frac{5E-9}{-}$	-	-
38	<u>Strontium-85m²</u>	D, see ⁸⁰ Sr	$\frac{2E+5}{-}$	$\frac{6E+5}{-}$	$\frac{3E-4}{-}$	$\frac{9E-7}{-}$	$\frac{3E-3}{-}$	$\frac{3E-2}{-}$
		Y, see ⁸⁰ Sr	-	$\frac{8E+5}{-}$	$\frac{4E-4}{-}$	$\frac{1E-6}{-}$	-	-

38	<u>Strontium-85</u>	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	<u>3E+3</u> -	<u>3E+3</u> <u>2E+3</u>	<u>1E-6</u> <u>6E-7</u>	<u>4E-9</u> <u>2E-9</u>	<u>4E-5</u> -	<u>4E-4</u> -
38	<u>Strontium-87m</u>	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	<u>5E+4</u> <u>4E+4</u>	<u>1E+5</u> <u>2E+5</u>	<u>5E-5</u> <u>6E-5</u>	<u>2E-7</u> <u>2E-7</u>	<u>6E-4</u> -	<u>6E-3</u> -
38	<u>Strontium-89</u>	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	<u>6E+2</u> LLI wall <u>(6E+2)</u> <u>5E+2</u>	<u>8E+2</u> -	<u>4E-7</u> -	<u>1E-9</u> -	- <u>8E-6</u>	- <u>8E-5</u>
38	<u>Strontium-90</u>	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	<u>3E+1</u> Bone surf <u>(4E+1)</u> -	<u>2E+1</u> Bone surf <u>(2E+1)</u> <u>4E+0</u>	<u>8E-9</u> -	- <u>3E-11</u> <u>6E-12</u>	- <u>5E-7</u>	- <u>5E-6</u>
38	<u>Strontium-91</u>	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	<u>2E+3</u> -	<u>6E+3</u> <u>4E+3</u>	<u>2E-6</u> <u>1E-6</u>	<u>8E-9</u> <u>5E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
38	<u>Strontium-92</u>	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	<u>3E+3</u> -	<u>9E+3</u> <u>7E+3</u>	<u>4E-6</u> <u>3E-6</u>	<u>1E-8</u> <u>9E-9</u>	<u>4E-5</u> -	<u>4E-4</u> -
39	<u>Yttrium-86m²</u>	W, all compounds except those given for Y Y, oxides and hydroxides	<u>2E+4</u> -	<u>6E+4</u> <u>5E+4</u>	<u>2E-5</u> <u>2E-5</u>	<u>8E-8</u> <u>8E-8</u>	<u>3E-4</u> -	<u>3E-3</u> -
39	<u>Yttrium-86</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>1E+3</u> -	<u>3E+3</u> <u>3E+3</u>	<u>1E-6</u> <u>1E-6</u>	<u>5E-9</u> <u>5E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
39	<u>Yttrium-87</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>2E+3</u> -	<u>3E+3</u> <u>3E+3</u>	<u>1E-6</u> <u>1E-6</u>	<u>5E-9</u> <u>5E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
39	<u>Yttrium-88</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>1E+3</u> -	<u>3E+2</u> <u>2E+2</u>	<u>1E-7</u> <u>1E-7</u>	<u>3E-10</u> <u>3E-10</u>	<u>1E-5</u> -	<u>1E-4</u> -
39	<u>Yttrium-90m</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>8E+3</u> -	<u>1E+4</u> <u>1E+4</u>	<u>5E-6</u> <u>5E-6</u>	<u>2E-8</u> <u>2E-8</u>	<u>1E-4</u> -	<u>1E-3</u> -
39	<u>Yttrium-90</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>4E+2</u> LLI wall <u>(5E+2)</u> -	<u>7E+2</u> -	<u>3E-7</u> -	<u>9E-10</u> -	- <u>7E-6</u>	- <u>7E-5</u>
39	<u>Yttrium-91m²</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>1E+5</u> -	<u>2E+5</u> <u>2E+5</u>	<u>1E-4</u> <u>7E-5</u>	<u>3E-7</u> <u>2E-7</u>	<u>2E-3</u> -	<u>2E-2</u> -
39	<u>Yttrium-91</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>5E+2</u> LLI wall <u>(6E+2)</u> -	<u>2E+2</u> -	<u>7E-8</u> -	<u>2E-10</u> -	- <u>8E-6</u>	- <u>8E-5</u>
39	<u>Yttrium-92</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>3E+3</u> -	<u>9E+3</u> <u>8E+3</u>	<u>4E-6</u> <u>3E-6</u>	<u>1E-8</u> <u>1E-8</u>	<u>4E-5</u> -	<u>4E-4</u> -
39	<u>Yttrium-93</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>1E+3</u> -	<u>3E+3</u> <u>2E+3</u>	<u>1E-6</u> <u>1E-6</u>	<u>4E-9</u> <u>3E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
39	<u>Yttrium-94²</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>2E+4</u> St wall <u>(3E+4)</u> -	<u>8E+4</u> -	<u>3E-5</u> -	<u>1E-7</u> -	- <u>4E-4</u>	- <u>4E-3</u>
39	<u>Yttrium-95²</u>	W, see ^{86m} Y Y, see ^{86m} Y	<u>4E+4</u> St wall <u>(5E+4)</u> -	<u>2E+5</u> -	<u>6E-5</u> -	<u>2E-7</u> -	- <u>7E-4</u>	- <u>7E-3</u>
40	<u>Zirconium-86</u>	D, all compounds except those given for W and Y W, oxides, hydroxides, halides, and nitrates Y, carbide	<u>1E+3</u> -	<u>4E+3</u> <u>3E+3</u> <u>2E+3</u>	<u>2E-6</u> <u>1E-6</u> <u>1E-6</u>	<u>6E-9</u> <u>4E-9</u> <u>3E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -

40	<u>Zirconium-88</u>	<u>D, see ⁸⁶Zr</u>	<u>4E+3</u>	<u>2E+2</u>	<u>9E-8</u>	<u>3E-10</u>	<u>5E-5</u>	<u>5E-4</u>
		<u>W, see ⁸⁶Zr</u>	-	<u>5E+2</u>	<u>2E-7</u>	<u>7E-10</u>	-	-
		<u>Y, see ⁸⁶Zr</u>	-	<u>3E+2</u>	<u>1E-7</u>	<u>4E-10</u>	-	-
40	<u>Zirconium-89</u>	<u>D, see ⁸⁶Zr</u>	<u>2E+3</u>	<u>4E+3</u>	<u>1E-6</u>	<u>5E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>W, see ⁸⁶Zr</u>	-	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	-	-
		<u>Y, see ⁸⁶Zr</u>	-	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	-	-
40	<u>Zirconium-93</u>	<u>D, see ⁸⁶Zr</u>	<u>1E+3</u>	<u>6E+0</u>	<u>3E-9</u>	-	-	-
		<u>Bone surf</u>	<u>Bone surf</u>	<u>(2E+1)</u>	-	<u>2E-11</u>	<u>4E-5</u>	<u>4E-4</u>
		<u>(3E+3)</u>	-	<u>2E+1</u>	<u>1E-8</u>	-	-	-
		<u>W, see ⁸⁶Zr</u>	-	<u>Bone surf</u>	-	<u>9E-11</u>	-	-
		<u>(6E+1)</u>	-	<u>6E+1</u>	<u>2E-8</u>	-	-	-
		<u>Y, see ⁸⁶Zr</u>	-	<u>Bone surf</u>	-	<u>9E-11</u>	-	-
40	<u>Zirconium-95</u>	<u>D, see ⁸⁶Zr</u>	<u>1E+3</u>	<u>1E+2</u>	<u>5E-8</u>	-	<u>2E-5</u>	<u>2E-4</u>
		<u>Bone surf</u>	-	<u>(3E+2)</u>	-	<u>4E-10</u>	-	-
		<u>W, see ⁸⁶Zr</u>	-	<u>4E+2</u>	<u>2E-7</u>	<u>5E-10</u>	-	-
		<u>Y, see ⁸⁶Zr</u>	-	<u>3E+2</u>	<u>1E-7</u>	<u>4E-10</u>	-	-
		<u>(3E+2)</u>	-	-	-	-	-	-
		<u>(3E+2)</u>	-	-	-	-	-	-
40	<u>Zirconium-97</u>	<u>D, see ⁸⁶Zr</u>	<u>6E+2</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	<u>9E-6</u>	<u>9E-5</u>
		<u>W, see ⁸⁶Zr</u>	-	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	-	-
		<u>Y, see ⁸⁶Zr</u>	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
41	<u>Niobium-88²</u>	<u>W, all compounds except those given for Y</u>	<u>5E+4</u>	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-
		<u>St wall</u>	<u>(7E+4)</u>	-	-	-	<u>1E-3</u>	<u>1E-2</u>
41	<u>Niobium-89²</u> <u>(66 min)</u>	<u>W, see ⁸⁸Nb</u>	<u>1E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>1E-4</u>	<u>1E-3</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>4E+4</u>	<u>2E-5</u>	<u>5E-8</u>	-	-
41	<u>Niobium-89</u> <u>(122 min)</u>	<u>W, see ⁸⁸Nb</u>	<u>5E+3</u>	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	<u>7E-5</u>	<u>7E-4</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>2E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-	-
41	<u>Niobium-90</u>	<u>W, see ⁸⁸Nb</u>	<u>1E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>1E-5</u>	<u>1E-4</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	-	-
41	<u>Niobium-93m</u>	<u>W, see ⁸⁸Nb</u>	<u>9E+3</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
		<u>LLI wall</u>	<u>(1E+4)</u>	-	-	-	<u>2E-4</u>	<u>2E-3</u>
41	<u>Niobium-94</u>	<u>W, see ⁸⁸Nb</u>	<u>9E+2</u>	<u>2E+2</u>	<u>8E-8</u>	<u>3E-10</u>	<u>1E-5</u>	<u>1E-4</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>2E+1</u>	<u>6E-9</u>	<u>2E-11</u>	-	-
41	<u>Niobium-95m</u>	<u>W, see ⁸⁸Nb</u>	<u>2E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
		<u>LLI wall</u>	<u>(2E+3)</u>	-	-	-	<u>3E-5</u>	<u>3E-4</u>
41	<u>Niobium-95</u>	<u>W, see ⁸⁸Nb</u>	<u>2E+3</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>3E-5</u>	<u>3E-4</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
41	<u>Niobium-96</u>	<u>W, see ⁸⁸Nb</u>	<u>1E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	-	-
41	<u>Niobium-97²</u>	<u>W, see ⁸⁸Nb</u>	<u>2E+4</u>	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>3E-4</u>	<u>3E-3</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
41	<u>Niobium-98²</u>	<u>W, see ⁸⁸Nb</u>	<u>1E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		<u>Y, see ⁸⁸Nb</u>	-	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	-	-
42	<u>Molybdenum-90</u>	<u>D, all compounds except those given for Y</u>	<u>4E+3</u>	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>3E-5</u>	<u>3E-4</u>
		<u>Y, oxides, hydroxides, and MoS</u>	<u>2E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
42	<u>Molybdenum-93m</u>	<u>D, see ⁹⁰Mo</u>	<u>9E+3</u>	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	<u>6E-5</u>	<u>6E-4</u>

	<u>Y, see ⁹⁰Mo</u>	<u>4E+3</u>		<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-	-
42	<u>Molybdenum-93</u>	<u>D, see ⁹⁰Mo</u> <u>Y, see ⁹⁰Mo</u>	<u>4E+3</u> <u>2E+4</u>	<u>5E+3</u> <u>2E+2</u>	<u>2E-6</u> <u>8E-8</u>	<u>8E-9</u> <u>2E-10</u>	<u>5E-5</u> -	<u>5E-4</u> -
42	<u>Molybdenum-99</u>	<u>D, see ⁹⁰Mo</u>	<u>2E+3</u> <u>LLI wall</u> <u>(1E+3)</u>	<u>3E+3</u> -	<u>1E-6</u> -	<u>4E-9</u> -	-	-
	<u>Y, see ⁹⁰Mo</u>		<u>1E+3</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	-	-
42	<u>Molybdenum-101²</u>	<u>D, see ⁹⁰Mo</u>	<u>4E+4</u> <u>St wall</u> <u>(5E+4)</u>	<u>1E+5</u> -	<u>6E-5</u> -	<u>2E-7</u> -	-	-
	<u>Y, see ⁹⁰Mo</u>		-	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	<u>7E-4</u> -	<u>7E-3</u> -
43	<u>Technetium-93m²</u>	<u>D, all compounds except</u> <u>those given for W</u> <u>W, oxides, hydroxides,</u> <u>halides, and nitrates</u>	<u>7E+4</u> -	<u>2E+5</u> <u>3E+5</u>	<u>6E-5</u> <u>1E-4</u>	<u>2E-7</u> <u>4E-7</u>	<u>1E-3</u> -	<u>1E-2</u> -
43	<u>Technetium-93</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>3E+4</u> -	<u>7E+4</u> <u>1E+5</u>	<u>3E-5</u> <u>4E-5</u>	<u>1E-7</u> <u>1E-7</u>	<u>4E-4</u> -	<u>4E-3</u> -
43	<u>Technetium-94m²</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>2E+4</u> -	<u>4E+4</u> <u>6E+4</u>	<u>2E-5</u> <u>2E-5</u>	<u>6E-8</u> <u>8E-8</u>	<u>3E-4</u> -	<u>3E-3</u> -
43	<u>Technetium-94</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>9E+3</u> -	<u>2E+4</u> <u>2E+4</u>	<u>8E-6</u> <u>1E-5</u>	<u>3E-8</u> <u>3E-8</u>	<u>1E-4</u> -	<u>1E-3</u> -
43	<u>Technetium-95m</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>4E+3</u> -	<u>5E+3</u> <u>2E+3</u>	<u>2E-6</u> <u>8E-7</u>	<u>8E-9</u> <u>3E-9</u>	<u>5E-5</u> -	<u>5E-4</u> -
43	<u>Technetium-95</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>1E+4</u> -	<u>2E+4</u> <u>2E+4</u>	<u>9E-6</u> <u>8E-6</u>	<u>3E-8</u> <u>3E-8</u>	<u>1E-4</u> -	<u>1E-3</u> -
43	<u>Technetium-96m²</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>2E+5</u> -	<u>3E+5</u> <u>2E+5</u>	<u>1E-4</u> <u>1E-4</u>	<u>4E-7</u> <u>3E-7</u>	<u>2E-3</u> -	<u>2E-2</u> -
43	<u>Technetium-96</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>2E+3</u> -	<u>3E+3</u> <u>2E+3</u>	<u>1E-6</u> <u>9E-7</u>	<u>5E-9</u> <u>3E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
43	<u>Technetium-97m</u>	<u>D, see ^{93m}Tc</u>	<u>5E+3</u> <u>St wall</u>	<u>7E+3</u> -	<u>3E-6</u> -	-	<u>6E-5</u>	<u>6E-4</u>
	<u>W, see ^{93m}Tc</u>		-	<u>(7E+3)</u> <u>1E+3</u>	-	<u>1E-8</u> <u>2E-9</u>	-	-
43	<u>Technetium-97</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>4E+4</u> -	<u>5E+4</u> <u>6E+3</u>	<u>2E-5</u> <u>2E-6</u>	<u>7E-8</u> <u>8E-9</u>	<u>5E-4</u> -	<u>5E-3</u> -
43	<u>Technetium-98</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>1E+3</u> -	<u>2E+3</u> <u>3E+2</u>	<u>7E-7</u> <u>1E-7</u>	<u>2E-9</u> <u>4E-10</u>	<u>1E-5</u> -	<u>1E-4</u> -
43	<u>Technetium-99m</u>	<u>D, see ^{93m}Tc</u> <u>W, see ^{93m}Tc</u>	<u>8E+4</u> -	<u>2E+5</u> <u>2E+5</u>	<u>6E-5</u> <u>1E-4</u>	<u>2E-7</u> <u>3E-7</u>	<u>1E-3</u> -	<u>1E-2</u> -
43	<u>Technetium-99</u>	<u>D, see ^{93m}Tc</u>	<u>4E+3</u>	<u>5E+3</u> <u>St wall</u> <u>(6E+3)</u>	<u>2E-6</u> -	-	<u>6E-5</u>	<u>6E-4</u>
	<u>W, see ^{93m}Tc</u>		-	<u>7E+2</u>	<u>3E-7</u>	<u>8E-9</u> <u>9E-10</u>	-	-
43	<u>Technetium-101²</u>	<u>D, see ^{93m}Tc</u>	<u>9E+4</u> <u>St wall</u> <u>(1E+5)</u>	<u>3E+5</u> -	<u>1E-4</u> -	<u>5E-7</u> -	-	-
	<u>W, see ^{93m}Tc</u>		-	<u>4E+5</u>	<u>2E-4</u>	<u>5E-7</u>	<u>2E-3</u> -	<u>2E-2</u> -
43	<u>Technetium-104²</u>	<u>D, see ^{93m}Tc</u>	<u>2E+4</u> <u>St wall</u> <u>(3E+4)</u>	<u>7E+4</u> -	<u>3E-5</u> -	<u>1E-7</u> -	-	-
	<u>W, see ^{93m}Tc</u>		-	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>4E-4</u> -	<u>4E-3</u> -
44	<u>Ruthenium-94²</u>	<u>D, all compounds except</u> <u>those given for W and Y</u> <u>W, halides</u> <u>Y, oxides and hydroxides</u>	<u>2E+4</u> -	<u>4E+4</u> <u>6E+4</u> <u>6E+4</u>	<u>2E-5</u> <u>3E-5</u> <u>2E-5</u>	<u>6E-8</u> <u>9E-8</u> <u>8E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
44	<u>Ruthenium-97</u>	<u>D, see ⁹⁴Ru</u>	<u>8E+3</u>	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>

		<u>W, see ⁹⁴Ru</u>	-	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	-
		<u>Y, see ⁹⁴Ru</u>	-	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	-
<u>44</u>	<u>Ruthenium-103</u>	<u>D, see ⁹⁴Ru</u>	<u>2E+3</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	<u>3E-5</u>	<u>3E-4</u>
		<u>W, see ⁹⁴Ru</u>	-	<u>1E+3</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
		<u>Y, see ⁹⁴Ru</u>	-	<u>6E+2</u>	<u>3E-7</u>	<u>9E-10</u>	-	-
<u>44</u>	<u>Ruthenium-105</u>	<u>D, see ⁹⁴Ru</u>	<u>5E+3</u>	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	<u>7E-5</u>	<u>7E-4</u>
		<u>W, see ⁹⁴Ru</u>	-	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-	-
		<u>Y, see ⁹⁴Ru</u>	-	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	-
<u>44</u>	<u>Ruthenium-106</u>	<u>D, see ⁹⁴Ru</u>	<u>2E+2</u>	<u>9E+1</u>	<u>4E-8</u>	<u>1E-10</u>	-	-
			<u>LLI wall</u>	-	-	-	-	-
			<u>(2E+2)</u>	-	-	-	<u>3E-6</u>	<u>3E-5</u>
		<u>W, see ⁹⁴Ru</u>	-	<u>5E+1</u>	<u>2E-8</u>	<u>8E-11</u>	-	-
		<u>Y, see ⁹⁴Ru</u>	-	<u>1E+1</u>	<u>5E-9</u>	<u>2E-11</u>	-	-
<u>45</u>	<u>Rhodium-99m</u>	<u>D, all compounds except those given for W and Y</u>	<u>2E+4</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		<u>W, halides</u>	-	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
		<u>Y, oxides and hydroxides</u>	-	<u>7E+4</u>	<u>3E-5</u>	<u>9E-8</u>	-	-
<u>45</u>	<u>Rhodium-99</u>	<u>D, see ^{99m}Rh</u>	<u>2E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>3E-5</u>	<u>3E-4</u>
		<u>W, see ^{99m}Rh</u>	-	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
<u>45</u>	<u>Rhodium-100</u>	<u>D, see ^{99m}Rh</u>	<u>2E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>W, see ^{99m}Rh</u>	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>4E+3</u>	<u>2E-6</u>	<u>5E-9</u>	-	-
<u>45</u>	<u>Rhodium-101m</u>	<u>D, see ^{99m}Rh</u>	<u>6E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>8E-5</u>	<u>8E-4</u>
		<u>W, see ^{99m}Rh</u>	-	<u>8E+3</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	-	-
<u>45</u>	<u>Rhodium-101</u>	<u>D, see ^{99m}Rh</u>	<u>2E+3</u>	<u>5E+2</u>	<u>2E-7</u>	<u>7E-10</u>	<u>3E-5</u>	<u>3E-4</u>
		<u>W, see ^{99m}Rh</u>	-	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>2E+2</u>	<u>6E-8</u>	<u>2E-10</u>	-	-
<u>45</u>	<u>Rhodium-102m</u>	<u>D, see ^{99m}Rh</u>	<u>1E+3</u>	<u>5E+2</u>	<u>2E-7</u>	<u>7E-10</u>	-	-
			<u>LLI wall</u>	-	-	-	-	-
			<u>(1E+3)</u>	-	-	-	<u>2E-5</u>	<u>2E-4</u>
		<u>W, see ^{99m}Rh</u>	-	<u>4E+2</u>	<u>2E-7</u>	<u>5E-10</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>1E+2</u>	<u>5E-8</u>	<u>2E-10</u>	-	-
<u>45</u>	<u>Rhodium-102</u>	<u>D, see ^{99m}Rh</u>	<u>6E+2</u>	<u>9E+1</u>	<u>4E-8</u>	<u>1E-10</u>	<u>8E-6</u>	<u>8E-5</u>
		<u>W, see ^{99m}Rh</u>	-	<u>2E+2</u>	<u>7E-8</u>	<u>2E-10</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>6E+1</u>	<u>2E-8</u>	<u>8E-11</u>	-	-
<u>45</u>	<u>Rhodium-103m²</u>	<u>D, see ^{99m}Rh</u>	<u>4E+5</u>	<u>1E+6</u>	<u>5E-4</u>	<u>2E-6</u>	<u>6E-3</u>	<u>6E-2</u>
		<u>W, see ^{99m}Rh</u>	-	<u>1E+6</u>	<u>5E-4</u>	<u>2E-6</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>1E+6</u>	<u>5E-4</u>	<u>2E-6</u>	-	-
<u>45</u>	<u>Rhodium-105</u>	<u>D, see ^{99m}Rh</u>	<u>4E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	-
			<u>LLI wall</u>	-	-	-	-	-
			<u>(4E+3)</u>	-	-	-	<u>5E-5</u>	<u>5E-4</u>
		<u>W, see ^{99m}Rh</u>	-	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>6E+3</u>	<u>2E-6</u>	<u>8E-9</u>	-	-
<u>45</u>	<u>Rhodium-106m</u>	<u>D, see ^{99m}Rh</u>	<u>8E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>1E-4</u>	<u>1E-3</u>
		<u>W, see ^{99m}Rh</u>	-	<u>4E+4</u>	<u>2E-5</u>	<u>5E-8</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>4E+4</u>	<u>1E-5</u>	<u>5E-8</u>	-	-
<u>45</u>	<u>Rhodium-107²</u>	<u>D, see ^{99m}Rh</u>	<u>7E+4</u>	<u>2E+5</u>	<u>1E-4</u>	<u>3E-7</u>	-	-
			<u>St wall</u>	-	-	-	-	-
			<u>(9E+4)</u>	-	-	-	<u>1E-3</u>	<u>1E-2</u>
		<u>W, see ^{99m}Rh</u>	-	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	-	-
		<u>Y, see ^{99m}Rh</u>	-	<u>3E+5</u>	<u>1E-4</u>	<u>3E-7</u>	-	-
<u>46</u>	<u>Palladium-100</u>	<u>D, all compounds except those given for W and Y</u>	<u>1E+3</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		<u>W, nitrates</u>	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
		<u>Y, oxides and hydroxides</u>	-	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	-	-
<u>46</u>	<u>Palladium-101</u>	<u>D, see ¹⁰⁰Pd</u>	<u>1E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		<u>W, see ¹⁰⁰Pd</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	-	-
		<u>Y, see ¹⁰⁰Pd</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-

46	<u>Palladium-103</u>	D, see ¹⁰⁰ Pd	<u>6E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	-	-
			<u>LLI wall</u>	-	-	-	<u>1E-4</u>	<u>1E-3</u>
		<u>(7E+3)</u>	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
	W, see ¹⁰⁰ Pd	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-	
	Y, see ¹⁰⁰ Pd	-	<u>4E+3</u>	<u>1E-6</u>	<u>5E-9</u>	-	-	
46	<u>Palladium-107</u>	D, see ¹⁰⁰ Pd	<u>3E+4</u>	<u>2E+4</u>	<u>9E-6</u>	-	-	-
			<u>LLI wall</u>	<u>Kidneys</u>	-	-	-	-
		<u>(4E+4)</u>	<u>(2E+4)</u>	-	<u>3E-8</u>	<u>5E-4</u>	<u>5E-3</u>	
	W, see ¹⁰⁰ Pd	-	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	-	-	
	Y, see ¹⁰⁰ Pd	-	<u>4E+2</u>	<u>2E-7</u>	<u>6E-10</u>	-	-	
46	<u>Palladium-109</u>	D, see ¹⁰⁰ Pd	<u>2E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	<u>3E-5</u>	<u>3E-4</u>
		W, see ¹⁰⁰ Pd	-	<u>5E+3</u>	<u>2E-6</u>	<u>8E-9</u>	-	-
		Y, see ¹⁰⁰ Pd	-	<u>5E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
47	<u>Silver-102²</u>	D, all compounds except those given for W and Y	<u>5E+4</u>	<u>2E+5</u>	<u>8E-5</u>	<u>2E-7</u>	-	-
			<u>St wall</u>	-	-	-	<u>9E-4</u>	<u>9E-3</u>
		<u>(6E+4)</u>	-	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-
	W, nitrates and sulfides	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-	
	Y, oxides and hydroxides	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-	
47	<u>Silver-103²</u>	D, see ¹⁰² Ag	<u>4E+4</u>	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	<u>5E-4</u>	<u>5E-3</u>
		W, see ¹⁰² Ag	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
		Y, see ¹⁰² Ag	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
47	<u>Silver-104m²</u>	D, see ¹⁰² Ag	<u>3E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>4E-4</u>	<u>4E-3</u>
		W, see ¹⁰² Ag	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
		Y, see ¹⁰² Ag	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
47	<u>Silver-104²</u>	D, see ¹⁰² Ag	<u>2E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>3E-4</u>	<u>3E-3</u>
		W, see ¹⁰² Ag	-	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
		Y, see ¹⁰² Ag	-	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
47	<u>Silver-105</u>	D, see ¹⁰² Ag	<u>3E+3</u>	<u>1E+3</u>	<u>4E-7</u>	<u>1E-9</u>	<u>4E-5</u>	<u>4E-4</u>
		W, see ¹⁰² Ag	-	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
		Y, see ¹⁰² Ag	-	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
47	<u>Silver-106m</u>	D, see ¹⁰² Ag	<u>8E+2</u>	<u>7E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>1E-5</u>	<u>1E-4</u>
		W, see ¹⁰² Ag	-	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
		Y, see ¹⁰² Ag	-	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
47	<u>Silver-106²</u>	D, see ¹⁰² Ag	<u>6E+4</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-
			<u>St. wall</u>	-	-	-	<u>9E-4</u>	<u>9E-3</u>
		<u>(6E+4)</u>	-	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-
	W, see ¹⁰² Ag	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-	
	Y, see ¹⁰² Ag	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-	
47	<u>Silver-108m</u>	D, see ¹⁰² Ag	<u>6E+2</u>	<u>2E+2</u>	<u>8E-8</u>	<u>3E-10</u>	<u>9E-6</u>	<u>9E-5</u>
		W, see ¹⁰² Ag	-	<u>3E+2</u>	<u>1E-7</u>	<u>4E-10</u>	-	-
		Y, see ¹⁰² Ag	-	<u>2E+1</u>	<u>1E-8</u>	<u>3E-11</u>	-	-
47	<u>Silver-110m</u>	D, see ¹⁰² Ag	<u>5E+2</u>	<u>1E+2</u>	<u>5E-8</u>	<u>2E-10</u>	<u>6E-6</u>	<u>6E-5</u>
		W, see ¹⁰² Ag	-	<u>2E+2</u>	<u>8E-8</u>	<u>3E-10</u>	-	-
		Y, see ¹⁰² Ag	-	<u>9E+1</u>	<u>4E-8</u>	<u>1E-10</u>	-	-
47	<u>Silver-111</u>	D, see ¹⁰² Ag	<u>9E+2</u>	<u>2E+3</u>	<u>6E-7</u>	-	-	-
			<u>LLI wall</u>	<u>Liver</u>	-	-	-	-
		<u>(1E+3)</u>	<u>(2E+3)</u>	-	<u>2E-9</u>	<u>2E-5</u>	<u>2E-4</u>	
	W, see ¹⁰² Ag	-	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-	
	Y, see ¹⁰² Ag	-	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-	
47	<u>Silver-112</u>	D, see ¹⁰² Ag	<u>3E+3</u>	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>4E-5</u>	<u>4E-4</u>
		W, see ¹⁰² Ag	-	<u>1E+4</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
		Y, see ¹⁰² Ag	-	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
47	<u>Silver-115²</u>	D, see ¹⁰² Ag	<u>3E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
			<u>St wall</u>	-	-	-	<u>4E-4</u>	<u>4E-3</u>
		<u>(3E+4)</u>	-	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
	W, see ¹⁰² Ag	-	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-	
	Y, see ¹⁰² Ag	-	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-	
48	<u>Cadmium-104²</u>	D, all compounds except those given for W and Y	<u>2E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>3E-4</u>	<u>3E-3</u>

		<u>W, sulfides, halides, and nitrates</u>	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
		<u>Y, oxides and hydroxides</u>	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
<u>48</u>	<u>Cadmium-107</u>	<u>D, see ¹⁰⁴Cd</u>	<u>2E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		<u>W, see ¹⁰⁴Cd</u>	-	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	-	-
<u>48</u>	<u>Cadmium-109</u>	<u>D, see ¹⁰⁴Cd</u>	<u>3E+2</u>	<u>4E+1</u>	<u>1E-8</u>	-	-	-
		<u>Kidneys</u>	<u>(4E+2)</u>	<u>(5E+1)</u>	-	<u>7E-11</u>	<u>6E-6</u>	<u>6E-5</u>
		<u>W, see ¹⁰⁴Cd</u>	-	<u>1E+2</u>	<u>5E-8</u>	-	-	-
			-	<u>Kidneys</u>	-	-	-	-
			-	<u>(1E+2)</u>	-	<u>2E-10</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>1E+2</u>	<u>5E-8</u>	<u>2E-10</u>	-	-
<u>48</u>	<u>Cadmium-113m</u>	<u>D, see ¹⁰⁴Cd</u>	<u>2E+1</u>	<u>2E+0</u>	<u>1E-9</u>	-	-	-
		<u>Kidneys</u>	<u>(4E+1)</u>	<u>(5E+0)</u>	-	<u>5E-12</u>	<u>5E-7</u>	<u>5E-6</u>
		<u>W, see ¹⁰⁴Cd</u>	-	<u>8E+0</u>	<u>4E-9</u>	-	-	-
			-	<u>Kidneys</u>	-	-	-	-
			-	<u>(1E+1)</u>	-	<u>2E-11</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>1E+1</u>	<u>5E-9</u>	<u>2E-11</u>	-	-
<u>48</u>	<u>Cadmium-113</u>	<u>D, see ¹⁰⁴Cd</u>	<u>2E+1</u>	<u>2E+0</u>	<u>9E-10</u>	-	-	-
		<u>Kidneys</u>	<u>(3E+1)</u>	<u>(3E+0)</u>	-	<u>5E-12</u>	<u>4E-7</u>	<u>4E-6</u>
		<u>W, see ¹⁰⁴Cd</u>	-	<u>8E+0</u>	<u>3E-9</u>	-	-	-
			-	<u>Kidneys</u>	-	-	-	-
			-	<u>(1E+1)</u>	-	<u>2E-11</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>1E+1</u>	<u>6E-9</u>	<u>2E-11</u>	-	-
<u>48</u>	<u>Cadmium-115m</u>	<u>D, see ¹⁰⁴Cd</u>	<u>3E+2</u>	<u>5E+1</u>	<u>2E-8</u>	-	<u>4E-6</u>	<u>4E-5</u>
			-	<u>Kidneys</u>	-	-	-	-
			-	<u>(8E+1)</u>	-	<u>1E-10</u>	-	-
		<u>W, see ¹⁰⁴Cd</u>	-	<u>1E+2</u>	<u>5E-8</u>	<u>2E-10</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>1E+2</u>	<u>6E-8</u>	<u>2E-10</u>	-	-
<u>48</u>	<u>Cadmium-115</u>	<u>D, see ¹⁰⁴Cd</u>	<u>9E+2</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	-	-
			<u>LLI wall</u>	-	-	-	<u>1E-5</u>	<u>1E-4</u>
			<u>(1E+3)</u>	-	-	-	-	-
		<u>W, see ¹⁰⁴Cd</u>	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	-	-
<u>48</u>	<u>Cadmium-117m</u>	<u>D, see ¹⁰⁴Cd</u>	<u>5E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>6E-5</u>	<u>6E-4</u>
		<u>W, see ¹⁰⁴Cd</u>	-	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-	-
<u>48</u>	<u>Cadmium-117</u>	<u>D, see ¹⁰⁴Cd</u>	<u>5E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>6E-5</u>	<u>6E-4</u>
		<u>W, see ¹⁰⁴Cd</u>	-	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-	-
		<u>Y, see ¹⁰⁴Cd</u>	-	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-	-
<u>49</u>	<u>Indium-109</u>	<u>D, all compounds except those given for W</u>	<u>2E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		<u>W, oxides, hydroxides, halides, and nitrates</u>	-	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	-	-
<u>49</u>	<u>Indium-110²</u> <u>(69.1 min)</u>	<u>D, see ¹⁰⁹In</u>	<u>2E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		<u>W, see ¹⁰⁹In</u>	-	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-	-
<u>49</u>	<u>Indium-110</u> <u>(4.9 h)</u>	<u>D, see ¹⁰⁹In</u>	<u>5E+3</u>	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	<u>7E-5</u>	<u>7E-4</u>
		<u>W, see ¹⁰⁹In</u>	-	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	-	-
<u>49</u>	<u>Indium-111</u>	<u>D, see ¹⁰⁹In</u>	<u>4E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	<u>6E-5</u>	<u>6E-4</u>
		<u>W, see ¹⁰⁹In</u>	-	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	-	-
<u>49</u>	<u>Indium-112²</u>	<u>D, see ¹⁰⁹In</u>	<u>2E+5</u>	<u>6E+5</u>	<u>3E-4</u>	<u>9E-7</u>	<u>2E-3</u>	<u>2E-2</u>
		<u>W, see ¹⁰⁹In</u>	-	<u>7E+5</u>	<u>3E-4</u>	<u>1E-6</u>	-	-
<u>49</u>	<u>Indium-113m²</u>	<u>D, see ¹⁰⁹In</u>	<u>5E+4</u>	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	<u>7E-4</u>	<u>7E-3</u>
		<u>W, see ¹⁰⁹In</u>	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-
<u>49</u>	<u>Indium-114m</u>	<u>D, see ¹⁰⁹In</u>	<u>3E+2</u>	<u>6E+1</u>	<u>3E-8</u>	<u>9E-11</u>	-	-
			<u>LLI wall</u>	-	-	-	<u>5E-6</u>	<u>5E-5</u>
			<u>(4E+2)</u>	-	-	-	-	-
		<u>W, see ¹⁰⁹In</u>	-	<u>1E+2</u>	<u>4E-8</u>	<u>1E-10</u>	-	-

49	<u>Indium-115m</u>	<u>D, see ¹⁰⁹In</u> <u>W, see ¹⁰⁹In</u>	<u>1E+4</u> -	<u>4E+4</u> <u>5E+4</u>	<u>2E-5</u> <u>2E-5</u>	<u>6E-8</u> <u>7E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
49	<u>Indium-115</u>	<u>D, see ¹⁰⁹In</u> <u>W, see ¹⁰⁹In</u>	<u>4E+1</u> -	<u>1E+0</u> <u>5E+0</u>	<u>6E-10</u> <u>2E-9</u>	<u>2E-12</u> <u>8E-12</u>	<u>5E-7</u> -	<u>5E-6</u> -
49	<u>Indium-116m²</u>	<u>D, see ¹⁰⁹In</u> <u>W, see ¹⁰⁹In</u>	<u>2E+4</u> -	<u>8E+4</u> <u>1E+5</u>	<u>3E-5</u> <u>5E-5</u>	<u>1E-7</u> <u>2E-7</u>	<u>3E-4</u> -	<u>3E-3</u> -
49	<u>Indium-117m²</u>	<u>D, see ¹⁰⁹In</u> <u>W, see ¹⁰⁹In</u>	<u>1E+4</u> -	<u>3E+4</u> <u>4E+4</u>	<u>1E-5</u> <u>2E-5</u>	<u>5E-8</u> <u>6E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
49	<u>Indium-117²</u>	<u>D, see ¹⁰⁹In</u> <u>W, see ¹⁰⁹In</u>	<u>6E+4</u> -	<u>2E+5</u> <u>2E+5</u>	<u>7E-5</u> <u>9E-5</u>	<u>2E-7</u> <u>3E-7</u>	<u>8E-4</u> -	<u>8E-3</u> -
49	<u>Indium-119m²</u>	<u>D, see ¹⁰⁹In</u> <u>W, see ¹⁰⁹In</u>	<u>4E+4</u> <u>St wall</u> <u>(5E+4)</u> -	<u>1E+5</u> -	<u>5E-5</u> -	<u>2E-7</u> -	<u>7E-4</u> -	<u>7E-3</u> -
50	<u>Tin-110</u>	<u>D, all compounds except those given for W</u> <u>W, sulfides, oxides, hydroxides, halides, nitrates, and stannic phosphate</u>	<u>4E+3</u> -	<u>1E+4</u> <u>1E+4</u>	<u>5E-6</u> <u>5E-6</u>	<u>2E-8</u> <u>2E-8</u>	<u>5E-5</u> -	<u>5E-4</u> -
50	<u>Tin-111²</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>7E+4</u> -	<u>2E+5</u> <u>3E+5</u>	<u>9E-5</u> <u>1E-4</u>	<u>3E-7</u> <u>4E-7</u>	<u>1E-3</u> -	<u>1E-2</u> -
50	<u>Tin-113</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u> -	<u>1E+3</u> -	<u>5E-7</u> <u>2E-7</u>	<u>2E-9</u> <u>8E-10</u>	<u>3E-5</u> -	<u>3E-4</u> -
50	<u>Tin-117m</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u> -	<u>1E+3</u> <u>Bone surf</u> <u>(2E+3)</u> <u>1E+3</u>	<u>5E-7</u> -	<u>3E-9</u> <u>2E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
50	<u>Tin-119m</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>3E+3</u> <u>LLI wall</u> <u>(4E+3)</u> -	<u>2E+3</u> -	<u>1E-6</u> <u>4E-7</u>	<u>3E-9</u> <u>1E-9</u>	<u>6E-5</u> -	<u>6E-4</u> -
50	<u>Tin-121m</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>3E+3</u> <u>LLI wall</u> <u>(4E+3)</u> -	<u>9E+2</u> -	<u>4E-7</u> <u>2E-7</u>	<u>1E-9</u> <u>8E-10</u>	<u>5E-5</u> -	<u>5E-4</u> -
50	<u>Tin-121</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>6E+3</u> <u>LLI wall</u> <u>(6E+3)</u> -	<u>2E+4</u> -	<u>6E-6</u> <u>5E-6</u>	<u>2E-8</u> <u>2E-8</u>	<u>8E-5</u> -	<u>8E-4</u> -
50	<u>Tin-123m²</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>5E+4</u> -	<u>1E+5</u> <u>1E+5</u>	<u>5E-5</u> <u>6E-5</u>	<u>2E-7</u> <u>2E-7</u>	<u>7E-4</u> -	<u>7E-3</u> -
50	<u>Tin-123</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>5E+2</u> <u>LLI wall</u> <u>(6E+2)</u> -	<u>6E+2</u> -	<u>3E-7</u> <u>2E-7</u>	<u>9E-10</u> <u>2E-10</u>	<u>9E-6</u> -	<u>9E-5</u> -
50	<u>Tin-125</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>4E+2</u> <u>LLI wall</u> <u>(5E+2)</u> -	<u>9E+2</u> -	<u>4E-7</u> <u>1E-7</u>	<u>1E-9</u> <u>5E-10</u>	<u>6E-6</u> -	<u>6E-5</u> -
50	<u>Tin-126</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>3E+2</u> -	<u>6E+1</u> <u>7E+1</u>	<u>2E-8</u> <u>3E-8</u>	<u>8E-11</u> <u>9E-11</u>	<u>4E-6</u> -	<u>4E-5</u> -
50	<u>Tin-127</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>7E+3</u> -	<u>2E+4</u> <u>2E+4</u>	<u>8E-6</u> <u>8E-6</u>	<u>3E-8</u> <u>3E-8</u>	<u>9E-5</u> -	<u>9E-4</u> -
50	<u>Tin-128²</u>	<u>D, see ¹¹⁰Sn</u> <u>W, see ¹¹⁰Sn</u>	<u>9E+3</u> -	<u>3E+4</u> <u>4E+4</u>	<u>1E-5</u> <u>1E-5</u>	<u>4E-8</u> <u>5E-8</u>	<u>1E-4</u> -	<u>1E-3</u> -

51	<u>Antimony-115²</u>	D, all compounds except those given for W W, oxides, hydroxides, halides, sulfides, sulfates, and nitrates	<u>8E+4</u> -	<u>2E+5</u> <u>3E+5</u>	<u>1E-4</u> <u>1E-4</u>	<u>3E-7</u> <u>4E-7</u>	<u>1E-3</u> -	<u>1E-2</u> -
51	<u>Antimony-116m²</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>2E+4</u> -	<u>7E+4</u> <u>1E+5</u>	<u>3E-5</u> <u>6E-5</u>	<u>1E-7</u> <u>2E-7</u>	<u>3E-4</u> -	<u>3E-3</u> -
51	<u>Antimony-116²</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>7E+4</u> St wall (9E+4) -	<u>3E+5</u> -	<u>1E-4</u> <u>1E-4</u>	<u>4E-7</u> -	<u>1E-3</u> -	<u>1E-2</u> -
51	<u>Antimony-117</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>7E+4</u> -	<u>2E+5</u> <u>3E+5</u>	<u>9E-5</u> <u>1E-4</u>	<u>3E-7</u> <u>4E-7</u>	<u>9E-4</u> -	<u>9E-3</u> -
51	<u>Antimony-118m</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>6E+3</u> <u>5E+3</u>	<u>2E+4</u> <u>2E+4</u>	<u>8E-6</u> <u>9E-6</u>	<u>3E-8</u> <u>3E-8</u>	<u>7E-5</u> -	<u>7E-4</u> -
51	<u>Antimony-119</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>2E+4</u> <u>2E+4</u>	<u>5E+4</u> <u>3E+4</u>	<u>2E-5</u> <u>1E-5</u>	<u>6E-8</u> <u>4E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
51	<u>Antimony-120²</u> <u>(16 min)</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>1E+5</u> St wall (2E+5) -	<u>4E+5</u> -	<u>2E-4</u> <u>2E-4</u>	<u>6E-7</u> -	<u>2E-3</u> -	<u>2E-2</u> -
51	<u>Antimony-120</u> <u>(5.76 d)</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>1E+3</u> <u>9E+2</u>	<u>2E+3</u> <u>1E+3</u>	<u>9E-7</u> <u>5E-7</u>	<u>3E-9</u> <u>2E-9</u>	<u>1E-5</u> -	<u>1E-4</u> -
51	<u>Antimony-122</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>8E+2</u> LLI wall (8E+2) <u>7E+2</u>	<u>2E+3</u> -	<u>1E-6</u> <u>4E-7</u>	<u>3E-9</u> -	<u>1E-5</u> -	<u>1E-4</u> -
51	<u>Antimony-124m²</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>3E+5</u> <u>2E+5</u>	<u>8E+5</u> <u>6E+5</u>	<u>4E-4</u> <u>2E-4</u>	<u>1E-6</u> <u>8E-7</u>	<u>3E-3</u> -	<u>3E-2</u> -
51	<u>Antimony-124</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>6E+2</u> <u>5E+2</u>	<u>9E+2</u> <u>2E+2</u>	<u>4E-7</u> <u>1E-7</u>	<u>1E-9</u> <u>3E-10</u>	<u>7E-6</u> -	<u>7E-5</u> -
51	<u>Antimony-125</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>2E+3</u> -	<u>2E+3</u> <u>5E+2</u>	<u>1E-6</u> <u>2E-7</u>	<u>3E-9</u> <u>7E-10</u>	<u>3E-5</u> -	<u>3E-4</u> -
51	<u>Antimony-126m²</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>5E+4</u> St wall (7E+4) -	<u>2E+5</u> -	<u>8E-5</u> <u>8E-5</u>	<u>3E-7</u> -	<u>9E-4</u> -	<u>9E-3</u> -
51	<u>Antimony-126</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>6E+2</u> <u>5E+2</u>	<u>1E+3</u> <u>5E+2</u>	<u>5E-7</u> <u>2E-7</u>	<u>2E-9</u> <u>7E-10</u>	<u>7E-6</u> -	<u>7E-5</u> -
51	<u>Antimony-127</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>8E+2</u> LLI wall (8E+2) <u>7E+2</u>	<u>2E+3</u> -	<u>9E-7</u> <u>4E-7</u>	<u>3E-9</u> -	<u>1E-5</u> -	<u>1E-4</u> -
51	<u>Antimony-128²</u> <u>(10.4 min)</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>8E+4</u> St wall (1E+5) -	<u>4E+5</u> -	<u>2E-4</u> <u>2E-4</u>	<u>5E-7</u> <u>6E-7</u>	<u>1E-3</u> -	<u>1E-2</u> -
51	<u>Antimony-128</u> <u>(9.01 h)</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>1E+3</u> -	<u>4E+3</u> <u>3E+3</u>	<u>2E-6</u> <u>1E-6</u>	<u>6E-9</u> <u>5E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
51	<u>Antimony-129</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>3E+3</u> -	<u>9E+3</u> <u>9E+3</u>	<u>4E-6</u> <u>4E-6</u>	<u>1E-8</u> <u>1E-8</u>	<u>4E-5</u> -	<u>4E-4</u> -
51	<u>Antimony-130²</u>	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	<u>2E+4</u> -	<u>6E+4</u> <u>8E+4</u>	<u>3E-5</u> <u>3E-5</u>	<u>9E-8</u> <u>1E-7</u>	<u>3E-4</u> -	<u>3E-3</u> -
51	<u>Antimony-131²</u>	D, see ¹¹⁵ Sb Thyroid (2E+4)	<u>1E+4</u> Thyroid (2E+4)	<u>2E+4</u> Thyroid (4E+4)	<u>1E-5</u> -	<u>6E-8</u> -	<u>2E-4</u> -	<u>2E-3</u> -

	<u>W, see ¹¹⁵Sb</u>	-	<u>2E+4</u> Thyroid	<u>1E-5</u>	-	-	-
		-	<u>(4E+4)</u>	-	<u>6E-8</u>	-	-
<u>52</u>	<u>Tellurium-116</u>	<u>D, all compounds except those given for W</u>	<u>8E+3</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>1E-4</u>
		<u>W, oxides, hydroxides, and nitrates</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-
<u>52</u>	<u>Tellurium-121m</u>	<u>D, see ¹¹⁶Te</u>	<u>5E+2</u>	<u>2E+2</u>	<u>8E-8</u>	-	-
		<u>Bone surf</u>	<u>(7E+2)</u>	<u>Bone surf</u>	-	<u>5E-10</u>	<u>1E-5</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>4E+2</u>	<u>2E-7</u>	<u>6E-10</u>	<u>1E-4</u>
<u>52</u>	<u>Tellurium-121</u>	<u>D, see ¹¹⁶Te</u>	<u>3E+3</u>	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	<u>4E-5</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-
<u>52</u>	<u>Tellurium-123m</u>	<u>D, see ¹¹⁶Te</u>	<u>6E+2</u>	<u>2E+2</u>	<u>9E-8</u>	-	-
		<u>Bone surf</u>	<u>(1E+3)</u>	<u>Bone surf</u>	-	<u>8E-10</u>	<u>1E-5</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>5E+2</u>	<u>2E-7</u>	<u>8E-10</u>	<u>1E-4</u>
<u>52</u>	<u>Tellurium-123</u>	<u>D, see ¹¹⁶Te</u>	<u>5E+2</u>	<u>2E+2</u>	<u>8E-8</u>	-	-
		<u>Bone surf</u>	<u>(1E+3)</u>	<u>Bone surf</u>	-	<u>7E-10</u>	<u>2E-5</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>4E+2</u>	<u>2E-7</u>	-	<u>2E-4</u>
			-	<u>Bone surf</u>	-	-	-
			-	<u>(1E+3)</u>	-	<u>2E-9</u>	-
<u>52</u>	<u>Tellurium-125m</u>	<u>D, see ¹¹⁶Te</u>	<u>1E+3</u>	<u>4E+2</u>	<u>2E-7</u>	-	-
		<u>Bone surf</u>	<u>(1E+3)</u>	<u>Bone surf</u>	-	<u>1E-9</u>	<u>2E-5</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>7E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>2E-4</u>
<u>52</u>	<u>Tellurium-127m</u>	<u>D, see ¹¹⁶Te</u>	<u>6E+2</u>	<u>3E+2</u>	<u>1E-7</u>	-	<u>9E-6</u>
		<u>Bone surf</u>	-	<u>(4E+2)</u>	-	<u>6E-10</u>	-
		<u>W, see ¹¹⁶Te</u>	-	<u>3E+2</u>	<u>1E-7</u>	<u>4E-10</u>	-
<u>52</u>	<u>Tellurium-127</u>	<u>D, see ¹¹⁶Te</u>	<u>7E+3</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>1E-4</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-
<u>52</u>	<u>Tellurium-129m</u>	<u>D, see ¹¹⁶Te</u>	<u>5E+2</u>	<u>6E+2</u>	<u>3E-7</u>	<u>9E-10</u>	<u>7E-6</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>2E+2</u>	<u>1E-7</u>	<u>3E-10</u>	<u>7E-5</u>
<u>52</u>	<u>Tellurium-129²</u>	<u>D, see ¹¹⁶Te</u>	<u>3E+4</u>	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>4E-4</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>4E-3</u>
<u>52</u>	<u>Tellurium-131m</u>	<u>D, see ¹¹⁶Te</u>	<u>3E+2</u>	<u>4E+2</u>	<u>2E-7</u>	-	-
		<u>Thyroid</u>	<u>(6E+2)</u>	<u>Thyroid</u>	-	<u>2E-9</u>	<u>8E-6</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>4E+2</u>	<u>2E-7</u>	-	<u>8E-5</u>
			-	<u>Thyroid</u>	-	<u>1E-9</u>	-
			-	<u>(9E+2)</u>	-	-	-
<u>52</u>	<u>Tellurium-131²</u>	<u>D, see ¹¹⁶Te</u>	<u>3E+3</u>	<u>5E+3</u>	<u>2E-6</u>	-	-
		<u>Thyroid</u>	<u>(6E+3)</u>	<u>Thyroid</u>	-	<u>2E-8</u>	<u>8E-5</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>(1E+4)</u>	<u>2E-6</u>	-	<u>8E-4</u>
			-	<u>5E+3</u>	-	-	-
			-	<u>Thyroid</u>	-	<u>2E-8</u>	-
			-	<u>(1E+4)</u>	-	-	-
<u>52</u>	<u>Tellurium-132</u>	<u>D, see ¹¹⁶Te</u>	<u>2E+2</u>	<u>2E+2</u>	<u>9E-8</u>	-	-
		<u>Thyroid</u>	<u>(7E+2)</u>	<u>Thyroid</u>	-	<u>1E-9</u>	<u>9E-6</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>(8E+2)</u>	<u>9E-8</u>	-	<u>9E-5</u>
			-	<u>2E+2</u>	-	-	-
			-	<u>Thyroid</u>	-	<u>9E-10</u>	-
			-	<u>(6E+2)</u>	-	-	-
<u>52</u>	<u>Tellurium-133m²</u>	<u>D, see ¹¹⁶Te</u>	<u>3E+3</u>	<u>5E+3</u>	<u>2E-6</u>	-	-
		<u>Thyroid</u>	<u>(6E+3)</u>	<u>Thyroid</u>	-	<u>2E-8</u>	<u>9E-5</u>
		<u>W, see ¹¹⁶Te</u>	-	<u>(1E+4)</u>	<u>2E-6</u>	-	<u>9E-4</u>
			-	<u>5E+3</u>	-	-	-
			-	<u>Thyroid</u>	-	<u>2E-8</u>	-
			-	<u>(1E+4)</u>	-	-	-

52	<u>Tellurium-133²</u>	<u>D, see ¹¹⁶Te</u>	<u>1E+4</u> <u>Thyroid</u> <u>(3E+4)</u>	<u>2E+4</u> <u>Thyroid</u> <u>(6E+4)</u>	<u>9E-6</u>	-	-	-
		<u>W, see ¹¹⁶Te</u>	-	<u>2E+4</u> <u>Thyroid</u> <u>(6E+4)</u>	<u>9E-6</u>	<u>8E-8</u>	<u>4E-4</u>	<u>4E-3</u>
52	<u>Tellurium-134²</u>	<u>D, see ¹¹⁶Te</u>	<u>2E+4</u> <u>Thyroid</u> <u>(2E+4)</u>	<u>2E+4</u> <u>Thyroid</u> <u>(5E+4)</u>	<u>1E-5</u>	-	-	-
		<u>W, see ¹¹⁶Te</u>	-	<u>2E+4</u> <u>Thyroid</u> <u>(5E+4)</u>	<u>1E-5</u>	<u>7E-8</u>	<u>3E-4</u>	<u>3E-3</u>
53	<u>Iodine-120m²</u>	<u>D, all compounds</u>	<u>1E+4</u> <u>Thyroid</u> <u>(1E+4)</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	-	-
53	<u>Iodine-120²</u>	<u>D, all compounds</u>	<u>4E+3</u> <u>Thyroid</u> <u>(8E+3)</u>	<u>9E+3</u> <u>Thyroid</u> <u>(1E+4)</u>	<u>4E-6</u>	-	-	-
53	<u>Iodine-121</u>	<u>D, all compounds</u>	<u>1E+4</u> <u>Thyroid</u> <u>(3E+4)</u>	<u>2E+4</u> <u>Thyroid</u> <u>(5E+4)</u>	<u>8E-6</u>	-	-	-
53	<u>Iodine-123</u>	<u>D, all compounds</u>	<u>3E+3</u> <u>Thyroid</u> <u>(1E+4)</u>	<u>6E+3</u> <u>Thyroid</u> <u>(2E+4)</u>	<u>3E-6</u>	-	-	-
53	<u>Iodine-124</u>	<u>D, all compounds</u>	<u>5E+1</u> <u>Thyroid</u> <u>(2E+2)</u>	<u>8E+1</u> <u>Thyroid</u> <u>(3E+2)</u>	<u>3E-8</u>	-	-	-
53	<u>Iodine-125</u>	<u>D, all compounds</u>	<u>4E+1</u> <u>Thyroid</u> <u>(1E+2)</u>	<u>6E+1</u> <u>Thyroid</u> <u>(2E+2)</u>	<u>3E-8</u>	-	-	-
53	<u>Iodine-126</u>	<u>D, all compounds</u>	<u>2E+1</u> <u>Thyroid</u> <u>(7E+1)</u>	<u>4E+1</u> <u>Thyroid</u> <u>(1E+2)</u>	<u>1E-8</u>	-	-	-
53	<u>Iodine-128²</u>	<u>D, all compounds</u>	<u>4E+4</u> <u>St wall</u> <u>(6E+4)</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
53	<u>Iodine-129</u>	<u>D, all compounds</u>	<u>5E+0</u> <u>Thyroid</u> <u>(2E+1)</u>	<u>9E+0</u> <u>Thyroid</u> <u>(3E+1)</u>	<u>4E-9</u>	-	-	-
53	<u>Iodine-130</u>	<u>D, all compounds</u>	<u>4E+2</u> <u>Thyroid</u> <u>(1E+3)</u>	<u>7E+2</u> <u>Thyroid</u> <u>(2E+3)</u>	<u>3E-7</u>	-	-	-
53	<u>Iodine-131</u>	<u>D, all compounds</u>	<u>3E+1</u> <u>Thyroid</u> <u>(9E+1)</u>	<u>5E+1</u> <u>Thyroid</u> <u>(2E+2)</u>	<u>2E-8</u>	-	-	-
53	<u>Iodine-132m²</u>	<u>D, all compounds</u>	<u>4E+3</u> <u>Thyroid</u> <u>(1E+4)</u>	<u>8E+3</u> <u>Thyroid</u> <u>(2E+4)</u>	<u>4E-6</u>	-	-	-
53	<u>Iodine-132</u>	<u>D, all compounds</u>	<u>4E+3</u> <u>Thyroid</u> <u>(9E+3)</u>	<u>8E+3</u> <u>Thyroid</u> <u>(1E+4)</u>	<u>3E-6</u>	-	-	-
53	<u>Iodine-133</u>	<u>D, all compounds</u>	<u>1E+2</u> <u>Thyroid</u> <u>(5E+2)</u>	<u>3E+2</u> <u>Thyroid</u> <u>(9E+2)</u>	<u>1E-7</u>	-	-	-
53	<u>Iodine-134²</u>	<u>D, all compounds</u>	<u>2E+4</u> <u>Thyroid</u> <u>(3E+4)</u>	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
53	<u>Iodine-135</u>	<u>D, all compounds</u>	<u>8E+2</u> <u>Thyroid</u>	<u>2E+3</u> <u>Thyroid</u>	<u>7E-7</u>	-	-	-

		<u>(3E+3)</u>	<u>(4E+3)</u>	-	<u>6E-9</u>	<u>3E-5</u>	<u>3E-4</u>
<u>54</u>	<u>Xenon-120²</u>	<u>Submersion¹</u>	-	-	<u>1E-5</u>	<u>4E-8</u>	-
<u>54</u>	<u>Xenon-121²</u>	<u>Submersion¹</u>	-	-	<u>2E-6</u>	<u>1E-8</u>	-
<u>54</u>	<u>Xenon-122</u>	<u>Submersion¹</u>	-	-	<u>7E-5</u>	<u>3E-7</u>	-
<u>54</u>	<u>Xenon-123</u>	<u>Submersion¹</u>	-	-	<u>6E-6</u>	<u>3E-8</u>	-
<u>54</u>	<u>Xenon-125</u>	<u>Submersion¹</u>	-	-	<u>2E-5</u>	<u>7E-8</u>	-
<u>54</u>	<u>Xenon-127</u>	<u>Submersion¹</u>	-	-	<u>1E-5</u>	<u>6E-8</u>	-
<u>54</u>	<u>Xenon-129m</u>	<u>Submersion¹</u>	-	-	<u>2E-4</u>	<u>9E-7</u>	-
<u>54</u>	<u>Xenon-131m</u>	<u>Submersion¹</u>	-	-	<u>4E-4</u>	<u>2E-6</u>	-
<u>54</u>	<u>Xenon-133m</u>	<u>Submersion¹</u>	-	-	<u>1E-4</u>	<u>6E-7</u>	-
<u>54</u>	<u>Xenon-133</u>	<u>Submersion¹</u>	-	-	<u>1E-4</u>	<u>5E-7</u>	-
<u>54</u>	<u>Xenon-135m²</u>	<u>Submersion¹</u>	-	-	<u>9E-6</u>	<u>4E-8</u>	-
<u>54</u>	<u>Xenon-135</u>	<u>Submersion¹</u>	-	-	<u>1E-5</u>	<u>7E-8</u>	-
<u>54</u>	<u>Xenon-138²</u>	<u>Submersion¹</u>	-	-	<u>4E-6</u>	<u>2E-8</u>	-
<u>55</u>	<u>Cesium-125²</u>	<u>D, all compounds</u>	<u>5E+4</u> <u>St wall</u> <u>(9E+4)</u>	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-
<u>55</u>	<u>Cesium-127</u>	<u>D, all compounds</u>	<u>6E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>9E-4</u>
<u>55</u>	<u>Cesium-129</u>	<u>D, all compounds</u>	<u>2E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>3E-4</u>
<u>55</u>	<u>Cesium-130²</u>	<u>D, all compounds</u>	<u>6E+4</u> <u>St wall</u> <u>(1E+5)</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-
<u>55</u>	<u>Cesium-131</u>	<u>D, all compounds</u>	<u>2E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>3E-4</u>
<u>55</u>	<u>Cesium-132</u>	<u>D, all compounds</u>	<u>3E+3</u>	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	<u>4E-5</u>
<u>55</u>	<u>Cesium-134m</u>	<u>D, all compounds</u>	<u>1E+5</u> <u>St wall</u> <u>(1E+5)</u>	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-
<u>55</u>	<u>Cesium-134</u>	<u>D, all compounds</u>	<u>7E+1</u>	<u>1E+2</u>	<u>4E-8</u>	<u>2E-10</u>	<u>9E-7</u>
<u>55</u>	<u>Cesium-135m²</u>	<u>D, all compounds</u>	<u>1E+5</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	<u>1E-3</u>
<u>55</u>	<u>Cesium-135</u>	<u>D, all compounds</u>	<u>7E+2</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>1E-5</u>
<u>55</u>	<u>Cesium-136</u>	<u>D, all compounds</u>	<u>4E+2</u>	<u>7E+2</u>	<u>3E-7</u>	<u>9E-10</u>	<u>6E-6</u>
<u>55</u>	<u>Cesium-137</u>	<u>D, all compounds</u>	<u>1E+2</u>	<u>2E+2</u>	<u>6E-8</u>	<u>2E-10</u>	<u>1E-6</u>
<u>55</u>	<u>Cesium-138²</u>	<u>D, all compounds</u>	<u>2E+4</u> <u>St wall</u> <u>(3E+4)</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-
<u>56</u>	<u>Barium-126²</u>	<u>D, all compounds</u>	<u>6E+3</u>	<u>2E+4</u>	<u>6E-6</u>	<u>2E-8</u>	<u>8E-5</u>
<u>56</u>	<u>Barium-128</u>	<u>D, all compounds</u>	<u>5E+2</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	<u>7E-6</u>
<u>56</u>	<u>Barium-131m²</u>	<u>D, all compounds</u>	<u>4E+5</u> <u>St wall</u> <u>(5E+5)</u>	<u>1E+6</u>	<u>6E-4</u>	<u>2E-6</u>	-
<u>56</u>	<u>Barium-131</u>	<u>D, all compounds</u>	<u>3E+3</u>	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>4E-5</u>
<u>56</u>	<u>Barium-133m</u>	<u>D, all compounds</u>	<u>2E+3</u> <u>LLI wall</u> <u>(3E+3)</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	-
			-	-	-	<u>4E-5</u>	<u>4E-4</u>

56	<u>Barium-133</u>	<u>D, all compounds</u>	<u>2E+3</u>	<u>7E+2</u>	<u>3E-7</u>	<u>9E-10</u>	<u>2E-5</u>	<u>2E-4</u>
56	<u>Barium-135m</u>	<u>D, all compounds</u>	<u>3E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>4E-5</u>	<u>4E-4</u>
56	<u>Barium-139²</u>	<u>D, all compounds</u>	<u>1E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>2E-4</u>	<u>2E-3</u>
56	<u>Barium-140</u>	<u>D, all compounds</u>	<u>5E+2</u> <u>LLI wall</u> <u>(6E+2)</u>	<u>1E+3</u> -	<u>6E-7</u> -	<u>2E-9</u> -	-	-
56	<u>Barium-141²</u>	<u>D, all compounds</u>	<u>2E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>3E-4</u>	<u>3E-3</u>
56	<u>Barium-142²</u>	<u>D, all compounds</u>	<u>5E+4</u>	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	<u>7E-4</u>	<u>7E-3</u>
57	<u>Lanthanum-131²</u>	<u>D, all compounds except</u> <u>those given for W</u> <u>W, oxides and hydroxides</u>	<u>5E+4</u> -	<u>1E+5</u> <u>2E+5</u>	<u>5E-5</u> <u>7E-5</u>	<u>2E-7</u> <u>2E-7</u>	<u>6E-4</u> -	<u>6E-3</u> -
57	<u>Lanthanum-132</u>	<u>D, see ¹³¹La</u> <u>W, see ¹³¹La</u>	<u>3E+3</u> -	<u>1E+4</u> <u>1E+4</u>	<u>4E-6</u> <u>5E-6</u>	<u>1E-8</u> <u>2E-8</u>	<u>4E-5</u> -	<u>4E-4</u> -
57	<u>Lanthanum-135</u>	<u>D, see ¹³¹La</u> <u>W, see ¹³¹La</u>	<u>4E+4</u> -	<u>1E+5</u> <u>9E+4</u>	<u>4E-5</u> <u>4E-5</u>	<u>1E-7</u> <u>1E-7</u>	<u>5E-4</u> -	<u>5E-3</u> -
57	<u>Lanthanum-137</u>	<u>D, see ¹³¹La</u> <u>W, see ¹³¹La</u>	<u>1E+4</u> -	<u>6E+1</u> <u>Liver</u> <u>(7E+1)</u> <u>3E+2</u> <u>Liver</u> <u>(3E+2)</u>	<u>3E-8</u> -	- <u>1E-10</u> -	<u>2E-4</u> -	<u>2E-3</u> -
57	<u>Lanthanum-138</u>	<u>D, see ¹³¹La</u> <u>W, see ¹³¹La</u>	<u>9E+2</u> -	<u>4E+0</u> <u>1E+1</u>	<u>1E-9</u> <u>6E-9</u>	<u>5E-12</u> <u>2E-11</u>	<u>1E-5</u> -	<u>1E-4</u> -
57	<u>Lanthanum-140</u>	<u>D, see ¹³¹La</u> <u>W, see ¹³¹La</u>	<u>6E+2</u> -	<u>1E+3</u> <u>1E+3</u>	<u>6E-7</u> <u>5E-7</u>	<u>2E-9</u> <u>2E-9</u>	<u>9E-6</u> -	<u>9E-5</u> -
57	<u>Lanthanum-141</u>	<u>D, see ¹³¹La</u> <u>W, see ¹³¹La</u>	<u>4E+3</u> -	<u>9E+3</u> <u>1E+4</u>	<u>4E-6</u> <u>5E-6</u>	<u>1E-8</u> <u>2E-8</u>	<u>5E-5</u> -	<u>5E-4</u> -
57	<u>Lanthanum-142²</u>	<u>D, see ¹³¹La</u> <u>W, see ¹³¹La</u>	<u>8E+3</u> -	<u>2E+4</u> <u>3E+4</u>	<u>9E-6</u> <u>1E-5</u>	<u>3E-8</u> <u>5E-8</u>	<u>1E-4</u> -	<u>1E-3</u> -
57	<u>Lanthanum-143²</u>	<u>D, see ¹³¹La</u> <u>(4E+4)</u> <u>W, see ¹³¹La</u>	<u>4E+4</u> -	<u>1E+5</u> <u>St wall</u> -	<u>4E-5</u> -	<u>1E-7</u> <u>5E-4</u> <u>1E-7</u>	- <u>5E-3</u> -	- -
58	<u>Cerium-134</u>	<u>W, all compounds except</u> <u>those given for Y</u> <u>Y, oxides, hydroxides,</u> <u>and fluorides</u>	<u>5E+2</u> <u>LLI wall</u> <u>(6E+2)</u> -	<u>7E+2</u> -	<u>3E-7</u> -	<u>1E-9</u> -	- <u>8E-6</u>	- <u>8E-5</u>
58	<u>Cerium-135</u>	<u>W, see ¹³⁴Ce</u> <u>Y, see ¹³⁴Ce</u>	<u>2E+3</u> -	<u>4E+3</u> <u>4E+3</u>	<u>2E-6</u> <u>1E-6</u>	<u>5E-9</u> <u>5E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
58	<u>Cerium-137m</u>	<u>W, see ¹³⁴Ce</u> <u>Y, see ¹³⁴Ce</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u> -	<u>4E+3</u> -	<u>2E-6</u> <u>2E-6</u>	<u>6E-9</u> <u>5E-9</u>	- <u>3E-5</u>	- <u>3E-4</u>
58	<u>Cerium-137</u>	<u>W, see ¹³⁴Ce</u> <u>Y, see ¹³⁴Ce</u>	<u>5E+4</u> -	<u>1E+5</u> <u>1E+5</u>	<u>6E-5</u> <u>5E-5</u>	<u>2E-7</u> <u>2E-7</u>	<u>7E-4</u> -	<u>7E-3</u> -
58	<u>Cerium-139</u>	<u>W, see ¹³⁴Ce</u> <u>Y, see ¹³⁴Ce</u>	<u>5E+3</u> -	<u>8E+2</u> <u>7E+2</u>	<u>3E-7</u> <u>3E-7</u>	<u>1E-9</u> <u>9E-10</u>	<u>7E-5</u> -	<u>7E-4</u> -
58	<u>Cerium-141</u>	<u>W, see ¹³⁴Ce</u> <u>Y, see ¹³⁴Ce</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u> -	<u>7E+2</u> -	<u>3E-7</u> <u>2E-7</u>	<u>1E-9</u> <u>8E-10</u>	- <u>3E-5</u>	- <u>3E-4</u>
58	<u>Cerium-143</u>	<u>W, see ¹³⁴Ce</u>	<u>1E+3</u> <u>LLI wall</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-

		<u>(1E+3)</u>	-	-	-	<u>2E-5</u>	<u>2E-4</u>
	Y, see ¹³⁴ Ce	-	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
58	Cerium-144	W, see ¹³⁴ Ce	<u>2E+2</u>	<u>3E+1</u>	<u>1E-8</u>	<u>4E-11</u>	-
		LLI wall	-	-	-	-	-
		<u>(3E+2)</u>	-	-	-	<u>3E-6</u>	<u>3E-5</u>
	Y, see ¹³⁴ Ce	-	<u>1E+1</u>	<u>6E-9</u>	<u>2E-11</u>	-	-
59	Praseodymium-136 ²	W, all compounds except those given for Y	<u>5E+4</u>	<u>2E+5</u>	<u>1E-4</u>	<u>3E-7</u>	-
		St wall	-	-	-	-	-
		<u>(7E+4)</u>	-	-	-	<u>1E-3</u>	<u>1E-2</u>
	Y, oxides, hydroxides, carbides, and fluorides	-	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-
59	Praseodymium-137 ²	W, see ¹³⁶ Pr	<u>4E+4</u>	<u>2E+5</u>	<u>6E-5</u>	<u>2E-7</u>	<u>5E-4</u>
	Y, see ¹³⁶ Pr	-	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
59	Praseodymium-138m	W, see ¹³⁶ Pr	<u>1E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>1E-4</u>
	Y, see ¹³⁶ Pr	-	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
59	Praseodymium-139	W, see ¹³⁶ Pr	<u>4E+4</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	<u>6E-4</u>
	Y, see ¹³⁶ Pr	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
59	Praseodymium-142m ²	W, see ¹³⁶ Pr	<u>8E+4</u>	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	<u>1E-3</u>
	Y, see ¹³⁶ Pr	-	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
59	Praseodymium-142	W, see ¹³⁶ Pr	<u>1E+3</u>	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	<u>1E-5</u>
	Y, see ¹³⁶ Pr	-	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
59	Praseodymium-143	W, see ¹³⁶ Pr	<u>9E+2</u>	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-
		LLI wall	-	-	-	-	-
		<u>(1E+3)</u>	-	-	-	<u>2E-5</u>	<u>2E-4</u>
	Y, see ¹³⁶ Pr	-	<u>7E+2</u>	<u>3E-7</u>	<u>9E-10</u>	-	-
59	Praseodymium-144 ²	W, see ¹³⁶ Pr	<u>3E+4</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-
		St wall	-	-	-	-	-
		<u>(4E+4)</u>	-	-	-	<u>6E-4</u>	<u>6E-3</u>
	Y, see ¹³⁶ Pr	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
59	Praseodymium-145	W, see ¹³⁶ Pr	<u>3E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>4E-5</u>
	Y, see ¹³⁶ Pr	-	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	-	-
59	Praseodymium-147 ²	W, see ¹³⁶ Pr	<u>5E+4</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-
		St wall	-	-	-	-	-
		<u>(8E+4)</u>	-	-	-	<u>1E-3</u>	<u>1E-2</u>
	Y, see ¹³⁶ Pr	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-
60	Neodymium-136 ²	W, all compounds except those given for Y	<u>1E+4</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>2E-4</u>
	Y, oxides, hydroxides, carbides, and fluorides	-	<u>5E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-	-
60	Neodymium-138	W, see ¹³⁶ Nd	<u>2E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	<u>3E-5</u>
	Y, see ¹³⁶ Nd	-	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	-	-
60	Neodymium-139m	W, see ¹³⁶ Nd	<u>5E+3</u>	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	<u>7E-5</u>
	Y, see ¹³⁶ Nd	-	-	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-
60	Neodymium-139 ²	W, see ¹³⁶ Nd	<u>9E+4</u>	<u>3E+5</u>	<u>1E-4</u>	<u>5E-7</u>	<u>1E-3</u>
	Y, see ¹³⁶ Nd	-	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	-	-
60	Neodymium-141	W, see ¹³⁶ Nd	<u>2E+5</u>	<u>7E+5</u>	<u>3E-4</u>	<u>1E-6</u>	<u>2E-3</u>
	Y, see ¹³⁶ Nd	-	<u>6E+5</u>	<u>3E-4</u>	<u>9E-7</u>	-	-
60	Neodymium-147	W, see ¹³⁶ Nd	<u>1E+3</u>	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-
		LLI wall	-	-	-	-	-
		<u>(1E+3)</u>	-	-	-	<u>2E-5</u>	<u>2E-4</u>
	Y, see ¹³⁶ Nd	-	<u>8E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
60	Neodymium-149 ²	W, see ¹³⁶ Nd	<u>1E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>1E-4</u>
	Y, see ¹³⁶ Nd	-	<u>2E+4</u>	<u>1E-5</u>	<u>3E-8</u>	-	-
60	Neodymium-151 ²	W, see ¹³⁶ Nd	<u>7E+4</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	<u>9E-4</u>
	Y, see ¹³⁶ Nd	-	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-

61	<u>Promethium-141²</u>	<u>W, all compounds except those given for Y</u>	<u>5E+4</u> <u>St wall</u> <u>(6E+4)</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-
		<u>Y, oxides, hydroxides, carbides, and fluorides</u>	-	-	-	-	<u>8E-4</u>	<u>8E-3</u>
61	<u>Promethium-143</u>	<u>W, see ¹⁴¹Pm</u> <u>Y, see ¹⁴¹Pm</u>	<u>5E+3</u> -	<u>6E+2</u> <u>7E+2</u>	<u>2E-7</u> <u>3E-7</u>	<u>8E-10</u> <u>1E-9</u>	<u>7E-5</u> -	<u>7E-4</u> -
61	<u>Promethium-144</u>	<u>W, see ¹⁴¹Pm</u> <u>Y, see ¹⁴¹Pm</u>	<u>1E+3</u> -	<u>1E+2</u> <u>1E+2</u>	<u>5E-8</u> <u>5E-8</u>	<u>2E-10</u> <u>2E-10</u>	<u>2E-5</u> -	<u>2E-4</u> -
61	<u>Promethium-145</u>	<u>W, see ¹⁴¹Pm</u>	<u>1E+4</u>	<u>2E+2</u> <u>Bone surf</u> <u>(2E+2)</u>	<u>7E-8</u>	-	<u>1E-4</u>	<u>1E-3</u>
		<u>Y, see ¹⁴¹Pm</u>	-	<u>2E+2</u>	<u>8E-8</u>	<u>3E-10</u> <u>3E-10</u>	-	-
61	<u>Promethium-146</u>	<u>W, see ¹⁴¹Pm</u> <u>Y, see ¹⁴¹Pm</u>	<u>2E+3</u> -	<u>5E+1</u> <u>4E+1</u>	<u>2E-8</u> <u>2E-8</u>	<u>7E-11</u> <u>6E-11</u>	<u>2E-5</u> -	<u>2E-4</u> -
61	<u>Promethium-147</u>	<u>W, see ¹⁴¹Pm</u>	<u>4E+3</u> <u>LLI wall</u> <u>(5E+3)</u>	<u>1E+2</u> <u>Bone surf</u> <u>(2E+2)</u>	<u>5E-8</u>	-	-	-
		<u>Y, see ¹⁴¹Pm</u>	-	<u>1E+2</u>	<u>6E-8</u>	<u>3E-10</u> <u>2E-10</u>	<u>7E-5</u> -	<u>7E-4</u> -
61	<u>Promethium-148m</u>	<u>W, see ¹⁴¹Pm</u> <u>Y, see ¹⁴¹Pm</u>	<u>7E+2</u> -	<u>3E+2</u> <u>3E+2</u>	<u>1E-7</u> <u>1E-7</u>	<u>4E-10</u> <u>5E-10</u>	<u>1E-5</u> -	<u>1E-4</u> -
61	<u>Promethium-148</u>	<u>W, see ¹⁴¹Pm</u>	<u>4E+2</u> <u>LLI wall</u> <u>(5E+2)</u>	<u>5E+2</u>	<u>2E-7</u>	<u>8E-10</u>	-	-
		<u>Y, see ¹⁴¹Pm</u>	-	<u>5E+2</u>	<u>2E-7</u>	<u>7E-10</u>	<u>7E-6</u> -	<u>7E-5</u> -
61	<u>Promethium-149</u>	<u>W, see ¹⁴¹Pm</u>	<u>1E+3</u> <u>LLI wall</u> <u>(1E+3)</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
		<u>Y, see ¹⁴¹Pm</u>	-	<u>2E+3</u>	<u>8E-7</u>	<u>2E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
61	<u>Promethium-150</u>	<u>W, see ¹⁴¹Pm</u> <u>Y, see ¹⁴¹Pm</u>	<u>5E+3</u> -	<u>2E+4</u> <u>2E+4</u>	<u>8E-6</u> <u>7E-6</u>	<u>3E-8</u> <u>2E-8</u>	<u>7E-5</u> -	<u>7E-4</u> -
61	<u>Promethium-151</u>	<u>W, see ¹⁴¹Pm</u> <u>Y, see ¹⁴¹Pm</u>	<u>2E+3</u> -	<u>4E+3</u> <u>3E+3</u>	<u>1E-6</u> <u>1E-6</u>	<u>5E-9</u> <u>4E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
62	<u>Samarium-141m²</u>	<u>W, all compounds</u>	<u>3E+4</u>	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	<u>4E-4</u>	<u>4E-3</u>
62	<u>Samarium-141²</u>	<u>W, all compounds</u>	<u>5E+4</u> <u>St wall</u> <u>(6E+4)</u>	<u>2E+5</u>	<u>8E-5</u>	<u>2E-7</u>	-	-
			-	-	-	-	<u>8E-4</u>	<u>8E-3</u>
62	<u>Samarium-142²</u>	<u>W, all compounds</u>	<u>8E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>1E-4</u>	<u>1E-3</u>
62	<u>Samarium-145</u>	<u>W, all compounds</u>	<u>6E+3</u>	<u>5E+2</u>	<u>2E-7</u>	<u>7E-10</u>	<u>8E-5</u>	<u>8E-4</u>
62	<u>Samarium-146</u>	<u>W, all compounds</u>	<u>1E+1</u> <u>Bone surf</u> <u>(3E+1)</u>	<u>4E2</u> <u>Bone surf</u> <u>(6E-2)</u>	<u>1E-11</u>	-	-	-
			-	-	-	<u>9E-14</u>	<u>3E-7</u>	<u>3E-6</u>
62	<u>Samarium-147</u>	<u>W, all compounds</u>	<u>2E+1</u> <u>Bone surf</u> <u>(3E+1)</u>	<u>4E2</u> <u>Bone surf</u> <u>(7E-2)</u>	<u>2E-11</u>	-	-	-
			-	-	-	<u>1E-13</u>	<u>4E-7</u>	<u>4E-6</u>
62	<u>Samarium-151</u>	<u>W, all compounds</u>	<u>1E+4</u> <u>LLI wall</u> <u>(1E+4)</u>	<u>1E+2</u> <u>Bone surf</u> <u>(2E+2)</u>	<u>4E-8</u>	-	-	-
			-	-	-	<u>2E-10</u>	<u>2E-4</u>	<u>2E-3</u>
62	<u>Samarium-153</u>	<u>W, all compounds</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
			-	-	-	-	<u>3E-5</u>	<u>3E-4</u>
62	<u>Samarium-155²</u>	<u>W, all compounds</u>	<u>6E+4</u> <u>St wall</u> <u>(8E+4)</u>	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-
			-	-	-	-	<u>1E-3</u>	<u>1E-2</u>
62	<u>Samarium-156</u>	<u>W, all compounds</u>	<u>5E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>7E-5</u>	<u>7E-4</u>

63	<u>Europium-145</u>	<u>W, all compounds</u>	<u>2E+3</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	<u>2E-5</u>	<u>2E-4</u>
63	<u>Europium-146</u>	<u>W, all compounds</u>	<u>1E+3</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>
63	<u>Europium-147</u>	<u>W, all compounds</u>	<u>3E+3</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	<u>4E-5</u>	<u>4E-4</u>
63	<u>Europium-148</u>	<u>W, all compounds</u>	<u>1E+3</u>	<u>4E+2</u>	<u>1E-7</u>	<u>5E-10</u>	<u>1E-5</u>	<u>1E-4</u>
63	<u>Europium-149</u>	<u>W, all compounds</u>	<u>1E+4</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>2E-4</u>	<u>2E-3</u>
63	<u>Europium-150</u> <u>(12.62 h)</u>	<u>W, all compounds</u>	<u>3E+3</u>	<u>8E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>4E-5</u>	<u>4E-4</u>
63	<u>Europium-150</u> <u>(34.2 y)</u>	<u>W, all compounds</u>	<u>8E+2</u>	<u>2E+1</u>	<u>8E-9</u>	<u>3E-11</u>	<u>1E-5</u>	<u>1E-4</u>
63	<u>Europium-152m</u>	<u>W, all compounds</u>	<u>3E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	<u>4E-5</u>	<u>4E-4</u>
63	<u>Europium-152</u>	<u>W, all compounds</u>	<u>8E+2</u>	<u>2E+1</u>	<u>1E-8</u>	<u>3E-11</u>	<u>1E-5</u>	<u>1E-4</u>
63	<u>Europium-154</u>	<u>W, all compounds</u>	<u>5E+2</u>	<u>2E+1</u>	<u>8E-9</u>	<u>3E-11</u>	<u>7E-6</u>	<u>7E-5</u>
63	<u>Europium-155</u>	<u>W, all compounds</u>	<u>4E+3</u>	<u>9E+1</u> <u>Bone surf</u> <u>(1E+2)</u>	<u>4E-8</u>	-	<u>5E-5</u>	<u>5E-4</u>
			-	-	-	<u>2E-10</u>	-	-
63	<u>Europium-156</u>	<u>W, all compounds</u>	<u>6E+2</u>	<u>5E+2</u>	<u>2E-7</u>	<u>6E-10</u>	<u>8E-6</u>	<u>8E-5</u>
63	<u>Europium-157</u>	<u>W, all compounds</u>	<u>2E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>3E-5</u>	<u>3E-4</u>
63	<u>Europium-158²</u>	<u>W, all compounds</u>	<u>2E+4</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>3E-4</u>	<u>3E-3</u>
64	<u>Gadolinium-145²</u>	<u>D, all compounds except</u> <u>those given for W</u>	<u>5E+4</u> <u>St wall</u> <u>(5E+4)</u>	<u>2E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
		<u>W, oxides, hydroxides,</u> <u>and fluorides</u>	-	-	-	-	<u>6E-4</u>	<u>6E-3</u>
			-	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-
64	<u>Gadolinium-146</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>1E+3</u> -	<u>1E+2</u> <u>3E+2</u>	<u>5E-8</u> <u>1E-7</u>	<u>2E-10</u> <u>4E-10</u>	<u>2E-5</u> -	<u>2E-4</u> -
64	<u>Gadolinium-147</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>2E+3</u> -	<u>4E+3</u> <u>4E+3</u>	<u>2E-6</u> <u>1E-6</u>	<u>6E-9</u> <u>5E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
64	<u>Gadolinium-148</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>1E+1</u> <u>Bone surf</u> <u>(2E+1)</u> -	<u>8E+3</u> <u>Bone surf</u> <u>(2E+2)</u> <u>3E-2</u> <u>Bone surf</u> <u>(6E-2)</u> -	<u>3E-12</u> - <u>1E-11</u> -	- <u>2E-14</u> -	- <u>3E-7</u> -	- <u>3E-6</u> -
64	<u>Gadolinium-149</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>3E+3</u> -	<u>2E+3</u> <u>2E+3</u>	<u>9E-7</u> <u>1E-6</u>	<u>3E-9</u> <u>3E-9</u>	<u>4E-5</u> -	<u>4E-4</u> -
64	<u>Gadolinium-151</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>6E+3</u> -	<u>4E+2</u> <u>Bone surf</u> <u>(6E+2)</u> <u>1E+3</u> -	<u>2E-7</u> - <u>5E-7</u> -	- <u>9E-10</u> <u>2E-9</u>	- -	<u>9E-4</u> -
64	<u>Gadolinium-152</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>2E+1</u> <u>Bone surf</u> <u>(3E+1)</u> -	<u>1E-2</u> <u>Bone surf</u> <u>(2E-2)</u> <u>4E-2</u> <u>Bone surf</u> <u>(8E-2)</u> -	<u>4E-12</u> - <u>2E-11</u> -	- <u>3E-14</u> -	- <u>4E-7</u> -	- <u>4E-6</u> -
64	<u>Gadolinium-153</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>5E+3</u> -	<u>1E+2</u> <u>Bone surf</u> <u>(2E+2)</u> <u>6E+2</u> -	<u>6E-8</u> - <u>2E-7</u> -	- <u>3E-10</u> <u>8E-10</u>	<u>6E-5</u> -	<u>6E-4</u> -
64	<u>Gadolinium-159</u>	<u>D, see ¹⁴⁵Gd</u> <u>W, see ¹⁴⁵Gd</u>	<u>3E+3</u> -	<u>8E+3</u> <u>6E+3</u>	<u>3E-6</u> <u>2E-6</u>	<u>1E-8</u> <u>8E-9</u>	<u>4E-5</u> -	<u>4E-4</u> -
65	<u>Terbium-147²</u>	<u>W, all compounds</u>	<u>9E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>1E-4</u>	<u>1E-3</u>

65	<u>Terbium-149</u>	<u>W, all compounds</u>	<u>5E+3</u>	<u>7E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>7E-5</u>	<u>7E-4</u>
65	<u>Terbium-150</u>	<u>W, all compounds</u>	<u>5E+3</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>7E-5</u>	<u>7E-4</u>
65	<u>Terbium-151</u>	<u>W, all compounds</u>	<u>4E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>5E-5</u>	<u>5E-4</u>
65	<u>Terbium-153</u>	<u>W, all compounds</u>	<u>5E+3</u>	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>7E-5</u>	<u>7E-4</u>
65	<u>Terbium-154</u>	<u>W, all compounds</u>	<u>2E+3</u>	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	<u>2E-5</u>	<u>2E-4</u>
65	<u>Terbium-155</u>	<u>W, all compounds</u>	<u>6E+3</u>	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>8E-5</u>	<u>8E-4</u>
65	<u>Terbium-156m</u> <u>(5.0 h)</u>	<u>W, all compounds</u>	<u>2E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>2E-4</u>	<u>2E-3</u>
65	<u>Terbium-156m</u> <u>(24.4 h)</u>	<u>W, all compounds</u>	<u>7E+3</u>	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>1E-4</u>	<u>1E-3</u>
65	<u>Terbium-156</u>	<u>W, all compounds</u>	<u>1E+3</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>
65	<u>Terbium-157</u>	<u>W, all compounds</u>	<u>5E+4</u> <u>LLI wall</u> <u>(5E+4)</u>	<u>3E+2</u> <u>Bone surf</u> <u>(6E+2)</u>	<u>1E-7</u>	-	-	-
						<u>8E-10</u>	<u>7E-4</u>	<u>7E-3</u>
65	<u>Terbium-158</u>	<u>W, all compounds</u>	<u>1E+3</u>	<u>2E+1</u>	<u>8E-9</u>	<u>3E-11</u>	<u>2E-5</u>	<u>2E-4</u>
65	<u>Terbium-160</u>	<u>W, all compounds</u>	<u>8E+2</u>	<u>2E+2</u>	<u>9E-8</u>	<u>3E-10</u>	<u>1E-5</u>	<u>1E-4</u>
65	<u>Terbium-161</u>	<u>W, all compounds</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
							<u>3E-5</u>	<u>3E-4</u>
66	<u>Dysprosium-155</u>	<u>W, all compounds</u>	<u>9E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>1E-4</u>	<u>1E-3</u>
66	<u>Dysprosium-157</u>	<u>W, all compounds</u>	<u>2E+4</u>	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>3E-4</u>	<u>3E-3</u>
66	<u>Dysprosium-159</u>	<u>W, all compounds</u>	<u>1E+4</u>	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	<u>2E-4</u>	<u>2E-3</u>
66	<u>Dysprosium-165</u>	<u>W, all compounds</u>	<u>1E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>2E-4</u>	<u>2E-3</u>
66	<u>Dysprosium-166</u>	<u>W, all compounds</u>	<u>6E+2</u> <u>LLI wall</u> <u>(8E+2)</u>	<u>7E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	-
							<u>1E-5</u>	<u>1E-4</u>
67	<u>Holmium-155²</u>	<u>W, all compounds</u>	<u>4E+4</u>	<u>2E+5</u>	<u>6E-5</u>	<u>2E-7</u>	<u>6E-4</u>	<u>6E-3</u>
67	<u>Holmium-157²</u>	<u>W, all compounds</u>	<u>3E+5</u>	<u>1E+6</u>	<u>6E-4</u>	<u>2E-6</u>	<u>4E-3</u>	<u>4E-2</u>
67	<u>Holmium-159²</u>	<u>W, all compounds</u>	<u>2E+5</u>	<u>1E+6</u>	<u>4E-4</u>	<u>1E-6</u>	<u>3E-3</u>	<u>3E-2</u>
67	<u>Holmium-161</u>	<u>W, all compounds</u>	<u>1E+5</u>	<u>4E+5</u>	<u>2E-4</u>	<u>6E-7</u>	<u>1E-3</u>	<u>1E-2</u>
67	<u>Holmium-162m²</u>	<u>W, all compounds</u>	<u>5E+4</u>	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	<u>7E-4</u>	<u>7E-3</u>
67	<u>Holmium-162²</u>	<u>W, all compounds</u>	<u>5E+5</u> <u>St wall</u> <u>(8E+5)</u>	<u>2E+6</u>	<u>1E-3</u>	<u>3E-6</u>	-	-
							<u>1E-2</u>	<u>1E-1</u>
67	<u>Holmium-164m²</u>	<u>W, all compounds</u>	<u>1E+5</u>	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	<u>1E-3</u>	<u>1E-2</u>
67	<u>Holmium-164²</u>	<u>W, all compounds</u>	<u>2E+5</u> <u>St wall</u> <u>(2E+5)</u>	<u>6E+5</u>	<u>3E-4</u>	<u>9E-7</u>	-	-
							<u>3E-3</u>	<u>3E-2</u>
67	<u>Holmium-166m</u>	<u>W, all compounds</u>	<u>6E+2</u>	<u>7E+0</u>	<u>3E-9</u>	<u>9E-12</u>	<u>9E-6</u>	<u>9E-5</u>
67	<u>Holmium-166</u>	<u>W, all compounds</u>	<u>9E+2</u> <u>LLI wall</u> <u>(9E+2)</u>	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
							<u>1E-5</u>	<u>1E-4</u>
67	<u>Holmium-167</u>	<u>W, all compounds</u>	<u>2E+4</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>2E-4</u>	<u>2E-3</u>
68	<u>Erbium-161</u>	<u>W, all compounds</u>	<u>2E+4</u>	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>2E-4</u>	<u>2E-3</u>
68	<u>Erbium-165</u>	<u>W, all compounds</u>	<u>6E+4</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	<u>9E-4</u>	<u>9E-3</u>

68	<u>Erbium-169</u>	<u>W, all compounds</u>	<u>3E+3</u> <u>LLI wall</u> <u>(4E+3)</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
			-	-	-	-	<u>5E-5</u>	<u>5E-4</u>
68	<u>Erbium-171</u>	<u>W, all compounds</u>	<u>4E+3</u>	<u>1E+4</u>	<u>4E-6</u>	<u>1E-8</u>	<u>5E-5</u>	<u>5E-4</u>
68	<u>Erbium-172</u>	<u>W, all compounds</u>	<u>1E+3</u> <u>LLI wall</u> <u>(E+3)</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	-	-
			-	-	-	-	<u>2E-5</u>	<u>2E-4</u>
69	<u>Thulium-162²</u>	<u>W, all compounds</u>	<u>7E+4</u> <u>St wall</u> <u>(7E+4)</u>	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	-	-
			-	-	-	-	<u>1E-3</u>	<u>1E-2</u>
69	<u>Thulium-166</u>	<u>W, all compounds</u>	<u>4E+3</u>	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	<u>6E-5</u>	<u>6E-4</u>
69	<u>Thulium-167</u>	<u>W, all compounds</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
			-	-	-	-	<u>3E-5</u>	<u>3E-4</u>
69	<u>Thulium-170</u>	<u>W, all compounds</u>	<u>8E+2</u> <u>LLI wall</u> <u>(1E+3)</u>	<u>2E+2</u>	<u>9E-8</u>	<u>3E-10</u>	-	-
			-	-	-	-	<u>1E-5</u>	<u>1E-4</u>
69	<u>Thulium-171</u>	<u>W, all compounds</u>	<u>1E+4</u> <u>LLI wall</u> <u>(1E+4)</u>	<u>3E+2</u> <u>Bone surf</u> <u>(6E+2)</u>	<u>1E-7</u>	-	-	-
			-	-	-	<u>8E-10</u>	<u>2E-4</u>	<u>2E-3</u>
69	<u>Thulium-172</u>	<u>W, all compounds</u>	<u>7E+2</u> <u>LLI wall</u> <u>(8E+2)</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
			-	-	-	-	<u>1E-5</u>	<u>1E-4</u>
69	<u>Thulium-173</u>	<u>W, all compounds</u>	<u>4E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>6E-5</u>	<u>6E-4</u>
69	<u>Thulium-175²</u>	<u>W, all compounds</u>	<u>7E+4</u> <u>St wall</u> <u>(9E+4)</u>	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	-	-
			-	-	-	-	<u>1E-3</u>	<u>1E-2</u>
70	<u>Ytterbium-162²</u>	<u>W, all compounds except</u> <u>those given for Y</u> <u>Y, oxides, hydroxides,</u> <u>and fluorides</u>	<u>7E+4</u>	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	<u>1E-3</u>	<u>1E-2</u>
			-	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	-	-
70	<u>Ytterbium-166</u>	<u>W, see ¹⁶²Yb</u> <u>Y, see ¹⁶²Yb</u>	<u>1E+3</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	<u>2E-5</u>	<u>2E-4</u>
			-	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
70	<u>Ytterbium-167²</u>	<u>W, see ¹⁶²Yb</u> <u>Y, see ¹⁶²Yb</u>	<u>3E+5</u>	<u>8E+5</u>	<u>3E-4</u>	<u>1E-6</u>	<u>4E-3</u>	<u>4E-2</u>
			-	<u>7E+5</u>	<u>3E-4</u>	<u>1E-6</u>	-	-
70	<u>Ytterbium-169</u>	<u>W, see ¹⁶²Yb</u> <u>Y, see ¹⁶²Yb</u>	<u>2E+3</u>	<u>8E+2</u>	<u>4E-7</u>	<u>1E-9</u>	<u>2E-5</u>	<u>2E-4</u>
			-	<u>7E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	-
70	<u>Ytterbium-175</u>	<u>W, see ¹⁶²Yb</u>	<u>3E+3</u> <u>LLI wall</u> <u>(3E+3)</u>	<u>4E+3</u>	<u>1E-6</u>	<u>5E-9</u>	-	-
		<u>Y, see ¹⁶²Yb</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>5E-9</u>	<u>4E-5</u>	<u>4E-4</u>
			-	-	-	-	-	-
70	<u>Ytterbium-177²</u>	<u>W, see ¹⁶²Yb</u> <u>Y, see ¹⁶²Yb</u>	<u>2E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	<u>2E-4</u>	<u>2E-3</u>
			-	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
70	<u>Ytterbium-178²</u>	<u>W, see ¹⁶²Yb</u> <u>Y, see ¹⁶²Yb</u>	<u>1E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>2E-4</u>	<u>2E-3</u>
			-	<u>4E+4</u>	<u>2E-5</u>	<u>5E-8</u>	-	-
71	<u>Lutetium-169</u>	<u>W, all compounds except</u> <u>those given for Y</u> <u>Y, oxides, hydroxides,</u> <u>and fluorides</u>	<u>3E+3</u>	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	<u>3E-5</u>	<u>3E-4</u>
			-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
71	<u>Lutetium-170</u>	<u>W, see ¹⁶⁹Lu</u> <u>Y, see ¹⁶⁹Lu</u>	<u>1E+3</u>	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	<u>2E-5</u>	<u>2E-4</u>
			-	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
71	<u>Lutetium-171</u>	<u>W, see ¹⁶⁹Lu</u> <u>Y, see ¹⁶⁹Lu</u>	<u>2E+3</u>	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	<u>3E-5</u>	<u>3E-4</u>
			-	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
71	<u>Lutetium-172</u>	<u>W, see ¹⁶⁹Lu</u> <u>Y, see ¹⁶⁹Lu</u>	<u>1E+3</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>1E-5</u>	<u>1E-4</u>
			-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-

71	<u>Lutetium-173</u>	W, see ¹⁶⁹ Lu	<u>5E+3</u>	<u>3E+2</u> Bone surf	<u>1E-7</u>	-	<u>7E-5</u>	<u>7E-4</u>
		Y, see ¹⁶⁹ Lu	-	<u>(5E+2)</u> <u>3E+2</u>	-	<u>6E-10</u> <u>4E-10</u>	-	-
71	<u>Lutetium-174m</u>	W, see ¹⁶⁹ Lu	<u>2E+3</u> LLI wall	<u>2E+2</u> Bone surf	<u>1E-7</u>	-	-	-
		Y, see ¹⁶⁹ Lu	<u>(3E+3)</u>	<u>(3E+2)</u> <u>2E+2</u>	-	<u>5E-10</u> <u>3E-10</u>	<u>4E-5</u>	<u>4E-4</u>
71	<u>Lutetium-174</u>	W, see ¹⁶⁹ Lu	<u>5E+3</u>	<u>1E+2</u> Bone surf	<u>5E-8</u>	-	<u>7E-5</u>	<u>7E-4</u>
		Y, see ¹⁶⁹ Lu	-	<u>(2E+2)</u> <u>2E+2</u>	-	<u>3E-10</u> <u>2E-10</u>	-	-
71	<u>Lutetium-176m</u>	W, see ¹⁶⁹ Lu	<u>8E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>
		Y, see ¹⁶⁹ Lu	-	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	-	-
71	<u>Lutetium-176</u>	W, see ¹⁶⁹ Lu	<u>7E+2</u>	<u>5E+0</u> Bone surf	<u>2E-9</u>	-	<u>1E-5</u>	<u>1E-4</u>
		Y, see ¹⁶⁹ Lu	-	<u>(1E+1)</u> <u>8E+0</u>	-	<u>2E-11</u> <u>1E-11</u>	-	-
71	<u>Lutetium-177m</u>	W, see ¹⁶⁹ Lu	<u>7E+2</u>	<u>1E+2</u> Bone surf	<u>5E-8</u>	-	<u>1E-5</u>	<u>1E-4</u>
		Y, see ¹⁶⁹ Lu	-	<u>(1E+2)</u> <u>8E+1</u>	-	<u>2E-10</u> <u>1E-10</u>	-	-
71	<u>Lutetium-177</u>	W, see ¹⁶⁹ Lu	<u>2E+3</u> LLI wall	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	-	-
		Y, see ¹⁶⁹ Lu	<u>(3E+3)</u>	-	-	-	<u>4E-5</u>	<u>4E-4</u>
71	<u>Lutetium-178m²</u>	W, see ¹⁶⁹ Lu	<u>5E+4</u> St. wall	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	-	-
		Y, see ¹⁶⁹ Lu	<u>(6E+4)</u>	-	-	-	<u>8E-4</u>	<u>8E-3</u>
71	<u>Lutetium-178²</u>	W, see ¹⁶⁹ Lu	<u>4E+4</u> St wall	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	-
		Y, see ¹⁶⁹ Lu	<u>(4E+4)</u>	-	-	-	<u>6E-4</u>	<u>6E-3</u>
71	<u>Lutetium-179</u>	W, see ¹⁶⁹ Lu	<u>6E+3</u>	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	<u>9E-5</u>	<u>9E-4</u>
		Y, see ¹⁶⁹ Lu	-	<u>2E+4</u>	<u>6E-6</u>	<u>3E-8</u>	-	-
72	<u>Hafnium-170</u>	D, all compounds except those given for W	<u>3E+3</u>	<u>6E+3</u>	<u>2E-6</u>	<u>8E-9</u>	<u>4E-5</u>	<u>4E-4</u>
		W, oxides, hydroxides, carbides, and nitrates	-	<u>5E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
72	<u>Hafnium-172</u>	D, see ¹⁷⁰ Hf	<u>1E+3</u>	<u>9E+0</u> Bone surf	<u>4E-9</u>	-	<u>2E-5</u>	<u>2E-4</u>
		W, see ¹⁷⁰ Hf	-	<u>(2E+1)</u> <u>4E+1</u> Bone surf	-	<u>3E-11</u>	-	-
72	<u>Hafnium-173</u>	D, see ¹⁷⁰ Hf	<u>5E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>7E-5</u>	<u>7E-4</u>
		W, see ¹⁷⁰ Hf	-	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	-
72	<u>Hafnium-175</u>	D, see ¹⁷⁰ Hf	<u>3E+3</u>	<u>9E+2</u> Bone surf	<u>4E-7</u>	-	<u>4E-5</u>	<u>4E-4</u>
		W, see ¹⁷⁰ Hf	-	<u>(1E+3)</u> <u>1E+3</u>	-	<u>1E-9</u> <u>2E-9</u>	-	-
72	<u>Hafnium-177m²</u>	D, see ¹⁷⁰ Hf	<u>2E+4</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		W, see ¹⁷⁰ Hf	-	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
72	<u>Hafnium-178m</u>	D, see ¹⁷⁰ Hf	<u>3E+2</u>	<u>1E+0</u> Bone surf	<u>5E-10</u>	-	<u>3E-6</u>	<u>3E-5</u>
		W, see ¹⁷⁰ Hf	-	<u>(2E+0)</u> <u>5E+0</u> Bone surf	-	<u>3E-12</u>	-	-
			-	<u>(9E+0)</u>	-	<u>1E-11</u>	-	-

72	<u>Hafnium-179m</u>	D, see ¹⁷⁰ Hf	1E+3	<u>3E+2</u> Bone surf	1E-7	-	1E-5	1E-4
		W, see ¹⁷⁰ Hf	-	(6E+2) <u>6E+2</u>	-	<u>8E-10</u> <u>8E-10</u>	-	-
72	<u>Hafnium-180m</u>	D, see ¹⁷⁰ Hf	<u>7E+3</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>
		W, see ¹⁷⁰ Hf	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-
72	<u>Hafnium-181</u>	D, see ¹⁷⁰ Hf	1E+3	<u>2E+2</u> Bone surf	<u>7E-8</u>	-	<u>2E-5</u>	<u>2E-4</u>
		W, see ¹⁷⁰ Hf	-	(4E+2) <u>4E+2</u>	-	<u>6E-10</u> <u>6E-10</u>	-	-
72	<u>Hafnium-182m²</u>	D, see ¹⁷⁰ Hf	<u>4E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>5E-4</u>	<u>5E-3</u>
		W, see ¹⁷⁰ Hf	-	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
72	<u>Hafnium-182</u>	D, see ¹⁷⁰ Hf	<u>2E+2</u> Bone surf	<u>8E-1</u> Bone surf	<u>3E-10</u>	-	-	-
		W, see ¹⁷⁰ Hf	(4E+2) -	(2E+0) <u>3E+0</u>	-	<u>2E-12</u>	<u>5E-6</u>	<u>5E-5</u>
			-	Bone surf (7E+0)	-	<u>1E-11</u>	-	-
72	<u>Hafnium-183²</u>	D, see ¹⁷⁰ Hf	<u>2E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		W, see ¹⁷⁰ Hf	-	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-	-
72	<u>Hafnium-184</u>	D, see ¹⁷⁰ Hf	<u>2E+3</u>	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>3E-5</u>	<u>3E-4</u>
		W, see ¹⁷⁰ Hf	-	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	-	-
73	<u>Tantalum-172²</u>	W, all compounds except those given for Y	<u>4E+4</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	<u>5E-4</u>	<u>5E-3</u>
		Y, elemental Ta, oxides, hydroxides, halides, carbides, nitrates, and nitrides	-	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
73	<u>Tantalum-173</u>	W, see ¹⁷² Ta	<u>7E+3</u>	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	<u>9E-5</u>	<u>9E-4</u>
		Y, see ¹⁷² Ta	-	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-	-
73	<u>Tantalum-174²</u>	W, see ¹⁷² Ta	<u>3E+4</u>	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	<u>4E-4</u>	<u>4E-3</u>
		Y, see ¹⁷² Ta	-	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	-	-
73	<u>Tantalum-175</u>	W, see ¹⁷² Ta	<u>6E+3</u>	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	<u>8E-5</u>	<u>8E-4</u>
		Y, see ¹⁷² Ta	-	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	-	-
73	<u>Tantalum-176</u>	W, see ¹⁷² Ta	<u>4E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>5E-5</u>	<u>5E-4</u>
		Y, see ¹⁷² Ta	-	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	-
73	<u>Tantalum-177</u>	W, see ¹⁷² Ta	<u>1E+4</u>	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		Y, see ¹⁷² Ta	-	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-	-
73	<u>Tantalum-178</u>	W, see ¹⁷² Ta	<u>2E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>2E-4</u>	<u>2E-3</u>
		Y, see ¹⁷² Ta	-	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
73	<u>Tantalum-179</u>	W, see ¹⁷² Ta	<u>2E+4</u>	<u>5E+3</u>	<u>2E-6</u>	<u>8E-9</u>	<u>3E-4</u>	<u>3E-3</u>
		Y, see ¹⁷² Ta	-	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
73	<u>Tantalum-180m</u>	W, see ¹⁷² Ta	<u>2E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		Y, see ¹⁷² Ta	-	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	-	-
73	<u>Tantalum-180</u>	W, see ¹⁷² Ta	<u>1E+3</u>	<u>4E+2</u>	<u>2E-7</u>	<u>6E-10</u>	<u>2E-5</u>	<u>2E-4</u>
		Y, see ¹⁷² Ta	-	<u>2E+1</u>	<u>1E-8</u>	<u>3E-11</u>	-	-
73	<u>Tantalum-182m²</u>	W, see ¹⁷² Ta	<u>2E+5</u> St wall	<u>5E+5</u>	<u>2E-4</u>	<u>8E-7</u>	-	-
		Y, see ¹⁷² Ta	(2E+5) -	-	-	-	<u>3E-3</u>	<u>3E-2</u>
			-	<u>4E+5</u>	<u>2E-4</u>	<u>6E-7</u>	-	-
73	<u>Tantalum-182</u>	W, see ¹⁷² Ta	<u>8E+2</u>	<u>3E+2</u>	<u>1E-7</u>	<u>5E-10</u>	<u>1E-5</u>	<u>1E-4</u>
		Y, see ¹⁷² Ta	-	<u>1E+2</u>	<u>6E-8</u>	<u>2E-10</u>	-	-
73	<u>Tantalum-183</u>	W, see ¹⁷² Ta	<u>9E+2</u> LLI wall	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
		Y, see ¹⁷² Ta	(1E+3) -	-	-	-	<u>2E-5</u>	<u>2E-4</u>
			-	<u>1E+3</u>	<u>4E-7</u>	<u>1E-9</u>	-	-

73	<u>Tantalum-184</u>	W, see ¹⁷² Ta Y, see ¹⁷² Ta	<u>2E+3</u> -	<u>5E+3</u> <u>5E+3</u>	<u>2E-6</u> <u>2E-6</u>	<u>8E-9</u> <u>7E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
73	<u>Tantalum-185²</u>	W, see ¹⁷² Ta Y, see ¹⁷² Ta	<u>3E+4</u> -	<u>7E+4</u> <u>6E+4</u>	<u>3E-5</u> <u>3E-5</u>	<u>1E-7</u> <u>9E-8</u>	<u>4E-4</u> -	<u>4E-3</u> -
73	<u>Tantalum-186²</u>	W, see ¹⁷² Ta Y, see ¹⁷² Ta	<u>5E+4</u> <u>St wall</u> <u>(7E+4)</u> -	<u>2E+5</u> -	<u>1E-4</u> -	<u>3E-7</u> -	<u>1E-3</u> -	<u>1E-2</u> -
74	<u>Tungsten-176</u>	D, all compounds	<u>1E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>7E-8</u>	<u>1E-4</u>	<u>1E-3</u>
74	<u>Tungsten-177</u>	D, all compounds	<u>2E+4</u>	<u>9E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>3E-4</u>	<u>3E-3</u>
74	<u>Tungsten-178</u>	D, all compounds	<u>5E+3</u>	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	<u>7E-5</u>	<u>7E-4</u>
74	<u>Tungsten-179²</u>	D, all compounds	<u>5E+5</u>	<u>2E+6</u>	<u>7E-4</u>	<u>2E-6</u>	<u>7E-3</u>	<u>7E-2</u>
74	<u>Tungsten-181</u>	D, all compounds	<u>2E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>2E-4</u>	<u>2E-3</u>
74	<u>Tungsten-185</u>	D, all compounds	<u>2E+3</u> <u>LLI wall</u> <u>(3E+3)</u> -	<u>7E+3</u> -	<u>3E-6</u> -	<u>9E-9</u> -	<u>4E-5</u> -	<u>4E-4</u> -
74	<u>Tungsten-187</u>	D, all compounds	<u>2E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>3E-5</u>	<u>3E-4</u>
74	<u>Tungsten-188</u>	D, all compounds	<u>4E+2</u> <u>LLI wall</u> <u>(5E+2)</u> -	<u>1E+3</u> -	<u>5E-7</u> -	<u>2E-9</u> -	<u>7E-6</u> -	<u>7E-5</u> -
75	<u>Rhenium-177²</u>	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	<u>9E+4</u> <u>St wall</u> <u>(1E+5)</u> -	<u>3E+5</u> -	<u>1E-4</u> -	<u>4E-7</u> -	<u>2E-3</u> -	<u>2E-2</u> -
75	<u>Rhenium-178²</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>7E+4</u> <u>St wall</u> <u>(1E+5)</u> -	<u>3E+5</u> -	<u>1E-4</u> -	<u>4E-7</u> -	<u>1E-3</u> -	<u>1E-2</u> -
75	<u>Rhenium-181</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>5E+3</u> -	<u>9E+3</u> <u>9E+3</u>	<u>4E-6</u> <u>4E-6</u>	<u>1E-8</u> <u>1E-8</u>	<u>7E-5</u> -	<u>7E-4</u> -
75	<u>Rhenium-182</u> <u>(12.7 h)</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>7E+3</u> -	<u>1E+4</u> <u>2E+4</u>	<u>5E-6</u> <u>6E-6</u>	<u>2E-8</u> <u>2E-8</u>	<u>9E-5</u> -	<u>9E-4</u> -
75	<u>Rhenium-182</u> <u>(64.0 h)</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>1E+3</u> -	<u>2E+3</u> <u>2E+3</u>	<u>1E-6</u> <u>9E-7</u>	<u>3E-9</u> <u>3E-9</u>	<u>2E-5</u> -	<u>2E-4</u> -
75	<u>Rhenium-184m</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>2E+3</u> -	<u>3E+3</u> <u>4E+2</u>	<u>1E-6</u> <u>2E-7</u>	<u>4E-9</u> <u>6E-10</u>	<u>3E-5</u> -	<u>3E-4</u> -
75	<u>Rhenium-184</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>2E+3</u> -	<u>4E+3</u> <u>1E+3</u>	<u>1E-6</u> <u>6E-7</u>	<u>5E-9</u> <u>2E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
75	<u>Rhenium-186m</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>1E+3</u> <u>St wall</u> <u>(2E+3)</u> -	<u>2E+3</u> <u>St wall</u> <u>(2E+3)</u> <u>2E+2</u>	<u>7E-7</u> -	<u>3E-9</u> <u>2E-10</u>	<u>2E-5</u> -	<u>2E-4</u> -
75	<u>Rhenium-186</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>2E+3</u> -	<u>3E+3</u> <u>2E+3</u>	<u>1E-6</u> <u>7E-7</u>	<u>4E-9</u> <u>2E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
75	<u>Rhenium-187</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>6E+5</u> <u>St wall</u> -	<u>8E+5</u> <u>(9E+5)</u> <u>1E+5</u>	<u>4E-4</u> -	<u>1E-6</u> <u>1E-7</u>	<u>8E-3</u> -	<u>8E-2</u> -
75	<u>Rhenium-188m²</u>	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	<u>8E+4</u> -	<u>1E+5</u> <u>1E+5</u>	<u>6E-5</u> <u>6E-5</u>	<u>2E-7</u> <u>2E-7</u>	<u>1E-3</u> -	<u>1E-2</u> -
75	<u>Rhenium-188</u>	D, see ¹⁷⁷ Re	<u>2E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>2E-5</u>	<u>2E-4</u>

	<u>W, see ¹⁷⁷Re</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
75	<u>Rhenium-189</u>	<u>D, see ¹⁷⁷Re</u>	<u>3E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>4E-5</u>
	<u>W, see ¹⁷⁷Re</u>	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	<u>4E-4</u>
76	<u>Osmium-180²</u>	<u>D, all compounds except those given for W and Y</u>	<u>1E+5</u>	<u>4E+5</u>	<u>2E-4</u>	<u>5E-7</u>	<u>1E-3</u>
	<u>W, halides and nitrates</u>	-	<u>5E+5</u>	<u>2E-4</u>	<u>7E-7</u>	-	<u>1E-2</u>
	<u>Y, oxides and hydroxides</u>	-	<u>5E+5</u>	<u>2E-4</u>	<u>6E-7</u>	-	-
76	<u>Osmium-181²</u>	<u>D, see ¹⁸⁰Os</u>	<u>1E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>2E-4</u>
	<u>W, see ¹⁸⁰Os</u>	-	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	<u>2E-3</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
76	<u>Osmium-182</u>	<u>D, see ¹⁸⁰Os</u>	<u>2E+3</u>	<u>6E+3</u>	<u>2E-6</u>	<u>8E-9</u>	<u>3E-5</u>
	<u>W, see ¹⁸⁰Os</u>	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	<u>3E-4</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
76	<u>Osmium-185</u>	<u>D, see ¹⁸⁰Os</u>	<u>2E+3</u>	<u>5E+2</u>	<u>2E-7</u>	<u>7E-10</u>	<u>3E-5</u>
	<u>W, see ¹⁸⁰Os</u>	-	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	<u>3E-4</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	-	-
76	<u>Osmium-189m</u>	<u>D, see ¹⁸⁰Os</u>	<u>8E+4</u>	<u>2E+5</u>	<u>1E-4</u>	<u>3E-7</u>	<u>1E-3</u>
	<u>W, see ¹⁸⁰Os</u>	-	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	<u>1E-2</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-
76	<u>Osmium-191m</u>	<u>D, see ¹⁸⁰Os</u>	<u>1E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>2E-4</u>
	<u>W, see ¹⁸⁰Os</u>	-	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	-	<u>2E-3</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>2E+4</u>	<u>7E-6</u>	<u>2E-8</u>	-	-
76	<u>Osmium-191</u>	<u>D, see ¹⁸⁰Os</u>	<u>2E+3</u>	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	-
	<u>LLI wall</u>	-	<u>(3E+3)</u>	-	-	-	-
	<u>W, see ¹⁸⁰Os</u>	-	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	<u>3E-5</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	-	<u>3E-4</u>
76	<u>Osmium-193</u>	<u>D, see ¹⁸⁰Os</u>	<u>2E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-
	<u>LLI wall</u>	-	<u>(2E+3)</u>	-	-	-	-
	<u>W, see ¹⁸⁰Os</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	<u>2E-5</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	<u>2E-4</u>
76	<u>Osmium-194</u>	<u>D, see ¹⁸⁰Os</u>	<u>4E+2</u>	<u>4E+1</u>	<u>2E-8</u>	<u>6E-11</u>	-
	<u>LLI wall</u>	-	<u>(6E+2)</u>	-	-	-	-
	<u>W, see ¹⁸⁰Os</u>	-	<u>6E+1</u>	<u>2E-8</u>	<u>8E-11</u>	-	<u>8E-6</u>
	<u>Y, see ¹⁸⁰Os</u>	-	<u>8E+0</u>	<u>3E-9</u>	<u>1E-11</u>	-	<u>8E-5</u>
77	<u>Iridium-182²</u>	<u>D, all compounds except those given for W and Y</u>	<u>4E+4</u>	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-
	<u>St wall</u>	-	<u>(4E+4)</u>	-	-	-	-
	<u>W, halides, nitrates, and metallic iridium</u>	-	<u>2E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	<u>6E-4</u>
	<u>Y, oxides and hydroxides</u>	-	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	-	<u>6E-3</u>
77	<u>Iridium-184</u>	<u>D, see ¹⁸²Ir</u>	<u>8E+3</u>	<u>2E+4</u>	<u>1E-5</u>	<u>3E-8</u>	<u>1E-4</u>
	<u>W, see ¹⁸²Ir</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	-	<u>1E-3</u>
	<u>Y, see ¹⁸²Ir</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-
77	<u>Iridium-185</u>	<u>D, see ¹⁸²Ir</u>	<u>5E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>7E-5</u>
	<u>W, see ¹⁸²Ir</u>	-	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	-	<u>7E-4</u>
	<u>Y, see ¹⁸²Ir</u>	-	<u>1E+4</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
77	<u>Iridium-186</u>	<u>D, see ¹⁸²Ir</u>	<u>2E+3</u>	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>3E-5</u>
	<u>W, see ¹⁸²Ir</u>	-	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	-	<u>3E-4</u>
	<u>Y, see ¹⁸²Ir</u>	-	<u>6E+3</u>	<u>2E-6</u>	<u>8E-9</u>	-	-
77	<u>Iridium-187</u>	<u>D, see ¹⁸²Ir</u>	<u>1E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>1E-4</u>
	<u>W, see ¹⁸²Ir</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	<u>1E-3</u>
	<u>Y, see ¹⁸²Ir</u>	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-
77	<u>Iridium-188</u>	<u>D, see ¹⁸²Ir</u>	<u>2E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>6E-9</u>	<u>3E-5</u>
	<u>W, see ¹⁸²Ir</u>	-	<u>4E+3</u>	<u>1E-6</u>	<u>5E-9</u>	-	<u>3E-4</u>
	<u>Y, see ¹⁸²Ir</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>5E-9</u>	-	-
77	<u>Iridium-189</u>	<u>D, see ¹⁸²Ir</u>	<u>5E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	-
	<u>LLI wall</u>	-	-	-	-	-	-

			(5E+3)	-	-	-	7E-5	7E-4
		W, see ¹⁸² Ir	-	4E+3	2E-6	5E-9	-	-
		Y, see ¹⁸² Ir	-	4E+3	1E-6	5E-9	-	-
77	Iridium-190m ²	D, see ¹⁸² Ir	2E+5	2E+5	8E-5	3E-7	2E-3	2E-2
		W, see ¹⁸² Ir	-	2E+5	9E-5	3E-7	-	-
		Y, see ¹⁸² Ir	-	2E+5	8E-5	3E-7	-	-
77	Iridium-190	D, see ¹⁸² Ir	1E+3	9E+2	4E-7	1E-9	1E-5	1E-4
		W, see ¹⁸² Ir	-	1E+3	4E-7	1E-9	-	-
		Y, see ¹⁸² Ir	-	9E+2	4E-7	1E-9	-	-
77	Iridium-192m	D, see ¹⁸² Ir	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
		W, see ¹⁸² Ir	-	2E+2	9E-8	3E-10	-	-
		Y, see ¹⁸² Ir	-	2E+1	6E-9	2E-11	-	-
77	Iridium-192	D, see ¹⁸² Ir	9E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		W, see ¹⁸² Ir	-	4E+2	2E-7	6E-10	-	-
		Y, see ¹⁸² Ir	-	2E+2	9E-8	3E-10	-	-
77	Iridium-194m	D, see ¹⁸² Ir	6E+2	9E+1	4E-8	1E-10	9E-6	9E-5
		W, see ¹⁸² Ir	-	2E+2	7E-8	2E-10	-	-
		Y, see ¹⁸² Ir	-	1E+2	4E-8	1E-10	-	-
77	Iridium-194	D, see ¹⁸² Ir	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see ¹⁸² Ir	-	2E+3	9E-7	3E-9	-	-
		Y, see ¹⁸² Ir	-	2E+3	8E-7	3E-9	-	-
77	Iridium-195m	D, see ¹⁸² Ir	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see ¹⁸² Ir	-	3E+4	1E-5	4E-8	-	-
		Y, see ¹⁸² Ir	-	2E+4	9E-6	3E-8	-	-
77	Iridium-195	D, see ¹⁸² Ir	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ¹⁸² Ir	-	5E+4	2E-5	7E-8	-	-
		Y, see ¹⁸² Ir	-	4E+4	2E-5	6E-8	-	-
78	Platinum-186	D, all compounds	1E+4	4E+4	2E-5	5E-8	2E-4	2E-3
78	Platinum-188	D, all compounds	2E+3	2E+3	7E-7	2E-9	2E-5	2E-4
78	Platinum-189	D, all compounds	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
78	Platinum-191	D, all compounds	4E+3	8E+3	4E-6	1E-8	5E-5	5E-4
78	Platinum-193m	D, all compounds	3E+3	6E+3	3E-6	8E-9	-	-
		LLI wall	(3E+4)	-	-	-	4E-5	4E-4
78	Platinum-193	D, all compounds	4E+4	2E+4	1E-5	3E-8	-	-
		LLI wall	(5E+4)	-	-	-	6E-4	6E-3
78	Platinum-195m	D, all compounds	2E+3	4E+3	2E-6	6E-9	-	-
		LLI wall	(2E+3)	-	-	-	3E-5	3E-4
78	Platinum-197m ²	D, all compounds	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
78	Platinum-197	D, all compounds	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
78	Platinum-199 ²	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
78	Platinum-200	D, all compounds	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
79	Gold-193	D, all compounds except those given for W and Y	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, halides and nitrates	-	2E+4	9E-6	3E-8	-	-
		Y, oxides and hydroxides	-	2E+4	8E-6	3E-8	-	-
79	Gold-194	D, see ¹⁹³ Au	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see ¹⁹³ Au	-	5E+3	2E-6	8E-9	-	-
		Y, see ¹⁹³ Au	-	5E+3	2E-6	7E-9	-	-
79	Gold-195	D, see ¹⁹³ Au	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see ¹⁹³ Au	-	1E+3	6E-7	2E-9	-	-
		Y, see ¹⁹³ Au	-	4E+2	2E-7	6E-10	-	-

79	<u>Gold-198m</u>	D, see ¹⁹³ Au	<u>1E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>1E-5</u>	<u>1E-4</u>
		W, see ¹⁹³ Au	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
		Y, see ¹⁹³ Au	-	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	-	-
79	<u>Gold-198</u>	D, see ¹⁹³ Au	<u>1E+3</u>	<u>4E+3</u>	<u>2E-6</u>	<u>5E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		W, see ¹⁹³ Au	-	<u>2E+3</u>	<u>8E-7</u>	<u>3E-9</u>	-	-
		Y, see ¹⁹³ Au	-	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
79	<u>Gold-199</u>	D, see ¹⁹³ Au	<u>3E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
			<u>LLI wall</u>	-	-	-	-	-
			<u>(3E+3)</u>	-	-	-	<u>4E-5</u>	<u>4E-4</u>
	W, see ¹⁹³ Au	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-	
	Y, see ¹⁹³ Au	-	<u>4E+3</u>	<u>2E-6</u>	<u>5E-9</u>	-	-	
79	<u>Gold-200m</u>	D, see ¹⁹³ Au	<u>1E+3</u>	<u>4E+3</u>	<u>1E-6</u>	<u>5E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		W, see ¹⁹³ Au	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
		Y, see ¹⁹³ Au	-	<u>2E+4</u>	<u>1E-6</u>	<u>3E-9</u>	-	-
79	<u>Gold-200²</u>	D, see ¹⁹³ Au	<u>3E+4</u>	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>4E-4</u>	<u>4E-3</u>
		W, see ¹⁹³ Au	-	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
		Y, see ¹⁹³ Au	-	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
79	<u>Gold-201²</u>	D, see ¹⁹³ Au	<u>7E+4</u>	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-
			<u>St wall</u>	-	-	-	-	-
			<u>(9E+4)</u>	-	-	-	<u>1E-3</u>	<u>1E-2</u>
	W, see ¹⁹³ Au	-	<u>2E+5</u>	<u>1E-4</u>	<u>3E-7</u>	-	-	
	Y, see ¹⁹³ Au	-	<u>2E+5</u>	<u>9E-5</u>	<u>3E-7</u>	-	-	
80	<u>Mercury-193m</u>	Vapor	-	<u>8E+3</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
		Organic D	<u>4E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>6E-5</u>	<u>6E-4</u>
		D, sulfates	<u>3E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>4E-5</u>	<u>4E-4</u>
		W, oxides, hydroxides, halides, nitrates, and sulfides	-	<u>8E+3</u>	<u>3E-6</u>	<u>1E-8</u>	-	-
			-	-	-	-	-	-
80	<u>Mercury-193</u>	Vapor	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-
		Organic D	<u>2E+4</u>	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>3E-4</u>	<u>3E-3</u>
		D, see ^{193m} Hg	<u>2E+4</u>	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		W, see ^{193m} Hg	-	<u>4E+4</u>	<u>2E-5</u>	<u>6E-8</u>	-	-
80	<u>Mercury-194</u>	Vapor	-	<u>3E+1</u>	<u>1E-8</u>	<u>4E-11</u>	-	-
		Organic D	<u>2E+1</u>	<u>3E+1</u>	<u>1E-8</u>	<u>4E-11</u>	<u>2E-7</u>	<u>2E-6</u>
		D, see ^{193m} Hg	<u>8E+2</u>	<u>4E+1</u>	<u>2E-8</u>	<u>6E-11</u>	<u>1E-5</u>	<u>1E-4</u>
		W, see ^{193m} Hg	-	<u>1E+2</u>	<u>5E-8</u>	<u>2E-10</u>	-	-
80	<u>Mercury-195m</u>	Vapor	-	<u>4E+3</u>	<u>2E-6</u>	<u>6E-9</u>	-	-
		Organic D	<u>3E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>8E-9</u>	<u>4E-5</u>	<u>4E-4</u>
		D, see ^{193m} Hg	<u>2E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>3E-5</u>	<u>3E-4</u>
		W, see ^{193m} Hg	-	<u>4E+3</u>	<u>2E-6</u>	<u>5E-9</u>	-	-
80	<u>Mercury-195</u>	Vapor	-	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	-	-
		Organic D	<u>2E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>6E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		D, see ^{193m} Hg	<u>1E+4</u>	<u>4E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>2E-4</u>	<u>2E-3</u>
		W, see ^{193m} Hg	-	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	-	-
80	<u>Mercury-197m</u>	Vapor	-	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	-	-
		Organic D	<u>4E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>5E-5</u>	<u>5E-4</u>
		D, see ^{193m} Hg	<u>3E+3</u>	<u>7E+3</u>	<u>3E-6</u>	<u>1E-8</u>	<u>4E-5</u>	<u>4E-4</u>
		W, see ^{193m} Hg	-	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	-	-
80	<u>Mercury-197</u>	Vapor	-	<u>8E+3</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
		Organic D	<u>7E+3</u>	<u>1E+4</u>	<u>6E-6</u>	<u>2E-8</u>	<u>9E-5</u>	<u>9E-4</u>
		D, see ^{193m} Hg	<u>6E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>8E-5</u>	<u>8E-4</u>
		W, see ^{193m} Hg	-	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	-	-
80	<u>Mercury-199m²</u>	Vapor	-	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	-	-
		Organic D	<u>6E+4</u>	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-
			<u>St wall</u>	-	-	-	-	-
			<u>(1E+5)</u>	-	-	-	<u>1E-3</u>	<u>1E-2</u>
		D, see ^{193m} Hg	<u>6E+4</u>	<u>1E+5</u>	<u>6E-5</u>	<u>2E-7</u>	<u>8E-4</u>	<u>8E-3</u>
	W, see ^{193m} Hg	-	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-	
80	<u>Mercury-203</u>	Vapor	-	<u>8E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
		Organic D	<u>5E+2</u>	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>7E-6</u>	<u>7E-5</u>
		D, see ^{193m} Hg	<u>2E+3</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>3E-5</u>	<u>3E-4</u>

		W, see ¹⁹³ mHg	=	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	=	=
81	<u>Thallium-194m²</u>	<u>D, all compounds</u>	<u>5E+4</u> <u>St wall</u> <u>(7E+4)</u>	<u>2E+5</u>	<u>6E-5</u>	<u>2E-7</u>	=	=
			=	=	=	=	<u>1E-3</u>	<u>1E-2</u>
81	<u>Thallium-194²</u>	<u>D, all compounds</u>	<u>3E+5</u> <u>St wall</u> <u>(3E+5)</u>	<u>6E+5</u>	<u>2E-4</u>	<u>8E-7</u>	=	=
			=	=	=	=	<u>4E-3</u>	<u>4E-2</u>
81	<u>Thallium-195²</u>	<u>D, all compounds</u>	<u>6E+4</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	<u>9E-4</u>	<u>9E-3</u>
81	<u>Thallium-197</u>	<u>D, all compounds</u>	<u>7E+4</u>	<u>1E+5</u>	<u>5E-5</u>	<u>2E-7</u>	<u>1E-3</u>	<u>1E-2</u>
81	<u>Thallium-198m²</u>	<u>D, all compounds</u>	<u>3E+4</u>	<u>5E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>4E-4</u>	<u>4E-3</u>
81	<u>Thallium-198</u>	<u>D, all compounds</u>	<u>2E+4</u>	<u>3E+4</u>	<u>1E-5</u>	<u>5E-8</u>	<u>3E-4</u>	<u>3E-3</u>
81	<u>Thallium-199</u>	<u>D, all compounds</u>	<u>6E+4</u>	<u>8E+4</u>	<u>4E-5</u>	<u>1E-7</u>	<u>9E-4</u>	<u>9E-3</u>
81	<u>Thallium-200</u>	<u>D, all compounds</u>	<u>8E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>1E-4</u>	<u>1E-3</u>
81	<u>Thallium-201</u>	<u>D, all compounds</u>	<u>2E+4</u>	<u>2E+4</u>	<u>9E-6</u>	<u>3E-8</u>	<u>2E-4</u>	<u>2E-3</u>
81	<u>Thallium-202</u>	<u>D, all compounds</u>	<u>4E+3</u>	<u>5E+3</u>	<u>2E-6</u>	<u>7E-9</u>	<u>5E-5</u>	<u>5E-4</u>
81	<u>Thallium-204</u>	<u>D, all compounds</u>	<u>2E+3</u>	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	<u>2E-5</u>	<u>2E-4</u>
82	<u>Lead-195m²</u>	<u>D, all compounds</u>	<u>6E+4</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	<u>8E-4</u>	<u>8E-3</u>
82	<u>Lead-198</u>	<u>D, all compounds</u>	<u>3E+4</u>	<u>6E+4</u>	<u>3E-5</u>	<u>9E-8</u>	<u>4E-4</u>	<u>4E-3</u>
82	<u>Lead-199²</u>	<u>D, all compounds</u>	<u>2E+4</u>	<u>7E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>3E-4</u>	<u>3E-3</u>
82	<u>Lead-200</u>	<u>D, all compounds</u>	<u>3E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	<u>4E-5</u>	<u>4E-4</u>
82	<u>Lead-201</u>	<u>D, all compounds</u>	<u>7E+3</u>	<u>2E+4</u>	<u>8E-6</u>	<u>3E-8</u>	<u>1E-4</u>	<u>1E-3</u>
82	<u>Lead-202m</u>	<u>D, all compounds</u>	<u>9E+3</u>	<u>3E+4</u>	<u>1E-5</u>	<u>4E-8</u>	<u>1E-4</u>	<u>1E-3</u>
82	<u>Lead-202</u>	<u>D, all compounds</u>	<u>1E+2</u>	<u>5E+1</u>	<u>2E-8</u>	<u>7E-11</u>	<u>2E-6</u>	<u>2E-5</u>
82	<u>Lead-203</u>	<u>D, all compounds</u>	<u>5E+3</u>	<u>9E+3</u>	<u>4E-6</u>	<u>1E-8</u>	<u>7E-5</u>	<u>7E-4</u>
82	<u>Lead-205</u>	<u>D, all compounds</u>	<u>4E+3</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	<u>5E-5</u>	<u>5E-4</u>
82	<u>Lead-209</u>	<u>D, all compounds</u>	<u>2E+4</u>	<u>6E+4</u>	<u>2E-5</u>	<u>8E-8</u>	<u>3E-4</u>	<u>3E-3</u>
82	<u>Lead-210</u>	<u>D, all compounds</u>	<u>6E1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>2E1</u> <u>Bone surf</u> <u>(4E-1)</u>	<u>1E-10</u>	=	=	=
			=	=	=	<u>6E-13</u>	<u>1E-8</u>	<u>1E-7</u>
82	<u>Lead-211²</u>	<u>D, all compounds</u>	<u>1E+4</u>	<u>6E+2</u>	<u>3E-7</u>	<u>9E-10</u>	<u>2E-4</u>	<u>2E-3</u>
82	<u>Lead-212</u>	<u>D, all compounds</u>	<u>8E+1</u> <u>Bone surf</u> <u>(1E+2)</u>	<u>3E+1</u>	<u>1E-8</u>	<u>5E-11</u>	=	=
			=	=	=	=	<u>2E-6</u>	<u>2E-5</u>
82	<u>Lead-214²</u>	<u>D, all compounds</u>	<u>9E+3</u>	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>1E-4</u>	<u>1E-3</u>
83	<u>Bismuth-200²</u>	<u>D, nitrates</u> <u>W, all other compounds</u>	<u>3E+4</u> =	<u>8E+4</u> <u>1E+5</u>	<u>4E-5</u> <u>4E-5</u>	<u>1E-7</u> <u>1E-7</u>	<u>4E-4</u> =	<u>4E-3</u> =
83	<u>Bismuth-201²</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>1E+4</u> =	<u>3E+4</u> <u>4E+4</u>	<u>1E-5</u> <u>2E-5</u>	<u>4E-8</u> <u>5E-8</u>	<u>2E-4</u> =	<u>2E-3</u> =
83	<u>Bismuth-202²</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>1E+4</u> =	<u>4E+4</u> <u>8E+4</u>	<u>2E-5</u> <u>3E-5</u>	<u>6E-8</u> <u>1E-7</u>	<u>2E-4</u> =	<u>2E-3</u> =
83	<u>Bismuth-203</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>2E+3</u> =	<u>7E+3</u> <u>6E+3</u>	<u>3E-6</u> <u>3E-6</u>	<u>9E-9</u> <u>9E-9</u>	<u>3E-5</u> =	<u>3E-4</u> =
83	<u>Bismuth-205</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>1E+3</u> =	<u>3E+3</u> <u>1E+3</u>	<u>1E-6</u> <u>5E-7</u>	<u>3E-9</u> <u>2E-9</u>	<u>2E-5</u> =	<u>2E-4</u> =
83	<u>Bismuth-206</u>	<u>D, see ²⁰⁰Bi</u>	<u>6E+2</u>	<u>1E+3</u>	<u>6E-7</u>	<u>2E-9</u>	<u>9E-6</u>	<u>9E-5</u>

PROPOSED

		<u>W, see ²⁰⁰Bi</u>	-	<u>9E+2</u>	<u>4E-7</u>	<u>1E-9</u>	-	-
83	<u>Bismuth-207</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>1E+3</u> -	<u>2E+3</u> <u>4E+2</u>	<u>7E-7</u> <u>1E-7</u>	<u>2E-9</u> <u>5E-10</u>	<u>1E-5</u> -	<u>1E-4</u> -
83	<u>Bismuth-210m</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>4E+1</u> <u>Kidneys</u> <u>(6E+1)</u>	<u>5E+0</u> <u>Kidneys</u> <u>(6E+0)</u> <u>7E-1</u>	<u>2E-9</u> - <u>3E-10</u>	- <u>9E-12</u> <u>9E-13</u>	- <u>8E-7</u> -	- <u>8E-6</u> -
83	<u>Bismuth-210</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>8E+2</u> - - -	<u>2E+2</u> <u>Kidneys</u> <u>(4E+2)</u> <u>3E+1</u>	<u>1E-7</u> - <u>1E-8</u>	- <u>5E-10</u> <u>4E-11</u>	- <u>1E-5</u> -	<u>1E-4</u> - -
83	<u>Bismuth-212²</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>5E+3</u> -	<u>2E+2</u> <u>3E+2</u>	<u>1E-7</u> <u>1E-7</u>	<u>3E-10</u> <u>4E-10</u>	<u>7E-5</u> -	<u>7E-4</u> -
83	<u>Bismuth-213²</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>7E+3</u> -	<u>3E+2</u> <u>4E+2</u>	<u>1E-7</u> <u>1E-7</u>	<u>4E-10</u> <u>5E-10</u>	<u>1E-4</u> -	<u>1E-3</u> -
83	<u>Bismuth-214²</u>	<u>D, see ²⁰⁰Bi</u> <u>W, see ²⁰⁰Bi</u>	<u>2E+4</u> <u>St wall</u> <u>(2E+4)</u>	<u>8E+2</u> - <u>9E-2</u>	<u>3E-7</u> - <u>4E-7</u>	<u>1E-9</u> - <u>1E-9</u>	- <u>3E-4</u> -	- <u>3E-3</u> -
84	<u>Polonium-203²</u>	<u>D, all compounds except</u> <u>those given for W</u> <u>W, oxides, hydroxides,</u> <u>and nitrates</u>	<u>3E+4</u> -	<u>6E+4</u> <u>9E+4</u>	<u>3E-5</u> <u>4E-5</u>	<u>9E-8</u> <u>1E-7</u>	<u>3E-4</u> -	<u>3E-3</u> -
84	<u>Polonium-205²</u>	<u>D, see ²⁰³Po</u> <u>W, see ²⁰³Po</u>	<u>2E+4</u> -	<u>4E+4</u> <u>7E+4</u>	<u>2E-5</u> <u>3E-5</u>	<u>5E-8</u> <u>1E-7</u>	<u>3E-4</u> -	<u>3E-3</u> -
84	<u>Polonium-207</u>	<u>D, see ²⁰³Po</u> <u>W, see ²⁰³Po</u>	<u>8E+3</u> -	<u>3E+4</u> <u>3E+4</u>	<u>1E-5</u> <u>1E-5</u>	<u>3E-8</u> <u>4E-8</u>	<u>1E-4</u> -	<u>1E-3</u> -
84	<u>Polonium-210</u>	<u>D, see ²⁰³Po</u> <u>W, see ²⁰³Po</u>	<u>3E+0</u> -	<u>6E-1</u> <u>6E-1</u>	<u>3E-10</u> <u>3E-10</u>	<u>9E-13</u> <u>9E-13</u>	<u>4E-8</u> -	<u>4E-7</u> -
85	<u>Astatine-207²</u>	<u>D, halides</u> <u>W</u>	<u>6E+3</u> -	<u>3E+3</u> <u>2E+3</u>	<u>1E-6</u> <u>9E-7</u>	<u>4E-9</u> <u>3E-9</u>	<u>8E-5</u> -	<u>8E-4</u> -
85	<u>Astatine-211</u>	<u>D, halides</u> <u>W</u>	<u>1E+2</u> -	<u>8E+1</u> <u>5E+1</u>	<u>3E-8</u> <u>2E-8</u>	<u>1E-10</u> <u>8E-11</u>	<u>2E-6</u> -	<u>2E-5</u> -
86	<u>Radon-220</u>	<u>With daughters removed</u> <u>With daughters present</u>	- -	<u>2E+4</u> <u>2E+1</u> <u>(or 12 working</u> <u>level months)</u>	<u>7E-6</u> <u>9E-9</u>	<u>2E-8</u> <u>3E-11</u> <u>(or 1.0</u> <u>working</u> <u>level)</u>	- -	- -
86	<u>Radon-222</u>	<u>With daughters removed</u> <u>With daughters present</u>	- -	<u>1E+4</u> <u>1E+2</u> <u>(or 4 working</u> <u>level months)</u>	<u>4E-6</u> <u>3E-8</u>	<u>1E-8</u> <u>1E-10</u> <u>(or 0.33</u> <u>working</u> <u>level)</u>	- -	- -
87	<u>Francium-222²</u>	<u>D, all compounds</u>	<u>2E+3</u>	<u>5E+2</u>	<u>2E-7</u>	<u>6E-10</u>	<u>3E-5</u>	<u>3E-4</u>
87	<u>Francium-223²</u>	<u>D, all compounds</u>	<u>6E+2</u>	<u>8E+2</u>	<u>3E-7</u>	<u>1E-9</u>	<u>8E-6</u>	<u>8E-5</u>
88	<u>Radium-223</u>	<u>W, all compounds</u> <u>Bone surf</u> <u>(9E+0)</u>	<u>5E+0</u> -	<u>7E-1</u> -	<u>3E-10</u> -	<u>9E-13</u> -	- <u>1E-7</u>	- <u>1E-6</u>
88	<u>Radium-224</u>	<u>W, all compounds</u> <u>Bone surf</u> <u>(2E+1)</u>	<u>8E+0</u> -	<u>2E+0</u> -	<u>7E-10</u> -	<u>2E-12</u> -	- <u>2E-7</u>	- <u>2E-6</u>
88	<u>Radium-225</u>	<u>W, all compounds</u> <u>Bone surf</u> <u>(2E+1)</u>	<u>8E+0</u> -	<u>7E-1</u> -	<u>3E-10</u> -	<u>9E-13</u> -	- <u>2E-7</u>	- <u>2E-6</u>
88	<u>Radium-226</u>	<u>W, all compounds</u> <u>Bone surf</u> <u>(5E+0)</u>	<u>2E+0</u> -	<u>6E-1</u> -	<u>3E-10</u> -	<u>9E-13</u> -	- <u>6E-8</u>	- <u>6E-7</u>

88	<u>Radium-227²</u>	<u>W, all compounds</u>	<u>2E+4</u> <u>Bone surf</u> <u>(2E+4)</u>	<u>1E+4</u> <u>Bone surf</u> <u>(2E+4)</u>	<u>6E-6</u> -	-	-	-
88	<u>Radium-228</u>	<u>W, all compounds</u>	<u>2E+0</u> <u>Bone surf</u> <u>(4E+0)</u>	<u>1E+0</u> -	<u>5E-10</u> -	<u>2E-12</u> -	-	<u>3E-8</u> <u>3E-4</u> <u>3E-3</u>
89	<u>Actinium-224</u>	<u>D, all compounds except</u> <u>those given for W and Y</u>	<u>2E+3</u> <u>LLI wall</u> <u>(2E+3)</u>	<u>3E+1</u> <u>Bone surf</u> <u>(4E+1)</u>	<u>1E-8</u> -	-	-	<u>5E-11</u> <u>7E-11</u> <u>6E-11</u> <u>3E-5</u> <u>3E-4</u>
		<u>W, halides and nitrates</u>	-	<u>5E+1</u>	<u>2E-8</u>	<u>7E-11</u>	-	-
		<u>Y, oxides and hydroxides</u>	-	<u>5E+1</u>	<u>2E-8</u>	<u>6E-11</u>	-	-
89	<u>Actinium-225</u>	<u>D, see ²²⁴Ac</u>	<u>5E+1</u> <u>LLI wall</u> <u>(5E+1)</u>	<u>3E-1</u> <u>Bone surf</u> <u>(5E-1)</u>	<u>1E-10</u> -	-	-	<u>7E-13</u> <u>7E-7</u> <u>7E-6</u>
		<u>W, see ²²⁴Ac</u>	-	<u>6E-1</u>	<u>3E-10</u>	<u>9E-13</u>	-	-
		<u>Y, see ²²⁴Ac</u>	-	<u>6E-1</u>	<u>3E-10</u>	<u>9E-13</u>	-	-
89	<u>Actinium-226</u>	<u>D, see ²²⁴Ac</u>	<u>1E+2</u> <u>LLI wall</u> <u>(1E+2)</u>	<u>3E+0</u> <u>Bone surf</u> <u>(4E+0)</u>	<u>1E-9</u> -	-	-	<u>5E-12</u> <u>2E-6</u> <u>2E-5</u>
		<u>W, see ²²⁴Ac</u>	-	<u>5E+0</u>	<u>2E-9</u>	<u>7E-12</u>	-	-
		<u>Y, see ²²⁴Ac</u>	-	<u>5E+0</u>	<u>2E-9</u>	<u>6E-12</u>	-	-
89	<u>Actinium-227</u>	<u>D, see ²²⁴Ac</u>	<u>2E-1</u> <u>Bone surf</u> <u>(4E-1)</u>	<u>4E-4</u> <u>Bone surf</u> <u>(8E-4)</u>	<u>2E-13</u> -	-	-	<u>1E-15</u> <u>5E-9</u> <u>5E-8</u>
		<u>W, see ²²⁴Ac</u>	-	<u>2E-3</u> <u>Bone surf</u> <u>(3E-3)</u>	<u>7E-13</u> -	-	-	-
		<u>Y, see ²²⁴Ac</u>	-	<u>4E-3</u>	<u>2E-12</u>	<u>4E-15</u> <u>6E-15</u>	-	-
89	<u>Actinium-228</u>	<u>D, see ²²⁴Ac</u>	<u>2E+3</u>	<u>9E+0</u> <u>Bone surf</u> <u>(2E+1)</u>	<u>4E-9</u> -	-	-	<u>3E-5</u> <u>3E-4</u>
		<u>W, see ²²⁴Ac</u>	-	<u>4E+1</u> <u>Bone surf</u> <u>(6E+1)</u>	<u>2E-8</u> -	<u>2E-11</u>	-	-
		<u>Y, see ²²⁴Ac</u>	-	<u>4E+1</u>	<u>2E-8</u>	<u>8E-11</u> <u>6E-11</u>	-	-
90	<u>Thorium-226²</u>	<u>W, all compounds except</u> <u>those given for Y</u>	<u>5E+3</u> <u>St wall</u> <u>(5E+3)</u>	<u>2E+2</u> -	<u>6E-8</u> -	<u>2E-10</u> -	-	<u>7E-5</u> <u>7E-4</u>
		<u>Y, oxides and hydroxides</u>	-	<u>1E+2</u>	<u>6E-8</u>	<u>2E-10</u>	-	-
90	<u>Thorium-227</u>	<u>W, see ²²⁶Th</u>	<u>1E+2</u>	<u>3E-1</u>	<u>1E-10</u>	<u>5E-13</u>	<u>2E-6</u>	<u>2E-5</u>
		<u>Y, see ²²⁶Th</u>	-	<u>3E-1</u>	<u>1E-10</u>	<u>5E-13</u>	-	-
90	<u>Thorium-228</u>	<u>W, see ²²⁶Th</u>	<u>6E+0</u> <u>Bone surf</u> <u>(1E+1)</u>	<u>1E-2</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>4E-12</u> -	-	-	<u>3E-14</u> <u>2E-7</u> <u>2E-6</u>
		<u>Y, see ²²⁶Th</u>	-	<u>2E-2</u>	<u>7E-12</u>	<u>3E-14</u> <u>2E-14</u>	-	-
90	<u>Thorium-229</u>	<u>W, see ²²⁶Th</u>	<u>6E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>9E-4</u> <u>Bone surf</u> <u>(2E-3)</u>	<u>4E-13</u> -	-	-	<u>3E-15</u> <u>2E-8</u> <u>2E-7</u>
		<u>Y, see ²²⁶Th</u>	-	<u>2E-3</u> <u>Bone surf</u> <u>(3E-3)</u>	<u>1E-12</u> -	-	-	-
			-	<u>3E-3</u>	-	<u>4E-15</u>	-	-
90	<u>Thorium-230</u>	<u>W, see ²²⁶Th</u>	<u>4E+0</u> <u>Bone surf</u> <u>(9E+0)</u>	<u>6E-3</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>3E-12</u> -	-	-	<u>2E-14</u> <u>1E-7</u> <u>1E-6</u>
		<u>Y, see ²²⁶Th</u>	-	<u>2E-2</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>6E-12</u> -	-	-	-
			-	<u>2E-2</u>	-	<u>3E-14</u>	-	-
90	<u>Thorium-231</u>	<u>W, see ²²⁶Th</u>	<u>4E+3</u>	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	<u>5E-5</u>	<u>5E-4</u>
		<u>Y, see ²²⁶Th</u>	-	<u>6E+3</u>	<u>3E-6</u>	<u>9E-9</u>	-	-
90	<u>Thorium-232</u>	<u>W, see ²²⁶Th</u>	<u>7E-1</u> <u>Bone surf</u>	<u>1E-3</u> <u>Bone surf</u>	<u>5E-13</u>	-	-	-

		Y, see ²²⁶ Th	<u>(2E+0)</u> -	<u>(3E-3)</u> <u>3E-3</u> Bone surf <u>(4E-3)</u>	- <u>1E-12</u> -	<u>4E-15</u> -	<u>3E-8</u> -	<u>3E-7</u> -
90	<u>Thorium-234</u>	W, see ²²⁶ Th	<u>3E+2</u> <u>LLI wall</u> <u>(4E+2)</u>	<u>2E+2</u> -	<u>8E-8</u> -	<u>3E-10</u> -	-	-
		Y, see ²²⁶ Th	-	<u>2E+2</u>	<u>6E-8</u>	<u>2E-10</u>	<u>5E-6</u>	<u>5E-5</u>
91	<u>Protactinium-227²</u>	W, all compounds except those given for Y Y, oxides and hydroxides	<u>4E+3</u> -	<u>1E+2</u> <u>1E+2</u>	<u>5E-8</u> <u>4E-8</u>	<u>2E-10</u> <u>1E-10</u>	<u>5E-5</u> -	<u>5E-4</u> -
91	<u>Protactinium-228</u>	W, see ²²⁷ Pa	<u>1E+3</u>	<u>1E+1</u> Bone surf	<u>5E-9</u>	-	<u>2E-5</u>	<u>2E-4</u>
		Y, see ²²⁷ Pa	-	<u>(2E+1)</u> <u>1E+1</u>	<u>5E-9</u>	<u>3E-11</u> <u>2E-11</u>	-	-
91	<u>Protactinium-230</u>	W, see ²²⁷ Pa	<u>6E+2</u> Bone surf <u>(9E+2)</u>	<u>5E+0</u> -	<u>2E-9</u> -	<u>7E-12</u> -	-	-
		Y, see ²²⁷ Pa	-	<u>4E+0</u>	<u>1E-9</u>	<u>5E-12</u>	<u>1E-5</u>	<u>1E-4</u>
91	<u>Protactinium-231</u>	W, see ²²⁷ Pa	<u>2E-1</u> Bone surf <u>(5E-1)</u>	<u>2E-3</u> Bone surf <u>(4E-3)</u>	<u>6E-13</u> -	-	-	-
		Y, see ²²⁷ Pa	-	<u>4E-3</u> Bone surf <u>(6E-3)</u>	<u>2E-12</u> -	<u>6E-15</u> -	<u>6E-9</u> -	<u>6E-8</u> -
91	<u>Protactinium-232</u>	W, see ²²⁷ Pa	<u>1E+3</u>	<u>2E+1</u> Bone surf	<u>9E-9</u>	-	<u>2E-5</u>	<u>2E-4</u>
		Y, see ²²⁷ Pa	-	<u>(6E+1)</u> <u>6E+1</u> Bone surf <u>(7E+1)</u>	<u>2E-8</u> -	<u>8E-11</u> -	-	-
91	<u>Protactinium-233</u>	W, see ²²⁷ Pa	<u>1E+3</u> <u>LLI wall</u> <u>(2E+3)</u>	<u>7E+2</u> -	<u>3E-7</u> -	<u>1E-9</u> -	-	-
		Y, see ²²⁷ Pa	-	<u>6E+2</u>	<u>2E-7</u>	<u>8E-10</u>	<u>2E-5</u>	<u>2E-4</u>
91	<u>Protactinium-234</u>	W, see ²²⁷ Pa Y, see ²²⁷ Pa	<u>2E+3</u> -	<u>8E+3</u> <u>7E+3</u>	<u>3E-6</u> <u>3E-6</u>	<u>1E-8</u> <u>9E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
92	<u>Uranium-230</u>	D, UF, UOF, UO(NO)	<u>4E+0</u> Bone surf <u>(6E+0)</u>	<u>4E-1</u> Bone surf <u>(6E-1)</u>	<u>2E-10</u> -	-	-	-
		W, UO, UF, UCI Y, UO, UO	-	<u>4E-1</u> <u>3E-1</u>	<u>1E-10</u> <u>1E-10</u>	<u>8E-13</u> <u>5E-13</u> <u>4E-13</u>	<u>8E-8</u> -	<u>8E-7</u> -
92	<u>Uranium-231</u>	D, see ²³⁰ U	<u>5E+3</u> <u>LLI wall</u> <u>(4E+3)</u>	<u>8E+3</u> -	<u>3E-6</u> -	<u>1E-8</u> -	-	-
		W, see ²³⁰ U Y, see ²³⁰ U	-	<u>6E+3</u> <u>5E+3</u>	<u>2E-6</u> <u>2E-6</u>	<u>8E-9</u> <u>6E-9</u>	<u>6E-5</u>	<u>6E-4</u>
92	<u>Uranium-232</u>	D, see ²³⁰ U	<u>2E+0</u> Bone surf <u>(4E+0)</u>	<u>2E-1</u> Bone surf <u>(4E-1)</u>	<u>9E-11</u> -	-	-	-
		W, see ²³⁰ U Y, see ²³⁰ U	-	<u>4E-1</u> <u>8E-3</u>	<u>2E-10</u> <u>3E-12</u>	<u>6E-13</u> <u>5E-13</u> <u>1E-14</u>	<u>6E-8</u> -	<u>6E-7</u> -
92	<u>Uranium-233</u>	D, see ²³⁰ U	<u>1E+1</u> Bone surf <u>(2E+1)</u>	<u>1E+0</u> Bone surf <u>(2E+0)</u>	<u>5E-10</u> -	-	-	-
		W, see ²³⁰ U Y, see ²³⁰ U	-	<u>7E-1</u> <u>4E-2</u>	<u>3E-10</u> <u>2E-11</u>	<u>3E-12</u> <u>1E-12</u> <u>5E-14</u>	<u>3E-7</u> -	<u>3E-6</u> -
92	<u>Uranium-234³</u>	D, see ²³⁰ U	<u>1E+1</u> Bone surf <u>(2E+1)</u>	<u>1E+0</u> Bone surf <u>(2E+0)</u>	<u>5E-10</u> -	-	-	-
		W, see ²³⁰ U Y, see ²³⁰ U	-	<u>7E-1</u> <u>4E-2</u>	<u>3E-10</u> <u>2E-11</u>	<u>3E-12</u> <u>1E-12</u> <u>5E-14</u>	<u>3E-7</u> -	<u>3E-6</u> -

92	<u>Uranium-235³</u>	D, see <u>²³⁰U</u>	<u>1E+1</u> Bone surf	<u>1E+0</u> Bone surf	<u>6E-10</u>	-	-	-
		W, see <u>²³⁰U</u>	<u>(2E+1)</u>	<u>(2E+0)</u>	-	<u>3E-12</u>	<u>3E-7</u>	<u>3E-6</u>
		Y, see <u>²³⁰U</u>	-	<u>8E-1</u>	<u>3E-10</u>	<u>1E-12</u>	-	-
92	<u>Uranium-236</u>	D, see <u>²³⁰U</u>	<u>1E+1</u> Bone surf	<u>1E+0</u> Bone surf	<u>5E-10</u>	-	-	-
		W, see <u>²³⁰U</u>	<u>(2E+1)</u>	<u>(2E+0)</u>	-	<u>3E-12</u>	<u>3E-7</u>	<u>3E-6</u>
		Y, see <u>²³⁰U</u>	-	<u>8E-1</u>	<u>3E-10</u>	<u>1E-12</u>	-	-
92	<u>Uranium-237</u>	D, see <u>²³⁰U</u>	<u>2E+3</u> LLI wall	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
		W, see <u>²³⁰U</u>	<u>(2E+3)</u>	-	-	-	<u>3E-5</u>	<u>3E-4</u>
		Y, see <u>²³⁰U</u>	-	<u>2E+3</u>	<u>7E-7</u>	<u>2E-9</u>	-	-
92	<u>Uranium-238³</u>	D, see <u>²³⁰U</u>	<u>1E+1</u> Bone surf	<u>1E+0</u> Bone surf	<u>6E-10</u>	-	-	-
		W, see <u>²³⁰U</u>	<u>(2E+1)</u>	<u>(2E+0)</u>	-	<u>3E-12</u>	<u>3E-7</u>	<u>3E-6</u>
		Y, see <u>²³⁰U</u>	-	<u>8E-1</u>	<u>3E-10</u>	<u>1E-12</u>	-	-
92	<u>Uranium-239²</u>	D, see <u>²³⁰U</u>	<u>7E+4</u>	<u>2E+5</u>	<u>8E-5</u>	<u>3E-7</u>	<u>9E-4</u>	<u>9E-3</u>
		W, see <u>²³⁰U</u>	-	<u>2E+5</u>	<u>7E-5</u>	<u>2E-7</u>	-	-
		Y, see <u>²³⁰U</u>	-	<u>2E+5</u>	<u>6E-5</u>	<u>2E-7</u>	-	-
92	<u>Uranium-240</u>	D, see <u>²³⁰U</u>	<u>1E+3</u>	<u>4E+3</u>	<u>2E-6</u>	<u>5E-9</u>	<u>2E-5</u>	<u>2E-4</u>
		W, see <u>²³⁰U</u>	-	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	-	-
		Y, see <u>²³⁰U</u>	-	<u>2E+3</u>	<u>1E-6</u>	<u>3E-9</u>	-	-
92	<u>Uranium-natural³</u>	D, see <u>²³⁰U</u>	<u>1E+1</u> Bone surf	<u>1E+0</u> Bone surf	<u>5E-10</u>	-	-	-
		W, see <u>²³⁰U</u>	<u>(2E+1)</u>	<u>(2E+0)</u>	-	<u>3E-12</u>	<u>3E-7</u>	<u>3E-6</u>
		Y, see <u>²³⁰U</u>	-	<u>8E-1</u>	<u>3E-10</u>	<u>9E-13</u>	-	-
93	<u>Neptunium-232²</u>	W, all compounds	<u>1E+5</u>	<u>2E+3</u> Bone surf	<u>7E-7</u>	-	<u>2E-3</u>	<u>2E-2</u>
			-	<u>(5E+2)</u>	-	<u>6E-9</u>	-	-
93	<u>Neptunium-233²</u>	W, all compounds	<u>8E+5</u>	<u>3E+6</u>	<u>1E-3</u>	<u>4E-6</u>	<u>1E-2</u>	<u>1E-1</u>
93	<u>Neptunium-234</u>	W, all compounds	<u>2E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>3E-5</u>	<u>3E-4</u>
93	<u>Neptunium-235</u>	W, all compounds	<u>2E+4</u> LLI wall	<u>8E+2</u> Bone surf	<u>3E-7</u>	-	-	-
			<u>(2E+4)</u>	<u>(1E+3)</u>	-	<u>2E-9</u>	<u>3E-4</u>	<u>3E-3</u>
93	<u>Neptunium-236</u> <u>(1.15E+5 y)</u>	W, all compounds	<u>3E+0</u> Bone surf	<u>2E-2</u> Bone surf	<u>9E-12</u>	-	-	-
			<u>(6E+0)</u>	<u>(5E-2)</u>	-	<u>8E-14</u>	<u>9E-8</u>	<u>9E-7</u>
93	<u>Neptunium-236</u> <u>(22.5 h)</u>	W, all compounds	<u>3E+3</u> Bone surf	<u>3E+1</u> Bone surf	<u>1E-8</u>	-	-	-
			<u>(4E+3)</u>	<u>(7E+1)</u>	-	<u>1E-10</u>	<u>5E-5</u>	<u>5E-4</u>
93	<u>Neptunium-237</u>	W, all compounds	<u>5E-1</u> Bone surf	<u>4E-3</u> Bone surf	<u>2E-12</u>	-	-	-
			<u>(1E+0)</u>	<u>(1E-2)</u>	-	<u>1E-14</u>	<u>2E-8</u>	<u>2E-7</u>
93	<u>Neptunium-238</u>	W, all compounds	<u>1E+3</u>	<u>6E+1</u> Bone surf	<u>3E-8</u>	-	<u>2E-5</u>	<u>2E-4</u>
			-	<u>(2E+2)</u>	-	<u>2E-10</u>	-	-
93	<u>Neptunium-239</u>	W, all compounds	<u>2E+3</u> LLI wall	<u>2E+3</u>	<u>9E-7</u>	<u>3E-9</u>	-	-
			<u>(2E+3)</u>	-	-	-	<u>2E-5</u>	<u>2E-4</u>
93	<u>Neptunium-240²</u>	W, all compounds	<u>2E+4</u>	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>3E-4</u>	<u>3E-3</u>
94	<u>Plutonium-234</u>	W, all compounds	<u>8E+3</u>	<u>2E+2</u>	<u>9E-8</u>	<u>3E-10</u>	<u>1E-4</u>	<u>1E-3</u>
		Y, PuO	-	<u>2E+2</u>	<u>8E-8</u>	<u>3E-10</u>	-	-

94	<u>Plutonium-235²</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>9E+5</u> -	<u>3E+6</u> <u>3E+6</u>	<u>1E-3</u> <u>1E-3</u>	<u>4E-6</u> <u>3E-6</u>	<u>1E-2</u> -	<u>1E-1</u> -
94	<u>Plutonium-236</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>2E+0</u> <u>Bone surf</u> <u>(4E+0)</u> -	<u>2E-2</u> <u>Bone surf</u> <u>(4E-2)</u> <u>4E-2</u>	<u>8E-12</u> - <u>2E-11</u>	- <u>5E-14</u> <u>6E-14</u>	- <u>6E-8</u> -	- <u>6E-7</u> -
94	<u>Plutonium-237</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>1E+4</u> -	<u>3E+3</u> <u>3E+3</u>	<u>1E-6</u> <u>1E-6</u>	<u>5E-9</u> <u>4E-9</u>	<u>2E-4</u> -	<u>2E-3</u> -
94	<u>Plutonium-238</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>9E-1</u> <u>Bone surf</u> <u>(2E+0)</u> -	<u>7E-3</u> <u>Bone surf</u> <u>(1E-2)</u> <u>2E-2</u>	<u>3E-12</u> - <u>8E-12</u>	- <u>2E-14</u> <u>2E-14</u>	- <u>2E-8</u> -	- <u>2E-7</u> -
94	<u>Plutonium-239</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u> -	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u> <u>2E-2</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>3E-12</u> - <u>7E-12</u> -	- <u>2E-14</u> -	- <u>2E-8</u> -	- <u>2E-7</u> -
94	<u>Plutonium-240</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u> -	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u> <u>2E-2</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>3E-12</u> - <u>7E-12</u> -	- <u>2E-14</u> -	- <u>2E-8</u> -	- <u>2E-7</u> -
94	<u>Plutonium-241</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>4E+1</u> <u>Bone surf</u> <u>(7E+1)</u> -	<u>3E-1</u> <u>Bone surf</u> <u>(6E-1)</u> <u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>1E-10</u> - <u>3E-10</u> -	- <u>8E-13</u> -	- <u>1E-6</u> -	- <u>1E-5</u> -
94	<u>Plutonium-242</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u> -	<u>7E-3</u> <u>Bone surf</u> <u>(1E-2)</u> <u>2E-2</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>3E-12</u> - <u>7E-12</u> -	- <u>2E-14</u> -	- <u>2E-8</u> -	- <u>2E-7</u> -
94	<u>Plutonium-243</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>2E+4</u> -	<u>4E+4</u> <u>4E+4</u>	<u>2E-5</u> <u>2E-5</u>	<u>5E-8</u> <u>5E-8</u>	<u>2E-4</u> -	<u>2E-3</u> -
94	<u>Plutonium-244</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>8E-1</u> <u>Bone surf</u> <u>(2E+0)</u> -	<u>7E-3</u> <u>Bone surf</u> <u>(1E-2)</u> <u>2E-2</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>3E-12</u> - <u>7E-12</u> -	- <u>2E-14</u> -	- <u>2E-8</u> -	- <u>2E-7</u> -
94	<u>Plutonium-245</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>2E+3</u> -	<u>5E+3</u> <u>4E+3</u>	<u>2E-6</u> <u>2E-6</u>	<u>6E-9</u> <u>6E-9</u>	<u>3E-5</u> -	<u>3E-4</u> -
94	<u>Plutonium-246</u>	W, see ²³⁴ Pu Y, see ²³⁴ Pu	<u>4E+2</u> <u>LLI wall</u> <u>(4E+2)</u> -	<u>3E+2</u> - <u>3E+2</u>	<u>1E-7</u> - <u>1E-7</u>	<u>4E-10</u> - <u>4E-10</u>	- <u>6E-6</u> -	- <u>6E-5</u> -
95	<u>Americium-237²</u>	W, all compounds	<u>8E+4</u>	<u>3E+5</u>	<u>1E-4</u>	<u>4E-7</u>	<u>1E-3</u>	<u>1E-2</u>
95	<u>Americium-238²</u>	W, all compounds	<u>4E+4</u> -	<u>3E+3</u> <u>Bone surf</u> <u>(6E+3)</u>	<u>1E-6</u> -	- <u>9E-9</u>	<u>5E-4</u> -	<u>5E-3</u> -
95	<u>Americium-239</u>	W, all compounds	<u>5E+3</u>	<u>1E+4</u>	<u>5E-6</u>	<u>2E-8</u>	<u>7E-5</u>	<u>7E-4</u>
95	<u>Americium-240</u>	W, all compounds	<u>2E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>3E-5</u>	<u>3E-4</u>
95	<u>Americium-241</u>	W, all compounds	<u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>3E-12</u> -	- <u>2E-14</u>	- <u>2E-8</u>	- <u>2E-7</u>

95	<u>Americium-242m</u>	<u>W, all compounds</u>	<u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>3E-12</u> -	-	-	-
						<u>2E-14</u>	<u>2E-8</u>	<u>2E-7</u>
95	<u>Americium-242</u>	<u>W, all compounds</u>	<u>4E+3</u> -	<u>8E+1</u> <u>Bone surf</u> <u>(9E+1)</u>	<u>4E-8</u> -	-	<u>5E-5</u>	<u>5E-4</u>
						<u>1E-10</u>	-	-
95	<u>Americium-243</u>	<u>W, all compounds</u>	<u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>3E-12</u> -	-	-	-
						<u>2E-14</u>	<u>2E-8</u>	<u>2E-7</u>
95	<u>Americium-244m²</u>	<u>W, all compounds</u>	<u>6E+4</u> <u>St wall</u> <u>(8E+4)</u>	<u>4E+3</u> <u>Bone surf</u> <u>(7E+3)</u>	<u>2E-6</u> -	-	-	-
						<u>1E-8</u>	<u>1E-3</u>	<u>1E-2</u>
95	<u>Americium-244</u>	<u>W, all compounds</u>	<u>3E+3</u> -	<u>2E+2</u> <u>Bone surf</u> <u>(3E+2)</u>	<u>8E-8</u> -	-	<u>4E-5</u>	<u>4E-4</u>
						<u>4E-10</u>	-	-
95	<u>Americium-245</u>	<u>W, all compounds</u>	<u>3E+4</u>	<u>8E+4</u>	<u>3E-5</u>	<u>1E-7</u>	<u>4E-4</u>	<u>4E-3</u>
95	<u>Americium-246m²</u>	<u>W, all compounds</u>	<u>5E+4</u> <u>St wall</u> <u>(6E+4)</u>	<u>2E+5</u> -	<u>8E-5</u> -	<u>3E-7</u> -	-	-
							<u>8E-4</u>	<u>8E-3</u>
95	<u>Americium-246²</u>	<u>W, all compounds</u>	<u>3E+4</u>	<u>1E+5</u>	<u>4E-5</u>	<u>1E-7</u>	<u>4E-4</u>	<u>4E-3</u>
96	<u>Curium-238</u>	<u>W, all compounds</u>	<u>2E+4</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>2E-4</u>	<u>2E-3</u>
96	<u>Curium-240</u>	<u>W, all compounds</u>	<u>6E+1</u> <u>Bone surf</u> <u>(8E+1)</u>	<u>6E-1</u> <u>Bone surf</u> <u>(6E-1)</u>	<u>2E-10</u> -	-	-	-
						<u>9E-13</u>	<u>1E-6</u>	<u>1E-5</u>
96	<u>Curium-241</u>	<u>W, all compounds</u>	<u>1E+3</u> -	<u>3E+1</u> <u>Bone surf</u> <u>(4E+1)</u>	<u>1E-8</u> -	-	<u>2E-5</u>	<u>2E-4</u>
						<u>5E-11</u>	-	-
96	<u>Curium-242</u>	<u>W, all compounds</u>	<u>3E+1</u> <u>Bone surf</u> <u>(5E+1)</u>	<u>3E-1</u> <u>Bone surf</u> <u>(3E-1)</u>	<u>1E-10</u> -	-	-	-
						<u>4E-13</u>	<u>7E-7</u>	<u>7E-6</u>
96	<u>Curium-243</u>	<u>W, all compounds</u>	<u>1E+0</u> <u>Bone surf</u> <u>(2E+0)</u>	<u>9E-3</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>4E-12</u> -	-	-	-
						<u>2E-14</u>	<u>3E-8</u>	<u>3E-7</u>
96	<u>Curium-244</u>	<u>W, all compounds</u>	<u>1E+0</u> <u>Bone surf</u> <u>(3E+0)</u>	<u>1E-2</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>5E-12</u> -	-	-	-
						<u>3E-14</u>	<u>3E-8</u>	<u>3E-7</u>
96	<u>Curium-245</u>	<u>W, all compounds</u>	<u>7E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>3E-12</u> -	-	-	-
						<u>2E-14</u>	<u>2E-8</u>	<u>2E-7</u>
96	<u>Curium-246</u>	<u>W, all compounds</u>	<u>7E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>3E-12</u> -	-	-	-
						<u>2E-14</u>	<u>2E-8</u>	<u>2E-7</u>
96	<u>Curium-247</u>	<u>W, all compounds</u>	<u>8E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>6E-3</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>3E-12</u> -	-	-	-
						<u>2E-14</u>	<u>2E-8</u>	<u>2E-7</u>
96	<u>Curium-248</u>	<u>W, all compounds</u>	<u>2E-1</u> <u>Bone surf</u> <u>(4E-1)</u>	<u>2E-3</u> <u>Bone surf</u> <u>(3E-3)</u>	<u>7E-13</u> -	-	-	-
						<u>4E-15</u>	<u>5E-9</u>	<u>5E-8</u>
96	<u>Curium-249²</u>	<u>W, all compounds</u>	<u>5E+4</u> -	<u>2E+4</u> <u>Bone surf</u> <u>(3E+4)</u>	<u>7E-6</u> -	-	<u>7E-4</u>	<u>7E-3</u>
						<u>4E-8</u>	-	-
96	<u>Curium-250</u>	<u>W, all compounds</u>	<u>4E-2</u> <u>Bone surf</u> <u>(6E-2)</u>	<u>3E-4</u> <u>Bone surf</u> <u>(5E-4)</u>	<u>1E-13</u> -	-	-	-
						<u>8E-16</u>	<u>9E-10</u>	<u>9E-9</u>
97	<u>Berkelium-245</u>	<u>W, all compounds</u>	<u>2E+3</u>	<u>1E+3</u>	<u>5E-7</u>	<u>2E-9</u>	<u>3E-5</u>	<u>3E-4</u>

97	<u>Berkelium-246</u>	<u>W, all compounds</u>	<u>3E+3</u>	<u>3E+3</u>	<u>1E-6</u>	<u>4E-9</u>	<u>4E-5</u>	<u>4E-4</u>
97	<u>Berkelium-247</u>	<u>W, all compounds</u>	<u>5E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>4E-3</u> <u>Bone surf</u> <u>(9E-3)</u>	<u>2E-12</u>	-	-	-
97	<u>Berkelium-249</u>	<u>W, all compounds</u>	<u>2E+2</u> <u>Bone surf</u> <u>(5E+2)</u>	<u>2E+0</u> <u>Bone surf</u> <u>(4E+0)</u>	<u>7E-10</u>	-	-	-
97	<u>Berkelium-250</u>	<u>W, all compounds</u>	<u>9E+3</u>	<u>3E+2</u> <u>Bone surf</u> <u>(7E+2)</u>	<u>1E-7</u>	-	<u>1E-4</u>	<u>1E-3</u>
98	<u>Californium-244²</u>	<u>W, all compounds except those given for Y</u>	<u>3E+4</u> <u>St wall</u> <u>(3E+4)</u>	<u>6E+2</u>	<u>2E-7</u>	<u>8E-10</u>	-	-
		<u>Y, oxides and hydroxides</u>	-	<u>6E+2</u>	<u>2E-7</u>	<u>8E-10</u>	<u>4E-4</u>	<u>4E-3</u>
98	<u>Californium-246</u>	<u>W, see ²⁴⁴Cf</u> <u>Y, see ²⁴⁴Cf</u>	<u>4E+2</u>	<u>9E+0</u> <u>9E+0</u>	<u>4E-9</u> <u>4E-9</u>	<u>1E-11</u> <u>1E-11</u>	<u>5E-6</u>	<u>5E-5</u>
98	<u>Californium-248</u>	<u>W, see ²⁴⁴Cf</u>	<u>8E+0</u> <u>Bone surf</u> <u>(2E+1)</u>	<u>6E-2</u> <u>Bone surf</u> <u>(1E-1)</u>	<u>3E-11</u>	-	-	-
		<u>Y, see ²⁴⁴Cf</u>	-	<u>1E-1</u>	<u>4E-11</u>	<u>2E-13</u> <u>1E-13</u>	<u>2E-7</u>	<u>2E-6</u>
98	<u>Californium-249</u>	<u>W, see ²⁴⁴Cf</u>	<u>5E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>4E-3</u> <u>Bone surf</u> <u>(9E-3)</u>	<u>2E-12</u>	-	-	-
		<u>Y, see ²⁴⁴Cf</u>	-	<u>1E-2</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>4E-12</u>	<u>1E-14</u>	<u>2E-8</u>	<u>2E-7</u>
			-			<u>2E-14</u>		
98	<u>Californium-250</u>	<u>W, see ²⁴⁴Cf</u>	<u>1E+0</u> <u>Bone surf</u> <u>(2E+0)</u>	<u>9E-3</u> <u>Bone surf</u> <u>(2E-2)</u>	<u>4E-12</u>	-	-	-
		<u>Y, see ²⁴⁴Cf</u>	-	<u>3E-2</u>	<u>1E-11</u>	<u>3E-14</u> <u>4E-14</u>	<u>3E-8</u>	<u>3E-7</u>
98	<u>Californium-251</u>	<u>W, see ²⁴⁴Cf</u>	<u>5E-1</u> <u>Bone surf</u> <u>(1E+0)</u>	<u>4E-3</u> <u>Bone surf</u> <u>(9E-3)</u>	<u>2E-12</u>	-	-	-
		<u>Y, see ²⁴⁴Cf</u>	-	<u>1E-2</u> <u>Bone surf</u> <u>(1E-2)</u>	<u>4E-12</u>	<u>1E-14</u>	<u>2E-8</u>	<u>2E-7</u>
			-			<u>2E-14</u>		
98	<u>Californium-252</u>	<u>W, see ²⁴⁴Cf</u>	<u>2E+0</u> <u>Bone surf</u> <u>(5E+0)</u>	<u>2E-2</u> <u>Bone surf</u> <u>(4E-2)</u>	<u>8E-12</u>	-	-	-
		<u>Y, see ²⁴⁴Cf</u>	-	<u>3E-2</u>	<u>1E-11</u>	<u>5E-14</u> <u>5E-14</u>	<u>7E-8</u>	<u>7E-7</u>
98	<u>Californium-253</u>	<u>W, see ²⁴⁴Cf</u>	<u>2E+2</u> <u>Bone surf</u> <u>(4E+2)</u>	<u>2E+0</u>	<u>8E-10</u>	<u>3E-12</u>	-	-
		<u>Y, see ²⁴⁴Cf</u>	-	<u>2E+0</u>	<u>7E-10</u>	<u>2E-12</u>	<u>5E-6</u>	<u>5E-5</u>
98	<u>Californium-254</u>	<u>W, see ²⁴⁴Cf</u> <u>Y, see ²⁴⁴Cf</u>	<u>2E+0</u>	<u>2E-2</u> <u>2E-2</u>	<u>9E-12</u> <u>7E-12</u>	<u>3E-14</u> <u>2E-14</u>	<u>3E-8</u>	<u>3E-7</u>
99	<u>Einsteinium-250</u>	<u>W, all compounds</u>	<u>4E+4</u>	<u>5E+2</u> <u>Bone surf</u> <u>(1E+3)</u>	<u>2E-7</u>	-	<u>6E-4</u>	<u>6E-3</u>
99	<u>Einsteinium-251</u>	<u>W, all compounds</u>	<u>7E+3</u>	<u>9E+2</u> <u>Bone surf</u> <u>(1E+3)</u>	<u>4E-7</u>	-	<u>1E-4</u>	<u>1E-3</u>
99	<u>Einsteinium-253</u>	<u>W, all compounds</u>	<u>2E+2</u>	<u>1E+0</u>	<u>6E-10</u>	<u>2E-12</u>	<u>2E-6</u>	<u>2E-5</u>
99	<u>Einsteinium-254m</u>	<u>W, all compounds</u>	<u>3E+2</u> <u>LLI wall</u> <u>(3E+2)</u>	<u>1E+1</u>	<u>4E-9</u>	<u>1E-11</u>	-	-
							<u>4E-6</u>	<u>4E-5</u>
99	<u>Einsteinium-254</u>	<u>W, all compounds</u>	<u>8E+0</u> <u>Bone surf</u>	<u>7E-2</u> <u>Bone surf</u>	<u>3E-11</u>	-	-	-

			(2E+1)	(1E-1)	-	2E-13	2E-7	2E-6
100	<u>Fermium-252</u>	<u>W, all compounds</u>	5E+2	1E+1	5E-9	2E-11	6E-6	6E-5
100	<u>Fermium-253</u>	<u>W, all compounds</u>	1E+3	1E+1	4E-9	1E-11	1E-5	1E-4
100	<u>Fermium-254</u>	<u>W, all compounds</u>	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
100	<u>Fermium-255</u>	<u>W, all compounds</u>	5E+2	2E+1	9E-9	3E-11	7E-6	7E-5
100	<u>Fermium-257</u>	<u>W, all compounds</u>	2E+1	2E-1	7E-11	-	-	-
			<u>Bone surf</u>	<u>Bone surf</u>				
			(4E+1)	(2E-1)	-	3E-13	5E-7	5E-6
101	<u>Mendelevium-257</u>	<u>W, all compounds</u>	7E+3	8E+1	4E-8	-	1E-4	1E-3
			-	<u>Bone surf</u>				
			-	(9E+1)	-	1E-10	-	-
101	<u>Mendelevium-258</u>	<u>W, all compounds</u>	3E+1	2E-1	1E-10	-	-	-
			<u>Bone surf</u>	<u>Bone surf</u>				
			(5E+1)	(3E-1)	-	5E-13	6E-7	6E-6
-	<u>Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours</u>							
		<u>Submersion¹</u>	-	2E+2	1E-7	1E-9	-	-
-	<u>Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours</u>		-	2E-1	1E-10	1E-12	1E-8	1E-7
-	<u>Any single radionuclide not listed above that decays by alpha emission or spontaneous fission, or any mixture for which either the identity or the concentration of any radionuclide in the mixture is not known</u>		-	4E-4	2E-13	1E-15	2E-9	2E-8

FOOTNOTES:

¹"Submersion" means that values given are for submersion in a hemispherical semi-infinite cloud of airborne material.

²These radionuclides have radiological half-lives of less than 2 hours. The total effective dose equivalent received during operations with these radionuclides might include a significant contribution from external exposure. The DAC values for all radionuclides, other than those designated Class "Submersion," are based upon the committed effective dose equivalent due to the intake of the radionuclide into the body and do NOT include potentially significant contributions to dose equivalent from external exposures. The licensee may substitute 1E-7 µCi/ml for the listed DAC to account for the submersion dose prospectively, but should use individual monitoring devices or other radiation measuring instruments that measure external exposure to demonstrate compliance with the limits. (See WAC 246-221-015(5).)

³For soluble mixtures of U-238, U-234, and U-235 in air, chemical toxicity may be the limiting factor (see WAC 246-221-010(5)). If the percent by weight (enrichment) of U-235 is not greater than 5, the concentration value for a 40-hour workweek is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour workweek shall not exceed 8E-3 (SA) µCi-hr/ml, where SA is the specific activity of the uranium inhaled. The specific activity for natural uranium is 6.77E-7 curies per gram U. The specific activity for other mixtures of U-238, U-235, and U-234, if not known, shall be:

$$SA = 3.6E-7 \text{ curies/gram U } \quad \text{U-depleted}$$

$$SA = [0.4 + 0.38 (\text{enrichment}) + 0.0034 (\text{enrichment})^2] E-6, \text{ enrichment} > 0.72$$

where enrichment is the percentage by weight of U-235, expressed as percent.

NOTE:

1. If the identity of each radionuclide in a mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.
2. If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in this appendix are not present in the mixture, the inhalation ALI, DAC, and effluent and sewage concentrations for the mixture are the lowest values specified in this appendix for any radionuclide that is not known to be absent from the mixture; or

If it is known that Ac-227-D and Cm-250-W are not present

- 7E-4 3E-13 - - -

If, in addition, it is known that Ac-227-W,Y, Th-229-W,Y, Th-230-W, Th-232-W,Y, Pa-231-W,Y, Np-237-W, Pu-239-W, Pu-240-W, Pu-242-W, Am-241-W,

Am-242m-W, Am-243-W, Cm-245-W, Cm-246-W, Cm-247-W, Cm-248-W, Bk-247-W, Cf-249-W, and Cf-251-W
are not present

= 7E-3 3E-12 = = =

If, in addition, it is known that Sm-146-W, Sm-147-W, Gd-148-D,W, Gd-152-D,W, Th-228-W,Y, Th-230-Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, Np-236-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-Y, Pu-240-Y, Pu-242-Y, Pu-244-W,Y, Cm-243-W, Cm-244-W, Cf-248-W, Cf-249-Y, Cf-250-W,Y, Cf-251-Y, Cf-252-W,Y, and Cf-254-W,Y are not present

= 7E-2 3E-11 = = =

If, in addition, it is known that Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-Y, Es-254-W, Fm-257-W, and Md-258-W are not present

= 7E-1 3E-10 = = =

If, in addition, it is known that Si-32-Y, Ti-44-Y, Fe-60-D, Sr-90-Y, Zr-93-D, Cd-113m-D, Cd-113-D, In-115-D,W, La-138-D, Lu-176-W, Hf-178m-D,W, Hf-182-D,W, Bi-210m-D, Ra-224-W, Ra-228-W, Ac-226-D,W,Y, Pa-230-W,Y, U-233-D,W, U-234-D,W, U-235-D,W, U-236-D,W, U-238-D,W, Pu-241-Y, Bk-249-W, Cf-253-W,Y, and Es-253-W are not present

= 7E+0 3E-9 = = =

If it is known that Ac-227-D,W,Y, Th-229-W,Y, Th-232-W,Y, Pa-231-W,Y, Cm-248-W, and Cm-250-W are not present

= = = 1E-14 = =

If, in addition, it is known that Sm-146-W, Gd-148-D,W, Gd-152-D, Th-228-W,Y, Th-230-W,Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, U-Nat-Y, Np-236-W, Np-237-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-W,Y, Pu-240-W,Y, Pu-242-W,Y, Pu-244-W,Y, Am-241-W, Am-242m-W, Am-243-W, Cm-243-W, Cm-244-W, Cm-245-W, Cm-246-W, Cm-247-W, Bk-247-W, Cf-249-W,Y, Cf-250-W,Y, Cf-251-W,Y, Cf-252-W,Y, and Cf-254-W,Y are not present

= = = 1E-13 = =

If, in addition, it is known that Sm-147-W, Gd-152-W, Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, U-Nat-W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-W,Y, Es-254-W, Fm-257-W, and Md-258-W are not present

= = = = 1E-12 =

If, in addition it is known that Fe-60, Sr-90, Cd-113m, Cd-113, In-115, I-129, Cs-134, Sm-145, Sm-147, Gd-148, Gd-152, Hg-194 (organic), Bi-210m, Ra-223, Ra-224, Ra-225, Ac-225, Th-228, Th-230, U-233, U-234, U-235, U-236, U-238, U-Nat, Cm-242, Cf-248, Es-254, Fm-257, and Md-258 are not present

= = = = 1E-6 1E-5

3. If a mixture of radionuclides consists of uranium and its daughters in ore dust (10 µm AMAD particle distribution assumed) prior to chemical separation of the uranium from the ore, the following values may be used for the DAC of the mixture: 6E-11 µCi of gross alpha activity from uranium-238, uranium-234, thorium-230, and radium-226 per milliliter of air; 3E-11 µCi of natural uranium per milliliter of air; or 45 micrograms of natural uranium per cubic meter of air.
4. If the identity and concentration of each radionuclide in a mixture are known, the limiting values should be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the concentration present in the mixture and the concentration otherwise established in this section for the specific radionuclide when not in a mixture. The sum of such ratios for all of the radionuclides in the mixture may not exceed "1" (i.e., "unity").

Example: If radionuclides "A," "B," and "C" are present in concentrations CA, CB, and CC, and if the applicable DACs are DAC_A, DAC_B, and DAC_C, respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C} \leq 1$$

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-221-300 Appendix B—Minimum quantities ((exempt from)) of radioactive material requiring labeling.

((Material	Microcuries
Americium 241	0.01
Antimony 122	100
Antimony 124	10
Antimony 125	10
Arsenic 73	100
Arsenic 74	10
Arsenic 76	10
Arsenic 77	100
Barium 133	10
Barium 140	10
Bismuth 210	+
Bromine 82	10
Cadmium 109	10
Cadmium 115m	10
Cadmium 115	100
Calcium 45	10
Calcium 47	10
Carbon 14	100
Cerium 141	100
Cerium 142	100
Cerium 144	+
Cesium 131	1,000
Cesium 134m	100
Cesium 134	+
Cesium 135	10
Cesium 136	10
Cesium 137	10
Chlorine 36	10
Chlorine 38	10
Chromium 51	1,000
Cobalt 58m	10
Cobalt 58	10
Cobalt 60	+
Copper 64	100
Dysprosium 165	10
Dysprosium 166	100
Erbium 169	100
Erbium 171	100
Europium 152 (9.2 h)	100
Europium 152 (13 yr)	+
Europium 154	+
Europium 155	10
Fluorine 18	1,000
Gadolinium 153	10
Gadolinium 159	100
Gallium 72	10
Germanium 71	100
Gold 198	100
Gold 199	100
Hafnium 181	10
Holmium 166	100
Hydrogen 3	1,000
Indium 113m	100
Indium 114m	10
Indium 115m	100
Indium 115	10
Iodine 125	+
Iodine 126	+
Iodine 129	0.+
Iodine 131	+
Iodine 132	10
Iodine 133	+
Iodine 134	10
Iodine 135	10
Iridium 192	10
Iridium 194	100

Iron 55	100
Iron 59	10
Krypton 85	100
Krypton 87	10
Lanthanum 140	10
Lutetium 177	100
Manganese 52	10
Manganese 54	10
Manganese 56	10
Mercury 197m	100
Mercury 197	100
Mercury 203	10
Molybdenum 99	100
Neodymium 147	100
Neodymium 149	100
Nickel 59	100
Nickel 63	10
Nickel 65	100
Niobium 93m	10
Niobium 95	10
Niobium 97	10
Osmium 185	10
Osmium 191m	100
Osmium 191	100
Osmium 193	100
Palladium 103	100
Palladium 109	100
Phosphorus 32	10
Platinum 191	100
Platinum 193m	100
Platinum 193	100
Platinum 197m	100
Platinum 197	100
Plutonium 239	0.01
Polonium 210	0.+
Potassium 42	10
Praseodymium 142	100
Praseodymium 143	100
Promethium 147	10
Promethium 149	10
Radium 226	0.01
Rhenium 186	100
Rhenium 188	100
Rhodium 103m	100
Rhodium 105	100
Rubidium 86	10
Rubidium 87	10
Ruthenium 97	100
Ruthenium 103	10
Ruthenium 105	10
Ruthenium 106	+
Samarium 151	10
Samarium 153	100
Scandium 46	10
Scandium 47	100
Scandium 48	10
Selenium 75	10
Silicon 31	100
Silver 105	10
Silver 110m	+
Silver 111	100
Sodium 22	10
Sodium 24	10
Strontium 85	10
Strontium 89	+
Strontium 90	0.+
Strontium 91	10
Strontium 92	10
Sulphur 35	100
Tantalum 182	10
Technetium 96	10
Technetium 97m	100
Technetium 97	100
Technetium 99m	100
Technetium 99	10
Tellurium 125m	10

Tellurium 127m	10
Tellurium 127	100
Tellurium 129m	10
Tellurium 129	100
Tellurium 131m	10
Tellurium 132	10
Terbium 160	10
Thallium 200	100
Thallium 201	100
Thallium 202	100
Thallium 204	10
Thorium (natural) ¹	100
Thulium 170	10
Thulium 171	10
Tin 113	10
Tin 125	10
Tungsten 181	10
Tungsten 185	10
Tungsten 187	100
Uranium (natural) ²	100
Uranium 232	0.01
Uranium 234	
Uranium 235	0.01
Vanadium 48	10
Xenon 131m	1,000
Xenon 133	100
Xenon 135	100
Ytterbium 169	10
Ytterbium 175	100
Yttrium 90	10
Yttrium 91	10
Yttrium 92	100
Yttrium 93	100
Zinc 65	10
Zinc 69m	100
Zinc 69	1,000
Zirconium 93	10
Zirconium 95	10
Zirconium 97	10

Radionuclide	Quantity (µCi)
Actinium-224	1
Actinium-225	0.01
Actinium-226	0.1
Actinium-227	0.001
Actinium-228	1
Aluminum-26	10
Americium-237	1,000
Americium-238	100
Americium-239	1,000
Americium-240	100
Americium-241	0.001
Americium-242	10
Americium-242m	0.001
Americium-243	0.001
Americium-244	10
Americium-244m	100
Americium-245	1,000
Americium-246	1,000
Americium-246m	1,000
Antimony-115	1,000
Antimony-116	1,000
Antimony-116m	1,000
Antimony-117	1,000
Antimony-118m	1,000
Antimony-119	1,000
Antimony-120 (16min)	1,000
Antimony-120 (5.76d)	100
Antimony-122	100
Antimony-124	10
Antimony-124m	1,000
Antimony-125	100
Antimony-126	100
Antimony-126m	1,000
Antimony-127	100
Antimony-128 (9.01h)	100
Antimony-128 (10.4min)	1,000
Antimony-129	100
Antimony-130	1,000
Antimony-131	1,000
Argon-39	1,000
Argon-41	1,000
Arsenic-69	1,000
Arsenic-70	1,000
Arsenic-71	100
Arsenic-72	100
Arsenic-73	100
Arsenic-74	100
Arsenic-76	100
Arsenic-77	100
Arsenic-78	1,000
Astatine-207	100
Astatine-211	10
Barium-126	1,000
Barium-128	100
Barium-131	100
Barium-131m	1,000
Barium-133	100
Barium-133m	100
Barium-135m	100
Barium-139	1,000

Notes: ¹Based on alpha disintegration rate of Th 232, Th 230 and their daughter products.

²Based on alpha disintegration rate of U 238, U 234, and U 235.

Material	Microcuries
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Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.01
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition	0.1

Note: For purposes of WAC 246 221 120 and 246 221 190, where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity"). Example: For purposes of WAC 246 221 120 (1)(g), if a particular batch, room, or area contains 200 µCi of Au 198 and 500 µCi of C 14, it may also contain not more than 3 µCi of I 131 and remain unposted. This limit was determined as follows:

$$200 \mu\text{Ci Au-198} / 1,000 \mu\text{Ci} + 500 \mu\text{Ci C-14} / 1,000 \mu\text{Ci} + 3 \mu\text{Ci I-131} / 10 \mu\text{Ci} = 1$$

The denominator in each of the above ratios was obtained by multiplying the figure in the table by 10 as provided in WAC 246 221 120 (1)(g):

Minimum Quantities¹ of Radioactive Material Requiring Labeling

<u>Barium-140</u>	<u>100</u>	<u>Cerium-144</u>	<u>1</u>
<u>Barium-141</u>	<u>1,000</u>	<u>Cesium-125</u>	<u>1,000</u>
<u>Barium-142</u>	<u>1,000</u>	<u>Cesium-127</u>	<u>1,000</u>
<u>Berkelium-245</u>	<u>100</u>	<u>Cesium-129</u>	<u>1,000</u>
<u>Berkelium-246</u>	<u>100</u>	<u>Cesium-130</u>	<u>1,000</u>
<u>Berkelium-247</u>	<u>0.001</u>	<u>Cesium-131</u>	<u>1,000</u>
<u>Berkelium-249</u>	<u>0.1</u>	<u>Cesium-132</u>	<u>100</u>
<u>Berkelium-250</u>	<u>10</u>	<u>Cesium-134</u>	<u>10</u>
<u>Beryllium-7</u>	<u>1,000</u>	<u>Cesium-134m</u>	<u>1,000</u>
<u>Beryllium-10</u>	<u>1</u>	<u>Cesium-135</u>	<u>100</u>
<u>Bismuth-200</u>	<u>1,000</u>	<u>Cesium-135m</u>	<u>1,000</u>
<u>Bismuth-201</u>	<u>1,000</u>	<u>Cesium-136</u>	<u>10</u>
<u>Bismuth-202</u>	<u>1,000</u>	<u>Cesium-137</u>	<u>10</u>
<u>Bismuth-203</u>	<u>100</u>	<u>Cesium-138</u>	<u>1,000</u>
<u>Bismuth-205</u>	<u>100</u>	<u>Chlorine-36</u>	<u>10</u>
<u>Bismuth-206</u>	<u>100</u>	<u>Chlorine-38</u>	<u>1,000</u>
<u>Bismuth-207</u>	<u>10</u>	<u>Chlorine-39</u>	<u>1,000</u>
<u>Bismuth-210</u>	<u>1</u>	<u>Chromium-48</u>	<u>1,000</u>
<u>Bismuth-210m</u>	<u>0.1</u>	<u>Chromium-49</u>	<u>1,000</u>
<u>Bismuth-212</u>	<u>10</u>	<u>Chromium-51</u>	<u>1,000</u>
<u>Bismuth-213</u>	<u>10</u>	<u>Cobalt-55</u>	<u>100</u>
<u>Bismuth-214</u>	<u>100</u>	<u>Cobalt-56</u>	<u>10</u>
<u>Bromine-74</u>	<u>1,000</u>	<u>Cobalt-57</u>	<u>100</u>
<u>Bromine-74m</u>	<u>1,000</u>	<u>Cobalt-58</u>	<u>100</u>
<u>Bromine-75</u>	<u>1,000</u>	<u>Cobalt-58m</u>	<u>1,000</u>
<u>Bromine-76</u>	<u>100</u>	<u>Cobalt-60</u>	<u>1</u>
<u>Bromine-77</u>	<u>1,000</u>	<u>Cobalt-60m</u>	<u>1,000</u>
<u>Bromine-80</u>	<u>1,000</u>	<u>Cobalt-61</u>	<u>1,000</u>
<u>Bromine-80m</u>	<u>1,000</u>	<u>Cobalt-62m</u>	<u>1,000</u>
<u>Bromine-82</u>	<u>100</u>	<u>Copper-60</u>	<u>1,000</u>
<u>Bromine-83</u>	<u>1,000</u>	<u>Copper-61</u>	<u>1,000</u>
<u>Bromine-84</u>	<u>1,000</u>	<u>Copper-64</u>	<u>1,000</u>
<u>Cadmium-104</u>	<u>1,000</u>	<u>Copper-67</u>	<u>1,000</u>
<u>Cadmium-107</u>	<u>1,000</u>	<u>Curium-238</u>	<u>100</u>
<u>Cadmium-109</u>	<u>1</u>	<u>Curium-240</u>	<u>0.1</u>
<u>Cadmium-113</u>	<u>100</u>	<u>Curium-241</u>	<u>1</u>
<u>Cadmium-113m</u>	<u>0.1</u>	<u>Curium-242</u>	<u>0.01</u>
<u>Cadmium-115</u>	<u>100</u>	<u>Curium-243</u>	<u>0.001</u>
<u>Cadmium-115m</u>	<u>10</u>	<u>Curium-244</u>	<u>0.001</u>
<u>Cadmium-117</u>	<u>1,000</u>	<u>Curium-245</u>	<u>0.001</u>
<u>Cadmium-117m</u>	<u>1,000</u>	<u>Curium-246</u>	<u>0.001</u>
<u>Calcium-41</u>	<u>100</u>	<u>Curium-247</u>	<u>0.001</u>
<u>Calcium-45</u>	<u>100</u>	<u>Curium-248</u>	<u>0.001</u>
<u>Calcium-47</u>	<u>100</u>	<u>Curium-249</u>	<u>1,000</u>
<u>Californium-244</u>	<u>100</u>	<u>Dysprosium-155</u>	<u>1,000</u>
<u>Californium-246</u>	<u>1</u>	<u>Dysprosium-157</u>	<u>1,000</u>
<u>Californium-248</u>	<u>0.01</u>	<u>Dysprosium-159</u>	<u>100</u>
<u>Californium-249</u>	<u>0.001</u>	<u>Dysprosium-165</u>	<u>1,000</u>
<u>Californium-250</u>	<u>0.001</u>	<u>Dysprosium-166</u>	<u>100</u>
<u>Californium-251</u>	<u>0.001</u>	<u>Einsteinium-250</u>	<u>100</u>
<u>Californium-252</u>	<u>0.001</u>	<u>Einsteinium-251</u>	<u>100</u>
<u>Californium-253</u>	<u>0.1</u>	<u>Einsteinium-253</u>	<u>0.1</u>
<u>Californium-254</u>	<u>0.001</u>	<u>Einsteinium-254</u>	<u>0.01</u>
<u>Carbon-11</u>	<u>1,000</u>	<u>Einsteinium-254m</u>	<u>1</u>
<u>Carbon-14</u>	<u>1,000</u>	<u>Erbium-161</u>	<u>1,000</u>
<u>Cerium-134</u>	<u>100</u>	<u>Erbium-165</u>	<u>1,000</u>
<u>Cerium-135</u>	<u>100</u>	<u>Erbium-169</u>	<u>100</u>
<u>Cerium-137</u>	<u>1,000</u>	<u>Erbium-171</u>	<u>100</u>
<u>Cerium-137m</u>	<u>100</u>	<u>Erbium-172</u>	<u>100</u>
<u>Cerium-139</u>	<u>100</u>	<u>Europium-145</u>	<u>100</u>
<u>Cerium-141</u>	<u>100</u>	<u>Europium-146</u>	<u>100</u>
<u>Cerium-143</u>	<u>100</u>	<u>Europium-147</u>	<u>100</u>

<u>Europium-148</u>	<u>10</u>	<u>Hafnium-182m</u>	<u>1,000</u>
<u>Europium-149</u>	<u>100</u>	<u>Hafnium-183</u>	<u>1,000</u>
<u>Europium-150 (12.62h)</u>	<u>100</u>	<u>Hafnium-184</u>	<u>100</u>
<u>Europium-150 (34.2y)</u>	<u>1</u>	<u>Holmium-155</u>	<u>1,000</u>
<u>Europium-152</u>	<u>1</u>	<u>Holmium-157</u>	<u>1,000</u>
<u>Europium-152m</u>	<u>100</u>	<u>Holmium-159</u>	<u>1,000</u>
<u>Europium-154</u>	<u>1</u>	<u>Holmium-161</u>	<u>1,000</u>
<u>Europium-155</u>	<u>10</u>	<u>Holmium-162</u>	<u>1,000</u>
<u>Europium-156</u>	<u>100</u>	<u>Holmium-162m</u>	<u>1,000</u>
<u>Europium-157</u>	<u>100</u>	<u>Holmium-164</u>	<u>1,000</u>
<u>Europium-158</u>	<u>1,000</u>	<u>Holmium-164m</u>	<u>1,000</u>
<u>Fermium-252</u>	<u>1</u>	<u>Holmium-166</u>	<u>100</u>
<u>Fermium-253</u>	<u>1</u>	<u>Holmium-166m</u>	<u>1</u>
<u>Fermium-254</u>	<u>10</u>	<u>Holmium-167</u>	<u>1,000</u>
<u>Fermium-255</u>	<u>1</u>	<u>Hydrogen-3</u>	<u>1,000</u>
<u>Fermium-257</u>	<u>0.01</u>	<u>Indium-109</u>	<u>1,000</u>
<u>Fluorine-18</u>	<u>1,000</u>	<u>Indium-110 (4.9h)</u>	<u>1,000</u>
<u>Francium-222</u>	<u>100</u>	<u>Indium-110m (69.1min)</u>	<u>1,000</u>
<u>Francium-223</u>	<u>100</u>	<u>Indium-111</u>	<u>100</u>
<u>Gadolinium-145</u>	<u>1,000</u>	<u>Indium-112</u>	<u>1,000</u>
<u>Gadolinium-146</u>	<u>10</u>	<u>Indium-113m</u>	<u>1,000</u>
<u>Gadolinium-147</u>	<u>100</u>	<u>Indium-114m</u>	<u>10</u>
<u>Gadolinium-148</u>	<u>0.001</u>	<u>Indium-115</u>	<u>100</u>
<u>Gadolinium-149</u>	<u>100</u>	<u>Indium-115m</u>	<u>1,000</u>
<u>Gadolinium-151</u>	<u>10</u>	<u>Indium-116m</u>	<u>1,000</u>
<u>Gadolinium-152</u>	<u>100</u>	<u>Indium-117</u>	<u>1,000</u>
<u>Gadolinium-153</u>	<u>10</u>	<u>Indium-117m</u>	<u>1,000</u>
<u>Gadolinium-159</u>	<u>100</u>	<u>Indium-119m</u>	<u>1,000</u>
<u>Gallium-65</u>	<u>1,000</u>	<u>Iodine-120</u>	<u>100</u>
<u>Gallium-66</u>	<u>100</u>	<u>Iodine-120m</u>	<u>1,000</u>
<u>Gallium-67</u>	<u>1,000</u>	<u>Iodine-121</u>	<u>1,000</u>
<u>Gallium-68</u>	<u>1,000</u>	<u>Iodine-123</u>	<u>100</u>
<u>Gallium-70</u>	<u>1,000</u>	<u>Iodine-124</u>	<u>10</u>
<u>Gallium-72</u>	<u>100</u>	<u>Iodine-125</u>	<u>1</u>
<u>Gallium-73</u>	<u>1,000</u>	<u>Iodine-126</u>	<u>1</u>
<u>Germanium-66</u>	<u>1,000</u>	<u>Iodine-128</u>	<u>1,000</u>
<u>Germanium-67</u>	<u>1,000</u>	<u>Iodine-129</u>	<u>1</u>
<u>Germanium-68</u>	<u>10</u>	<u>Iodine-130</u>	<u>10</u>
<u>Germanium-69</u>	<u>1,000</u>	<u>Iodine-131</u>	<u>1</u>
<u>Germanium-71</u>	<u>1,000</u>	<u>Iodine-132</u>	<u>100</u>
<u>Germanium-75</u>	<u>1,000</u>	<u>Iodine-132m</u>	<u>100</u>
<u>Germanium-77</u>	<u>1,000</u>	<u>Iodine-133</u>	<u>10</u>
<u>Germanium-78</u>	<u>1,000</u>	<u>Iodine-134</u>	<u>1,000</u>
<u>Gold-193</u>	<u>1,000</u>	<u>Iodine-135</u>	<u>100</u>
<u>Gold-194</u>	<u>100</u>	<u>Iridium-182</u>	<u>1,000</u>
<u>Gold-195</u>	<u>10</u>	<u>Iridium-184</u>	<u>1,000</u>
<u>Gold-198</u>	<u>100</u>	<u>Iridium-185</u>	<u>1,000</u>
<u>Gold-198m</u>	<u>100</u>	<u>Iridium-186</u>	<u>100</u>
<u>Gold-199</u>	<u>100</u>	<u>Iridium-187</u>	<u>1,000</u>
<u>Gold-200</u>	<u>1,000</u>	<u>Iridium-188</u>	<u>100</u>
<u>Gold-200m</u>	<u>100</u>	<u>Iridium-189</u>	<u>100</u>
<u>Gold-201</u>	<u>1,000</u>	<u>Iridium-190</u>	<u>100</u>
<u>Hafnium-170</u>	<u>100</u>	<u>Iridium-190m</u>	<u>1,000</u>
<u>Hafnium-172</u>	<u>1</u>	<u>Iridium-192 (73.8d)</u>	<u>1</u>
<u>Hafnium-173</u>	<u>1,000</u>	<u>Iridium-192m (1.4min)</u>	<u>10</u>
<u>Hafnium-175</u>	<u>100</u>	<u>Iridium-194</u>	<u>100</u>
<u>Hafnium-177m</u>	<u>1,000</u>	<u>Iridium-194m</u>	<u>10</u>
<u>Hafnium-178m</u>	<u>0.1</u>	<u>Iridium-195</u>	<u>1,000</u>
<u>Hafnium-179m</u>	<u>10</u>	<u>Iridium-195m</u>	<u>1,000</u>
<u>Hafnium-180m</u>	<u>1,000</u>	<u>Iron-52</u>	<u>100</u>
<u>Hafnium-181</u>	<u>10</u>	<u>Iron-55</u>	<u>100</u>
<u>Hafnium-182</u>	<u>0.1</u>	<u>Iron-59</u>	<u>10</u>

<u>Iron-60</u>	<u>1</u>	<u>Mercury-197</u>	<u>1,000</u>
<u>Krypton-74</u>	<u>1,000</u>	<u>Mercury-197m</u>	<u>100</u>
<u>Krypton-76</u>	<u>1,000</u>	<u>Mercury-199m</u>	<u>1,000</u>
<u>Krypton-77</u>	<u>1,000</u>	<u>Mercury-203</u>	<u>100</u>
<u>Krypton-79</u>	<u>1,000</u>	<u>Molybdenum-90</u>	<u>100</u>
<u>Krypton-81</u>	<u>1,000</u>	<u>Molybdenum-93</u>	<u>10</u>
<u>Krypton-83m</u>	<u>1,000</u>	<u>Molybdenum-93m</u>	<u>100</u>
<u>Krypton-85</u>	<u>1,000</u>	<u>Molybdenum-99</u>	<u>100</u>
<u>Krypton-85m</u>	<u>1,000</u>	<u>Molybdenum-101</u>	<u>1,000</u>
<u>Krypton-87</u>	<u>1,000</u>	<u>Neodymium-136</u>	<u>1,000</u>
<u>Krypton-88</u>	<u>1,000</u>	<u>Neodymium-138</u>	<u>100</u>
<u>Lanthanum-131</u>	<u>1,000</u>	<u>Neodymium-139</u>	<u>1,000</u>
<u>Lanthanum-132</u>	<u>100</u>	<u>Neodymium-139m</u>	<u>1,000</u>
<u>Lanthanum-135</u>	<u>1,000</u>	<u>Neodymium-141</u>	<u>1,000</u>
<u>Lanthanum-137</u>	<u>10</u>	<u>Neodymium-147</u>	<u>100</u>
<u>Lanthanum-138</u>	<u>100</u>	<u>Neodymium-149</u>	<u>1,000</u>
<u>Lanthanum-140</u>	<u>100</u>	<u>Neodymium-151</u>	<u>1,000</u>
<u>Lanthanum-141</u>	<u>100</u>	<u>Neptunium-232</u>	<u>100</u>
<u>Lanthanum-142</u>	<u>1,000</u>	<u>Neptunium-233</u>	<u>1,000</u>
<u>Lanthanum-143</u>	<u>1,000</u>	<u>Neptunium-234</u>	<u>100</u>
<u>Lead-195m</u>	<u>1,000</u>	<u>Neptunium-235</u>	<u>100</u>
<u>Lead-198</u>	<u>1,000</u>	<u>Neptunium-236 (1.15E+5y)</u>	<u>0.001</u>
<u>Lead-199</u>	<u>1,000</u>	<u>Neptunium-236 (22.5h)</u>	<u>1</u>
<u>Lead-200</u>	<u>100</u>	<u>Neptunium-237</u>	<u>0.001</u>
<u>Lead-201</u>	<u>1,000</u>	<u>Neptunium-238</u>	<u>10</u>
<u>Lead-202</u>	<u>10</u>	<u>Neptunium-239</u>	<u>100</u>
<u>Lead-202m</u>	<u>1,000</u>	<u>Neptunium-240</u>	<u>1,000</u>
<u>Lead-203</u>	<u>1,000</u>	<u>Nickel-56</u>	<u>100</u>
<u>Lead-205</u>	<u>100</u>	<u>Nickel-57</u>	<u>100</u>
<u>Lead-209</u>	<u>1,000</u>	<u>Nickel-59</u>	<u>100</u>
<u>Lead-210</u>	<u>0.01</u>	<u>Nickel-63</u>	<u>100</u>
<u>Lead-211</u>	<u>100</u>	<u>Nickel-65</u>	<u>1,000</u>
<u>Lead-212</u>	<u>1</u>	<u>Nickel-66</u>	<u>10</u>
<u>Lead-214</u>	<u>100</u>	<u>Niobium-88</u>	<u>1,000</u>
<u>Lutetium-169</u>	<u>100</u>	<u>Niobium-89 (122min)</u>	<u>1,000</u>
<u>Lutetium-170</u>	<u>100</u>	<u>Niobium-89m (66min)</u>	<u>1,000</u>
<u>Lutetium-171</u>	<u>100</u>	<u>Niobium-90</u>	<u>100</u>
<u>Lutetium-172</u>	<u>100</u>	<u>Niobium-93m</u>	<u>10</u>
<u>Lutetium-173</u>	<u>10</u>	<u>Niobium-94</u>	<u>1</u>
<u>Lutetium-174</u>	<u>10</u>	<u>Niobium-95</u>	<u>100</u>
<u>Lutetium-174m</u>	<u>10</u>	<u>Niobium-95m</u>	<u>100</u>
<u>Lutetium-176</u>	<u>100</u>	<u>Niobium-96</u>	<u>100</u>
<u>Lutetium-176m</u>	<u>1,000</u>	<u>Niobium-97</u>	<u>1,000</u>
<u>Lutetium-177</u>	<u>100</u>	<u>Niobium-98</u>	<u>1,000</u>
<u>Lutetium-177m</u>	<u>10</u>	<u>Osmium-180</u>	<u>1,000</u>
<u>Lutetium-178</u>	<u>1,000</u>	<u>Osmium-181</u>	<u>1,000</u>
<u>Lutetium-178m</u>	<u>1,000</u>	<u>Osmium-182</u>	<u>100</u>
<u>Lutetium-179</u>	<u>1,000</u>	<u>Osmium-185</u>	<u>100</u>
<u>Magnesium-28</u>	<u>100</u>	<u>Osmium-189m</u>	<u>1,000</u>
<u>Manganese-51</u>	<u>1,000</u>	<u>Osmium-191</u>	<u>100</u>
<u>Manganese-52</u>	<u>100</u>	<u>Osmium-191m</u>	<u>1,000</u>
<u>Manganese-52m</u>	<u>1,000</u>	<u>Osmium-193</u>	<u>100</u>
<u>Manganese-53</u>	<u>1,000</u>	<u>Osmium-194</u>	<u>1</u>
<u>Manganese-54</u>	<u>100</u>	<u>Palladium-100</u>	<u>100</u>
<u>Manganese-56</u>	<u>1,000</u>	<u>Palladium-101</u>	<u>1,000</u>
<u>Mendelevium-257</u>	<u>10</u>	<u>Palladium-103</u>	<u>100</u>
<u>Mendelevium-258</u>	<u>0.01</u>	<u>Palladium-107</u>	<u>10</u>
<u>Mercury-193</u>	<u>1,000</u>	<u>Palladium-109</u>	<u>100</u>
<u>Mercury-193m</u>	<u>100</u>	<u>Phosphorus-32</u>	<u>10</u>
<u>Mercury-194</u>	<u>1</u>	<u>Phosphorus-33</u>	<u>100</u>
<u>Mercury-195</u>	<u>1,000</u>	<u>Platinum-186</u>	<u>1,000</u>
<u>Mercury-195m</u>	<u>100</u>	<u>Platinum-188</u>	<u>100</u>

<u>Platinum-189</u>	<u>1,000</u>	<u>Radium-227</u>	<u>1,000</u>
<u>Platinum-191</u>	<u>100</u>	<u>Radium-228</u>	<u>0.1</u>
<u>Platinum-193</u>	<u>1,000</u>	<u>Radon-220</u>	<u>1</u>
<u>Platinum-193m</u>	<u>100</u>	<u>Radon-222</u>	<u>1</u>
<u>Platinum-195m</u>	<u>100</u>	<u>Rhenium-177</u>	<u>1,000</u>
<u>Platinum-197</u>	<u>100</u>	<u>Rhenium-178</u>	<u>1,000</u>
<u>Platinum-197m</u>	<u>1,000</u>	<u>Rhenium-181</u>	<u>1,000</u>
<u>Platinum-199</u>	<u>1,000</u>	<u>Rhenium-182 (64.0h)</u>	<u>100</u>
<u>Platinum-200</u>	<u>100</u>	<u>Rhenium-182 (12.7h)</u>	<u>1,000</u>
<u>Plutonium-234</u>	<u>10</u>	<u>Rhenium-184</u>	<u>100</u>
<u>Plutonium-235</u>	<u>1,000</u>	<u>Rhenium-184m</u>	<u>10</u>
<u>Plutonium-236</u>	<u>0.001</u>	<u>Rhenium-186</u>	<u>100</u>
<u>Plutonium-237</u>	<u>100</u>	<u>Rhenium-186m</u>	<u>10</u>
<u>Plutonium-238</u>	<u>0.001</u>	<u>Rhenium-187</u>	<u>1,000</u>
<u>Plutonium-239</u>	<u>0.001</u>	<u>Rhenium-188</u>	<u>100</u>
<u>Plutonium-240</u>	<u>0.001</u>	<u>Rhenium-188m</u>	<u>1,000</u>
<u>Plutonium-241</u>	<u>0.01</u>	<u>Rhenium-189</u>	<u>100</u>
<u>Plutonium-242</u>	<u>0.001</u>	<u>Rhodium-99</u>	<u>100</u>
<u>Plutonium-243</u>	<u>1,000</u>	<u>Rhodium-99m</u>	<u>1,000</u>
<u>Plutonium-244</u>	<u>0.001</u>	<u>Rhodium-100</u>	<u>100</u>
<u>Plutonium-245</u>	<u>100</u>	<u>Rhodium-101</u>	<u>10</u>
<u>Polonium-203</u>	<u>1,000</u>	<u>Rhodium-101m</u>	<u>1,000</u>
<u>Polonium-205</u>	<u>1,000</u>	<u>Rhodium-102</u>	<u>10</u>
<u>Polonium-207</u>	<u>1,000</u>	<u>Rhodium-102m</u>	<u>10</u>
<u>Polonium-210</u>	<u>0.1</u>	<u>Rhodium-103m</u>	<u>1,000</u>
<u>Potassium-40</u>	<u>100</u>	<u>Rhodium-105</u>	<u>100</u>
<u>Potassium-42</u>	<u>1,000</u>	<u>Rhodium-106m</u>	<u>1,000</u>
<u>Potassium-43</u>	<u>1,000</u>	<u>Rhodium-107</u>	<u>1,000</u>
<u>Potassium-44</u>	<u>1,000</u>	<u>Rubidium-79</u>	<u>1,000</u>
<u>Potassium-45</u>	<u>1,000</u>	<u>Rubidium-81</u>	<u>1,000</u>
<u>Praseodymium-136</u>	<u>1,000</u>	<u>Rubidium-81m</u>	<u>1,000</u>
<u>Praseodymium-137</u>	<u>1,000</u>	<u>Rubidium-82m</u>	<u>1,000</u>
<u>Praseodymium-138m</u>	<u>1,000</u>	<u>Rubidium-83</u>	<u>100</u>
<u>Praseodymium-139</u>	<u>1,000</u>	<u>Rubidium-84</u>	<u>100</u>
<u>Praseodymium-142</u>	<u>100</u>	<u>Rubidium-86</u>	<u>100</u>
<u>Praseodymium-142m</u>	<u>1,000</u>	<u>Rubidium-87</u>	<u>100</u>
<u>Praseodymium-143</u>	<u>100</u>	<u>Rubidium-88</u>	<u>1,000</u>
<u>Praseodymium-144</u>	<u>1,000</u>	<u>Rubidium-89</u>	<u>1,000</u>
<u>Praseodymium-145</u>	<u>100</u>	<u>Ruthenium-94</u>	<u>1,000</u>
<u>Praseodymium-147</u>	<u>1,000</u>	<u>Ruthenium-97</u>	<u>1,000</u>
<u>Promethium-141</u>	<u>1,000</u>	<u>Ruthenium-103</u>	<u>100</u>
<u>Promethium-143</u>	<u>100</u>	<u>Ruthenium-105</u>	<u>1,000</u>
<u>Promethium-144</u>	<u>10</u>	<u>Ruthenium-106</u>	<u>1</u>
<u>Promethium-145</u>	<u>10</u>	<u>Samarium-141</u>	<u>1,000</u>
<u>Promethium-146</u>	<u>1</u>	<u>Samarium-141m</u>	<u>1,000</u>
<u>Promethium-147</u>	<u>10</u>	<u>Samarium-142</u>	<u>1,000</u>
<u>Promethium-148</u>	<u>10</u>	<u>Samarium-145</u>	<u>100</u>
<u>Promethium-148m</u>	<u>10</u>	<u>Samarium-146</u>	<u>1</u>
<u>Promethium-149</u>	<u>100</u>	<u>Samarium-147</u>	<u>100</u>
<u>Promethium-150</u>	<u>1,000</u>	<u>Samarium-151</u>	<u>10</u>
<u>Promethium-151</u>	<u>100</u>	<u>Samarium-153</u>	<u>100</u>
<u>Protactinium-227</u>	<u>10</u>	<u>Samarium-155</u>	<u>1,000</u>
<u>Protactinium-228</u>	<u>1</u>	<u>Samarium-156</u>	<u>1,000</u>
<u>Protactinium-230</u>	<u>0.1</u>	<u>Scandium-43</u>	<u>1,000</u>
<u>Protactinium-231</u>	<u>0.001</u>	<u>Scandium-44</u>	<u>100</u>
<u>Protactinium-232</u>	<u>1</u>	<u>Scandium-44m</u>	<u>100</u>
<u>Protactinium-233</u>	<u>100</u>	<u>Scandium-46</u>	<u>10</u>
<u>Protactinium-234</u>	<u>100</u>	<u>Scandium-47</u>	<u>100</u>
<u>Radium-223</u>	<u>0.1</u>	<u>Scandium-48</u>	<u>100</u>
<u>Radium-224</u>	<u>0.1</u>	<u>Scandium-49</u>	<u>1,000</u>
<u>Radium-225</u>	<u>0.1</u>	<u>Selenium-70</u>	<u>1,000</u>
<u>Radium-226</u>	<u>0.1</u>	<u>Selenium-73</u>	<u>100</u>

<u>Selenium-73m</u>	<u>1,000</u>	<u>Tellurium-116</u>	<u>1,000</u>
<u>Selenium-75</u>	<u>100</u>	<u>Tellurium-121</u>	<u>100</u>
<u>Selenium-79</u>	<u>100</u>	<u>Tellurium-121m</u>	<u>10</u>
<u>Selenium-81</u>	<u>1,000</u>	<u>Tellurium-123</u>	<u>100</u>
<u>Selenium-81m</u>	<u>1,000</u>	<u>Tellurium-123m</u>	<u>10</u>
<u>Selenium-83</u>	<u>1,000</u>	<u>Tellurium-125m</u>	<u>10</u>
<u>Silicon-31</u>	<u>1,000</u>	<u>Tellurium-127</u>	<u>1,000</u>
<u>Silicon-32</u>	<u>1</u>	<u>Tellurium-127m</u>	<u>10</u>
<u>Silver-102</u>	<u>1,000</u>	<u>Tellurium-129</u>	<u>1,000</u>
<u>Silver-103</u>	<u>1,000</u>	<u>Tellurium-129m</u>	<u>10</u>
<u>Silver-104</u>	<u>1,000</u>	<u>Tellurium-131</u>	<u>100</u>
<u>Silver-104m</u>	<u>1,000</u>	<u>Tellurium-131m</u>	<u>10</u>
<u>Silver-105</u>	<u>100</u>	<u>Tellurium-132</u>	<u>10</u>
<u>Silver-106</u>	<u>1,000</u>	<u>Tellurium-133</u>	<u>1,000</u>
<u>Silver-106m</u>	<u>100</u>	<u>Tellurium-133m</u>	<u>100</u>
<u>Silver-108m</u>	<u>1</u>	<u>Tellurium-134</u>	<u>1,000</u>
<u>Silver-111</u>	<u>100</u>	<u>Terbium-147</u>	<u>1,000</u>
<u>Silver-112</u>	<u>100</u>	<u>Terbium-149</u>	<u>100</u>
<u>Silver-115</u>	<u>1,000</u>	<u>Terbium-150</u>	<u>1,000</u>
<u>Silver-110m</u>	<u>10</u>	<u>Terbium-151</u>	<u>100</u>
<u>Sodium-22</u>	<u>10</u>	<u>Terbium-153</u>	<u>1,000</u>
<u>Sodium-24</u>	<u>100</u>	<u>Terbium-154</u>	<u>100</u>
<u>Strontium-80</u>	<u>100</u>	<u>Terbium-155</u>	<u>1,000</u>
<u>Strontium-81</u>	<u>1,000</u>	<u>Terbium-156</u>	<u>100</u>
<u>Strontium-83</u>	<u>100</u>	<u>Terbium-156m (24.4h)</u>	<u>1,000</u>
<u>Strontium-85</u>	<u>100</u>	<u>Terbium-156m (5.0h)</u>	<u>1,000</u>
<u>Strontium-85m</u>	<u>1,000</u>	<u>Terbium-157</u>	<u>10</u>
<u>Strontium-87m</u>	<u>1,000</u>	<u>Terbium-158</u>	<u>1</u>
<u>Strontium-89</u>	<u>10</u>	<u>Terbium-160</u>	<u>10</u>
<u>Strontium-90</u>	<u>0.1</u>	<u>Terbium-161</u>	<u>100</u>
<u>Strontium-91</u>	<u>100</u>	<u>Thallium-194</u>	<u>1,000</u>
<u>Strontium-92</u>	<u>100</u>	<u>Thallium-194m</u>	<u>1,000</u>
<u>Sulfur-35</u>	<u>100</u>	<u>Thallium-195</u>	<u>1,000</u>
<u>Tantalum-172</u>	<u>1,000</u>	<u>Thallium-197</u>	<u>1,000</u>
<u>Tantalum-173</u>	<u>1,000</u>	<u>Thallium-198</u>	<u>1,000</u>
<u>Tantalum-174</u>	<u>1,000</u>	<u>Thallium-198m</u>	<u>1,000</u>
<u>Tantalum-175</u>	<u>1,000</u>	<u>Thallium-199</u>	<u>1,000</u>
<u>Tantalum-176</u>	<u>100</u>	<u>Thallium-200</u>	<u>1,000</u>
<u>Tantalum-177</u>	<u>1,000</u>	<u>Thallium-201</u>	<u>1,000</u>
<u>Tantalum-178</u>	<u>1,000</u>	<u>Thallium-202</u>	<u>100</u>
<u>Tantalum-179</u>	<u>100</u>	<u>Thallium-204</u>	<u>100</u>
<u>Tantalum-180</u>	<u>100</u>	<u>Thorium-226</u>	<u>10</u>
<u>Tantalum-180m</u>	<u>1,000</u>	<u>Thorium-227</u>	<u>0.01</u>
<u>Tantalum-182</u>	<u>10</u>	<u>Thorium-228</u>	<u>0.001</u>
<u>Tantalum-182m</u>	<u>1,000</u>	<u>Thorium-229</u>	<u>0.001</u>
<u>Tantalum-183</u>	<u>100</u>	<u>Thorium-230</u>	<u>0.001</u>
<u>Tantalum-184</u>	<u>100</u>	<u>Thorium-231</u>	<u>100</u>
<u>Tantalum-185</u>	<u>1,000</u>	<u>Thorium-232</u>	<u>100</u>
<u>Tantalum-186</u>	<u>1,000</u>	<u>Thorium-234</u>	<u>10</u>
<u>Technetium-93</u>	<u>1,000</u>	<u>Thorium-natural</u>	<u>100</u>
<u>Technetium-93m</u>	<u>1,000</u>	<u>Thulium-162</u>	<u>1,000</u>
<u>Technetium-94</u>	<u>1,000</u>	<u>Thulium-166</u>	<u>100</u>
<u>Technetium-94m</u>	<u>1,000</u>	<u>Thulium-167</u>	<u>100</u>
<u>Technetium-96</u>	<u>100</u>	<u>Thulium-170</u>	<u>10</u>
<u>Technetium-96m</u>	<u>1,000</u>	<u>Thulium-171</u>	<u>10</u>
<u>Technetium-97</u>	<u>1,000</u>	<u>Thulium-172</u>	<u>100</u>
<u>Technetium-97m</u>	<u>100</u>	<u>Thulium-173</u>	<u>100</u>
<u>Technetium-98</u>	<u>10</u>	<u>Thulium-175</u>	<u>1,000</u>
<u>Technetium-99</u>	<u>100</u>	<u>Tin-110</u>	<u>100</u>
<u>Technetium-99m</u>	<u>1,000</u>	<u>Tin-111</u>	<u>1,000</u>
<u>Technetium-101</u>	<u>1,000</u>	<u>Tin-113</u>	<u>100</u>
<u>Technetium-104</u>	<u>1,000</u>	<u>Tin-117m</u>	<u>100</u>

<u>Tin-119m</u>	<u>100</u>
<u>Tin-121</u>	<u>1,000</u>
<u>Tin-121m</u>	<u>100</u>
<u>Tin-123</u>	<u>10</u>
<u>Tin-123m</u>	<u>1,000</u>
<u>Tin-125</u>	<u>10</u>
<u>Tin-126</u>	<u>10</u>
<u>Tin-127</u>	<u>1,000</u>
<u>Tin-128</u>	<u>1,000</u>
<u>Titanium-44</u>	<u>1</u>
<u>Titanium-45</u>	<u>1,000</u>
<u>Tungsten-176</u>	<u>1,000</u>
<u>Tungsten-177</u>	<u>1,000</u>
<u>Tungsten-178</u>	<u>1,000</u>
<u>Tungsten-179</u>	<u>1,000</u>
<u>Tungsten-181</u>	<u>1,000</u>
<u>Tungsten-185</u>	<u>100</u>
<u>Tungsten-187</u>	<u>100</u>
<u>Tungsten-188</u>	<u>10</u>
<u>Uranium-230</u>	<u>0.01</u>
<u>Uranium-231</u>	<u>100</u>
<u>Uranium-232</u>	<u>0.001</u>
<u>Uranium-233</u>	<u>0.001</u>
<u>Uranium-234</u>	<u>0.001</u>
<u>Uranium-235</u>	<u>0.001</u>
<u>Uranium-236</u>	<u>0.001</u>
<u>Uranium-237</u>	<u>100</u>
<u>Uranium-238</u>	<u>100</u>
<u>Uranium-239</u>	<u>1,000</u>
<u>Uranium-240</u>	<u>100</u>
<u>Uranium-natural</u>	<u>100</u>
<u>Vanadium-47</u>	<u>1,000</u>
<u>Vanadium-48</u>	<u>100</u>
<u>Vanadium-49</u>	<u>1,000</u>
<u>Xenon-120</u>	<u>1,000</u>
<u>Xenon-121</u>	<u>1,000</u>
<u>Xenon-122</u>	<u>1,000</u>
<u>Xenon-123</u>	<u>1,000</u>
<u>Xenon-125</u>	<u>1,000</u>
<u>Xenon-127</u>	<u>1,000</u>
<u>Xenon-129m</u>	<u>1,000</u>
<u>Xenon-131m</u>	<u>1,000</u>
<u>Xenon-133</u>	<u>1,000</u>
<u>Xenon-133m</u>	<u>1,000</u>
<u>Xenon-135</u>	<u>1,000</u>
<u>Xenon-135m</u>	<u>1,000</u>
<u>Xenon-138</u>	<u>1,000</u>
<u>Ytterbium-162</u>	<u>1,000</u>
<u>Ytterbium-166</u>	<u>100</u>
<u>Ytterbium-167</u>	<u>1,000</u>
<u>Ytterbium-169</u>	<u>100</u>
<u>Ytterbium-175</u>	<u>100</u>
<u>Ytterbium-177</u>	<u>1,000</u>
<u>Ytterbium-178</u>	<u>1,000</u>
<u>Yttrium-86</u>	<u>100</u>
<u>Yttrium-86m</u>	<u>1,000</u>
<u>Yttrium-87</u>	<u>100</u>
<u>Yttrium-88</u>	<u>10</u>
<u>Yttrium-90</u>	<u>10</u>
<u>Yttrium-90m</u>	<u>1,000</u>
<u>Yttrium-91</u>	<u>10</u>
<u>Yttrium-91m</u>	<u>1,000</u>

<u>Yttrium-92</u>	<u>100</u>
<u>Yttrium-93</u>	<u>100</u>
<u>Yttrium-94</u>	<u>1,000</u>
<u>Yttrium-95</u>	<u>1,000</u>
<u>Zinc-62</u>	<u>100</u>
<u>Zinc-63</u>	<u>1,000</u>
<u>Zinc-65</u>	<u>10</u>
<u>Zinc-69</u>	<u>1,000</u>
<u>Zinc-69m</u>	<u>100</u>
<u>Zinc-71m</u>	<u>1,000</u>
<u>Zinc-72</u>	<u>100</u>
<u>Zirconium-86</u>	<u>100</u>
<u>Zirconium-88</u>	<u>10</u>
<u>Zirconium-89</u>	<u>100</u>
<u>Zirconium-93</u>	<u>1</u>
<u>Zirconium-95</u>	<u>10</u>
<u>Zirconium-97</u>	<u>100</u>

<u>Any alpha-emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition</u>	<u>0.001</u>	<u>Any radionuclide other than alpha-emitting radionuclides not listed above, or mixtures of beta emitters of unknown composition</u>	<u>0.01</u>
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NOTE: For purposes of WAC 246-221-120(8), 246-221-130 (7)(a), and 246-221-240(1) where there is involved a combination of radionuclides in known amounts, the limit for the combination shall be derived as follows: Determine, for each radionuclide in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific radionuclide when not in combination. The sum of such ratios for all radionuclides in the combination may not exceed "1" — that is, unity.

¹ - The quantities listed above were derived by taking 1/10th of the most restrictive ALI listed in Table I, Columns 1 and 2, of Appendix B to Part D, rounding to the nearest factor of 10, and constraining the values listed between 37 Bq and 37 MBq (0.001 and 1,000 µCi). Values of 3.7 MBq (100 µCi) have been assigned for radionuclides having a radioactive half-life in excess of E+9 years, except rhenium, 37 MBq (1,000 µCi), to take into account their low specific activity.

* - To convert µCi to kBq, multiply the µCi value by 37.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-222-020 Posting of notices to workers. (1) Each licensee or registrant shall post current copies of the following documents:

- (a) The regulations in this chapter and in chapter 246-221 WAC;
- (b) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto;
- (c) The operating procedures applicable to work under the license or registration;
- (d) Any notice of noncompliance involving radiological working conditions, proposed imposition of civil penalty, order issued pursuant to chapter 246-220 WAC, or any response from the licensee or registrant.

(2) If posting of a document specified in subsection (1)(a), (b), or (c) of this section is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

(3) Each licensee or registrant shall conspicuously post pertinent emergency procedures when emergency procedures are required by the department.

(4) Properly completed department Form RHF-3 "Notice to employees," shall be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area.

(5) Documents, notices or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(6) Department documents posted pursuant to subsection (1)(d) of this section shall be posted as specified by subsection (5) of this section within five working days after receipt of the documents from the department; the licensee's or registrant's response, if any, shall be posted ~~((for a minimum of))~~ within five working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the item(s) of noncompliance has been completed, whichever is later.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-222-030 Instructions to workers. (1) All individuals working in or frequenting any portion of a restricted area:

(a) Shall be kept informed of the storage, transfer, or use of sources of radiation in such portions of the restricted area;

(b) Shall be instructed in the health protection considerations for the individual and potential offspring associated with exposure to radiation or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(c) Shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of these regulations, department form RHF-3 "Notice to employees," and license conditions for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;

(d) Shall be instructed that any worker or representative of workers who believes that a violation of the regulations, license conditions, or unnecessary exposure to radiation exists or occurred, may request an inspection by the department by oral or written notification. The notification shall set forth specific grounds for the complaint. Any such notification to the department is confidential;

(e) Shall be instructed of their right to notify the department if the individual suspects improper actions by a licensee/registrant, or conditions which may lead to a violation of these regulations, the license/registration, or unnecessary exposure to radiation or radioactive materials;

(f) Shall be instructed that employment discrimination by a licensee/registrant against an employee because of actions described in this chapter is prohibited;

(g) Shall be instructed as to their responsibility to report promptly to the licensee or registrant any condition which may constitute, lead to, or cause a violation of the act, these

regulations, and licenses or unnecessary exposure to radiation or radioactive material;

(h) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and

(i) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to WAC 246-222-040.

(2) ~~((By July 1, 1984,))~~ Records of these instructions described in subsection (1) of this section ~~((s))~~ for all individuals working in, or frequenting any portion of, a restricted area shall be maintained for inspection by the department until further notice. These records shall include a copy of this section, or all the information contained in this section, along with a dated verification signature by the employee stating that the individual ~~((is satisfied with the))~~ has received an explanation of the instructions contained in this section.

(3) The extent of these instructions shall be commensurate with potential radiological health protection considerations in the restricted area.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-222-040 Notifications and reports to individuals.

(1) Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to these regulations, orders, and license conditions, as shown in records maintained by the licensee or registrant pursuant to these regulations. Each notification and report shall:

(a) Be in writing;

(b) Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's identification number, preferably Social Security number;

(c) Include the individual's exposure information; and

(d) Contain the following statement:

"This report is furnished to you under the provisions of the Washington state department of health, division of radiation protection, rules and regulations for radiation protection. You should preserve this report for further reference."

(2) ~~((Upon request of the worker,))~~ Each licensee or registrant shall advise each worker annually of the worker's ~~((current and accumulated exposure to radiation or radioactive material))~~ dose as shown in records maintained by the licensee or registrant pursuant to WAC 246-221-090, 246-221-100, and 246-221-230 ~~((1) and (3))~~.

(3) At the request of a worker formerly engaged in work controlled by the licensee or the registrant, each licensee or registrant shall furnish to each worker or former worker a report of the worker's dose due to exposure to radiation or radioactive material upon termination. For the purposes of this section, termination means the end of employment with the licensee or the end of a work assignment in the

licensee's restricted area(s) in a given calendar quarter without expectation, or specific scheduling, of reentry into such restricted area(s) during the remainder of that calendar quarter. Such report shall be furnished within thirty days from the time the request is made, or within thirty days after the exposure of the individual has been determined by the licensee or registrant, whichever is later; shall cover, within the period of time specified in the request, ~~((each calendar quarter))~~ the dose record for each year in which the worker's activities involved exposure to radiation from radioactive material licensed by, or radiation machines registered with the department; and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

~~(4) ((When a licensee or registrant is required pursuant to WAC 246-221-260 to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a written report on the individual's exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the department.~~

~~(5))~~ In addition to the requirements of subsection (3) of this section, at the request of a worker who is terminating employment ~~((in a given calendar quarter))~~ with the licensee or registrant in work involving radiation exposure, ~~((or of a worker who, while employed by another person, is terminating assignment to work involving radiation exposure in the licensee's facility in that calendar quarter))~~ during the current year, each licensee or registrant shall provide at termination to each such worker, or to the worker's designee~~((, at termination,))~~ a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during ~~((that specifically identified calendar quarter or fraction thereof, or provide a written statement of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such))~~ the current year. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

(5) When a licensee or registrant is required pursuant to WAC 246-221-260 to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a written report on the individual's exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the department.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-222-070 Requests by workers for inspections. (1) Any worker or representative of workers who believes that a violation of the act, of these regulations, or of license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Washington state department of health, division of radiation protection. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall

be provided to the licensee or registrant by the office of radiation protection no later than at the time of inspection except that, upon the request of the worker giving such notice, his or her name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

(2) If, upon receipt of such notice, the inspector for the ~~((office))~~ division of radiation protection determines that the complaint meets the requirements set forth in subsection (1) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, the inspector shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(3) No licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these regulations or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of the worker or other workers of any option afforded by this chapter.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-222-080 Inspections not warranted—Informal review. (1) If the department of health, division of radiation protection determines, with respect to a complaint under WAC 246-222-070 that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the ~~((office))~~ division of radiation protection shall notify the complainant in writing of such determination.

(a) If the complaint resulted from activities concerning naturally occurring or accelerator produced radioactive materials and/or radiation producing machines: The complainant may obtain review of such determination by submitting a written statement of position to the Assistant Director, Division of Industrial Safety and Health, ~~((Mailstop HC-402))~~ P.O. Box 4600, Olympia, Washington 98504-4600. Such request for informal review will be processed according to the provisions of WAC 296-350-460 and the provisions of the interagency agreement between the department of labor and industries and the department of health, division of radiation protection, if any.

(b) If the complaint resulted from activities concerning byproduct material, source material, and/or special nuclear material: The complainant may obtain review of such determination by submitting a written statement of position with the Department of Health, Division of Radiation Protection, ~~((Mailstop LE-13))~~ P.O. Box 47827, Olympia, Washington 98504-7827 (206/753-3468), who will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the department of health, division of radiation protection, who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the department of health may hold an informal conference in

which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the department of health shall affirm, modify, or reverse the determination of the division of radiation protection and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

(2) If the division of radiation protection determines that an inspection is not warranted because the requirements of WAC 246-222-070(1) have not been met, it shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of WAC 246-222-070(1).

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-224-040 Expiration ~~((of certificate))~~ of registration. Except as provided by WAC 246-224-050(2) each ~~((certificate of))~~ registration shall expire at the end of the day on the date stated therein.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-224-050 Renewal ~~((of certificate))~~ of registration. (1) Application for renewal of registration shall be filed in accordance with WAC 246-224-020 and 246-254-053 at least thirty days prior to the expiration date.

(2) In any case in which a registrant not less than thirty days prior to the expiration of his existing ~~((certificate of))~~ registration has filed an application in proper form for renewal, such existing ~~((certificate of))~~ registration shall not expire until the application status has been determined by the department.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-224-070 Report of changes. The registrant shall notify the department in writing when making any change which would render the information contained in the application for registration ~~((and/or certificate of registration))~~ no longer accurate. Notifications shall be sent to X-Ray Control Section, Department of Health, ~~((Mailstop LE-43))~~ P.O. Box 47827, Olympia, WA 98504-7827. Notification shall be sent no later than thirty days after such change in the registration information.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-224-030 Issuance of certificate of registration.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-225-020 General requirements—Administrative controls. (1) No person shall make, sell, lease, transfer, lend, or install x-ray equipment or the accessories used in connection with such equipment unless such accessories and equipment, when properly placed in operation and properly used, shall meet the requirements of this chapter.

(2) The registrant in control of the x-ray machines shall be responsible for directing the operation of the x-ray machines. The registrant or registrant's agent shall assure the following provisions are met in the operation of the x-ray machine or machines:

(a) The registrant shall not operate an x-ray machine for diagnostic or therapeutic purposes when the x-ray machine:

- (i) Does not meet the provisions of this chapter; or
- (ii) Is malfunctioning and threatens the health or safety of the patient, operator, or general public.

(b) Individuals operating the x-ray equipment shall be adequately instructed in safe operating procedures and shall be able to demonstrate competence, upon request from the department, in the correct use of the equipment. Required areas of competence are listed in Appendix II. The department may determine compliance with subsection (2)(b) of this section by observation, interview, or testing;

(c) At each x-ray system's control panel, a chart shall be provided which specifies for the examinations performed by that system the following information:

- (i) Patient's anatomical size versus technique factors utilized;
- (ii) Source to image receptor distance used;
- (iii) Type and placement of patient shielding used, for example, gonad, thyroid, lap apron;
- (iv) If applicable, settings for automatic exposure devices; and
- (v) Type and size of film or screen-film combination to be used.

(d) When required by the department, a registrant shall create and provide to operators of the x-ray system, radiation safety procedures which address patient and occupationally-exposed personnel safety. These procedures shall define restrictions of the operating technique required for safe operation of the particular x-ray system;

(e) Except for patients who cannot be moved out of the room and the patient being examined, only the staff and ancillary personnel required for the medical procedure or training shall be present in the room during the radiographic exposure. Other than the patient being examined:

- (i) All individuals shall be positioned such that no part of the body including the extremities not protected by 0.5 mm lead equivalent will be struck by the useful beam;
- (ii) The x-ray operator, other staff and ancillary personnel shall be protected from the direct scatter radiation by protective aprons or whole body protective barriers of not less than 0.25 mm lead equivalent;
- (iii) Patients who cannot be removed from the room shall be:
 - (A) Protected from the direct scatter radiation by whole body protective barriers of not less than 0.25 mm lead equivalent; or

(B) Positioned so the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(iv) The department may require additional protective devices when a portion of the body of staff or ancillary personnel is potentially subjected to stray radiation which may result in that individual receiving one quarter of the maximum permissible dose defined under WAC 246-221-010.

(f) Gonad shielding of not less than 0.5 mm lead equivalent shall be used for patients of reproductive age during radiographic procedures in which the gonads are in the direct (useful) beam, except for cases when gonad shielding may interfere with the diagnostic procedure;

(g) Persons shall not be exposed to the useful beam except for healing arts purposes. Only a licensed practitioner of the healing arts shall authorize an exposure to the useful beam. This requirement prohibits deliberate exposure for the following purposes:

(i) Exposure of an individual for training, demonstration, or other purposes unless there are also healing arts requirements and proper prescription is provided;

(ii) Except for mammography performed by registered facilities on self-referred patients, the exposure of an individual for the purpose of healing arts screening without prior written approval of the state health officer; and

(iii) Exposure of an individual for the sole purpose of satisfying a third party's prerequisite for reimbursement under any health care plan, except for exposure required under Medicare provisions.

(h) When a patient or film must be provided with auxiliary support during a radiation exposure:

(i) Mechanical holding devices shall be used when the technique permits. The safety rules, when required under subdivision (d) of this subsection, shall list individual projections where holding devices cannot be utilized;

(ii) Written safety procedures, when required under subdivision (d) of this subsection, shall indicate the requirements for selecting a human holder and the procedure the holder shall follow;

(iii) The human holder shall be protected as required under subdivision (e)(i) of this subsection (~~—The holder occupationally exposed to radiation shall be provided with a personnel monitoring device, worn at the collar outside the lead apron, and records of exposures shall be maintained~~);

(iv) No person shall be used routinely to hold film or patients;

(v) When the patient must hold the film, the portion of the body other than the area of clinical interest struck by the useful beam shall be protected by not less than 0.5 mm lead equivalent material;

(vi) Holding the film or the patient shall be permitted only in very unusual and rare situations (~~—and~~

~~(vii) When a holder is occupationally exposed to radiation, a record shall be made of the examination and shall include:~~

- ~~(A) Patient identification;~~
- ~~(B) Name of the human holder;~~
- ~~(C) Date of the examination;~~
- ~~(D) Number of exposures; and~~
- ~~(E) Technique factors utilized for the exposures).~~

(i) Personnel dosimetry. All persons associated with the operation of an x-ray system are subject to both the occupational exposure limits and the requirements for the determination of the doses stated under WAC 246-221-020. In addition, when protective clothing or devices are worn on portions of the body and a dosimeter is required, at least one such dosimeter shall be utilized as follows:

(i) When an apron is worn, the monitoring device shall be worn at the collar outside of the apron; and

(ii) The dose to the whole body based on the maximum dose attributed to the most critical organ shall be recorded on the reports required under WAC 246-221-230. If more than one device is used or a record is made of the data, each dose shall be identified with the area where the device was worn on the body.

(iii) Personnel monitoring of an operator shall be required where:

(A) Exposure switch cords are utilized that allow the operator to stand in an unprotected area during exposures; and

(B) (~~(Worst case)~~) Measurements by the department show (~~(twenty five)~~) ten percent of the exposure limits as specified under WAC 246-221-010 may be exceeded.

(iv) All persons involved in the operation of a fluoroscope and working within the fluoroscopy room during its operation shall wear a personnel dosimeter required under WAC 246-221-090 and subsection (2)(i)(i) of this section. If extremities are in or near the primary beam, extremity dosimeters are also required;

(j) Healing arts screening utilizing radiation. Any person proposing to conduct a healing arts screening program, with the exception of a mammography program, shall not initiate such a program without prior approval of the state health officer. When requesting such approval, that person shall submit the information outlined under Appendix III of this part. If information submitted becomes invalid or outdated, the state health officer shall be notified immediately;

(k) When using scatter suppressing grids, the grids shall be:

(i) Clearly labelled with the focal distance for which they are designed to be used; and

(ii) Of the proper focal distance for the source-to-image distances used.

(l) Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized.

(i) Film cassettes without intensifying screens shall not be used for any routine diagnostic radiological imaging.

(ii) Portable or mobile x-ray equipment shall be used only for examinations where it is impractical to transfer the patient(s) to a stationary x-ray installation.

(m) Patient log. Each medical x-ray facility shall keep a patient log (~~(and indicate)~~), indicating the following information as a minimum, or be able to reconstruct or retrieve such information by other means:

(i) Identification of the patient, including name, age, and sex;

(ii) Date of x-ray examination;

(iii) Examination or treatment given, technique factors used, and number of exposures. Where fluoroscopy is

involved, the total fluoroscopic on-time shall also be recorded;

~~(iv) ((Any deviation from the standard procedure or technique (including repeat exposures) as denoted in the technique chart required under subdivision (e) of this subsection;~~

~~(v))~~ When applicable, the x-ray system used; and

~~((vi) Name or cross index)~~ (v) Identification of individuals who performed the exam.

(n) At a facility using more than one x-ray system, the entrance skin exposure for any exam type performed by those x-ray systems shall be within $\pm 20\%$ (one standard deviation) of the mean exposure for all of those x-ray systems. This applies to both phototimed systems and those using manual technique selection.

(o) Medical facilities with five or more x-ray systems or two or more film processors shall have a quality control program established for each film processor, using sensitometric and densitometric-based monitoring, recording daily results of speed, contrast and temperature measurements on control charts. When parameters exceed established control limits, action shall be taken and documented to correct the deviation and bring the processing system back into the optimal range. Control charts and other documentation shall be maintained by the facility for inspection by the department for the most recent two-year period. If control limits cannot be met, then the processor shall not be used.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-225-030 General requirements—Plan review. (1) Before construction, the floor plans and equipment arrangement of medical installations (new or modifications of existing installations) utilizing x-rays for diagnostic or therapeutic purposes shall be submitted to:

(a) A qualified expert for determination of shielding requirements using National Council on Radiation Protection and Measurements Report No. 49, or equivalent; and

(b) The department for subsequent review. Review shall not imply approval.

(2) The review of such plans shall not preclude the requirement of additional modifications should a subsequent analysis of operating conditions indicate the possibility of an individual receiving a dose in excess of the limits required under WAC 246-221-010, 246-221-050, and 246-221-060.

(3) Diagnostic veterinary, podiatric, and dental facilities shall be exempt from submitting shielding calculations and floor plans.

(4) In order for the department to provide an evaluation, technical advice, and official review of the shielding requirements for a medical radiation installation, a floor plan drawn to scale and the following data are required:

(a) The normal location of the x-ray tube, along with an indication of anode-cathode orientation to the cassette holders;

(b) The limits of the tube travel;

(c) The directions in which the tube is pointed;

(d) Window locations;

(e) The location of the control booth or operator's position;

(f) The exposure switch location;

(g) The position of the viewing window, if any;

(h) The composition and thickness of the walls;

(i) If more than one story, the height floor-to-floor;

(j) If more than one story, the composition and thickness of materials in the ceiling or floor;

(k) The make and model of the x-ray machine;

(l) The maximum kVp and mA;

(m) The types of examinations or treatments (for example, chest, ~~((cephalometric))~~ spine, general x-ray, or therapy);

(n) The identification and occupancy of areas adjacent to the x-ray room;

(o) The anticipated x-ray workload expressed in number of patients and exposures per week including:

(i) Technique factors used, or milliamperere-seconds or milliamperere-minutes per week; and

(ii) Estimates of the percentage of the workload expected to occur for a particular beam direction.

(5) For new and modified installations only, the following are minimum design requirements for medical x-ray machine operator booths. These requirements do not apply to dental, podiatry, and veterinary installations. See subsections (6) and (7) of this section for dental panoramic and cephalometric requirements.

(a) The operator shall be allotted 7.5 square feet or more of unobstructed floor space in the x-ray booths.

(i) The 7.5 square feet of minimum space specified under subsection (5)(a) of this section shall be a geometric configuration where no dimension is less than two feet.

(ii) The allotted space shall exclude an encumbrance by the console, such as an overhang, cables, or other similar encroachment.

(iii) An extension of a straight line drawn between any point on the edge of the booth shielding and the nearest vertical edge of a chest cassette holder ~~((or))~~ corner of the examination table, or any part of the tube housing assembly shall not impinge on the unobstructed space.

(iv) The booth walls shall be seven feet high or more and shall be permanently fixed to the floor or other structure as may be necessary.

(v) When a door or moveable panel is used as the integral part of the booth structure, it must have a permissive device which will prevent an exposure when the door or panel is not closed.

(b) Switch placement. The operator's switch for the radiographic machine shall be fixed within the booth. The switch shall:

(i) Be at least 102 centimeters (forty inches) inside the protected area; and

(ii) Allow the operator to use the available viewing windows.

(c) Viewing system requirements.

(i) Each booth shall have at least one viewing device which shall:

(A) Be placed so the operator can view the patient during exposure; and

(B) Be placed so the operator can have full view of the entries into the room.

(ii) When the viewing system is a window, the following requirements also apply:

(A) The window shall have a visible area of one square foot or more; and

(B) The glass shall have the same lead equivalence or more as that required in the booth's wall where the glass is mounted.

(iii) When the viewing system is by mirrors, the mirrors shall be located to accomplish the general requirements under subdivision (i) of this subsection.

(iv) When the viewing system is by electronic means (for example, TV):

(A) The camera shall be located to accomplish the general requirements under subdivision (i) of this subsection; and

(B) There shall be an alternate viewing system as a backup for electronic failure.

(d) New or modified facilities shall maintain a copy of the floor plan and shielding calculations required under subsection (1) of this section.

(6) Dimensions of primary beam shielding (~~((chest, cephalometer)))~~) shall exceed the largest possible beam size by 30.5 centimeters (one foot) or more in every direction. Cephalometric primary beam shielding shall be deemed adequate if, for a maximum workload of twenty films a week, two-pound lead is installed (for occupied areas).

(7) A viewing device shall be present in dental panoramic and cephalometric x-ray installations, so the requirements of subsection (5)(c) of this section are met.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-225-040 General requirements for diagnostic x-ray systems. In addition to other requirements of this chapter, diagnostic x-ray systems shall meet the following requirements:

(1) *Warning label.* The control panel containing the main power switch shall bear the warning statement, legible and accessible to view: "WARNING: This x-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

(2) *Battery charge indicator.* On battery-powered generators, visual means shall be provided on the control panel to indicate the battery is in a state of charge adequate for proper operation.

(3) *Leakage radiation from the diagnostic source assembly.* The leakage radiation from the diagnostic source assembly, measured at a distance of 1 meter in any direction from the source, shall not exceed 100 milliroentgens in one hour when the x-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of one hundred square centimeters with no linear dimension greater than twenty centimeters.

(4) *Radiation from components other than the diagnostic source assembly.* The radiation emitted by a component other than the diagnostic source assembly shall not exceed 2 milliroentgens in one hour at 5 centimeters from an accessible surface of the component when it is operated in an assembled x-ray system under conditions for which it was designed. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(5) *Beam quality.*

(a) The half-value layer (HVL) of the useful beam for a given x-ray tube potential shall not be less than the values

shown in this section, Table I. If it is necessary to determine such half-value layer at an x-ray tube potential which is not listed in Table I, linear interpolation or extrapolation shall be made.

WAC 246-225-040 TABLE I

Design operating range (kilovolts peak)	Measured potential (kilovolts peak)	Half-value layer (milli-meters of aluminum equivalent)	Half-value layer (milli-meter of aluminum equivalent for dental units)
Below 51—	30	0.3	N/A
	40	0.4	N/A
	50	0.5	1.5
51 to 70—	51	1.2	1.5
	60	1.3	1.5
	70	1.5	1.5
Above 70—	71	2.1	2.1
	80	2.3	2.3
	90	2.5	2.5
	100	2.7	2.7
	110	3.0	3.0
	120	3.2	3.2
	130	3.5	3.5
	140	3.8	3.8
150	4.1	4.1	

(b) For capacitor energy storage equipment, compliance shall be determined with ~~((neither the minimum nor the maximum))~~ a quantity of charge per exposure which is neither the minimum nor the maximum of which the machine is capable.

(c) The required minimal half-value layer shall include the filtration contributed by materials permanently in position between the focal spot of the tube and the patient. (For example, a table top when the tube is mounted "under the table" and inherent filtration of the tube)

(d) Filtration control. For x-ray systems with variable kVp and variable filtration for the useful beam, a device shall link the kVp selector with the filters and shall prevent an exposure unless the minimum amount of filtration required by subdivision (a) of this subsection is in the useful beam for the selected kVp.

(6) *Multiple tubes.* Where two or more radiographic tubes are controlled by one exposure switch, the tube or tubes selected shall be clearly indicated prior to initiation of the exposure. Such indication shall be both on the x-ray control panel and near or on the selected tube housing assembly.

(7) *Mechanical support of tube head.* The tube housing assembly supports shall be adjusted such that the tube housing assembly remains stable during an exposure unless the tube housing movement during exposure is a designed function of the x-ray system.

(8) *Technique indicators.*

(a) The technique factors used during an exposure shall be indicated before the exposure begins, except when automatic exposure controls are used, in which case the technique factors set prior to the exposure shall be indicated.

(b) On equipment having fixed technique factors, the requirement, under subdivision (a) of this subsection may be met by permanent markings. Indication of technique factors

shall be visible from the operator's position except in the case of spot films made by the fluoroscopist.

(9) Certified units. All diagnostic x-ray systems certified to comply with 21 CFR 1020 shall meet the requirements of that certification.

(10) Linearity. The difference between the ratio of exposure to mAs at one mA or mAs setting and the ratio at another mA or mAs setting shall not exceed 0.10 times the sum of the ratios. This is written as:

$$X_1 - X_2 \leq 0.10 (X_1 + X_2)$$

Where X1 and X2 are the ratios (mR/mAs) for each mA or mAs station.

The test shall be performed at any selections of mA or mAs without regard to focal spot size, provided neither focal spot size is less than 0.45 millimeter.

(11) kVp accuracy. The difference between the indicated and actual kVp of an x-ray machine shall not be greater than ten percent of the indicated kVp, or, alternatively, if available, the accuracy specifications of the control panel manufacturer must be met.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-225-050 Fluoroscopic x-ray systems.

Fluoroscopic x-ray systems shall meet the following requirements:

(1) Limitation of useful beam.

(a) The fluoroscopic tube shall not produce x-rays unless the primary barrier is in position to intercept the entire useful beam at all times.

(b) The entire cross section of the useful beam shall be intercepted by the primary protective barrier of the fluoroscopic image assembly at any source-to-image-distance (SID).

(c) Nonimage-intensified fluoroscopic equipment shall not be used.

(d) For image-intensified fluoroscopic equipment without a spot film device, neither the length nor the width of the fluoroscopic x-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than three percent of the SID. The sum of the excess length and the excess width shall be no greater than four percent of the SID. Measurements shall be made at the minimum SID available but at no less than eight inches table top to image receptor distance.

(e) For uncertified image-intensified fluoroscopic equipment with a spot film device, the fluoroscopic x-ray beam with the shutters wide open (during either fluoroscopy itself or spot films) shall be no larger than the dimensions of the largest spot film size for which the device is designed. Measurements shall be made at the minimum SID available, but at no less than eight inches table top to the film plane distance.

(f) For certified (21 CFR 1020) image-intensified fluoroscopic equipment with a spot film device, neither the length nor the width of the fluoroscopic x-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than three percent of the SID. The sum of the excess width shall be no greater than four percent of the SID. Measurements shall be made at the

minimum SID available, but at no less than eight inches table top to film plane distance.

(g) Fluoroscopic equipment beam limitation:

(i) Means shall be provided to reduce the beam size at the plane of the image receptor to 125 square centimeters or less; and

(ii) The minimum field size at the greatest SID shall be equal to or less than 5 centimeters by 5 centimeters.

(2) *Activation of the fluoroscopic tube.* X-ray production in the fluoroscopic mode shall be controlled by a deadman switch.

(3) *Entrance exposure rate allowable limits.*

(a) For equipment with or without automatic brightness control, the exposure rate measured at the point where the center of the useful beam enters the patient shall not exceed ten roentgens per minute, except during film recording of fluoroscopic images or when an optional high level control (HLC) is activated.

(b) For equipment provided with HLC, the equipment shall not be operable at a combination of tube potential and current which will result in an exposure rate in excess of 5 roentgens per minute at the point where the center of the useful beam enters the patient, unless the HLC is activated.

(i) Special means of activation of high level controls, such as additional pressure applied continuously by the operator, shall be required to avoid accidental use.

(ii) A continuous signal audible to the fluoroscopist shall indicate the high level control is employed.

(c) Measuring compliance of entrance exposure rate limits. Compliance with subsection (3) of this section shall be determined as follows:

(i) Movable grids and compression devices shall be removed from the useful beam during the measurement;

(ii) If the source is below the table, exposure rate shall be measured 1 centimeter above the table top or cradle;

(iii) If the source is above the table, the exposure rate shall be measured at 30 centimeters above the table top with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement;

(iv) In a C-arm type of fluoroscope, the exposure rate shall be measured 30 centimeters from the input surface of the fluoroscopic imaging assembly, with the source positioned at any available SID, provided the end of the beam-limiting device or spacer is no closer than 30 centimeters from the input surface of fluoroscopic imaging assembly; and

(v) In a lateral-type fluoroscope, the exposure rate shall be measured at a point 15 centimeters from the center line of the x-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the table top is movable, the table top shall be positioned as closely as possible to the lateral x-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters to the center line of the x-ray table.

(d) Periodic measurement of entrance exposure rate limits.

(i) Periodic measurements of the exposure rate shall be made. An adequate period for such measurements shall be annually or after maintenance of the system affecting the exposure rate.

(ii) Results of exposure rate measurements shall be available where the fluoroscopist has ready access to the measurements while using that fluoroscope. Results of the measurements shall include:

(A) The maximum possible R/minute, as well as the physical factors used to determine data;

(B) The name of the person performing the measurements;

(C) The last two dates the measurements were performed; and

(D) The type of device used in making the measurements.

(iii) Conditions of measurement:

(A) The kVp shall be adjusted to that which will produce the maximum entrance exposure rate;

(B) The high level control, if present, shall not be activated;

(C) The x-ray systems that incorporate automatic exposure rate control (automatic brightness control) shall have sufficient material, for example, lead or lead equivalence, placed in the useful beam to produce the maximum output of the x-ray system; and

(D) X-ray systems not incorporating automatic exposure rate control shall utilize the maximum milliamperage of the x-ray system. Materials, for example, an attenuation block, may be placed in the useful beam to protect the imaging system, as long as the material does not affect the measurement of the exposure rate.

(4) *Barrier transmitted radiation rate limits.*

(a) The exposure rate due to transmission through the primary protective barrier with the attenuation block in the useful beam, combined with radiation from the image intensifier, if provided, shall not exceed 2 milliroentgens per hour for each roentgen per minute of entrance exposure rate. The barrier transmission measurement shall be made at 10 centimeters from an accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor.

(b) Measuring compliance of barrier transmission.

(i) The exposure rate due to transmission through the primary protective barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(ii) If the source is below the table top, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the table top.

(iii) If the source is above the table top and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the table top as it can be placed, provided the beam-limiting device or spacer shall not be closer than 30 centimeters.

(iv) Movable grids and compression devices shall be removed from the useful beam during the measurement.

(5) *Indication of potential and current.* During fluoroscopy and cinefluorography, x-ray tube potential and current shall be continuously indicated.

(6) *Source-skin distance (SSD).* The source to skin distance shall not be less than:

(a) 38 centimeters on stationary fluoroscopes;

(b) 30 centimeters on mobile fluoroscopes; and

(c) 20 centimeters for image intensified fluoroscopes used for specific surgical application. The user must provide precautionary measures for the use of the fluoroscope due to its short SSD.

(7) *Fluoroscopic timer.*

(a) Means shall be provided to preset the cumulative on-time of the fluoroscopic tube. The maximum cumulative time of the timing device shall not exceed five minutes without resetting.

(b) A signal audible to the fluoroscopist shall indicate the completion of a preset cumulative on-time. Such signal shall continue to sound while x-rays are produced until the timing device is reset. Alternatively, the timing device may terminate exposures at the end of the preset time.

(c) Total fluoroscopic on-time for each patient shall be recorded, either in patient's chart or in a separate log.

(8) *Control of scattered radiation.*

(a) Fluoroscopic table designs when combined with normal operating procedures shall be such that no unprotected part of staff or ancillary person's body shall be exposed to unattenuated scattered radiation which originates from under the table. The attenuation required shall be not less than 0.25 mm lead equivalent.

(b) Equipment configuration when combined with procedures shall be such that no portion of staff or ancillary person's body, except the extremities, shall be exposed to the unattenuated scattered radiation emanating from above the table top unless:

(i) The radiation has passed through not less than 0.25 mm lead equivalent material, for example, drapes, Bucky-slot cover-sliding or folding panel, or self-supporting curtains, in addition to lead equivalency provided by the protective apron referred to under WAC 246-225-020 (2)(e); and

(ii) Exceptions to subdivision (b) of this subsection may be made in some special procedures where a sterile field will not permit the use of the normal protective barriers. Where the use of prefitted sterilized covers for the barriers is practical, the department shall not permit such exception.

(9) *Radiation therapy simulation systems.* Radiation therapy simulation systems shall be exempt from the requirements of subsections (3), (4), and (7) of this section: *Provided, That:*

(a) Such systems are designed and used in such a manner that no individual other than the patient is in the x-ray room when the system is producing x-rays; and

(b) The systems not meeting the requirements of subsection (7) of this section are provided with a means of indicating the cumulative time during which an individual patient has been exposed to x-rays. The timer shall be reset between examinations in such cases.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-225-150 X-ray film developing requirements. Compliance with this section is required of healing arts registrants and is designed to ensure the patient and operator exposure is minimized, and to produce optimum image quality and diagnostic information.

(1) Manual processing of films:

(a) The following relationship between temperature of the developer and development time must be used (standard chemistry only):

THERMOMETER READINGS (DEGREES)		MINIMUM DEVELOPING TIMES (MINUTES)
C	F	
27 -	80	2
	79	2
	78	2 1/2
	77	2 1/2
24 -	76	3
	75	3
	74	3 1/2
	73	3 1/2
22 -	72	4
	71	4
	70	4 1/2
	69	4 1/2
20 -	68	5
	67	5 1/2
	66	5 1/2
	65	6
18 -	64	6 1/2
	63	7
	62	8
	61	8 1/2
16 -	60	9 1/2

(b) *Processing of film.* All films shall be processed to achieve adequate sensitometric performance. This criterion shall be adjudged met if:

(i) Film manufacturer's published recommendations for time and temperature are followed; or

(ii) Each film is developed in accordance with the time-temperature chart as required under subdivision (a) of this subsection.

(c) Devices shall be available giving:

(i) The actual temperature of the developer; and

(ii) An audible or visible signal indicating the termination of a preset time (in minutes).

(d) Chemical-film processing control.

(i) Chemicals shall be mixed in accordance with the chemical manufacturer's recommendations.

(ii) Developer replenisher shall be periodically added to the developer tank based on the recommendations of the chemical or film manufacturer. Solution may be removed from the tank to permit the addition of an adequate volume of replenisher.

(iii) All processing chemicals shall be completely replaced at least every two months.

(2) Automatic film processors shall be set up and maintained so radiographic density and contrast are optimal. This criterion shall be adjudged met if:

(a) Film manufacturer's published specifications for time and temperature are followed. In the absence of such specifications, the film shall be developed using the following chart:

MINIMAL REQUIRED DEVELOPER TEMPERATURE		PROCESSOR DEVELOPER IMMERSION TIME*
°C	°F	Seconds
35	95	20
34.5	94	21
34	93	22
33.5	92	23
33	91	24
32	90	25
31.5	89	26
31	88	27
30.5	87	28
30	86	29
29.5	85	30

*Immersion time only, no cross-over time included.

The specified developer temperature and immersion time shall be posted in the dark room or on the automatic processor; and

(b) Replenishment of the developer chemistry is optimal:

(i) The processor shall deliver an adequate rate of developer replenishment; and

(ii) For facilities with a low x-ray workload, standby replenishment, flood replenishment, or periodically sending ~~((blank))~~ prefixed films through the processor may be necessary.

(c) Sensitometric tests of processor performance demonstrate the processor is achieving radiographic density and contrast equal to other processor models operating at equivalent developer immersion time and developer temperatures and using comparable chemistry.

(3) *Darkrooms.* Darkrooms shall be constructed so film being processed, handled, or stored will be exposed only to light passed through a safelight filter. The filter shall be of the type specified by the film manufacturer. Bulb wattage in the safelight shall be no greater than fifteen watts. The safelight shall be mounted at least four feet above work areas.

(4) The department shall make x-ray film development and darkroom tests as necessary to determine compliance with this section.

AMENDATORY SECTION (Amending Order 240, filed 2/7/92, effective 3/9/92)

WAC 246-225-160 Mammography. (1) The use of a special purpose x-ray machine designed and used solely for mammography is required. Exempted from this requirement shall be ~~((general purpose))~~ x-ray equipment ~~((used for))~~ using xerography ((that meets these regulations)) for evaluation of breast implant integrity. ~~((This exemption is in effect until January 1, 1994.))~~

(2) All mammographic calibration, service, and quality control actions shall be documented in writing and maintained at the facility for a three-year period. Records must be easily accessible to operators of these x-ray units.

(3) All tests requiring the use of a breast phantom shall employ a phantom similar to or identical to the one required by the American College of Radiology for its mammography accreditation program.

(4) Machine requirements:

(a) Mammography x-ray machines must be ~~(calibrated)~~ evaluated upon any major component change and on a yearly basis by a qualified individual. Calibration shall document (but is not limited to) half-value layer (HVL), kVP accuracy, reproducibility, timer accuracy, resolution achieved with film in use at the facility, focal spot size, mA linearity, light versus x-ray field alignment, and patient exposures (glandular tissue dose) following the measurement protocol in NCRP Report No. 85 (using a breast phantom). This requirement shall include initial acceptance testing upon the x-ray system's installation prior to human use.

(b) The half-value layer (HVL) for film/screen mammography shall be ~~((at least 0.30 mm of aluminum (and shall not exceed 0.40 mm) as measured at 30 kVP))~~ between the values of measured kVp/100 and measured kVp/100 + 0.1 millimeters aluminum. The half-value layer for xerography shall be at least 1.2 mm but no greater than 1.6 mm of aluminum as measured at 50 kVP. The HVL shall include the contribution to filtration made by the compression device.

(c) Exposure reproducibility: Manual techniques. See WAC 246-225-090.

(d) Exposure reproducibility: Photo-timed techniques. A breast phantom shall be used to obtain a series of four photo-timed radiographs (all selectable machine parameters shall be held constant). Optical density (O.D.) of a selected area on the image in the range of 1.0-2.0 O.D. shall be analyzed and the measurements for these films shall be within 0.10 O.D. of each other.

(e) Radiographic timers. See WAC 246-225-070.

(f) kVP accuracy: The kVP accuracy published by the x-ray machine manufacturer shall be maintained at the specified level. For determination of actual versus indicated kVP, the manufacturer's recommendations for testing shall be followed.

(g) mA linearity. See WAC 246-225-040(10).

(h) All special purpose x-ray machines designed solely for mammography and installed after January 1, 1992, shall be equipped with a milli-ampere-second (mAs) read-out device, registering after each phototimed exposure. Alternatively, a means of determining mAs after each exposure shall be provided.

(i) Beam limitation:

(i) Mammographic systems shall be provided with means to limit the useful beam such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor at any designed SID except the edge of the image receptor designed to be adjacent to the chest wall where the x-ray field may not extend beyond such edge by more than two percent of the SID.

(ii) Beam limiting devices consisting of an assortment of fixed, removable cones sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed.

(iii) When the beam limiting device and image receptor support device are designed to be used to immobilize the breast during a mammographic procedure and the SID may vary, the SID indication specified in WAC 246-225-060

(4)(c)(i) and (ii) shall be the maximum SID for which the beam limiting device or aperture is designed.

(iv) In the absence of a visually defined x-ray field each image receptor support shall have clear and permanent markings to indicate the maximum image receptor size for which it is designed.

(j) The combination of source-to-image distance, magnification, and focal spot size shall result in a radiographic resolution of at least 12 line pairs per millimeter. This standard applies to the routine, single emulsion film being used at the facility.

(k) The x-ray machine shall be equipped with a means of immobilizing and compressing the breast with a force of at least twenty-five pounds but no greater than ~~((fifty))~~ forty pounds.

(l) Dedicated mammographic x-ray units are exempted from the requirements of WAC 246-225-030 (5)(b)(i) provided that appropriate operator shielding is employed (as defined by NCRP Report 49).

(m) *Transmission limit for image receptor supporting devices used for mammography.* For x-ray systems manufactured after September 5, 1978, which are designed only for mammography, the transmission of the primary beam through any image receptor support provided with the system shall be limited such that the exposure 5 centimeters from any accessible surface beyond the plane of the image receptor supporting device does not exceed 0.1 milliroentgen (25.8 nC/kg) for each activation of the tube. Exposure shall be measured with the system operated at the minimum SID for which it is designed. Compliance shall be determined at the maximum rated peak tube potential for the system and at the maximum rated product of tube current and exposure time (mAs) for that peak tube potential. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(n) Maximum glandular doses. Glandular tissue dose for a cranio-caudal view of a 4.5 cm compressed breast using dose calculation methods found in NCRP Report # 85 shall not exceed the following:

Screen-film:

No grid = 100 millirads/projection

Grid = 300 millirads/projection

Xerox = 400 millirads/projection

(5) A quality control program shall be written and implemented for all mammographic facilities. This shall include (but shall not be limited to) tests performed, testing frequency, testing protocol, control limits for each test, corrective actions taken, and equipment maintenance/service. Program requirements include:

(a) Daily tests:

Film processor control charts using a sensitometric/densitometric based measurement system shall be required for each day the mammographic machine is in operation. Single emulsion mammographic film shall be used for this evaluation. The sensitometer shall be one with a 21-step optical attenuator.

Parameters in daily film processor tests shall include:

(i) Speed index (mid-density):

Control limits ± 0.15 optical density

(ii) Contrast index (density difference):

Control limits ± 0.15 optical density

(iii) Base + fog:
Maximum density shall not exceed 0.20 optical density.
(iv) Solution temperatures(±), using a digital thermometer that reads out in tenths of a degree and that is accurate to within ± 0.5°F.

Control limits ± 1.0 F

(b) Monthly tests:

(i) Chemical replenishment rates.

(ii) Breast phantom imaging shall visualize a minimum of four fibers, three masses, and three speck groups, or the minimum acceptability standard of the American College of Radiology in its accreditation program, whichever is more restrictive.

(c) Quarterly tests:

(i) Film/screen contact for all cassettes, using a 40-mesh copper screen.

(ii) Analyses of reject/repeat films.

(d) Yearly tests: See WAC 246-225-160 (4)(a) (~~(((Calibration)))~~)).

(e) Cassette screens must be cleaned at least weekly.

(f) Records shall be maintained for quality control test equipment which requires calibration, and such calibrations shall be performed in accordance with recommendations of the manufacturer of the test equipment.

(g) Film processing. See WAC 246-225-150. A film processor that cannot be consistently made to operate within the control limits specified in (a) of this subsection shall not be used to process mammographic films.

(6) Operator competency:

(a) A mammographic machine operator shall be licensed, certified, or registered by the department as either:

(i) A health care practitioner, licensed under Title 18 RCW, if performing mammography is within the person's authorized scope of practice; or

(ii) A diagnostic radiologic technologist certified in accordance with chapter 18.84 RCW; or

(iii) An x-ray technician registered in accordance with chapter 18.84 RCW, with two or more years' experience in performing mammography and satisfactory completion of two or more classes in mammography approved by the department.

(b) A mammographic machine operator shall complete at least one mammography class per calendar year; the class is subject to approval by the department.

(c) A mammographic machine operator shall meet the requirements of WAC 246-225-020 (2)(b) and 246-225-99920.

(d) In order to remain competent as a mammographer, an individual performing mammography shall take a minimum of ten mammography films per week.

(7) Masking devices shall be made available to block extraneous light from the viewer's eye when the illuminated surface of the viewbox is larger than the image area.

(8) Additional requirement for mobile mammography services:

The daily film processor performance testing required in subsection (5)(a) of this section shall apply to all film processors used by the mobile service. No processor shall be used unless it meets the control limits specified by subsection (5)(a)(i) through (iv) of this section.

AMENDATORY SECTION (Amending Order 183, filed 7/23/91, effective 8/23/91)

WAC 246-225-99910 Appendix I—Good practices.
The following are included in this handbook of regulations as suggested good practices and are not intended to be a regulation. The topics presented in these good practices may, however, become incorporated into the Washington Administrative Code at a future date.

(1) Exchange of information. Because patient exposure to diagnostic x-rays is the most predominant source of exposure to artificially produced ionizing radiation, radiographs should be exchanged among the practitioners of the various healing arts. Such exchange can only benefit patients by reducing the unnecessary repeated exposures of patients who are referred to, or change to, other practitioners.

(2) Patient exposure guidelines. The following patient exposure values should be achievable with high speed image receptor systems, proper filtration, a reasonable radiographic density preference, proper choice of (~~(kVp)~~) technique factors, and proper film development. State radiation safety surveyors can provide registrants with results of measurements of patient exposure values upon request.

Dental Bitewing (D-Speed Film)*

KVP Range Utilized	Upper Limit of Skin Entrance Exposure, mR
50 - 64	350
65 - 70	300
71 - 80	250
81 - 90	200

Medical (400 Speed Imaging System)*

Exam*	Upper Limit of Skin Entrance Exposure, mR
Abdomen (AP)	300
Lumbar spine (AP)	350
Cervical spine (AP)	95
Full spine (AP)	150
Skull (LAT)	70
Chest (PA)	10 (Nongrid), 15 (Grid)

*On average-size adult patients

**Chapter 246-227 WAC
Industrial radiography—X-ray**

NEW SECTION

WAC 246-227-001 Purpose. The regulations in this chapter establish radiation safety requirements for persons utilizing x-ray machines for industrial radiography. The requirements of this part are in addition to and not in substitution for the other requirements of these regulations.

NEW SECTION

WAC 246-227-010 Scope. The regulations in this chapter apply to all registrants who use x-ray machines for industrial radiography: *Provided, however,* That nothing in

this part shall apply to the use of sources of radiation in the healing arts.

NEW SECTION

WAC 246-227-020 Definitions. As used in this part:

(1) "Enclosed radiography" means industrial radiography employing radiation machines conducted in an enclosed cabinet or room and includes cabinet radiography and shielded room radiography.

(a) "Cabinet radiography" means industrial radiography employing radiation machines conducted in an enclosure or cabinet so shielded that every location at the exterior of the enclosure or cabinet meets the condition specified in WAC 246-221-060.

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure (hereinafter termed "cabinet") which, independently of existing architectural structure except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of x-radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and in similar facilities. An x-ray tube used within a shielded part of a building, or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

(b) "Shielded-room radiography" means industrial radiography conducted in a room so shielded that every location on the exterior of the room meets the conditions specified in WAC 246-221-060.

(2) "Industrial radiography" means the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation. Industrial radiography as used in this chapter does not include well logging operations.

(3) "Permanent radiographic installation" means a shielded installation or structure designed or intended for radiography in which radiography is regularly performed.

(4) "Personal supervision" means supervision by a radiographer such that the radiographer is physically present at the radiography site and in such proximity that communication can be maintained and immediate assistance given as required. When a radiographer's assistant is using x-ray machines, the radiographer must maintain direct surveillance.

(5) "Radiographer" means any individual who performs or who, in attendance at the site where sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the registrant for assuring compliance with the requirements of these regulations.

(6) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses radiation machines, or radiation survey instruments in industrial radiography.

(7) "Temporary job site" refers to any location which is not specifically authorized and described in the registration application.

NEW SECTION

WAC 246-227-030 Storage precautions. Storage areas shall be physically secured to prevent tampering, use or removal of x-ray machines by unauthorized personnel.

NEW SECTION

WAC 246-227-040 Radiation survey instruments.

(1) The registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this part and chapter 246-221 WAC. Instrumentation required by this section shall have a range such that two milliroentgens per hour through one roentgen per hour can be measured.

(2) Each radiation survey instrument shall be calibrated:

(a) At energies appropriate for use and at intervals not to exceed three months and after each instrument servicing;

(b) Such that accuracy within \pm twenty percent traceable to a national standard can be demonstrated; and

(c) At two or more widely separated points, other than zero, on each scale.

(3) Records of these calibrations shall be maintained for two years after the most recent calibration date.

(4) The requirements of this section do not apply to registrants using only radiation machines in enclosed radiographic systems.

NEW SECTION

WAC 246-227-050 Utilization logs. (1) Each registrant shall maintain current logs, which shall be kept available for inspection by the department for two years from the date of the most recent recorded event. The following information shall be recorded:

(a) A description (or make and model number) of the radiation machine used.

(b) The identity of the radiographer and radiographer's assistant performing the work; and

(c) Locations where used and dates of use.

(2) The requirements of subsection (1) of this section shall not apply in industrial radiography utilizing radiation machines in enclosed interlocked cabinets or rooms which are not occupied during radiographic operations, which are equipped with interlocks such that the radiation machine will not operate unless all openings are securely closed and which is so shielded that every location on the exterior meets conditions for an unrestricted area, as specified in WAC 246-221-060.

NEW SECTION

WAC 246-227-060 Limitations—Personal radiation safety requirements for radiographers and radiographer's assistants. (1) No registrant shall permit any individual to act as a radiographer as defined in this chapter until such individual:

(a) Has been instructed in the subjects outlined in WAC 246-227-170;

(b) Has received copies of and instruction in the regulations contained in chapters 246-220, 246-222, 246-221 and 246-227 WAC, and the registrant's operating and emergency procedures, and shall have demonstrated understanding thereof;

(c) Has demonstrated competence to use the radiation machine and the radiation survey instruments which will be employed in the individual's assignment; and

(d) Has demonstrated understanding of the instructions in this paragraph by successful completion of written test and field examination on the subjects covered.

(2) No registrant shall permit any individual to act as a radiographer's assistant as defined in this part until such individual:

(a) Has received copies of an instruction in the registrant's operating and emergency procedures;

(b) Has demonstrated competence to use, under the personal supervision of the radiographer, the radiation survey instruments which will be employed in the individual's assignment;

(c) Has demonstrated understanding of the instructions in this paragraph by successfully completing a written or oral test and a field examination on the subjects covered.

(3) Each registrant shall maintain records of training and testing which demonstrate that the requirements of subsections (1) and (2) of this section are met.

NEW SECTION

WAC 246-227-070 Operating and emergency procedures. The registrant's operating and emergency procedures shall include instructions in at least the following:

(1) The handling and use of radiation machines to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in chapter 246-221 WAC;

(2) Methods and occasions for conducting radiation surveys;

(3) Methods for controlling access to radiographic areas;

(4) Methods and occasions for locking and securing radiation machines;

(5) Personnel monitoring and the use of personnel monitoring equipment including steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off-scale;

(6) The procedure for notifying proper personnel in the event of a theft, loss, overexposure or accident involving a radiation machine; and

(7) Maintenance of records.

NEW SECTION

WAC 246-227-080 Personnel monitoring control.

(1) No registrant shall permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such individual shall wear a film or TLD badge and a direct reading pocket dosimeter. Pocket dosimeters shall be capable of measuring exposures from zero to at least two hundred milliroentgens. A film or TLD badge shall be assigned to and worn by only one individual.

(2) Pocket dosimeters shall be read and doses recorded daily. Pocket dosimeters shall be charged at the beginning of each working day. Pocket dosimeters shall be checked at least annually for correct response to radiation. Acceptable dosimeters shall read within \pm thirty percent of the true radiation exposure. A film or TLD badge shall be immediately processed if a pocket dosimeter is discharged beyond

its range during normal use. The film or TLD badge reports received from the film or TLD badge processor and records of pocket dosimeter readings shall be maintained until the department authorizes their disposal.

(3) The requirements for use of pocket dosimeter or pocket chamber shall not apply in industrial radiography utilizing radiation machines in enclosed interlocked cabinets or rooms which are not occupied during radiographic operations, which are equipped with interlocks such that the radiation machine will not operate unless all openings are securely closed and which are so shielded that every location on the exterior meets conditions for an unrestricted area, as specified in WAC 246-221-060.

NEW SECTION

WAC 246-227-090 Security—Precautionary procedures in radiographic operations. (1) During each radiographic operation, the radiographer or radiographer's assistant shall maintain a direct surveillance of the operation to protect against unauthorized entry into a high radiation area, as defined in chapter 246-220 WAC except:

(a) Where the high radiation area is equipped with a control device or alarm system as described in WAC 246-221-120 (1)(e)(ii); or

(b) Where the high radiation area is locked to protect against unauthorized or accidental entry.

(2) When not in operation or when not under direct surveillance, mobile or portable radiation machines shall be physically secured to prevent removal or use by unauthorized personnel.

NEW SECTION

WAC 246-227-095 Posting. Notwithstanding any provisions in WAC 246-221-130, areas in which radiography is being performed shall be conspicuously posted and access to the area shall be controlled as required by WAC 246-221-120.

NEW SECTION

WAC 246-227-100 Radiation surveys and survey records. (1) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in WAC 246-227-040 is available and used at each site where radiographic exposures are made.

(2) A physical radiation survey shall be made of the boundary of the restricted area during radiographic operations not employing shielded room radiography. The maximum survey reading at the boundary shall be recorded. The records shall indicate approximate distance from source to boundaries, and any occupied areas with exposure levels greater than 2mR in any hour during radiographic operations.

(3) Records required by subsection (2) of this section shall include the model and serial number of the survey meter used and shall be maintained for inspection by the department for three years after completion of the most recent survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the department authorizes their disposition.

NEW SECTION

WAC 246-227-120 Records required at temporary job sites. Each registrant conducting industrial radiography at a temporary site shall have the following records available at that site for inspection by the department:

- (1) Operating and emergency procedures;
- (2) Applicable regulations;
- (3) Survey records required pursuant to WAC 246-227-100 for the period of operation at the site;
- (4) Daily pocket dosimeter records for the period of operation at the site;
- (5) The latest calibration records for specific instruments in use at the site.

NEW SECTION

WAC 246-227-130 Special requirements for enclosed radiography. (1) Shielded room radiography systems and cabinet systems capable of human access shall:

- (a) Comply with all applicable requirements of chapter 246-227 WAC and WAC 246-221-060.
- (b) Be evaluated at intervals not to exceed one year to assure compliance with the applicable requirements as specified in (a) of this subsection. Records of these evaluations shall be maintained for inspection by the department for a period of three years after the evaluation.
- (c) Interlocks are required on all enclosed radiographic systems, such that the exposure will terminate if a door or port accessible to individuals is opened during the exposure, except for those systems employing conveyor belts or sample ports.

(2) Cabinet x-ray systems of a size or design which excludes individuals during x-radiation are exempt from the requirements of chapter 246-227 WAC except that:

(a) Operating personnel must be provided with either a film badge or a thermoluminescent dosimeter (TLD) and reports of the results must be maintained for the most recent three years.

(b) No registrant shall permit any individual to operate a cabinet x-ray system until such individual has received a copy of, and instruction in, the operating procedures for the unit and has demonstrated competence in its use. Records which demonstrate compliance with this subparagraph shall be maintained until disposition is authorized by the department.

(c) Tests for the proper operation of high radiation area control devices or alarm systems, where applicable, must be conducted at the beginning of each day of use and recorded.

(d) The registrant shall perform an evaluation, at intervals not to exceed one year, to determine conformance with WAC 246-221-060. Records of these evaluations shall be maintained for a period of three years after the most recent evaluation.

NEW SECTION

WAC 246-227-150 Special requirements for permanent radiographic installation. Permanent radiographic installations having high radiation area entrance controls of the types described in WAC 246-221-120 (1)(e)(ii) or where the high radiation area is locked to protect against unauthor-

rized or accidental entry, shall also meet the following special requirements:

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation to which this section applies shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be actuated by radiation whenever the source is exposed. The audible signal shall be actuated when an attempt is made to enter the installation while x-rays are being generated.

(2) Both visible and audible alarm systems are required and shall be tested prior to the first use of a source in the installation and thereafter at intervals not to exceed three months. Records of the tests shall be kept for three years.

(3) The department shall review and approve, in advance of construction, plans for permanent radiographic installations whose construction had not commenced by the effective date of these regulations. Construction of the permanent facility shall be in accordance with the plans approved by the department.

(4) A physical radiation survey shall be conducted and results recorded following construction or major modification of the facility to be used in the installation. Radiography shall not be conducted if exposure levels in unrestricted areas are greater than 2mR in any hour. Any increase in output capability of radiation machines will require resurvey of the installation prior to the conduct of industrial radiography.

NEW SECTION

WAC 246-227-170 Appendix A—Minimum subjects to be covered in training radiographers. (1) Fundamentals of radiation safety:

- (a) Characteristics of ionizing radiation;
- (b) Units of radiation dose (mrem) and quantity of radioactivity (curie);
- (c) Hazards of exposure to radiation:
 - (i) Radiation protection standards;
 - (ii) Biological effects of radiation dose;
 - (d) Levels of radiation from sources of radiation;
 - (e) Methods of controlling radiation dose:
 - (i) Working time;
 - (ii) Working distances;
 - (iii) Shielding.
- (2) Radiation detection instrumentation to be used:
 - (a) Use of radiation survey instruments:
 - (i) Operation;
 - (ii) Calibration;
 - (iii) Limitations;
 - (b) Survey techniques;
 - (c) Use of personnel monitoring equipment:
 - (i) Film badges;
 - (ii) Pocket dosimeters;
 - (iii) Thermoluminescent dosimeters.
- (3) Operation and control of x-ray equipment.
- (4) The requirements of pertinent federal and state regulations.

(5) The registrant's written operating and emergency procedures.

(6) Case histories of radiography accidents.

NEW SECTION

WAC 246-235-055 Precedence of license condition over regulation. (1) A license condition may be used to specifically modify any regulation pertaining to the possession, use, storage, transfer, or disposal of radioactive material. Any license condition used to modify an existing regulation shall set forth the title, chapter, section, and, where applicable, any subsection and paragraph numbers for the regulation being modified, and fully define the nature and extent of the modification.

(2) In the event a regulation is changed, an existing license condition that is more restrictive than the new regulation remains in force until there is an amendment or renewal of the license that removes or modifies the license condition.

(3) If a license condition cites provisions of a regulation that has been amended or repealed, the license condition remain in force, including by reference the provisions of the amended or repealed regulation, until the license condition is acted upon by the department.

(4) If a license condition exempts a licensee from a provision of chapter 246-221 WAC in effect on or before January 1, 1994, it also exempts the licensee from the corresponding provision of chapter 246-221 WAC in effect after that date.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-235-130 Appendix—General laboratory rules for safe use of unsealed sources. (1) In addition to the requirements set forth in WAC 246-235-020, a specific licensee who uses unsealed, unplated and/or liquid sources (~~(should)~~) shall possess adequate facilities including ventilation systems which are compatible with the proposed uses: and,

(2) Possess, use, and store, radioactive materials in accordance with, but not limited to, the following:

(a) Receive, handle, and store radioactive materials only at specifically designated locations within the applicant's facility. Vessels containing radioactive material must be labeled as required by chapter 246-221 WAC.

(b) Wear disposable gloves at all times when handling dispersible radioactive material or potentially contaminated items.

(c) Wear personnel monitoring devices (film badge and/or TLD), when required, at all times when working with, or in the vicinity of, radioactive materials. Extremity doses shall be considered in evaluating the need for separate extremity dosimeters. (~~Calculations based on whole body badge results for photon emitters may be used in lieu of separate extremity dosimeters.~~) Extremity dosimetry should be worn when working with millicurie or greater quantities of material (excluding low energy beta emitters and pure alpha emitters). Monitoring devices, when not in use, shall be stored only in a designated low-background area. Calculations based on whole body badge results for photon emitters may be used in lieu of separate extremity dosimeters.

(d) Use remote tools, lead shields, lead-glass shields, and/or plexiglass shields as appropriate.

(e) Prohibit eating, chewing, drinking, smoking, and application of cosmetics in any area where radioactive material is used or stored.

(f) Do not store food, drink or personal effects in any area, container, or refrigerator designated for radioactive materials use or storage.

(g) Do not pipette radioactive materials or perform any similar operation by employing mouth suction.

(h) Use disposable absorbent material with impervious backing to cover work surfaces where spillage is possible.

(i) Properly dress and protect open wounds on exposed body surfaces before working with radioactive materials.

(j) Wear laboratory coats when working with radioactive material. Potentially contaminated laboratory coats shall not be worn outside the immediate work area.

(k) Nuclides in gaseous or volatile form, or with a high potential for volatilization (~~(should)~~) shall be used only in areas with adequate ventilation systems (~~(which conform to the requirements of WAC 246-221-040 and 246-221-070).~~)

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-239-020 Radiation safety committee. (1) Where required by license condition or pursuant to WAC 246-235-080(1), the radiation safety committee, shall meet at least once every (~~six months. Where required by license condition, the committee shall meet at the frequency stated in the license or application.~~) calendar quarter. Such meetings shall be documented by written minutes and those minutes shall be maintained for inspection by the department for at least two years.

(2) Evaluation of the adequacy of the licensee's radiation safety program for radiation safety and adherence to the ALARA concept shall be conducted at least once each calendar year with an interval of no more than fourteen months between each evaluation. Such evaluations may be performed by the radiation safety officer, a competent outside agent, or by qualified personnel at the licensee's own facility. These evaluations shall be documented, maintained for inspection by the department, and presented in a timely manner to the radiation safety committee for review and approval and, where necessary, timely corrective action.

NEW SECTION

WAC 246-239-022 Quality management program. (1) Each applicant or licensee under this section, as applicable, shall establish and maintain a written quality management program to provide high confidence that by-product material or radiation from by-product material will be administered as directed by the authorized user. The quality management program must include written policies and procedures to meet the following specific objectives:

(a) That, prior to administration, a written directive¹ is prepared for:

- (i) Any teletherapy radiation dose;
- (ii) Any gamma stereotactic radiosurgery radiation dose;
- (iii) Any brachytherapy radiation dose;
- (iv) Any administration of quantities greater than 30 microcuries of sodium iodide I-131; or
- (v) Any therapeutic administration of a radiopharmaceutical, other than sodium iodide I-131;

(b) That, prior to each administration, the patient's identity is verified by more than one method as the individual named in the written directive;

(c) That final plans of treatment and related calculations for brachytherapy, teletherapy, and gamma stereotactic radiosurgery are in accordance with the respective written directives;

(d) That each administration is in accordance with the written directive; and

(e) That any unintended deviation from the written directive is identified and evaluated, and appropriate action is taken.

(2) The licensee shall:

(a) Develop procedures for and conduct a review of the quality management program including, since the last review, an evaluation of:

(i) A representative sample of patient administrations to verify compliance with all aspects of the quality management program;

(ii) All recordable events to verify compliance with all aspects of the quality management program; and

(iii) All misadministrations to verify compliance with all aspects of the quality management program.

These reviews shall be conducted at intervals no greater than twelve months;

(b) Evaluate each of these reviews to determine the effectiveness of the quality management program and, if required, make modifications to meet the objectives of subsection (1) of this section; and

(c) Retain records of each review, including the evaluations and findings of the review, in an auditable form for three years.

(3) The licensee shall evaluate and respond, within thirty days after discovery of the recordable event, to each recordable event by:

(a) Assembling the relevant facts including the cause;

(b) Identifying what, if any, corrective action is required to prevent recurrence; and

(c) Retaining a record, in an auditable form, for three years, of the relevant facts and what corrective action, if any, was taken.

(4) The licensee shall retain:

(a) Each written directive; and

(b) A record of each administered radiation dose or radiopharmaceutical dosage where a written directive is required in subsection (1)(a) of this section, in an auditable form, for three years after the date of administration.

(5) The licensee may make modifications to the quality management program to increase the program's efficiency provided the program's effectiveness is not decreased. The licensee shall furnish the modification to the department within thirty days after the modification has been made.

¹ If, because of the patient's condition, a delay, in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive will be acceptable, provided that the oral revision is documented immediately in the patient's record and a revised written directive is signed by the authorized user within forty-eight hours of the oral revision.

Also, a written revision to an existing written directive may be made for any diagnostic or therapeutic procedure provided that the revision is dated and signed by an authorized user prior to the administration of the radiopharmaceutical dosage, the

brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose, or the next teletherapy fractional dose.

If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive will be acceptable, provided that the information contained in the oral directive is documented immediately in the patient's record and a written directive is prepared within twenty-four hours of the oral directive.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-239-030 Personnel monitoring. (1) In addition to the requirements of WAC 246-221-090 and the conditions of the license, extremity monitoring (such as TLD ring badges) shall be provided and used on a monthly exchange basis for those personnel who inject radiopharmaceuticals and/or elute Tc 99m/Mo 99 generators.

(2) Personnel monitoring devices shall be worn and stored as required by license condition or regulation. Such devices shall be distributed for use, as well as collected and returned for processing, in a timely manner. The licensee shall ensure that all devices required for each exchange are collected and returned for timely processing.

NEW SECTION

WAC 246-239-035 Bioassay. Each licensee who uses Iodine 131 for diagnostic or therapeutic purposes shall conduct a radioiodine bioassay program in accordance with the criteria set forth in Washington State Regulatory Guide 8.20, "Bioassay Program Criteria for I-125 and I-131". When radioiodine capsules are used exclusively, bioassay is required only when capsules are opened, breached, or crushed.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-050 Radionuclide generators. (1) Any licensee who uses generators and reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the department, the United States Nuclear Regulatory Commission, an agreement state, or a licensing state, and are furnished by the manufacturer on the label attached to, or in the leaflet or brochure, which accompanies the generator or reagent kit.

(2) Tc-99m separated from Molybdenum 99 either by elution of a Molybdenum 99/Tc-99m generator or by an extraction process shall be tested to detect, and quantify Molybdenum 99 activity prior to administration to patients. The licensee shall not administer to patients Tc-99m containing more than ~~((1.0 uCi))~~ 0.15 microcurie (5550 becquerels) of Molybdenum 99 per mCi (37 megabecquerels) of Tc-99m ~~((or more than 5.0 uCi of Molybdenum 99 per dose of Tc-99m at time of the administration))~~. The limits for Molybdenum 99 contamination represent maximum values and Molybdenum 99 contamination should be kept as low as reasonably achievable below these limits.

(a) In the absence of a certificate from the supplier of Tc-99m which specifies the quantity of Molybdenum 99, the licensee shall establish written procedures for personnel

performing tests to detect and quantify Molybdenum 99 contamination. These procedures shall include all necessary calculations and steps to be taken if activities of Molybdenum 99 in excess of the limits specified in this part are detected.

(b) Personnel performing tests to detect and quantify Molybdenum 99 contamination shall be given specific training in performing these tests prior to conducting such tests.

(c) The licensee shall maintain for inspection by the department, records of the results of each test performed to detect and quantify Molybdenum 99 contamination and records of training given to personnel performing these tests. Records shall be maintained for two years following the performance of each test and the training of personnel.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-070 Surveys. In addition to applicable requirements found elsewhere in these regulations, and the license, each licensee shall:

(1) Monitor hands and clothing for contamination after each procedure, or before leaving the restricted area;

(2) Survey the laboratory (~~work~~) preparation and injection areas for contamination after each procedure, or at the end of the day using instrumentation capable of measuring nanocurie or becquerel amounts of activity. Survey documentation (~~should~~) shall include an area diagram or a description of the area or article and the instrumentation used, the background levels in CPM, CPS, DPS, or DPM, the date of the survey, and the clearly legible name of the surveyor. Such documentation shall be maintained for inspection by the department for two years.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-239-080 Calibration and reference sources. (1) Any licensee who owns, receives, acquires, possesses, uses, or transfers calibration reference sources pursuant to the general license authorized in WAC 246-233-020(7) shall:

(a) Maintain a file or log identifying such sources, including (~~isotope~~) nuclide, (~~amount~~) activity, model and serial numbers, manufacturer, date of receipt, date of transfer, and to whom transferred (where applicable);

(b) Possess at any one time, and at any one location of storage or use, no more than five uCi (0.185 megabecquerels) of Am-241 and five uCi (0.185 megabecquerels) of Pu and five uCi (0.185 megabecquerels) of Ra-226 in such sources;

(c) Store such source(s), except when the source(s) is being used, in a closed container adequately designed and constructed to contain Americium-241, Plutonium, or Radium 226 which might otherwise escape during storage; and

(d) Not use such source(s) for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(2) Any licensee who receives, possesses, or uses calibration and reference standards pursuant to the group licensing provisions of WAC 246-235-080 (3)(c):

(a) Shall conduct leak tests in accordance with WAC 246-235-080 (3)(d);

(b) Shall follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, and agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form; and

(c) Shall conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventory shall be maintained for inspection by the department, and shall include, but not be limited to, the quantities and kinds of radioactive material, the serial number of each source, location of sources, the clearly legible name of the person performing the inventory, and the date of inventory.

(3) Any licensee authorized for medical Group I, II, or III is also authorized to receive, use, possess, store, transfer and/or dispose of sealed sources containing Cobalt-57 in amounts not exceeding 12 millicuries (444 megabecquerels) which are designed, intended, and used solely for required imaging system or dose calibrator quality assurance tests.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-239-090 Instrumentation. (1) Instrumentation used to conduct surveys shall be appropriate for the nuclide(s) and radiation levels present.

(2) Portable and stationary survey instruments shall be calibrated at least annually, with intervals not to exceed thirteen months, once each calendar year, and after any repair. Calibrations shall be done using either (~~approved~~) the licensee's procedures approved by the department or by a facility specifically licensed to perform the appropriate dose rate or contamination instrument calibrations. Records shall be maintained for inspection by the department.

(3) An operational check utilizing an appropriate check source shall be conducted daily when instruments are used.

(4) Imaging systems utilizing the Anger scintillation camera or Single Photon Emission Computed Tomography (SPECT) camera shall have a uniformity test/flood performed daily when the system is used. SPECT camera systems shall receive those quality assurance tests, at required intervals, specifically recommended by the manufacturer for the instrument(s) in use. In addition, mobile nuclear medicine services employing imaging systems which are moved from one facility to another shall perform a flood prior to use at each location. Spatial resolution and linearity tests or bar phantoms shall be performed weekly. Records of such quality assurance for imaging systems, shall be maintained for inspection by the departments.

(5) Appropriate source(s) for calibration and (~~reference~~) standardization of dose calibrators shall be used. Dose calibrators shall receive:

- (a) Daily constancy checks;
- (b) Quarterly linearity tests;
- (c) Annual tests for accuracy; and
- (d) Geometry tests upon installation and following major repair.

(6) Accuracy test results which show a variation greater than five percent from the expected or calculated value shall cause the instrument to be repaired and recalibrated prior to use for assay of patient doses.

(7) Quality assurance procedures for dose calibrators found in subsection (5) of this section, excluding daily constancy checks, shall be conducted by individuals qualified to perform these tests, and shall be documented for future inspection by the department.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-239-100 Radioactive gases and aerosols.

(1) Licensees utilizing radioactive gases, such as Xenon-133 or Krypton-81m, shall have and use ~~((by January 1, 1984))~~ a ventilation system adequate for such use, including an approved trap. Radioactive gas shall be disposed only as specifically authorized by the license.

(2) Licensees utilizing radioactive gases shall maintain emissions in accordance with limits specified in chapters 246-221 and 246-247 WAC. Verification shall be documented. Such verification may be made by calculation, air samples, or the use of constant monitoring instrumentation.

(3) Licensees utilizing radioactive aerosols without benefit of negative air pressure in the use area shall utilize an approved and shielded delivery system and trap. Such traps shall be tested for trapping efficiency at intervals not to exceed those recommended by the trap manufacturer and replaced as recommended by the manufacturer.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-240-020 Interstitial, intracavitary and superficial applications. (1) Accountability, storage, and handling.

(a) Except as otherwise specifically authorized by the department, each licensee shall provide accountability of sealed sources and shall keep a record of the issue and return of all sealed sources to their place of storage.

(b) Each licensee shall conduct a quarterly physical inventory to account for all sources and devices received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include the ~~((quantities and kinds))~~ activities, radionuclide(s), and serial numbers of radioactive ~~((material))~~ sources, location of sources and devices, ~~((and))~~ the date of the inventory, and the clearly legible name of the person performing the inventory.

(c) Each licensee shall follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure which accompanies the source or device, and maintain such instruction in a legible and conveniently available form.

(d) Each licensee shall assure that ~~((needles or standard medical applicator cells containing Radium 226, or Cobalt 60 as wire))~~ sealed therapy sources are not opened/breached, or physically modified while in the licensee's possession unless specifically authorized by license condition.

(2) Testing sealed sources for leakage and contamination.

(a) All sealed sources containing more than 100 microcuries (3.7 megabecquerels) of radioactive material with a half-life greater than thirty days, except Iridium-192 seeds encased in nylon ribbon, shall be tested for contamination and/or leakage at intervals not to exceed six months or at such other intervals as are approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and described by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure which accompanies the source or device. Each source or device shall be so tested prior to its first use unless the supplier furnishes a certificate that the source or device has been so tested within six months prior to the transfer.

(b) Leak tests shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample or in the case of radium, the escape of radon at the rate of 0.001 microcurie (37 becquerels) per twenty-four hours. The test sample shall be taken from the source or from the surfaces of the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. Records of leak test results shall be kept in units of microcuries or becquerels and maintained for inspection by the department.

(c) Any leak test conducted pursuant to (a) of this subsection which reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination or in the case of radium, the escape of radon at the rate of 0.001 microcurie (37 becquerels) per twenty-four hours, shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use and cause it to be decontaminated and repaired or to be disposed of in accordance with department regulations. A report shall be filed within five days of the test with the department, describing the equipment involved, the test results, and the corrective action taken.

(3) Radiation surveys.

(a) The maximum dose rate radiation level at a distance of one meter from the patient in whom brachytherapy sources have been inserted shall be determined by measurement or calculation. This radiation level shall be entered on the patient's chart and other signs as required under subsection (4) of this section.

(b) The dose rate radiation levels in the patient's room and the surrounding area shall be determined, recorded, and maintained for inspection by the department.

(c) The licensee shall assure that patients treated with Cobalt-60, Cesium-137, Iridium-192, ~~((or))~~ Radium-226, or any other nonpermanent implants, including High Dose Rate (HDR) or Low Dose Rate (LDR) therapy systems used on an in-patient or out-patient basis, remain hospitalized until a source count and a radiation survey of the patient and the patient's room confirm that all implants have been removed and are accounted for.

(d) Patients administered any therapeutic radiopharmaceutical shall remain hospitalized until the residual activity is 30 millicuries (1110 megabecquerels) or less, OR the measured dose rate from the unshielded patient is less than

5.0 millirem (50 microsieverts) per hour at a distance of one meter.

(4) Signs and records.

(a) In addition to the requirements of WAC 246-221-120, the bed, cubicle, or room of the hospital brachytherapy patient shall be marked with a sign indicating the presence of brachytherapy sources. This sign shall incorporate the radiation symbol and specify the radionuclide, the activity, date, and the individual(s) to contact for radiation safety instructions. ~~((The sign is not required provided the exception in WAC 246-221-130(2) is met.))~~

(b) The following information shall be included for the duration of the patient's treatment in the patient's official hospital medical record/chart:

(i) The radionuclide administered, number of sources, activity in millicuries or becquerels and time and date of administration;

(ii) The exposure rate at one meter, the time the determination was made, and by whom;

(iii) The radiation symbol; and

(iv) The precautionary instructions necessary to assure that the exposure of individuals does not exceed that permitted under WAC 246-221-010.

~~((5))~~ (c) Information required by subsection (4)(b)(i) and (ii) of this section shall be retained for review by the department.

(5) Quality management program.

(a) Where applicable, requirements of the quality management program of WAC 246-239-022 shall be adhered to by those who use therapeutic radioactive material in the healing arts.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-010 Scope. The regulations in this chapter apply to all licensees ~~((or registrants))~~ who use sources of radiation for industrial radiography: *Provided, however,* That nothing in this part shall apply to the use of sources of radiation in the healing arts.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-020 Definitions. As used in this part:

(1) "Enclosed radiography" means industrial radiography employing ~~((radiation machines))~~ radiographic exposure devices conducted in an enclosed cabinet or room and includes cabinet radiography and shielded room radiography.

(a) "Cabinet radiography" means industrial radiography employing ~~((radiation machines))~~ radiographic exposure devices conducted in an enclosure or cabinet so shielded that every location at the exterior meets the conditions specified in WAC 246-221-060 of these regulations.

~~((i))~~ "Cabinet x ray system" means an x ray system with the x ray tube installed in an enclosure (hereinafter termed "cabinet") which, independently of existing architectural structure except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of x radiation. Included are all x ray systems designed primarily for the inspection of carry on baggage at airline, railroad, and bus

~~terminals, and in similar facilities. An x ray tube used within a shielded part of a building, or x ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x ray system.))~~

(b) "Shielded-room radiography" means industrial radiography conducted in a room so shielded that every location on the exterior meets the conditions specified in WAC 246-221-060 of these regulations.

(2) "Industrial radiography" means the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation. Industrial radiography as used in this chapter does not include well logging operations.

(3) "Permanent radiographic installation" means a shielded installation or structure designed or intended for radiography employing a radiographic exposure device and in which radiography is regularly performed, regardless of ownership.

(4) "Personal supervision" means supervision by a radiographer such that the radiographer is physically present at the radiography site and in such proximity that communication can be maintained and immediate assistance given as required. When a radiographer's assistant is using or handling sources of radiation, the radiographer must maintain direct surveillance.

(5) "Radiographer" means any individual who performs or who, in attendance at the site where sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the licensee ~~((or registrant))~~ for assuring compliance with the requirements of these regulations and all license conditions.

(6) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses sources of radiation, related handling tools, or radiation survey instruments in industrial radiography.

(7) "Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(8) "Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is ~~((in one))~~ the proper location for storage of the sealed source.

(9) "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources.

(10) "Storage container" means a device in which sealed sources are transported or stored.

(11) Temporary job site refers to any location which is not specifically authorized and described in a license ~~((or registration))~~.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-040 Equipment control. (1) Equipment used in industrial radiography operations must meet the following criteria, the following requirements apply to radiographic exposure devices and associated equipment that

allow the source to be moved out of the device for routine operation:

(a) The coupling between the source assembly and the control cable must be designed in such a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling must be such that it can not be unintentionally disconnected under normal and reasonably foreseeable abnormal conditions.

(b) The device must automatically secure the source assembly when it is cranked back into the fully shielded position within the device. The securing system may only be released by means of a deliberate operation on the exposure device.

(c) The outlet fittings, lock box, and drive cable fitting on each radiographic exposure device must be equipped with safety plugs or covers which must be installed during storage and transportation to protect the source assembly from water, mud, sand, or other foreign matter.

(d) The guide tube must have passed the crushing tests for the control tube as specified in ANSI N432 and a kinking resistance test that closely approximates the kinking forces likely to be encountered during use.

(e) Guide tubes or exposure heads connected directly to the device must be used when moving the source out of the device.

(f) An exposure head or similar device designed to protect the source assembly from passing out of the end of the guide tube must be attached to the outermost end of the guide tube during radiographic operations. The guide tube exposure head connection must be able to withstand the tensile test for control units specified in ANSI N432.

(g) Source changers must provide a system for assuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.

(h) All newly manufactured radiographic exposure devices and associated equipment acquired by licenses after January 1, 1995, must comply with the requirements of this section.

(i) All radiographic exposure devices and associated equipment in use after January 1, 1998, must comply with the requirements of this section.

(2) Limits on levels of radiation for radiographic exposure devices and storage containers:

~~((1))~~ (a) Radiographic exposure devices measuring less than four inches from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of fifty milliroentgens per hour (50mR/hr) at six inches from any exterior surface of the device.

~~((2))~~ (b) Radiographic exposure devices measuring a minimum of four inches from the sealed source storage position to any exterior surface of the device, and all storage containers for sealed sources or outer containers for radiographic exposure devices, shall have no radiation level in excess of two hundred milliroentgens per hour (200mR/hr) at any exterior surface, and ten milliroentgens per hour (10mR/hr) at one meter from any exterior surface.

~~((3))~~ (c) The radiation levels specified are with the sealed source in the shielded (i.e., "off") position.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-070 Storage precautions. (1) Locked radiographic exposure devices and storage containers shall be physically secured to prevent tampering or removal by unauthorized personnel.

(2) At least one calibrated and operable radiation survey instrument shall be available at the storage area whenever a radiographic exposure device, a storage container, or source is being placed in storage.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-080 Radiation survey instruments. (1) The licensee (~~or registrant~~) shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this part and chapter 246-221 WAC. Instrumentation required by this section shall have a range such that two milliroentgens per hour through one roentgen per hour can be measured.

(2) Each radiation survey instrument shall be calibrated:

(a) At energies appropriate for use and at intervals not to exceed three months and after each instrument servicing;

(b) Such that accuracy within ± 20 percent traceable to a national standard can be demonstrated; and

(c) At two or more widely separated points, other than zero, on each scale.

(3) Records shall be maintained of these calibrations for ~~((two))~~ three years after the calibration date for inspection by the department.

~~((4) The requirements of this section do not apply to registrants using only radiation machines in enclosed radiographic systems.)~~

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-090 Leak testing, repair, tagging, opening, modification, and replacement of sealed sources.

(1) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing, repair, tagging, opening, or any other modification of any sealed source shall be performed only by persons specifically authorized to do so by the department, the United States Nuclear Regulatory Commission, or any agreement state.

(2) Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested and results obtained.

(3) The leak test shall be capable of detecting the presence of 185 becquerels (0.005 microcurie) of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure ~~((to be approved pursuant to WAC 246-235-080 (5)(e)))~~ specifically approved in a license condition. Records of leak test results shall be kept in units of

microcuries and maintained for inspection by the department for ~~((two))~~ three years after the leak test is performed.

(4) Any test conducted pursuant to subsections (2) and (3) of this section which reveals the presence of 185 becquerels (0.005 microcurie) or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed in accordance with regulations of the department. Within five days after obtaining results of the test, the licensee shall file a report with the department describing the involved equipment, the test results, and the corrective action taken.

(5) A sealed source which is not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least one inch square bearing the prescribed radiation caution symbol in conventional colors magenta or purple on a yellow background, and at least the instructions: "Danger - Radioactive Material - Do not handle - Notify civil authorities if found."

(6) Each radiographic exposure device shall have permanently and conspicuously attached to it a durable label at least two inches square bearing the prescribed radiation caution symbol in conventional colors (magenta or purple on a yellow background), and at a minimum the instructions, "Danger - Radioactive Material - Do not handle - Notify civil authorities if found."

(7) Each radiographic exposure device must have attached to it by the user, a durable, legible, clearly visible label bearing the following:

- (a) Chemical symbol and mass number of the radionuclide in the device;
- (b) Activity and the date on which this activity was last measured;
- (c) Model number and serial number of the sealed source;
- (d) Manufacturer of the sealed source; and
- (e) Licensee's name, address, and telephone number.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-100 Quarterly inventory. Each licensee shall conduct a quarterly physical inventory to account for all sealed sources received or possessed. The records of the inventories shall be maintained for ~~((two))~~ three years from the date of inventory for inspection by the department and shall include:

- (1) Exposure device or source changer make, model, and serial number;
- (2) Sealed source serial number and manufacturer;
- (3) ~~((Isotope))~~ Radionuclide and current activity;
- (4) Location of device/changer;
- (5) Date of inventory;
- (6) Name of person who performed inventory.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-110 Utilization logs. (1) Each licensee ~~((and/or registrant))~~ shall maintain current logs, which shall be kept available for inspection by the department for ~~((two))~~ three years from the date of the recorded event, at the

address specified in the license showing for each radiation exposure device the following information:

(a) A description (or make and model number) of each radiation exposure device or storage container in which the sealed source is located:

(b) The identity of the radiographer to whom assigned; and

(c) Locations where used and dates of use.

~~((The requirements of subsection (1) of this section shall not apply in industrial radiography utilizing radiation machines in enclosed interlocked cabinets or rooms which are not occupied during radiographic operations, which are equipped with interlocks such that the radiation machine will not operate unless all openings are securely closed and which is so shielded that every location on the exterior meets conditions for an unrestricted area, as specified in WAC 246-221-060.~~

~~((3))~~ A separately identified utilization log is not required if the equivalent information is available in records of the licensee ~~((or registrant))~~ and available at the address specified in the license.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-120 Inspection and maintenance of radiographic exposure devices, control cables, storage containers and source changers. (1) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, control units (to include cables), and source changers at intervals, not to exceed three months or prior to first use thereafter to assure proper functioning of components important to safety. Records of these inspections and maintenance shall be kept for ~~((two))~~ three years.

(2) The licensee shall check for obvious defects in radiographic exposure devices, storage containers, control assemblies, and source changers prior to use each day the equipment is used.

(3) The licensee's program shall include a thorough visual inspection for corrosion, and specific maintenance procedures that address corrosion removal and prevention.

(4) If any inspection conducted pursuant to subsections (1) or (2) of this section reveals damage to components critical to radiation safety, the device shall be removed from service until proper repairs have been made.

(5) Any maintenance performed on radiographic exposure devices and accessories shall be in accordance with the manufacturer's specifications.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-130 Limitations—Personal radiation safety requirements for radiographers and radiographers' assistants. (1) No licensee ~~((or registrant))~~ shall permit any individual to act as a radiographer as defined in this chapter until such individual:

(a) Has been instructed in the subjects outlined in WAC 246-243-230;

(b) Has received copies of and instruction in the regulations contained in chapters 246-220, 246-222, 246-221, and 246-243 WAC and the applicable sections of appropriate

license(s), and the licensee's (~~(or registrant's)~~) operating and emergency procedures, and shall have demonstrated understanding thereof;

(c) Has demonstrated competence to use the source of radiation, related handling tools, and radiation survey instruments which will be employed in the individual's assignment; and

(d) Has demonstrated understanding of the instructions in this paragraph by successful completion of written test and a field examination on the subjects covered.

(2) No licensee (~~(or registrant)~~) shall permit any individual to act as a radiographer's assistant as defined in this part until such individual:

(a) Has received copies of and instruction in the licensee's (~~(or registrant's)~~) operating and emergency procedures;

(b) Has demonstrated competence to use under the personal supervision of the radiographer the sources of radiation, related handling tools, and radiation survey instruments which will be employed in the individual's assignment;

(c) Has demonstrated understanding of the instructions in this paragraph by successfully completing a written or oral test and a field examination on the subjects covered; and

(d) Records of the above training including copies of written tests and dates of oral tests and field examinations shall be maintained (~~(for three years)~~) for at least one year following termination of employment.

(3) Each licensee (~~(or registrant)~~) shall maintain, for inspection by the department, records of training and testing which demonstrate that the requirements of subsections (1) and (2) of this section and WAC 246-235-080 (5)(a) are met.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-140 Operating and emergency procedures. The licensee's (~~(or registrant's)~~) operating and emergency procedures shall include instructions in at least the following:

(1) The handling and use of sources of radiation to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in chapter 246-221 WAC Standards for protection against radiation;

(2) Methods and occasions for conducting radiation surveys;

(3) Methods for controlling access to radiographic areas;

(4) Methods and occasions for locking and securing sources of radiation;

(5) Personnel monitoring and the use of personnel monitoring equipment including steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off-scale;

(6) Transportation to field locations, including packing of sources of radiation in the vehicles, posting of vehicles, and control of sources of radiation during transportation;

(7) Minimizing exposure of individuals in the event of an accident;

(8) (~~(The procedure for)~~) Notifying proper personnel in the event of a theft, loss, overexposure or accident involving sources of radiation;

(9) Maintenance of records; (~~and~~)

(10) The inspection and maintenance of radiographic exposure devices and storage containers; and

(11) Identifying and reporting defects and noncompliance as required by these regulations.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-150 Personnel monitoring control.

(1) No licensee (~~(or registrant)~~) shall permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such individual shall wear a film or TLD badge (~~and~~), a direct reading pocket dosimeter, and an alarming rate meter. In permanent facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming rate meter is not required. Pocket dosimeters shall be capable of measuring (~~(doses)~~) exposures from zero to at least 200 milliroentgens. A film or TLD badge shall be assigned to and worn by only one individual.

(2)(a) Pocket dosimeters shall be read and (~~(doses)~~) exposures recorded daily. Pocket dosimeters shall be charged at the beginning of each working day. Pocket dosimeters shall be checked annually at periods not to exceed (~~(one year)~~) thirteen months for correct response to radiation. Acceptable dosimeters shall read within plus or minus (~~(30)~~) twenty percent of the true radiation exposure.

(b) Each alarming rate meter must:

(i) Be checked to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

(ii) Be set to give an alarm signal at a maximum preset rate of 500 mR/hr.;

(iii) Require special means to change the preset alarm functions; and

(iv) Be calibrated annually at periods not to exceed thirteen months for correct response to radiation: Acceptable rate meters must alarm within plus or minus twenty percent of the true radiation exposure rate.

(c) A film or TLD badge shall be immediately processed if a pocket dosimeter is discharged beyond its range during normal use. The film or TLD badge reports received from the film or TLD badge processor and records of pocket dosimeter readings shall be maintained for inspection by the department until it authorizes their disposal.

~~((3) The requirements for use of pocket dosimeter or pocket chamber shall not apply in industrial radiography utilizing radiation machines in enclosed interlocked cabinets or rooms which are not occupied during radiographic operations, which are equipped with interlocks such that the radiation machine will not operate unless all openings are securely closed and which are so shielded that every location on the exterior meets conditions for an unrestricted area, as specified in WAC 246-221-060.)~~

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-160 Supervision of radiographers' assistants. Whenever a radiographer's assistant uses radiographic exposure devices, uses sealed sources or related source handling tools, or conducts radiation surveys required by WAC 246-243-190 (2), (3), (~~(or)~~) (4), or (5) to determine that the sealed source has returned to the shielded position

after an exposure, he or she shall be under the personal supervision of a radiographer, as defined in WAC 246-243-020. Personal supervision shall include (1) the radiographer's personal presence at the site where the sealed sources are being used, (2) the ability of the radiographer to communicate and give immediate assistance if required, and (3) the radiographer's ability to observe the performance of his/her assistant during the operations referred to in this section.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-170 Security—Precautionary procedures in radiographic operations. (1) During each radiographic operation, the radiographer or radiographer's assistant shall maintain a direct surveillance of the operation to protect against unauthorized entry into a high radiation area, as defined in chapter 246-220 WAC except:

(a) Where the high radiation area is equipped with a control device or alarm system as described in WAC ~~((246-221-120 (1)(e)(ii)))~~ 246-221-102(1); or

(b) Where the high radiation area is locked to protect against unauthorized or accidental entry.

(2) When not in operation or when not under direct surveillance, portable radiation exposure devices ~~((and mobile or portable radiation machines))~~ shall be physically secured to prevent removal by unauthorized personnel.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-180 Posting. Notwithstanding any provisions in paragraph WAC 246-221-130 areas in which radiography is being performed or in which a radiographic exposure device is being stored shall be conspicuously posted and access to the area shall be controlled as required by WAC 246-221-120 and 246-221-102(1).

(1) All potential radiation areas where industrial radiographic operations are to be performed shall be posted based on calculated or estimated exposure rates before industrial radiography operations begin.

(2) Each time the exposure device is relocated and/or the exposed position of the sealed source is changed, the requirements of subsection (1) of this section shall be met.

AMENDATORY SECTION (Amending Order 245, filed 2/21/92, effective 3/23/92)

WAC 246-243-190 Radiation surveys and survey records. (1) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in WAC 246-243-080 is available and used at each site where radiographic ~~((exposures are made))~~ operations are being performed and at the storage area whenever a radiographic exposure device, a storage container, or source is being placed in storage.

(2) A physical radiation survey shall be made after each radiographic exposure utilizing radiographic exposure devices or sealed sources of radioactive material to determine that the sealed source has been returned to its shielded position. ~~The ((entire))~~ horizontal circumference of the radiographic exposure device shall be surveyed. If the

radiographic exposure device has a source guide tube, the survey shall include the guide tube.

(3) A physical radiation survey shall be made to determine that each sealed source is in its shielded condition prior to securing the radiographic exposure device or storage container as specified in WAC 246-243-060. ~~The ((entire))~~ horizontal circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.

(4) A physical radiation survey shall be made of the boundary of the restricted area during radiographic operations not employing shielded room radiography. The maximum survey reading at the boundary shall be recorded. The records shall indicate approximate distance from source to boundaries, whether or not the exposed source is collimated and any occupied areas with exposure levels greater than 2 mR in any hour during radiographic operations.

(5) A survey with a calibrated and operable survey instrument shall be made any time a radiographic exposure device is placed into the storage area to ensure that the sealed source is in its shielded position. The horizontal circumference of the radiographic exposure device with emphasis on the source exit port must be surveyed.

~~(6)~~ Records required by subsections (3) ~~((and))~~ (4), ~~and~~ (5) of this section shall include the model and serial number of the survey meter used and shall be maintained for inspection by the department for three years after completion of the survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the department authorizes their disposition.

NEW SECTION

WAC 246-243-195 Reporting. (1) In addition to the reporting requirements specified in other sections of the regulations, each licensee shall provide a written report to the department within thirty days of the occurrence of any of the following incidents involving radiographic equipment:

(a) Unintentional disconnection of the source assembly from the control cable.

(b) Inability to retract the source assembly to its fully shielded position and secure it in this position.

(c) Failure of any component (critical to safe operation of the device) to properly perform its intended function.

(2) The licensee shall include the following information in each report submitted under subsection (1) of the section.

(a) A description of the equipment problem;

(b) Cause of each incident, if known;

(c) Manufacturer and model number of equipment involved in the incident;

(d) Place, time, and date of incident;

(e) Actions taken to reestablish normal operations;

(f) Corrective actions taken or planned to prevent recurrence;

(g) Qualifications of personnel involved in the incident.

(3) Reports of overexposure submitted under WAC 246-221-260 which involve failure of safety components of radiographic equipment must also include the information specified in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-200 Records required at temporary job sites. Each licensee (~~(or registrant)~~) conducting (~~(industrial radiography)~~) radiographic operations at a temporary site shall have the following records available at that site for inspection by the department:

- (1) Appropriate license;
- (2) Operating and emergency procedures;
- (3) Applicable regulations;
- (4) Survey records required pursuant to WAC 246-243-190 for the period of operation at the site;
- (5) Daily pocket dosimeter records for the period of operation at the site;
- (6) The latest instrument calibration and leak test record for specific devices in use at the site.

NEW SECTION

WAC 246-243-205 Temporary job site notification.

(1) Each licensee shall provide notification to the department as required by the department, preferably twenty-four hours but no later than two hours, prior to beginning radiographic operations at a temporary job site. The notification will be given by using the prescribed 1-800 telephone notification system. The notification shall include:

- (a) Name and office telephone number of the licensee;
- (b) Radioactive materials license number;
- (c) Address or directions to the temporary job site;
- (d) Specific date(s), time(s), and duration of expected radiographic operations;
- (e) Names of radiographers and, if applicable, radiographer assistants taking part in the radiographic operations; and
- (f) Name and telephone number of a contact person at the temporary job site.

(2) In the event that operations at a temporary job site continue for longer than thirty days, the licensee will renotify the department, as required by subsection (1) of this section, each succeeding month.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-210 Special requirements for enclosed radiography. (1) (~~(Systems for enclosed radiography designed to allow admittance of individuals during x-radiation generation shall:~~

~~(a) Comply with all applicable requirements of chapter 246-243 WAC and WAC 246-221-060 of these regulations.~~

~~(b) Be evaluated at intervals not to exceed one year to assure compliance with the applicable requirements as specified in (a) of this subsection. Records of these evaluations shall be maintained for inspection by the department for a period of two years after the evaluation.~~

~~(c) Interlocks are required on all enclosed radiographic systems, such that the exposure will terminate if a door or port accessible to individuals is opened during the exposure, except for those systems employing conveyor belts or sample ports.~~

~~(2) Cabinet x-ray)) Radiographic exposure device systems designed to exclude individuals during ((x-radia-~~

~~tion)) radiography are exempt from the requirements of chapter 246-243 WAC except that:~~

~~(a) Operating personnel must be provided with either a film badge or a thermoluminescent dosimeter and reports of the results must be maintained for inspection by the department.~~

~~(b) No ((registrant) licensee shall permit any individual to operate ((a cabinet x-ray)) radiographic exposure device systems until such individual has received a copy of and instruction in the operating procedures for the unit and has demonstrated competence in its use. Records which demonstrate compliance with this subparagraph shall be maintained for inspection by the department until disposition is authorized by the department.~~

~~(c) Tests for proper operation of high radiation area control devices or alarm systems, where applicable, must be conducted at the beginning of each day of use and recorded.~~

~~(d) The ((registrant)) licensee shall perform an evaluation, at intervals not to exceed one year, to determine conformance with WAC 246-221-060 of these regulations.~~

~~Records of these evaluations shall be maintained for inspection by the department for a period of ((two)) three years after the evaluation.~~

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-243-220 Special requirements for permanent radiographic installation. Permanent radiographic installations having high radiation area entrance controls of the types described in WAC ((246-221-120-1)(e)(ii)) 246-221-102(1) or where the high radiation area is locked to protect against unauthorized or accidental entry, shall also meet the following special requirements.

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation to which this section applies shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be actuated by radiation whenever the source is exposed. The audible signal shall be actuated when an attempt is made to enter the installation while the source is exposed.

(2) Both visible and audible alarm systems are required and shall be tested prior to the first use of a source in the installation and thereafter at intervals not to exceed three months. Records of the tests shall be kept for ((two)) three years.

(3) The department shall review and approve, in advance of construction, plans for permanent radiographic installations whose construction had not commenced by the effective date of these regulations. Construction of the permanent facility shall be in accordance with the plans approved by the department.

(4) A physical radiation survey shall be conducted and results recorded following construction or major modification of the facility to be used in the installation. Radiography shall not be conducted if exposure levels in unrestricted areas are greater than 2 mR in any hour. Any increase in source strength will require resurvey of the installation prior to the conduct of industrial radiography.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-230 Appendix A—Minimum subjects to be covered in training radiographers. (1) *Fundamentals of radiation safety*

- (a) Characteristics of ionizing radiation
- (b) Units of radiation dose (mrem) and quantity of radioactivity (curie)
- (c) Hazards of exposure to radiation
- (i) Radiation protection standards
- (ii) Biological effects of radiation dose
- (d) Levels of radiation from sources of radiation
- (e) Methods of controlling radiation dose
- (i) Working time
- (ii) Working distances
- (iii) Shielding
- (2) *Radiation detection instrumentation to be used*
 - (a) Use of radiation survey instruments
 - (i) Operation
 - (ii) Calibration
 - (iii) Limitations
 - (b) Survey techniques
 - (c) Use of personnel monitoring equipment
 - (i) Film badges
 - (ii) Pocket dosimeters
 - (iii) Thermoluminescent dosimeters
 - (iv) Alarming rate meters
 - (3) *Radiographic equipment to be used*
 - (a) Remote handling equipment
 - (b) Radiographic exposure devices and sealed sources
 - (c) Storage containers
 - ~~((d) Operation and control of x-ray equipment)~~
- (4) *The requirements of pertinent federal and state regulations*
 - (5) *The licensee's (~~or registrant's~~) written operating and emergency procedures*
 - (6) *Case histories of radiography accidents.*

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-240 Appendix B—General guidelines for inspection of radiography equipment. (1) Panoramic devices (devices in which the source is physically removed from shielded container during exposure) should be inspected for:

- (a) Radiographic exposure unit;
 - (i) Abnormal surface radiation levels anywhere on camera;
 - (ii) Condition of safety plugs;
 - (iii) Proper operation of locking mechanism;
 - (iv) Condition of pigtail connector;
 - (v) Alignment of "S" tube with exit port;
 - (vi) Condition of carrying device (straps, handle, etc.);
 - (vii) Proper labeling;
- (b) Source tube;
 - (i) Rust, corrosion, dirt, or sludge buildup inside the source tube;
 - (ii) Condition of source tube connector;
 - (iii) Condition of source stop;
 - (iv) Kinks or damage that could prevent proper operation;

- (c) Control cables and drive mechanism;
- (i) Proper drive mechanism for this camera, if appropriate;
- (ii) Changes in general operating characteristics;
- (iii) Condition of connector on drive cable;
- (iv) Drive cable flexibility, wear, and rust;
- (v) Excessive wear or damage to crank assembly parts;
- (vi) Damage to drive cable conduit that could prevent the cable from moving freely;
- (vii) Connection of the control cable connector with the pigtail connector for proper mating;
- (viii) Proper operation of source position indicator, if applicable.
- (2) Directional beam devices should be inspected for:
 - (a) Abnormal surface radiation;
 - (b) Changes in the general operating characteristics of the unit;
 - (c) Proper operation of shutter mechanism;
 - (d) Chafing or binding of shutter mechanism;
 - (e) Damage to the device which might impair its operation;
 - (f) Proper operation of locking mechanism;
 - (g) Proper drive mechanism with this camera, if appropriate;
 - (h) Condition of carrying device (strap, handle, etc.);
 - (i) Proper labeling.

AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

WAC 246-250-001 Purpose and scope. (1) The regulations in this chapter establish procedures, criteria, and terms and conditions upon which the department issues licenses for land disposal of low-level radioactive wastes received from other persons. (Applicability of the requirements in this chapter to department licenses for waste disposal facilities in effect on the effective date of this regulation will be determined on a case-by-case basis and implemented through terms and conditions of the license or by orders issued by the department.) The requirements of this chapter are in addition to, and not in substitution for, other applicable requirements of these regulations or other state regulations.

(2) The regulations in this chapter do not apply to disposal of ~~((by product material as defined in WAC 246-220-010 (7)(b)))~~ tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore where the tailings or wastes result in quantities greater than 10,000 kilograms and containing more than 185 mega becquerels (five millicuries) of radium 226, or disposal of waste provided in WAC 246-221-070, 246-221-190, or 246-221-200.

(3) This chapter establishes procedural requirements and performance objectives applicable to any method of land disposal. It establishes specific technical requirements for near-surface disposal of radioactive waste which involves disposal in the uppermost portion of the earth.

AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

WAC 246-252-030 Criteria related to disposition of uranium mill tailings or wastes. As used in this section, the term "as low as reasonably achievable" has the same meaning as in WAC 246-220-007. The term by-product material (~~has the same meaning as WAC 246-220-010 (6)(b))~~) means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

As required by WAC 246-235-110(6), each applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or by-product material at sites formerly associated with such milling, is required to include in a license application proposed specifications relating to the milling operation and the disposition of tailings or waste resulting from such milling activities. This section establishes criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of mills and tailings or waste systems and sites at which such mills and systems are located and site and by-product material ownership. Applications must clearly demonstrate how these criteria have been addressed. The specifications shall be developed considering the expected full capacity of tailings or waste systems and the lifetime of mill operations. Where later expansions of systems or operations may be likely, the amenability of the disposal system to accommodate increased capacities without degradation in long-term stability and other performance factors shall be evaluated.

Licensees or applicants may propose alternatives to the specific requirements in these criteria. The alternative proposals may take into account local or regional conditions, including geology, topography, hydrology, and meteorology. The department may find that the proposed alternatives meet the department's requirements if the alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with the sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the requirements of the standards promulgated by the United States Environmental Protection Agency in 40 CFR 192, Subparts D and E.

(1) Criterion 1 - In selecting among alternative tailings disposal sites or judging the adequacy of existing tailings sites, the following site features which would contribute to meeting the broad objective of permanent isolation of the tailings and associated contaminants from man and the environment for one thousand years to the extent reasonably achievable, and in any case, for at least two hundred years without ongoing active maintenance shall be considered:

- (a) Remoteness from populated areas;
- (b) Hydrogeologic and other environmental conditions conducive to continued immobilization and isolation of contaminants from groundwater sources; and
- (c) Potential for minimizing erosion, disturbance, and dispersion by natural forces over the long term.

The site selection process must be an optimization to the maximum extent reasonably achievable in terms of these features.

In the selection of disposal sites, primary emphasis shall be given to isolation of tailings or wastes, a matter having long-term impacts, as opposed to consideration only of short-term convenience or benefits, such as minimization of transportation or land acquisition costs. While isolation of tailings will be a function of both site characteristics and engineering design, overriding consideration shall be given to siting features given the long-term nature of the tailings hazards.

Tailings shall be disposed in a manner such that no active maintenance is required to preserve the condition of the site.

(2) Criterion 2 - To avoid proliferation of small waste disposal sites, by-product material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote above ground extraction operations shall be disposed at existing large mill tailings disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity and the costs and environmental impacts of transporting the wastes to a large disposal site, such offsite disposal is demonstrated to be impracticable or the advantage of onsite burial clearly outweighs the benefits of reducing the perpetual surveillance obligations.

(3) Criterion 3 - The "prime option" for disposal of tailings is placement below grade, either in mines or specially excavated pits (that is, where the need for any specially constructed retention structure is eliminated).

The evaluation of alternative sites and disposal methods performed by mill operators in support of their proposed tailings disposal program (provided in applicants' environmental reports) shall reflect serious consideration of this disposal mode. In some instances, below grade disposal may not be the most environmentally sound approach, such as might be the case if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Also, geologic and topographic conditions might make full, below grade burial impracticable; for example, near-surface bedrock could create prominent excavation costs while more suitable alternate sites may be available. Where full below grade burial is not practicable, the size of the retention structures, and the size and steepness of slopes of associated exposed embankments, shall be minimized by excavation to the maximum extent reasonably achievable or appropriate, given the geologic and hydrogeologic conditions at a site. In these cases, it must be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) Criterion 4 - The following site and design criteria shall be adhered to whether tailings or wastes are disposed of above or below grade:

(a) Upstream rainfall catchment areas must be minimized to decrease erosion potential and the size of the probable maximum flood which could erode or wash out sections of the tailings disposal area.

(b) Topographic features shall provide good wind protection.

(c) Embankment and cover slopes shall be relatively flat after final stabilization to minimize erosion potential and to provide conservative factors of safety assuring long-term stability. The broad objective should be to contour final

slopes to grades which are as close as possible to those which would be provided if tailings were disposed of below grade; this could, for example, lead to slopes of about ten horizontal to one vertical (10h:1v) or less steep. In general, slopes should not be steeper than about 5h:1v. Where steeper slopes are proposed, reasons why a slope less steep than 5h:1v would be impracticable should be provided, and compensating factors and conditions which make such slopes acceptable should be identified.

(d) A fully self-sustaining vegetative cover shall be established or rock cover employed to reduce wind and water erosion to negligible levels.

Where a full vegetative cover is not likely to be self-sustaining due to climatic conditions, such as in semi-arid and arid regions, rock cover shall be employed on slopes of the impoundment system. The NRC will consider relaxing this requirement for extremely gentle slopes such as those which may exist on the top of the pile.

The following factors shall be considered in establishing the final rock cover design to avoid displacement of rock particles by human and animal traffic or by natural processes, and to preclude undercutting and piping:

(i) Shape, size, composition, gradation of rock particles (excepting bedding material, average particle size shall be at least cobble size or greater);

(ii) Rock cover thickness and zoning of particles by size; and

(iii) Steepness of underlying slopes.

(e) Individual rock fragments shall be dense, sound, and resistant to abrasion, and free from defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used. Shale, rock laminated with shale, and cherts shall not be used.

Rock covering of slopes may not be required where top covers are on the order of ten meters or greater; impoundment slopes are on the order of 10h:1v or less; bulk cover materials have inherently favorable erosion resistance characteristics; and there is negligible drainage catchment area upstream of the pile, and there is good wind protection as described in (a) and (b) of this subsection.

(f) Impoundment surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with substantial rock cover (riprap). In addition to providing for stability of the impoundment systems itself, the overall stability, erosion potential, and geomorphology of surrounding terrain shall be evaluated to assure that there are no processes, such as gully erosion, which would lead to impoundment instability.

(g) The impoundment shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the impoundment could reasonably be expected to withstand. As used in this criterion, the term "capable fault" has the same meaning as defined in Section III (g) of Appendix A of 10 CFR Part 100. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and

seismology and specific characteristics of local subsurface material.

(h) The impoundment, where feasible, should be designed to incorporate features which will promote deposition of suspended particles. For example, design features which promote deposition of sediment suspended in any runoff which flows into the impoundment area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

(5) Criterion 5 - Criteria 5(a) through 5(g) and new Criterion 13 incorporate the basic groundwater protection standards imposed by the United States Environmental Protection Agency in 40 CFR Part 192, Subparts D and E (48 FR 45926; October 7, 1983) which apply during operations and prior to the end of closure. Groundwater monitoring to comply with these standards is required by Criterion 7.

(a) The primary groundwater protection standard is a design standard for surface impoundments used to manage uranium and thorium by-product material. Surface impoundments (except for an existing portion) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, groundwater, or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil, groundwater, or surface water) during the active life of the facility, provided that impoundment closure includes removal or decontamination of all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate. For impoundments that will be closed with the liner material left in place, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility.

(b) The liner required by (a) of this subsection must be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(iii) Installed to cover all surrounding earth likely to be in contact with the wastes or leachate.

(c) The applicant or licensee will be exempted from the requirements of (a) of this subsection if the department finds, based on a demonstration by the applicant or licensee, that alternate design and operating practices, including the closure plan, together with site characteristics will prevent the migration of any hazardous constituents into groundwater or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

(d) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave actions; rainfall; run-on; from malfunctions of level controllers, alarms, and other equipment; and human error.

(e) When dikes are used to form the surface impoundment, the dikes must be designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the impoundment.

(f) Uranium and thorium by-product materials must be managed to conform to the following secondary groundwater protection standard: Hazardous constituents entering the groundwater from a licensed site must not exceed the specified concentration limits in the uppermost aquifer beyond the point of compliance during the compliance period. Hazardous constituents are those constituents identified by the department pursuant to (g) of this subsection. Specified concentration limits are those limits established by the department as indicated in (j) of this subsection. The department will also establish the point of compliance and compliance period on a site specific basis through license conditions and orders. The objective in selecting the point of compliance is to provide the earliest practicable warning that the impoundment is releasing hazardous constituents to the groundwater. The point of compliance must be selected to provide prompt indication of groundwater contamination on the hydraulically downgradient edge of the disposal area. The department must identify hazardous constituents, establish concentration limits, set the compliance period, and adjust the point of compliance, if needed, when the detection monitoring established under criterion 7 indicates leakage of hazardous constituents from the disposal area.

(g) A constituent becomes a hazardous constituent subject to (j) of this subsection when the constituent:

(i) Is reasonably expected to be in or derived from the by-product material in the disposal area;

(ii) Has been detected in the groundwater in the uppermost aquifer; and

(iii) Is listed in WAC 246-252-050 Appendix A.

(h) The department may exclude a detected constituent from the set of hazardous constituents on a site specific basis if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to exclude constituents, the department will consider the following:

(i) Potential adverse effect on groundwater quality, considering —

(A) The physical and chemical characteristics of the waste in the licensed site, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(i) In making any determinations under (h) and (k) of this subsection about the use of groundwater in the area around the facility, the department will consider any identification of underground sources of drinking water and exempted aquifers made by the United States Environmental Protection Agency.

(j) At the point of compliance, the concentration of a hazardous constituent must not exceed —

(i) The department approved background concentration of that constituent in the groundwater;

(ii) The respective value given in the table in subsection (5)(l) of this section if the constituent is listed in the table and if the background level of the constituent is below the value listed; or

(iii) An alternate concentration limit established by the department.

(k) Conceptually, background concentrations pose no incremental hazards and the drinking water limits in (j)(i) of this subsection state acceptable hazards but these two options may not be practically achievable at a specific site. Alternate concentration limits that present no significant hazard may be proposed by licensees for department consideration. Licensees must provide the basis for any proposed limits

including consideration of practicable corrective actions, that limits are as low as reasonably achievable, and information on the factors the department must consider.

The department will establish a site specific alternate concentration limit for a hazardous constituent as provided in (j) of this subsection if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will apply its as low as reasonably achievable criterion in this chapter. The department will also consider the following factors:

(i) Potential adverse effects on groundwater quality, considering —

(A) The physical and chemical characteristics of the waste in the licensed site including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(I) MAXIMUM VALUES FOR GROUNDWATER PROTECTION:

Constituent or Property	Maximum Concentration
	Milligrams per liter
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin (1,2,3,4,10,10-hexachloro-1,7 -epoxy-1,4,4a,5,6,7,8,9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis (p-methoxyphenylethane)	0.1
Toxaphene (C ₁₀ H ₁₀ Cl ₆ , Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid)	0.01
	Picocuries per liter
Combined radium - 226 and radium - 228	5
Gross alpha - particle activity (excluding radon and uranium when producing uranium by-product material or thorium when producing thorium by-product material)	15

(m) If the groundwater protection standards established under (f) of this subsection are exceeded at a licensed site, a corrective action program must be put into operation as soon as is practicable, and in no event later than eighteen months after the department finds that the standards have been exceeded. The licensee shall submit the proposed corrective action program and supporting rationale for department approval prior to putting the program into operation, unless otherwise directed by the department. The objective of the program is to return hazardous constituent concentration levels in groundwater to the concentration limits set as standards. The licensee's proposed program must address removing the hazardous constituents that have entered the groundwater at the point of compliance or treating them in place. The program must also address removing or treating in place any hazardous constituents that exceed concentration limits in groundwater between the point of compliance and the downgradient facility property boundary. The licensee shall continue corrective action measures to the extent necessary to achieve and maintain compliance with the groundwater protection standard. The department will determine when the licensee may terminate corrective action measures based on data from the groundwater monitoring program and other information that provide reasonable assurance that the groundwater protection standard will not be exceeded.

(n) In developing and conducting groundwater protection programs, applicants and licensees shall also consider the following:

(i) Installation of bottom liners (where synthetic liners are used, a leakage detection system must be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwa-

ter monitoring program conducted as provided in Criterion 7. Where clay liners are proposed or relatively thin, in-situ clay soils are to be relied upon for seepage control, tests must be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests must be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases deterioration has been observed to occur rather rapidly after about nine months of exposure)).

(ii) Mill process designs which provide the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(iii) Dewatering of tailings by process devices and/or in-situ drainage systems (at new sites, tailings must be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the driving head of seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom must be graded to assure that the drains are at a low point. The drains must be protected by suitable filter materials to assure that drains remain free running. The drainage system must also be adequately sized to assure good drainage).

(iv) Neutralization to promote immobilization of hazardous constituents.

(o) Where groundwater impacts are occurring at an existing site due to seepage, action must be taken to alleviate conditions that lead to excessive seepage impacts and restore groundwater quality. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications must be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or scientist, must be established to assure the specifications are met.

(p) In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(i) The chemical and radioactive characteristics of the waste solutions.

(ii) The characteristics of the underlying soil and geologic formations particularly as they will control transport of contaminants and solutions. This includes detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations must be determined. This information must be gathered from borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate to groundwater. The information gathered on boreholes must include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining significant discontinuities, fractures, and channeled deposits of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability may not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) must be conducted to assure actual field proper-

ties are adequately understood. Testing must be conducted to allow estimating chemi-sorption attenuation properties of underlying soil and rock.

(iii) Location, extent, quality, capacity and current uses of any groundwater at and near the site.

(q) Steps must be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining and/or compaction of ore storage areas.

(6) Criterion 6 - (a) In cases where waste by-product material is to be permanently disposed, an earthen cover shall be placed over tailings or wastes at the end of the milling operations and the waste disposal area shall be closed in accordance with a design¹ which shall provide reasonable assurance of control of radiological hazard to:

(i) Be effective for one thousand years, to the extent reasonably achievable, and, in any case, for at least two hundred years; and

(ii) Limit releases of Radon-222 from uranium by-product materials, and Radon-220 from thorium by-product materials, to the atmosphere so as to not exceed an average² release rate of twenty picocuries per square meter per second (pCi/m²s) to the extent practicable throughout the effective design life determined pursuant to (a)(i) of this subsection. In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances shall not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer shall not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed as cover materials, it must be demonstrated that such materials will not crack or degrade by differential settlement, weathering, or other mechanism over long term time intervals.

(b) Near surface materials (i.e., within the top three meters) shall not include mine waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding soils. This is to insure that surface radon exhalation is not significantly above background because of the cover material itself.

(c) The design requirements in this criterion for longevity and control of radon releases shall apply to any portion of a licensed and/or disposal site unless such portion contains a concentration of radium in land, averaged over areas of one hundred square meters, which, as a result of by-product material does not exceed the background level by more than:

(i) Five picocuries per gram (pCi/g) of Radium-226, or, in the case of thorium by-product material, Radium-228, averaged over the first fifteen centimeters below the surface; and

(ii) Fifteen pCi/g of Radium-226, or, in the case of thorium by-product material, Radium-228, averaged over fifteen centimeters thick layers more than fifteen centimeters below the surface.

(d) The licensee must also address the nonradiological hazards associated with the wastes in planning and implementing closure. The licensee shall ensure that disposal areas are closed in a manner that minimizes the need for further maintenance. To the extent necessary to prevent threats to human health and the environment, the license shall control, minimize, or eliminate post-closure escape of

nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to the ground or surface waters or to the atmosphere.

Footnotes:

- ¹ The standard applies to design. Monitoring for radon after installation of an appropriately designed cover is not required.
- ² This average shall apply to the entire surface of each disposal area over periods of at least one year, but short compared to one hundred years. Radon will come from both uranium by-product materials and from covering material. Radon emissions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from by-product materials to the atmosphere.

(7) Criterion 7 - At least one full year prior to any major site construction, a preoperational monitoring program must be conducted to provide complete baseline data on a milling site and its environs. Throughout the construction and operating phases of the mill, an operational monitoring program must be conducted to complete the following:

- (a) To measure or evaluate compliance with applicable standards and regulations;
- (b) To evaluate performance of control systems and procedures;
- (c) To evaluate environmental impacts of operation; and
- (d) To detect potential long-term effects.

The licensee shall establish a detection monitoring program needed for the department to set the site-specific groundwater protection standards in Criterion 5 of this section. For all monitoring under this paragraph, the licensee or applicant will propose for department approval as license conditions, which constituents are to be monitored on a site-specific basis. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under Criterion 5. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to Criterion 5, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in ground water continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

(8) Criterion 8 - Milling operations shall be conducted so that all airborne effluent releases are reduced to as low as is reasonably achievable. The primary means of accomplishing this shall be by means of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. The greatest potential sources of offsite radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. During operations and prior to closure, radiation doses from radon emissions from surface impoundments shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters (e.g., differential pressure and scrubber water flow rate) which determine the efficiency of yellowcake stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action shall be taken when performance is outside of prescribed ranges. Effluent control devices shall be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack.

Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable.

Operations may not be restarted after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the department in writing, within ten days of the subsequent restart.

To control dusting from tailings, that portion not covered by standing liquids shall be wetted or chemically stabilized to prevent or minimize blowing and dusting to the maximum extent reasonably achievable. This requirement may be relaxed if tailings are effectively sheltered from wind, such as may be the case where they are disposed of below grade and the tailings surface is not exposed to wind. Consideration shall be given in planning tailings disposal programs to methods which would allow phased covering and reclamation of tailings impoundments since this will help in controlling particulate and radon emissions during operation. To control dustings from diffuse sources, such as tailings and ore pads where automatic controls do not apply, operators shall develop written operating procedures specifying the methods of control which will be utilized.

Milling operations producing or involving thorium by-product material shall be conducted in such a manner as to provide reasonable assurance that the annual dose equivalent does not exceed twenty-five millirems to the whole body, seventy-five millirems to the thyroid, and twenty-five

millirems to any other organ of any member of the public as a result of exposures to the planned discharge of radioactive materials, Radon-220 and its daughters excepted, to the general environment.

Uranium and thorium by-product materials shall be managed so as to conform to the applicable provisions of Title 40 of the Code of Federal Regulations, Part 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, as codified on January 1, 1983.

The licensee shall establish a detection monitoring program needed to establish the groundwater protection standards in subsection (5)(f) of this section. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under subsection (5)(f) of this section. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to subsection (5)(f) of this section, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

Daily inspections of tailings or waste retention systems must be conducted by a qualified engineer or scientist and documented. The department must be immediately notified of any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas, and/or of any unusual conditions (conditions not contemplated in the design of the retention system) which if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

(9) Criterion 9 - (a) Pursuant to chapter 70.121 RCW, and except as otherwise provided, financial surety arrangements for site reclamation and long-term surveillance and control which may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, or any combination of the above, or other arrangements approved by the depart-

ment, milling operations shall be established for source material to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the act and these regulations.

(i) The amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates.

(ii) Self-insurance, or any arrangement which essentially constitutes self-insurance (e.g., a contract with a state or federal agency), will not satisfy the surety requirement, since this provides no additional assurance other than that which already exists through license requirements.

(b) The arrangements required in (a) of this subsection shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out decontamination and decommissioning of the facility.

(c) Amendments to licenses in effect on the effective date of this regulation may be issued, providing that the required surety arrangements are established within ninety days after the effective date of this subsection.

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates in an approved plan for (i) decontamination and decommissioning of mill buildings and the milling site to levels which would allow unrestricted use of these areas upon decommissioning, and (ii) the reclamation of tailings and/or waste disposal areas in accordance with the technical criteria delineated in this section. The licensee shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. In addition, the surety shall cover the payment of the charge for long-term surveillance and control required by the department. In establishing specific surety arrangements, the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the decommissioning and reclamation work. In order to avoid unnecessary duplication and expense, the department may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies and/or local governing bodies for such decommissioning, decontamination, reclamation, and long-term site surveillance, provided such arrangements are considered adequate to satisfy these requirements and that portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge is clearly identified and committed for use in accomplishing these activities. The licensee's surety mechanism will be reviewed annually by the department to assure that sufficient funds will be available for completion of the reclamation plan if the work had to be performed by an independent contractor. The amount of surety liability should be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability shall be retained until final compliance with the

reclamation plan is determined. This will yield a surety that is at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance could be provided with a surety instrument which is written for a specific period of time (e.g., five years), yet which must be automatically renewed unless the surety notifies the beneficiary (the state regulatory agency) and the principal (the licensee) some reasonable time (e.g., ninety days) prior to the renewal date of their intention not to renew. In such a situation, the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief period of time to allow at least sixty days for the department to collect.

Proof of forfeiture must not be necessary to collect the surety so that in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration. The conditions described above would have to be clearly stated on any surety instrument which is not open-ended and must be agreed to by all parties.

Long-term care requirements. Pursuant to chapter 70.121 RCW, and as otherwise provided in WAC 246-235-080 (6)(d), a long-term care trust fund shall be established by source material milling licensees prior to the issuance of the license.

(10) Criterion 10 - (a) A minimum charge of two hundred fifty thousand dollars (1978 United States dollars) accrued as specified in WAC 246-235-080 (6)(d) to cover the costs of long-term surveillance shall be paid by each mill operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in (a) of this subsection (e.g., if fencing is determined to be necessary), variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. Contributions by a licensee to the long-term care trust fund pursuant to chapter 70.121 RCW shall be transferred to cover the costs assessed under this criterion.

(11) Criterion 11 - These criteria relating to ownership of tailings and their disposal sites become effective on November 8, 1981, and apply to all licenses terminated, issued, or renewed after that date.

Any uranium or thorium milling license or tailings license shall contain such terms and conditions as the United States Nuclear Regulatory Commission determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this criterion for sites used for tailings disposal.

Title to the by-product material licensed pursuant to WAC 246-252-030 and land, including any interests therein (other than land owned by the United States or by the state of Washington) which is used for the disposal of any such by-product material, or is essential to ensure the long-term stability of such disposal site, shall be transferred to the United States or the state of Washington. In view of the fact that physical isolation must be the primary means of long term control, and government land ownership is a desirable supplementary measure, ownership of certain severable subsurface interests (for example, mineral rights) may be determined to be unnecessary to protect the public health and safety and the environment. In any case, the applicant/operator must demonstrate a serious effort to obtain such subsurface rights, and must, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to either a United States Nuclear Regulatory Commission general or specific license prohibiting the disruption and disturbance of the tailings. In some rare cases, such as may occur with deep burial where no ongoing site surveillance will be required, surface land ownership transfer requirements may be waived. For licenses issued before November 8, 1981, the United States Nuclear Regulatory Commission may take into account the status of the ownership of such land, and interests therein, and the ability of a licensee to transfer title and custody thereof to the United States or the state. If the United States Nuclear Regulatory Commission, subsequent to title transfer, determines that use of the surface or subsurface estates, or both, of the land transferred to the United States or to a state will not endanger the public health, safety, welfare or environment, the United States Nuclear Regulatory Commission may permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions provided in these criteria. If the United States Nuclear Regulatory Commission permits such use of such land, it will provide the person who transferred such land with the right of first refusal with respect to such use of such land.

Material and land transferred to the United States or a state in accordance with this criterion must be transferred without cost to the United States or a state other than administrative and legal costs incurred in carrying out such transfer.

The provisions of this part, respecting transfer of title and custody to land and tailings and wastes, do not apply in the case of lands held in trust by the United States for any Indian tribe, or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In the case of such lands which are used for the disposal of byproduct material, as defined in this section, the licensee shall enter into arrangements with the United States Nuclear Regulatory Commission as may be appropriate to assure the long-term surveillance of such lands by the United States.

(12) Criterion 12 - The final disposition of tailings or wastes at milling sites should be such that ongoing active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections must be conducted by the government agency retaining ultimate custody of the site where tailings or wastes are stored, to confirm the integrity of the stabilized tailings or waste systems, and to determine

the need, if any, for maintenance and/or monitoring. Results of the inspection must be reported to the United States Nuclear Regulatory Commission within sixty days following each inspection. The United States Nuclear Regulatory Commission may require more frequent site inspections if, on the basis of a site-specific evaluation, such a need appears necessary, due to the features of a particular tailings or waste disposal system.

(13) Criterion 13 - Secondary groundwater protection standards required by Criterion 5 of this section are concentration limits for individual hazardous constituents. The list of constituents found in Appendix A of this chapter, chapter 246-252 WAC, identifies the constituents for which standards must be set and complied with if the specific constituent is reasonably expected to be in or derived from the by-product material and has been detected in groundwater. For purposes of this criterion, the property of gross alpha activity will be treated as if it is a hazardous constituent. Thus, when setting standards under subsection (5)(j) of this section, the department will also set a limit for gross alpha activity.

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 93-19-050
WITHDRAWAL OF PROPOSED RULES
OFFICE OF
MARINE SAFETY
 [Filed September 9, 1993, 2:31 p.m.]

The Office of Marine Safety is requesting that WAC 317-03-030, filed with the code reviser under WSR 93-06-088 and distributed on March 17, 1993, be withdrawn.

Jeff Fishel
 Special Projects
 Policy and Planning Division

WSR 93-19-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed September 10, 1993, 1:27 p.m.]

Original Notice.

Title of Rule: WAC 388-87-075 Payment—Laboratory services.

Purpose: Health Care Financing Authority is enforcing the federal regulation requiring independent clinical laboratories be CLIA registered before the department can reimburse payment. Requires independent clinical laboratories be registered under the requirements of the Clinical Laboratory Improvement Amendment of 1988.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Requires independent clinical laboratories to be registered under the requirements of the Clinical Laboratory Improvement Amendment of 1988.

Reasons Supporting Proposal: Health Care Financing Authority is enforcing the federal regulation requiring independent clinical laboratories be CLIA registered before the department can reimburse payment.

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 necessary because of federal law, 42 CFR 493.1809 - Final Rules.

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 October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

September 10, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-87-075 Payment—Laboratory services.
 (1) ~~((A physician using his own laboratory to provide necessary laboratory services))~~ Effective August 1, 1993, the department shall only reimburse independent clinical laboratories which are registered under the Clinical Laboratory Improvement Amendments (CLIA) of 1988.

~~((the schedule of maximum allowances))~~ (2) Laboratories shall bill the department according to rates the department establishes.

~~((2))~~ (3) A ((physician)) medical practitioner using the services of an independent laboratory shall make request for services for a ((recipient)) client in the same manner ((he)) as a request((s)) for services for ((his)) a private patient.

~~((3))~~ (4) An independent laboratory ((must)) shall bill the department directly. ((No reimbursement will be made to--)) The department shall not reimburse a ((physician)) medical practitioner for services referred to or performed by an independent laboratory.

(5) An independent laboratory shall not bill clients as described under WAC 388-87-010.

**WSR 93-19-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Institutions)

[Filed September 10, 1993, 1:30 p.m.]

Supplemental Notice to WSR 93-16-002.

Title of Rule: WAC 275-16-030 Schedule of charges.

Purpose: This rule amendment revises the schedule of charges in the Washington Administrative Code for the daily per diem cost for patients residing at each of the three state-operated mental health facilities, i.e., Eastern State Hospital, Western State Hospital, and Child Study and Treatment Hospital. Increased rates result in additional revenue from Medicare, Medicaid, insurance, and private payors to the hospitals to cover rise in operations costs.

Other Identifying Information: Subsection (1)(c) will become effective October 1, 1993, by filing an "emergency" CR-103. The charges are based on the cost of operations. Costs rise due to increases authorized by the legislature and due to inflation. Increased rates result in additional revenue from Medicare, Medicaid, insurance, and private payors to the hospitals to cover their share of the rise in costs of operations. The legislature authorized a state employee salary increase which was effective January 1, 1993. This revision reflects annualization of the salary increase, and inflationary changes for medical services and drugs. It also includes the operating costs resulting from the completion of a major construction project approved by the legislature, which included the remodeling and updating of several patient wards.

Statutory Authority for Adoption: RCW 43.20B.325.

Statute Being Implemented: RCW 43.20B.325.

Summary: The purpose of the rate change is to revise the daily cost of hospital stays for state-operated mental health facilities, so that the rate reflects the cost of operations.

Reasons Supporting Proposal: RCW 43.20B.325 requires that charges for hospitalization of patients in state mental health hospitals be based on the cost of operations. The revised daily per diem rate includes the operating costs resulting from the completion of a major construction project which included the remodeling and updating of several patient wards. It also includes the annualization of salary increases which were effective January 1, 1993, and inflationary changes from the prior year.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ronald Peterson, Mental Health Division, SCAN 233-2772, 756-2772.

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 October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

September 10, 1993

Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

AMENDATORY SECTION (Amending Order 3434, filed 8/6/92, effective 9/6/92)

WAC 275-16-030 Schedule of charges. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based ~~(upon)~~ on the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	(\$272.50) <u>341.00</u>	341.00 <u>280.00</u>	280.00 <u>286.20</u>
Physician Costs	*	(14.50)	* <u>N/A</u>
*The department ((shall)) <u>shall</u> bill the client for physician costs on a fee ((for)) <u>-for-</u> service basis.			
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient Day Treatment	—	—	—
Per Day	—	(79.44) <u>37.26</u>	—
Per Hour	—	(13.24) <u>6.21</u>	—
(c) ANCILLARY SERVICES -			
Per relative value unit ^{1/}			
Radiology	((12.11)) <u>12.11</u>	12.11 <u>12.55</u>	12.55 <u>14.09</u>
((Pathology)) <u>Pathology</u>	1.13 <u>1.13</u>	1.13 <u>.46</u>	.46 <u>.86</u>
<u>Laboratory</u>	<u>.86</u>	<u>.86</u>	<u>.60</u>
Medical Clinics	((4.53)) <u>4.53</u>	4.53 <u>9.00</u>	9.00 <u>15.07</u>
((Electroencephalogram)) <u>Electroencephalography</u>	2.17 <u>2.17</u>	2.17 <u>2.11</u>	— <u>2.11</u>
((Electrocardiogram)) <u>Electrocardiology</u>	<u>.39</u>	<u>.39</u>	((.81)) <u>1.10</u>

Physical Therapy	((10.66	10.66	15.14))
	<u>10.18</u>	<u>10.18</u>	<u>17.23</u>
Occupational Therapy	((27.04))	
	<u>71.23</u>	<u>71.23</u>	<u>27.36</u>
Speech Therapy	—	—	((25.36))
			<u>28.69</u>
Dental	((43.55	43.55	44.83))
	<u>39.81</u>	<u>39.81</u>	<u>46.03</u>
Podiatry	—	—	((+30))
			<u>1.50</u>

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, Olympia, WA 98504-7902, on November 3, 1993.

Date of Intended Adoption: December 1, 1993.

September 10, 1993

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending Order 121 [224], filed 12/27/90 [12/23/91], effective 1/31/91 [1/23/92])

(d) RESIDENTIAL SERVICES -

	Pals	Portal
Costs Per Day	((148.12))	94.35
	<u>171.00</u>	

(2) The department shall purchase services required by the patient, not provided by hospital staff, from private sources and the patient shall be charged actual cost of services.

¹/California Medical Association. *Relative Value Studies*. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp. Dental relative value units are calculated based on the American Dental Association Survey of 1990 national dental fees.

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 93-19-060
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 13, 1993, 8:30 a.m.]

Original Notice.

Title of Rule: WAC 246-316-240 and 246-316-260 Board home resident services.

Purpose: Proposed rules to allow boarding homes to provide nursing care for temporary acute illness of residents. Statutory Authority for Adoption: RCW 18.20.090.

Summary: Proposed rules to allow boarding homes to provide nursing care for temporary acute illness of residents.

Name of Agency Personnel Responsible for Drafting: Bliss Moore, 2725 Harrison N.W., Olympia, 98504, 705-6661; Implementation and Enforcement: Kathy Stout, 2725 Harrison N.W., Olympia, 98504, 705-6655.

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: To allow boarding homes to retain and care for residents with temporary acute illness.

Proposal Changes the Following Existing Rules: See Explanation of Rules above.

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

Hearing Location: Training Room, Developmental Disability Office, West 1611 Indiana, Spokane, WA, on November 9, 1993, at 1:00 p.m.; and General Administration, Auditorium, 11th and Columbia, Olympia, Washington, on November 10, 1993, at 1:30 p.m.

WAC 246-316-240 Admission, placement and retention of residents.

(1) Prior to admission or acceptance as resident, boarding homes shall obtain sufficient information to evaluate whether or not a resident/applicant can be safely housed and provided domiciliary care in the particular facility, including information in reference to:

(a) Resident/applicant's ability to function with respect to the physical premises, equipment, and staff of the boarding home;

(b) Space, equipment, and furniture requirements;

(c) Ambulatory status;

(d) Currently demonstrated overt behavior dangerous to self or others;

(e) Need for care in a hospital, nursing home, or other licensed facility under chapters 18.51, 70.41, and 71.12 RCW;

(f) Requirements for assistance in obtaining or administering medications; and

(g) Need or desire for nursing care exceeding that provided by the boarding home in accordance with WAC 246-316-260 (1) and (2)(a), periodic visits by staff of a home health care agency or a licensed nurse employed by an individual resident.

(2) Boarding homes shall accept, admit, and retain persons as residents only when:

(a) Ambulatory unless the boarding home is approved by the Washington state director of fire protection to:

(i) Care for semi-ambulatory residents; or

(ii) Care for nonambulatory residents not needing medical or nursing care as specified in subsection (2)(f)(ii) and (iii) of this section.

(b) Nonsmoking residents can be accommodated with smoke-free rooms and smoke-free common-use areas to prevent contact with smoke;

(c) Smoking residents can be accommodated by areas meeting the requirements in WAC 246-316-140(2);

(d) The individual resident can be accommodated by:

(i) Physical plant, facilities, and spaces;

(ii) Furniture and equipment; and

(iii) Staff who are available and sufficient to provide nature of domiciliary care required and desired by the resident.

(e) The amount and nature of needed assistance with medication or medication service is available in the boarding home under RCW 18.20.160 and WAC 246-316-300; and

(f) Individuals do not:

(i) Exhibit continuing overt behavior which is a danger to others or self;

(ii) Need inpatient care in a hospital, nursing home, or other facility licensed under chapters 18.51, 70.12, or 70.41 RCW; or

(iii) Need (~~(continuous)~~) nursing care exceeding that required for periodic temporary acute illness provided by: ((periodic or short term services from)):

- (A) The boarding home nursing staff; or
- (B) Staff of a home health care agency; or

~~((B))~~ (C) A licensed nurse retained by an individual resident.

(3) Upon admission or acceptance of an individual as a resident, boarding homes shall determine a resident's choice regarding:

- (a) Definite arrangements with a health care practitioner; and
- (b) Who to call in case of resident illness or death.

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.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-260 Boarding home resident services.

(1) Boarding homes may provide nursing care for residents only to the extend and duration required for temporary acute illness.

(2) Boarding homes shall:

(a) Assure nursing care, if provided, is consistent with Chapters 18.78 and 18.88 RCW;

(b) Observe and note changes in physical, mental, and emotional functioning; and

~~((b))~~ (c) Assist with arrangements for appropriate transfer as needed.

~~((2))~~ (3) Boarding homes shall provide basic domiciliary care including, but not limited to:

(a) Assisting each resident to maintain his or her highest functional ability possible and compatible with individual safety and welfare;

(b) Providing general health supervision if required by resident including:

(i) Encouraging resident to self-administer medically prescribed drugs and treatment;

(ii) Encouraging resident to follow any medically prescribed modified diet, rest or activity regimen;

(iii) Encouraging and assisting a resident with arrangements to keep appointments for health care services, e.g., physicians, dentists, home health care services, or clinics;

(iv) Encouraging and assisting resident with arrangements to see his or her health care practitioner when the resident shows signs or describes symptoms of an illness or abnormality for which medical diagnosis and treatment may be indicated; and

(v) Encouraging, supervising, or assisting resident with:

(A) Personal hygienic care, dressing, grooming, and other activities;

(B) Functional aids or equipment, such as glasses, hearing aids, canes, crutches, walker, or wheelchair;

(C) Clothing and other personal effects;

(D) Personal living quarters in a manner conducive to safety and comfort.

(c) Encouraging, guiding, or assisting residents with arrangements to participate in social, recreational, diversional, vocational, church, or other activities within the boarding home and the community in accordance with his or her interests, tolerance, and abilities.

~~((3))~~ (4) Boarding homes shall post a calendar of daily social or recreational activities and events for residents.

WSR 93-19-066

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 13, 1993, 3:58 p.m.]

Continuance of WSR 93-12-044 and 93-18-011.

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.

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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The department is extending the adoption date to allow additional opportunity for comments on the 14-day exception for field storage.

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: [No information supplied by agency.]

Submit Written Comments to: Lee Faulconer, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, by October 27, 1993.

Date of Intended Adoption: October 29, 1993.

September 10, 1993

William E. Brookreson
Assistant Director

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

Hearing Location: Department of Natural Resources, South Puget Sound Region Office, 28329 S.E. 448th, Enumclaw, WA 98022, on October 26, 1993, at 5:00 p.m.

Submit Written Comments to: Bob Bannon, P.O. Box 47037, Olympia, WA 98504-7037.

Date of Intended Adoption: October 27, 1993.

September 6, 1993

Kaleen Cottingham
Department Supervisor

WSR 93-19-077

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL

[Filed September 14, 1993, 4:32 p.m.]

The Department of Personnel hereby withdraws proposed WAC 251-18-240 rule amendment filed with your office on August 4, 1993, as part of WSR 93-16-095.

Dennis Karras
Director

WSR 93-19-080

PROPOSED RULES DEPARTMENT OF NATURAL RESOURCES

[Order 616—Filed September 15, 1993, 8:45 a.m.]

Original Notice.

Title of Rule: Forest protection zones—King County Fire District #45. Identifies lands outside the forest protection zone.

Purpose: Removes land from the Department of Natural Resources protection, assigns responsibility for protection to King County Fire Protection District #45. Removes protection assessment from lands transferred to fire district protection.

Statutory Authority for Adoption: RCW 76.04.165.

Reasons Supporting Proposal: The fire district agrees to protect forest lands in the area identified. This will result in more efficient fire protection for the residents in the area.

Name of Agency Personnel Responsible for Drafting: Bob Bannon, Olympia, Washington, 902-1300; Implementation and Enforcement: Region Manager, Enumclaw, Washington, 825-1631.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to identify the forest protection zone. This rule identifies lands outside the zone, mutually agreed with the fire protection district. This rule will transfer protection responsibility for lands outside the zone to the fire district. The rule will remove any further assessments on these lands under RCW 76.04.610 or 76.04.630. The fire district has contracted the fire protection for much of these lands. It has been shown that the fire district is best suited to assume the responsibility for providing protection to these lands.

Proposal does not change existing rules.

NEW SECTION

WAC 332-24-735 Forest protection zone—King County Fire District #45 (1) It is determined that some forest lands within King County are best protected by fire protection districts. Therefore, the forest lands, situated within the following fire protection district, are removed from the Department's forest protection zone and become the protection responsibility of the district:

(a) Fire Protection District 45. All forest lands within the legal description as follows: Township 25 North, Range 6 East W.M. Section 1, 12; Township 26 North, Range 6 East W.M. Section 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; Township 26 North, Range 7 East W.M. Section: the N 3/4 of the W 1/2 of 3, 4, 5, 6, 7, 8, 9, the S 1/2 and the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 of 14, the SW 1/4 and the S 1/2 NW 1/4 and the NW 1/4 NW 1/4 of 15, 16, 17, 18, 19, 20, 21, 22, the E 1/2 NE 1/4 and the N 3/4 W 1/2 W 1/2 and all remaining land N of Stossel Creek County Road in 23, 28, 29, 30, 31, 32, 33.

(2) Forest lands removed from the protection zone will not be assessed under RCW 76.04.610 or 76.04.630.

(3) The exchange of fire protection responsibility will be effective January 1, 1994.

WSR 93-19-086

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 15, 1993, 10:03 a.m.]

Original Notice.

Title of Rule: WAC 388-83-012 Assignment of rights, 388-87-010 Conditions of payment—General, and 388-87-250 Third-party resources.

Purpose: Consolidate third-party resources. Clients must sign insurance documents to get TPL and clarifies when adopting parents are considered third-party resources. The department may sign coordination of benefit forms.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clients must sign insurance documents. Clarifies when adopting parents are considered third-party resources. The department may sign coordination of benefit forms.

Reasons Supporting Proposal: To consolidate the rules on third-party resources in a new WAC 388-87-250. Deletes third-party resources from general payment information.

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 October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.
 September 15, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

AMENDATORY SECTION (Amending Order 3385, filed 5/19/92, effective 6/19/92)

WAC 388-83-012 Assignment of rights. (1) As a condition of eligibility for any medical program, ~~((an applicant or recipient/enrollee))~~ a client shall assign to the state of Washington all right, title, and interest to any medical care support available as a result of:

- (a) A court order;
- (b) An administrative agency order; or
- (c) Any third-party payments for medical care.

(2) The ~~((applicant or recipient/enrollee))~~ client shall assign rights of payment to any medical care support the ~~((applicant or recipient/enrollee))~~ client may have in his or her own behalf or on the behalf of any other ~~((applicant or recipient/enrollee))~~ client for whom the ~~((applicant or recipient/enrollee))~~ client can legally assign such rights.

(3) As assignee of the eligible client's right to receive medical support payments, the department may sign coordination of benefit forms or other forms, as necessary, to ensure the efficient and proper payment of medical care support.

AMENDATORY SECTION (Amending Order 3486, filed 12/9/92, effective ~~((1/9/92))~~ 1/9/93)

WAC 388-87-010 Conditions of payment—General.

- (1) ~~((The department shall be the payor of last resort. (2)))~~ The department shall be responsible for payment of a medical service rendered to a client only when the:
 - (a) Service is within the scope of care of the medical assistance program under chapter 388-86 WAC;
 - (b) Service is properly authorized;
 - (c) Service is properly billed ~~((properly))~~;

(d) Service is ~~((timely))~~ billed timely as described under WAC 388-87-015;

(e) Client is certified as eligible; and

(f) Third-party payment procedures are followed.

(2) The department shall be the payer of last resort.

(3) The department shall require a provider to accept Medicare assignment for claims involving clients eligible for both Medicare and Medicaid before ~~((any Medicaid reimbursement))~~ the department reimburses the provider.

(4) The fees and rates the department establishes shall ~~((constitute))~~ be the maximum allowable payment to providers for ~~((approved))~~ covered medical care and services ~~((the providers provide))~~ to eligible clients.

(5) The provider shall be responsible for ~~((ascertaining))~~ verifying whether a client has medical coverage for the dates of service.

(6) A provider shall not bill, demand, or otherwise collect reimbursement from a client, or from other persons on behalf of the client, for ~~((any))~~ a service included in the client's medical program's scope of benefits. The client shall not be liable for payment for such services if the provider:

(a) Does not properly bill the department for services the department is responsible to pay; or

(b) Fails to satisfy ~~((department))~~ the department's conditions ~~((of))~~ for payment, including but not limited to:

- (i) Obtaining prior approval when required;
- (ii) ~~((Timely billing))~~ Billing timely and ~~((billing))~~ according to department instructions;
- (iii) ~~((Pursuit of))~~ Timely pursuing third-party liability and/or Medicare;

(iv) ~~((Adequate documentation of))~~ Providing nonemergent services to a client enrolled in a managed care plan without a managed care provider referral;

(v) Adequately documenting medical necessity; ((or (v))) (vi) Obtaining a nursing facility functional assessment of the client as required under WAC 388-88-095; or (vii) Having the registration, certification, or license appropriate for the service provided.

(7) A hospital shall not bill, demand, or otherwise collect reimbursement from a medically indigent, general assistance-unemployable, or ADATSA client, or from other persons on behalf of such client, for inpatient or outpatient hospital services received during a period of eligibility.

(8) The department shall ~~((not))~~ only pay for services ~~((not))~~ included in the client's medical program's scope of benefits.

(9) A provider may bill a client for services only when the:

(a) Client signs a specific written agreement with the provider before receiving the services ~~((stating))~~ and the agreement states the:

- (i) Specific service provided;
- (ii) Service is neither covered by the medical assistance program nor reimbursed as part of another service;
- (iii) Client chooses to receive the specific service;
- (iv) ~~((Agreement is))~~ Client agrees to pay for the ~~((services))~~ service; and
- (v) Agreement is void and unenforceable and the client is under no obligation to pay the provider if the:

(A) ~~((Service is covered by the client's medical program))~~ Client's medical program covers the service; or

(B) Provider fails to satisfy department conditions of payment as described under WAC 388-87-010(6).

(b) Client received reimbursement directly from a third party for services the department has no payment responsibility for; ~~((or))~~

(c) Client refuses to execute legal signatures on insurance forms, billing documents, or other forms necessary to receive insurance payments for services rendered during a period of eligibility. The client shall be liable for charges that would have been covered by the insurance payment; or

(d) Bill counts toward a spenddown liability ~~((or))~~, emergency medical expense requirement, or copayment as described under WAC 388-99-030 ~~((and))~~, chapter 388-100 WAC, and WAC 388-87-200.

~~(10) ((If a third party pays a provider the department rate, or more, for a covered service, the provider may not bill the department or the client for that service.~~

~~(11) The department shall pay for medical services and seek reimbursement from any liable third party when the claim is for:~~

~~(a) Prenatal care;~~

~~(b) Labor, delivery, and post partum care (except inpatient hospital costs) for a pregnant woman; or~~

~~(c) Preventive pediatric service as covered under the early and periodic screening, diagnosis and treatment (EPSDT/healthy kids) program.~~

~~(12) The department shall pay for medical services and seek reimbursement from any liable third party when the provider submits to the department documentation of billing the third party and the provider has not received payment after thirty days from the date of service and:~~

~~(a) The claim is for a covered service provided to a person on whose behalf the office of support enforcement is enforcing an absent parent to pay support; and~~

~~(b) For the purposes of this section, "is enforcing" means the absent parent:~~

~~(i) Is not complying with an existing court order; or~~

~~(ii) Received payment directly from the third party and did not pay for the medical services.~~

~~(13) If the third party pays the provider, then the provider shall refund to the department the amount of the:~~

~~(a) Third party payment when the payment is less than the department's maximum allowable rate; or~~

~~(b) Department's payment if the third party payment is equal to or greater than the department's maximum allowable rate.~~

~~(14) The department shall not be responsible for payment of medical care or services if the third party benefits are available to pay the client's medical expenses at the time the provider bills the department, except as described in subsection (11) and (12) of this section.~~

~~(15) The client shall not be responsible for payment except to the extent:~~

~~(a) As described in subsection (9) of this section; or~~

~~(b) The client has directly received third party reimbursement for such services.~~

~~(16) A provider shall not refuse to furnish covered services to a client because of a third party's potential liability for the services.~~

~~(17) Payment for any service a provider furnishes to a client may not be made to or through a factor who advances money to that provider for accounts receivable.~~

~~((18)) (11) The department shall not be responsible for payment for medical care and goods or/and services provided to a client:~~

~~(a) Enrolled in a department-contracted, prepaid medical plan when the plan covers the services; and~~

~~(b) ~~((Failing))~~ Who fails to use the provider under contract unless the ~~((department has approved payment to another provider for provision of a))~~ service is not covered by the prepaid plan.~~

~~((19)) (12) Payment for care under the medical assistance programs is retroactive for three months before the month of application provided the client was eligible when the care was received. The client need not be eligible at the time of actual application. The medical assistance administration (MAA) shall approve medical services that require approval for the retroactive period.~~

~~((20)) (13) Payment for care under the limited casualty program-medically indigent may be retroactive for seven days before the date of application if the client is otherwise eligible. Medical services that require approval shall be approved by the MAA for the retroactive period.~~

~~((21)) (14) The department may reimburse a provider for services rendered to a person subsequently determined ineligible at the time of service under the following conditions:~~

~~(a) The ineligible person was certified at the time of service as financially and medically eligible;~~

~~(b) Payment was not made from sources outside the department; and~~

~~(c) A request for such payment is submitted to and approved by the medical assistance administration.~~

~~((22)) (15) The department shall pay for billed medically necessary services on the basis of usual and customary charges or the rates the department establishes, whichever is lower.~~

~~((23)) (16) The department shall not authorize payment for well-child care except as provided under the EPSDT/healthy kids program. See WAC 388-86-027.~~

~~((24)) (17) In counties/areas where nonambulance transportation is provided as a medical service, the department shall base payment for medically necessary transportation services, provided by nonprofit organizations, ~~((shall be based))~~ on the operating costs incurred in providing the service but shall not exceed the rates established by the department. See WAC 388-87-035 for nonambulance transportation payment other than provided by a nonprofit organization.~~

NEW SECTION

WAC 388-87-250 Third-party resources. (1) The department shall require a provider to seek timely reimbursement from a third party when a client has available third-party resources except as described under subsections (2) and (3) of this section.

(2) The department shall pay for medical services and seek reimbursement from the liable third party when the claim is for:

(a) Prenatal care; ,

(b) Labor, delivery, and post-partum care (except inpatient hospital costs) for a pregnant woman; or

(c) Preventive pediatric services as covered under the EPSDT/healthy kids program.

(3) The department shall pay for medical services and seek reimbursement from any liable third party when:

(a) The provider submits to the department documentation of billing the third party and the provider has not received payment after thirty days from the date of services; and

(b) The claim is for a covered service provided to a client on whose behalf the office of support enforcement is enforcing an absent parent to pay support.

For the purpose of this section, "is enforcing" means the absent parent:

(i) Is not complying with an existing court order; or

(ii) Received payment directly from the third party and did not pay for the medical services.

(4) The provider may not bill the department or the client for a covered service when a third party pays a provider the department rate, or more.

(5) The provider shall refund to the department, when the third party pays the provider after the department has reimbursed the provider, the amount of the:

(a) Third-party payment when the payment is less than the department's maximum allowable rate; or

(b) Department's payment when the third-party payment is equal to or greater than the department's maximum allowable rate.

(6) The department shall not be responsible for payment of medical services when the third-party benefits are available to pay for the client's medical services at the time the provider bills the department, except as described under subsections (2) and (3) of this section.

(7) The client shall be liable for charges for covered medical services that would be paid by the third party payment when the client:

(a) Receives direct third-party reimbursement for such services; or

(b) Fails to execute legal signatures on insurance forms, billing documents, or other forms necessary to receive insurance payments for services rendered. See WAC 388-83-012 for assignment of rights.

(8) The department shall consider an adoptive family a third-party resource for the medical expenses of the birth mother and child only when there is a written contract between the adopting family and either the birth mother, the attorney, the provider, or the adoption service, which specifies that the adopting family shall pay for the medical care associated with the pregnancy.

(9) A provider shall not refuse to furnish covered services to a client because of a third party's potential liability for the services.

(10) For third-party liability on personal injury litigation claims, the department shall be responsible for providing medical services as described under WAC 388-87-020.

WSR 93-19-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 15, 1993, 10:04 p.m.]

Original Notice.

Title of Rule: WAC 388-49-550 Monthly allotments.

Purpose: Update the thrifty food plan standards, effective October 1, 1993.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Food stamp program allotments will increase effective October 1, 1993.

Reasons Supporting Proposal: The food and nutrition service (FNS) updated the thrifty food plan (TFP) standards effective October 1, 1993.

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 273.10 (e)(4)(ii)(F).

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 October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

September 15, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3290, filed 11/19/91, effective 12/20/91)

WAC 388-49-550 Monthly allotments. (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	((111)) 112
2	((203)) 206
3	((292)) 295
4	((370)) 375

5	((440)) <u>446</u>
6	((528)) <u>535</u>
7	((584)) <u>591</u>
8	((667)) <u>676</u>
9	((750)) <u>761</u>
10	((833)) <u>846</u>
Each additional member	+ ((83)) <u>85</u>

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The ~~((allotment shall be based upon))~~ department shall base the allotment on a thirty-day month.

(b) ~~((No))~~ The department shall not issue an allotment ~~((shall be issued))~~ for less than ten dollars.

(4) The department shall issue a full month allotment to migrant and seasonal farmworker households applying within thirty days after a prior certification ends.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when ~~((no))~~ the department shall not issue an allotment ~~((shall be issued))~~ for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

Georgia which concerned combined food stamp allotments for households eligible for expedited services.

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, Administrative Memo 93-53 7 CFR 274.2 (b)(3).

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 October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

September 15, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3509, filed 1/29/93, effective 3/1/93)

WAC 388-49-560 Issuance. (1) The department shall issue food coupons through a:

(a) Food coupon authorization (FCA) system staggered through the tenth of the month; or

(b) Direct coupon mail out system staggered through the tenth of the month.

(2) For FCAs issued on or after the twentieth of the month, the department shall issue a valid FCA:

(a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date; or

(b) For the current month's benefits valid in the following month.

(3) ~~((For eligible households applying on the sixteenth of the month or after,))~~ The department shall issue the prorated allotment for the initial month and the allotment for the first full month at the same time for eligible households applying on the sixteenth of the month or after, except for households(+

~~((a) Eligible for expedited services for which missing or postponed verification have not been provided; and~~

~~((b))~~ ineligible for the initial month((-)) or the second month.

(4) The department shall not transact or restore an FCA with an expired validity date, except as specified under WAC 388-49-560(2).

(5) The department shall maintain issuance records for a period of three years from the month of origin.

**WSR 93-19-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed September 15, 1993, 10:06 a.m.]

Original Notice.

Title of Rule: WAC 388-49-560 Issuance.

Purpose: Amendment changes the method of issuing combined food stamp program benefits to households eligible for expedited services. If a household applies for food stamps after the fifteenth of the month and is eligible for expedited services, the department must issued the initial month's prorated benefit and the second month's full benefit within the expedited time frame.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: The department will issue the initial month's prorated benefit and the second month's full benefit within the expedited time frame to households who are eligible for expedited services and who apply after the fifteenth of the month.

Reasons Supporting Proposal: United States District Court ruled against USDA in Johnson vs. USDA and

WSR 93-19-091
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed September 15, 1993, 4:24 p.m.]

Original Notice.

Title of Rule: WAC 392-121-245 through 392-121-295
 Finance—General apportionment—Certificated instructional staff.

Purpose: Apportionment of state basic education moneys.

Statutory Authority for Adoption: RCW 28A.150.290 and 28A.150.400.

Statute Being Implemented: The Biennial Operating Appropriations Act.

Summary: These rules determine, in part, placement of certificated instructional staff on LEAP salary allocation documents.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Old Capitol Building, Olympia, 753-2298; Implementation: Thomas Case, Old Capitol Building, Olympia, 753-6708; and Enforcement: Dr. David Moberly, Old Capitol Building, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It is anticipated that these revisions clarify several issues related to professional experience, degrees, and credits used for placement on LEAP salary allocation documents. These issues were previously included in instructions given to districts; holds harmless persons who switch from nondegreed placement to degreed placement on LEAP salary allocation documents; and clarifies documentation requirements for data used for placement on LEAP salary allocation documents.

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: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, WA 98501, on October 29, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-47200, by October 26, 1993.

Date of Intended Adoption: November 10, 1993.
 September 15, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-245 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as

used in this chapter, the term "years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country and shall be reported by the school district to the nearest tenth. School districts shall report all years of experience including those beyond the experience limit of the school district's salary schedule. The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month period. Substitute days, if documented, shall be reported as part-time professional education employment calculated by dividing the accumulated number of full-time substitute days by one hundred eighty and rounding to the nearest tenth. Partial substitute days shall be reported as part-time professional education employment calculated by dividing the part of the day worked by the full day as determined by the district and rounded to the nearest tenth of a day. Professional education experience shall be limited to the following:

(1) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(a) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205. RCW;

(b) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred;

(2) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in ((the common schools)) Washington school districts;

(3) Employment in ~~((an))~~ a governmental educational agency ((or institution)) with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(4) Experience in the following areas ~~((if recognized by the district for placement on the district salary schedule)):~~

(a) Military, Peace Corps, or Vista service which interrupted professional employment((;)) included in subsection (1), (2), or (3) of this section; and

(b) Sabbatical leave((; and (e))).

(5) For vocational instructors who hold no degree, up to a maximum of six years of management experience as defined in WAC 180-77-003 acquired after the instructor meets the minimum vocational certification requirements established in WAC 180-77-040. If a degree is obtained while employed in the state of Washington as a nondegreed vocational instructor, the eligible years of management experience pursuant to this subsection reported on Form S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

NEW SECTION

WAC 392-121-249 Definition—Regionally accredited institution of higher education. As used in this chapter, "regionally accredited institution of higher education" means the same as defined in WAC 180-78-010(6).

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-250 Definition—Highest degree level. As used in this chapter, the term "highest degree level" means:

(1) The highest degree earned by the employee from ~~((an))~~ a regionally accredited ~~((college or university))~~ institution of higher education;

(2) "Nondegree" for a certificated instructional employee who holds no bachelor's or higher level degree; or

(3) "Nondegree" for a certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also has earned a college degree which is incidental to or not related to the vocational certificate.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-255 Definition—Academic credits. As used in this chapter, "academic credits" means credits determined as follows:

(1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree~~(-)~~;

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter~~(-)~~;

(3) Credits are earned from ~~((an))~~ a regionally accredited institution of higher education: *Provided, That credits, determined eligible pursuant to subsections (1), (2), (4) and (5) of this section, earned from any other accredited community college, college, or university~~(-)~~ and reported on Form S-275 on or before December 31, 1992, shall continue to be reported;*

(4) Credits are transferrable or applicable to a bachelor's or more advanced degree program~~(-)~~: *Provided, That for educational courses which are the same or nearly identical no more credits for that educational course than are applicable to a bachelor's or more advanced degree program at that institution shall be counted;*

(5) Credits are not counted as in-service credits pursuant to WAC 392-121-257~~(-)~~ or nondegree credits pursuant to WAC 392-121-259;

(6) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned ~~((from the community college, college, or university))~~ pursuant to this section; and

(7) Accumulate credits to the nearest tenth.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-121-257 Definition—In-service credits. As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned after August 31, 1987.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.

(4) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

(5) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(6) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

(7) Accumulate credits to the nearest tenth.

NEW SECTION

WAC 392-121-259 Definition—Nondegree credits. As used in this chapter, "nondegree credits" means credits recognized for nondegree basic education certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid initial or provisional certificate as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall accumulate recognized credits as follows:

(a) One credit for each ten clock hours of approved vocational teacher training meeting the requirements of WAC 180-77-003 and 180-77-045.

(b) One credit for each one hundred clock hours of occupational experience as defined in WAC 180-77-003 such that each calendar year is limited to a maximum of twenty credits.

(c) Clock hours used in determining credits in (a) and (b) of this subsection must be earned after meeting the minimum vocational certification requirements as established in WAC 180-77-040.

(4) Accumulate credits to the nearest tenth.

AMENDATORY SECTION (Amending Order 15, filed 6/20/90, effective 7/21/90)

WAC 392-121-261 Definition—Total eligible credits ~~((effective for the 1990-91 school year and thereafter)).~~
~~((For the 1990-91 school year and thereafter))~~ As used in

this chapter, "total eligible credits" means the total number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum:

(a) Academic and in-service credits; and

(b) Nondegree credits, determined pursuant to WAC 392-121-259 and reported on Form S-275 prior to the awarding of the bachelor's degree for vocational instructors who obtain a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

(3) Notwithstanding WAC 392-121-255 and 392-121-257, total eligible credits shall also include academic and in-service credits earned after October 1, 1991, and prior to January 1, 1992, if:

(a) The employee's highest degree is a bachelor's degree;

(b) The employee's total eligible credits earned prior to October 1, 1991, are less than one hundred thirty-five; and

(c) The credits earned between October 1, 1991, and January 1, 1992, bring the employee's total credits to one hundred thirty-five or more.

(4) For a nondegreed employee sum only nondegree credits.

AMENDATORY SECTION (Amending Order 92-15, filed 11/16/92, effective 12/17/92)

WAC 392-121-270 Placement of basic education certificated instructional (~~staff with degrees on the state-wide salary allocation schedule and~~) employees on LEAP salary allocation documents. Each basic education certificated instructional employee (~~with a degree~~) shall be placed on (~~the state-wide salary allocation schedule and on~~) LEAP salary allocation documents based on the employee's certificated years of experience, highest degree level, and total eligible credits (~~as~~) each defined in this chapter(~~-~~) provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) (~~A certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also has earned a college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree.~~)

(3) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational certificates with one

hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Form S-275 prior to the awarding of that bachelor's degree shall continue to be placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on (~~the state-wide salary allocation schedule and on~~) LEAP salary allocation documents, certificated years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

(~~(4) Effective for the 1992-93 school year and thereafter, an employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty five shall be placed on the BA + 90 column of the state-wide salary allocation table and LEAP salary allocation documents.~~)

AMENDATORY SECTION (Amending Order 92-15, filed 11/16/92, effective 12/17/92)

WAC 392-121-280 Placement on (~~state-wide salary allocation schedule and on~~) LEAP salary allocation documents—Documentation required. School districts shall have documentation on file and available for review which substantiates each basic education certificated instructional employee's placement on (~~the state-wide salary allocation schedule and on~~) LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree(~~Documentation shall include~~) including the date upon which the degree was awarded or conferred as recorded on the diploma or (~~official~~) transcript(~~Provided, That~~) from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, (~~an official notarized~~) a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(2) Districts shall document academic credits by having on file (~~an official~~) a transcript (~~or letter~~) from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the official transcript: Provided, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Grade slips from the registrar of the institution may be substituted for a transcript where permitted by school district policy; and

(c) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255.

(3) Districts shall document in-service credits by having on file a document meeting standards established in WAC 180-85-107 (~~((1) through (3))~~).

(4) Districts shall document nondegree credits.

(a) For approved vocational teacher training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 180-85-107 and evidence that the training was authorized pursuant to WAC 180-77-045.

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 180-77-003;

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(5) Districts shall document certified years of experience (~~(that are eligible for application on the state-wide salary allocation schedule and on LEAP salary allocation documents. Documentation for)~~) as follows:

(a) For certificated years of experience (~~(shall be on letters or any other)~~) obtained and reported on Form S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Form S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of contract hours per year for an employee with a full-time contract with the employer;

(ii) The actual number of hours paid the employee each year including dates of employment;

(iii) The quotient of the hours determined in (b)(i) of this subsection divided by the hours in (b)(ii) of this subsection to two decimals for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-245(1), evidence whether or not the position required professional education certification pursuant to WAC 392-121-245 (1)(b);

(vi) For those counting experience pursuant to WAC 392-121-245(2), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 293-121-245(5), evidence that the experience meets the requirements of WAC 180-77-003.

(6) Any documentation required by this section may be original or copies of the original: *Provided*, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees,

credits, or experience by an education practitioner as defined in WAC 180-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 180-87-050. In such an event the provisions of chapters 180-86 and 180-87 WAC shall apply.

AMENDATORY SECTION (Amending Order 92-15, filed 11/16/92, effective 12/17/92)

WAC 392-121-295 Definition—District average staff mix factor for basic education certificated instructional staff. As used in this chapter, "district average staff mix factor for basic education certificated instructional staff" means the number rounded to five decimal places determined as follows:

(1) Assign a staff mix factor to each basic education certificated instructional employee by placing the employee on the appropriate LEAP salary allocation document pursuant to WAC 392-121-270 (~~(or 392-121-272)~~);

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent basic education certificated instructional employee pursuant to WAC 392-121-215;

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees of the school district; and

(4) Divide the result by the district's total full-time equivalent basic education certificated instructional staff.

(5) For the purpose of this section basic education certificated instructional staff are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Form S-275.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-121-260	Definition—Total eligible credits effective for the 1989-90 school year.
WAC 392-121-265	Definition—State-wide salary allocation schedule.
WAC 392-121-267	Definition—LEAP Document 1.
WAC 392-121-272	Placement of nondegree certificated instructional personnel on the state-wide salary allocation schedule and on LEAP salary allocation documents.
WAC 392-121-285	Definition—District average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule.
WAC 392-121-290	Definition—District actual average annual basic education certificated instructional staff salary.

WSR 93-19-095
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed September 16, 1993, 2:11 p.m.]

Original Notice.

Title of Rule: Chapter 275-56 WAC, new sections WAC 275-56-600 through 275-56-720; and amending WAC 275-56-015 Definitions.

Purpose: To allow implementation of the federally mandated waiver of the Title XIX program.

Statutory Authority for Adoption: Chapter 71.24 RCW.
Statute Being Implemented: Chapter 71.24 RCW.

Summary: Creates rules for managed care prepaid healthcare plans (PHPs) in accordance with federally approved Title XIX waiver, including client eligibility, enrollment, disenrollment, exceptions, grievances, ombuds services, quality assurance, and payment.

Reasons Supporting Proposal: The mental health division is implementing a federally mandated Title XIX waiver, effective September 1, 1993. Adoption of these rules is necessary to implement federal expectations and is required according to attorney general opinion.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Hanig, Mental Health Division, 586-6766.

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

Rule is necessary because of federal law, Title XIX waiver.

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 November 9, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 26, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by November 2, 1993.

Date of Intended Adoption: November 10, 1993.

September 16, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3391, filed 5/19/92, effective 6/19/92)

WAC 275-56-015 Definitions. For the purposes of the rules, regulations, and standards of chapter 275-56 WAC, the following words and phrases shall have the following meaning:

(1) "Acutely mentally ill" means a condition limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in this chapter;

(b) Being gravely disabled as defined in this chapter; or
(c) Presenting a likelihood of serious harm as defined in this chapter.

(2) "Authority" means the board of county commissioners, county council, county executive, or RSN entity having the authority to establish a community mental health program.

(3) "Available resources" means funds appropriated by the legislature during any biennium for the purpose of providing community mental health programs. When RSNs are established or after July 1, 1995, "available resources" means:

(a) Federal funds, except those provided according to Title XIX of the Social Security Act; and

(b) State funds appropriated under this chapter or chapter 71.05 RCW by the legislature during a biennium to provide mental health services.

(4) "Case management" means assistance to the consumer and family or significant others to obtain, maintain, or develop appropriate resources for the consumer. This involves obtaining or providing the full range of needed services to help consumers establish and maintain respected positions in the community, including:

(a) Housing;

(b) Income;

(c) Employment and other meaningful activities;

(d) Monitoring and interventions; and

(e) Crisis intervention and resolution.

(5) "Child" or "children" means a person or persons seventeen years of age and younger.

(6) "Chronically mentally ill" means a child or adult having a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meeting at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years;

(b) In the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements:

(i) Are due to a mental disorder (as defined in chapter 71.34 RCW); and

(ii) Progress toward a more restrictive setting. Placements by the department shall include but not be limited to placements by child protective services and child welfare services;

(c) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding year;

(d) Has been unable to engage in substantial gainful activity (subsection (50) of this section) by reason of any mental disorder lasting for a continuous period of not less than twelve months; or

(e) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(7) "Clinical staff member" means a regularly employed or contracted staff member or supervisor engaged in providing direct evaluative, diagnostic, or therapeutic services to consumers. The term does not include volunteers or students.

(8) "Community mental health program" means the total mental health program established by a county or group of

counties acting in combination for the purpose of providing mental health services in accordance with the Community Mental Health Services Act, chapter 71.24 RCW. After July 1, 1995, or when RSNs are established, "community mental health program" means all activities or programs using available resources, under subsection (3) of this section.

(9) "Community Mental Health Services Act" means chapter 71.24 RCW.

(10) "Community support services" means:

(a) For non-RSN counties before July 1, 1995, services for priority population consumers including:

(i) Discharge planning for consumers leaving:

(A) State hospitals and other acute care inpatient facilities;

(B) Inpatient psychiatric facilities for consumers twenty years of age or younger; and

(C) Children's mental health residential treatment facilities.

(ii) Contacts with consumers, families, schools, or significant others to provide for an effective program of community maintenance; and

(iii) Medication monitoring.

(b) After July 1, 1995, or when RSNs are established, for adult and children priority populations under WAC 275-56-010 (1)(b), services authorized, planned, and coordinated through resource management services include:

(i) Assessment and diagnosis;

(ii) Emergency crisis intervention available twenty-four hours a day, seven days a week;

(iii) Prescreening determinations for mentally ill consumers considered for placement in nursing homes as required by federal law;

(iv) Screening for consumers considered for admission to residential services;

(v) Investigation, legal, and other nonresidential services (chapter 71.05 RCW);

(vi) Case management services;

(vii) Psychiatric treatment, including medication supervision;

(viii) Counseling;

(ix) Psychotherapy;

(x) Assured transfer of relevant patient information among service providers;

(xi) Maintenance of the mental health information system for priority populations; and

(xii) Other services required by priority populations as determined by RSNs.

(11) "Consumers" means persons, couples or families receiving clinical, coordinative, or support services.

(12) "Consultation" means review and recommendations regarding the job responsibilities, activities or decisions of administrative, clinical or clerical staff, contracted employees, volunteers or students by persons with appropriate knowledge and experience to make recommendations. This definition does not constitute a definition of consultation and education.

(13) "Consultation and education services" means those services provided to assist others in the community in understanding and caring for priority populations including:

(a) Consultation to other community providers; and

(b) Educational and public information services.

(14) "Crisis" means a situation where a person is acutely mentally ill or experiencing serious disruption in cognitive, volitional, psychosocial or neurophysiological functioning.

(15) "Crisis respite services" means residential support services provided to an individual who is in crisis or at risk of crisis; such services may be provided, in their own home or another home-like setting.

(16) "Crisis response system" means the system designed to resolve crises in the least restrictive manner possible, including:

(a) Emergency services;

(b) Crisis intervention;

(c) Crisis respite;

(d) Investigation and detention services; and

(e) Evaluation and treatment services.

(17) "Day treatment services" means services for mentally ill consumers, including training in basic living and social skills, supported work, vocational rehabilitation activities, and may include therapeutic treatment.

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

(19) "Direct treatment services" means clinical services provided directly to consumers meeting the consumer's mental health needs, as distinct from activities conducted with other persons, organizations, or groups on behalf of consumers, and also as distinct from supervisory, consultative, or training activities conducted with regard to consumers or services.

(20) "Disabled" means an individual with a developmental disability, or a serious physical or sensory impairment.

(21) "Elderly" means a person sixty years of age or older.

(22) "Emergency services" means those responses and intervention services provided to consumers experiencing mental health emergencies or crises, including:

(a) Twenty-four-hour telephone service; and

(b) Twenty-four-hour crisis intervention and outreach services.

(23) "Employment services" means supported employment, transitional work, placement in competitive employment, and other work-related services that result in persons with a mental illness becoming engaged in meaningful and gainful full-time or part-time work.

(24) "Enrollee" means a consumer eligible for Medicaid and eligible to receive community mental health rehabilitation services from a prepaid health plan (PHP).

(25) "Geriatric long-term rehabilitative services" means long-term rehabilitative services (subsection (32) of this section) for individuals fifty-five years of age and over, or fifty-four years of age and under who, because of psychoneurological impairments, are appropriate for this level of care.

~~((25))~~ (26) "Governing body" means the final decision-making body for a provider.

~~((26))~~ (27) "Gravely disabled" means a condition where a person, as a result of a mental disorder:

(a) Is in danger of serious physical harm resulting from a failure to provide for such person's essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning:

(i) Evidenced by repeated and escalating loss of cognition or volitional control over such person's actions; and

(ii) Is not receiving such care as is essential for such person's health or safety.

~~((27))~~ (28) "Individualized service plan" (ISP) means the plan developed by resource management services assuring continuity of a person's care and identifying needed residential and community support services.

~~((28))~~ (29) "Individualized treatment plan" (ITP) means the plan developed by the service provider identifying a person's treatment needs and methods of treatment and, in RSNs, is consistent with the ISP.

~~((29))~~ (30) "Integrated work setting" means that all work is done in settings which offer regular contact with nondisabled co-workers and includes social interaction and integration at the work site.

~~((30))~~ (31) "Less restrictive setting" means that service in which the consumer functions at maximum independence in the most normative environment possible.

~~((31))~~ (32) "Long-term adaptive services" means a facility-based residential program with twenty-four-hour nursing care and medical supervision, and mental health services which include:

(a) Program and case consultation from a mental health professional;

(b) Individualized treatment, as appropriate; and

(c) Staff training.

~~((32))~~ (33) "Long-term rehabilitative services" means a facility-based residential program for adults or children who:

(a) Require twenty-four-hour supervision;

(b) Do not require extensive medical care; and

(c) Have a severe functional or behavioral impairment as a result of a psychiatric disorder; or

(d) Do not follow or do not have an effective medication regime.

~~((33))~~ (34) "Material adjustment" means a budget revision equaling ten percent of a cost center.

~~((34))~~ (35) "Mental disorder" means organic, mental, or emotional impairment having substantial adverse effect on an individual's cognitive or volitional functions.

~~((35))~~ (36) "Mental health professional" means:

(a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;

(b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse, which means a registered nurse licensed under chapter 18.88 RCW and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(d) A social worker, which means a person with a masters or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent by the secretary;

(e) A person having at least a masters degree in behavioral sciences, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(f) A mental health counselor or marriage and family therapist certified under chapter 18.19 RCW and having at least two years' experience in the direct treatment of

mentally ill individuals under the supervision of a mental health professional;

(g) A professionally licensed occupational or physical therapist having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional; or

(h) A person having at least a bachelors degree in behavioral sciences or related field from an accredited college or university and having at least five years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional.

~~((36))~~ (37) "Mental health services" means services required under chapter 71.24 RCW, including:

(a) In non-RSN counties:

(i) Emergency services, including screening for patients being considered for admission to state hospitals;

(ii) Outpatient services;

(iii) Day treatment;

(iv) Consultation and education services; and

(v) Community support services.

(b) When RSNs are established, or after July 1, 1995, "mental health services" shall mean all services provided by RSNs.

~~((37))~~ (38) "Mentally ill persons" and "the mentally ill" means a person or condition defined in this chapter as:

(a) Acutely mentally ill;

(b) Chronically mentally ill; or

(c) Seriously disturbed.

~~((38))~~ (39) "Minority" or "ethnic minority" means any of the following general population groups:

(a) American Indian or Alaskan native, which includes:

(i) An enrolled Indian:

(A) A person enrolled or eligible for enrollment in a recognized tribe;

(B) A person determined eligible to be found Indian by the secretary of the interior; or

(C) An Eskimo, Aleut or other Alaskan native.

(ii) A Canadian Indian: A person being a member of a treaty tribe, Metis community or nonstatus Indian community, from Canada; and

(iii) An unenrolled Indian: A person considered Indian by a federally or nonfederally recognized Indian tribe or an off-reservation Indian/Alaskan native community organization.

(b) Asian or Pacific Islander;

(c) Black; or

(d) Hispanic.

~~((39))~~ (40) "Outpatient services" means those services provided to priority populations needing less intensive treatment than that provided through inpatient, residential, or day treatment programs. Services shall include, but are not limited to:

(a) Evaluation;

(b) Individual, family, and group psychotherapy; and

(c) Medication management.

~~((40))~~ (41) "Preadmission screening services" means those services provided for consumers being considered for voluntary admission to state hospitals to determine the appropriateness of admission and availability of alternatives.

~~((41))~~ (42) "Prepaid health plan (PHP)" means, for sections 600 through 720 of this chapter, an organization contracting with the department, offering a plan that provides

and/or pays for community mental health rehabilitation services provided to an eligible enrolled consumer for a department prepaid monthly set rate.

~~((42))~~ (43) "Prevocational services" means activities which are oriented toward job or career exploration and training that is designed to lead toward integrated, competitive employment; transitional employment; supported employment; or volunteer vocational experience.

~~((42))~~ (44) "Primary care provider (PCP)" means a person with primary responsibility for implementing the individualized plan for community mental health rehabilitation services with the consumer.

(45) "Properly executed accounting documents" means accounting documents processed in a manner consistent with provider policies and procedures and providing sufficient and adequate documentation for an audit of the agency's financial transactions.

~~((43))~~ (46) "Provider" means licensed service provider as defined in chapter 71.24 RCW.

~~((44))~~ (47) "Regional support network" (RSN) means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary under this chapter.

~~((45))~~ (48) "Registration records" means all the records of the department, RSN, treatment facilities, and other persons providing services to the department, county departments, or facilities. Registration records identify individuals receiving or having received services for mental illness which have been funded by available resources.

~~((46))~~ (49) "Residential services" means a complete range of residences and supports authorized by resource management services. These may involve a facility, a distinct part thereof or services supporting community living, including, at least:

(a) Evaluation and treatment services as defined in chapter 71.05 RCW;

(b) Crisis respite care;

(c) Supported living services;

(d) Supervised care;

(e) Long-term rehabilitative care;

(f) Long-term adaptive care; and

(g) Support services to nursing home residents.

~~((47))~~ (50) "Resource management services" means the planning, coordination, and authorization of residential and community support services administered under an ISP for priority populations, including:

(a) Seven-day-a-week, twenty-four-hour-a-day availability of information regarding mentally ill adults' and children's enrollment in services; and

(b) Access to their ISP by county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN.

~~((48))~~ (51) "Secretary" means the secretary of the department of social and health services.

~~((49))~~ (52) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to self or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder causing major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a minor child diagnosed by a mental health professional as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school, or with peers or is clearly interfering with the child's personality development and learning.

~~((50))~~ (53) "Substantial gainful activity" is work involving significant physical or mental activities done for pay or profit. Substantial gainful activity means, for elderly, retired persons and disabled persons, due to physical or mental impairment, the ability to manage retirement and/or disability income and activities of daily living. Substantial gainful activity means, for children, the ability to productively participate in educational activities.

~~((51))~~ (54) "Supervised living services" means facility-based care for adults requiring twenty-four-hour supervision but are able to use community-based resources outside of the facility when needed. Supervised living services provide minimal-to-moderate on-site programming primarily directed at maintaining consumers at this level of care or preparing consumers for transition into supported living services.

~~((52))~~ (55) "Supervision" means regular or occasional monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

~~((53))~~ (56) "Supported employment" is competitive employment in an integrated work setting with ongoing support services for individuals with mental illness, for whom competitive employment has not traditionally occurred or which has been interrupted.

~~((54))~~ (57) "Supported living services" means nonfacility residential programs for adults and children requiring a flexible array of services and supports to successfully live in their homes, adult family homes, or foster homes.

~~((55))~~ (58) "Timely provision of services" means the provision of medically necessary community mental health rehabilitation services without unreasonable delay.

(59) "Training" means planned educational events or activities designed to instill or enhance skills and to increase knowledge.

~~((56))~~ (60) "Transitional employment" means competitive work in an integrated setting for individuals with mental illness who may need support services (but not necessarily job skill training services), provided either at the work site or away from the work site. The job placement may not necessarily be a permanent employment outcome for the individual.

~~((57))~~ (61) "Treatment records" means registration and all other records concerning consumers receiving or at any time having received services for mental illness, which are maintained by the department, RSNs, and service providers. Treatment records do not include notes or records maintained for personal use by RSN or treatment facility staff providing treatment services if the notes or records are unavailable to others.

NEW SECTION

WAC 275-56-600 Managed care—Purpose. For contracts effective on or after October 1, 1993, the department may contract with prepaid health plans (PHPs) to:

- (1) Provide community health rehabilitation services directly to a consumer; or
- (2) Arrange for a consumer to receive community mental health rehabilitation services according to the contract between the department and a PHP.

NEW SECTION

WAC 275-56-610 Managed care—Eligible consumers. (1) The department shall require a consumer, eligible for certain designated medical program categories, to enroll in a PHP when the consumer resides in the contracted service area of a PHP, except as provided under WAC 275-56-630.

(2) The department shall assign a consumer who is eligible for community mental health rehabilitation services in a specified service area to a PHP.

NEW SECTION

WAC 275-56-620 Managed care—Payment. The department shall pay a set rate to a PHP for contracted community mental health rehabilitation services provided to the consumer.

NEW SECTION

WAC 275-56-630 Managed care—Managed care exemptions. (1) The department shall not require a consumer to enroll or continue enrollment in a PHP when the consumer does not have reasonably available or accessible medically necessary community mental health rehabilitation services.

(2) In making the exemption, the department shall consider medically necessary community mental rehabilitation services to not be reasonably available and accessible when the department determines the treating provider has established that the established treatment plan or plan of care is essential to the consumer's mental health and is not available through the PHP.

(3) A consumer requesting an exemption from enrolling in the designated PHP shall file a request with the department. The department shall, in writing, timely notify the consumer of the exemption decision.

(4) The consumer may file an adjudicative proceeding, as described under WAC 275-56-670, when the consumer is not satisfied with the department's decision regarding exemption.

NEW SECTION

WAC 275-56-640 Managed care—Consumer's choice of primary care provider. (1) Each consumer enrolled in a PHP shall have a primary care provider (PCP).

(2) A consumer shall have an opportunity to choose a PCP from available PHP staff.

(3) A PHP shall assign a consumer to a PCP when the consumer enrolls in a plan and does not choose a PCP in the PHP.

(4) A consumer enrolled in a PHP shall have the right to change the consumer's PCP:

- (a) One time during a twelve-month period for any reason; and
- (b) For subsequent changes during the twelve-month period, only for documented good cause. The consumer shall notify in writing the PHP of the:
 - (i) Desired change, including the name of the new PCP; and
 - (ii) Reason for a desired change.

NEW SECTION

WAC 275-56-650 Managed care—Other services. (1) The department shall pay for mental health or other services covered under the department's medical care programs that are excluded from the community mental health rehabilitation services managed care contract.

(2) The department's mental health or ancillary services may include:

- (a) Transportation as described under WAC 388-86-085; and
- (b) Inpatient services.

NEW SECTION

WAC 275-56-660 Managed care—Emergency services. The department shall exempt emergencies and transportation for emergencies from routine pre-service authorization procedures employed by the PHP.

NEW SECTION

WAC 275-56-670 Managed care—Consumer grievances. A consumer aggrieved by a decision of a PHP or the department shall have the right to an adjudicative proceeding. The PHP shall establish a grievance process which:

- (1) Is published and made known to current and potential consumers in a readily understandable language and manner;
- (2) Gives consumers the opportunity to report grievances, and have the consumers' grievances investigated, and resolved promptly;
- (3) Ensures retaliation, formal or informal, against a grievant does not occur;
- (4) Ensures the retention of full records of all grievances in confidential files, separate from the consumer's case records, for five years from completion of the grievance process;
- (5) Ensures the availability of ombuds service to assist grievants at all levels of the grievance process;
- (6) May progress through several levels as established by the PHP, beginning at the provider level and ending at the PHP governance board or the board's designee. The PHP shall ensure the entire process, from the written request for grievance up to the request for adjudicative proceeding, shall not exceed thirty days; and
- (7) Allows the consumer filing the grievance to request an adjudicative proceeding by the department when the grievance concerns eligibility, enrollment, or disenrollment for Title XIX community mental health rehabilitation services, or the medical necessity for such services and the:
 - (a) Grievance decision is adverse to the consumer;

(b) The PHP does not respond in writing within thirty days from the date the consumer requested the grievance in writing; or

(c) The PHP denies a consumer urgently needed community mental health rehabilitation services and the consumer files a grievance in writing.

NEW SECTION

WAC 275-56-680 Managed care—Consumer request for a second opinion. (1) The consumer enrolled in a PHP shall have the right to a second opinion by another participating staff in the consumer's assigned PHP:

(a) When the consumer needs more information as to the medical necessity of treatment recommended by the PCP; or

(b) If the consumer believes the PCP is not authorizing medically necessary community mental health rehabilitation services.

(2) When medically necessary, the PHP shall refer the consumer to another participating staff of the PHP staff.

NEW SECTION

WAC 275-56-690 Managed care—Enrollment termination. The department may terminate enrollment of a consumer in a PHP when a:

(1) Consumer loses eligibility for community mental health rehabilitation services;

(2) Consumer requests disenrollment, and the department approves the request, as described under WAC 275-56-630; or

(3) PHP requests in writing to the department the disenrollment of the consumer and the PHP's requested disenrollment is approved by the department.

(4) The department shall:

(a) Disenroll only when the consumer:

(i) Is no longer eligible for community mental health rehabilitation services;

(ii) Is deceased; or

(iii) Requests disenrollment from services and meets the requirements of WAC 275-56-630.

(b) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

(c) Notify the consumer ten days in advance of the effective date of disenrollment for any approved disenrollment.

NEW SECTION

WAC 275-56-700 Managed care—Continuous quality improvement. (1) The PHP shall establish a continuous quality improvement system which collects information and takes steps to ensure consumer needs are met and consumer welfare is protected.

(2) The PHP:

(a) Shall establish and maintain a quality review team;

(b) Shall establish bylaws concerning the size, appointment, removal and tenure, and decision-making process of the quality review team;

(c) Shall appoint members of the quality review team. All team members shall successfully complete state-sponsored training;

(d) Shall ensure the quality review team has reasonable access at reasonable times to consumers and service sites;

(e) May, at its discretion, have the ombuds service functions, under WAC 275-56-710, performed by the quality review team; and

(f) May, at its discretion, have the RSN advisory board assume the duties and functions of the quality review team.

(3) The quality review team shall:

(a) Be comprised of at least fifty-one percent consumers, past consumers, or family members;

(b) Regularly review provider and PHP performance and meet with consumers and family members, allied service providers, underserved communities, and other members of the community to determine whether services are accessible and address the needs of consumers;

(c) Submit regular reports on noted strengths and areas for improvement to the provider, PHP, and Mental Health Division (MHD);

(d) Work with consumers, service providers, the PHP, and the department to resolve identified problems;

(e) Request necessary service changes by requiring written corrective action plans with specific time frames for resolution from providers, the PHP, or the department. If the provider or PHP fails to respond to requests for corrective action, the quality review team may request the department to review or audit the agency or PHP, and impose consequences, as necessary; and

(f) Maintain consumer confidentiality as required under WAC 275-56-240.

NEW SECTION

WAC 275-56-710 Managed care—Ombuds service.

The PHP shall establish an independent ombuds service to receive consumer complaints and grievances and assist in resolution at the lowest possible level. The PHP and its providers shall assure ombuds staff have reasonable access at reasonable times to consumers and service sites. The PHP shall ensure the ombuds service:

(1) Is independent of service provision;

(2) Is performed by paid persons who are:

(a) Hired by the PHP;

(b) Consumers or past consumers, and may include family members of consumers; and

(c) Trained in a manner approved by the department.

(3) Intercedes on behalf of consumers, and at the consumers' request, in the grievance process. The PHP's ombuds service aid shall:

(a) Be accessible to all persons, including members of underserved populations;

(b) Involve other persons, at the consumer's choice;

(c) Include investigation regarding grievances;

(d) Include pursuit of informal resolution of grievances; and

(e) If necessary and applicable, continue to assist the consumer through the grievance and adjudicative proceeding.

(4) Provides copies of all complaints and the resolution to the PHP, the quality review team when established, and the department.

(5) Maintains consumer confidentiality consistent with this chapter.

NEW SECTION

WAC 275-56-720 Managed care—Audit. (1) At least once a year, the department shall conduct a PHP audit to promote the quality and accessibility of community mental health rehabilitative services a PHP provides or arranges for enrolled consumers.

(2) The PHP shall permit a managed care audit.

(3) The department may conduct or contract independently for such a managed care audit.

**WSR 93-19-096
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed September 16, 1993, 2:13 p.m.]

Original Notice.

Title of Rule: WAC 388-86-045 Home health services.

Purpose: Reduce the need of prior authorization for all home health services, add definitions of services, and add criteria for home health nursing services for high risk obstetrical clients.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Includes administrative changes to remove the need for homebound therapy. Adds definitions of home health and home health services. Specifies when prior authorization is required for services. Adds home health nursing services criteria for high risk obstetrical patients.

Reasons Supporting Proposal: Includes administrative changes to remove the need for homebound therapy.

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 October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

September 16, 1993
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

AMENDATORY SECTION (Amending Order 1891, filed 10/13/82)

WAC 388-86-045 Home health services. The ~~((department shall provide))~~ department's home health services include:

(a) Nursing ~~((and other))~~ services; ~~((furnished by))~~

(b) Home health aide services; and

(c) Occupational therapy, physical therapy, speech therapy and audiology services.

(2) A Title XVIII certified home health agency shall furnish medically necessary home health services to an eligible client.

(3) ~~((To))~~ A client may qualify for home health services when an otherwise eligible client meets the following criteria:

(a) The ~~((patient must))~~ client shall be in the care of an attending physician who has authorized the plan of treatment, which was developed for the individual ~~((patient. Approval by the office of the medical director is required for any care extending beyond the limits established by the division of))~~ client; and

(b) The client shall receive occupational therapy, physical therapy and speech pathology and audiology services, only when a client is homebound.

(c) The medical assistance administration shall require prior authorization for any care extending beyond medical assistance administration established limits and for the following services:

(i) For a child age six and under;

(ii) Twice-a-day skilled nursing intervention;

(iii) Infant phototherapy services;

(iv) Therapy only services;

(v) Daily nursing visits exceeding ten consecutive days;

and

(vi) For a client whose program eligibility is for emergency medical care only.

(4) For the purpose of this section, the following definitions apply:

(a) "Homebound" means that the status of the client's condition is such that normal ability to leave home does not exist, and leaving home would require a considerable and taxing effort.

(b) "High risk medical obstetrical client" means a pregnant client who has a medical condition that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn.

(c) "Home health services" means comprehensive health care services which are provided in the client's residence on a part-time or intermittent basis by Title XVIII home health provider.

(d) "Residence" means a client's home or place of living not including the hospital, skilled nursing facility, or intermediate care facility.

(e) "Skilled nursing intervention" means a service provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse.

(f) "Therapy-only services" means homebound physical, occupational, speech, and audiology services.

(5) The client shall receive medical supplies, equipment and appliances as described under WAC 388-86-100.

(6) A client who receives emergency only services, as defined under WAC 388-80-005, shall be limited to two skilled nursing intervention visits within the eligibility coverage period.

(7) A high risk medical obstetrical client may receive:

(a) A maximum of three home health visits per pregnancy; and

(b) Such visits shall be by a registered nurse who has national perinatal certification or a minimum of one year of labor, delivery and post-partum experience at a hospital in the last five years.

WSR 93-19-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 16, 1993, 2:19 p.m.]

Original Notice.

Title of Rule: WAC 388-49-080 Expedited service.

Purpose: Issues the initial month's prorated benefit and the second month's benefit within the expedited time frame to households who are eligible for expedited services, and apply after the fifteenth of the month.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: The department is required to issue the initial month's prorated benefit and the second month's full benefit for the expedited time frame to households who are eligible for expedited services and who apply after the fifteenth of the month.

Reasons Supporting Proposal: United States District Court ruled against USDA in Johnson vs. USDA and Georgia, which concerned combined food stamp allotments for households eligible for expedited services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rose Mary Micheli, Division of Income Assistance, 438-8318.

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

Rule is necessary because of federal law, Administrative Memo 93-53 and 7 CFR 274.2 (b)(3).

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 October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

September 16, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3187, filed 6/4/91, effective 7/5/91)

WAC 388-49-080 Expedited service. (1) The department shall provide expedited service for applying households when the household:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utilities costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farm worker whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited service by the end of the fifth calendar day following the date the application was filed.

(3) The department shall provide food stamps to residents of drug and alcohol treatment centers and group living arrangements eligible for expedited service, by the fifth calendar day following the date of application.

(4) When certifying a household eligible for expedited service, the department shall:

(a) Verify the applicant's identity through readily available documentary evidence, or if this is unavailable, through a collateral contact; or

(b) Verify the identity of the authorized representative who applies on behalf of the household; and

(c) Make a reasonable effort to complete verification as described in WAC 388-49-110 within the expedited processing standards;

(d) Require the applicant to register for work unless exempt or the authorized representative is applying for the household;

(e) Attempt to register other nonexempt household members for work without delaying expedited benefits;

(f) Issue benefits within five calendar days for expedited service; and

(g) Assist the household in obtaining necessary verification.

~~(5) ((The department shall certify an expedited service household:~~

~~(a) Based on certification periods in WAC 388-49-160 when all necessary verification is provided; or~~

~~(b) For one month when necessary verification is postponed; or~~

~~(c) For the month of application and the second month when:~~

~~(i) Verification is postponed; and~~

~~(ii) The application is received on or after the sixteenth of the month.~~

~~(6) The department shall, after postponed verification is received for cases certified under subsection (5)(c), issue the second month's benefits:~~

~~(a) Within five working days from receipt of the verification; or~~

~~(b) The first working day of the second month, which ever is later.~~

~~(7) There is no)~~ The department shall not limit ((to)) the number of times a household may receive expedited service provided the household:

~~(a) ((The household))~~ Completes the postponed verification requirements((;)) ; or

~~(b) ((The household))~~ Was certified under the thirty-day processing standard since the last expedited certification.

~~((&))~~ (6) When a household is entitled to expedited service and a waiver of the office interview, the department shall:

(a) Conduct an out-of-office interview; and

(b) Complete the application process within the expedited service standard ((when a household is entitled to expedited service and a waiver of the office interview)).

WSR 93-19-104

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed September 17, 1993, 8:46 a.m.]

Original Notice.

Title of Rule: New WAC 390-17-065 Record keeping and reporting.

Purpose: Establish record keeping and reporting requirements for the exempt contributions permitted by RCW 42.17.630 (5)(b) and defined by WAC 390-17-060.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: Requires that exempt contributions be placed in a separate campaign account and be reported separately; presumes that any exempt contributions commingled with nonexempt funds are subject to applicable limits; requires contributors to use separate written instruments to make donations to exempt and nonexempt accounts.

Reasons Supporting Proposal: Necessary for implementation of Initiative 134.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, Attorney General, Olympia, 586-1913; Implementation and Enforcement: David R. Clark, Public Disclosure Commission, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Maintains maximum separation between contributions that are subject to limits and those that are not in order to minimize confusion and inadvertent violations of contribution limits.

Proposal does not change existing rules.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on October 26, 1993, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0904 [98504-0908], by October 10, 1993.

Date of Intended Adoption: October 26, 1993.

September 15, 1993

David R. Clark

Acting Executive Director

NEW SECTION

WAC 390-17-065 Record keeping and reporting. (1)

Any political committee that receives exempt contributions as defined by RCW 42.17.630 (5)(b)(iv) or (vi) and WAC 390-17-060 shall keep the contribution in a separate bank account. Exempt contributions commingled with contributions subject to contribution limits are presumed to be subject to the limits. Expenditures to promote candidates or which are made for purposes other than those specified in RCW 42.17.630 (5)(b)(iv) or (vi) may not be made with funds from the exempt contributions account.

(2) A separate campaign disclosure report must be completed and filed for exempt contributions accounts.

(3) Contributors shall not use a single written instrument to make simultaneous contributions designed for the exempt and any other accounts; separate written instruments must be used for contributions to an exempt contributions account.

WSR 93-19-107

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 17, 1993, 11:44 a.m.]

Continuance of WSR 93-19-044.

Title of Rule: WAC 388-11-143 Department review of support orders.

Purpose: Governs when the Office of Support Enforcement will review and initiate an action to modify a child support order as a result of a review.

Date of Intended Adoption: October 1, 1993.

September 17, 1993

Dewey Brock, Acting Chief

Office of Vendor Services

Administrative Services Division

WSR 93-19-108

PROPOSED RULES

SUPERINTENDENT OF

PUBLIC INSTRUCTION

[Filed September 17, 1993, 3:52 p.m.]

Original Notice.

Title of Rule: WAC 392-184-020 Reentry to common schools, and 392-184-025 Determination of grade level on reentry.

Purpose: To change the name of "educational clinic" to "education center."

Statutory Authority for Adoption: RCW 28A.205.101 [28A.205.010]-[28A.205.090].

Statute Being Implemented: RCW 28A.205.010-[28A.205.092].

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: John Pearson, Superintendent of Public Instruction, Old Capitol Building, 753-1545; and Enforcement: Barbara Mertens, Superintendent of Public Instruction, Old Capitol Building, 753-1142.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington, on October 29, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200 [98504-7200], by October 26, 1993.

Date of Intended Adoption: November 10, 1993.

September 17, 1993

Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-5, filed 2/14/84)

WAC 392-184-020 Reentry to common schools—~~((**Educational clinic**))~~ **Education center student.** A common school dropout of common school age who has attended a certified ~~((**educational clinic**))~~ **education center** shall be entitled to reenroll in the common school system. In addition, any such student shall be entitled to be placed at the class level in which he or she would have been but for having dropped out and to graduate with the class, notwithstanding any loss of credits prior to reentry, if each of the following conditions is met:

(1) The student has attended a certificated ~~((**educational clinic**))~~ **education center** for no less than ninety, sixty minute instructional hours;

(2) The student has reenrolled in the common school system no later than the commencement of the next regular school year semester or trimester, as the case may be, following his or her last day of attendance at a certified ~~((**educational clinic**))~~ **education center**;

(3) The student possesses the ability to perform academically at a passing level at the grade level of placement as determined pursuant to WAC 392-184-025;

(4) The student has earned credits following his or her reentry at the normal rate;

(5) The student has been enrolled at least two of the three grades nine through eleven at a common school or approved private school, or a combination of both; and

(6) The student has commenced and satisfactorily completed his or her last full school year immediately preceding high school graduation at a public high school, or a combination of public high schools.

AMENDATORY SECTION (Amending Order 84-5, filed 2/14/84)

WAC 392-184-025 Determination of grade level upon reentry—~~((**Education clinic**))~~ **Education center student.** The determination pursuant to WAC 392-184-020 of a student's level of academic ability and grade level of placement at the time of a former ~~((**educational clinic**))~~ **education center** student's reentry shall be made by the principal of the common school of enrollment or such other school district authority as may be designated pursuant to school district policy. Such determination shall be made by the principal or other designated official only after consultation with one or more representatives of the ~~((**educational clinic**))~~ **education center** which the student last attended and shall be based exclusively upon the principal's or other designated official's professional judgment of the following:

(1) The recommendations of the clinic representative(s);

(2) The student's performance while enrolled in the ~~((**clinic**))~~ **center**; and

(3) The student's academic ability as documented by the results of standardized tests recently administered by the ~~((**clinic**))~~ **center** or school district, or both.

WSR 93-19-110

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed September 20, 1993, 8:16 a.m.]

Original Notice.

Title of Rule: Extended care facilities.

Purpose: Clarifies individuals allowed to destroy Schedule II controlled substances.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This amendment clarifies the use of two individuals and those allowed in a nursing home setting to destroy Schedule II drugs when required.

Reasons Supporting Proposal: Schedule II drugs are those drugs which have high abuse potential and therefore must be closely monitored and their destruction must be closely supervised.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald L. Williams, 1300 Quince S.E., Olympia, WA 98504-7863, (206) 753-6834.

Name of Proponent: Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule amendment would require two individuals which would include a RN employee of the nursing home to destroy Schedule II drugs when required.

Proposal Changes the Following Existing Rules: This change requires two individuals employed by a nursing home to include a registered nurse employee to destroy Schedule II drugs when required.

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

Hearing Location: Bellevue Public Library, Meeting Room 1, 1111 110th N.E., Bellevue, WA, on October 29, 1993, at 1:30 p.m.

Submit Written Comments to: Donald Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, by October 26, 1993.

Date of Intended Adoption: October 29, 1993.

September 8, 1993
Donald H. Williams
Executive Director

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

WAC 246-865-060 Pharmaceutical services. (1) Administration of pharmaceutical services.

(a) There shall be provision for timely delivery of drugs and biologicals from a pharmacy so a practitioner's orders for drug therapy can be implemented without undue delay.

(b) Unless the nursing home operates a licensed pharmacy and employs a director of pharmaceutical services, the nursing home shall have a written agreement with one or more licensed pharmacists who provide for pharmaceutical consultant services. The staff pharmacist or consultant pharmacist supervises the entire spectrum of pharmaceutical services in the nursing home.

(c) There shall be a pharmaceutical services committee whose membership includes at least a staff or consultant pharmacist, a physician, the director of nursing or his/her designee, and the administrator or his/her designee. The pharmaceutical services committee develops and maintains written policies and procedures for safe and effective drug therapy, distribution, control, and use which are current and followed in practice.

(d) Reference material regarding the use of medication, adverse reactions, toxicology, and poison control center information shall be available to facility staff.

(e) There shall be procedures established for the reporting and recording of medication errors and adverse drug reactions.

(2) A staff pharmacist or consultant pharmacist shall be responsible for coordinating pharmaceutical services which include:

(a) Provision of pharmaceutical services evaluations and recommendations to the administrative staff.

(b) On-site reviews to ensure that drug handling and utilization procedures are carried out in conformance with recognized standards of practice.

(c) Regularly reviewing each resident's therapy to screen for potential or existing drug therapy problems and documenting recommendations.

(d) Provision of drug information to the nursing home staff and physicians as needed.

(e) Planning and participating in the nursing home staff development program.

(f) Consultation regarding resident care services with other departments.

(3) Security and storage of drugs.

(a) The nursing home shall store drugs under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security as defined by regulation and accepted standards of practice.

(b) All drugs shall be stored in locked cabinets, rooms, or carts, and shall be accessible only to personnel licensed to administer or dispense drugs.

(c) Schedule III controlled substances shall be stored apart from other drugs on a separate shelf or in a separate compartment or cabinet, provided, however, Schedule III controlled substances may be stored with Schedule II controlled substances. Schedule III controlled substances can be stored with other drugs when distributed in a unit dose drug distribution system.

(d) Drugs for external use shall be stored apart from drugs for internal use, on a separate shelf or in a separate compartment or cabinet. Any shelf, compartment, or separate cabinet used for storage of external drugs shall be clearly labeled to indicate it is to be used for external drugs only.

(e) At all times, all keys to drug boxes, cabinets, and rooms shall be carried by persons legally authorized to administer drugs and on duty on the premises.

(f) If a supplemental dose kit within a unit dose drug distribution system is provided it must comply with WAC 246-865-040.

(g) If an emergency kit is provided, it shall comply with Washington state board of pharmacy regulations WAC 246-865-020 and 246-865-030.

(4) Labeling of drugs.

(a) The label for each legend drug which is not dispensed in a unit dose shall have the name and address of the pharmacy from which the drug was dispensed; the prescription number; the physician's name; the resident's full name; the date of issue; the initials of the dispensing pharmacist; the name and strength of the drug; a controlled substances schedule, if any; the amount (e.g., number of tablets or cc's) of the drug dispensed, and the expiration date. In the case of a compounded drug which contains Schedule II or III controlled substances, the quantity of each controlled substance per cc or teaspoonful shall be shown on the label.

(b) In a unit dose drug distribution system, a clear, legible label shall be printed or affixed securely to each unit dose package. Each unit dose drug label shall include: the name, strength and, for each unit dose package, the dosage amount of the drug; the expiration date for any time-dated drug; the lot or control number; and controlled substances schedule number, if any. Each individual drug compartment shall be labeled with the full name of the resident whose drug the compartment contains and the name of the resident's physician.

(c) Nonlegend drugs shall be clearly labeled with at least the patient's name, date of receipt by the facility, as well as display a manufacturer's original label or a pharmacy label if repackaged by the pharmacist. Nonlegend drugs supplied by the extended care facility pursuant to WAC 388-88-050 need not be labeled with the patient's name.

(d) A label on a container of drugs shall not be altered or replaced except by the pharmacist. Drug containers

having soiled, damaged, incomplete, or makeshift labels shall be returned to the pharmacy for relabeling or disposal. Drugs in containers having no labels or illegible labels shall be destroyed.

(5) Control and accountability.

(a) The nursing home shall maintain and follow written procedures which provide for the accurate control and accountability of all drugs in the nursing home.

(b) No drugs may be returned from the nursing home to a pharmacy except as provided in paragraph (4)(d) or if the drug is returned in unopened unit dose packages.

(c) Drugs shall be released to a resident upon discharge only on specific written authorization of the attending physician. A receipt containing information sufficient to document the drug's destination, the person who received the drug, and the name and quantity of drugs released shall be entered in the resident's health record.

(d) All of an individual resident's drugs including Schedule III, IV and V controlled substances, that are discontinued by the physician and remain unused, shall be destroyed by a licensed nurse employee of the nursing home in the presence of a witness within 90 days after having been discontinued, and accurate records of destruction maintained except from drugs which are sealed in unit dose packages.

(e) Outdated, unapproved, contaminated, deteriorated, adulterated, or recalled drugs shall not be available for use in the nursing home.

(f) Except in the case of Schedule II controlled substances and drugs which are sealed in unit dose packages, drugs which remain in the nursing home after the patient has died or been discharged, and drugs in containers with illegible or missing labels, shall be immediately and irretrievably disposed of by a licensed nurse employee in the presence of a witness and proper records maintained of such disposal. Destruction of Schedule II drugs shall be handled in accordance with (6)(g). Unit dose packages may be returned to the pharmacy.

(6) Special requirements for controlled substances.

(a) All Schedule II controlled substances shall be stored in separately keyed and locked secure storage within a drug facility.

(b) Schedule III controlled substances shall be stored apart from other drugs and may be stored on a separate shelf, drawer, or compartment with Schedule II controlled substances.

(c) There shall be a record book for Schedule II and Schedule III controlled substances which shall be a bound book with consecutively numbered pages in which complete records of receipt and withdrawal of Schedule II and III controlled substances are maintained.

(d) At least once each 24 hours, the amount of all Schedule II controlled substances stored in the facility shall be counted by at least two persons who are legally authorized to administer drugs. A similar count shall be made of all Schedule III controlled substances at least weekly. Records of counts shall be entered in the Schedule II and III controlled substances book(s).

(e) When a resident is discharged, a record of release for any Schedule II or III controlled substances released shall be entered on the appropriate page for the given drug in the controlled substances record book.

(f) Any discrepancy in actual count of Schedule II or III controlled substances and the record shall be documented in the Schedule II or III controlled substances books and reported immediately to the responsible supervisor who shall investigate the discrepancy. Any discrepancy which has not been corrected within seven calendar days shall be reported to the consultant pharmacist and the Washington state board of pharmacy.

(g) Discontinued Schedule II controlled substances and all Schedule II controlled substances which remain after the discharge or death of residents shall:

(i) Be destroyed at the nursing home within 30 days by two of the following individuals: A registered pharmacist ((and)), the director of nursing or a registered nurse designee, and a registered nurse employee of the nursing home with appropriate documentation maintained, or

(ii) Be destroyed at the nursing home by a representative of the Washington state board of pharmacy if so requested by the board or the nursing home.

(h) A nursing home may establish procedures which vary from those paragraphs (6)(a)(g) if they are using a unit dose drug distribution system and if that system provides for the accurate accounting, by the nursing home and the supplying pharmacy, of the receipt and disposition of all Schedule II and III controlled substances.

(7) Drug administration.

(a) Staff shall follow written procedures which provide for the safe handling and administration of drugs to residents.

(i) Drugs shall be administered only by persons licensed to administer drugs.

(ii) The resident shall be identified prior to administration.

(b) All drugs shall be identified up to the point of administration.

(c) Drugs shall be prepared immediately prior to administration and administered by the same person who prepares them except under a unit dose system.

(d) Drug administration shall be documented as soon as possible after the act of administration, and shall include:

(i) Verification of administration

(ii) Reasons for ordered doses not taken

(iii) Reasons for administration of, and response to drugs given on and as needed basis (PRN).

(e) Drug orders shall be received only by a licensed nurse and administered only on the written or verbal order of a practitioner. Verbal orders shall be signed by the prescribing practitioner in a timely manner.

(f) The self-administration of medication program shall provide evidence of:

(i) Assessment of the resident's capabilities

(ii) Instructions for administration

(iii) Monitoring of progress and compliance with orders

(iv) Safe storage of drugs.

WSR 93-19-118
PROPOSED RULES
SKAGIT VALLEY COLLEGE
 [Filed September 21, 1993, 10:02 a.m.]

Original Notice.

Title of Rule: Student records, chapter 132D-130 WAC and Family Educational Rights and Privacy Act, chapter 132D-280 WAC, repealed and replaced with new Student education records, chapter 132D-125 WAC. Amend Student rights and responsibilities, chapter 132D-120 WAC, to clarify procedures to address illegal harassment; amend smoking policy, chapter 132D-140 WAC, to prohibit smoking on campus and in college vehicles; amend Grievance procedure, sexual harassment, sex discrimination and handicapped discrimination, chapter 132D-300 WAC.

Purpose: To eliminate duplication and clarify and update existing procedures.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: 20 USC 1232(g); 42 USC Sec. 504 and RCW 28B.50.140.

Summary: Clarify student education records policy; prohibit smoking on campus; eliminate duplication in procedures for filing grievances and set out strong stand against illegal harassment.

Reasons Supporting Proposal: Need to clarify and update existing procedures.

Name of Agency Personnel Responsible for Drafting: Wendy K. Bohlke, Assistant Attorney General, 103 East Holly #320, Bellingham, WA 98225, (206) 676-2037; Implementation and Enforcement: James Ford, President, Skagit Valley College, 2405 East College Way, Mt. Vernon, WA 98273, (206) 428-1150.

Name of Proponent: Skagit Valley College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 132D-120 WAC, Student rights and responsibilities, amended to clarify which procedure could be used internally to address illegal harassment; chapter 132D-125 WAC, Student education records, new, implements federal Family Educational Rights and Privacy Act of 1974. New chapter replaces chapter 132D-130 WAC, and provides a means for students to challenge contents of and access to their education records; chapter 132D-140 WAC, Policy on the use of college facilities, amended, prohibits smoking on campus and in college vehicles; chapter 132D-130 WAC, Student records and chapter 132D-280 WAC, Family Educational Rights and Privacy Act, are repealed and replaced with a single procedure for accessing student education records in chapter 132D-125 WAC; chapter 132D-300 WAC, Grievance procedure—Sexual harassment, sex discrimination, and handicapped discrimination, amended, the procedures set forth a uniform system for processing claims of illegal discrimination by all members of the college community. Chapter 132D-120 WAC, sets forth procedures for students to resolve Title IX and Section 504 grievances in addition to this procedure if they choose.

Proposal Changes the Following Existing Rules: Clarifies and updates current procedures.

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

Hearing Location: Skagit Valley College, Campus Center Annex, Building #C-118, 2405 East College Way, Mount Vernon, WA 98273, on October 27, 1993, at 11:30 a.m.

Submit Written Comments to: Wendy Bohlke, Assistant Attorney General, by October 29, 1993.

Date of Intended Adoption: November 8, 1993.

September 29 [20], 1993

Wendy Bohlke
Assistant Attorney General

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132D-130-010 Purpose.
- WAC 132D-130-020 Definitions.
- WAC 132D-130-030 Access to records.
- WAC 132D-130-035 Access to records—Limitations on access.
- WAC 132D-130-040 Right to copy records.
- WAC 132D-130-045 Request for explanation or interpretation of record.
- WAC 132D-130-050 Challenges—To content of records—To release of records—Or to denial of access to records.
- WAC 132D-130-055 Challenges—Informal proceedings.
- WAC 132D-130-060 Challenges—Hearing before grievance review committee.
- WAC 132D-130-070 Release of personally identifiable information or education records.
- WAC 132D-130-075 Release of personally identifiable information or education records—Nature of consent required.
- WAC 132D-130-080 Release of personally identifiable information or education records—Exceptions to consent requirement.
- WAC 132D-130-085 Release of information in emergencies.
- WAC 132D-130-090 Directory information.
- WAC 132D-130-095 Destruction of student records.
- WAC 132D-130-100 Notification of rights under this chapter.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132D-280-010 Confidentiality of student records.
- WAC 132D-280-020 Education records—Students' right to inspect.
- WAC 132D-280-025 Requests and appeal procedures.
- WAC 132D-280-030 Release of personally-identifiable records.
- WAC 132D-280-035 College records.
- WAC 132D-280-040 Review of records requests and requests to amend.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-040 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate, and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the office of student programs and activities.

(4) Off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the office of student affairs.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-230 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 students' 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 of the college community.

Skagit Valley College is committed to protecting the rights and dignity of each individual in the campus community. Therefore, the college will not tolerate discrimination of any kind, at any level.

Further, it is the policy of Skagit Valley College to provide an environment in which students can work and

study free from sexual harassment or sexual intimidation. Sexual harassment occurs in a context of unequal power and is a form of sexual discrimination. As such, it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

Sexual harassment of a student is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when: (a) Submission to the conduct is either explicitly or implicitly a term or condition of an individual's academic standing; and/or (b) submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; and/or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment. Students may follow procedures found at WAC 132D-300-040 and/or may file complaints with outside agencies, as referenced in WAC 132D-300-040(9).

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)**WAC 132D-120-260 Informal grievance procedure.**

(1) A student wishing to pursue an informal resolution to his or her grievance may first contact the student activities office. That office will serve as a source of information and direction for grievants and shall advise students as to the most effective means of resolving their grievance. This service is optional.

(2) A student may instead, as a first step in the informal grievance procedure, contact the faculty or staff member with whom he or she has a grievance and attempt to resolve the matter through direct discussion.

(3) If direct discussion does not resolve the grievance to the student's satisfaction, the student shall take the matter to the faculty/staff member's immediate supervisor. The supervisor shall serve as a mediator and will attempt to resolve the matter promptly and fairly.

(4) If the efforts of the supervisor also fail to satisfy the grievant, the supervisor shall forward the complaint to the appropriate associate dean who shall, within three working days, decide how best to resolve the grievance. The associate dean shall issue a written opinion.

(5) The student shall be notified of this decision and shall also be informed of his or her right to file a petition to have the grievance heard before the grievance review committee.

(6) The informal grievance procedure shall be completed in fifteen working days unless all parties agree to more time.

(7) Any student alleging a violation of Title IX of the 1972 Education Amendments concerning sexual harassment may avail himself or herself of the procedures in chapter 132D-300 WAC.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-270 Informal grievance procedure—~~((Sexual harassment and))~~ **Sex and handicapped discrimination.** (1) Any student alleging a violation of Title IX of the Education Amendments of 1972 (sex discrimination) or section 504 of the Rehabilitation Act of 1973 (handicapped discrimination) shall, as a first step in the informal grievance

procedure, contact the Title IX/Sec. 504 ombudsman. The student may contact the student activities office for the name and location of the ombudsman. Any student alleging a violation of Title IX of the 1972 Education Amendments concerning sexual harassment may avail himself or herself of the procedures in chapter 132D-300 WAC.

(2) The ombudsman shall:

(a) Provide information about informal and formal options within and outside the college.

(b) Intervene, if requested by either party, in order to resolve the problem to the satisfaction of all.

(3) If the ombudsman is unable to resolve the grievance, the student may file an official grievance requesting a hearing before the grievance review committee and is entitled to all appeals beyond that committee.

(4) Consultations with the ombudsman shall be strictly confidential until the ombudsman begins to act as mediator.

**Chapter 132D-125 WAC
STUDENT EDUCATION RECORDS**

NEW SECTION

WAC 132D-125-010 Purpose. The purpose of this student records policy is to establish rules and procedures that appropriately implement the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g). Skagit Valley College is committed to safeguarding appropriate access to student educational records as well as to maintaining individual student privacy. This chapter replaces WAC 132D-130 (Student records) and 132D-280 (Family Educational Rights and Privacy Act).

(1) Generally, students have the right to review and copy their education records. Students also have the right to challenge the content of, the release of, or denial of access to their education records.

(2) The college normally will not permit access to or release of the student's education records to the public without authorization by the student, though some exceptions exist. Please see below for a complete description of the policy.

(3) The college may release directory information concerning a student unless the student requests in writing that directory information not be released.

NEW SECTION

WAC 132D-125-020 Definitions. For purposes of this chapter, the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is or has been officially registered at and attending Skagit Valley College and with respect to whom the college maintains education records or personally identifiable information.

(2) "Education records" shall refer:

(a) To those records, files, documents, and other materials maintained by Skagit Valley College or by a person acting for Skagit Valley College which contain information directly related to a student;

(b) To records relating to an individual in attendance at the college who is employed as a result of his or her status as a student.

However, records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee are not education records.

(3) The term "education records" does not include the following:

(a) Records of instructional, supervisory, or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(b) Records of the college's department of safety and security, maintained solely for law enforcement purposes, disclosed only to law enforcement officials, and maintained separately from education records in subsection (2) of this section, but only if said law enforcement personnel do not have access to the records under WAC 132D-125-080; or

(c) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(4) "Personally identifiable information" shall refer to data or information which includes either:

(a) The name of a student, the student's parent, or other family member;

(b) The address of the student;

(c) The address of the student's family;

(d) A personal identifier, such as the student's Social Security number or student number;

(e) A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or

(f) Other information which would make it possible to identify the student with reasonable certainty.

(5) "Dean of administrative and student services" shall refer to the dean of administrative and student services or his or her designee.

NEW SECTION

WAC 132D-125-025 Direction to college offices retaining student education records. All college individuals or offices having custody of education records will develop procedures in accordance with WAC 132D-125-030 through 132D-125-100. Any supplementary regulations found necessary by departments will be filed with the college's records committee, which will be responsible for periodic review of policy and procedures.

(1) Disciplinary records shall be kept separate from academic records, and transcripts or a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to ensure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or associations.

NEW SECTION

WAC 132D-125-030 Access to education records.

(1) Except as provided in WAC 132D-125-035, each student at Skagit Valley College shall have access to his or her education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

(2) The dean of administrative and student services shall prepare and maintain a list of the types of student education records which are maintained by Skagit Valley College.

(3) A student wishing access to his or her education records shall submit a written request for access to the dean of administrative and student services. A request for access shall be acted upon by the dean of administrative and student services within a reasonable period of time, not to exceed ten days.

(4) The dean of administrative and student services shall provide students for the college with an opportunity for reasonable access to education records, provided that the dean of administrative and student services shall be responsible for taking appropriate measures to safeguard and ensure the security and privacy of the institution's records while being inspected by students.

(5) The dean of administrative and student services will inform in writing a student who has requested access to his or her education records of the nature of any records which are being withheld from the student on the basis of the exceptions set forth in WAC 132D-125-080 and 132D-125-085. A student may challenge a decision by the dean of administrative and student services to withhold certain of the student's records by filing an appeal with the grievance review committee, WAC 132D-125-060.

(6) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(7) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been board of trustee action for certain specified services), such as transcripts and grade sheets.

(8) The section shall not prohibit the college registrar from providing a student with a copy of the student's academic transcript without prior clearance from the dean of administrative and student services.

NEW SECTION

WAC 132D-125-035 Access to education records—Limitations on access. (1) Skagit Valley College shall not make available to a student the following types of materials:

(a) The financial records of the student's parents or any information contained therein.

(b) Letters or statements of recommendation, evaluation, or comment which were provided to the college in confidence, either expressed or implied, prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.

(c) If a student has signed a waiver of the student's right of access in accordance with subsection (2) of this section, confidential records relating to the following:

- (i) Admission to any educational agency or institution;
- (ii) An application for employment; or
- (iii) The receipt of an honor or honorary recognition.

(2) A student, or a person applying for admission to the college, may waive his or her right of access to the type of confidential records referred to in subsection (1)(c) of this section, provided that such waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are used solely for the specific purpose for which the waiver has been granted. The college is not allowed to require such waivers as a condition for admission to, receipt of financial aid from, or receipt of other services or benefits from the college.

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to the student or to be informed of the specific information contained in that portion of the material or document.

NEW SECTION

WAC 132D-125-040 Right to copy education records. (1) The dean of administrative and student services shall, at the request of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the university of providing the copies.

(2) Official copies of transcripts from other educational institutions, such as high school or other college transcripts, will not be provided to students by the college.

NEW SECTION

WAC 132D-125-045 Request for explanation or interpretation of record. The dean of administrative and student services shall respond to reasonable requests for explanations or interpretations of the contents of student education records.

NEW SECTION

WAC 132D-125-050 Challenges—To content of education records—To release of education records—Or to denial of access to education records. (1) Any student who believes that inaccurate, misleading, or otherwise inappropriate data is contained within his or her education records shall be permitted to have included within the record a written explanation by the student concerning the content of the records.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 132D-125-055 and 132D-125-060, to:

(a) Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;

(b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(d) Challenge a decision by the college to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's records fail to accurately reflect the grades actually assigned by an instructor.

NEW SECTION

WAC 132D-125-055 Challenges—Informal proceedings. A student wishing to exercise the rights set forth in WAC 132D-125-050(2) shall first discuss with the dean of administrative and student services the nature of the corrective action sought by the student. Failing resolution, the student may seek formal corrective action under WAC 132D-125-030(5).

NEW SECTION

WAC 132D-125-060 Challenges—Hearing before grievance review committee. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the dean of administrative and student services a written request for a hearing before the grievance review committee of the college.

(2) Within a reasonable time after submission of a request for hearing, the student rights and responsibilities committee shall conduct a hearing concerning the student's request for corrective action.

The student and the college shall be given a full opportunity to present relevant evidence at the hearing before the student rights and responsibilities committee.

(3) If a student demonstrates that the student's education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the student rights and responsibilities committee shall have authority to order the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained in the records.

(4) If a student demonstrates that the release of the student's education records would be improper under this chapter, the student rights and responsibilities committee shall have authority to order that the records not be released.

(5) If a student demonstrates that the student is entitled to access to particular documents under this chapter, the student rights and responsibilities committee shall have authority to order that the student be permitted access to the records.

(6) The decision of the student rights and responsibilities committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

NEW SECTION

WAC 132D-125-070 Release of personally identifiable information or education records. The college shall not permit access to or the release of a student's education records or personally identifiable information contained

therein to any person without the written consent of the student, except as provided in WAC 132D-125-080, 132D-125-085, or 132D-125-090.

NEW SECTION

WAC 132D-125-075 Release of personally identifiable information or education records—Nature of consent required. Where the consent of a student is required under WAC 132D-125-070 for the release of education records or personally identifiable materials contained therein, the student's consent shall be in writing, shall be signed and dated by the student, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom the records may be released.

NEW SECTION

WAC 132D-125-080 Release of personally identifiable information or education records—Exceptions to consent requirement. (1) The college may permit the access to or release of a student's education records or personally identifiable information contained therein without the written consent of the student to the following parties:

(a) College officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibilities with the college and will be used only in connection with the performance of those responsibilities;

(b) Federal or state officials requiring access to education records in connection with the audit or evaluation of federally or state-supported educational programs or in connection with the enforcement of federal or state legal requirements relating to such programs. In such cases, the information required shall be protected by the federal or state officials in a manner which shall not permit the personal identification of students or their parents to other than those officials, and such personally identifiable data shall be destroyed when no longer needed for the purposes for which was provided;

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid;

(d) Organizations conducting studies for or on behalf of the university for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students by persons other than representatives of such organizations, and the information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the college. Any college employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately

ly notify the assistant attorney general representing the college; or

(g) An alleged victim of any crime of violence (as defined in 18 U.S.C. § 16), so long as the information disclosed is the result of a disciplinary proceeding for the crime conducted by the college against the alleged perpetrator.

(2) Education records of a student or personally identifiable information contained therein which are released to third parties, with or without the consent of the student involved, shall be conditioned upon a written agreement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The college shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in subsection (1)(a) of this section, which have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available only to the student, to the employees of the college responsible for maintaining the records, and to the parties identified under subsection (1)(a) and (c) of this section.

NEW SECTION

WAC 132D-125-085 Release of information in emergencies. (1) The dean of administrative and student services or his or her designee may, without the consent of a student, release the student's education records or personally identifiable information contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The following factors should be taken into consideration in determining whether records may be released under this section:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for personally identifiable information concerning the student to meet the emergency;

(c) Whether the parties to whom the records or information are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.

(3) If the college, pursuant to subsection (1) of this section, releases personally identifiable information concerning a student without the student's consent, the college shall notify the student as soon as possible of the identity of the parties and to whom the records or information have been released and of the reasons for the release.

NEW SECTION

WAC 132D-125-090 Directory information. (1) The college may release "directory information" concerning a student to the public unless the student requests in writing of the dean of administrative and student services that the student's directory information not be released except as provided in WAC 132D-125-070, 132D-125-080, or 132D-125-085.

(2) The term "directory information" shall include information relating to the student's name; local and home telephone number; local and home address; date and place of birth; major field of study, dates of attendance, and degrees and awards received; participation in officially recognized sports and activities; weight and height if a member of an athletic team; and the most recent previous educational institution attended.

NEW SECTION

WAC 132D-125-095 Destruction of student records.

Except as otherwise provided by law, the college shall not be prevented under this chapter from destroying all or any portion of a student's education records in accordance with established records retention schedules, provided that no education record to which a student has requested access shall be removed or destroyed by the college prior to providing the student with the requested access.

NEW SECTION

WAC 132D-125-100 Notification of rights under this chapter. The college shall annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.

The notice shall include a statement of the following student rights:

(1) Inspect and review his or her education records;

(2) Request an amendment of the education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) Allow or deny disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

(4) File a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the college to comply with the requirements of the act;

(5) Access information concerning the cost to be charged for reproducing copies of the student's records; and

(6) Access a copy of the regulations in this chapter.

The notice shall indicate the places where copies of these regulations are located.

NEW SECTION

WAC 132D-140-090 Smoking on campus. Skagit Valley College desires to provide a healthful environment for its students, staff, and guests. Smoking shall not be permitted in college buildings or vehicles.

AMENDATORY SECTION (Amending Order 89-10, filed 5/15/89)

WAC 132D-300-010 Statement of policy. Skagit Valley Community College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap. Section 703, Title VII of the Civil Rights Act of 1964 and chapter 49.60 RCW prohibit discrimination on the basis of

race, color, religion, national origin, or sex. The college is committed to protecting the rights and dignity of each individual in the campus community and so will not tolerate illegal discrimination of any kind, at any level.

~~((Further, it is the policy of Skagit Valley Community College to provide an environment in which employees can work free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments:~~

~~Sexual harassment of an employee is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:~~

~~(1) Submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or career advancement; and/or~~

~~(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or decisions affecting that individual; and/or~~

~~(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or has the effect of creating an intimidating, hostile, or offensive environment-))~~ It shall be the policy of Skagit Valley College that harassment directed at any individual or group on the basis of gender, marital status, or sexual orientation is in violation of the mission and purpose of Skagit Valley College and shall not be condoned. Any employee or student who feels that she/he has been sexually harassed is encouraged to deal with the situation as outlined in the following procedure.

AMENDATORY SECTION (Amending Order 89-10, filed 5/15/89)

WAC 132D-300-020 Jurisdiction. This chapter shall serve as a Title ~~((IX))~~ VII/Section 504 grievance procedure for all employees of Skagit Valley Community College including classified staff, faculty, and administrators. Students ~~((shall))~~ may use the grievance procedure provided ~~((in chapter 132D-120-WAC))~~ at WAC 132D-120-270 to resolve Title IX~~((#))~~ and Section 504 grievances, other than claims of sexual harassment, which may be dealt with through the procedures in this chapter.

AMENDATORY SECTION (Amending Order 89-10, filed 5/15/89)

WAC 132D-300-030 Grievance procedure. ~~((#))~~ Any applicant for employment or employee of Skagit Valley Community College who believes he/she has been illegally discriminated against ~~((on the basis of sex or on the basis of a handicap))~~ by reason or race, religion, national origin, sex, veteran status, or handicap may lodge a formal institutional grievance according to the ~~((following))~~ procedures~~((#))~~ in subsection (1) of this section. An employee who feels she/he has experienced sexual harassment should follow the procedures in WAC 132D-300-040.

(1) Steps in procedures.

~~((Step 1:))~~ (a) Informal meeting. The complainant may request an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

~~((Step 2:))~~ (b) Official hearing. If not satisfied by the results of the informal meeting (or as a first step in the

procedure), the complainant shall request a meeting with the college ~~((Title IX/handicap officer))~~ vice-president for educational services.

(i) The request for an official hearing must be made in writing and must stipulate the specific grievance(s) the complainant wishes to raise.

(ii) Within thirty calendar days of receiving the written request, the college ~~((Title IX/handicap officer))~~ vice-president for educational services shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the college officer, who will chair the meeting.

(iii) Following the hearing and within thirty calendar days of receiving the written request, the college officer will report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

~~((Step 3:))~~ (c) Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the college ~~((Title IX/handicap officer))~~ vice-president for educational services, either the complainant or the person to whom the complaint is directed may request an appeal to the college president.

(i) The request must be made in writing within ten days after receipt of the written results of the official hearing.

(ii) Within fifteen days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or designee, the ~~((Title IX/handicap officer))~~ vice-president for educational services, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or presidential designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

(v) 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 act, disciplinary proceedings may be commenced against the person pursuant to appropriate procedures, depending on whether the person is a member of classified staff, administrative exempt, or faculty.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) ~~((Regional Director, Office of Civil Rights, HEW, 2901 Third Avenue, M.S. 510, Seattle, Washington 98121.~~

~~((b))~~ (b) The Equal Opportunity Commission, 1321 - Second Avenue, 7th Floor, Seattle, Washington 98101.

~~((c))~~ The Human Rights Commission, 402 Evergreen Plaza Building, 7th and Capitol Way, Olympia, Washington 98504-)) (b) The Human Rights Commission (HRC), 1515 Second Avenue, Columbia Building Suite 400, Seattle, WA 98101.

NEW SECTION**WAC 132D-300-040 Definition—Sexual harassment.**

(1) Sexual harassment is an illegal activity and will not be tolerated at Skagit Valley College. Sexual harassment will be defined as any behavior or action, either physical or verbal, which is sexual in nature, is uninvited, unwanted, or nonreciprocal, and:

(a) Submission to sexual harassment is either an implicit or explicit condition of employment or educational opportunity; or

(b) Submission to, or rejection of, sexual harassment is used as a basis for employment or educational decisions; or

(c) Sexual harassment has the purpose or effect of negatively interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive work or educational environment.

(2) Sexual harassment may include, but is not limited to, the following:

(a) Unwelcome or repeated sexual advances;

(b) Offensive, disparaging remarks about one's gender, marital status, sexual orientation, or appearance;

(c) Jokes about gender-specific traits;

(d) Remarks about one's physical appearance which imply sexual interest;

(e) Subtle pressure for sexual activity, including sexual propositions;

(f) Unnecessary brushes or touches, including pinching, patting, or grabbing;

(g) Displayed offensive sexual graffiti, gestures, cartoons, or materials;

(h) Sexual innuendos or obscene gestures;

(i) Written communications with sexual overtones;

(j) Sexually offensive remarks disguised as humor;

(k) Unwanted gifts, staring, leering, or unwanted attention.

(3) Investigation by ombudspersons. Skagit Valley College will investigate all allegations of sexual harassment. Students or district employees who feel they have been victims of sexual harassment by a district employee or student are encouraged to file an informal complaint within one hundred eighty days of the incident or pattern or behavior. The college will carry out any investigation in such a way as to protect the rights of both the complainant and the alleged offender. Maximum confidentiality and support for both parties shall be maintained at each step of the procedure.

The district shall have four ombudspersons: A female and male shall be appointed for both the Mount Vernon and Whidbey campuses. Appointment will be by the president of the SVCEA, the president of CSA, and the president of ASSVC. Appointment shall be for staggered three-year terms.

Ombudspersons shall be responsible for receiving complaints under the informal procedure, for receiving and giving training to all members of the college community on sexual harassment, and for conducting awareness activities for all college groups. They shall report directly to the vice-president for educational services, who shall be directly responsible for the implementation of this policy.

When a person believes that she/he has been sexually harassed, the complainant may contact one of the district's

ombudspersons. Faculty and staff shall assist the complainant in contacting an ombudsperson. The ombudsperson will provide the complainant with procedures and suggestions to enable the complainant to resolve the problem or to initiate the appropriate complaint process, either formal or informal. All complaints, formal or informal, shall be initiated no later than one hundred eighty days of the most recent incident.

(4) Informal complaint, step 1. When an ombudsperson receives an informal complaint of sexual harassment, she/he will discuss the complaint with the alleged offender. Such informal complaints may come from an individual who was the target of the action or a third party. Complainants may bring a person of their choice to any meeting. The intent of the informal procedure shall be to resolve the complaint in an informal manner, based on the consent of the parties involved, within thirty calendar days of receiving the complaint. The ombudsperson shall keep a written record of this complaint and any action taken, including the nature of the resolution, if one is reached, and shall provide notification to all parties involved. The rights of the complainant and the alleged offender will be protected. Maximum confidentiality and support will be provided for both parties to the extent legally possible.

(5) Informal complaint, step 2. In the event the severity of the case merits other intervention or is not resolved to the satisfaction of the complainant, the following procedures will be followed:

(a) The complainant, within ten working days of the conclusion of the Informal Step 1 process, shall file a written complaint with the ombudsperson stating the times, dates, places, and circumstances surrounding the allegations. The ombudsperson will forward a copy of the complaint to the alleged offender within five working days.

(b) Within the same ten working days period, the ombudsperson is empowered to file a written complaint stating the times, dates, places, and circumstances surrounding allegations which have been reported by a complainant or third parties. The ombudsperson will forward a copy of the complaint to the alleged offender within five working days.

(c) Within the same five working days period, the ombudsperson will notify the appropriate supervisor in writing, who will speak informally with the alleged offender. The ombudsperson shall also provide a copy of the written complaint to the vice-president for educational services, the dean of administrative and student services, or the personnel officer, as appropriate, as part of the effort to resolve the complaint. The ombudsperson shall keep a written record of all actions taken in an effort to resolve the complaint; if resolution is reached, the ombudsperson shall complete a written report of this resolution and submit copies to all parties involved.

(d) The ombudsperson involved shall transmit copies of all written materials to the vice-president for educational services, who will keep them in a confidential manner for a minimum of five years.

(e) The rights of the complainant and the alleged offender will be protected. Maximum confidentiality and support will be provided for both parties to the extent legally possible.

(f) The entire informal procedure will be completed within sixty calendar days of the first complaint.

(6) Formal complaint procedures. If no satisfactory resolution can be achieved at the informal level, or when the severity of the complaints makes it appropriate, the complainant may file a formal written complaint with the appropriate designated college officer, who will conduct an investigation. The appropriate designated college officer shall be:

(a) The vice-president for educational services when the complainant of infractions of this policy is an employee of the college or when a student is complaining against an employee. When a student is involved, the dean of administrative and student services will co-chair the investigation. However, the vice-president for educational services will assume the ultimate responsibility to see the process to conclusion.

(b) The dean of administrative and student services when the complainant of infractions of this policy is a student complaining against another student.

(c) In the event the alleged offender is the vice-president for educational services or the dean of administrative and student services, the designated college officer shall be the president. In the event the alleged offender is the president, the designated college officer shall be the chair of the board of trustees.

During all parts of the investigative action, due process as provided by higher education personnel board procedures for classified staff, the negotiated agreement for faculty, and student rights and responsibilities for students shall be followed. These same documents also specify the appropriate procedures for internal appeals. All informal and formal procedures shall be concluded within one hundred eighty days of the original complaint.

(7) Appropriate disciplinary action. Findings of discrimination in the form of sexual harassment will result immediate and appropriate disciplinary action, which may include but is not limited to the following:

- (a) Findings placed in personnel or student file;
- (b) Reprimand;
- (c) Suspension;
- (d) Dismissal.

In cases of suspension or employment termination, existing procedures for student, administrative, faculty, or classified staff shall be followed. Administrators, paraprofessionals, vendors, and other college employees and agents shall be subject to discipline as deemed appropriate by the designated college officer.

(8) Repeated offenses. When a complaint is made against someone who has been found in the past to have been in violation of the sexual harassment policy, the person receiving the complaint may determine whether the complaint could be a formal complaint. Disciplinary measures chosen for repeat offenders should take into account the repeated lack of compliance by the offender and should be more severe.

(9) Nondistrict options. At any point during these proceedings, the complainant may file concurrently with an outside agency. Complainants are encouraged to use the internal complaint procedures first. Students may file complaints with the Office of Civil Rights, U.S. Department of Education, 2901 Third Avenue, M/S 106, Seattle, WA 98121. Employees may file complaints with the Equal Employment Opportunity Commission (EEOC), 1321 Second

Avenue, 7th Floor, Arcade Plaza, Seattle, WA 98101, or the Human Rights Commission, 1515 Second Avenue, Columbia Bldg., Suite 400, Seattle, WA 98101.

WSR 93-19-119
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed September 21, 1993, 11:25 a.m.]

Original Notice.

Title of Rule: WAC 392-185-003 through 392-185-150.

Purpose: To change the name "educational clinic" to "education center."

Statutory Authority for Adoption: RCW 28A.205.010-[28A.205.]090.

Statute Being Implemented: RCW 28A.205.010-[28A.205.]090.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: John Pearson, Superintendent of Public Instruction, Old Capitol Building, 753-1545; and Enforcement: Barbara Mertens, Superintendent of Public Instruction, Old Capitol Building, 753-1142.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

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: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504, on October 29, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by October 26, 1993.

Date of Intended Adoption: November 10, 1993.

September 21, 1993

Judith A. Billings

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-003 Authority. The authority for this chapter is RCW 28A.205.050 which authorizes the superintendent of public instruction to adopt rules and regulations to carry out the purpose of chapter 28A.205 RCW, the operation and funding of (~~educational clinics~~) education centers. (The certification or approval of (~~educational clinics~~) education centers is the responsibility of the state board of education. See chapter 180-95 WAC.)

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-005 Purpose. The purpose of this chapter is to establish the policies and procedures necessary to distribute funds to certified (~~((educational clinics))~~) education centers as provided in chapter 28A.205 RCW.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-010 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, (~~((“educational clinic,”))~~) “education center,” “basic academic skills,” “a clinical-client centered basis,” “individual diagnostic procedures,” “general educational development tests,” “educational gains,” and “employment orientation,” as defined in WAC 180-95-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) An “eligible common school dropout” shall mean a person who (a) has not completed high school; (b) has reached his or her thirteenth birthday and not attained his or her twentieth birthday; (c) does not show proficiency beyond the high school level in a test approved by the superintendent of public instruction which has been given as a part of the initial diagnostic procedure; and (d) has dropped out of a common school for at least one month and written verification is received from a school official of the common school last attended stating that such person is no longer in attendance at such school unless (i) the board of directors or its designee submits a written request that such person be admitted, or (ii) the person has been expelled or suspended pursuant to chapter 180-40 WAC. The fact that any person may be subject to the compulsory attendance law, chapter 28A.225 RCW, shall not affect his or her qualifications as an eligible common school dropout under this chapter.

In addition, to qualify as an “eligible common school dropout” a child must have on file with the appropriate certified (~~((educational clinic))~~) education center a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) “Class size” is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-020 Application for funding. Any certified (~~((educational clinic))~~) education center shall be eligible to apply for state reimbursement for costs pursuant to WAC 392-185-040 and 392-185-050 incurred in diagnostic screening of and/or instructional activities provided to eligible common school dropouts. Such applications shall be prepared in accordance with guidelines provided by the superintendent of public instruction. Neither certification of an (~~((educational clinic))~~) education center nor completion of

required application materials shall guarantee receipt of funds.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-030 Reimbursement eligibility—Contracts. The superintendent of public instruction shall provide reimbursement pursuant to contractual agreements with certified (~~((clinics))~~) centers. Contracts may be awarded by the superintendent of public instruction to private educational institutions which (1) are certified as (~~((educational clinics))~~) education centers by the state board of education pursuant to chapter 180-95 WAC, (2) are nonsectarian, (3) are financially sound pursuant to WAC 180-95-020(8), (4) are capable of fulfilling their educational commitment and (5) demonstrate past superior performance. Superior performance shall be based upon consideration of individual educational gains achieved by students, the backgrounds of those students, and the cost effectiveness of the (~~((clinic’s))~~) center’s program, as follows:

(a) Educational gains shall be evaluated by considering:

(1) Measured increases in academic achievement as determined by instruments approved by the superintendent of public instruction, and

(2) The student’s subsequent participation in constructive activities, such as enrollment in a common or private school, employment, attendance at an institution of higher or vocational education, or military service.

(b) In evaluating educational gains, consideration shall be given to those factors in each student’s background which might tend to reduce the cost effectiveness of those educational gains.

(c) In determining cost effectiveness of any (~~((educational clinic))~~) education center, the cost of services provided to students shall be computed by taking into consideration the reasonable value of all sources of support which are used in whole or in part, directly or indirectly, to provide services to students, including payments made under this chapter, and for nonprofit (~~((clinics))~~) centers, tax exemptions and any other costs to taxpayers at any level of government which result from such nonprofit status.

AMENDATORY SECTION (Amending Order 8-79, filed 11/9/79)

WAC 392-185-040 Initial diagnostic procedure—Fees and records. (1) For each initial diagnosis completed for an eligible student applicant, a certified (~~((educational clinic))~~) education center, consistent with the terms of its contract with the superintendent of public instruction, shall be entitled to a fee of not more than fifty dollars per eligible student: *Provided*, That the administration of any general education development test shall not be a part of such initial diagnostic procedures.

(2) A written record of the initial diagnostic process for each student served shall be available. This record shall include, but not be limited to: (a) A transcript of the student’s previous academic history when available; (b) a description of the assessment processes used to determine ability, achievement, interest and aptitudes; (c) a summary of all diagnostic findings; and (d) a listing of the specific

instructional objectives and program placement recommendations.

(3) The records of each student shall be signed and dated by the qualified person(s) conducting the diagnosis and making program recommendations.

(4) The records shall be completed prior to student admission to (~~educational-clinic~~) education center classes for which state reimbursement for costs is sought under this chapter.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-050 Instruction—Fees. The fees paid for each 60 minute hour of instruction shall be as follows:

(1) Sixteen dollars per hour per enrollee if the class size is no greater than one; or

(2) Ten dollars per hour per enrollee if the class size is at least two and no greater than five; or

(3) Five dollars per hour per enrollee if the class size is at least six. Revisions in such fees proposed by an (~~educational-clinic~~) education center shall be allowed pursuant to WAC 392-185-070.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-060 Fees—Payment and procedures. Consistent with the provisions of chapter 28A.205 RCW as enacted or hereafter amended, fee reimbursements made to certified (~~educational-clinics~~) education centers shall be made in accordance with the following:

(1) There shall be no reimbursement prior to the actual delivery of services.

(2) Payments related to diagnostic procedures and course activities shall be made from available funds first to those clinics which demonstrate superior performance in the judgment of the superintendent of public instruction in accordance with WAC 392-185-030.

(3) No certified (~~educational-clinic~~) education center shall be entitled to receive payment for any student's course work undertaken prior to the completion of the initial diagnostic procedure.

(4) Upon submission of vouchers, the superintendent of public instruction shall reimburse certified (~~educational-clinics~~) education centers under contract for services provided to identified, eligible common school dropouts on the basis of records of diagnostic and instructional services rendered.

(5) Vouchers shall include the following:

- (a) A roster of names of students;
- (b) Diagnostic fees; and

(c) Fees for instruction based upon class sizes, subject areas and other pertinent data to allow for computation of reimbursement: *Provided*, That in the event of changes in class size, vouchers shall reflect appropriate changes and documentation shall appear in the records of the (~~educational-clinic~~) education center: *Provided further*, That this information is submitted on voucher claim forms as provided by the superintendent of public instruction in accordance with written instructions.

(6) After a student has attended an (~~educational-clinic~~) education center, for all or a portion of one hundred thirty-

five instructional days, no further reimbursement fees shall be paid by the superintendent of public instruction for that student.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-070 Fee revisions. A certified (~~educational-clinic~~) education center may submit a written request for fee revision to the superintendent of public instruction. A proposed fee revision must be accompanied by documentation supporting the need for the fee revision, including documentation of increased employee costs, increased non-employee related costs, and must include or be supplemented by such other information as the superintendent of public instruction may request.

The superintendent of public instruction may allow fee revisions if he or she finds that the proposed fee revision is reasonable. The superintendent of public instruction shall notify the (~~clinic~~) center of approval or disapproval of such request within 30 days of receipt of the request: *Provided*, That no revision of fees shall be allowed during a contract period which shall not exceed one year from date of execution.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-080 Fee revision—Appeal procedure. A decision of the superintendent of public instruction to deny a request for fee revision may be appealed by a certified (~~educational-clinic~~) education center to the state board of education. The notification of appeal must be filed with the secretary of the state board of education within 15 days following the date of the superintendent's decision. The appeal will be conducted pursuant to WAC 180-95-060.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-100 Tuition—Limitations. No certified (~~educational-clinic~~) education center shall make any charge to any student or his or her parent, guardian, or custodian for whom a fee is being received under the provisions of chapter 28A.205 RCW and this chapter.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-185-120 State audit review. Any certified (~~educational-clinic~~) education center under contract with the superintendent of public instruction pursuant to chapter 28A.205 RCW and this chapter shall permit, without prior notice, a review of its records by the state auditor and/or the superintendent of public instruction during normal business hours.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-150 Eligibility to take the general educational development (GED) tests. Any student of a certified (~~educational-clinic~~) education center, upon completion of an individual student program, shall be

eligible to take the general educational development (GED) tests at an authorized testing center as defined in WAC 180-95-010(5).

WSR 93-19-120
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed September 21, 1993, 11:28 a.m.]

Original Notice.

Title of Rule: WAC 392-210-015.

Purpose: Makes clear that languages other than English must be offered and may include American Indian languages.

Statutory Authority for Adoption: RCW 28A.150.220.

Statute Being Implemented: RCW 28A.150.220.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: John Pearson, Superintendent of Public Instruction, Old Capitol Building, 753-1545; and Enforcement: Barbara Mertens, Superintendent of Public Instruction, Old Capitol Building, 753-1142.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504, on October 29, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by October 26, 1993.

Date of Intended Adoption: November 10, 1993.

September 21, 1993

Judith A. Billings

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 85-13, filed 12/9/85)

WAC 392-210-015 Criteria for the selection of Washington state honors award students. The Washington state honors award program shall recognize the top ten percent of the students in the state in each year's high school graduating class who have demonstrated outstanding academic achievement. Outstanding academic achievement shall be determined by the following criteria:

(1) An academic achievement index based upon a combination of the combined high school grade point average (calculated as provided in WAC 180-57-055) in the academic core subjects of English, mathematics, science, social studies, and ~~((foreign language))~~ languages other than

English which may include American Indian languages and the combined verbal and quantitative composite scores on the Washington precollege test;

(2) Credits (as defined in WAC 180-51-050) earned in grades nine through eleven in the academic core subjects of English, mathematics, science, social studies, and foreign language;

(3) Completion of at least seventy-five percent of the graduation requirements for the high school in which the candidate is enrolled; and

(4) Enrollment in at least three academic core subjects in grade twelve.

In order to be considered for a Washington honors award, students must have taken the Washington precollege test prior to enrollment in grade twelve and be enrolled in a participating high school as indicated by the principal on forms provided by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 85-13, filed 12/9/85)

WAC 392-210-030 Enrollment in academic core subjects during grade twelve required. To be considered for a Washington state honors award, a student must be enrolled in at least three of the academic core subjects of English, mathematics, science, social studies, and ~~((foreign language))~~ languages other than English during the first term of the senior year, excluding summer term. The minimum enrollment requirement shall be verified in writing by the participating high school principal before November 1 of each school year, on forms provided by the superintendent of public instruction.

WSR 93-19-122
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed September 21, 1993, 1:35 p.m.]

Original Notice.

Title of Rule: Summary of the individual rules pertaining to Class M motel liquor license: WAC 314-15-010 outlines general license provisions and sets forth a fee of \$300 per annum for each license; WAC 314-15-020 specifies where Class M licensees may purchase alcoholic beverage products and the manner in which payment shall be made for such products, WAC 314-15-030 sets forth the requirements each licensee must follow before providing a patron with access to the individual honor bars; WAC 314-15-040 details the manner in which all liquor supplies shall be stored in order to prevent access by persons under age 21 years and requires that restocking of honor bars be done only by persons age 21 and over; WAC 314-15-050 requires each Class M licensee to keep and maintain books and records of all financial transactions of the business for a period of two years. The manner in which said records shall be maintained is also detailed.

The summary explains the rule, the purpose thereof and the anticipated effects on an individual basis.

Purpose: Adoption of permanent rules to implement RCW 66.25.540 [66.24.540].

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.24.540.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, WA 98504, 586-6701; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, WA 98504, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

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

Proposal does not change existing rules.

Note: These rules will replace emergency rules adopted July 14, 1993, to facilitate July 25, 1993, effective date.

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

Hearing Location: Washington State Liquor Control Board, Board Room, Fifth Floor, Capitol Plaza Building, Olympia, Washington, on October 27, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Information Officer, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (206) 753-2710.

Date of Intended Adoption: October 27, 1993.

September 21, 1993

Jack Rabourn

Board Member

NEW SECTION

WAC 314-15-010 Class M motel—Definition—General provisions—Fee. (1) Pursuant to the provisions of Chapter 511, Laws of 1993, there shall be a license designated as a Class M license which will allow a motel with 3 or more rooms to sell spirits, beer and wine by the bottle to registered guests who are at least twenty-one years of age. The annual fee for such license shall be three hundred dollars per year. Such license will be issued only to those motel establishments that do not have a licensed restaurant included as part of the motel property.

(2) "Motel" means a facility or place offering three or more self contained units (rooms) designated by number, letter, or some other method of identification to travelers and transient guests. A unit is a room with a bed, sink, toilet and shower or bath.

(3) A class M licensed motel may sell liquor in no more than one-half of its guest rooms under the following conditions:

(a) No rooms are offered to guests on less than daily rental basis,

(b) All liquor must be stored in locked honor bars in rooms with overnight sleeping accommodations,

(c) Each honor bar must also contain snack food,

(d) Any liquor sold is for consumption in the guest room only by persons of legal age,

(e) Spirits must be sold in individual bottles not to exceed fifty milliliters in size,

(f) Beer may be sold only in individual cans or bottles not to exceed twelve ounces in size,

(g) Wine may be sold only in individual bottles not to exceed one hundred eighty-seven milliliters in size.

(4) The class M licensee must provide the board with a list of all rooms by number, letter or other form of identification which contain honor bars.

NEW SECTION

WAC 314-15-020 Purchase of liquor—Class M. (1) All liquor sold by a class M licensee must be purchased from an authorized source. All spirits must be purchased from the board. Beer and wine must be purchased from a licensed beer or wine wholesaler or the board.

(2) No class M licensee shall buy or accept delivery of beer or wine from a beer or wine wholesaler except for cash paid at the time of the delivery thereof; PROVIDED, That a Class M licensee may pay cash prior to delivery of the beer or wine purchased. Failure by the licensee to keep accurate accounting records which result in the extension of or receipt of credit from a wholesaler through the use of a prior cash deposit which is overextended is a violation.

NEW SECTION

WAC 314-15-030 Sale of liquor—Class M. (1) Before a guest may be provided access to the honor bar the licensee will require proof of age from the guest requesting the use of the honor bar pursuant to RCW 66.16.040. The guest must complete a declaration, under penalty of perjury, verifying that:

(a) The guest is twenty-one years of age or older,

(b) No one under twenty-one years of age will have access to the liquor in the honor bar.

(2) For the purposes of Chapter 511, Laws of 1993, Section 1 the declaration referred to in section 1 above shall be considered an affidavit.

(3) Where there may be a question of a registered quest's right to purchase liquor, by reason of age, the licensee shall require the guest to complete a certification card as provided in RCW 66.20.190.

NEW SECTION

WAC 314-15-040 Security and storage of liquor—Definition of honor bar—Class M. (1) All liquor stored in a class M licensed premises shall be either locked in an honor bar or locked in a secured liquor storage room. No person under twenty-one years of age shall have access to the honor bar(s), liquor storage room, or keys, combinations etc. to the locked liquor facilities.

(2) Any liquor storage room that is in the private residential quarters of the motel owner or employee shall at all time be available for inspection by liquor enforcement officers. Class M licensees who choose to locate the liquor storage room in a private residence must allow for an inspection of the storage room during normal business hours together with a reasonable method to enter and exit any facility where the liquor storage room is located.

(3) An "Honor Bar" for the purposes of a class M licensed motel is considered to be any cabinet, box, cooler or refrigerator which can be opened only with a key, combination, magnetic card or other devise particular to that cabinet and which is secured within a guest room.

(4) Replenishment of a liquor honor bar or storage room may be made only during those hours when liquor may

legally be sold, and only by employees of the class M licensed motel who are twenty-one years of age or older; PROVIDED, HOWEVER, beer and wine wholesalers may deliver, price and stock product only in the storage room.

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 314-15-050 Records—Class M. (1) Each class M licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business. Failure to keep and maintain adequate records as described in this section is a violation.

(2) Every class M licensed motel will keep originals or copies of all purchase invoices and other memoranda covering all purchases and sales of liquor showing

- (a) Items purchased and sold,
- (b) Quantities thereof,
- (c) From whom purchased and
- (d) Purchase and sale date.

These records shall be filed separately and kept apart from all other records and, as nearly as possible, shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying.

(3) All records will be available for inspection and copying by representatives of the board for a period of two years.

(4) A class M licensee may maintain records within an automatic data processing system PROVIDED the system includes a method for producing legible records that will provide the same information required of that type of records required in section (2) above.

(5) All records maintained, either manually or with a data processing system must provide:

(a) An audit trail so that details underlying the summary accounting data may be identified and made available upon request.

(b) The opportunity to trace any transaction back to the original source or forward to a final total. If printouts are not made when a transaction is processed, the system must have the ability to reconstruct these transactions.

WSR 93-19-123
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed September 21, 1993, 1:39 p.m.]

Original Notice.

Title of Rule: Enforcement of prohibition of sales of tobacco to minors under the age of 18 years. See Summary below for specifics.

Purpose: All rules being considered would implement.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: Chapter 70.155 RCW.

Summary: The summary of the individual rules pertaining to tobacco enforcement is as follows: WAC 314-10-010 defines the jurisdiction of the liquor control board as to enforcement of the tobacco legislation; WAC 314-10-020

specifies that licensees must display signs indicating no sales to persons under age 18, requires licenses to be prominently displayed and how couponing is allowable; WAC 314-10-030 identifies requirements for licensees with vending machines which dispense tobacco products as to placement, display of licenses, and notification to the board as to placement or location of individual vending machines; WAC 314-10-040 allows the sale of tobacco products by individuals who meet the employment requirements set by the Department of Labor and Industries; WAC 314-10-050 specifies the type of identification which may be used as proof of age for the purchase of tobacco products; WAC 314-10-060 explains when a peace officer or board enforcement officer may detain someone attempting to purchase tobacco products in order to ascertain age and also provides for the seizure of tobacco products held by someone under age 18; WAC 314-10-070 prohibits sales of cigarettes not in the original, unopened packages or containers or in containers without proper tax stamps; WAC 314-10-080 prohibits parents or guardians from giving permission for a person under 18 years of age to purchase or obtain tobacco products; WAC 314-10-090 explains the licenses for tobacco sampling and sets fees; WAC 314-10-100 details the samplers license, reporting requirements and how sampling may be conducted; WAC 314-10-110 explains suspension procedures as to what activities may and may not be performed during suspension periods.

This summary explains the rule, its purpose and anticipated effects on an individual basis.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, WA 98504, 586-6701; **Implementation and Enforcement:** Gary W. Gilbert, 1025 East Union, Olympia, WA 98504, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

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

Proposal does not change existing rules.

Note: These rules will replace emergency rules adopted July 14, 1993, to facilitate July 25, 1993, effective date.

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

Hearing Location: Washington State Liquor Control Board, Board Room, Fifth Floor, Capital Plaza Building, 1025 East Union, Olympia, WA, on October 27, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Information Officer, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (206) 753-2710, by October 26, 1993.

Date of Intended Adoption: October 27, 1993.

September 21, 1993

Mike Murphy
Board Member

NEW SECTION

WAC 314-10-010 General—Liquor control board responsibilities. (1) The Liquor Control Board shall regulate all sales and distribution of tobacco products pursuant to Chapter 507, Laws of 1993. The Liquor Control Board shall report all tobacco enforcement activity in a manner agreed by the Department of Health and the Liquor Control Board on a quarterly basis or as set forth in the interagency agreement.

NEW SECTION

WAC 314-10-020 General—Applicable to all tobacco license holders. (1) All persons who hold a tobacco license as authorized by RCW 82.24.520 or 82.24.530 will:

(a) Display the license or a copy of the license in a prominent location at the business where tobacco products are sold,

(b) Display the license in a conspicuous place on the vending machine, and

(c) Display a sign or signs provided by the Liquor Control Board concerning the prohibition of tobacco sales to persons under 18 years of age in a manner that allows the sign to be clearly visible to anyone purchasing tobacco products from the licensee at the point of purchase.

(d) Display a sign of the licensee's design, not less than three inches by five inches in size, with the language: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOUR COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED."

(2) No one is allowed to give or distribute cigarettes or other tobacco products to another person by coupon unless the coupon redemption requires an in-person transaction in a retail store.

NEW SECTION

WAC 314-10-030 Tobacco mechanical dispensing machines—Licensees without a liquor license—Records.

(1) Tobacco licensees who do not hold a liquor license and use a mechanical dispensing machine (vending machine) must provide to the Board a listing denoting the address and specific location of each tobacco vending machine.

(2) The tobacco licensee with a vending machine(s) must notify the Board in writing of any new proposed location(s) for a tobacco vending machine 10 working days in advance of the move.

(3) Vending machines which are capable of dispensing or storing tobacco products may only be located in establishments where minors are prohibited, or in industrial worksites where minors are not employed in such locations. The vending machines used to dispense or store tobacco products must be located at least 10 feet from each entrance and/or exit.

NEW SECTION

WAC 314-10-040 Employees under 18 allowed to sell and handle tobacco products. Employers holding a cigarette retailers license issued under RCW 82.24.500 may allow employees of any age to sell tobacco products provided their employees meet the age employment requirements

set by the Department of Labor and Industries (RCW 26.28.060 and WAC 296-125-018).

NEW SECTION

WAC 314-10-050 Sales to persons under 18 years of age. (1) No person may sell or give or in any way provide tobacco products to any person under 18 years of age.

(2) Any person attempting to purchase tobacco products must present identification to show he/she is at least 18 years of age upon the request of any tobacco licensee, employee of a tobacco licensee or enforcement officer as defined by RCW 7.80.040.

(3) All identification used to prove age must be officially issued and contain the bearer's age, signature and photograph. The only forms of identification which are acceptable as proof of age for the purchase of tobacco products are:

(a) A liquor control authority card of identification issued by a state of the United States or province of Canada,

(b) A driver's license, instruction permit or identification card issued by a state of the United States or province of Canada,

(c) A United State military identification card,

(d) A passport, or

(e) A merchant marine identification card issued by the United States Coast Guard.

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 314-10-060 Persons under 18 years old attempting to purchase/obtaining tobacco products. (1)

Any person whom a peace officer or enforcement officer has reasonable grounds to believe is under 18 years of age who purchases or attempts to purchase, or attempts to obtain or obtains tobacco products may be detained for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. A person under 18 years of age who is cited for attempting to purchase or purchasing tobacco products is subject to a fine as set by 7.80 RCW or participation in a smoking cessation program or both.

(a) This provision does not apply to a person under the age of 18 who, with parental authorization, is participating in a controlled purchase as a part of a liquor control board, law enforcement, or local health department activity.

(2) Tobacco products possessed by persons under the age of eighteen years are considered contraband and may be seized by an enforcement officer as defined in RCW 7.80.040.

NEW SECTION

WAC 314-10-070 Packaging. (1) All cigarettes must be sold in the manufacturer's original, unopened package or container with proper tax stamps attached as required by RCW 82.24.060. Any sale of cigarettes in other than the original container is a violation of this title.

NEW SECTION

WAC 314-10-080 Parents and guardians may not provide tobacco. No person, including parents or legal guardians of persons under 18 years of age may authorize any minor to purchase or obtain tobacco products.

NEW SECTION

WAC 314-10-090 Tobacco sampling—Licenses. (1) No person may engage in providing tobacco samples within Washington State without a valid sampler's license. A firm contracting with a tobacco manufacturer to distribute samples of a manufacturer's product is deemed to be the person engaged in the business of sampling. The Liquor Control Board will issue any sampler's licenses.

(2) The annual fee for a manufacturer's samplers license within the state is \$500 and is designated a class T1 license. The fee for independent businesses that provide samples of tobacco products is \$50 and is designated a class T2 license. All sampler's licenses expire on the 30th day of June each year and must be renewed annually.

NEW SECTION

WAC 314-10-100 Samplers license—Distribution of tobacco products. (1) The sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. The person engaged in sampling shall carry the Class T1 or T2 license or a copy of the license at all times and produce same at the request of an enforcement officer as defined in RCW 7.80.040.

(2) No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to:

(a) An area to which persons under 18 years of age are denied admission,

(b) A store or concession to which a cigarette retailers license has been issued, or

(c) At or adjacent to a production, repair or outdoor construction site or facility.

(3) Notwithstanding (2) above, no person may distribute or offer to distribute samples within or on a public street, sidewalk, or park that is within 500 feet of a playground, school, or other facility where that facility is being used primarily by persons under 18 years of age for recreational, educational or other purposes.

(4) Class T1 and T2 licensees shall provide the Board, upon request, the locations, dates and times sampling activities will take place.

(5) All T1 and T2 licensees must provide to the Department of Health, in a format prescribed by the department, a listing of the location, date, hours and quantities of tobacco products distributed in the state for the previous six months.

(a) A report for the period covering January 1st through June 30th of each year is due by no later than July 31st of each year.

(b) A report for the period covering July 1st through December 31st is due by no later than January 30th of the immediately following year.

(c) The Board may take administrative action against any tobacco sampler who fails to submit the required reports to the Department of Health.

NEW SECTION

WAC 314-10-110 Penalties, suspension notices, posting or advertising of—Other closing notices prohibited. (1) The liquor control board may suspend or revoke a retailer's or sampler's license for violation of the board's administrative rules governing tobacco. Further, the board may impose a monetary penalty in lieu of license suspension for violation of said rules.

(2) Licensees are required to maintain compliance with all tobacco laws and regulations during any period of suspension. Whenever the board shall suspend the license of any licensee, the board shall on the date the suspension becomes effective cause to be posted in a conspicuous place on or about the licensed premises a notice in a form to be prescribed by the board, stating that the license or licenses have been suspended by order of the board because of violation of the Washington State laws or the regulations.

(3) During the period of suspension:

(a) No person shall remove, alter, cover, or in any way disturb the posted notice(s) of suspension;

(b) No person shall place, permit or allow to be placed in, at, or upon the licensed premises, any notice or statement of reasons or purpose indicating that the premises have been closed or that sale of tobacco products has been discontinued for any reason other than as stated in the notice of suspension; PROVIDED FURTHER, that the prohibition of this subsection shall apply to any nearby or adjacent property, such as a parking lot area that is owned by or under the control of the licensee.

(c) Neither the licensee nor his/her or its employees shall advertise, either by newspaper, radio, television, handbill, brochure, flyer or by any means whatever, that the licensed premises are closed or discontinuing the sale of tobacco products for any reason(s) other than those stated in the Board's suspension notices.

(4) A tobacco licensee may operate the business during the period of suspension provided there is no sale of tobacco products.

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 93-19-124**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed September 21, 1993, 2:11 p.m.]

Original Notice.

Title of Rule: Chapter 16-316 WAC.

Purpose: To clarify small grain and other crop certification field and seed inspection rules.

Statutory Authority for Adoption: Chapter 15.49 RCW, Seeds.

Statute Being Implemented: Chapter 15.49 RCW, Seeds.

Summary: Amendments clarify small grain and other crop certification field and seed inspection rules.

Reasons Supporting Proposal: Amendments will meet current certification and marketing needs of certified seed grain producers and dealers, and to conform to standards of adjacent state programs.

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

Name of Proponent: Washington State Crop Improvement Association, 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 amendments will clarify small grain and other crop certification field and seed inspection rules, meet current certification and marketing needs of certified seed grain producers and dealers, and allow Washington state to conform to standards of adjacent state programs.

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: Agriculture Service Center Conference Room, 2015 South First Street, Yakima, WA 98903, on October 26, 1993, at 1:30 p.m.

Submit Written Comments to: Max Long, Washington State Department of Agriculture, 2015 South First Street, Yakima, WA 98903, by October 26, 1993.

Date of Intended Adoption: November 16, 1993.
September 21, 1993
K. Diane Dolstad
Assistant Director

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-470 Buckwheat, chick pea, field pea, lentil, millet, soybean, sorghum and small grains seed certification standards. The general seed certification standards are basic and together with the following specific standards constitute the standards for seed certification of buckwheat, chick pea (garbanzo beans), field pea, lentil, millet, soybean, sorghum, and small grains.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-474 Buckwheat—Chick pea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chick pea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

- (2) Due dates:
 - (a) Buckwheat - June 1
 - (b) Field pea - June 1
 - ~~((b))~~ (c) Chickpea - June 1
 - (d) Lentil - June 1

- ~~((e))~~ (e) Millet - June 1
- (f) Soybean - July 1
- ~~((d))~~ (g) Sorghum - July 15
- ~~((e))~~ (h) Small grains - June 1 for both winter varieties and spring varieties.
- ~~((f))~~ (i) After due date, an application with late application fee may be accepted for service.
- (3) Fees:
 - (a) Application fee per variety per grower . . . \$15.00
 - (b) Field inspection fee per acre except millet and hybrid sorghum \$ 2.10
 - (c) Millet - first acre \$25.00
 - each additional acre \$ 5.00
 - (d) Hybrid sorghum - first acre \$25.00
 - each additional acre \$10.00
 - (e) Special field inspection fee per acre \$ 2.00
 - ~~((d))~~ (f) Late application fee \$15.00
 - ~~((e))~~ (g) Reinspection fee \$30.00minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$30.00.

~~((f))~~ (h) Final certification fee \$ 0.19 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$ 0.10 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

~~((g))~~ (i) Sampling fee \$ 0.10 per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

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

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

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-525 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed.

Kind	Variety
Barley, spring	Belford, Camelot (P), Columbia (P), Cougar, <u>Crest</u> , Crystal, Exel, Gallatin, Harrington, Klages, Horsford, Menuet (P), <u>Melody (P)</u> , <u>Meltan (P)</u> , Nancy (P), Russell, Steptoe, <u>Baronesse (P)</u> , WestBred Gustoe (P), WestBred Medallion (P), WestBred Sprinter (P), Whitford (P)
<u>Chickpea</u>	<u>Sara</u>
Barley, winter	Boyer, Hundred, Kamiak, Showin

<u>Buckwheat, spring</u>	<u>Manor, Mancan</u>
<u>Field pea</u>	<u>Garfield, Latah</u>
<u>Lentil</u>	<u>Brewer, Crimson, Red Chief</u>
<u>Oat, spring</u>	<u>Monida, Otana, Park,</u>
<u>Rye, winter</u>	<u>Puma, Rymin</u>
<u>Wheat, spring</u>	<u>Butte 86, Centenial, Dirkwin, Edwall, Fielder, Nomad (P), Owens, Penawawa, Spillman, Treasure, Wadual, Wakanz, Wampum, WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), WestBred Express (P), WestBred Sprite, Yecora Rojo</u>
<u>Wheat, winter</u>	<u>Andrews, Basin (P), Batum, Blizzard, Buchanan, Cashup (P), Daws, ((Dusty)) Eltan, Hatton, Hill-81, Hyak, John, Kmor, Lewjain, Madsen, Malcolm, Moro, Nugaines, Rely, Rod, Sprague, Stephens, Syringa, Tres, Tye, Weston</u>
<u>Triticale, spring</u>	<u>Juan, Victoria, Grace</u>
<u>Triticale, winter</u>	<u>Flora, XR066A (P), Stan I (P), Whitman</u>

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-572 Certifying agency issuance of certificate. The issuance by Washington State Crop Improvement Association, ~~((the,))~~ the certifying agency, of a certified seed label or certificate for a lot of seed affirms solely that such seed properly identified by a dealer, grower, or distributor, has been subjected to the seed certification standards and procedures implemented by ~~((Washington State Crop Improvement Association, Inc.))~~ the certifying agency, and that ~~((Washington State Crop Improvement Association, Inc.))~~ the certifying agency has acted in accordance with ~~((those))~~ such standards and procedures ~~((established for seed certification)).~~

The standards and procedures do not provide for inspection of each plant or all areas in a grower's field. Therefore, seed that is certified may contain contaminants, even though the certifying agency has properly subjected the seed to the officially accepted standards and procedures. Furthermore, during harvest, storage, transportation, and the conditioning process, activities beyond the control of the certifying agency may interfere with the seeds' purity.

The seed grower is required to have knowledge of the officially accepted standards and procedures for certification. The seed grower is responsible to maintain the purity and identity of seed harvested and/or farm stored.

The seed conditioner is responsible for and required to have knowledge of the officially accepted standards and procedures, including the standards and procedures for conditioning, sampling, and final certification. It is the conditioner's responsibility to maintain the purity and identity of seed conditioned, stored, transhipped, or labeled.

The issuance of a certified seed label or certificate for a lot of seed neither warrants that any other person or entity has acted in accordance with such standards and procedures, nor constitutes any other warranty, express or implied, with respect to yield, quality, incidence of off-types or other contaminating seeds, or tolerance to diseases, insects, or growing conditions, or any other characteristics of the seed.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-701 Definitions of terms for standards.

(1) "Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

(2) "Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same crop kind).

(3) "Field standards" means the tolerances permitted as determined by established field inspection procedures.

(4) "Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

(5) "Tolerances stated as 'none found', or 'no' or 'zero'" means none found as determined by established inspection procedures.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-715 Miscellaneous field and seed inspection standards. (1) The field inspection will be made:

(a) For field pea and chick pea (garbanzo bean)- when seedcrop is in full bloom and at maturity;

(b) For lentil - when seedcrop is in full bloom and at maturity;

(c) For soybean - when seedcrop is in full bloom and/or of mature color;

(d) For open pollinated sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;

(e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color.

(f) For small grains - when seedcrop is fully headed and of mature color.

(g) For millet - one inspection during bloom and one inspection after seed begins to show mature color.

(h) For buckwheat - one inspection when seedcrop is in full bloom.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Fields rejected for jointed goatgrass at first inspection are not

eligible for reinspection and shall remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure shall include the following:

(a) Each grower shall develop a reclamation plan for his/her affected fields. Such a plan shall be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. Such plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with such program does not assure eligibility for the production of certified classes of small grain seed. Such eligibility shall be based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration shall be three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields shall be conducted by the Washington State Crop Improvement Association (WSCIA) during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections shall be conducted by WSCIA.

(e) Should jointed goatgrass be found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program shall be determined to be unsuccessful or the field shall be declared ineligible and the rehabilitation and inspection program for that field shall begin again at year one of the procedure.

(4) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(5) Germination minimum refers to germination when sampled.

(6) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

(7) Concerning wild oat, isolated patches and borders must be removed or clearly marked so as to avoid harvesting with the rest of the field. If rejected, a reinspection will be necessary to assure clean-up efforts have been satisfactory. Spot checks will occur on fields where heavy patches or contaminated borders were noted. Harvesting these areas with the rest of the field will be cause for rejection of the entire field.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-717 Field pea standards. (1) Field pea - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	5*	100**	None found	None found***
Registered	3*	100**	10	None found***
Certified	2*	25**	20	None found***

** Reduce to three feet from fields producing a certified class of the same variety. In addition, each field pea field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed field pea seedcrop, the planting of small grain between field pea fields, except for three feet of isolation, is recommended.

* Also required is minimum number of years the following crop kinds were out of production.

	NUMBER OF YEARS MINIMUM
Foundation	10
Registered	10
Certified	10

*** No Austrian pea or rye is permitted.

(2) Field pea - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	99.00	1.00	None <u>found</u>	None <u>found</u>	85
Registered	None <u>found</u>	99.00	1.00	None <u>found</u>	0.25**	85
Certified	1	99.00	1.00	3*	0.25**	85

* No Austrian pea or rye is permitted.

** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED
MAXIMUM

Registered	1/lb
Certified	2/lb

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-719 Lentil standards. (1) Lentil - land, isolation, and field standards.

CLASS	LAND	ISOLATION	FIELD	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	5	100*	None found	None found
Registered	4	100*	10	10**
Certified	3	25*	20	20**

* Reduce to three feet from fields producing a certified class of the same variety. In addition, each lentil field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed lentil seedcrop, the planting of small grain between lentil fields, except for three feet of isolation, is recommended.

** Refers to barley and vetch, each.

(2) Lentil - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	99.00*	1.00*	None <u>found</u>	None <u>found</u>	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05**	85.00

* A total of three percent inert matter will be allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.

** No vetch is permitted.

*** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED
MAXIMUM

Registered	1/lb
Certified	2/lb

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-721 Soybean standards. (1) Soybean - land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM %	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*		0.10	—
Registered	1*	3	0.01	—
Certified	1*		0.20	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Soybean - seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM SEEDS/LB	GERMINATION MINIMUM %
Foundation	0.10	98.00	2.00	None found	None found	85.00
Registered	0.20	98.00	2.00	None found	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

NEW SECTION

WAC 16-316-722 Hybrid sorghum standards. (1) Hybrid sorghum - land, isolation, and field standards:

Class	Land Standards Minimum Years (b)	Isolation Standards Minimum Feet	Field Standards		
			Pollen Shedding By Seed Parent Maximum At Any One Inspection	Other Varieties And/Or Off-Type (a)	
				Definite	Doubtful
Foundation (**)	1	990	1:3,000	1:50,000	1:20,000
Certified	1	660	1:1,500	1:20,000	1: 1,000

(2) Hybrid sorghum seed standards:

Class	Off-Type Max. Seeds/Lb.	Pure Seed Min. %	Inert Max. %	Other Crop Max. Seeds/Lb.	Weed Max. %	Germination Min. %
Foundation	2	98.00	2.00	2	0.10	85
Certified	10	98.00	2.00	10	0.10	85

(**) Pollinator Lines: B = Maintainer, R = Restorer

(a) If off-type plants are found at the time of inspection, all seed heads within a radius of five feet of these plants shall be removed from the field before the field is approved.

(b) Hybrid sorghum will not be eligible for certification if planted on land which grew sorghum the previous year unless:

(i) The preceding sorghum crop was the same variety and was inspected and approved for the same or higher certification classification; or

(ii) The preceding sorghum crop was a variety which differs substantially in plant growth characteristics from the variety planted. However, grain type sorghum or sweet sorghum will not be eligible for certification if planted on land which grew grass type sorghum the previous year.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-723 Open pollinated sorghum standards. (1) Open pollinated sorghum - land, isolation and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS***	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM RATIO	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	1,000**	None <u>found</u>	—
Registered	1*	1,000**	1 head/50,000	—
Certified	1*	1,000**	1 head/20,000	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to fields of other varieties or same variety which does not meet tolerance of off-types.

*** Other tolerances for field standards:

	JOHNSONGRASS MAXIMUM	HEAD SMUT MAXIMUM	KERNEL SMUT MAXIMUM
Foundation	None <u>found</u>	None <u>found</u>	None <u>found</u>
Registered	None <u>found</u>	None <u>found</u>	None <u>found</u>
Certified	None <u>found</u>	1 head/10,000	1 head/2,500

(2) Open pollinated sorghum - seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	97.00	3.00**	None <u>found</u>	0.10	80.00
Registered	None <u>found</u>	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

* Or two seeds per pound.

** Where two percent or more is cracked.

*** Or ten seeds per pound.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-727 Chick pea standards. (1) Chick pea - land, isolation, and field standards:

CLASS	LAND MINIMUM YEARS***	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE	ASCOCHYTA BLIGHT
Foundation	3	100*	None <u>found</u>	None <u>found</u> **	None <u>found</u>
Registered	3	100*	10	10**	None <u>found</u>
Certified	1	25*	20	20**	None <u>found</u>

*Reduce to three feet isolation from fields producing a class of certified seed of the same variety. In addition, field must be isolated from small grain fields by three feet. To prevent mechanical mixing of swathed chickpea seedcrops, the planting of small grains between fields, except for three feet isolation, is recommended.

**Refers to vetch except that no Austrian pea or rye is permitted

***Field must not have grown Austrian pea for ten years.

(2) Chick pea - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	99.00	1.00	None <u>found</u>	None <u>found</u>	85.00
Registered	None <u>found</u>	99.00	1.00	None <u>found</u>	0.25**	85.00
Certified	1	99.00	1.00	3*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.
 ** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED
 MAXIMUM

Registered Certified	1/lb 2/lb
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NEW SECTION

WAC 16-316-729 Open pollinated millet standards. (1) Open pollinated millet - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	OTHER CROP MAXIMUM
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM	
Foundation	1*	1,320	1:3,000	None found
Registered	1*	1,320	1:2,000	1:30,000
Certified	1*	660	1:1,000	1:10,000

* = Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Open pollinated millet - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	0.5	99.00	1.0	0.5	0.05	85
Registered	1	99.00	1.0	1	0.05	85
Certified	3	99.00	1.0	3	0.10	85

NEW SECTION

WAC 16-316-731 Buckwheat standards. (1) Buckwheat - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	OTHER CROP MAXIMUM
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM	
Foundation	2*	2,640	1:10,000	None found
Registered	1*	1,320	1: 5,000	1:30,000
Certified	1*	660	1: 2,000	1:10,000

* = Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Buckwheat - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	0.5	99.0	1.0	0.5	0.05	85
Registered	1	99.0	1.0	1	0.05	85
Certified	3	99.0	1.0	3	0.10	85

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-316-724 Small grains standards. (1) Small grains (barley, oat, rye, triticale, wheat) - land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS		
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	1*	90**	None <u>found</u>	None <u>found</u> ***	None <u>found</u>
Registered	1*	3**	1/148,000	1/148,000***	<u>5</u>
Certified	1*	3**	1/49,000	1/49,000***	<u>5</u>

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless otherwise stated by plant breeder.

*** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains - seed standards:

CLASS	OTHER SMALL GRAINS AND/OR OFF-TYPE MAXIMUM (1) SEEDS/LB	PURE SEED MINIMUM (2) %	INERT MAXIMUM %	OTHER CROP MAXIMUM (3) %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	98.00	2.00	None <u>found</u>	0.01**	85.00
Registered	2	98.00	2.00	0.03((±))	0.01**	85.00
Certified	4	98.00	2.00	0.05((±))	0.03**	85.00

No rye, vetch, or triticale is permitted in barley, oat or wheat; no rye or vetch is permitted in triticale; no vetch or triticale is permitted in rye.

(1) Based on 500 grams examined.

(2) Based on 100 grams examined.

(3) Excluding off-types and other small grains.

NOTE: For all classes the purity analysis shall be based on 100 grams examined. For Registered and Certified classes, noxious weed, vetch, off-type, and other small grain determinations shall be based on 500 grams examined. For Foundation class, noxious weed, vetch, off-type, and other small grain determinations shall be based on two pounds examined.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None <u>found</u>	None <u>found</u>
Registered	None <u>found</u>	None <u>found</u>
Certified	1/lb	None <u>found</u> , except 1/lb in oat

**WSR 93-19-130
WITHDRAWAL OF PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed September 21, 1993, 4:02 p.m.]

The Public Disclosure Commission hereby withdraws WAC 390-17-065 Record keeping and reporting filed with your office on September 17, 1993, as WSR 93-19-104.

Karen M. Copeland
Administrative Officer

**WSR 93-19-131
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed September 21, 1993, 4:03 p.m.]

Original Notice.

Title of Rule: New WAC 390-17-065 Record keeping and reporting.

Purpose: Establish record keeping and reporting requirements for the exempt contributions permitted by RCW 42.17.630 (5)(b) and defined by WAC 390-17-060.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: Requires that exempt contributions be placed in a separate campaign account and be reported separately; presumes that any exempt contributions commingled with nonexempt funds are subject to applicable limits; requires contributors to use separate written instruments to make donations to exempt and nonexempt accounts.

Reasons Supporting Proposal: Necessary for implementation of Initiative 134.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, Attorney General, Olympia, 586-1913; Implementation and Enforcement: David R. Clark, Public Disclosure Commission, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Maintains maximum separation between contributions that are subject to limits and those that are not in order to minimize confusion and inadvertent violations of contribution limits.

Proposal does not change existing rules.

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

Hearing Location: Evergreen Plaza Building, Second Floor Conference Room, 711 Capitol Way, Olympia, WA, on October 26, 1993, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by October 10, 1993.

Date of Intended Adoption: October 26, 1993.

September 21, 1993
David R. Clark
Acting Executive Director

NEW SECTION

WAC 390-17-065 Record keeping and reporting. (1)

Any political committee that receives exempt contributions as defined by RCW 42.17.630 (5)(b)(iv) or (vi) and WAC 390-17-060 shall keep the contributions in a separate bank account. Exempt contributions commingled with contributions subject to contribution limits are presumed to be subject to the limits. Expenditures to promote candidates or which are made for purposes other than those specified in RCW 42.17.630 (5)(b)(iv) or (vi) shall not be made with funds from the exempt contributions account.

(2)(a) Separate campaign disclosure reports shall be completed and filed for an exempt contributions account.

(b) Political committees maintaining an exempt contributions account shall make known the existence of the account by filing a statement of organization for the account pursuant to RCW 42.17.040.

(c) Political committees maintaining an exempt contributions account shall be subject to the provisions of chapter 42.17 RCW and file the disclosure reports required by this chapter for the account. Pursuant to RCW 42.17.080, the C-3 and C-4 reports of an exempt contributions account are due on the 10th of the month if contributions received by or expenditure made from the exempt contributions account exceed \$200 during the reporting period.

(3) Contributors shall not use a single written instrument to make simultaneous contributions to an exempt contributions account and any other committee account; separate written instruments must be used to make contributions to an exempt contributions account.

**WSR 93-19-133
PROPOSED RULES
LOTTERY COMMISSION**

[Filed September 22, 1993, 8:26 a.m.]

Original Notice.

Title of Rule: New WAC 315-11A-110 Instant Game Number 110 ("Instant Cash"), 315-11A-111 Instant Game Number 111 ("Monopoly"), 315-11A-112 Instant Game Number 112 ("Cash Cow"), 315-11A-113 Instant Game Number 113 ("Tumbling Dice"); and amending WAC 315-06-125 Debts owed the state.

Purpose: To establish the game play rules and criteria for determining the winners of Instant Game Nos. 110 (Instant Cash), 111 (Monopoly), 112 (Cash Cow), and 113 (Tumbling Dice); and to amend WAC 315-06-125 to include debts from the state Department of Revenue in the prize validation process.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeffery Burkhardt, Rules Coordinator, Olympia, 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-110, 315-11A-111, 315-11A-112, and 315-11A-113 for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: WAC 315-06-125 is amended to include the state Department of Revenue in the lottery debt collection process.

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

The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games. The rules will have negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedures and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, 5963 Corson Avenue South, Suite 106, Seattle, WA 98108-2611, on November 5, 1993, at 10:00 a.m.

Submit Written Comments to: Jeff Burkhardt, P.O. Box 43025, Olympia, WA 98504-3025, by November 4, 1993.

Date of Intended Adoption: November 5, 1993.

September 21, 1993
Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11A-110 Instant Game Number 110 ("Instant Cash"). (1) Definitions for Instant Game Number 110.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "9." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 110, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR

5	FIV
6	SIX
9	NIN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$6.00," "\$12.00," "\$40.00," and "\$1,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 110, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 6.00	SIX DOL
\$ 12.00	TLV DOL
\$ 40.00	\$FORTY\$
\$ 1,000	ONETHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 11000001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 110 constitute the "pack number" which starts at 11000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 110, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
FOR	\$ 4.00 (\$4; \$2, \$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2, \$1 AND \$1; \$6)
TLV	\$ 12.00 (\$6 AND \$6; \$12)
EGN	\$ 18.00 (\$12 AND \$6; \$6, \$6, AND \$6)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 110.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching

play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 110 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 110; and/or

(ii) Vary the number of tickets sold in Instant Game Number 110 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 110.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 110 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-111 Instant Game Number 111 ("Monopoly"). (1) Definitions for Instant Game Number 111.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "9," "NO," and "GO." One of these play symbols appears in each of the five play spots and in the Bonus Box under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 111, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
NO	NO
GO	GO

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$7.00," "\$21.00," "\$50.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 111, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 7.00	SVN DOL
\$ 21.00	TTN DOL
\$ 50.00	\$FIFTY\$
\$ 5,000	FIVTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 11100001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 111 constitute the "pack number" which starts at 11100001; the last three digits constitute the "ticket number" which

starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 111, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00 (\$1)
FOR	\$ 4.00 (\$2, \$2; \$1, \$1, \$1 AND \$1)
SVN	\$ 7.00 (\$2, \$2, \$2 AND \$1; \$7)
ELV	\$ 11.00 (\$7, \$2, AND \$2)
TTN	\$ 21.00 (\$21; \$7, \$7, AND \$7)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 111.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any one of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(iii) There shall be a latex covered area labeled "Bonus Box" contiguous to the play area. If the play symbol "GO" appears in the Bonus Box, the bearer of the ticket shall be entitled to \$200.00.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 111 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 111; and/or

(ii) Vary the number of tickets sold in Instant Game Number 111 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 111.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 111 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.


(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-112 Instant Game Number 112 ("Cash Cow"). (1) Definitions for Instant Game Number 112.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "9," and "." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 112, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
	COW

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$3.00," "\$6.00," "\$12.00," "\$18.00," "\$40.00," "\$80.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 112, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 6.00	SIX DOL
\$ 12.00	TLV DOL
\$ 18.00	EGN DOL
\$ 40.00	\$FORTY\$
\$ 80.00	\$EIGHTY
\$ 5,000	FIVTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 11200001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 112 constitute the "pack number" which starts at 11200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 112, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
THR	\$ 3.00 (\$3; \$1, \$1, AND \$1)
SIX	\$ 6.00 (\$3, \$1, \$1, AND \$1; \$3 AND \$3; \$6)
TLV	\$ 12.00 (\$6 AND \$6; \$12)
EGN	\$ 18.00 (\$12 AND \$6; \$18)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 112.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) When a "🍀" symbol appears among the play symbols, the bearer of the ticket shall win the prize which appears below the "🍀" symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 112 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 112; and/or

(ii) Vary the number of tickets sold in Instant Game Number 112 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 112.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 112, all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-113 Instant Game Number 113 ("Tumbling Dice"). (1) Definitions for Instant Game Number 113.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," and "6." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 113, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$3.00," "\$5.00," "\$16.00," "\$50.00," "\$500.00," and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 113, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 16.00	SXT DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	FIVHUND
\$ 10,000	TENTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 11300001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 113 constitute the "pack number" which starts at 11300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the

front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 113, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
THR	\$ 3.00 (\$3, \$1, \$1, AND \$1)
FIV	\$ 5.00 (\$3, \$1, AND \$1; \$5)
EGT	\$ 8.00 (\$5, \$1, \$1, AND \$1; \$5 AND \$3)
SXT	\$ 16.00 (\$5, \$5, \$5, AND \$1; \$16)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 113.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 113 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 113; and/or

(ii) Vary the number of tickets sold in Instant Game Number 113 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 113.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 113 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 93-11-056, filed 5/12/93, effective 6/12/93)

WAC 315-06-125 Debts owed the state. (1) The terms used in RCW 67.70.255 and these regulations are defined as follows:

(a) Creditor - Any state agency or political subdivision of this state that maintains records of debts owed to the state or political subdivision, or that the state is authorized to enforce or collect.

(b) Debt - A judgment rendered by a court of competent jurisdiction or final and conclusive obligations established pursuant to RCW 50.20.190, 51.32.240, 51.48.140, 74.04.300, 74.20A.040, ((and)) 74.20A.055 and Title 82 RCW or administrative orders as defined in RCW 50.24.110, 51.32.240, 51.48.150, and 74.20A.020(6).

(c) State - The state of Washington.

(d) Two working days - Two days not to include Saturdays, Sundays, and holidays as defined in RCW 1.16.050 commencing the day following the date the claim was validated by the lottery.

(e) Verification - A facsimile or photo copy of a judgment or final order received by the lottery during the requisite two working day period.

(f) Individual - A natural person.

(2) Any creditor may submit, to the lottery, in a format specified by the director, data processing tapes containing debt information specified by the director. Tapes which do not contain the required information or are not in the proper format will be returned to the creditor. The creditor submitting debt information tapes shall provide replacement tapes on a regular basis at intervals not to exceed one month or less than one week. The creditor shall be solely responsible for the accuracy of the information contained therein.

(3) Creditors submitting data processing tapes to the lottery shall also submit the name or names of designated contact persons.

(4) The lottery shall include the debt information submitted by the creditor in its validation and prize payment process. The lottery shall delay payment of a prize, exceeding six hundred dollars, for a period not to exceed two working days, to any individual prize winner or to any other prize winner which has an individual holding a direct or indirect interest in the prize winner, and who owes a debt to a creditor pursuant to the information submitted in subsection (2) of this section. The lottery shall make a reasonable attempt to contact the creditor's designated contact person(s) by phone, followed by written correspondence, to verify the debt. Three phone calls, excluding busy signals, shall constitute a reasonable attempt. The prize shall be paid to the prize winner if the debt is not verified by the submitting creditor within two working days. If the debt is verified, the prize shall be disbursed pursuant to subsection (9) of this section.

(5) It shall be the obligation of the prize winner to provide the lottery with the names, Social Security numbers, and percentage interests of the individuals who collectively hold one hundred percent of the interest in the prize.

(6) Where an individual holds an interest in a prize claimed by another individual, the lottery must be informed of that interest, its percentage and the Social Security number (SSN) of the nonclaimant individual who holds the interest, prior to the validation and prize payment process described herein; otherwise, the Social Security number of the claimant individual and the full net amount of the prize will be used in completing the processing required under this section.

(7) Where the right to payment to an individual who holds an interest in a prize winner is discretionary with a third party or is contingent, the tax ID number of the prize winner shall be used in completing the processing required under this section, rather than the Social Security number of said individual.

(8) A creditor shall verify the debt by submitting to the lottery at lottery headquarters in Olympia, Washington within the requisite two working day period, a facsimile or photocopy of a judgment or final order which is the basis for the debt.

(9) Prior to disbursement, any verified debts owed to a creditor by the individual winner of any lottery prize exceeding six hundred dollars or by an individual holding more than a six hundred dollar interest in a prize winner shall be set off against the prize owing to the individual or against the proportionate interest of the individual in the prize winner. In the event a prize winner or an individual holding more than a six hundred dollar interest in a prize winner owes debts to more than one creditor, and the total prize to that winner or individual is insufficient to pay all debts, the set off shall be paid to the creditors on a pro rata basis based on the amount of debt owed to each creditor unless priority is established by statute.

WSR 93-19-140
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed September 22, 1993, 10:02 a.m.]

Original Notice.

Title of Rule: Chapter 296-46 WAC, Installing electric wires and equipment; chapter 296-401 WAC, Certification of competency for journeyman electricians; and chapter 296-47 WAC, Electrical wiring and apparatus.

Purpose: Proposed additions to chapter 296-46 WAC define industrial control panels and inspection methods of those panels. Proposed additions to chapter 296-401 WAC create continuing education requirements for electricians and changes the renewal period for electricians from two to three years. Chapter 296-47 WAC would be repealed.

Statutory Authority for Adoption: For WAC 296-46-670 is RCW 19.28.010, 19.28.060, 19.28.210 and 19.28.250; for WAC 296-401-163 and 296-401-165 is RCW 19.28.550; for WAC 296-401-175 is RCW 19.28.060, 19.28.550 and 19.28.600; and for chapter 296-47 WAC is RCW 19.28.010.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: Proposed additions to chapter 296-46 WAC define the locations and use of industrial control panels and the means by which they will be determined to meet the minimum electrical safety standards. Proposed additions to chapter 296-401 WAC define continuing education requirements for electricians and adjusts the renewal period for electricians to coincide with the three year code adoption cycle. Chapter 296-47 WAC would be repealed as the adoption of each currently published national electrical code edition is addressed in existing WAC rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roland LeVasseur, 7273 Linderson Way S.W., Tumwater, WA, (206) 956-5249.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The addition of WAC 296-46-670 defines industrial control panels and sets up procedures for identification and inspection. The anticipated effect will be that of clearly defined methods for ensuring that industrial control panels meet minimum electrical safety standards. The addition of WAC 296-401-163 creates the process for establishing and managing a continuing education program for electricians. The anticipated effect will be that electricians will receive training on code updates and new technology. Changes to WAC 296-401-165 extend the renewal period for electricians to three years with renewal contingent upon completing the required continuing education courses. The anticipated effect will be that renewals will more closely coincide with the national electrical code adoption cycle. WAC 296-401-175(1) would be changed to reflect the renewal period being extended from twenty four months to thirty six months plus the \$20.00 fee for the additional twelve months. WAC 296-401-175(2) would be changed to reflect the new double fee amount. This proposed rule would repeal chapter 296-47 WAC as the rule relates to only the 1959 National Electrical Code. Through the rule adoption process, the 1993 National Electrical Code was adopted in the existing WAC rule,

making chapter 296-47 WAC unnecessary. Proposed changes to WAC 296-401-165 moves the renewal period for electricians from two to three years and then only when the requisite eight hours per year continuing education have been met. Eight of the total hours must be in code related courses. Proposed changes to WAC 296-401-175 addresses the additional yearly fee imposed for renewal from the twenty four month period to a thirty six month period.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Proposed amendments to rule: Chapter 296-46 WAC, Installing electric wires and equipment, addition of WAC 296-46-670 Definitions; chapter 296-401 WAC, Certification of competency of journeyman electricians; addition of WAC 296-401-163 Continuing education classes, amendments to WAC 296-401-165 Issuing and renewing an electrician certificate of competency, and amendment to WAC 296-401-175 Journeyman, specialty and trainee certificate, and examination fees; chapter 296-47 WAC, Electrical wiring and apparatus, repeal entire chapter.

Regulatory Fairness Act: The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than 20 percent of all industries, or 10 percent of any one industry as determined by the Standard Industry Classification (SIC) codes, shall be reviewed to determine if there exists a proportionately higher economic burden of compliance on small businesses. Small businesses are defined as businesses having fifty or less employees.

Summary of economic analysis: WAC 296-46-670, the department has determined that the proposed rule change would have a minor or negligible economic impact on small businesses within the industries as determined by the Standard Industry Classifications (SIC) codes. It has been determined that the fees relating to the inspection of industrial control panels are covered in the current fee schedule and no new fees have been introduced, and that the proposed inspection process would have a minor and negligible economic impact. WAC 296-401-163, 296-401-165 and 296-401-175, the proposed language stipulates that continuing education would consist of a minimum of eight hours of class time in an appropriate course per year; the license renewal period for electricians would change from two years to three years; and the license renewal fees and late fees would increase minimally. It has been determined that these proposed amendments would not produce a proportionately higher economic burden on small businesses; and chapter 296-47 WAC, the repealing of this language would be administrative in nature and reduce redundant or out-dated language.

Conclusion: The department has evaluated the economic impact of the proposed rule changes in accordance with the Regulatory Fairness Act and with recommendations from the regulatory fairness task force, and concluded that the proposed amendments would have a minor or negligible economic impact on small businesses. Thus, neither a more substantive small business economic impact analysis nor a

proposal for the mitigation of an adverse economic impact is necessary.

Hearing Location: Spokane Labor and Industries Service Location, 901 North Monroe, Suite #100, on October 26, 1993, at 1:00 p.m. - 4:00 p.m.; and at Labor and Industries Headquarters Building, Room S126, 7273 Linderson Way S.W., Tumwater, on October 29, 1993, at 9:00 a.m. - 12:00 p.m.

Submit Written Comments to: Joseph A. Brewer III, Assistant Director, P.O. Box 44400, Olympia, WA 98504-4400, by October 25, 1993.

Date of Intended Adoption: December 1, 1993.

September 22, 1993

Mark O. Brown

Director

NEW SECTION

WAC 296-46-670 Definitions. (1) Definitions.

(a) RCW 19.28.005(9) "Industrial control panel" means a factory-wired or user-wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices. The panel may include disconnect means and motor branch circuit protective devices.

These assemblies are used in industrial, manufacturing, and food processing plants.

(b) "Industrial plants" do not include:

- (i) Municipal or other government facilities.
- (ii) Educational facilities or portions thereof.
- (iii) Institutional facilities or portions thereof.

(iv) Other installations not used for direct production purposes.

(c) "Manufacturing plants" do not include:

- (i) Home workshops.
- (ii) Municipal or other governmental facilities.
- (iii) Education facilities or portions thereof.
- (iv) Institutional facilities or portions thereof.

(v) Other installations not used for direct production purposes.

(d) "Food processing plants" do not include:

- (i) Restaurants.
- (ii) Farming, ranching, or dairy farm operations.

(e) "Utilization equipment" is the machine or machines and its integral components which are controlled by the "industrial control panel(s)" defined in this section.

(2) "Industrial control panels" will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing, labeling, or other indication of acceptability (including a report of field evaluation) by a testing laboratory accredited for such category of equipment by the department; or

(b) Report of field evaluation by a firm approved by the department to perform the evaluation; or

(c) Inspection by department electrical inspectors for compliance with codes and rules adopted under this chapter; or

(d) Special department inspection requested by "industrial control panel" owner or agent.

(3) "Utilization equipment" will be determined to comply with codes and rules for installation by:

(a) Listing, labeling, or other indication of acceptability (including a report of field evaluation) by a testing laboratory accredited for such category of equipment by the department; or

(b) Inspections by department electrical inspectors.

(4) Fees for special inspections by the department required under subsection (2)(d) of this section, including the time to prepare reports, will be calculated under WAC 296-46-910 (5)(n).

(5) Fees for the inspections by the department under subsections (2)(a), (b), (c) and (3)(a), (b) of this section will be included in the electrical work permit fee calculated for the installation and will not be a separate inspection fee as required under subsection (4) of this section.

(6) Requests for the special instructions under subsection (2)(d) of this section will be on department furnished forms that identify the request as an "industrial control panel" inspection.

(7) Procedures for the special inspection:

(a) The department may require that electrical power to the industrial control panel be deenergized and locked out or disconnected while performing the inspection.

(b) The department may authorize use of the industrial control panel prior to its inspection.

(c) All components of the industrial control panel shall be marked in compliance with NEC Section 110-21. The special inspection requestor shall supply a statement from the manufacturer stating the industrial control panel and its components conform to the requirements of the National Electrical Code, currently adopted Edition; chapter 296-46 WAC; and other standards currently adopted by the department and that they are safe for the intended use. This statement will be furnished to the department prior to a special inspection being performed and will become a part of the permanent special inspection file kept by the department.

(d) Deficiencies:

(i) Will be referenced by the department citing the appropriate code or rule by publication and section (it is expected that the inspector, when asked, will explain his or her interpretation of the code or rule, identifying the deficiency).

(ii) Will be required to be corrected prior to approval by the department.

(iii) Will be required to be corrected, and the department will be notified of such corrections within fifteen days of the date the deficiency was formally identified by the department; or when a longer time is requested by the customer, the department will determine an appropriate time frame consistent with the reason for the request.

The department may authorize the industrial control panel to be, or remain, energized and in service while the deficiencies are being corrected.

(e) Inspection, approval, and correction notices will be in triplicate. A copy will be given to the owner or operator of the facility and to the permittee.

NEW SECTION**WAC 296-401-163 Continuing education classes.** (1)

Each continuing education class, course, or seminar for renewal of an electrician's certificate of competency must be approved by a subcommittee of the electrical board. The subcommittee will consist of the board member representing industry, the board member representing the public, and either a board member representing labor or a board member representing the electrical contractors. The subcommittee will consist of three board members with the chief electrical inspector as an ex-officio member. The action of the subcommittee will be reported and ratified at the next regularly scheduled board meeting. Class, course, or seminar hours completed prior to approval of the class, course, or seminar by the subcommittee will not be accepted.

(2) Each continuing education class, course, or seminar application submitted for subcommittee approval must:

- (a) Be submitted on forms furnished by the department.
- (b) The forms furnished by the department will require the following:

(i) Name of class, course, or seminar and a general description and course outline of the program, and list of all text and related materials, including hours to be earned and hours of classroom instruction.

(ii) Name and address of program sponsor including a contact person.

(iii) Names of instructors and qualifications.

(iv) Copy of completion certificate or continuing education form which list:

(A) Attendee's name, address, and Social Security number.

(B) Class name, classroom hours, location, time, and dates of class.

(C) Instructor's name and signature.

(c) Consist of not less than four classroom hours of instruction; be open to monitoring by a representative of the department and/or the electrical board at no charge.

(d) Award a certificate or continuing education form, to those completing the class, course, or seminar for submittal to the department accompanying the electrician's renewal application.

(e) In order to be considered for approval, course offerings must be based upon:

(i) Currently adopted edition of the Nation Electrical Code; and/or

(ii) Currently adopted WAC rules, chapters 296-46 and 296-401 WAC; or

(iii) Materials and methods as they pertain to electrical construction, building management systems, and electrical maintenance.

(3) Application for approval of continuing education classes, courses, or seminars must be received by the department not less than forty-five days prior to the proposed first offering of the class, course, or seminar.

(4) Approval of classes, courses, or seminars will be for a period not to exceed three years and when code related must be resubmitted for approval upon adoption of a new National Electrical Code edition.

(5) All class, course, or seminar approval considered will be reviewed without supporting testimony by the applicant and will be considered on submitted information

only. The applicant will be notified within five days of the review with specific written explanation as to why, if the applicant's submittal has been rejected.

(6) Applicants wishing to appeal a decision by the subcommittee must do so not less than forty-five days prior to a regularly scheduled electrical board meeting and must furnish any additional information, for submittal to the electrical board not less than thirty days prior to the electrical board meeting scheduled to hear the appeal.

(7) Acceptable evidence of completion of a continuing education class, course, or seminar shall be a copy of the completion certificate required in subsection (2)(d) of this section. The department will not keep the submitted copies of the completion certificate on file after renewal of an applicant's certificate. The department will not accept, nor be responsible for, the original of any completion certificate issued under this section.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-165 Issuing and renewing an electrician certificate of competency. (1) The department shall issue an electrician certificate of competency to journeyman or specialty electricians who meet the qualifications in RCW 19.28.530 and who have successfully passed a certification examination in accordance with RCW 19.28.540.

(2) The electrician certificate of competency shall expire on the ~~((holder's birthdate at least one year and not more than three years from the date of original issue))~~ dates identified in subsection (4) of this section. All subsequent certificates shall be issued for a ~~((two))~~ three-year period. ~~((If the person was born in an even numbered year, the certificate shall expire on the holder's even numbered birthdate. If the person was born in an odd numbered year, the certificate shall expire on the holder's odd numbered birthdate.))~~ The department shall prorate the original electrician certification fee according to the number of months or major part of a month in a certificate period.

(3) An individual who successfully passes an examination for a certificate of competency, shall apply for a certificate of competency within thirty days of the date the person is notified about the results of the examination. A person who does not apply for a certificate of competency within thirty days of the date the person is notified about the results of the examination, shall be required to apply for, take and pass the examination again.

(4)(a) The certificate of electricians whose last name begins with the letters A through K will expire on April 30.

(b) The certificate of electricians whose last name begins with the letters L through Z will expire on October 31.

(c) The expiration of the certificate identified in (a) and (b) of this subsection shall be not less than six months nor more than three years from the original date of issuance.

(5)(a) Beginning April 30, 1997, to renew an electrician certificate of competency the holder must, prior to the expiration date of the certificate, remit the appropriate fee identified in WAC 296-401-175 and provide to the department evidence of the completion of approved continuing education course(s) of at least eight classroom hours duration per year of the prior certification period.

(b) An electrician certificate will be renewed within ninety days after the expiration date without reexamination, if the applicant furnishes to the department evidence of completion of approved continuing education course(s) of at least eight classroom hours duration per year of the prior certification, by payment of double the fee identified in WAC 296-401-175. All applications for renewal received more than ninety days after the expiration date of the certificate will require passage of the examination provided by RCW 19.28.540 for recertification.

(c) An electrician certificate will be renewed but will be placed in an inactive status if the renewal process concerning the remittance of application and proper fees complies with (a) or (b) of this subsection but the applicant has not completed the required hours of continuing education course(s). Persons holding a certificate placed in an inactive status will not be permitted to engage in the electrical construction trade. Certificates placed in an inactive status will be returned to active status upon presentation to the department of evidence that all classroom hours of continuing education that were required for renewal have been completed.

(d) Each application for renewal of a prior certification that covered a period of two years or more must include evidence of attendance at an approved continuing education class, of at least eight classroom hours duration, on the latest National Electrical Code changes.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 296-47 WAC Electrical wiring and apparatus.

WSR 93-19-141
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed September 22, 1993, 10:06 a.m.]

The Department of Labor and Industries is hereby withdrawing the following proposed amendments and new sections to chapter 296-24 WAC, General safety and health standards; chapter 296-56 WAC, Safety standards for standards for longshore, stevedore and related waterfront operations; chapter 296-62 WAC, General occupational health standards; chapter 296-155 WAC, Safety standards for construction work; and chapter 296-304 WAC, Ship repairing, shipbuilding and shipbreaking; WAC 296-24-70007 Work in confined spaces; 296-56-60005 Definitions; 296-56-60235 Welding, cutting and heating (hot work); 296-62-14501 Scope and application; 296-62-14503 Definitions; 296-62-14505 General requirements; 296-62-14507 Confined space program; 296-62-14509 Permit system; 296-62-14511 Entry permit; 296-62-14513 Training; 296-62-14515 Duties of authorized entrants; 296-62-14517 Duties of attendants; 296-62-14519 Duties of entry supervisor; 296-62-14521 Rescue and emergency services; 296-62-14523 Reserved; 296-62-14525 Reserved; 296-62-14527 Reserved; 296-62-14529 Reserved; 296-62-14540 Appendices to Part M of chapter 296-62 WAC—Confined space; 296-62-14542

Appendix A—Permit-required confined space decision flow chart; 296-62-14545 Appendix B—Procedures for atmospheric testing; 296-62-14547 Appendix C—Examples of permit-required confined space programs; 296-62-14549 Appendix D—Sample form; 296-62-14551 Appendix E—Sewer system entry; 296-62-14553 Appendix F—Hot work permit; 296-155-012 Definitions applicable to all sections of this chapter; 296-155-203 Confined spaces; 296-155-20301 Definitions; 296-155-20307 Confined space work on sewer systems under construction; and 296-304-01001 Definitions.

These proposed changes were filed on May 5, 1993, with a public hearing held on June 9, 1993, in Tumwater, Washington.

Mark O. Brown
 Director

WSR 93-19-144
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed September 22, 1993, 10:15 a.m.]

Continuance of WSR 93-18-049 and 93-14-064.
 Title of Rule: WAC 356-10-050 Employee appointment status—Upward reallocation.

Purpose: This rule provides information on how employees in positions which are reallocated upward are affected.

Statutory Authority for Adoption: RCW 41.06.040.
 Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, (206) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on October 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by October 12, 1993.

Date of Intended Adoption: October 14, 1993.
 September 14, 1993
 Dennis Karras
 Secretary

WSR 93-19-145
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed September 22, 1993, 10:20 a.m.]

Continuance of WSR 93-18-047 and 93-14-062.
 Title of Rule: WAC 356-26-110 Certifications—Actions required.

Purpose: This rule requires agencies to report actions taken on certifications.

Statutory Authority for Adoption: RCW 41.06.040.
 Statute Being Implemented: RCW 41.06.150.

PROPOSED

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, (206) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on October 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by October 12, 1993.

Date of Intended Adoption: October 14, 1993. September 14, 1993 Dennis Karras Secretary

WSR 93-19-146 PROPOSED RULES DEPARTMENT OF PERSONNEL [Filed September 22, 1993, 10:22 a.m.]

Continuance of WSR 93-16-019.

Title of Rule: New WAC 356-56-020 and 356-56-021. Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.070.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on October 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by October 12, 1993.

Date of Intended Adoption: October 14, 1993. September 14, 1993 Dennis Karras Director

WSR 93-19-148 PROPOSED RULES OFFICE OF FINANCIAL MANAGEMENT [Filed September 22, 1993, 10:34 a.m.]

Original Notice.

Title of Rule: Amends existing WAC 82-50-021 Official lagged, semimonthly paydates established.

Purpose: Establishes state paydates for calendar year 1994.

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

Statute Being Implemented: RCW 42.16.010(1) and 42.16.017.

Summary: Eliminates historical paydates for calendar year 1992, retains existing paydates for calendar year 1993, and adds new paydates for calendar year 1994.

Reasons Supporting Proposal: To ensure compliance with legislative directive to annually update and publish the official lagged, semimonthly paydates for the current and ensuing calendar years through the administrative hearing process.

Name of Agency Personnel Responsible for Drafting and Enforcement: Rose Schaller, 605 Woodland Square Loop S.E., 438-8657; and Implementation: Mike Cheney, 605 Woodland Square Loop S.E., 438-8179.

Name of Proponent: Office of Financial Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Make annual adjustments to state paydates, eliminating calendar year 1992 paydates, retaining calendar year 1993 paydates, and adding calendar year 1994 paydates.

Proposal Changes the Following Existing Rules: Eliminates calendar year 1992 paydates from WAC 82-50-021 and adds calendar year 1994 paydates to WAC 82-50-021.

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

Hearing Location: First Floor Conference Room, 605 Woodland Square Loop S.E., Lacey, WA 98504, on October 26, 1993, at 9:30 a.m.

Submit Written Comments to: Rose Schaller, Office of Financial Management, Mailstop 3127, Lacey, Washington 98504, by October 19, 1993.

Date of Intended Adoption: October 26, 1993. Carl Wieland Assistant Director

AMENDATORY SECTION (Amending WSR 92-20-038, filed 9/29/92, effective 10/30/92)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((1992 and)) 1993 and 1994:

Table with 2 columns: ((CALENDAR YEAR 1992)) and CALENDAR YEAR 1993. Rows list dates from Friday, January 10, 1992 to Friday, July 10, 1992, and corresponding dates for 1993.

Friday, July 24, 1992	Monday, July 26, 1993
Monday, August 10, 1992	Tuesday, August 10, 1993
Tuesday, August 25, 1992	Wednesday, August 25, 1993
Thursday, September 10, 1992	Friday, September 10, 1993
Friday, September 25, 1992	Friday, September 24, 1993
Friday, October 9, 1992	Friday, October 8, 1993
Monday, October 26, 1992	Monday, October 25, 1993
Tuesday, November 10, 1992	Wednesday, November 10, 1993
Wednesday, November 25, 1992	Wednesday, November 24, 1993
Thursday, December 10, 1992	Friday, December 10, 1993
Thursday, December 24, 1992	Thursday, December 23, 1993)
<u>CALENDAR YEAR 1993</u>	<u>CALENDAR YEAR 1994</u>
<u>Monday, January 11, 1993</u>	<u>Monday, January 10, 1994</u>
<u>Monday, January 25, 1993</u>	<u>Tuesday, January 25, 1994</u>
<u>Wednesday, February 10, 1993</u>	<u>Thursday, February 10, 1994</u>
<u>Thursday, February 25, 1993</u>	<u>Friday, February 25, 1994</u>
<u>Wednesday, March 10, 1993</u>	<u>Thursday, March 10, 1994</u>
<u>Thursday, March 25, 1993</u>	<u>Friday, March 25, 1994</u>
<u>Friday, April 9, 1993</u>	<u>Monday, April 11, 1994</u>
<u>Monday, April 26, 1993</u>	<u>Monday, April 25, 1994</u>
<u>Monday, May 10, 1993</u>	<u>Tuesday, May 10, 1994</u>
<u>Tuesday, May 25, 1993</u>	<u>Wednesday, May 25, 1994</u>
<u>Thursday, June 10, 1993</u>	<u>Friday, June 10, 1994</u>
<u>Friday, June 25, 1993</u>	<u>Friday, June 24, 1994</u>
<u>Friday, July 9, 1993</u>	<u>Monday, July 11, 1994</u>
<u>Monday, July 26, 1993</u>	<u>Monday, July 25, 1994</u>
<u>Tuesday, August 10, 1993</u>	<u>Wednesday, August 10, 1994</u>
<u>Wednesday, August 25, 1993</u>	<u>Thursday, August 25, 1994</u>
<u>Friday, September 10, 1993</u>	<u>Friday, September 9, 1994</u>
<u>Friday, September 24, 1993</u>	<u>Monday, September 26, 1994</u>
<u>Friday, October 8, 1993</u>	<u>Friday, October 7, 1994</u>
<u>Monday, October 25, 1993</u>	<u>Tuesday, October 25, 1994</u>
<u>Wednesday, November 10, 1993</u>	<u>Thursday, November 10, 1994</u>
<u>Wednesday, November 24, 1993</u>	<u>Wednesday, November 23, 1994</u>
<u>Friday, December 10, 1993</u>	<u>Friday, December 9, 1994</u>
<u>Thursday, December 23, 1993</u>	<u>Friday, December 23, 1994</u>

with the board; and 246-843-340, new section to establish rules for adjudicative proceedings.

Proposal Changes the Following Existing Rules: WAC 246-843-080, adds language regarding submission of applications and meeting new requirements by a certain date; 246-843-090, adds language to allow for a shorter AIT program for those applicants with a certain level of experience; 246-843-158, adds a new section that requires the licensee to maintain a current address on file with the board; 246-843-340, adds a new section that adopts the model procedural rules for adjudicative proceedings by reference.

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

Hearing Location: Renton Holiday Inn, 800 Rainier Avenue South, Renton, WA 98055, (206) 226-7700, on November 5, 1993, at 9:00 a.m.

Submit Written Comments to: Karen S. Burgess, 1300 S.E. Quince Street, P.O. Box 47869, Olympia, WA 98504-7869, by November 2, 1993.

Date of Intended Adoption: November 5, 1993.

September 22, 1993

Karen S. Burgess

Program Manager

AMENDATORY SECTION (Amending WSR 91-24-050, filed 11/27/91, effective 12/28/91)

WAC 246-843-080 Application for examination. (1)

An applicant for examination and qualification for a license as a nursing home administrator shall make application therefore in writing, on forms approved by the board and provided by the secretary. All applications shall be completed in every respect.

(2) An applicant, otherwise qualified, who has not administered or does not continue to administer a nursing home, may obtain and maintain a license.

(3) Completed applications shall be on file sixty days prior to the examination date.

(4) The application fee shall be submitted with the form.

(5) Applicants who submitted an application prior to July 4, 1993 must successfully complete the examination(s) by July 1, 1996 or must meet the current application requirements.

AMENDATORY SECTION (Amending WSR 93-13-004, filed 6/3/93, effective 7/4/93)

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 licensure))~~ health professions quality assurance, department of health, and shall include all information requested in said application.

(3) All applicants shall submit documentation demonstrating that they meet the minimum requirements set forth in RCW 18.52.071.

WSR 93-19-149
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 22, 1993, 10:37 a.m.]

Original Notice.

Title of Rule: WAC 246-843-080 Application for examination; 246-843-090 Preexamination requirements; 246-843-158 Responsibility for maintaining mailing address on file with the board; and 246-843-340 Adjudicative proceedings.

Purpose: To further define requirements for licensure and application process and two new sections that require the licensee to maintain a current address on file with the board and establish rules for adjudicative proceedings.

Statutory Authority for Adoption: RCW 18.52.061.

Statute Being Implemented: Chapter 18.52 RCW.

Summary: To update nursing home administrator rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Karen S. Burgess, 1300 S.E. Quince Street, P.O. Box 47869, 753-3729.

Name of Proponent: Board of Nursing Home Administrators, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-843-080, amend to further define application requirements; 246-843-090, amend to further define the licensure requirements; 246-843-158, new section that requires licensee to maintain a current address on file

(4) Applicants not having completed at least a one thousand hour practical experience requirement in a nursing home, included in a degree program, shall undertake and complete the following: (a) a one thousand five hundred hour administrator-in-training program in a nursing home for individuals who have no experience in health care, (b) a one thousand hour administrator-in-training program in a nursing home for individuals with a minimum of two years experience as a department manager in a health care facility with supervisory and budgetary responsibility, or (c) a five hundred hour administrator-in-training program in a nursing home for individuals with a minimum of two years experience in the last five years with supervisory and budgetary responsibility in one of the following positions:

Hospital Administration

Assistant Administrator in a large health care facility

Director of a hospital based facility

Director of a subacute or transitional care unit

Director of the Department of Nursing

Health Care Consultant to the long term care industry

Director of Community-based long term care service

Those individuals serving in two separate positions for a minimum of one year in each position may also submit an application for consideration. Such a program 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 one thousand five hundred hours, one thousand hours, or 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 writing assignments;

(iii) Project assignment including at least one problem-solving 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, the method of approach to the problem such as data gathering, 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 learning 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 facility 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.

NEW SECTION

WAC 246-843-158 Responsibility for maintaining mailing address on file with the board. It is the responsibility of each licensee to maintain a current mailing address on file with the board. The mailing address on file with the board shall be used for mailing of all official matters from the board to the licensee. If charges against the licensee are mailed by certified mail to the address on file with the board and returned unclaimed or are unable to be delivered for any reason, then the board shall proceed against the licensee by default under RCW 34.05.440.

NEW SECTION

WAC 246-843-340 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.

WSR 93-19-150

PROPOSED RULES

DEPARTMENT OF HEALTH

(Podiatric Medical Board)

[Filed September 22, 1993, 10:40 a.m.]

Original Notice.

Title of Rule: WAC 246-922-032 Postgraduate podiatric medical training defined, 246-922-033 Eligibility for licensure, 246-922-100 Acts that may be delegated to an unlicensed person, 246-922-120 General provisions, 246-922-260 Maintenance of patient records, 246-922-300 Podiatric continuing education required, and 246-922-310 Categories of creditable podiatric continuing education activities; and repealing WAC 246-922-110 Acts that may not be performed by unlicensed persons, 246-922-220 Exercise of professional judgment and skills, and 246-922-250 Excessive fees.

Purpose: To implement 1993 legislation relative to postgraduate training requirements by establishing approved postgraduate training programs and eligibility for licensure. Modifies rules regulating unlicensed practice and continuing education. Includes other housekeeping changes.

Statutory Authority for Adoption: RCW 18.22.015.

Statute Being Implemented: Chapter 18.22 RCW.

Summary: Implementation of legislative changes and modification of existing rules regarding unlicensed practice and continuing education.

Reasons Supporting Proposal: Identifies approved postgraduate training programs and establishes licensing requirements. Modifies and clarifies other rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, Program Manager, 1300 Quince Street, Olympia, 664-3722.

Name of Proponent: Washington State Podiatric Medical Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implementation of legislative changes and modification of existing rules to clarify unlicensed practice and continuing education.

Proposal Changes the Following Existing Rules: Modifies and clarifies rules relative to unlicensed practice and continuing education.

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

Hearing Location: WestCoast SeaTac Hotel, 18229 Pacific Highway South, Seattle, WA 98188, on November 19, 1993, at 9:30 a.m.

Submit Written Comments to: Arlene Robertson, Program Manager, Health Professions Quality Assurance Division, P.O. Box 47868, Olympia, WA 98504-7868, by November 18, 1993.

Date of Intended Adoption: November 19, 1993.

September 21, 1993

Arlene Robertson
Program Manager

NEW SECTION

WAC 246-922-032 Postgraduate podiatric medical training defined. (1) For the purposes of this chapter, postgraduate podiatric medical training shall be considered to mean clinical training that meets the educational standards established by the profession. The training must be acquired after satisfactory completion of a course in an approved school of podiatric medicine and surgery as specified in RCW 18.22.040. Clinical performance shall be deemed satisfactory to fulfill the purposes of this requirement. This definition shall be considered to include, but not be limited to, rotating podiatric residency, podiatric orthopedic residency, and podiatric surgical residency.

(2) The board approves the following postgraduate clinical training courses: Programs approved by the American Podiatric Medical Association Council on Podiatric Medical Education which are listed in the 1992-1993 directory of *Approved Residencies in Podiatric Medicine*, and programs approved by the Council on Podiatric Medical Education at the time the postgraduate training was obtained.

NEW SECTION

WAC 246-922-033 Eligibility for licensure. An applicant for licensure or limited licensure must file a completed application and applicable fee, which shall include information and documentation relative to education and training, past practice performance, licensure history, and a record of all adverse or correctional actions taken by another state or appropriate regulatory body, ability to safely practice podiatric medicine with reasonable skill and safety to the consumer, and other relevant documentation or information as the board may require to determine fitness or eligibility for licensure.

(1) Applicants requesting a license to practice podiatric medicine shall have completed one year postgraduate podiatric medical training in a program approved by the

board as defined in WAC 246-922-032, provided that applicants graduating before July 1, 1993, shall be exempt from the postgraduate training requirement.

(2) Applicants requesting a limited license to practice in an approved postgraduate podiatric medical training program shall have graduated from an approved school of podiatric medicine and surgery.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-100 Acts that may be delegated to an unlicensed person. A podiatric physician and surgeon may allow an unlicensed person to perform the following acts under the podiatric physician and surgeon's supervision(=) limited to the following:

- (1) Patient education in foot hygiene.
- (2) Deliver a sedative drug in an oral dosage form to patient.
- (3) Give preoperative and postoperative instructions.
- (4) Assist in administration of nitrous oxide analgesia or sedation, but the unlicensed person shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the podiatric physician and surgeon. Patients must never be left unattended while nitrous oxide analgesia or sedation is administered to them. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.
- (5) Take health histories.
- (6) Determine rate and quality of patient's radial pulses.
- (7) Measure the patient's blood pressure.
- (8) Perform a plethysmographic or doppler study.
- (9) Observe the nature of the patient's shoes and hose.
- (10) Observe and report wearing patterns on the patient's shoes.
- (11) Assist in obtaining material for a culture-sensitivity test.
- (12) Take scrapings from the skin or nails of the feet, prepare them for microscopic and culture examination.
- (13) Perform weightbearing and nonweightbearing x-rays.
- (14) Photograph patient's foot disorder.
- (15) Debride hyperkeratotic lesions of the foot.
- (16) Remove and apply dressing and/or padding.
- (17) Make necessary adjustments to the biomechanical device.
- (18) Produce impression casting of the foot.
- (19) Produce the following:
 - (a) Removable impression insoles and modifications.
 - (b) Protective devices for alleviating or dispersing pressure on certain deformities or skin lesions such as ulcers, corns, calluses, digital amputation stumps (e.g., latex shields).
- (20) Apply strap and/or pad to the foot and/or leg.
- (21) Prepare the foot for anesthesia as needed.
- (22) Know the indications for and application of cardiopulmonary resuscitation (CPR).
- (23) Prepare and maintain a surgically sterile field.
- (24) Apply flexible cast (e.g., Unna Boot).
- (25) Apply cast material for immobilization of the foot and leg.

- (26) Remove sutures.
- (27) Debride nails.
- (28) Administer physical therapy as directed by the podiatric physician and surgeon.
- (29) Counsel and instruct patients in the basics of:
 - (a) Their examination, treatment regimen and prophylaxis for a problem.
 - (b) Patient and family foot health promotion practices.
 - (c) Patient and family care of specific diseases affecting the foot (e.g., diabetes, cerebrovascular accident, arthritis).
 - (d) Performing certain exercises and their importance.
- (30) Give patient or family supplementary health education materials.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-120 General provisions. (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" shall mean any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" shall mean any health care institution which comes under chapter 18.51 RCW.

(4) "Board" shall mean the Washington state podiatric medical board, whose address is:

Department of Health
Professional Licensing Services
1300 Quince St., (~~MS- EY 23~~)
P.O. Box 47868
Olympia, WA 98504-7868

(5) "Podiatric physician and surgeon" shall mean a person licensed pursuant to chapter 18.22 RCW.

(6) "Mentally or physically disabled podiatric physician and surgeon" shall mean a podiatric physician and surgeon who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice podiatric medicine and surgery with reasonable skill and safety to patients by reason of any mental or physical condition.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-260 Maintenance of patient records. Any podiatric physician and surgeon who treats patients in the state of Washington shall maintain complete and legible treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the podiatric physician and surgeon in an orderly, accessible file and shall be readily available for inspection by the Washington state podiatric medical board or its authorized representative. Complete patient treatment records shall be maintained for a minimum of seven years after treatment is rendered.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-300 Podiatric continuing education required. The podiatric medical board encourages licensees to deliver high-quality patient care. The board recognizes that continuing education programs designed to inform practitioners of recent developments within podiatric medicine and relative fields and review of various aspects of basic professional education and podiatric practice are beneficial to professional growth. The board encourages participation in podiatric continuing education as a mechanism to maintain and enhance competence.

(1) Twenty-five contact hours of scientific podiatric continuing education shall be required annually to maintain a current license.

Five credit hours may be granted for one hour of course instruction. A maximum of five hours may be claimed per renewal period.

(2) Approved courses shall be scientific in nature designed to provide information and enhancement of current knowledge of the mechanisms of disease and treatment, which may include applicable clinical information.

(a) Risk management courses related directly to patient care, (e.g., understanding of and proper documentation of complications), is considered to be an acceptable course for continuing education credit.

(b) Serving as a resident in an approved post-graduate residency training program shall satisfy the continuing education credit for licensure renewal.

(c) Continuing education activities which do not affect the delivery of patient care, (e.g., marketing and billing), may not be claimed for continuing education credit.

(3) In case a licensee fails to meet the requirements due to illness, retirement (with no further provision of podiatric services being provided consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of permanent retirement or illness, the board may grant indefinite waiver of podiatric continuing education as a requirement for relicensure, provided an affidavit is received indicating the podiatric physician and surgeon is not providing podiatric services to consumers. If such permanent retirement or illness status is changed or podiatric services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-310 Categories of creditable podiatric continuing education activities. The following categories of creditable podiatric continuing education activities sponsored by the following organizations are approved by the board. The credits must be earned in the twelve-month period preceding application for renewal of licensure. One contact hour is defined as a typical fifty-minute classroom instructional session or its equivalent.

(1) Scientific courses or seminars approved by the American Podiatric Medical Association and its component societies and affiliated and related organizations.

(2) Scientific courses or seminars offered by accredited, licensed, or otherwise approved hospitals, colleges, and universities and their associated foundations and institutes offering continuing education programs in podiatric medicine.

(3) Scientific courses or seminars offered by recognized nonpodiatric medical and health-care related societies (e.g., the American Medical Association, the American Physical Therapy Association) offering continuing education programs related to podiatric medicine.

(4) Scientific courses or seminars offered by other nonprofit organizations, other proprietary organizations, and individuals offering continuing education in podiatric medicine.

(5) A post-graduate residency training program accredited by the council on podiatric medical education.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-922-110 Acts that may not be performed by unlicensed persons.
- WAC 246-922-220 Exercise of professional judgment and skills.
- WAC 246-922-250 Excessive fees.

WSR 93-19-151
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed September 22, 1993, 10:43 a.m.]

Original Notice.

Title of Rule: Department of Wildlife animal control drug additions.

Purpose: Allows the Department of Wildlife to use certain additional drugs which are the most effective in immobilization of wild animals.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This rule will add four drugs to the list of drugs approved for use by the Department of Wildlife in immobilization of wild animals as they are the most effective drugs with certain animals.

Reasons Supporting Proposal: The Department of Wildlife often has need to immobilize wild animals for various reasons and these drugs we are adding are the most effective for use with certain animals.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince S.E., Olympia, WA 98504-7863, 753-6834.

Name of Proponent: Department of Wildlife.

Explanation of Rule, its Purpose, and Anticipated Effects: This will allow the Department of Wildlife to use more the preferred, more effective, and safer drugs in immobilization of wild animals, providing more safety for animals and wildlife agents.

Proposal Changes the Following Existing Rules: Adds the drugs of choice for certain animals to the list of drugs available for use by Department of Wildlife personnel.

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

This rule will only affect the Department of Wildlife, a governmental agency of the state of Washington.

Hearing Location: Bellevue Public Library, Meeting Room 1, 1111 110th N.E., Bellevue, WA, on October 29, 1993, at 1:30 p.m.

Submit Written Comments to: Donald Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, by October 26, 1993.

Date of Intended Adoption: October 29, 1993.

Donald H. Williams
Executive Director

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

WAC 246-886-030 Approved legend drugs. (1) The following legend drugs are hereby designated as "approved legend drugs" for use by registered humane societies or animal control agencies for limited purposes:

- (a) Acetylpromazine.
- (b) Ketamine.
- (c) Xylazine.

(2) A humane society or animal control agency shall not be permitted to purchase, possess, or administer approved legend drugs unless that society or agency:

(a) Is registered with the board under RCW 69.50.310 and WAC 246-887-050 to purchase, possess, and administer sodium pentobarbital;

(b) Submits to the board written policies and procedures ensuring that only those of its agents and employees who have completed a board-approved training program will possess or administer approved legend drugs; and

(c) Has on its staff at least one individual who has completed a board-approved training program.

(3) The following legend drugs are hereby designated as "approved legend drugs" only for use by agents and biologists of the Washington state department of wildlife: Naltrexone, detomidine, metdetomidine and yohimbine.

WSR 93-19-155
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
 [Filed September 22, 1993, 10:58 a.m.]

Subject of Possible Rule Making: Amending WAC 458-40-670 Timber excise tax—Stumpage value adjustments.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: James Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47458, Olympia, WA 98504-7458, FAX (206) 664-0972. Public meeting scheduled in: Forest Tax, Target Plaza, 2735 Harrison S.W., Building 4, Olympia, WA, on October 14, 1993, at 9:30 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: These proposed amendments to the rule clarify the rule and delete a portion of the rule dealing with stumpage value adjustments based upon "unforeseen materially increased harvesting costs." This language implied that

the harvesting costs need not be related to damaged timber, which the law requires.

September 22, 1993
Les Jaster
Rules Coordinator

WSR 93-19-156
WITHDRAWAL OF PROPOSED RULES
PERSONNEL RESOURCES BOARD
[Filed September 22, 1993, 11:01 a.m.]

The Personnel Resources Board is withdrawing a notice of proposed rule making (CR-102). The original WSR 93-10-028 and continued in WSR 93-14-056 and 93-18-048 (WAC 356-05-157 and 356-22-005) have been withdrawn. If you have any questions regarding the above withdrawn notice, please contact our agency rules coordinator, Lori Parker at 586-1770.

Dennis Karras
Director

WSR 93-19-157
WITHDRAWAL OF PROPOSED RULES
PERSONNEL RESOURCES BOARD
[Filed September 22, 1993, 11:03 a.m.]

The Personnel Resources Board is withdrawing a notice of proposed rule making (CR-102). The original WSR 93-08-043 and continued in WSR 93-12-083 and 93-14-058 (WAC 356-10-060) has been withdrawn. If you have any questions regarding the above withdrawn notice, please contact our agency rules coordinator, Lori Parker at 586-1770.

Dennis Karras
Director

WSR 93-19-158
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 22, 1993, 11:06 a.m.]

Original Notice.

Title of Rule: Chapter 308-100 WAC, Driver's licenses—Special provisions and chapter 308-104 WAC, Drivers' licenses.

Purpose: Revise rules regarding identification requirements, update rules regarding licensing requirements, suspension and revocation terminology, reissue fee requirements, driver abstract provisions, alcohol and drug abuse treatment requirements, and repeal outdated sections.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: Chapters 46.20 and 46.52 RCW.

Summary: Updates requirements for establishing identity when applying for a driver's license or identicard, provides a procedure for ensuring that identicards are issued to nondrivers, and makes technical corrections.

Reasons Supporting Proposal: Identification requirements are updated to meet the requirements of chapter 452, Laws of 1993.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, General Administration Building, (206) 753-1134; Implementation and Enforcement: Maureen H. Westgard, General Administration Building, (206) 753-6977.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-104-006 provides that a driver's license is required to operate a motor vehicle on the highways of this state, except as expressly exempt, and that a new Washington resident must obtain a driver's license within thirty days of establishing residency; WAC 308-104-015 provides that an identicard may only be issued to a nondriver who does not have a driver's license, and that issuance of a driver's license will cancel a previously issued identicard; WAC 308-104-040 lists requirements necessary to establish identity when applying for a driver's license or identicard. Provides for a review process where an applicant has documentation which does not meet listed requirements; WAC 308-104-056 sets the effective dates of suspensions and revocations; WAC 308-104-080 requires that a reissue fee be paid before a driver's license which has been suspended or revoked is reissued; WAC 308-104-090 allows reissue fees to be paid at any driver's license examining station or the department's central office; WAC 308-104-145 gives the circumstances under which abstracts of driving records will be released to insurance companies; and WAC 308-104-170 sets the standards for participation in an alcohol or drug abuse treatment program in order to meet the requirements of Title 46 RCW. Repeals outdated sections.

Proposal Changes the Following Existing Rules: WAC 308-104-006 amended to allow new residents thirty days to obtain a driver's license; WAC 308-104-015 amended to delete redundant requirements regarding alcohol treatment. New provisions are added regarding requirements for obtaining an identicard; WAC 308-104-040 amended to update requirements for establishing identity when applying for a driver's license or identicard; WAC 308-104-056 amended to clarify the department's procedure in setting effective dates of suspensions and revocations; WAC 308-104-080 amended to update terminology; WAC 308-104-090 amended to update terminology and include reference to availability of service during normal operating hours; WAC 308-104-145 amended to provide for statutory change regarding release of driving record abstracts to insurance companies; WAC 308-104-170 amended to update terminology and to correct reference to administrative rules regarding alcohol and drug abuse treatment program requirements; and WAC 308-100-030, 308-104-057, 308-104-110, and 308-104-140 repealed.

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

Rules will have no impact above that required by statute.

Hearing Location: Department of Licensing, General Administration Building, 3rd Floor, Olympia, Washington 98504, on October 27, 1993, at 2:00 p.m.

Submit Written Comments to: Department of Licensing, P.O. Box 9030, Olympia, WA 98507, by October 26, 1993.

Date of Intended Adoption: October 28, 1993.

September 21, 1993
Maureen H. Westgard
Assistant Director

AMENDATORY SECTION (Amending WSR 87-19-129
(Order DS 3), filed 9/22/87)

WAC 308-104-006 Driver's license required. (1) No person, except as expressly exempted by chapter 46.20 RCW or by this chapter, may drive any motor vehicle upon a highway in this state unless the person has in his or her possession a valid driver's license issued under the provisions of chapter 46.20 RCW.

(2) A new Washington resident must make application for a Washington state driver's license ~~((immediately upon))~~ within thirty days of establishing residency.

AMENDATORY SECTION (Amending WSR 82-03-046
(Order 668 DOL), filed 1/19/82)

~~**WAC 308-104-015 ((Alcoholism treatment. Whenever the department suspends the driving privilege of a person, pursuant to RCW 46.20.291, for the reasons set forth in RCW 46.20.031(4), reinstatement shall be contingent upon the department receiving a report confirming that the person has participated for at least sixty days in an alcoholism treatment program meeting the requirements of WAC 275-15-020 (2) or (5). Said report shall be provided by an approved and accredited facility as defined in either WAC 275-15-030 (9) or (10).**~~

~~The treatment report must be completed by an administrator or alcoholism counselor as defined in WAC 275-15-030, on a form provided by the department.~~

~~The department may waive the sixty day treatment requirement in whole or in part upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress.)~~ **Identicards.** As used in RCW 46.20.117, a "nondriver" shall mean any person who has not been issued a driver's license within the last four years immediately preceding the application for an identicard, or any person whose driver's license or driving privilege has been suspended, revoked, or cancelled. However, any person who has been issued a driver's license within the last four years immediately preceding the application for an identicard may qualify as a nondriver by surrendering his or her driver's license and privilege to drive to the department, together with forfeiture of all fees paid for said driver's license. Issuance of a driver's license to a person who has previously been issued an identicard which has not expired shall result in the cancellation of the identicard, together with forfeiture of all fees paid for said identicard.

AMENDATORY SECTION (Amending WSR 82-03-046
(Order 668 DOL), filed 1/19/82)

WAC 308-104-040 Driver's licenses for identification and identicards. As provided by RCW 46.20.035, no identicard shall be issued, nor shall any Washington state driver's license be issued, other than as provided in RCW 46.20.116, unless the applicant therefor shall have satisfied the department regarding his((~~f~~)) or her identity. ~~((In no event shall))~~

(1)(a) Except as provided in subsections (2) and (3) of this section, an applicant ((be deemed to have)) has not satisfied the identity requirements of ((this rule,)) RCW 46.20.035 unless he((~~f~~)) or she displays or provides the department with at least ((two of the following:

(1) An expired or expiring driver's license which contains the signature and/or a photograph of the applicant;

(2) A valid Washington state identicard;

(3) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(4) An identification card issued by the United States, any state, or any agency of either of a kind commonly used to identify the members or employees of such government agencies, (including military I.D. cards) and which contain the signature and/or the photograph of the applicant;

(5) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities;

(6) An affidavit of the applicant, or in case the applicant is a minor, an affidavit of his parent or guardian;

(7) Such other documentary evidence as in the opinion of the department clearly establishes the identity of the applicant))

one of the following pieces of valid identifying documentation:

(i) A valid or recently expired driver's license or instruction permit that contains the signature, date of birth, and a photograph of the applicant;

(ii) A Washington state identicard or an identification card issued by another state that contains the signature and a photograph of the applicant;

(iii) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency, that contains the signature and a photograph of the applicant;

(iv) A military identification card that contains the signature and a photograph of the applicant;

(v) A United States passport that contains the signature and a photograph of the applicant;

(vi) An immigration and naturalization service form that contains the signature and photograph of the applicant; or

(vii) If the applicant is a minor, an affidavit of the applicant's parent or guardian where the parent or guardian displays or provides at least one piece of identifying documentation as specified in this subsection along with additional documentation establishing the relationship between the parent or guardian and the applicant.

(b) In addition to the valid identifying documentation listed in subsection (1)(a), the department may request supplemental identifying documentation, or may undertake an investigation to verify the validity of any documentation presented, in order to ascertain identity.

(2) An applicant unable to present a piece of identifying documentation listed in RCW 46.20.035(1) may request that other identifying documentation be considered by the department in order to ascertain identity, as provided by RCW 46.20.035(2). The department may waive the requirement for a piece of valid identifying documentation listed in RCW 46.20.035(1) if the applicant presents sufficient valid supporting documents found by the department to clearly establish the identity of the applicant. For purposes of this

subsection, the department has found the following pieces of documentation to be sufficient to clearly establish identity:

(a) A foreign country's passport, containing the signature and a photograph of the individual, that has with it a valid United States Immigration and Naturalization entry form (I-94);

(b) An enrollment card issued by a federally recognized Indian tribe, containing the signature and a photograph of the individual, with one other supporting document;

(c) An identification card issued by the United States Bureau of Indian Affairs, containing the signature and a photograph of the individual, with one other supporting document;

(d) A written identification verification document completed by the Washington Department of Corrections; and

(e) A Washington city or county police employee identification card, containing the signature and a photograph of the individual, with one other supporting document;

(3) If an applicant is unable to satisfy the department regarding his or her identity under subsections (1) or (2) of this section, he or she may request that the department review other documentation in order to ascertain identity, as provided by RCW 46.20.035(2).

(a) If the licensing services representative assisting the applicant is unable to ascertain identity from the documents presented, the applicant shall be referred to an in-office document reviewer for further assistance. The in-office document reviewer will evaluate the applicant's documentation in order to determine whether identity can be clearly established.

(b) If the in-office document review cannot clearly establish an applicant's identity, and if requested by an applicant, a senior technician for the region in which the applicant is making application will evaluate the applicant's documentation in order to determine whether identity can be clearly established.

(c) If requested by the applicant, the senior technician shall refer the applicant to driver licensing headquarters staff for final determination whether identity can be clearly established.

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 86-07-018 (Order DS 2), filed 3/12/86)

WAC 308-104-056 Convictions—Revocation and suspension terms. The department shall suspend or revoke the driver's license or nonresident driving privilege of every person who is convicted of a violation requiring such suspension or revocation, the term of which, except the violation of driving while suspended or revoked in the first or second degree, shall commence on the date of conviction (~~(: PROVIDED, That the term of such suspension or revocation shall commence fifteen days from the date the department receives notice, if the court failed to secure the immediate forfeiture of the driver's license of such person or an affidavit from such person that the driver's license was lost or stolen).~~).

AMENDATORY SECTION (Amending WSR 86-07-018 (Order DS 2), filed 3/12/86)

WAC 308-104-080 ((Reinstatement)) Reissue fee—When required. The driver's license (~~(or nonresident's driving privilege)~~) of any person that has been suspended or revoked for any reason shall not be (~~(reinstated)~~) reissued until such person shall pay the required (~~(reinstatement)~~) reissue fee; except, that such (~~(reinstatement)~~) reissue fee shall not be required when the imposition of the suspension or revocation was invalid or void or when the suspension or revocation was imposed because the subject was incompetent to operate a vehicle due to a physical or mental disability, because the subject had failed to attend a driver improvement interview, because the subject's filing of proof of financial responsibility for the future had canceled or terminated, because the subject defaulted on an agreement to pay damages resulting from a vehicle accident, or because the subject was refused a license due to a suspension in another jurisdiction.

AMENDATORY SECTION (Amending WSR 86-07-018 (Order DS 2), filed 3/12/86)

WAC 308-104-090 ((Reinstatement)) Reissue fee—Where paid and accepted. The (~~(reinstatement)~~) reissue fee shall be paid by the subject and shall be accepted by the department at (~~(the)~~) any driver's license examining station or through its central state office at any time during normal operating hours.

AMENDATORY SECTION (Amending WSR 90-17-028, filed 8/8/90)

WAC 308-104-145 Driving record abstracts—Release to insurance companies. For purposes of RCW 46.52.130, an abstract of driving record provided to an insurance company that has insurance in effect covering a person's employer or a prospective employer shall exclude any information pertaining to the person's operation of a noncommercial motor vehicle. The abstract provided to the insurance company that has insurance in effect covering the person, or the insurance company to which the person has applied, shall exclude any information pertaining to the person's operation of a commercial motor vehicle. The abstract provided to the insurance company shall also exclude any information except that related to the commission of misdemeanors or felonies by the individual pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.020, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty (~~(during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident)~~). As used in this section, "commercial motor vehicle" shall have the meaning defined in RCW 46.25.010(6).

AMENDATORY SECTION (Amending WSR 82-03-046 (Order 668 DOL), filed 1/19/82)

WAC 308-104-170 ((Alcoholism)) Alcohol or drug abuse treatment program. (1) For the purposes of Title 46 RCW, a person shall be deemed to have undertaken and followed a course of treatment for ((alcoholism)) alcohol or drug abuse on a program approved by the department of social and health services if he or she has been under said program for at least sixty days: *PROVIDED*, That the department may accept a shorter treatment term upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress.

(2) The term "program approved by the department of social and health services," as used in Title 46 RCW, shall mean an ((alcoholism)) alcohol or drug abuse treatment program meeting the requirements of ((WAC 275-15-020(5))) chapter 275-19 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 308-100-030 Motor vehicles which may be operated pursuant to the endorsement.
- 308-104-057 Convictions—Driving while revoked—Terms.
- 308-104-110 Occupational license—Eligibility—Driving while suspended.
- 308-104-140 Driving record abstracts—Firefighters and law enforcement officers.

WSR 93-19-159
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
 [Filed September 22, 1993, 11:10 a.m.]

Original Notice.

Title of Rule: Amending Section 6.04 of Regulation I.

Purpose: To correct error in fee structure.

Other Identifying Information: Section 6.04 pertains to Notice of Construction Review Fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141 and 70.94.152.

Summary: This amendment would correct an error in the agency's current notice of construction fee structure.

Reasons Supporting Proposal: The notice of construction fee schedule currently requires too large a fee for minor pieces of control equipment.

Name of Agency Personnel Responsible for Drafting: Jay Willenberg, 110 Union Street, #500, Seattle, 98101, 689-4052; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, 98101, 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and

Fiscal Matters: The state implementation plan will be updated to reflect this amendment.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Puget Sound Air Pollution Control Agency's notice of construction fee structure will be amended so that the correct plan examination fee is charged for minor pieces of control equipment.

Proposal Changes the Following Existing Rules: This proposal will correct an error in the agency's notice of construction fee structure.

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

Hearing Location: Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, on October 28, 1993, at 9:00 a.m.

Submit Written Comments to: Arthur Davidson, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, by October 18, 1993.

Date of Intended Adoption: October 28, 1993.

September 21, 1993

Jay Willenberg

Senior Air Pollution Engineer

AMENDATORY SECTION

SECTION 6.04 NOTICE OF CONSTRUCTION REVIEW FEES

A Notice of Construction and Application for Approval is incomplete until the Agency has received a plan examination fee as shown below:

Fuel Burning Equipment: (rated heat input - million Btu/hr)	
less than 10.0	\$ 300.00
10.0 or more but less than 100.0	\$ 1,000.00
100.0 or more but less than 250.0	\$ 10,000.00
250.0 or more	\$ 20,000.00
Control Equipment or Equipment Used in a Manufacturing Process: (acfm)	
less than ((+0,000)) 25,000	\$ 300.00
((+0,000)) 25,000 or more but less than 100,000	\$ 1,000.00
100,000 or more	\$ 5,000.00
Refuse Burning Equipment: (rated capacity)	
12 tons per day or less	\$ 5,000.00
greater than 12 tons per day but less than 250 tons per day	\$ 20,000.00
250 tons per day or greater	\$ 50,000.00
Storage Tanks: (gallons)	
less than 20,000	\$ 200.00
20,000 or more	\$ 500.00
Gasoline Station	\$ 200.00
Dry Cleaner	\$ 200.00
Other (not classified above)	\$ 200.00
Additional Charges:	
Air Toxics Screening [see Regulation III, Section 2.03(b)]	\$ 200.00
Exceedance of Acceptable Source Impact Level [see Regulation III, Section 2.03(b)]	\$ 5,000.00
Major Source or Major Modification [see Regulation I, Section 6.07(d)]	\$ 5,000.00

Opacity/Grain Loading Correlation [see Regulation I, Section 9.09(c)]	\$ 5,000.00
Permitted Emissions	\$ 20.00/ton

September 21, 1993
Rebecca Goodwin Deardorff
Administrative Procedures Officer

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 93-19-160
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed September 22, 1993, 11:13 a.m.]

Original Notice.

Title of Rule: Chapter 478-355 WAC, Small works roster.

Purpose: To raise the limit for University of Washington small works projects from \$50,000 to \$100,000 and eliminate references to a discontinued interlocal agreement.

Other Identifying Information: Emergency rule WSR 93-19-016 filed September 2, 1993, amends one section included in these changes.

Statutory Authority for Adoption: RCW 28B.10.355.

Statute Being Implemented: RCW 28B.10.355.

Summary: To increase the specific dollar amount to one hundred thousand dollars or other limit as established by the legislature, and to eliminate references to a discontinued interlocal agreement.

Reasons Supporting Proposal: These changes reflect the increased dollar limit for small works projects consistent with the changes amending RCW 28B.10.355 during the 1993 legislative session.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Executive Vice President, 306 Administration Building, 543-6410.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These changes to chapter 478-355 WAC, Small works roster allow the University of Washington to utilize the small works roster for any public works projects that total less than \$100,000, in accordance with the revised statutory limit in RCW 28B.10.355, and remove references to the interlocal agreement with the Department of General Administration which has discontinued in 1989.

Proposal Changes the Following Existing Rules: Amends WAC 478-355-010, 478-355-020, 478-355-030, and 478-355-060.

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

Hearing Location: Husky Union Building, Room 309, University of Washington, Seattle, Washington, on October 27, 1993, at 12:00 noon.

Submit Written Comments to: Rebecca Goodwin Deardorff, Reference Stations Management Office, HI-29, 4014 University Way N.E., Seattle, WA 98105, by October 27, 1993.

Date of Intended Adoption: November 19, 1993.

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-010 Authority. This chapter is enacted by the board of regents of the University of Washington pursuant to ~~((RCW 39.34.080, a section of the Interlocal Cooperation Act and))~~ RCW 28B.10.355~~((,))~~ authorizing the university to establish a small works roster for public works projects with an estimated cost of less than ~~((fifty))~~ one hundred thousand dollars.

AMENDATORY SECTION (Amending Order 88-01, filed 9/14/88)

WAC 478-355-020 Purpose. To expedite the award of public work contracts at minimum cost, the University of Washington executive vice president is authorized to establish a small works roster ~~((and also authorized to execute an interlocal agreement with the department of general administration for the use of its small works roster by the university))~~.

AMENDATORY SECTION (Amending 88-01, filed 9/14/88)

WAC 478-355-030 Project construction cost. Whenever the estimated project construction cost of any University of Washington public work is less than ~~((fifty))~~ one hundred thousand dollars, the University of Washington executive vice president is authorized to use the small works roster in lieu of public advertisement for bids. In the event the legislature further increases the small works roster limit, the university is authorized to use the small works roster for any projects up to the subsequently authorized limit.

AMENDATORY SECTION (Amending Order 88-01, filed 9/14/88)

WAC 478-355-060 Administration. The executive vice president is authorized to establish procedures for university use of its small works roster ~~((, to terminate the interlocal agreement or to approve modifications to the interlocal agreement when deemed appropriate for cooperative use of a small works roster))~~.

WSR 93-19-161
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed September 22, 1993, 11:26 a.m.]

Original Notice.

Title of Rule: Amending WAC 480-09-115 relating to schedule for open public meeting. The proposed amendment is shown below as Appendix A, Docket No. A-931053.

Purpose: The proposed amendment will modify the existing rule that provides for open meetings on Wednesdays, to delete regular meetings on the first and third Wednesdays of each month.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Purpose above.

Reasons Supporting Proposal: The proposal will increase the efficient use of staff and commission time and will reduce costs for persons who attend commission open meetings regularly.

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: See Purpose and Summary above.

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.

This proposal will have no adverse economic affect on business.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on November 3, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by October 15, 1993.

Date of Intended Adoption: November 3, 1993.
September 22, 1993

Paul Curl
Secretary

APPENDIX A

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

WAC 480-09-115 Procedure at open public meetings. (1) Meetings. Regular meetings of the commission for the conduct of business pursuant to chapter 42.30 RCW, the Open Public Meetings Act, shall be held beginning at 9:00 a.m., (~~each~~) Wednesdays, except the first and third Wednesday of each month and state holidays, in the commission's administrative offices, 1300 S. Evergreen Park Drive SW, Olympia, Washington. If the regular meeting day is a state holiday, the regular meeting shall be held on the next business day. Regular meetings may be cancelled, and special meetings may be convened from time to time pursuant to the provisions of RCW 42.30.080.

(2) Agenda, orders. The commission secretary shall direct the preparation and distribution of an agenda for each meeting. When feasible, the secretary shall identify each item scheduled for discussion and action as relating principally to utility regulation under Title 80 RCW; as relating principally to transportation regulation under Title 81 RCW; or "other"; and shall group similarly identified items together

on the agenda. When an order is necessary to implement the commission's decision as to any agenda item, the secretary may enter the order when directed to do so by the commission.

(3) "No action" agenda. Any request, proposal, or other filing which, pursuant to statute, will take effect without commission action, may be placed on a "no action required" portion of the agenda. Any item on this portion of the agenda will be discussed upon the request of any commissioner, and the commission may take such action on the item as the commission desires.

(4) "Consent" agenda. Any item which the secretary deems to be noncontroversial and of relatively slight public concern may be placed on a "consent agenda" portion of the open meeting agenda. An item shall be removed from the consent agenda for individual discussion and action at the request of any commissioner. Items on the consent agenda may be collectively moved for approval by a single motion any may be collectively approved by a single vote of the commission. When directed to do so by the commission, the secretary shall enter an individual order implementing the commission's decision as to each consent agenda item.

(5) Modifications. The commission may modify the procedures set forth in this section when it deems the modification appropriate.

**WSR 93-19-162
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed September 22, 1993, 11:28 a.m.]

Original Notice.

Title of Rule: Adopting WAC 480-12-600 relating to regulatory fees for motor carriers. The proposed rule is shown below as Appendix A, Docket No. TV-931030.

Purpose: The proposed rule will establish the process for assessing and collecting fees from common and contract motor carriers based on the statutory level, unless the commission [modified] the level by order.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Section 3, chapter 97, Laws of 1993, RCW 81.80.321.

Summary: See Purpose above.

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: See Purpose above.

Proposal does not change existing rules.

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

The proposed rule merely restates the regulatory fee level established by statute and identifies the process for payment. The rule imposes no financial burden on industry.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 27, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98504-7520, by October 15, 1993.

Date of Intended Adoption: October 27, 1993.

September 22, 1993

Paul Curl
Secretary

APPENDIX A

NEW SECTION

WAC 480-12-600 Regulatory fee. (1) Every common and contract motor carrier operating in intrastate commerce shall, on or before the first day of May of each year, file with the commission its annual report, including a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

(2) Each carrier shall submit with its statement of gross operating revenue the carrier's regulatory fee, calculated as 0.0025 times the stated gross operating revenue, unless that rate is modified by commission order.

WSR 93-19-001
PERMANENT RULES
OFFICE OF

INSURANCE COMMISSIONER

[Order R 93-5—Filed September 1, 1993, 4:06 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Facilitate settlements of claims by the Washington Insurance Guaranty Association.

Citation of Existing Rules Affected by this Order: Amending WAC 284-32-140.

Statutory Authority for Adoption: RCW 48.02.060 and 48.32.070.

Pursuant to notice filed as WSR 93-15-103 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 1, 1993
 Deborah Senn
 Insurance Commissioner

AMENDATORY SECTION (Amending Order R 88-2, filed 2/4/88)

WAC 284-32-140 Claim settlements of (~~(\$150,000)~~ one hundred fifty thousand dollars or more. The board shall review, and approve by majority vote, claim settlements to be made by the association or its agents of one hundred (~~and~~) fifty thousand dollars or more; except settlement of claims for first party property damage up to three hundred thousand dollars, which may be approved by any two members of the board.

WSR 93-19-002
PERMANENT RULES
OFFICE OF

INSURANCE COMMISSIONER

[Order R 93-6—Filed September 1, 1993, 4:07 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Implement RCW 48.12.160; specify procedures for reinsurance eligible for credit on annual statements; part of accreditation project.

Statutory Authority for Adoption: RCW 48.02.060 and 48.12.160.

Pursuant to notice filed as WSR 93-15-104 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 1, 1993
 Deborah Senn
 Insurance Commissioner

NEW SECTION

WAC 284-13-500 Purpose. The purpose of this regulation is to set forth rules and procedural requirements which the commissioner deems necessary to carry out the provisions of RCW 48.12.160. The actions and information required by this regulation are hereby declared to be necessary and appropriate in the public interest and for the protection of the ceding insurers in this state.

NEW SECTION

WAC 284-13-510 Credit for reinsurance—Reinsurer holding certificate of authority in this state. Pursuant to RCW 48.12.160, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to assuming insurers that held a certificate of authority to transact that kind of insurance in this state as of the date of the ceding insurer's statutory financial statement.

NEW SECTION

WAC 284-13-520 Credit for reinsurance—Certain reinsurers maintaining trust funds. (1) Pursuant to RCW 48.12.160 (1)(a), the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer described in subsection (2) of this section which, as of the date of the ceding insurer's statutory financial statement, maintains a trust fund in an amount prescribed below in a qualified United States bank as provided in RCW 48.12.160, for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the commissioner substantially the same information as that required to be reported on the NAIC annual statement form by licensed insurers, to enable the commissioner to determine the sufficiency of the trust fund.

(2) The trust fund for a group of insurers that includes individual unincorporated underwriters shall consist of funds in trust in an amount not less than the group's aggregate liabilities attributable to business written in the United States and, in addition, the group shall maintain a trustee surplus of which one hundred million dollars shall be held jointly and exclusively for the benefit of the United States ceding insurers of any member of the group. The group shall make available to the commissioner annual certifications by the group's domiciliary regulator and its independent public accountants of the solvency of each underwriter member of the group.

(3) The trust under RCW 48.12.160 (1)(a) or (b)(i) shall be established in a form approved by the commissioner and complying with that statute and this section. The trust instrument shall provide that:

(a) Contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied thirty days after entry of the final order of any court of competent jurisdiction in the United States.

(b) Legal title to the assets of the trust shall be vested in the trustee for the benefit of the grantor's United States policyholders and ceding insurers, their assigns and successors in interest.

(c) The trust shall be subject to examination as determined by the commissioner.

(d) The trust shall remain in effect for as long as the assuming insurer, or any member or former member of a group of insurers, shall have outstanding obligations under reinsurance agreements subject to the trust.

(e) No later than February 28 of each year the trustees of the trust shall report to the commissioner in writing setting forth the balance in the trust and listing the trust's investments at the preceding year end, and shall certify the date of termination of the trust, if so planned, or certify that

the trust shall not expire prior to the next following December 31.

(f) No amendment to the trust shall be effective unless reviewed and approved in advance by the commissioner.

NEW SECTION

WAC 284-13-540 Credit for reinsurance ceded to an assuming insurer that does not have a certificate of authority. Pursuant to RCW 48.12.160 (1)(b), the commissioner shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of RCW 48.12.160 (1)(a) in an amount not exceeding the liabilities carried by the ceding insurer. Such reduction shall be in the amount of funds or other assets that are of the types and amounts that are authorized under chapter 48.13 RCW, held subject to withdrawal by and under the control of the ceding insurer, including funds or other such assets held in trust for the exclusive benefit of the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder. Such security must be held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer or, in the case of a trust, held in a qualified United States financial institution as defined in RCW 48.12.160 (1)(b)(ii). This security may be in the form of:

(1) Deposits or funds that are assets of the types and amounts that are authorized under chapter 48.13 RCW; or

(2) Clean, irrevocable, unconditional, and "evergreen" letters of credit issued or confirmed by a qualified United States institution, as defined in RCW 48.12.160 (1)(b)(ii), effective no later than December 31 of the year for which filing is being made, and in the possession of the ceding company on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs.

An admitted asset or a reduction from liability for reinsurance ceded to an unauthorized assuming insurer pursuant to this section shall be allowed only when the requirements of WAC 284-13-550 or 284-13-560 are met.

NEW SECTION

WAC 284-13-550 Trust agreements qualified under WAC 284-13-540. (1) As used in this section:

(a) "Beneficiary" means the entity for whose sole benefit the trust has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator, or liquidator).

(b) "Grantor" means the entity that has established a trust for the sole benefit of the beneficiary. When established in conjunction with a reinsurance agreement, the grantor is the assuming insurer not holding a certificate of authority for that kind of business.

(c) "Obligations," as used in subsection (3)(k) of this section, means:

(i) Reinsured losses and allocated loss expenses paid by the ceding company, but not recovered from the assuming insurer;

(ii) Reserves for reinsured losses reported and outstanding;

(iii) Reserves for reinsured losses incurred but not reported; and

(iv) Reserves for allocated reinsured loss expenses and unearned premiums.

(2) Required conditions.

(a) The trust agreement shall be entered into between the beneficiary, the grantor, and a trustee which shall be a qualified United States financial institution as defined in RCW 48.12.160 (1)(b).

(b) The trust agreement shall create a trust account into which assets shall be deposited.

(c) All assets in the trust account shall be held by the trustee at the trustee's office in the United States, except that a bank may apply for the commissioner's permission to use a foreign branch office of such bank as trustee for trust agreements established pursuant to this section. If the commissioner approves the use of such foreign branch office as trustee, then its use must be approved by the beneficiary in writing and the trust agreement must provide that the written notice described in (d)(i) of this subsection must also be presentable, as a matter of legal right, at the trustee's principal office in the United States.

(d) The trust agreement shall provide that:

(i) The beneficiary shall have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice from the beneficiary to the trustee;

(ii) No other statement or document is required to be presented in order to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets;

(iii) It is not subject to any conditions or qualifications outside of the trust agreement; and

(iv) It shall not contain references to any other agreements or documents except as provided for under (k) of this subsection.

(e) The trust agreement shall be established for the sole benefit of the beneficiary.

(f) The trust agreement shall require the trustee to:

(i) Receive assets and hold all assets in a safe place;

(ii) Determine that all assets are in such form that the beneficiary, or the trustee upon direction by the beneficiary, may whenever necessary negotiate any such assets, without consent or signature from the grantor or any other person or entity;

(iii) Furnish to the grantor and the beneficiary a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar quarter;

(iv) Notify the grantor and the beneficiary within ten days, of any deposits to or withdrawals from the trust account;

(v) Upon written demand of the beneficiary, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title, and interest in the assets held

in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary; and

(vi) Allow no substitutions or withdrawals of assets from the trust account, except on written instructions from the beneficiary, except that the trustee may, without the consent of but with notice to the beneficiary, upon call or maturity of any trust asset, withdraw such asset upon condition that the proceeds are paid into the trust account.

(g) The trust agreement shall provide that at least thirty days, but not more than forty-five days, prior to termination of the trust account, written notification of termination shall be delivered by the trustee to the beneficiary.

(h) The trust agreement shall be made subject to and governed by the laws of the state in which the trust is established.

(i) The trust agreement shall prohibit invasion of the trust corpus for the purpose of paying compensation to, or reimbursing the expenses of, the trustee.

(j) The trust agreement shall provide that the trustee shall be liable for its own negligence, willful misconduct, or lack of good faith.

(k) Notwithstanding other provisions of this regulation, when a trust agreement is established in conjunction with a reinsurance agreement covering risks other than life, annuities, and disability, where it is customary practice to provide a trust agreement for a specific purpose, such a trust agreement may, notwithstanding any other conditions in this regulation, provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, for the following purposes:

(i) To pay or reimburse the ceding insurer for the assuming insurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the assuming insurer, or for unearned premiums due to the ceding insurer if not otherwise paid by the assuming insurer;

(ii) To make payment to the assuming insurer of any amounts held in the trust account that exceed one hundred two percent of the actual amount required to fund the assuming insurer's obligations under the specific reinsurance agreement; or

(iii) Where the ceding insurer has received notification of termination of the trust account and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged ten days prior to the termination date, to withdraw amounts equal to the obligations and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified United States financial institution as defined in RCW 48.12.160(2) apart from its general assets, in trust for such uses and purposes specified in (k)(i) and (ii) of this subsection as may remain executory after such withdrawal and for any period after the termination date.

(l) The reinsurance agreement entered into in conjunction with the trust agreement may, but need not, contain the provisions required by subsection (4)(a)(ii) of this section, so long as these required conditions are included in the trust agreement.

(3) Permitted conditions.

(a) The trust agreement may provide that the trustee may resign upon delivery of a written notice of resignation,

effective not less than ninety days after receipt by the beneficiary and grantor of the notice, and that the trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written notice of removal, effective not less than ninety days after receipt by the trustee and the beneficiary of the notice, provided that no such resignation or removal shall be effective until a successor trustee has been duly appointed and approved by the beneficiary and the grantor and all assets in the trust have been duly transferred to the new trustee.

(b) The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account. Any such interest or dividends shall be either forwarded promptly upon receipt to the grantor or deposited in a separate account established in the grantor's name.

(c) The trustee may be given authority to invest, and accept substitutions of, any funds in the account, provided that no investment or substitution shall be made without prior approval of the beneficiary, unless the trust agreement specifies categories of investments acceptable to the beneficiary and authorizes the trustee to invest funds and to accept substitutions which the trustee determines are at least equal in market value to the assets withdrawn and that are consistent with the restrictions in subsection (4)(a)(ii) of this section.

(d) The trust agreement may provide that the beneficiary may at any time designate a party to which all or part of the trust assets are to be transferred. Such transfer may be conditioned upon the trustee receiving, prior to or simultaneously, other specified assets.

(e) The trust agreement may provide that, upon termination of the trust account, all assets not previously withdrawn by the beneficiary shall, with written approval by the beneficiary, be delivered over to the grantor.

(4) Additional conditions applicable to reinsurance agreements.

(a) A reinsurance agreement, which is entered into in conjunction with a trust agreement and the establishment of a trust account, may contain provisions that:

(i) Require the assuming insurer to enter into a trust agreement and to establish a trust account for the benefit of the ceding insurer, and specifying what the agreement is to cover;

(ii) Stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash (United States legal tender), certificates of deposit (issued by a United States bank and payable in United States legal tender), and investments of the types permitted by Title 48 RCW or any combination of the above, provided that such investments are issued by an institution that is not the parent, subsidiary, or affiliate of either the grantor or the beneficiary. The reinsurance agreement may further specify the types of investments to be deposited. Where a trust agreement is entered into in conjunction with a reinsurance agreement covering risks other than life, annuities, and disability, then the trust agreement may contain the provisions described by this paragraph in lieu of including such provisions in the reinsurance agreement;

(iii) Require the assuming insurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or to transfer legal title to the trustee of all shares, obligations, or any other assets requiring assignments, in order that the ceding insurer, or the trustee upon the direction of the ceding insurer, may whenever necessary negotiate these assets without consent or signature from the assuming insurer or any other entity;

(iv) Require that all settlements of account between the ceding insurer and the assuming insurer be made in cash or its equivalent; and

(v) Stipulate that the assuming insurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement, and shall be utilized and applied by the ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator, receiver, or conservator of such company, without diminution because of insolvency on the part of the ceding insurer or the assuming insurer, only for the following purposes:

(A) To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement because of cancellations of such policies;

(B) To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement;

(C) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer liabilities for policies ceded under the agreement. The account shall include, but not be limited to, amounts for policy reserves, claims and losses incurred (including losses incurred but not reported), loss adjustment expenses, and unearned premium reserves; and

(D) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.

(b) The reinsurance agreement may also contain provisions that:

(i) Give the assuming insurer the right to seek approval from the ceding insurer to withdraw from the trust account all or any part of the trust assets and transfer those assets to the assuming insurer, provided:

(A) The assuming insurer shall, at the time of withdrawal, replace the withdrawn assets with other qualified assets having a market value equal to the market value of the assets withdrawn so as to maintain at all times the deposit in the required amount; or

(B) After withdrawal and transfer, the market value of the trust account is no less than one hundred two percent of the required amount.

The ceding insurer shall not unreasonably or arbitrarily withhold its approval.

(ii) Provide for:

(A) The return of any amount withdrawn in excess of the actual amounts required for (a)(v)(A), (B), and (C) of this subsection or in the case of (a)(v)(D) of this subsection any amounts that are subsequently determined not to be due; and

(B) Interest payments, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to (a)(v)(C) of this subsection.

(iii) Permit the award by any arbitration panel or court of competent jurisdiction of:

(A) Interest at a rate different from that provided in (b)(ii)(B) of this subsection;

(B) Court or arbitration costs;

(C) Attorney's fees; and

(D) Any other reasonable expenses.

(c) Financial reporting. A trust agreement may be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with this department in compliance with the provisions of this regulation when established on or before the date of filing of the financial statement of the ceding insurer. Further, the reduction for the existence of an acceptable trust account may be up to the current fair market value of acceptable assets available to be withdrawn from the trust account at that time, but such reduction shall be no greater than the specific obligations under the reinsurance agreement that the trust account was established to secure.

(d) Existing agreements. Notwithstanding the effective date of this regulation, any trust agreement or underlying reinsurance agreement in existence prior to December 31, 1993, will continue to be acceptable until December 30, 1994, at which time the agreements will have to be in full compliance with this regulation for the trust agreement to be acceptable.

(e) The failure of any trust agreement to specifically identify the beneficiary as defined in subsection (1)(a) of this section shall not be construed to affect any actions or rights which the commissioner may take or possess pursuant to the provisions of the laws of this state.

NEW SECTION

WAC 284-13-560 Letters of credit qualified under WAC 284-13-540. (1) The letter of credit must be clean, irrevocable, and unconditional and issued or confirmed by a qualified United States financial institution as defined in RCW 48.12.160 (1)(b)(ii). The letter of credit shall contain an issue date and date of expiration and shall stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented. The letter of credit shall also indicate that it is not subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain reference to any other agreements, documents, or entities, except as provided in subsection (8)(a)(ii)(A) of this section. As used in this section, "beneficiary" means the domestic insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator, or liquidator).

(2) The heading of the letter of credit may include a boxed section which contains the name of the applicant and other appropriate notations to provide a reference for the letter of credit. The boxed section shall be clearly marked

to indicate that such information is for internal identification purposes only.

(3) The letter of credit shall contain a statement to the effect that the obligation of the qualified United States financial institution under the letter of credit is in no way contingent upon reimbursement with respect thereto.

(4) The term of the letter of credit shall be for at least one year and shall contain an "evergreen clause" which prevents the expiration of the letter of credit without due notice from the issuer. The "evergreen clause" shall provide for a period of no less than thirty days' notice prior to expiry date or nonrenewal.

(5) The letter of credit shall state whether it is subject to and governed by the laws of this state or the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication 400), and all drafts drawn thereunder shall be presentable at an office in the United States of a qualified United States financial institution.

(6) If the letter of credit is made subject to the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication 400), then the letter of credit shall specifically address and make provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article 19 of Publication 400 occur.

(7) The letter of credit shall be issued by a qualified United States financial institution authorized to issue letters of credit, pursuant to RCW 48.12.160 (1)(b)(ii).

(8) Reinsurance agreement provisions.

(a) The reinsurance agreement in conjunction with which the letter of credit is obtained may contain provisions which:

(i) Require the assuming insurer to provide letters of credit to the ceding insurer and specify what they are to cover.

(ii) Stipulate that the assuming insurer and ceding insurer agree that the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement may be drawn upon at any time, notwithstanding any other provisions in the agreement, and shall be utilized by the ceding insurer or its successors in interest only for one or more of the following reasons:

(A) To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement on account of cancellations of such policies;

(B) To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer under the terms and provisions of the policies reinsured under the reinsurance agreement;

(C) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement (such amount shall include, but not be limited to, amounts for policy reserves, claims and losses incurred, and unearned premium reserves); and

(D) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.

(iii) All of the foregoing provisions of (a) of this subsection should be applied without diminution because of

insolvency on the part of the ceding insurer or assuming insurer.

(b) Nothing contained in (a) of this subsection shall preclude the ceding insurer and assuming insurer from providing for:

(i) An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to (a)(ii)(C) of this subsection; and

(ii) The return of any amounts drawn down on the letters of credit in excess of the actual amounts required for the above or, in the case of (a)(ii)(D) of this subsection, any amounts that are subsequently determined not to be due.

(c) When a letter of credit is obtained in conjunction with a reinsurance agreement covering risks other than life, annuities, and disability, where it is customary practice to provide a letter of credit for a specific purpose, then the reinsurance agreement may, in lieu of (a)(ii) of this subsection, require that the parties enter into a "trust agreement" which may be incorporated into the reinsurance agreement or be a separate document.

(9) A letter of credit may not be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with this department unless an acceptable letter of credit with the filing ceding insurer as beneficiary has been issued on or before the date of filing of the financial statement. Further, the reduction for the letter of credit may be up to the amount available under the letter of credit but no greater than the specific obligation under the reinsurance agreement which the letter of credit was intended to secure.

NEW SECTION

WAC 284-13-570 Other security. A ceding insurer may take credit for unencumbered funds withheld by the ceding insurer in the United States subject to withdrawal solely by the ceding insurer and under its exclusive control.

NEW SECTION

WAC 284-13-580 Reinsurance contract. Credit will not be granted to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of this regulation or otherwise in compliance with RCW 48.12.160 after the adoption of this regulation unless the reinsurance agreement:

(1) Includes a proper insolvency clause pursuant to RCW 48.12.160(2); and

(2) Includes a provision whereby the assuming insurer, if an unauthorized assuming insurer, has submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the United States, has agreed to comply with all requirements necessary to give such court or panel jurisdiction, has designated an agent upon whom service of process may be effected, and has agreed to abide by the final decision of such court or panel.

NEW SECTION

WAC 284-13-590 Contracts affected. All new and renewal reinsurance transactions entered into after December 1, 1993, shall conform to the requirements of this regulation

if credit is to be given to the ceding insurer for such reinsurance.

WSR 93-19-003
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Order R 93-7—Filed September 1, 1993, 4:08 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Require insurers to file financial reports in electronic form; part of accreditation project.

Statutory Authority for Adoption: RCW 48.02.060.

Pursuant to notice filed as WSR 93-15-105 on July 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: Changed WAC 284-07-070(1) to require electronic filing with the National Association of Insurance Commissioners rather than with the commissioner, because the purpose is to facilitate collection of information there.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-07-070 Statements to be filed in electronic form. (1) Annual statements, quarterly statements, and other financial reports filed by an insurer with the National Association of Insurance Commissioners shall be filed in electronic form as well as on paper.

(2) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, "electronic form" means, on a diskette.

(3) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, companies that operate only in Washington need not comply with subsection (1) of this section.

WSR 93-19-004
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Order R 93-8—Filed September 1, 1993, 4:10 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Clarify and expand the definition of "earned surplus"; implement "accreditation bill."

Statutory Authority for Adoption: RCW 48.02.060, 48.05.250, and 48.05.400.

Pursuant to notice filed as WSR 93-15-106 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-13-160 Definition of "earned surplus."

(1) As used in RCW 48.08.030(1), "earned surplus" means that part of surplus that represents net earnings, gains, or profits, after deduction of all losses, that have not been distributed to share holders as dividends or transferred to stated capital or capital surplus or lawfully applied to other purposes. It does not include unrealized appreciation of assets, unrealized capital gains, or reevaluation of assets.

(2) Earned surplus can be determined from the annual statement. On the 1992 convention blank, (a) for stock life companies, earned surplus is Unassigned Funds (page 3, line 34) less any unrealized gains included in that figure; and (b) for property and casualty stock companies, earned surplus is Unassigned Funds (page 3, line 25B), less any unrealized gains included in that figure. On convention blanks for other years, the determination is adjusted to allow for changes in the form.

WSR 93-19-005
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Order R 93-9—Filed September 1, 1993, 4:12 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Implement the new Insurer Holding Company Act; required for NAIC accreditation.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-18-010, 284-18-020, 284-18-030, 284-18-040, 284-18-050, 284-18-060, 284-18-070, 284-18-080, 284-18-090, 284-18-100, 284-18-110, 284-18-120, 284-18-990, and 284-18-99001.

Statutory Authority for Adoption: RCW 48.02.060 and section 9, chapter 462, Laws of 1993.

Pursuant to notice filed as WSR 93-15-107 on July 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: Deleted the last part of WAC 284-18-450 (1)(iv) and all of (v) and thus removed the requirement, in reporting or requesting approval of a dividend, for a nonlife insurer to disclose net income for the two years preceding the most recent year, or dividends for the preceding two years. That information is unnecessary to the determinations the commissioner is to make. In WAC 284-18-450(2), specified that notice to the commissioner of an ordinary dividend must be given at least fifteen business days before payment. The statute specified business days.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-18-300 Forms—General requirements.

(1) Forms A, B, C, and D are intended to be guides in the preparation of the statements required by sections 4, 6, and 7, chapter 462, Laws of 1993. They are not intended to be blank forms which are to be filled in. These statements filed shall contain the numbers and captions of all items, but the

text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(2) Two complete copies of Form A, and one copy of Forms B, C, and D, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the commissioner by personal delivery or mail addressed to: Insurance Commissioner of the State of Washington, Insurance Building, Post Office Box 40255, Olympia, Washington 98504-0255, Attention: Company Supervision. One complete copy of Form A shall also be filed with the commissioner by personal delivery or mail addressed to: Insurance Commissioner of the State of Washington, Seattle, Washington 98104, Attention: Chief Examiner. A copy of Form C shall be filed in each state in which an insurer is authorized to do business, if the commissioner of that state has notified the insurer of its request in writing, in which case the insurer has ten days from receipt of the notice to file such form. At least one of the copies shall be manually signed in the manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

(3) Statements should be prepared on paper 8 1/2" x 11" (or 8 1/2" x 14") in size and preferably bound at the top or the top left-hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size. All copies of any statement, financial statements, or exhibits shall be clear, easily readable, and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

NEW SECTION

WAC 284-18-310 Forms—Incorporation by reference, summaries, and omissions. (1) Information required by any item of Form A, Form B, or Form D may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, or Form D provided such document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the commissioner which were filed within three years need not be attached as exhibits. References to information

contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear, or confusing.

(2) Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the commissioner which was filed within three years and may be qualified in its entirety by such reference. In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, a copy of only one of such documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which such documents differ from the documents a copy of which is filed.

NEW SECTION

WAC 284-18-320 Forms—Information unknown or unavailable and extension of time to furnish. (1) Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

(a) The person filing shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and

(b) The person filing shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(2) If it is impractical to furnish any required information, document, or report at the time it is required to be filed, there may be filed with the commissioner a separate document:

(a) Identifying the information, document, or report in question;

(b) Stating why the filing thereof at the time required is impractical; and

(c) Requesting an extension of time for filing the information, document, or report to a specified date. The request for extension shall be deemed granted unless the commissioner within sixty days after receipt thereof enters an order denying the request.

NEW SECTION

WAC 284-18-330 Forms—Additional information and exhibits. In addition to the information expressly required to be included in Form A, Form B, Form C, and Form D, there shall be added such further material informa-

tion, if any, as may be necessary to make the information contained therein not misleading. The person filing may also file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer. Changes to Forms A, B, C, or D shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.

NEW SECTION

WAC 284-18-340 Definitions. (1) "The act" means the Insurer Holding Company Act, sections 1 through 15, chapter 462, Laws of 1993.

(2) "Executive officer" means chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.

(3) "Foreign insurer" shall include an alien insurer except where clearly noted otherwise.

(4) "Ultimate controlling person" means that person which is not controlled by any other person.

(5) Unless the context otherwise requires, other terms found in these regulations and in section 2, chapter 462, Laws of 1993, are used as defined in that section 2, chapter 462, Laws of 1993. Other nomenclature or terminology is according to Title 48 RCW, or industry usage if not defined by Title 48 RCW.

NEW SECTION

WAC 284-18-350 Subsidiaries of domestic insurers. The authority to invest in subsidiaries under the act is in addition to any authority to invest in subsidiaries which may be contained in any other provision of Title 48 RCW.

NEW SECTION

WAC 284-18-360 Acquisition of control—Statement filing. A person required to file a statement pursuant to section 4, chapter 462, Laws of 1993, shall furnish the required information on Form A, hereby made a part of this regulation.

NEW SECTION

WAC 284-18-370 Amendments to Form A. The applicant shall promptly advise the commissioner of any changes in the information so furnished on Form A arising subsequent to the date upon which such information was furnished but prior to the commissioner's disposition of the application.

NEW SECTION

WAC 284-18-380 Acquisition of section 4(1), chapter 462, Laws of 1993, insurers. (1) If the person being acquired is deemed to be a "domestic insurer" solely because of the provisions of the second paragraph of section (4)(1), chapter 462, Laws of 1993, the name of the domestic insurer on the cover page should be indicated as follows:

"ABC Insurance Company, a subsidiary of XYZ Holding Company."

(2) Where such an insurer is being acquired, references to "the insurer" contained in Form A shall refer to both the domestic subsidiary insurer and the person being acquired.

NEW SECTION

WAC 284-18-390 Annual registration of insurers—Statement filing. An insurer required to file an annual registration statement pursuant to section 6, chapter 462, Laws of 1993, shall furnish the required information on Form B, hereby made a part of these regulations.

NEW SECTION

WAC 284-18-400 Summary of registration—Statement filing. An insurer required to file an annual registration statement pursuant to section 6, chapter 462, Laws of 1993, is also required to furnish information required on Form C, hereby made a part of this regulation. An insurer shall file a copy of Form C in each state in which the insurer is authorized to do business, if requested by the commissioner of that state.

NEW SECTION

WAC 284-18-410 Amendments to Form B. (1) An amendment to Form B shall be filed within fifteen days after the end of any month in which there is a material change to the information provided in the annual registration statement.

(2) Amendments shall be filed in the Form B format with only those items which are being amended reported. Each such amendment shall include at the top of the cover page "Amendment No. (insert number) to Form B for (insert year)" and shall indicate the date of the change and not the date of the original filings.

NEW SECTION

WAC 284-18-420 Alternative and consolidated registrations. (1) Any authorized insurer may file a registration statement on behalf of any affiliated insurer or insurers which are required to register under section 6, chapter 462, Laws of 1993. A registration statement may include information not required by the act regarding any insurer in the insurance holding company system even if such insurer is not authorized to do business in this state. In lieu of filing a registration statement on Form B, the authorized insurer may file a copy of the registration statement or similar report which it is required to file in its state of domicile, provided:

(a) The statement or report contains substantially similar information required to be furnished on Form B; and

(b) The filing insurer is the principal insurance company in the insurance holding company system.

(2) The question of whether the filing insurer is the principal insurance company in the insurance holding company system is a question of fact and an insurer filing a registration statement or report in lieu of Form B on behalf of an affiliated insurer, shall set forth a brief statement of facts which will substantiate the filing insurer's claim that it, in fact, is the principal insurer in the insurance holding company system.

(3) With the prior approval of the commissioner, an unauthorized insurer may follow any of the procedures which could be done by an authorized insurer under subsection (1) of this section.

(4) Any insurer may take advantage of the provisions of section 6 (8) or (9), chapter 462, Laws of 1993, without obtaining the prior approval of the commissioner. The commissioner, however, reserves the right to require individual filings if he or she deems such filings necessary in the interest of clarity, ease of administration, or the public good.

NEW SECTION

WAC 284-18-430 Disclaimers and termination of registration. (1) A disclaimer of affiliation or a request for termination of registration claiming that a person does not, or will not upon the taking of some proposed action, control another person (hereinafter referred to as the "subject") shall contain the following information:

(a) The number of authorized, issued, and outstanding voting securities of the subject;

(b) With respect to the person whose control is denied and all affiliates of such person, the number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially owned, and the number of such shares concerning which there is a right to acquire, directly or indirectly;

(c) All material relationships and bases for affiliation between the subject and the person whose control is denied and all affiliates of such person;

(d) A statement explaining why such person should not be considered to control the subject.

(2) A request for termination of registration shall be deemed to have been granted unless the commissioner, within thirty days after he or she receives the request, notifies the registrant otherwise.

NEW SECTION

WAC 284-18-440 Transactions subject to prior notice—Notice filing. An insurer required to give notice of a proposed transaction pursuant to section 7, chapter 462, Laws of 1993, shall furnish the required information on Form D, hereby made a part of these regulations.

NEW SECTION

WAC 284-18-450 Extraordinary dividends and other distributions. (1) Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders shall include the following:

(a) The amount of the proposed dividend;

(b) The date established for payment of the dividend;

(c) A statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value together with an explanation of the basis for valuation;

(d) A copy of the calculations determining that the proposed dividend is extraordinary. The work paper shall include the following information:

(i) The amounts, dates, and form of payment of all dividends or distributions (including regular dividends but excluding distributions of the insurers own securities) paid

within the period of twelve consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year;

(ii) Surplus as regards policyholders (total capital and surplus) as of the 31st day of December next preceding;

(iii) If the insurer is a life insurer, the net gain from operations for the twelve-month period ending the 31st day of December next preceding;

(iv) If the insurer is not a life insurer, the net income for the twelve-month period ending the 31st day of December next preceding.

(e) A balance sheet and statement of income for the period intervening from the last annual statement filed with the commissioner and the end of the month preceding the month in which the request for dividend approval is submitted; and

(f) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial needs.

(2) Each registered insurer shall report to the commissioner all other dividends and other distributions to shareholders within five business days following the declaration thereof, and at least fifteen business days before payment, including the same information required by subsection (1)(a) and (d)(i) through (v) of this section.

NEW SECTION

WAC 284-18-460 Adequacy of surplus. The factors set forth in section 7(3), chapter 462, Laws of 1993, are not intended to be an exhaustive list. In determining the adequacy and reasonableness of an insurer's surplus no single factor is necessarily controlling. The commissioner, instead, will consider the net effect of all of these factors plus other factors bearing on the financial condition of the insurer. In comparing the surplus maintained by other insurers, the commissioner will consider the extent to which each of these factors varies from company to company and in determining the quality and liquidity of investments in subsidiaries, the commissioner will consider the individual subsidiary and may discount or disallow its valuation to the extent that the individual investments so warrant.

NEW SECTION

WAC 284-18-910 Form A.

FORM A
STATEMENT REGARDING THE
ACQUISITION OF CONTROL OF OR MERGER WITH A DOMESTIC
INSURER

Name of Domestic Insurer

BY

Name of Acquiring Person (Applicant)

Filed with the Insurance Department of

(State of domicile of insurer being acquired)

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Dated: _____, 19__

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

ITEM 1. INSURER AND METHOD OF ACQUISITION

State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT

(a) State the name and address of the applicant seeking to acquire control over the insurer.

(b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence. Briefly describe the business intended to be done by the applicant and the applicant's subsidiaries.

(c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than one-half of one percent of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.

ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT

State the following with respect to (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of ten percent or more of the voting securities of the applicant if the applicant is not an individual.

- (a) Name and business address;
- (b) Present principal business activity, occupation or employment including position and office held and the name, principal business and address of any corporation or other organization in which such employment is carried on;
- (c) Material occupations, positions, offices or employment during the last five years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in

which each such occupation, position, office or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection therewith;

(d) Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last ten years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

ITEM 4. NATURE, SOURCE AND AMOUNT OF CONSIDERATION

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes and security arrangements relating thereto.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he or she must specifically request that the identity be kept confidential.

ITEM 5. FUTURE PLANS OF INSURER

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

ITEM 6. VOTING SECURITIES TO BE ACQUIRED

State the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.

ITEM 7. OWNERSHIP OF VOTING SECURITIES

State the amount of each class of any voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.

ITEM 8. CONTRACTS, ARRANGEMENTS, OR UNDERSTANDINGS WITH RESPECT TO VOTING SECURITIES OF THE INSURER

Give a full description of any contracts, arrangements or understandings with respect to any voting security of the insurer in which the applicant, its affiliates or any person listed in Item 3 is involved, including but not limited to transfer of any of the securities, joint ventures, loan or

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option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

ITEM 9. RECENT PURCHASES OF VOTING SECURITIES

Describe any purchases of any voting securities of the insurer by the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefor. State whether any such shares so purchased are hypothecated.

ITEM 10. RECENT RECOMMENDATIONS TO PURCHASE

Describe any recommendations to purchase any voting security of the insurer made by the applicant, its affiliates or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement.

ITEM 11. AGREEMENTS WITH BROKER-DEALERS

Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

ITEM 12. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(c) for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer which is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the annual statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or WAC 284-18-300 or 284-18-320.

ITEM 13. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of section 4, chapter 462, Laws of 1993 _____ has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19__.

(SEAL)

Name of Applicant

BY

(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, 19__, for and on behalf of (Name of Applicant); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

NEW SECTION

WAC 284-18-920 Form B.

FORM B

INSURANCE HOLDING COMPANY SYSTEM ANNUAL REGISTRATION STATEMENT

Filed with the Insurance Department of the State of _____

By

Name of Registrant

On Behalf of Following Insurance Companies

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

Date: _____, 19__

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. IDENTITY AND CONTROL OF REGISTRANT

Furnish the exact name of each insurer registering or being registered (hereinafter called "the registrant"), the home office address and principal executive offices of each; the date on which each registrant became part of the insurance holding company system; and the method(s) by which control of each registrant was acquired and is maintained.

ITEM 2. ORGANIZATIONAL CHART

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. No affiliate need be shown if its total assets are equal to less than one-half of one percent of the total assets of the ultimate controlling person within the insurance holding company system unless it has assets valued at or exceeding ten million dollars. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

ITEM 3. THE ULTIMATE CONTROLLING PERSON

As to the ultimate controlling person in the insurance holding company system furnish the following information:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure of the person, i.e., corporation, partnership, individual, trust, etc.
- (e) The principal business of the person.

(f) The name and address of any person who holds or owns ten percent or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned.

(g) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.

ITEM 4. BIOGRAPHICAL INFORMATION

Furnish the following information for the directors and executive officers of the ultimate controlling person: The individual's name and address, his or her principal occupation and all offices and positions held during the past five

years, and any conviction of crimes other than minor traffic violations during the past ten years.

ITEM 5. TRANSACTIONS AND AGREEMENTS

Briefly describe the following agreements in force, and transactions currently outstanding or which have occurred during the last calendar year between the registrant and its affiliates:

- (a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the registrant or of the registrant by its affiliates;
- (b) Purchases, sales or exchanges of assets;
- (c) Transactions not in the ordinary course of business;
- (d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the registrant's business;
- (e) All management agreements, service contracts and all cost-sharing arrangements;
- (f) Reinsurance agreements;
- (g) Dividends and other distributions to shareholders;
- (h) Consolidated tax allocation agreements; and
- (i) Any pledge of the registrant's stock or of the stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

No information need be disclosed if such information is not material for purposes of section 6, chapter 462, Laws of 1993.

Sales, purchases, exchanges, loans or extensions of credit, investments or guarantees involving one-half of one percent or less of the registrant's admitted assets as of the 31st day of December next preceding shall not be deemed material. (Note: Commissioner may by rule, regulation, or order provide otherwise.)

The description shall be in a manner as to permit the proper evaluation thereof by the commissioner, and shall include at least the following: The nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, and relationship of the affiliated parties to the registrant.

ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

- (a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and

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(b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

ITEM 7. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.

ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

Unless the commissioner otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the annual statement of such insurer filed with the insurance department of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(c) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person; and any additional documents or papers required by Form B or WAC 284-18-300 and 284-18-320.

ITEM 9. FORM C REQUIRED

A Form C, Summary of Registration Statement, must be prepared and filed with this Form B.

ITEM 10. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:
SIGNATURE

Pursuant to the requirements of section 6, chapter 462, Laws of 1993, the registrant has caused this annual registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19____.

(SEAL) _____
Name of Registrant

BY _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached annual registration statement dated _____, 19____, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

NEW SECTION

WAC 284-18-930 Form C.

FORM C

SUMMARY OF REGISTRATION STATEMENT

Filed with the Insurance Department of the State of _____

By

Name of Registrant

On Behalf of Following Insurance Companies

Name	Address
_____	_____
_____	_____
_____	_____

Date: _____, 19____

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

Furnish a brief description of all items in the current annual registration statement which represent changes from

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the prior year's annual registration statement. The description shall be in a manner as to permit the proper evaluation thereof by the commissioner, and shall include specific references to Item numbers in the annual registration statement and to the terms contained therein.

Changes occurring under Item 2 of Form B insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result in ownership or holdings of ten percent or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4 of Form B need only be included where: An individual is, for the first time, made a director or executive officer of the ultimate controlling person; a director or executive officer terminates his or her responsibilities with the ultimate controlling person; or in the event an individual is named president of the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been changed, the nature of such change shall be included. If a transaction disclosed on the prior year's annual registration statement has been effectuated, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions whose purpose it is to avoid statutory threshold amounts and the review that might otherwise occur.

SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of section 6, chapter 462, Laws of 1993, the registrant has caused this summary of registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19__.

(SEAL) _____
Name of Registrant

By _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached summary of registration statement dated _____, 19__, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts

therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

NEW SECTION

WAC 284-18-940 Form D.

FORM D

PRIOR NOTICE OF A TRANSACTION

Filed with the Insurance Department of the State of —

By

Name of Registrant

On Behalf of Following Insurance Companies

Name Address

Date: _____, 19__

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. IDENTITY OF PARTIES TO TRANSACTION

Furnish the following information for each of the parties to the transaction:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure, i.e., corporation, partnership, individual, trust, etc.

(e) A description of the nature of the parties' business operations.

(f) Relationship, if any, of other parties to the transaction to the insurer filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the insurer seeking approval, or by the insurer filing the notice in the affiliated parties.

(g) Where the transaction is with a nonaffiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.

ITEM 2. DESCRIPTION OF THE TRANSACTION

Furnish the following information for each transaction for which notice is being given:

PERMANENT

(a) A statement as to whether notice is being given under section 7 (1)(b)(i), (ii), (iii), (iv), or (v), chapter 462, Laws of 1993.

(b) A statement of the nature of the transaction.

(c) The proposed effective date of the transaction.

ITEM 3. SALES, PURCHASES, EXCHANGES, LOANS, EXTENSIONS OF CREDIT, GUARANTEES, OR INVESTMENTS

Furnish a brief description of the amount and source of funds, securities, property or other consideration for the sale, purchase, exchange, loan, extension of credit, guarantee, or investment, whether any provision exists for purchase by the insurer filing notice, by any party to the transaction, or by any affiliate of the insurer filing notice, a description of the terms of any securities being received, if any, and a description of any other agreements relating to the transaction such as contracts or agreements for services, consulting agreements and the like. If the transaction involves other than cash, furnish a description of the consideration, its cost and its fair market value, together with an explanation of the basis for evaluation.

If the transaction involves a loan, extension of credit or a guarantee, furnish a description of the maximum amount which the insurer will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement, state the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of such investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the maximum amount which can at any time be outstanding or for which the insurer can be legally obligated under the loan, extension of credit or guarantee is less than, (a) in the case of nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders or, (b) in the case of life insurers, three percent of the insurer's admitted assets, each as of the 31st day of December next preceding.

ITEM 4. LOANS OR EXTENSIONS OF CREDIT TO A NON-AFFILIATE

If the transaction involves a loan or extension of credit to any person who is not an affiliate, furnish a brief description of the agreement or understanding whereby the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets, of or make investments in any affiliate. Describe the amount and source of funds, securities, property, or other consideration for the loan or extension of credit and, if the transaction is one involving consideration other than cash, a description of its cost and its fair market value together with an explanation of

the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the loan or extension of credit is one which equals less than, in the case of nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders or, with respect to life insurers, three percent of the insurer's admitted assets, each as of the 31st day of December next preceding.

ITEM 5. REINSURANCE

If the transaction is a reinsurance agreement or modification thereto, as described by section 7 (1)(b)(iii), chapter 462, Laws of 1993, furnish a description of the known or estimated amount of liability to be ceded or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and nonaffiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given for reinsurance agreements or modifications thereto if the reinsurance premium or a change in the insurer's liabilities in connection with the reinsurance agreement or modification thereto is less than five percent of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding.

ITEM 6. MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS, AND COST-SHARING ARRANGEMENTS.

For management and service agreements, furnish:

(a) A brief description of the managerial responsibilities, or services to be performed.

(b) A brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made.

For cost-sharing arrangements, furnish:

(a) A brief description of the purpose of the agreement.

(b) A description of the period of time during which the agreement is to be in effect.

(c) A brief description of each party's expenses or costs covered by the agreement.

(d) A brief description of the accounting basis to be used in calculating each party's costs under the agreement.

ITEM 7. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of section 7, chapter 462, Laws of 1993, _____ has caused this notice to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19____.

(SEAL) _____

PERMANENT

WSR 93-19-006
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Order R 93-10—Filed September 1, 1993, 4:13 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Establish procedures and implement chapter 48.92 RCW (including amendments in chapter 462, Laws of 1993, the "accreditation bill") - liability risk retention.

Statutory Authority for Adoption: RCW 48.02.060 and 48.92.140.

Pursuant to notice filed as WSR 93-15-108 on July 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: The final form of WAC 284-92-020 requires re-registration of only purchasing groups, not risk retention groups.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

Chapter 284-92 WAC
LIABILITY RISK RETENTION

GENERAL

NEW SECTION

WAC 284-92-010 Definitions. The definitions in chapter 48.92 RCW apply in this regulation unless otherwise specified or unless the context clearly requires otherwise.

(1) "Domestic purchasing group" means a purchasing group formed under the laws of this state.

(2) "Domestic risk retention group" means a risk retention group formed under the laws of this state.

(3) "State" includes any state of the United States or the District of Columbia.

NEW SECTION

WAC 284-92-020 Preexisting registrations. Registrations of purchasing groups effected before the date this regulation becomes effective are cancelled as of 11:59 p.m. on December 31, 1993. This date may be extended by the commissioner in a particular case or class of cases for good cause shown. After that date, or after the extended date, no purchasing group is registered unless registered after the effective date of this regulation.

PURCHASING GROUPS

NEW SECTION

WAC 284-92-210 Registration required. No purchasing group may provide insurance, offer to provide insurance, or solicit or invite applications for insurance, as to Washington residents, or otherwise transact insurance in Washington or with respect to Washington residents, until it is registered.

Name of Applicant

By _____

(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached notice dated _____, 19____, for and on behalf of (Name of Applicant); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-18-010 Title and purpose.
- WAC 284-18-020 Definitions.
- WAC 284-18-030 Control acquisition of domestic insurer.
- WAC 284-18-040 Registration of insurers.
- WAC 284-18-050 Alternative and consolidated registrations.
- WAC 284-18-060 Exemptions.
- WAC 284-18-070 Disclaimers and termination of registration.
- WAC 284-18-080 Extraordinary dividends and other distributions.
- WAC 284-18-090 Additional information may be required.
- WAC 284-18-100 Forms.
- WAC 284-18-110 Instructions for use of Forms A and B.
- WAC 284-18-120 Effective date.
- WAC 284-18-990 Form A—Statement regarding the acquisition of control of or merger with a domestic insurer.
- WAC 284-18-99001 Form B—Insurance holding company system registration statement.

PERMANENT

NEW SECTION

WAC 284-92-220 Registration effective upon notice by commissioner. No purchasing group is registered until it has been notified by the commissioner that it is registered. There is no "deemer."

NEW SECTION

WAC 284-92-230 Appointment for service of process. (1) Except as provided by RCW 48.92.080, the request for registration must include an appointment of the commissioner as agent for service of process, as provided in chapter 48.92 RCW.

(2) The doing of business as a purchasing group in Washington, or as to Washington residents, in itself constitutes such an appointment of the commissioner. This automatic appointment is effective whether or not an explicit appointment was made or was valid or effective. This automatic appointment does not apply to a purchasing group not required so to appoint the commissioner under RCW 48.92.080.

NEW SECTION

WAC 284-92-240 Suspension and revocation of registration. The grounds for suspension or revocation mentioned in this section are in addition to those mentioned elsewhere in this regulation or in other applicable law or regulation. The registration of a purchasing group may be suspended or revoked:

(1) If any basis exists on which, if the purchasing group were an insurer, agent, or broker, its certificate of authority or its license could be suspended or revoked.

(2) If any insurer issuing policies for the purchasing group is subject, or would be subject if it were an authorized insurer, to suspension or revocation of its certificate of authority under RCW 48.05.140.

(3) If any insurer issuing policies for or to the purchasing group has any order of supervision, receivership, conservation, or liquidation, or any order similar to such an order, entered against it in any state or country by a court or insurance commissioner (or equivalent supervisory official).

(4) If the purchasing group solicits or accepts, or permits the solicitation or acceptance, of insurance applications by a person not licensed in Washington as an insurance agent or broker; or does or permits any other act, by a person not licensed as an agent or broker, if that act may be performed only by one so licensed.

(5) If the purchasing group fails to reply fully, accurately, and in writing to an inquiry of the commissioner.

NEW SECTION

WAC 284-92-250 Insurers and agents. (1) Insurance for a purchasing group may be provided only by one or more of the following: An insurer holding a certificate of authority to transact the relevant line of business in Washington; a risk retention group registered in Washington; or an insurer acting lawfully in accordance with chapter 48.15 RCW and the regulations thereunder (except as provided in chapter 48.92 RCW or this regulation). Insurance for a domestic purchasing group may be provided only by an

insurer holding a Washington certificate of authority to transact that type of insurance.

(2) Chapters 48.15 and 48.17 RCW require that certain acts and functions be performed only by a person licensed thereunder. Those requirements apply equally to transactions involving purchasing groups, except as provided in RCW 48.92.120(3) and WAC 284-15-100.

NEW SECTION

WAC 284-92-260 Forms. (1) The requirements for filing and approval of policy rates and forms apply to forms issued to or in connection with purchasing groups to the same extent as they apply in other situations.

(2) Notwithstanding subsection (1) of this section, forms that have been properly issued in Washington before the effective date of this regulation may continue to be issued or renewed until February 1, 1994, or such later date as the commissioner approves. After that date, those forms are subject to subsection (1) of this section.

NEW SECTION

WAC 284-92-270 Disclosure that there is no guaranty association coverage and that some laws may not apply. (1) Under RCW 48.92.050 (3) and (4), in some situations there is no coverage by the Washington Insurance Guaranty Association for some insurance obtained by a purchasing group. Under RCW 48.92.090(2), the purchasing group must inform its members of the lack of that protection and that the insurer or risk retention group may not be subject to all insurance laws and regulations of this state. In any such situation, the disclosure must be in writing. It must be given when the application is taken. The disclosure must be reasonably calculated to make the individual aware of the lack of guaranty coverage and the inapplicability of some laws and regulations. The lack of coverage and that inapplicability may not be presented as an advantage or as a technical oddity, nor may it be downplayed by references to the solvency of the insurer or otherwise.

(2) If the insurance is to be issued by a risk retention group, compliance with WAC 284-92-700 and RCW 48.92.040(7) is sufficient compliance with this rule and with RCW 48.92.090(2).

(3) The insurer, for a domestic purchasing group on risks located in Washington, must be an insurer holding a Washington certificate of authority for that type of insurance, or a registered risk retention group.

NEW SECTION

WAC 284-92-280 Notice of changes. If any information included in the request for registration, or otherwise provided to the commissioner, changes or is found to have been incorrect when submitted, the commissioner must be notified within ten days of the change or the discovery of the inaccuracy.

NEW SECTION

WAC 284-92-290 Domestic purchasing groups. (1) No domestic purchasing group will be registered unless the purchasing group has and maintains in Washington the records applicable to its business, including records as to

insured persons, financial matters, and the like. There must also be resident in Washington an officer of the purchasing group who is able and qualified to present, interpret, and explain those records to the commissioner or the commissioner's representative on demand.

(2) Each domestic purchasing group shall submit an annual report to the commissioner. That report shall state the number of policies, amount of insurance coverage, and amount of premium provided, the number and types of insured persons, and such other matters as the commissioner shall direct. The report shall be submitted for each calendar year, and shall be submitted no later than January 31 of the following year unless the commissioner allows a later filing. Any other information requested by the commissioner shall be promptly provided.

RISK RETENTION GROUPS

NEW SECTION

WAC 284-92-410 Registration required. No risk retention group may provide insurance, offer to provide insurance, or solicit or invite applications for insurance, as to Washington residents, or otherwise transact insurance in Washington or with respect to Washington residents, until it is registered.

NEW SECTION

WAC 284-92-420 Registration effective upon notice by commissioner. No risk retention group is registered until it has been notified by the Commissioner that it is registered. There is no "deemer."

NEW SECTION

WAC 284-92-430 Registration—Appointment for service of process. (1) The request for registration must include an appointment of the commissioner as agent for service of process, as provided in chapter 48.92 RCW.

(2) The doing of business as a risk retention group in Washington, or as to Washington residents, in itself constitutes such an appointment of the commissioner. This automatic appointment operates in all cases, whether or not an explicit appointment was made or was valid or effective.

NEW SECTION

WAC 284-92-440 Suspension and revocation of registration. The grounds for suspension or revocation mentioned in this section are in addition to those mentioned elsewhere in this regulation or in other applicable law or regulation. In addition, a domestic risk retention group is subject to the same sanctions, on the same grounds, as a domestic insurer, including revocation of its certificate of authority. The registration of a risk retention group may be suspended or revoked if:

(1) Any basis exists on which, if the risk retention group were an authorized insurer, its certificate of authority could be suspended or revoked, under chapter 48.05 RCW or otherwise.

(2) If the risk retention group has any order of supervision, receivership, conservation, or liquidation, or any order similar to such an order, entered against it in any state or

country by a court or insurance commissioner (or equivalent supervisory official); or any such court or official finds that the risk retention group is in a hazardous financial or financially impaired condition.

(3) If the risk retention group solicits or accepts, or permits the solicitation or acceptance, of insurance applications by anyone not appropriately licensed as an agent or broker; or does or permits any other act by a person not appropriately licensed as an agent or broker, if that act may be performed only by one so licensed.

(4) An order is entered by a court enjoining the risk retention group from soliciting or selling insurance, or operating.

(5) If the risk retention group fails to respond fully, accurately, and in writing to an inquiry of the commissioner.

NEW SECTION

WAC 284-92-450 Agents. Only appropriately licensed agents or brokers may solicit or accept applications for insurance to be issued by a risk retention group.

NEW SECTION

WAC 284-92-460 Tax. The premium tax under chapter 48.14 applies to insurance issued by risk retention groups. Failure to pay the tax when due is grounds for suspension or revocation of the registration of the risk retention group, in addition to other fines, penalties, interest, and other consequences provided by law or regulation.

NEW SECTION

WAC 284-92-470 Notice of changes. If any information included in the request for registration, or otherwise provided to the commissioner, changes or is found to have been incorrect when submitted, the commissioner must be notified within ten days of the change or the discovery of the inaccuracy.

NEW SECTION

WAC 284-92-480 Reports. Each registered risk retention group shall submit to the commissioner copies of any annual statements or reports, or other reports on operations and financial results or condition, that are filed by it with the insurance regulatory official of its state of domicile or with the National Association of Insurance Commissioners. Quarterly and other reports are not required and should not be submitted unless requested by the commissioner. See WAC 284-92-710 as to reports required of domestic risk retention groups. Reports shall be on disk as well as in paper form. These reports are in addition to those required by RCW 48.92.030(2).

NEW SECTION

WAC 284-92-490 Required disclosure "notice." The "notice" requirement of RCW 48.92.040(7) is to be applied as follows:

(1) On an application form, the notice must appear on the first page. On a policy, the notice must appear both on the first page and on the declaration page; if the declaration page is the first page, one appearance of the notice suffices.

(2) The notice or a similar disclosure may be repeated elsewhere.

(3) The disclosure and the information in it may not be presented as an advantage or as a technical oddity, nor downplayed by references to the solvency of the insurer or otherwise.

NEW SECTION

WAC 284-92-500 Domestic risk retention groups—Formation. A domestic risk retention group must be formed in compliance with chapter 48.06 RCW. It must meet the capital and surplus requirements applicable under RCW 48.05.340 to insurers transacting the kind or kinds of insurance that the domestic risk retention group proposes to transact. It must comply with the other requirements for domestic insurers and with chapter 48.92 RCW.

NEW SECTION

WAC 284-92-510 Domestic risk retention groups—Reports. Domestic risk retention groups shall file the reports required by RCW 48.92.030. In addition, domestic risk retention groups shall file quarterly financial reports and any other statements or reports required by the commissioner for such groups in general or for any one or more such groups. The commissioner may require any reports from any one or more risk retention groups, at any time and from time to time. Reports shall be both on paper and on diskette.

**WSR 93-19-007
PERMANENT RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Order R 93-11—Filed September 1, 1993, 4:14 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Specify the valuation methods of insurers' investments; implement "accreditation bill"; part of accreditation project.

Statutory Authority for Adoption: RCW 48.02.060, 48.12.180, 48.12.190, and 48.12.200.

Pursuant to notice filed as WSR 93-15-109 on July 21, 1993.

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

September 1, 1993

Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-13-210 Valuation of bonds. All bonds or other evidences of debt having a fixed term and rate of interest held by an insurer may, if amply secured and not in default as to principal or interest, be valued as follows:

(1) If purchased at par, at the par value.

(2) If purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made, or in lieu of

such method, according to such accepted method of valuation as is approved by the commissioner.

(3) Purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase, plus actual brokerage, transfer, postage, or express charges paid in the acquisition of such bonds or other evidences of debt.

(4) No method of valuation shall be inconsistent with any applicable valuation or method used by insurers in general, or any such method then currently formulated or approved by the National Association of Insurance Commissioners or its successor organization.

NEW SECTION

WAC 284-13-220 Valuation of other securities. (1) Securities, other than those referred to in WAC 284-13-210, held by an insurer shall be valued, in the discretion of the commissioner, at their market value, or at their appraised value, or at prices determined by the commissioner as representing their fair market value.

(2) Preferred or guaranteed stocks or shares while paying full dividends may be carried at a fixed value in lieu of market value, at the discretion of the commissioner and in accordance with such method of valuation as he or she may approve.

(3) Stock of a subsidiary corporation of an insurer shall not be valued at an amount in excess of the net value thereof as based upon those assets only of the subsidiary which would be eligible under chapter 48.13 RCW for investment of the funds of the insurer directly.

(4) No valuations under this section shall be inconsistent with any applicable valuation or method then currently formulated or approved by the National Association of Insurance Commissioners or its successor organization.

**WSR 93-19-008
PERMANENT RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Order R 93-12—Filed September 1, 1993, 4:15 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Establish a form of nonresident surplus lines broker in connection with purchasing groups; implement "accreditation bill."

Statutory Authority for Adoption: RCW 48.02.060 and 48.92.140.

Pursuant to notice filed as WSR 93-15-110 on July 21, 1993.

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

September 1, 1993

Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-15-100 Surplus lines limited broker. (1) A person who is not a resident of Washington may be licensed as a limited surplus lines broker.

(2) A limited surplus lines broker may act in soliciting, negotiating, or procuring insurance, but only liability

insurance and only on behalf of a purchasing group registered in accordance with RCW 48.92.080.

(3) To be licensed as a limited surplus lines broker, a person must meet all the same qualifications (other than residency) as any other person seeking to be licensed as a surplus lines broker under chapter 48.15 RCW and chapter 284-15 WAC (including passing the Washington examination), and has all the same responsibilities as any other surplus lines broker.

**WSR 93-19-009
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Order R 93-13—Filed September 1, 1993, 4:16 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Clarify some points under the new Managing General Agents Act; implement "accreditation bill."

Statutory Authority for Adoption: RCW 48.02.060 and section 41, chapter 462, Laws of 1993.

Pursuant to notice filed as WSR 93-15-111 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-12-200 Operating in this state. A managing general agent is "operating in this state" for purposes of the Managing General Agents Act (chapter 48.— RCW, sections 34-42, chapter 462, Laws of 1993) ("the act") section 38(5), chapter 462, Laws of 1993, if he or she does in Washington any act for which a license is required by the act or chapter 48.17, or does in Washington any activities listed in section 35 (3)(a)(i) or (ii), chapter 462, Laws of 1993.

NEW SECTION

WAC 284-12-210 Affiliates. "Affiliates" as used in section 35 (3)(a), chapter 462, Laws of 1993, has the meaning indicated in RCW 48.—.—, section 2, chapter 462, Laws of 1993.

NEW SECTION

WAC 284-12-220 Licensed in this state. A person is licensed in this state for purposes of section 36 (1) and (2), chapter 462, Laws of 1993, if he or she holds a resident or nonresident agent's license issued by the commissioner.

NEW SECTION

WAC 284-12-230 Notification of appointment. When notifying the Commissioner of the appointment of a managing general agent under section 38(5), chapter 462, Laws of 1993, in addition to the information specified there, the insurer shall include the following information about the appointee:

- (1) Current address;
- (2) Other addresses in the past five years;
- (3) What licenses are held, and which states issued them;
- (4) Whether any license has ever been revoked, suspended, or not renewed, and whether any disciplinary action has ever been taken or is now being considered by an insurance regulatory official or officer, and if so, give details.

NEW SECTION

WAC 284-12-250 Employee. Whether a person is an "employee" of the insurer for purposes of section 35 (3)(b)(i), chapter 462, Laws of 1993, depends on the facts and is not controlled by a mere labelling of the person as an employee in an agreement.

NEW SECTION

WAC 284-12-260 Form of financial statements. The independent audited financial statements required by section 38(1), chapter 462, Laws of 1993, shall be in such a form that they clearly show the results of operations, and the assets, liabilities, and equity of the managing general agent, and the income and expense attributable to acting as managing general agent for the insurer. Nothing in the act or this regulation (WAC 284-12-200 through 284-12-260) prevents the insurer from requiring additional information, more detail, or a specified format so long as that specified format at least meets the requirements of this section.

NEW SECTION

WAC 284-12-270 Expiration and renewal of appointments. Appointments of managing general agents shall be for one year. They expire unless timely renewed. They expire on the same date that agent appointments for the same insurer expire under WAC 284-17-410.

NEW SECTION

WAC 284-12-280 Claim thresholds. The claim threshold under sections 35 (3)(a)(i) and 37 (7)(b)(i) and (v), chapter 462, Laws of 1993, is twenty thousand dollars.

**WSR 93-19-010
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Order R 93-14—Filed September 1, 1993, 4:17 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Establish time limit for use of real estate appraisals; implement "accreditation bill."

Statutory Authority for Adoption: RCW 48.02.060.

Pursuant to notice filed as WSR 93-15-112 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

PERMANENT

NEW SECTION

WAC 284-13-280 Real estate appraisals. (1) Except as provided in subsection (2) of this section, for purposes of RCW 48.13.120(1) and 48.13.140, an insurer may rely on an appraisal that is less than one year old.

(2) An insurer may not rely on an appraisal if the insurer knows or should know that the appraisal is not reliable. An appraisal may be "not reliable" because it was incorrect when done, because conditions affecting the property have changed, or for other reasons.

**WSR 93-19-011
PERMANENT RULES**

**OFFICE OF
INSURANCE COMMISSIONER**

[Order R 93-15—Filed September 1, 1993, 4:18 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Clarify some points under the new Reinsurance Intermediary Act; implement "accreditation bill."

Statutory Authority for Adoption: RCW 48.02.060 and section 33, chapter 462, Laws of 1993.

Pursuant to notice filed as WSR 93-15-113 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-13-700 Definitions. (1) Terms used in this regulation (WAC 284-13-700 through 284-13-740) that are defined in the Reinsurance Intermediary Act (chapter 48.—RCW, sections 22 through 33, chapter 462, Laws of 1993) ("the act") have the meaning stated there.

(2) Whether a person is an "employee" of the reinsurer for purposes of section 23 (7)(a), chapter 462, Laws of 1993, depends on the facts and is not controlled by a mere labeling of the person as an employee in an agreement.

(3) A reinsurer is "licensed in this state" for purposes of section 23(8), chapter 462, Laws of 1993, when it holds a certificate of authority to transact the relevant line of insurance.

NEW SECTION

WAC 284-13-710 Applications for license. An application for a license as a reinsurance intermediary by a firm or association may name the members and the designated employees to be authorized to act as reinsurance intermediaries under the license. If those persons are not named on the application or a supplement to it, then the application must be accompanied by a letter or other document identifying those persons and signed by an officer of the firm or association.

NEW SECTION

WAC 284-13-720 Financial statement of reinsurance intermediary-manager. A reinsurer shall obtain from each reinsurance intermediary-manager, and a reinsurance intermediary-manager shall give to the reinsurer, annual statements of financial condition prepared by an independent certified public accountant. The form of the statements shall be such that the statements clearly show the results of operations, and the assets, liabilities, and equity of the reinsurance intermediary-manager. Nothing in the act or this regulation (WAC 284-13-700 through 284-13-740) prevents a reinsurer from requiring additional information, more detail, or a specified format so long as that specified format at least meets the requirements of this section.

NEW SECTION

WAC 284-13-730 Submission and approval of contracts between reinsurers and reinsurance intermediary—Managers. Contracts filed for approval under section 28, chapter 462, Laws of 1993, must include the provisions required by that section. If those provisions are not in the order given in that section, or if any other provisions precede or separate any of those required provisions, then the submitted contract shall be accompanied by a statement showing where in the contract each required provision is.

NEW SECTION

WAC 284-13-740 Reporting of claims. The reporting threshold under section 28 (9)(b)(v), chapter 462, Laws of 1993, is the lesser of fifty thousand dollars or an amount set by the reinsurer.

**WSR 93-19-012
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Order R 93-16—Filed September 1, 1993, 4:19 p.m.]

Date of Adoption: September 1, 1993.

Purpose: Implement statutory requirement in "accreditation bill" - risk-based capital. Part of accreditation project.

Statutory Authority for Adoption: RCW 48.02.060 and 48.05.340(4).

Pursuant to notice filed as WSR 93-15-114 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 1, 1993
Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-13-310 Definitions. As used in this rule, these terms shall have the following meanings:

"Adjusted RBC report" means an RBC report which has been adjusted by the commissioner in accordance with WAC 284-13-320(3).

"Corrective order" means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required.

"Domestic insurer" means any life or disability insurance company formed under the laws of this state.

"Foreign or alien insurer" means any life or disability insurance company which is authorized to do business in this state under chapter 48.05 RCW but is not domiciled in this state.

"NAIC" means the National Association of Insurance Commissioners.

"Negative trend" means a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in this section.

"RBC" means risk-based capital.

"RBC instructions" means the RBC report including risk-based capital instructions adopted by the NAIC, as such RBC instructions may be amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

"RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

"Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions;

"Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

"Mandatory control level RBC" means the product of .70 and the authorized control level RBC;

"Regulatory action level RBC" means the product of 1.5 and its authorized control level RBC.

"RBC plan" means a comprehensive financial plan containing the elements specified in WAC 284-13-330(2). If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

"RBC report" means the report required in WAC 284-13-320.

"Total adjusted capital" means the sum of:

An insurer's statutory capital and surplus; and

Such other items, if any, as the RBC instructions may provide.

NEW SECTION

WAC 284-13-320 RBC reports. (1) Every domestic insurer shall, on or prior to each March 15 (the "filing date"), prepare and submit to the commissioner a report of its RBC levels as of the end of the calendar year just ended, in a form and containing such information as is required by the RBC instructions. In addition, every domestic insurer shall file its RBC report:

(a) With the NAIC in accordance with the RBC instructions; and

(b) With the insurance commissioner in any state in which the insurer is authorized to do business, if the insurance commissioner has notified the insurer of its request in writing, in which case the insurer shall file its RBC report not later than the later of:

(i) Fifteen days from the receipt of notice to file its RBC report with that state; or

(ii) The filing date.

(2) An insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account (and may adjust for the covariance between):

(a) The risk with respect to the insurer's assets;

(b) The risk of adverse insurance experience with respect to the insurer's liabilities and obligations;

(c) The interest rate risk with respect to the insurer's business; and

(d) All other business risks and such other relevant risks as are set forth in the RBC instructions; determined in each case by applying the factors in the manner set forth in the RBC instructions.

(3) If a domestic insurer files an RBC report which in the judgment of the commissioner is inaccurate, then the commissioner shall adjust the RBC report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice shall contain a statement of the reason for the adjustment. An RBC report as so adjusted is referred to as an "adjusted RBC report."

NEW SECTION

WAC 284-13-330 Company action level event. (1) "Company action level event" means any of the following events:

(a) The filing of an RBC report by an insurer which indicates that:

(i) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; or

(ii) The insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 2.5 and has a negative trend;

(b) The notification by the commissioner to the insurer of an adjusted RBC report that indicates the event in (a)(i) or (ii) of this subsection (provided the insurer does not challenge the adjusted RBC report under WAC 284-13-370); or

(c) If the insurer challenges an adjusted RBC report that indicates the event in (a)(i) or (ii) of this subsection under WAC 284-13-370, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(2) In the event of a company action level event, the insurer shall prepare and submit to the commissioner a comprehensive financial plan which shall:

(a) Identify the conditions in the insurer which contribute to the company action level event;

(b) Contain proposals of corrective actions which the insurer intends to take and would be expected to result in the elimination of the company action level event;

(c) Provide projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory financial position, results of operations, changes in cash flows, and significant statutory accounting policies. (The projections for both new and renewal business might include separate projections for each major line

of business and separately identify each significant income, expense, and benefit component);

(d) Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; and

(e) Identify the quality of, and problems associated with, the insurer's business, including but not limited to its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and use of reinsurance in each case, if any.

(3) The RBC plan shall be submitted:

(a) Within forty-five days of the company action level event; or

(b) If the insurer challenges an adjusted RBC report pursuant to WAC 284-13-370, within forty-five days after notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(4) Within sixty days after the submission by an insurer of an RBC plan to the commissioner, the commissioner shall notify the insurer whether the RBC plan shall be implemented or is, in the judgment of the commissioner, unsatisfactory. If the commissioner determines the RBC plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination, and may set forth proposed revisions which will render the RBC plan satisfactory, in the judgment of the commissioner. Upon notification from the commissioner, the insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the commissioner, and shall submit the revised RBC plan to the commissioner:

(a) Within forty-five days after the notification from the commissioner; or

(b) If the insurer challenges the notification from the commissioner under WAC 284-13-370, within forty-five days after a notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(5) In the event of a notification by the commissioner to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the commissioner may at the commissioner's discretion, subject to the insurer's right to a hearing under WAC 284-13-370, specify in the notification that the notification constitutes a regulatory action level event.

(6) Every domestic insurer that files an RBC plan or revised RBC plan with the commissioner shall file a copy of the RBC plan or revised RBC plan with the insurance commissioner in any state in which the insurer is authorized to do business if:

(a) Such state has an RBC provision substantially similar to WAC 284-13-380(1); and

(b) The insurance commissioner of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

(i) Fifteen days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state; or

(ii) The date on which the RBC plan or revised RBC plan is filed under subsections (3) and (4) of this section.

NEW SECTION

WAC 284-13-340 Regulatory action level event. (1) "Regulatory action level event" means, with respect to any insurer, any of the following events:

(a) The filing of an RBC report by the insurer which indicates that the insurer's total adjusted capital is greater than or equal to its authorized control level RBC but less than its regulatory action level RBC;

(b) The notification by the commissioner to an insurer of an adjusted RBC report that indicates the event in (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under WAC 284-13-370;

(c) If the insurer challenges an adjusted RBC report that indicates the event in (a) of this subsection under WAC 284-13-370, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge;

(d) The failure of the insurer to file an RBC report by the filing date, unless the insurer has provided an explanation for such failure which is satisfactory to the commissioner and has cured the failure within ten days after the filing date;

(e) The failure of the insurer to submit an RBC plan to the commissioner within the time period set forth in WAC 284-13-330(3);

(f) Notification by the commissioner to the insurer that:

(i) The RBC plan or revised RBC plan submitted by the insurer is, in the judgment of the commissioner, unsatisfactory; and

(ii) Such notification constitutes a regulatory action level event with respect to the insurer, provided the insurer has not challenged the determination under WAC 284-13-370;

(g) If the insurer challenges a determination by the commissioner under (f) of this subsection pursuant to WAC 284-13-370, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected such challenge;

(h) Notification by the commissioner to the insurer that the insurer has failed to adhere to its RBC plan or revised RBC plan, but only if such failure has a substantial adverse effect on the ability of the insurer to eliminate the regulatory action level event in accordance with its RBC plan or revised RBC plan and the commissioner has so stated in the notification, provided the insurer has not challenged the determination under WAC 284-13-370; or

(i) If the insurer challenges a determination by the commissioner under (h) of this subsection pursuant to WAC 284-13-370, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the challenge (unless the failure of the insurer to adhere to its RBC plan or revised RBC plan has no substantial adverse effect on the ability of the insurer to eliminate the regulatory action level event with respect to the insurer).

(2) In the event of a regulatory action level event the commissioner shall:

(a) Require the insurer to prepare and submit an RBC plan or, if applicable, a revised RBC plan;

(b) Perform such examination or analysis as the commissioner deems necessary of the assets, liabilities, and operations of the insurer including a review of its RBC plan or revised RBC plan; and

(c) Subsequent to the examination or analysis, issue an order specifying such corrective actions as the commissioner shall determine are required (a "corrective order").

(3) In determining corrective actions, the commissioner may take into account such factors as are deemed relevant with respect to the insurer based upon the commissioner's examination or analysis of the assets, liabilities, and operations of the insurer, including, but not limited to, the results of any sensitivity tests undertaken pursuant to the RBC instructions. The RBC plan or revised RBC plan shall be submitted:

(a) Within forty-five days after the occurrence of the regulatory action level event;

(b) If the insurer challenges an adjusted RBC report pursuant to WAC 284-13-370 and the challenge is not in the judgment of the commissioner frivolous, within forty-five days after the notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge; or

(c) If the insurer challenges a revised RBC plan under WAC 284-13-370, within forty-five days after notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(4) The commissioner may retain actuaries and investment experts and other consultants as may be necessary in the judgment of the commissioner to review the insurer's RBC plan or revised RBC plan, examine or analyze the assets, liabilities, and operations of the insurer, and formulate the corrective order with respect to the insurer. The fees, costs, and expenses relating to consultants shall be borne by the affected insurer or such other party as directed by the commissioner.

NEW SECTION

WAC 284-13-350 Authorized control level event. (1) "Authorized control level event" means any of the following events:

(a) The filing of an RBC report by the insurer which indicates that the insurer's total adjusted capital is greater than or equal to its mandatory control level RBC but less than its authorized control level RBC;

(b) The notification by the commissioner to the insurer of an adjusted RBC report that indicates the event in (a) of this subsection (provided the insurer does not challenge the adjusted RBC report under WAC 284-13-370);

(c) If the insurer challenges an adjusted RBC report that indicates the event in (a) of this subsection under WAC 284-13-370, notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge;

(d) The failure of the insurer to respond, in a manner satisfactory to the commissioner, to a corrective order (provided the insurer has not challenged the corrective order under WAC 284-13-370); or

(e) If the insurer has challenged a corrective order under WAC 284-13-370 and the commissioner has, after a hearing, rejected the challenge or modified the corrective order, the failure of the insurer to respond, in a manner satisfactory to the commissioner, to the corrective order subsequent to rejection or modification by the commissioner.

(2) In the event of an authorized control level event with respect to an insurer, the commissioner shall:

(a) The commissioner shall take such actions as are required under WAC 284-13-340 regarding an insurer with respect to which a regulatory action level event has occurred; or

(b) The commissioner's review of the RBC report, preparation of an adjusted RBC report if any, and consideration of any corrective order and any challenge to a corrective order constitute an examination for purposes of RCW 48.31.030(5). If the commissioner then finds the insurer to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public, and if the commissioner deems it to be in the best interests of the policyholders and creditors of the insurer and of the public, then the commissioner shall take such actions as are necessary to cause the insurer to be placed under regulatory control under chapter 48.31 RCW. In the event the commissioner takes such actions, the authorized control level event shall be deemed sufficient grounds for the commissioner to take action under chapter 48.31 RCW, and the commissioner shall have the rights, powers, and duties with respect to the insurer as are set forth in chapter 48.31 RCW. In the event the commissioner takes actions under this subsection (2)(b) pursuant to an adjusted RBC report, the insurer shall be entitled to such protections as are afforded to insurers under the provisions of RCW 48.31.— (section 61, chapter 462, Laws of 1993) pertaining to summary proceedings.

NEW SECTION

WAC 284-13-360 Mandatory control level event. (1) "Mandatory control level event" means any of the following events:

(a) The filing of an RBC report which indicates that the insurer's total adjusted capital is less than its mandatory control level RBC;

(b) Notification by the commissioner to the insurer of an adjusted RBC report that indicates the event in (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under WAC 284-13-370; or

(c) If the insurer challenges an adjusted RBC report that indicates the event in (a) of this subsection under WAC 284-13-370, notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(2) The commissioner's review of the RBC report, preparation of an adjusted RBC report if any, and consideration of any corrective order and any challenge to a corrective order constitute an examination for purposes of RCW 48.31.030(5). The determination that a mandatory control level event has occurred constitutes a finding that the insurer is in such condition that further transaction of business will be hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public. Therefore, in the event of a mandatory control level event, the commissioner shall take actions as are necessary to cause the insurer to be placed under regulatory control under chapter 48.31 RCW. In the event the commissioner takes actions pursuant to an adjusted RBC report, the insurer shall be entitled to such protections as are afforded to insurers under the provisions of RCW 48.31.— (section 61, chapter 462, Laws of 1993) pertaining to summary proceedings.

Notwithstanding any of the foregoing, the commissioner may forego action for up to ninety days after the mandatory control level event if he or she finds there is a reasonable expectation that the mandatory control level event may be eliminated within the ninety-day period.

NEW SECTION

WAC 284-13-370 Hearings. Upon:

- (1) Notification to an insurer by the commissioner of an adjusted RBC report; or
- (2) Notification to an insurer by the commissioner that:
 - (a) The insurer's RBC plan or revised RBC plan is unsatisfactory; and
 - (b) Such notification constitutes a regulatory action level event with respect to such insurer; or
 - (3) Notification to any insurer by the commissioner that the insurer has failed to adhere to its RBC plan or revised RBC plan and that such failure has a substantial adverse effect on the ability of the insurer to eliminate the company action level event with respect to the insurer in accordance with its RBC plan or revised RBC plan; or
 - (4) Notification to an insurer by the commissioner of a corrective order with respect to the insurer, the insurer shall have the right to a hearing, in accordance with chapters 48.04 and 34.05 RCW. The insurer shall notify the commissioner of its request for a hearing within five days after the notification by the commissioner under subsection (1), (2), (3), or (4) of this section.

NEW SECTION

WAC 284-13-380 Confidentiality and prohibition on announcements. (1) All RBC reports (to the extent the information therein is not required to be set forth in a publicly available annual statement schedule) and RBC plans (including the results or report of any examination or analysis of an insurer performed pursuant hereto and any corrective order issued by the commissioner pursuant to examination or analysis) with respect to any domestic insurer or foreign insurer which are filed with the commissioner constitute information that might be damaging to the insurer if made available to its competitors, and therefore shall be kept confidential by the commissioner. This information shall not be made public or be subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner pursuant to any provision of the insurance laws of this state.

(2) The comparison of an insurer's total adjusted capital to any of its RBC levels is a regulatory tool which may indicate the need for possible corrective action with respect to the insurer, and is not intended as a means to rank insurers generally. Therefore, except as otherwise required, under the provisions of this rule, the making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing an assertion, representation, or statement with regard to the RBC levels of any insurer, or of any component derived in the calculation, by

any insurer, agent, broker, or other person engaged in any manner in the insurance business would be misleading and an unfair method of competition and an unfair and deceptive practice and is therefore prohibited. If, however, if any materially false statement with respect to the comparison regarding an insurer's total adjusted capital to its RBC levels (or any of them) or an inappropriate comparison of any other amount to the insurer's RBC levels is published in any written publication and the insurer is able to demonstrate to the commissioner with substantial proof the falsity of such statement, or the inappropriateness, as the case may be, then the insurer may publish an announcement in a written publication if the sole purpose of the announcement is to rebut the materially false statement or inappropriate comparison.

NEW SECTION

WAC 284-13-390 Supplemental provisions. The provisions of this rule are supplemental to any other provisions of the laws and rules of this state, and shall not preclude or limit any other powers or duties of the commissioner under such laws and rules including, but not limited to, chapter 48.31 RCW and WAC 284-16-300 through 284-16-320.

NEW SECTION

WAC 284-13-400 Foreign and alien insurers. (1) Any foreign or alien insurer shall, upon the written request of the commissioner, submit to the commissioner an RBC report as of the end of the calendar year just ended the later of:

- (a) The date an RBC report would be required to be filed by a domestic insurer under this rule; or
- (b) Fifteen days after the request is received by the foreign or alien insurer.

Any foreign or alien insurer shall, at the written request of the commissioner, promptly submit to the commissioner a copy of any RBC plan that is filed with the insurance commissioner of any other state.

(2) In the event of a company action level event or regulatory action level event with respect to any foreign or alien insurer as determined under the RBC statute or rule applicable in the state of domicile of the insurer (or, if no RBC provision is in force in that state, under the provisions of this rule), if the insurance commissioner of the state of domicile of the foreign or alien insurer fails to require the foreign or alien insurer to file an RBC plan in the manner specified under the RBC statute or rule (or, if no RBC provision is in force in the state, under WAC 284-13-330), the commissioner may require the foreign or alien insurer to file an RBC plan with the commissioner. In such event, the failure of the foreign or alien insurer to file an RBC plan with the commissioner shall be grounds to order the insurer to cease and desist from writing new insurance business in this state.

(3) The commissioner's review of the RBC report, preparation of an adjusted RBC report if any, and consideration of any corrective order and any challenge to a corrective order constitute an examination for purposes of RCW 48.31.030(5). The determination that a mandatory control level event has occurred constitutes a finding that the insurer

is in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public. Therefore, in the event of a mandatory control level event with respect to any foreign or alien insurer, if no domiciliary receiver has been appointed with respect to the foreign or alien insurer under the rehabilitation and liquidation statute applicable in the state of domicile of the foreign or alien insurer, the commissioner may make application to the circuit court for Thurston County permitted under chapter 48.31 RCW with respect to the liquidation of property of foreign or alien insurers found in this state, and the occurrence of the mandatory control level event is adequate grounds for the application.

NEW SECTION

WAC 284-13-410 Notices. All notices by the commissioner to an insurer which may result in regulatory action hereunder shall be effective upon dispatch if transmitted by registered or certified mail, or in the case of any other transmission shall be effective upon the insurer's receipt of such notice.

NEW SECTION

WAC 284-13-420 Phase-in provision. For RBC reports required to be filed with respect to 1993, the following requirements shall apply in lieu of the provisions of WAC 284-13-330, 284-13-340, 284-13-350, and 284-13-360:

(1) In the event of a company action level event with respect to a domestic insurer, the commissioner shall take no regulatory action hereunder.

(2) In the event of an regulatory action level event under WAC 284-13-340 (1)(a), (b), or (c) the commissioner shall take the actions required under WAC 284-13-330.

(3) In the event of an regulatory action level event under WAC 284-13-340 (1)(d), (e), (f), (g), (h), or (i), or an authorized control level event, the commissioner shall take the actions required under WAC 284-13-340 with respect to the insurer.

(4) In the event of a mandatory control level event with respect to an insurer, the commissioner shall take the actions required under WAC 284-13-350 with respect to the insurer.

WSR 93-19-014
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed September 2, 1993, 11:11 a.m.]

Date of Adoption: July 29, 1993.

Purpose: Defines the type of moneys which may be used by Washington independent institutions to provide the matching dollars to the state grant provided to Washington scholars attending such schools; amends the program to extend mandatory tuition waivers to scholars who are selected prior to June 30, 1994.

Citation of Existing Rules Affected by this Order: Amending WAC 250-66-020.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Pursuant to notice filed as WSR 93-11-094 on May 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 2, 1993
Elson S. Floyd
Executive Director

AMENDATORY SECTION (Amending WSR 92-16-038, filed 7/30/92, effective 8/30/92)

WAC 250-66-020 Program definitions. (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, The Evergreen State College, community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(5) "Washington resident" shall mean any individual who (~~(satisfies)~~ ~~(satisfied))~~ satisfied the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(6) "Waiver of tuition and service and activities fees."

(a) Students who received their Washington state scholars awards prior to June 30, (~~(1992))~~ 1994, and who choose to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and (~~(service)~~ ~~(services))~~ services and activities fees at any Washington public institution of higher education.

(b) Students who received their Washington state scholars awards after June 30, (~~(1992))~~ 1994, and who choose to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, may be eligible for a full or partial waiver of tuition and services and activities fees at any Washington public institution of higher education.

(7) "Grant(s)." Students selected as Washington state scholars choosing to attend an independent college or university, as defined in subsection (2) of this section, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants shall not exceed, on an annual basis, the yearly, full-time, resident undergraduate tuition and service and activities fees in effect at the state-funded research universities. These grants shall also be

contingent upon the independent college or university matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.

If the institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

WSR 93-19-015
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed September 2, 1993, 11:14 a.m.]

Date of Adoption: July 29, 1993.

Purpose: Develops procedure for determining amount of reimbursement for payment of academic grant for tuition reimbursement for educational coursework through Washington private colleges and universities; develops procedure for payment of grant and stipend benefits in the event of funding shortfall.

Citation of Existing Rules Affected by this Order: Amending WAC 250-78-050 and 250-78-060.

Statutory Authority for Adoption: Chapters 28B.80 and 28A.625 RCW.

Pursuant to notice filed as WSR 93-11-092 on May 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 2, 1993
Elson S. Floyd
Executive Director

AMENDATORY SECTION (Amending WSR 92-16-037, filed 7/30/92, effective 7/30/92)

WAC 250-78-050 Award amount. (1) The academic grant shall be used to reimburse recipients for actual costs of tuition and fees up to a maximum of forty-five quarter or thirty semester credit hours. The rate of reimbursement per credit hour shall not exceed the resident, graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credit.

(2) Recipients who were awarded the tuition/fee waiver benefit for forty-five quarter or thirty semester credits prior to May 17, 1991 shall receive the remaining value of the tuition/fee waiver in the form of the academic grant. Conversion of the tuition/fee waiver to the value of individual recipient academic grants shall be calculated as a ratio of available (unused) credits remaining in the tuition/fee waiver benefit to the total credits originally awarded.

(3) Consistent with terms of prior law, recipients who received notification of their award by the office of the superintendent of public instruction prior to May 17, 1991 may be eligible to receive a stipend not to exceed one thousand dollars for costs incurred in taking courses covered by the academic grant.

(4) Recipients who received notification of their award by the office of the superintendent of public instruction after May 17, 1991 may be eligible to receive a stipend not to exceed one thousand dollars for costs incurred in taking

courses covered by the academic grant only if funds are specially appropriated for stipends under this program.

(5) Washington private colleges and universities may elect to participate in the program.

(a) Award recipients attending Washington private colleges and universities may receive an academic grant, provided the following additional criteria are met;

(i) The institution elects to participate in the program; and

(ii) The institution matches the amount of the academic grant received by the recipient from the state on at least a dollar-for-dollar basis, either with actual money or by waiver of fees. If the institution chooses to match the academic grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(b) The maximum reimbursement payable per credit by the state to a recipient attending a Washington private institution under the academic grant shall be calculated as the lesser of one of the following amounts:

(i) One-half of the recipient's cost of tuition/fees for that academic term; or

(ii) The resident, graduate, part-time cost per credit hour for tuition/fees at the University of Washington for an equivalent number of allowable credits in the year the recipient takes the credit; and

(iii) Not to exceed the maximum value of credits remaining in the recipient's academic grant award; and

(iv) Not to exceed the dollar value provided by the institution to match the state portion of the academic grant.

(c) Any recipient who received notification of his or her award by the office of the superintendent of public instruction prior to May 17, 1991 has a vested right to the one thousand dollar stipend, including those recipients who elect to attend a private institution. Award recipients named by the office of the superintendent of public instruction after May 17, 1991 shall be entitled to receive payment of the stipend only if funds are specifically appropriated for stipends under this program. However, private institutions are not required to match the amount of the stipend.

(6) Award recipients who elect to use the academic grant for courses at a public or private higher education institution in another state or country may receive an academic grant, provided the following additional criteria are met:

(a) The institution has an exchange program with a public or private higher education institution in Washington and the exchange program is approved or recognized by the higher education coordinating board; or

(b) The institution is approved or recognized by the higher education coordinating board; and

(c) The recipient of the Washington award for excellence in education (Christa McAuliffe) academic grant has submitted in writing to the higher education coordinating board an explanation of why the preferred course or courses are not available at a public or private institution in Washington.

AMENDATORY SECTION (Amending WSR 92-16-037, filed 7/30/92, effective 7/30/92)

WAC 250-78-060 Management of funds. (1) Disbursements of all grant and stipend funds are contingent upon appropriations ~~((and:))~~. In the event that funds are insufficient, disbursements will be issued term by term to pay all eligible reimbursement claims submitted, disbursements will be issued to recipients on the following basis:

(a) Claims for reimbursement of eligible educational costs shall be paid, in order of receipt by the board, up to the value remaining in the recipient's academic grant or stipend benefit, and to the extent of available funds.

(b) Claims for reimbursement of eligible educational costs which have not been paid in full shall become first priority for payment, in order of receipt by the board, up to the value remaining in the recipient's academic grant or stipend benefit, as funds become available to the program through:

(i) Supplemental moneys appropriated to the program for the current fiscal year; or

(ii) Funds appropriated to the program for the next fiscal year; or

(iii) Funds appropriated to the program for subsequent biennia.

(2) At the option of the board, the academic grant may be disbursed as a lump sum award or in incremental amounts on a term by term basis.

(3) Recipients who have not fully utilized their award benefit within the four year eligibility period shall forfeit the remaining value of their academic grant award.

WSR 93-19-017
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed September 2, 1993, 2:10 p.m.]

Date of Adoption: September 2, 1993.

Purpose: This rule is amended to clarify department policy.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-115.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 93-15-064 on July 15, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 2, 1993

Russell W. Brubaker
 Legislation and Policy Manager

AMENDATORY SECTION (Amending Order 88-6, filed 9/27/88)

WAC 458-20-115 Sales of packing materials and containers. (1) Introduction. This section explains the B&O, retail sales, and use taxes which apply to persons who sell packing materials and to those who use packing materials.

(2) Definitions. The term "packing materials" means and includes all boxes, crates, bottles, cans, bags, drums, cartons, wrapping papers, cellophane, twines, gummed tapes, wire, bands, excelsior, waste paper, and all other materials

in which tangible personal property may be contained or protected within a container, for transportation or delivery to a purchaser.

~~((2))~~ (3) **Business and occupation tax.**

(a) Sales of packing materials to persons who sell tangible personal property contained therein or protected thereby are sales for resale and subject to tax under the wholesaling classification. Sellers must obtain resale certificates from the purchaser to support that these sales are for resale. Refer to WAC 458-20-102.

(b) Sales of containers to persons who sell tangible personal property therein, but who retain title to such containers which are to be returned, are sales for consumption and subject to tax under the retailing classification. This class includes wooden or metal bottle cases, barrels, gas tanks, carboys, drums, bags and other items, when title thereto remains in the seller of the tangible personal property contained therein, and even though a deposit is not made for the containers, and when such articles are customarily returned to the seller. If a charge is made against a customer for the container, with the understanding that such charge will be cancelled or rebated when the container is returned, the amount charged is deemed to be made as security for the return of the container and is not part of the selling price for tax purposes. However, refer to the comments below for sales of containers for beverages and foods.

(c) Title to containers, whether designated as returnable or nonreturnable, for beverages and food sold at retail, including beer, milk, soft drinks, mixers and the like, will be deemed to pass to the customer along with the contents. In such cases, amounts charged for the containers are part of the selling price of the food or beverage and subject to retailing tax((-

~~(d))~~ when sold to consumers. Sales to persons who will resell the food or beverages are wholesale sales.

(d) Persons who perform custom or commercial packing for others are generally taxable under the service B&O tax classification on the income from the packing activity.

(i) Under RCW 82.04.190, persons taxable under the service B&O tax classification are consumers of any materials used in performing the service. Sales of packing materials to persons engaged in the business of custom or commercial packing are sales for consumption and are subject to the retail sales tax. However, there is a specific statutory exemption from the B&O tax for persons who perform packing of fresh perishable horticultural products for the grower. These persons are also exempt from retail sales tax on the purchase of any materials and supplies used in performing the packing service.

(ii) Persons who perform custom or commercial packing for others and who also manufacture the boxes, containers, or other packaging materials used by them in the packing are subject to the manufacturing tax and use tax on the value of the packing materials which they manufacture. Refer to WAC 458-20-136.

(e) Persons who operate cold storage warehouses or who perform processing for hire for others, which includes packaging the processed items, are not the consumers of the containers or other packaging materials. Sales of boxes, cartons, and packaging materials to these persons are taxable under the wholesaling tax classification. Refer to WAC 458-20-136 and 458-20-133.

(f) Persons who manufacture packing materials for delivery outside Washington or for their own commercial or industrial use are manufacturers and should refer to WAC 458-20-136, 458-20-134, and 458-20-112.

~~(((3)))~~ (4) Retail sales tax.

(a) All sales taxable under the retailing classification of the business and occupation tax as indicated ~~((in subsection (2) of this section))~~ above are also subject to retail sales tax except those specifically distinguished hereafter in this subsection.

(b) Retail sales tax does not apply to sales of returnable food and beverage containers, and vendors may take a deduction from gross retail sales for the amount of such sales in reporting sales tax due, providing (i) the seller separately states the charge for the container and (ii) the separately stated charge is the amount the vendor will pay for a repurchase of the container. Return of the containers is a repurchase by the vendor, and sales tax is not due on amounts paid to the customer on such repurchases, since the vendor will resell the containers in the regular course of ~~(his)~~ business. (RCW 82.08.0282.)

(c) No deduction is allowed in computing tax under the retail sales tax classification where the retail sales tax is collected from the customer upon the charge for the container.

(d) Sales of packing materials to cooperative marketing associations, agents, or independent contractors for the purpose of packing fresh perishable horticultural products for the growers thereof, are not subject to retail sales tax. See also WAC 458-20-214 ~~(((3) and (4)))~~.

~~(((4)))~~ (5) Use tax.

(a) The use tax applies to uses of packing materials and containers to which retail sales tax would apply ~~((as indicated in subsection (3) of this section))~~ but, for ~~((some))~~ any reason, was not paid at the time such materials and containers were acquired.

~~((Effective July 1, 1974.))~~

(b) The use tax applies to the use of packing materials, such as boxes, cartons, and strapping materials, by a manufacturer in Washington where the packing materials are used to protect materials while being transported to another site of the manufacturer for further processing.

(c) The use tax applies to the use of pallets by a manufacturer or seller where the pallets will not be sold with the product, but are for use in the manufacturing plant or warehouse.

(6) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) ABC Packing Co. does custom packing of small parts for a Washington manufacturer. The parts are sent by truck to ABC who then places the parts into plastic bags and seals the bags through a heat fusion process. ABC is the consumer of the bags and must pay either retail sales tax or use tax on the use of the bags. This is true even though the bags will remain with the parts until delivered to the ultimate user of the parts.

(b) XY manufactures paper products in Washington. The paper is placed on large rolls. These large rolls are shipped to another of its own plants where the paper goes

through a slitter for conversion into reams of paper. These large rolls involve the use of "cores" made of heavy fiber board on which the paper is rolled. "Plugs" are placed in the ends to give additional support. The rolls are also wrapped and banded with steel banding. The cores, plugs, wrapping materials, and banding are all eventually removed during the additional processing. XY is the consumer of the plugs, cores, and other packing materials and must pay retail sales or use tax on these items.

(c) XY uses three types of pallets in its manufacturing operation. One type of pallet is used strictly for storing paper which is in the manufacturing process. A second type of pallet is returnable and the customer is charged a deposit which is refunded at the time the pallet is returned. The third type of pallet is nonreturnable and is sold with the product. XY is required to pay retail sales or use tax on the first two types of pallets. The third type of pallets may be purchased by XY without the payment of retail sales or use tax since these pallets are sold with the paper products.

(d) Cold Storage Co. does custom fish processing for various customers. The processing involves cutting whole fish into fillets or steaks, vacuum packaging the pieces, and freezing the packages. The packing activity is considered to be part of a processing for hire activity. As a processor for hire, Cold Storage Co. is not the consumer of the packing materials.

WSR 93-19-018

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed September 2, 1993, 2:12 p.m.]

Date of Adoption: September 2, 1993.

Purpose: This rule is amended to clarify department policy.

Citation of Existing Rules Affected by this Order:
Amending WAC 458-20-116.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 93-15-065 on July 15, 1993.

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

September 2, 1993

Russell W. Brubaker

Legislation and Policy Manager

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-116 Sales and/or use of labels, name plates, tags, premiums, and advertising ((matter)) material. (1) Introduction. This section explains Washington's B&O and retail sales tax applications to the sale of labels, name plates, tags, and advertising material. It also gives tax reporting information to persons offering premiums at reduced or no cost to customers.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) "Labels," "name plates," and "tags" are slips, generally made of paper or cloth, which are affixed to articles or containers for identification or description.

(b) A "premium" is an item offered free of charge or at a reduced price to prospective customers as an inducement to buy.

(3) Sales for resale. Sales of labels, name plates, tags, premiums, and advertising material to persons for use in the following manner are sales for resale (wholesale sales) and not subject to retail sales tax:

(a) Sales of labels, name plates, and tags to persons who will attach these items to articles or containers sold by them, or enclose these items with articles sold by them. However, the labels, name plates, or tags may not be purchased for resale if they will be put to intervening use by such persons.

(b) Sales of premiums to persons who pass title to the premium along with other articles which are sold by them, when the passing of title to the premiums is not contingent upon the returning of coupons or other evidence of prior purchase.

(c) Sales of premiums to persons who in turn sell the same to customers at a reduced price.

(d) Sales of advertising material to persons who enclose the advertising material with articles sold by them, when such advertising material relates primarily to the articles with which it is enclosed. Persons who enclose advertising material with articles being sold for the purpose of promoting sales of other products are consumers and may not purchase this advertising material for resale. (See RCW 82.12.010(5).)

(4) Retail sales tax. Sales of labels, name plates, tags, premiums, and advertising material to consumers are retail sales. The retail sales tax applies to the following:

(a) Sales of labels (~~and~~), name plates, and tags to persons who attach the same to containers enclosing articles sold by them (~~are sales for consumption~~), when such persons retain title to the containers which are to be returned (~~to the seller for re-use, and the retail sales tax applies to such sales.~~

Sales of labels and name plates, and sales of price tags and shipping tags to persons who attach same to articles or containers sold by them or enclose them with articles therein sold by them, are sales for resale and the retail sales tax does not apply thereto). Such sales are sales for consumption and subject to the retail sales tax. Since the container is not being resold, any labels, name plates, tags, or similar items attached to the container are also not being resold.

(b) Sales of labels, name plates, (~~or price~~) and tags to persons who (~~retain~~) use them for inventory, statistical, or other business purposes. Such sales are sales for consumption and the retail sales tax applies (~~to such sales.~~

The retail sales tax does not apply to sales of so-called premiums to persons who pass title thereto with other articles which are sold by them, when the passing of title to the premiums is not contingent upon the returning of coupons or other evidence of prior purchases of similar articles-), notwithstanding the labels, name plates, or tags remain attached to the articles or containers delivered to the customer.

(c) Sales of (~~so-called~~) premiums to persons who do not pass title thereto with other articles which are sold by them, but which are given as an inducement to perform a service, (~~such as the soliciting of subscriptions,~~) or are given upon the returning of coupons or other evidence of prior (~~purchases of similar articles,~~) purchase. Such sales

are sales for consumption(~~and~~) and are subject to the retail sales tax (~~applies thereto~~).

(The retail sales tax does not apply to sales of advertising matter sold to persons who enclose the same with articles sold by them, when such advertising matter relates primarily to such articles with which they are enclosed. (For use tax liability on the use of advertising materials, see WAC 458-20-178.))

(d) Sales of premiums to persons who offer them as an inducement to potential customers at no charge and with no requirement that the customer purchase any other article or service as a condition to receive the premium. Such sales are sales for consumption and subject to the retail sales tax.

(5) Business and occupation tax. The B&O tax applies to the sale of labels, name plates, tags, premiums, and advertising material as follows:

(a) Wholesaling. Persons who sell labels, name plates, tags, premiums, and advertising material to persons who will resell these items as described in subsection (3) of this section are subject to the wholesaling B&O tax on the gross proceeds of these sales. Sellers must obtain resale certificates from their customers to support the resale nature of these transactions. (Refer to WAC 458-20-102.)

(b) Retailing. Persons who sell labels, name plates, tags, premiums, and advertising material to consumers are subject to the retailing B&O tax on such sales.

(6) Deferred sales or use tax. If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(7) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) ABC Timber purchases log tags which are attached to logs as they are received in ABC's yard. These tags are used by ABC to keep track of the logs for inventory purposes. These tags remain on the logs after sale, and are also used by ABC's customers to verify receipt of the logs. ABC must remit retail sales or use tax upon the purchase of the log tags, notwithstanding they remain attached to the logs after sale to ABC's customers. The use of these tags for inventory purposes by ABC prior to actual sale is intervening use as a consumer.

(b) MT Gas, a gasoline and service station, offers customers a free set of stemware with any gasoline purchase of ten gallons or more. Customer purchasing seven to nine gallons of gasoline may purchase the same set of stemware for a nominal amount. MT Gas may purchase the stemware without paying retail sales tax. The stemware is offered as a premium, and is considered to be resold along with the gasoline. It is immaterial that the sale of gasoline is exempt from the retail sales tax. MT Gas must report the retailing B&O tax and collect and remit retail sales tax on the price charged for the stemware sold to those customers purchasing seven to nine gallons of gasoline.

(c) KMP Company is a camping club which purchases gift items which are used as premiums. These gift items are offered free of charge to potential customers on condition that the potential customer attend a sales presentation. No purchase of a membership or anything else is required to

receive the premium. KMP must remit retail sales or use tax upon the purchase of the premiums. KMP is the consumer of premiums given away free of charge where the recipient has no requirement to purchase any service or article as a condition of receiving the premium.

(d) BC Bank offers a choice of various premiums to customers opening new savings accounts. In some cases, a charge may be made to the customer for the premium, with the amount of the charge based on the amount of deposit the customer makes in the new savings account. BC Bank may give a resale certificate to its suppliers for those premiums which will be resold to its new customers. For those premiums which will be given to customers without charge, BC Bank must pay either the retail sales tax to its suppliers or use tax to the department on the cost of the premiums. (Refer to WAC 458-20-102.) It also must report the retailing B&O tax and collect and remit retail sales tax on any amounts charged to its customers.

WSR 93-19-019
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed September 2, 1993, 2:14 p.m.]

Date of Adoption: September 2, 1993.

Purpose: This rule is amended to clarify department policy.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-117.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 93-15-066 on July 15, 1993.

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

September 2, 1993

Russell W. Brubaker
Legislation and Policy Manager

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-117 Sales and/or use of dunnage. (1) Introduction. This section explains Washington's B&O tax, retail sales tax, and use tax to the sale or use of dunnage.

(a) The ~~((word))~~ term "dunnage" means any material used for the purpose of protecting or holding in place cargo or freight during transportation by any carrier of property, and which is not an integral part of the carrier itself. Dunnage includes ~~((such things as))~~, but is not limited to, wood blocks, stakes, separating strips, timber, double decks, false floors, door shields, bulkheads, and other bracing. Dunnage generally does not remain with the cargo that is being transported and will not be delivered to the person who will ultimately receive the cargo. On the other hand, packing materials are generally part of the total package containing the cargo and are ultimately delivered to the customer as part of the cargo or merchandise.

~~((Sales to persons of any material to be used by them as dunnage are retail sales, and the retail sales tax applies thereto. (See WAC 458-20-175 concerning sales to certain interstate and foreign carriers.))~~

~~Issued May 1, 1943.))~~ (b) Persons selling dunnage to air, rail, or water carriers operating in interstate or foreign commerce should also refer to WAC 458-20-175. Persons selling or purchasing packing materials should refer to WAC 458-20-115 (Sales of packing materials and containers).

(2) Business and occupation tax. The B&O tax applies as follows to sales of dunnage.

(a) Wholesaling—Other. The wholesaling—other tax applies to the gross proceeds derived from sales of dunnage to persons who resell the dunnage, without intervening use.

(b) Retailing of interstate transportation equipment. This B&O tax classification applies to sales of dunnage to air, rail, and water carriers. These sales are exempt from retail sales tax because of the provisions of RCW 82.08.0261.

(c) Retailing. The retailing tax applies to sales of dunnage to motor carriers and all other consumers.

(3) Retail sales tax. The retail sales tax generally applies to the sale of dunnage to consumers. This includes situations in which the purchaser may initially use the materials for dunnage and then resell the materials after they have served that purpose. RCW 82.08.0261 does provide a retail sales tax exemption for sales of tangible personal property, including dunnage, to air, rail, and water carriers operating in interstate or foreign commerce. To substantiate a claim for this exemption, the seller must retain as part of its records the completed exemption certificate(s) prescribed by WAC 458-20-175. However, air, rail, and water carriers are subject to use tax on dunnage used in Washington. (See below.)

(4) Deferred sales or use tax. If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Air, rail, and water carriers engaged in interstate or foreign commerce should note that while the purchase of dunnage may qualify for the retail sales tax exemption provided by RCW 82.08.0261, the subsequent use in Washington of that dunnage is subject to use tax. These carriers should refer to WAC 458-20-175 to determine any potential use tax liability.

(b) Persons who manufacture the materials which they will use for dunnage, such as lumber manufacturers, are subject to use tax on the value of the dunnage and are also subject to the manufacturing B&O tax. These persons should refer to WAC 458-20-136 and WAC 458-20-112.

(5) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances. Unless stated otherwise, these examples presume both seller and purchaser are located in Washington.

(a) BCD, Inc. provides stevedoring services within the State of Washington. BCD routinely purchases lumber for use in securing cargo within the holds of ships during transport. While this lumber may be bolted or nailed to the ship, it is removed at the destination port when the cargo is off-loaded. BCD provides the lumber as a part of its overall stevedoring services, and does not make retail sales of the lumber to its customers.

September 2, 1993

Russell W. Brubaker

Legislation and Policy Manager

BCD Inc. must pay retail sales tax when purchasing all such lumber. The lumber is used as dunnage and does not become an integral part of the ship, despite being bolted or nailed to the ship. If BCD has not paid retail sales tax on the acquisition of the lumber, it must remit the deferred sales or use tax directly to the department.

(b) D Company sells lumber and wood blocks to FG Engineering. FG is a manufacturer of equipment parts and uses the lumber and wood blocks as dunnage for the transportation of parts by rail to Montana. The lumber and wood blocks are salvaged and sold by FG after the transportation of the parts is completed.

The sale of the lumber and wood blocks to FG Engineering is a sale at retail, notwithstanding FG resells the dunnage materials in Montana. The use of the lumber and wood blocks as dunnage by FG Engineering is considered use as a consumer. D Company must collect and remit the retail sales tax, and report the gross proceeds of the sale under the retailing B&O tax classification.

(c) RB Lumber manufactures lumber in Washington which it ships by rail to customers in other states. RB Lumber takes irregular sized and other low quality lumber and uses it as dunnage in loading rail cars. Arrangements have been made with the rail carrier for the dunnage to be given away as firewood at the destination.

RB Lumber is subject to manufacturing B&O tax and also use tax on the value of the dunnage. If there is a comparable retail selling price for these materials, the value will be determined on that basis. If there is no comparable selling price, the value may be determined on the basis of cost of production as provided in WAC 458-20-112.

(d) KMB, Inc. sells lumber for use as dunnage to Western Rail, a common carrier operating by rail in multiple states. Some of the lumber will be first used in Washington and some will be transported to other states without intervening use for use in those states as dunnage. Western Rail may purchase the dunnage without payment of retail sales tax by giving the seller an exemption certificate as explained in WAC 458-20-175.

KMB, Inc. must report this sale under the retailing of interstate equipment B&O tax classification since Western Rail has claimed exemption for payment of the retail sales tax under RCW 82.12.0261. The seller must retain copies of the exemption certificates for five years. Western Rail must report use tax on the dunnage which is used in Washington.

WSR 93-19-020
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed September 2, 1993, 2:17 p.m.]

Date of Adoption: September 2, 1993.

Purpose: This rule is amended to clarify department policy.

Citation of Existing Rules Affected by this Order:
Amending WAC 458-20-150.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 93-15-067 on July 15, 1993.

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

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-150 Optometrists, ophthalmologists, and ((oculists)) opticians.

((Business and Occupation Tax

Retailing. Taxable under the retailing classification upon gross proceeds of sales of eye glasses, regular or contact lenses, frames, springs, bows, etc., and upon charges made for repair or replacement thereof. In case a lump sum or single charge is made to a customer or patient for an examination or refraction and the furnishing of glasses, the total charge so made must be included within the gross proceeds of sales.

Service and other business activities. Taxable under the service and other business activities classification upon the gross income from charges made for examinations and refractions and upon fees for fitting or adjustment of glasses or contact lenses when such charges are accounted for and billed separate and apart from the selling price of eye glasses or lenses furnished to the patient.

Retail Sales Tax

Eye examinations, refractions, and the fitting or adjustment of prescription lenses are professional services, the charges for which are not subject to the retail sales tax if billed to a customer or patient separately from the selling price of the glasses.

A deduction is allowed from gross retail sales for sales to patients of prescription lenses by a dispensing optician licensed by chapter 18.34 RCW where such sales are separately stated on invoices and separately accounted for. (See WAC 458-20-188.)

Where examinations, refractions, or fitting or adjustment of prescription lenses are sold together with frames, springs, bows, and similar articles, and single lump sum charge is made therefor, the seller will be liable for retail sales tax on the total charge. However, where separate charges are made on invoices rendered patients for examinations, refractions, or for the fitting or adjustment prescription lenses and each such charge is separately accounted for, the retail sales tax will apply only upon the remaining price charged for the frame, spring, bow, etc.

Sales by optical supply houses to optometrists, ophthalmologists and oculists of eye glasses, lenses, frames, springs, bows and other articles which are resold to customers or patients are sales for resale and not subject to the retail sales tax. On the other hand, sales by supply houses of machinery or equipment, and supplies which are incidental to the rendering of a professional service, are taxable retail sales.))

(1) Introduction. This section explains Washington's B&O and retail sales tax applications to sales and services provided by optometrists, ophthalmologists, and opticians. It explains the tax liability resulting from the rendering of professional services and the sale of prescription lenses, frames, and other optical merchandise. It also discusses the

retail sales tax exemption provided by RCW 82.08.0281 to the sale of prescription lenses.

(2) Definitions. The following definitions apply to this section.

(a) The term "professional services" is defined as the examination of the human eye, the examination and identification of any defects of the human vision system and the analysis of the process of vision. It includes the use of any diagnostic instruments or devices for the measurement of the powers or range of vision, or the determination of the refractive powers of the eye or its functions. It does not include the preparation or dispensing of lenses or eye glasses.

(b) "Prescription lens" means any lens, including contact lenses, with power or prism correction for human vision, which has been prescribed in writing by a physician or optometrist. The term "prescription lens" includes all ingredients and component parts of the lens itself, including color, scratch resistant or ultra violet coating, and fashion tints. It does not include miscellaneous service or repair charges other than the replacement or repair of the prescription lens itself.

(c) The term "optical merchandise" includes frames, springs, bows, cases, and sundry items or accessories to be worn or used with lenses. It also includes nonprescription lenses or eyeglasses. "Optical merchandise" does not include prescription lens as defined above.

(3) Business and occupation tax. Persons providing or selling any combination of professional services, prescription lenses, and/or optical merchandise are required to segregate and separately account for the income derived from each source. For example, persons performing eye examinations and selling prescription eyeglasses must segregate and separately account for the income attributable to eye examinations, sales of prescription lenses, and sales of frames.

(a) Service and other business activities. The service B&O tax applies to the gross proceeds received for providing professional services.

(b) Retailing. Sales of prescription lenses and optical merchandise are subject to the retailing tax, when made to consumers.

(4) Retail sales tax. Sales to consumers of optical merchandise, as that term is herein defined, are subject to the retail sales tax. The retail sales tax does not, however, apply to income received for providing professional services.

A retail sales tax exemption for the sale of prescription lenses is available under RCW 82.08.0281, provided the lenses are dispensed by an optician licensed under the provisions of chapter 18.34 RCW or by a physician or optometrist pursuant to a prescription written by a physician or optometrist. To claim a retail sales tax exemption under RCW 82.08.0281, persons providing or selling any combination of professional services, prescription lenses, and/or optical merchandise must segregate and separately account for the income derived from each source. (Also see WAC 458-20-18801).

(5) Deferred sales or use tax. If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) The purchase of eyeglasses, lenses, frames, springs, bows, and other articles which are resold to customers or

patients are purchases for resale and not subject to the retail sales tax.

(b) The retail sales or use tax applies to the purchase of office supplies and equipment. This includes subscriptions to magazines and technical publications.

(c) Purchases of supplies which are consumed in rendering a professional service are subject to the retail sales tax.

(d) Prescription drugs may be purchased without payment of retail sales or use tax by optometrists, ophthalmologists, and opticians when those drugs will be used for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. Refer to WAC 458-20-18801.

(e) Optometrists, ophthalmologists, and opticians are required to pay use tax on any samples, with the exception of prescription drug samples, which they acquire or give away unless retail sales or use tax has been previously paid on these samples. However, these taxpayers are not required to pay retail sales or use tax on items which will be given to customers as part of a sale of eyeglasses or contact lenses, such as cleaning supplies, carrying cases, etc. These items are considered to be sold along with the eyeglasses or contact lenses.

(6) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) DM is an optometrist who performs eye examinations and sells prescription eyeglasses and contact lenses. All sales of prescription lenses are made pursuant to written prescription. DM segregates the income attributable to the eye examinations, the sale of prescription lenses, and the sale of optical merchandise in its books of account. Retail sales tax is collected on the sale of the optical merchandise.

The income derived from the eye examinations is subject to the service B&O tax. Retailing B&O tax is due on the gross proceeds of sales of the prescription lenses and the optical merchandise. When reporting the retail sales tax liability, DM may claim a deduction for the sales of prescription lenses, but must remit the retail sales tax collected on the sales of optical merchandise.

(b) DM purchases nonprescription saline and cleaning solutions for contact lenses, and carrying cases for eyeglasses and contact lenses. The saline and cleaning solutions are consumed when DM performs eye examinations. The eyeglass and contact lens carrying cases are provided to customers at the time they purchase a pair of eyeglasses or contact lenses.

DM incurs no retail sales or use tax liability on the purchase of the eyeglass and contact lens carrying cases. These cases are considered to be purchased for resale, and sold to the customer along with the eyeglasses or contact lenses. The purchase of the saline and cleaning solutions is, however, subject to the retail sales tax. These solutions are consumed while providing professional services, and cannot be considered to be purchased for resale. They also do not qualify for sales tax exemption as prescription drugs. If DM has not paid retail sales tax at the time of purchase, it must remit use tax directly to the department.

(c) AB Inc. is a retail drugstore which includes pre-assembled "off the shelf" reading glasses in its sales inventory. These eyeglasses have lenses with power or prism correction. These glasses are sold without a written prescription.

Sales of such "off the shelf" reading glasses are subject to the retail sales tax, measured by the gross proceeds of sale. Even had AB segregated the charge between the frame and lenses, the gross proceeds of sales would be subject to the retail sales tax. The conditions and requirements necessary to qualify for exemption under RCW 82.08.0281 have not been satisfied.

WSR 93-19-022
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed September 3, 1993, 2:48 p.m.]

Date of Adoption: July 29, 1993.

Purpose: To implement program change as enacted in HB 1993, Laws of 1993 and to correct WAC numbering schema.

Citation of Existing Rules Affected by this Order: Amending WAC 250-65-030, 250-65-040, 250-65-050, and 250-65-060.

Statutory Authority for Adoption: Chapters 28B.80 and 28B.102 RCW.

Pursuant to notice filed as WSR 93-11-089 on May 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
 August 27, 1993
 Elson S. Floyd
 Executive Director

AMENDATORY SECTION (Amending Order 1/88, Resolution No. 87-81, filed 1/8/88)

WAC 250-65-030 Eligibility criteria. (1) Student eligibility. In order to be eligible for a conditional scholarship under this program the student must:

(a) Be registered for a minimum of ten credit hours or the equivalent, at the time of disbursement, during any term for which a scholarship disbursement is issued.

((+)) Calculation of equivalency. In recognition of the fact that participating institutions have different academic calendars and apply different full-time enrollment definitions, the ten credit hour equivalent standard is defined as follows: As ten credit hours is 5/6's (10/12) of the minimum twelve credit hours required for full-time undergraduate enrollment, a course load that by institutional standard is the equivalent of 5/6's of a minimum full-time course load satisfies the threshold course load requirement of the future teacher conditional scholarship program.

(b) Demonstrate achievement of at least a 3.30 cumulative grade point average for students entering an eligible institution of higher education directly from high school; or maintain at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, calculated at the end of each academic year. In the case of extenuating circumstances, the board may waive the grade point average requirement, with cause.

(c) Be classified as a resident student of the state of Washington for tuition and fee purposes.

(d) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while funded by the program, and demonstrate satisfactory progress toward degree or certificate completion.

(e) Have declared an intention to complete an approved preparation program as determined by the institution leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who is registered for at least ten credit hours per term, or the equivalent, and is seeking an additional teaching endorsement or initial teaching certification.

(f) Not be pursuing a degree in theology.

(2) While evidence of documented financial need is not a prerequisite for program participation, the board may include need as an element of the criteria for the screening and selection of recipients for approximately half of the program's recipients.

(3) Criteria for institutional determination of financial need and the making of awards:

(a) Budgetary costs will be determined by the institution subject to approval by the higher education coordinating board.

(b) Total applicant resources shall be determined according to the ((uniform)) 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 and net worth of business or farm may be disregarded in the computation of total applicant resources.

(c) The conditional scholarship, when offered in conjunction with other forms of governmentally provided student financial assistance, 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.

((2)) (4) Institutional eligibility criteria.

((+)) 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.

AMENDATORY SECTION (Amending Order 1/88, Resolution No. 87-81, filed 1/8/88)

WAC 250-65-040 Screening and selection of recipients. Whenever possible in selecting conditional scholarship recipients, the board will give preference to qualified candidates who wish to become future teachers who fulfill both purposes of the statute:

((+)) Recruitment of students who have distinguished themselves through outstanding academic achievement; and

((2)) Students who can act as role models for children and youth including those from targeted ethnic minorities.

(1) Program advisory and screening committee. The board will annually appoint an advisory committee to advise the board on matters of program administration including,

but not limited to, scholarship screening and selection criteria and procedures, fund raising, program publicity, and efforts to recruit minority students. The advisory committee shall also serve as a screening committee in assisting the board in selecting the students to receive conditional scholarships.

(2) Selection of recipients.

((+)) Assuming program eligibility criteria is met, the following additional selection criteria will be employed by the board in ranking candidates and awarding conditional scholarships:

((+)) (a) Superior scholastic achievement.

((+)) (b) Leadership ability.

((+)) (c) Community contributions.

((+)) (d) Ability to act as a role model for targeted ethnic minority students.

((+)) (e) Brief statement evidencing the student's commitment to teaching and evidence of promise as a future teacher.

((+)) (f) Financial need (may be considered for approximately half of the recipients).

((+)) (g) Eligibility for renewal of conditional scholarship.

(3) Renewal scholarships. As a priority in awarding conditional scholarships, the board may continue to make awards to an eligible recipient for a maximum of five academic years.

AMENDATORY SECTION (Amending Order 1/88, Resolution No. 87-81, filed 1/8/88)

WAC 250-65-050 Administration. ((+)) Administering agency. The higher education coordinating board shall administer the future teacher conditional scholarship program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

((+)) (1) Enter into agreements with participating institutions, and billing and collection agencies as may be necessary.

((+)) (2) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education.

((+)) (3) Adopt necessary rules and guidelines.

((+)) (4) Publicize the program.

((+)) (5) Collect and manage repayments from students who do not meet their teaching obligations.

((+)) (6) Solicit and accept grants and donations from public and private sources for the program.

AMENDATORY SECTION (Amending Order 1/88, Resolution No. 87-81, filed 1/8/88)

WAC 250-65-060 Control of funds. The higher education coordinating board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any funds given to the board for this program.

(1) Scholarship amounts:

((+)) The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years. The total amount of such scholarships to an eligible student shall not exceed fifteen thousand dollars. The duration of service obligation does not vary with the value of the scholarship(s).

(2) The scholarship recipient shall enter into an agreement with the higher education coordinating board agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship program. The agreement shall serve as the legal document verifying the recipient's understanding of the obligation to repay the conditional scholarship if teaching service is not fulfilled.

(3) Repayment terms:

(a) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they teach for ten years in the public schools of the state of Washington, under rules adopted by the board.

(b) ~~(The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.)~~ The interest rate shall be eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment.

(c) The period for repayment shall be ten years, with payments of principal and interest accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study. Provisions for deferral of payment shall be determined by the board.

(d) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in a public school until the entire repayment obligation is satisfied or the borrower ceases to teach at a public school in this state. Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

((+)) (4) Collection of repayments:

(a) The board is responsible for collection of repayments made and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(b) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

((+)) (5) Receipts:

((+)) Receipts from the payment of the principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

WSR 93-19-023
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed September 3, 1993, 2:49 p.m.]

Date of Adoption: July 29, 1993.

Purpose: Adoption of rules to amend WAC 250-25-060, 250-25-070, and 250-25-080.

Citation of Existing Rules Affected by this Order: Amending WAC 250-25-060, 250-25-070, and 250-25-080.

Statutory Authority for Adoption: HB 1993 and E2SSB 5304, Laws of 1993.

Pursuant to notice filed as WSR 93-11-088 on May 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
 August 27, 1993
 Elson S. Floyd
 Executive Director

AMENDATORY SECTION (Amending WSR 92-03-002, filed 1/3/92, effective 2/3/92)

WAC 250-25-060 Award amount. The annual award amount for each credentialed health care profession shall be based upon an assessment by the board, in consultation with the advisory committee, of reasonable annual eligible expenses and loan indebtedness incurred in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. ~~((The annual award amount shall not be more than fifteen thousand dollars per year.))~~ The awards may be renewed for eligible participants who continue to meet all renewal criteria but shall not be paid for more than a maximum of five years per individual.

AMENDATORY SECTION (Amending WSR 92-03-002, filed 1/3/92, effective 2/3/92)

WAC 250-25-070 Award disbursement. As part of the award procedure, each participant must sign an agreement with the board which serves as the legal document verifying the participant's understanding of the obligation to serve for no less than three years ~~((€))~~ and no more than five years in a shortage area or repay the program according to the terms of the signed agreement.

Loan repayment participants shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to credentialing as a health professional.

(1) Repayment shall be limited to loans covering eligible educational and living expenses as approved by the board and shall include principal and interest.

(2) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment. Financial debts or service obligations which do not qualify for payment include: Public Health and National Health Service Corps scholarship training program, National Health Service Corps scholarship program, and armed forces (Army, Navy, or Air Force).

(3) Participants will be required to submit appropriate documentation of service as required by the board verifying the terms of the agreement have been met for each payment period.

(4) Participants violating the nondiscrimination provisions described in the signed agreement shall be declared ineligible and terminated from the program.

Scholarship participants shall receive payment from the program for the purpose of paying educational costs incurred while enrolled in a program of health professional training which leads to a credential as a credentialed health professional in the state of Washington. In no case shall the award amount exceed the actual cost of attendance for the particular program. Scholarship awards are intended to meet the eligible expenses of participants.

AMENDATORY SECTION (Amending WSR 92-03-002, filed 1/3/92, effective 2/3/92)

WAC 250-25-080 Repayment provisions. ~~((Loan repayment participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to any payments on the unsatisfied portion of the principal and interest. Should the participant discontinue service in a health professional shortage area payments against the loans of the participant shall cease to be effective on the date that the participant discontinues service. The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.))~~

Scholarship participants incur an obligation to repay the scholarship, with interest, unless they serve the required service obligation in a health professional shortage area in the state of Washington. The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. The terms of the repayment, including deferral and rate of interest, shall be consistent with the terms of the federal guaranteed student loan program.)) Participants in the health professional loan repayment and scholarship program incur an obligation to serve for no less than three years and no more than five years in a shortage area in return for financial support in the form of loan repayments and/or scholarships to attend school.

Loan repayments will be made quarterly on a yearly basis for no less than three years and no more than five years not to exceed the maximum debt incurred by the participant.

Loan repayment participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf. In addition, loan repayments on behalf of the participant shall cease on the date that the participant discontinues service. Payments on the unsatisfied portion of the principal and interest remain the responsibility of the participant. The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

For scholarship participants, the entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve.

Scholarship participants who serve less than the required service obligation shall be obligated to pay the unsatisfied portion of the principal and interest. The interest rate shall be eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment. Provisions for deferral of payment shall be determined by the board. In addition, scholarship participants who fail to fulfill the required service obligation shall be obliged to repay to the program an amount equal to twice the total amount paid by the program. The period for repayment shall coincide with the required service obligation, with payments accruing quarterly commencing no later than nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

On the request of the participant, the board may waive, in full or in part, the obligation for service or its rights to recover financial damages whenever the board determines that failure to do so was due to circumstances beyond the participant's control. Conditions that would be considered as a waiver from default provisions may include: Participant becomes physically impaired to the degree that he or she can no longer function in his or her assigned duties; participant becomes mentally impaired to the degree that he or she can no longer function in his or her assigned duties; or death.

The board shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

WSR 93-19-024
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed September 3, 1993, 2:51 p.m.]

Date of Adoption: July 29, 1993.

Purpose: To implement program change as enacted EHB 1748, Laws of 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 250-70-030.

Statutory Authority for Adoption: Chapters 28B.80 and 28B.101 RCW.

Pursuant to notice filed as WSR 93-11-090 on May 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
 August 27, 1993
 Elson S. Floyd
 Executive Director

AMENDATORY SECTION (Chapter 250-70 WAC, 1990 [Amending WSR 90-16-023, filed 7/20/90])

WAC 250-70-030 Institutional eligibility. To qualify as an eligible institution for purposes of this program an institution shall:

(1) Be a public university of four-year college operated by the state of Washington political subdivision thereof, or a private baccalaureate institution of higher education in the state of Washington (~~which is accredited or otherwise licensed to do business in the state of Washington~~) which is a member institution of the Northwest Association of Schools and Colleges. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association, and

(2) Be certified by the higher education coordinating board as having existing unused capacity to accommodate educational opportunity grant recipients within existing educational programs and facilities, excluding any branch campus or educational program established under chapter ((285.45)) 28B.45 RCW, and.

(3) Complete an agreement to participate and acknowledge its responsibility to administer the educational opportunity grant program according to prescribed rules and regulations and guidelines, and otherwise give evidence of its eligibility, if necessary.

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 93-19-025
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed September 3, 1993, 2:53 p.m.]

Date of Adoption: July 29, 1993.

Purpose: Implement program change as enacted by HB 2048, Laws of 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 250-76-020 and 250-76-070.

Statutory Authority for Adoption: Chapters 28B.80 and 28B.108 RCW.

Pursuant to notice filed as WSR 93-11-091 on May 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
 August 27, 1993
 Elson S. Floyd
 Executive Director

AMENDATORY SECTION (Amending WSR 92-04-018, filed 1/27/92, effective 2/27/92)

WAC 250-76-020 Program definitions. (1) "Institution of higher education" or "institution" shall mean any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof, or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the Northwest Association of Schools and Colleges, providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(2) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(3) "Eligible student" or "student" means an American Indian student who meets the eligibility criteria as defined in WAC 250-76-030(1).

(4) "Full-time undergraduate student" is defined as a student who is enrolled for twelve quarter credits or the equivalent.

(5) "Full-time graduate student" is defined as one who is enrolled in at least the minimum credit course load required by the institution for disbursing financial aid to full-time graduate students.

(6) "Private cash donation," "private donation," or "donation" means moneys from non-state sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to, research studies authorized under RCW 15.66.030 and 15.65.040.

(7) "Conditional gift" means a private cash donation received as a gift and subject to conditions by the contributor.

AMENDATORY SECTION (Amending WSR 92-04-018, filed 1/27/92, effective 2/27/92)

WAC 250-76-070 Management of funds. (1) American Indian endowed scholarship trust fund. Funds appropriated by the legislature for the American Indian endowed scholarship trust fund shall be deposited into the fund and invested by the state treasurer.

(a) As the higher education coordinating board can match \$50,000 of state funds with an equal amount of private cash donations, the board may request that the state treasurer deposit \$50,000 of state matching funds and any earned interest from the trust fund into the American Indian scholarship endowment fund.

(2) American Indian scholarship endowment fund. The American Indian scholarship endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other

source may be deposited into the endowment fund. All moneys deposited in the endowment fund shall be invested by the state treasurer.

(a) (~~Donated moneys~~) With the exception of conditional gifts, donated moneys may not be refunded, or otherwise returned, to the contributor after they have been deposited to the endowment fund.

Conditional gift moneys may be refunded, or otherwise returned, according to the terms of the conditional gift if the condition attached to the gift has failed. Moneys returned in this manner shall not constitute an invasion of corpus.

(b) A donation may not be accepted if such acceptance conditions the awarding of scholarships (~~from the endowment~~) in a manner contrary to chapter 28B.108 RCW, or contrary to the guidance of the program's advisory committee.

(3) Scholarships shall be disbursed from the investment earnings of the trust fund and the endowment fund, with the exception of the portion of earnings reinvested in the fund according to the terms of a conditional gift. The principal of the trust and endowment funds shall not be invaded. No scholarships shall be awarded until sufficient earnings from the combined trust and endowment funds have accumulated.

(4) As sufficient earnings from the combined trust and endowment funds have accumulated, the higher education coordinating board may request that the state treasurer release earnings from the endowment fund to the board for scholarships.

(5) The higher education coordinating board may award scholarships to eligible students from the moneys earned by the American Indian endowed trust fund and the American Indian scholarship endowment fund as administered by the state treasurer, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program.

WSR 93-19-034

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed September 7, 1993, 3:00 p.m.]

Date of Adoption: August 24, 1993.

Purpose: WAC 390-12-170 change chairman to chair and vice chairman to vice chair; and WAC 390-16-044 define how to report signature gathering expenditures.

Citation of Existing Rules Affected by this Order: Amending WAC 390-12-170.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 93-15-002 on July 7, 1993; and WSR 93-15-101 on July 21, 1993.

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

August 31, 1993

Graham E. Johnson
Executive Director

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-12-170 Public disclosure commission—Organization and structure—Officers—Terms. The officers of the public disclosure commission for administra-

tive purposes shall be chair(~~man~~), vice chair(~~man~~) and secretary. Their terms shall be one year or until a successor is elected.

NEW SECTION

WAC 390-16-044 Statewide ballot issue signature gathering expense; Reporting. (1) A political committee making expenditures for the purpose of soliciting or procuring signatures on petitions to place an initiative or referendum on a statewide ballot shall report the total expenditures for the reporting period on Schedule A to form C-4. An attachment to the Schedule A shall include, per RCW 42.17.090 (1)(g), the name, address, and amount paid to each person for the services, and the date of each payment.

(2) When the expenditure in (1) is to a person who employs others to secure signatures, the information on the attachment to Schedule A shall be supplemented with such additional attachments as may be necessary to detail the name and address of each and every other person paid, the amount paid to each, and the date of each payment.

WSR 93-19-036
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3629—Filed September 8, 1993, 11:38 a.m.]

Date of Adoption: September 8, 1993.

Purpose: Amended to comply with CFR with respect to allocating the income of ineligible IRCA aliens to AFDC assistance units. This eliminates a quality control error. Current policy allocates the income of an IRCA alien ineligible for AFDC after eligibility has been established and allows for a \$90 work expense deduction. This rule will bring department policy into compliance with current federal requirements to allocate the income of an ineligible IRCA alien as part of the eligibility process and to allow a \$75 work expense deduction. This should result in a small increase in assistance units which were formerly ineligible for AFDC because of the policy to allocate after eligibility has been established. Under the Omnibus Reconciliation Act of 1990 (OBRA '90), the requirement to include the income of a legal guardian in the process of allocating income to a minor parent's assistance unit was removed. As a result, current department policy and procedures are out of compliance with federal requirements in that the income of legal guardians is currently allocated to meet the needs of the minor parent's assistance unit. These amendments will revise policy to allocate the income of parents and stepparents only and not to allocate the income of legal guardians to meet the needs of the minor parent's assistance unit. This should increase grant payments to certain AFEC [AFDC] minor parent assistance units which formerly had the income of legal guardians allocated against their grants.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-500 Allocating income from an assistance unit and 388-28-560 Allocating income to an assistance unit.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 45 CFR 233.20 (a)(3)(iv)(B) and (xiv) and SSA 402 (a)(39).

Pursuant to notice filed as WSR 93-15-070 on July 16, 1993.

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

September 8, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3451, filed 9/10/92, effective 10/11/92)

WAC 388-28-500 Allocating income from an assistance unit. The department shall ~~((attribute))~~ allocate all nonexempt ((net)) income possessed by an assistance unit member to meet the needs of the assistance unit ((of which the person is a member)), except in the following situations:

(1) Families with two or more assistance units. The department shall ~~((equally divide))~~ allocate an equal portion of the total nonexempt net community income, including income in-kind, ((between)) to meet the needs of each assistance unit((s)) unless:

(a) The family prefers some other division; and

(b) The preferred division does not increase the total amount of assistance, excluding medical care.

(2) Person with a nonapplying spouse for GAU only. The department shall ~~((consider))~~ allocate:

(a) At least half of the total community income, including income in-kind, ~~((available to a person living with a))~~ to meet the needs of the nonapplying spouse;

(b) Net income from wages, retirement benefits, or separate property ~~((of the nonapplying spouse available to the person to the extent the net income exceeds a))~~ up to the appropriate one-person payment level, to meet the needs of the assistance unit member;

(c) ~~((Wages or))~~ Income from separate property to meet the needs of the person as provided under WAC 388-28-365 ((and 388-28-370)).

(3) ~~((Nonrelated adults in household. The department shall follow rules in WAC 388-28-355 for nonrelated adults in the household.~~

~~((4) Minor parent with a nonapplying parent or legal guardian. The department shall consider as available to the minor parent, income from a nonapplying parent or a legal guardian with court order support responsibility.~~

~~((a) "Minor parent" means a person who:~~

~~((i) Is seventeen years of age or younger; and~~

~~((ii) Resides in the same household with an adult responsible for the minor parent's support.~~

~~((b) To determine the amount available to the minor parent, the department shall disregard:~~

~~((i) Seventy five dollars per month for each employed parent or legal guardian;~~

~~((ii) An amount equal to the need standard in WAC 388-29-100 for the following:~~

~~((A) The parents or legal guardians residing in the home; and~~

~~((B) Others living in the home but not in the assistance unit who could be claimed as dependents on the parents' or legal guardians' federal income tax return;~~

~~((iii) Payments by the parents or legal guardians to persons outside the home who could be claimed as depen-~~

~~dependents on the parents' or legal guardians' federal income tax return; and~~

~~(iv) Child support or alimony payments by the parents or legal guardians to persons outside the home.~~

~~(5)) Persons in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home. ((When a person in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home applies for or receives an AFDC or a general assistance grant,)) The department shall allocate ((income as follows)):~~

~~(a) ((First to)) The appropriate payment level ((of)) for the legal dependents living in the family home as stated in chapter 388-29 WAC; and~~

~~(b) ((Then to)) Any remaining income to meet the needs of the person in the institution, center, facility, or home according to WAC 388-29-125, 388-29-130, 388-29-280, and 388-40-095(1).~~

~~(4) Parent or stepparent income. The department shall allocate the income of a parent or stepparent included in the assistance unit to meet the needs of the assistance unit after deducting an amount for:~~

~~(a) Applicable work expense disregards to meet the cost of employment;~~

~~(b) For AFDC only, support of other dependents not eligible for inclusion in the assistance unit for factors other than sanction or noncooperation, not to exceed the appropriate payment standard for an assistance unit of the same composition;~~

~~(c) Court or administratively ordered support for a legal dependent not living in the parent or stepparent's home, not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent.~~

~~(d) The department shall consider a dependent to be one who:~~

~~(i) Is or could be claimed for federal income tax purposes by the parent or stepparent; or~~

~~(ii) The parent or stepparent is legally obligated to support.~~

AMENDATORY SECTION (Amending Order 2912, filed 12/1/89, effective 1/1/90)

WAC 388-28-560 Allocating income ((for support of legal dependents)) to an assistance unit. The department shall allocate nonexempt income possessed by a nonassistance unit member to meet the needs of the assistance unit as follows:

(1) Minor parent living with nonapplying parent or stepparent. The department shall ((not)) allocate the income of a nonapplying parent or stepparent ((in the assistance unit after applying the proper earned income exemptions in WAC 388-28-570(6). The department shall allot the income in the following order)) to meet the needs of the minor parent's assistance unit after deducting:

(a) ((To pay court or administratively ordered support for a legal dependent not living in the parent or stepparent's home. The department shall verify support payments and exempt up to the amount of the one person continuing assistance need standard for each legal dependent;

~~(b) To meet the needs of family members not eligible for AFDC but who are the legal responsibility of the parent or stepparent. The exempt amount shall not exceed the appropriate payment standard;~~

~~(e) To meet the needs of members of the AFDC assistance unit)) Seventy-five dollars per month for each employed parent or stepparent to meet the costs of employment;~~

~~(b) An amount equal to the need standard under WAC 388-29-100 of an assistance unit comprised of the nonapplying parent or stepparent and any other individuals who:~~

~~(i) Are living in the home but whose needs are not taken into consideration when determining eligibility for AFDC, excluding sanctioned individuals or individuals who refuse to cooperate; and~~

~~(ii) Are or could be claimed by the nonapplying parent or stepparent for federal income tax purposes.~~

~~(c) Amounts actually paid by the nonapplying parent or stepparent to meet the needs of individuals not living in the home who are or could be claimed as dependents for federal income tax purposes; and~~

~~(d) Payments of alimony or child support to meet the needs of individuals not living in the home.~~

~~(2) ((After applying the earned income work expense and dependent care exemptions allowed in WAC 388-28-570(6), the department shall allot the income of a parent or stepparent in the household, but not in the assistance unit as in subsections (1)(a), (b), and (c) of this section. The department shall not allot any income to the needs of the parent or stepparent if that person is sanctioned or failed to cooperate with the department)) IRCA alien ineligible for AFDC. When determining eligibility and payment for AFDC, the department shall allocate the income of an IRCA alien, ineligible for AFDC pursuant to WAC 388-26-120 (3)(a) and (b), to meet the needs of the assistance unit after deducting:~~

~~(a) Seventy-five dollars per month of the ineligible IRCA alien's gross earned income to meet the costs of employment;~~

~~(b) An amount equal to the need standard under WAC 388-29-100 of an assistance unit comprised of the ineligible IRCA alien and any other individuals who:~~

~~(i) Are living in the home but whose needs are not taken into consideration when determining eligibility for AFDC, excluding sanctioned individuals or individuals who refuse to cooperate; and~~

~~(ii) Are or could be claimed by the ineligible IRCA alien parent for federal income tax purposes.~~

~~(c) Amounts actually paid by the ineligible IRCA alien to meet the needs of individuals not living in the home who are or could be claimed as dependents for federal income tax purposes; and~~

~~(d) Payments of alimony or child support to meet the needs of individuals not living in the home.~~

~~(3) All other excluded assistance unit members for AFDC only. The department shall allocate the income of an excluded assistance unit member to meet the needs of the assistance unit after deducting:~~

~~(a) Ninety dollars per month for each employed excluded person to meet the cost of employment;~~

(b) An amount for the support of the parent or stepparent and other dependents, ineligible for inclusion in the assistance unit for factors other than sanction or noncooperation, not to exceed the appropriate payment standard for an assistance unit of the same composition; and

(c) An amount for court or administratively ordered support for a legal dependent not living in the parent or stepparent's home, not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent. The department shall consider a dependent to be one who:

(i) Is or could be claimed for federal income tax purposes by the parent or stepparent; or

(ii) The parent or stepparent is legally obligated to support.

(4) Income of a nonapplying spouse for GAU. The department shall allocate net income from wages, retirement benefits, or separate income or property of the nonapplying spouse to meet the needs of the assistance unit after deducting:

(a) The allowable earned income disregards as specified under WAC 388-28-515, excluding the earned income exemptions in WAC 388-37-025, to meet the costs of employment.

(b) Court or administratively ordered support actually paid for a legal dependent not living in the GAU client's home, not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent. The department shall consider a dependent to be one who:

(i) Is or could be claimed for federal income tax purposes by the parents; or

(ii) The parent is legally obligated to support.

(c) An amount equal to the appropriate one-person payment level to meet the needs of the nonapplying spouse.

(5) Clients in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home. The department shall allocate:

(a) The appropriate payment level for the legal dependents living in the family home as stated in chapter 388-29 WAC; and

(b) Any remaining income to meet the needs of the client in the institution, center, facility, or home according to WAC 388-29-125, 388-29-130, 388-29-280, and 388-40-095(1).

WSR 93-19-037

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3630—Filed September 8, 1993, 11:40 a.m.]

Date of Adoption: September 8, 1993.

Purpose: Amends and deletes financial responsibility from WAC 388-83-130 and moves them to WAC 388-83-046. WAC 388-83-046 revised to meet the intent of the Sneeve vs. Kizer 9th Circuit Court decision which changes financial responsibility rules and how medical care family units are formed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-046 Relative financial responsibility

for AFDC-related programs, 388-83-130 Eligibility—Special situations, and 388-99-020 Eligibility determination—Medically needy in own home.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Sneeve vs. Kizer 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH.

Pursuant to notice filed as WSR 93-16-054 on July 29, 1993.

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

September 8, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3546, filed 5/12/93, effective 6/12/93)

WAC 388-83-046 Relative financial responsibility for ((SSI nonrelated clients)) AFDC-related programs. (1) When determining ((program)) eligibility for medical care programs, the department shall consider:

(a) The family unit living in the same household as including all family members when determining program relationship; ~~((and))~~

(b) A relative to be financially responsible only as follows:

(i) The natural or adoptive parent or stepparent ~~((or parent))~~ to a child under ((age)) nineteen years of age living in the same household; and

(ii) Spouse to spouse living in the same household.

(c) As a separate medical assistance unit (MAU) the following family member living in the same household, when all family members are not eligible for a categorically needy medical care program:

(i) A child with countable income or resources;

(ii) A child in common of unmarried parents;

(iii) Each unmarried parent of a child in common with such parent's separate children, if any; or

(iv) A nonresponsible caretaker relative.

(d) Family members, other than those described under subsection (1)(c), in the same MAU; and

(e) A pregnant minor as not living in the same household as her parent regardless of whether she lives with her parent. See subsections (4)(b) and (5)(b) of this section.

(2) The department shall consider income and resources jointly for spouses and the spouses' children living in the same household ~~((when none are SSI-related, with the following exceptions:~~

~~(a) Pregnant minor as described under WAC 388-83-130; or~~

~~(b) Excluded child as described under WAC 388-83-130)) unless the exceptions in this section are met. See WAC 388-92-025 for the financial responsibility requirements for SSI-related clients.~~

(3) When determining eligibility for medical care, the department shall not consider the countable income or resources of a child available to any person other than the child.

(4) The department shall consider the income of a parent of a child under nineteen years of age;

(a) Living in the same household, available to the child, whether or not actually contributed, as follows:

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(i) A parent's income shall be allocated to each child for whom the parent is financially responsible; and

(ii) A parent shall be allowed one hundred percent of the Federal Poverty Level (FPL) for the parent and other members of the parent's MAU. The department shall allocate income in excess of one hundred percent of the FPL on a prorated basis to all children under nineteen years of age in separate MAUs for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent of the parent's income is actually contributed to the child.

(5) The department shall consider the resources of a parent of a child under nineteen years of age:

(a) Living in the same household, available to the child whether or not actually contributed. A parent's countable resources shall be:

(i) Prorated; and

(ii) Allocated in equal shares to:

(A) The parent; and

(B) Each person for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent of the parent's resources are actually contributed to the child.

(6) When determining medical care eligibility, the department shall not consider available, unless actually contributed to the client, the income and resources of a:

(a) Stepparent who is not legally liable for support of the stepchildren;

(b) Grandparent;

(c) Legal guardian other than the parent of the client;

(d) Alien sponsor; or

(e) Sibling.

(7) The department shall determine each MAU's medical care eligibility using:

(a) The MAU's countable income and resources; and

(b) Household size for the number of persons in the MAU.

(8) For each separate MAU, the department shall exempt one vehicle as described under WAC 388-28-435 when such vehicle is owned by a person in the MAU.

AMENDATORY SECTION (Amending Order 3516, filed 2/24/93, effective 3/27/93)

WAC 388-83-130 Eligibility—Special situations. (1) ~~(In determining eligibility for medical services, the department shall:~~

~~(a) Consider parent's income available whether or not actually contributed, when determining:~~

~~(i) Eligibility of a non-SSI related person under nineteen years of age residing in the same family unit with parents; or~~

~~(ii) SSI related eligibility of a person under eighteen years of age residing in the same family unit with parents.~~

~~(b) In determining a pregnant minor's medical eligibility, the department shall:~~

~~(i) Not consider the income of her natural, adoptive or stepparents unless the income is actually contributed; and~~

~~(ii) Consider a pregnant minor as living on her own.~~

~~(2)) The department shall not allow the AFDC earned income exemption of thirty dollars plus one-third of remainder to a client((s):~~

~~(a) Applying solely for medical assistance, except for ((families)) a family applying for medical assistance who received AFDC or FIP cash assistance in any of the four preceding months; and~~

~~(b) After the client receives the thirty dollars plus one-third income disregard for a maximum of four consecutive months. A client is not eligible for the disregard until the client does not receive AFDC or FIP cash assistance for twelve consecutive months.~~

~~((3) For family units determined ineligible for AFDC or FIP cash assistance solely due to the requirements of WAC 388-24-050 or 388-77-210 that certain siblings be included in the assistance unit, at the applicant's option, such individuals and their income may be excluded from the assistance unit when determining eligibility of the remaining assistance unit members for categorically needy medical assistance.~~

~~(4) For family units determined ineligible for AFDC or FIP financial assistance solely due to the requirements of WAC 388-28-500(4) or 388-77-285 that income of the nonapplying parents of a minor parent be considered available to the assistance unit of the minor parent and such minor's child or children, such income shall be disregarded when determining eligibility of such minor's child or children.~~

~~(5)) (2) The department shall consider an AFDC ((and FIP children sixteen and seventeen years of age,)) client terminated from cash assistance((;)) as eligible for Medicaid ((on the same basis as dependent children)) when termination was solely due to the AFDC client:~~

~~(a) ((AFDC or FIP children)) Ceasing to attend school; or~~

~~(b) ((AFDC children)) Refusing to participate in the Job Opportunities and Basic Skills Training (JOBS) program.~~

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 3522, filed 3/10/93, effective 4/10/93)

WAC 388-99-020 Eligibility determination—Medically needy in own home. (1) Effective January 1, 1993, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ 467
(b) Two persons	\$ 592
(c) Three persons	\$ 667
(d) Four persons	\$ 742
(e) Five persons	\$ 858
(f) Six persons	\$ 975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and above	\$1,483

(2) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining:

(a) AFDC eligibility for families and children (~~(in a non-designated FIP geographic area)~~). The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for persons applying solely for medical assistance except ~~((for families))~~ as described under WAC 388-83-130 ~~((2)(a))~~(1); and

(b) SSI/SSP eligibility for aged, blind, or disabled persons ~~((; and~~

~~(e) FIP eligibility for families and children).~~

(3) The department shall allow the following income exemptions:

(a) Health insurance premiums, except Medicare, the person expects to pay during the base period;

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse of an SSI-related client not to exceed the one-person medically needy income level;

(c) A child's allowance up to one-half of the federal benefit rate (FBR) for each SSI-ineligible child of an SSI-related client;

(d) Child care payment amounts allowed as if the person was a FIP enrollee; and

(e) When the spouse of a client applying for medically needy receives a home-based and community-based waived service program, the department shall allow the medically needy client an income exemption equal to the one-person MNIL minus the income of the institutionalized spouse.

(4) If countable income is equal to or less than the appropriate MNIL, the department shall certify the family or person eligible.

(5) ~~((Effective August 1, 1992,))~~ When countable income for any month ((or months)) of the base period is less than the appropriate MNIL but above the CNIL, the department shall deduct the difference between the countable income and the MNIL from the total excess countable income for the base period.

(6) ~~((#))~~ When countable income is greater than the appropriate MNIL, the department shall require the applicant to spenddown the excess countable income for the base period. The department shall determine the base period under WAC 388-99-055.

(7) The department shall consider the income and resources of the spouse or of the parent of ~~((an applicant))~~ a child under nineteen years of age:

(a) In the same household, available to the ~~((applicant))~~ client, whether or not actually contributed, unless the exception in subsection (7)(c) of this section is met; ((and))

(b) Not in the same household, only to the extent ~~((of what is actually))~~ the income and/or resources are contributed; and

(c) Under WAC 388-83-046, when the family unit includes a child with income or resources, unmarried parents with a child in common, or a nonresponsible caretaker relative.

(8) The department shall consider the financial responsibility of relatives for aged, blind, and disabled, under ~~((chapter 388-92))~~ WAC 388-92-025 and 388-92-027.

(9) In mixed households, where more than one assistance unit exists, the department shall determine income for the:

(a) AFDC-related assistance unit according to subsections (2)(a) and (3) of this section;

(b) SSI-related assistance unit according to subsections (2)(b) and (3) of this section ~~((; and~~

~~(e) FIP-related assistance unit according to subsections (2)(e) and (3) of this section).~~

WSR 93-19-038

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3631—Filed September 8, 1993, 11:42 a.m.]

Date of Adoption: September 8, 1993.

Purpose: Removes the option of the caretaker relative to include nonsibling children in one assistance unit. Amends subsection (3)(d) to say "a child receiving Title IV-E, state, or local foster care."

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-050 Aid to families with dependent children—Assistance unit.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 93-16-056 on July 29, 1993.

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

September 8, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3188, filed 6/4/91, effective 7/5/91)

WAC 388-24-050 Aid to families with dependent children—Assistance unit. (1) Except as specified ~~((#))~~ under subsection (3) of this section, the department shall include, in a single assistance unit, the following persons living together:

(a) A woman in her third trimester of pregnancy who has no other child; or

(b) ~~((The))~~ A child((ren)), including all full, half, or adopted brothers and sisters of ((such a)) the child((ren)); and

(c) ~~((The))~~ A parent((s)), adoptive parent((s)), or stepparent((s)) with whom the child((ren)) lives; and

(d) A minor parent's parent who claims to be the needy caretaker relative of:

(i) The minor parent;

(ii) The minor parent's child; or

(iii) The minor parent's full or half brother or full or half sister.

(2) Except as specified ~~((#))~~ under subsection (3) of this section, the department may include in the assistance unit at the option of the family:

(a) One needy relative caretaker of specified degree whose eligibility depends solely on caring for the child ~~((ren))~~, if a parent does not reside in the family home; or

(b) The stepbrother ~~((s))~~ or stepsister ~~((s))~~ of a child included in the assistance unit, except as required ~~((#))~~ under subsection (1) of this section((;

~~(e) Needy eligible nonsibling children).~~

(3) The department shall exclude from the assistance unit (~~those~~) a person(~~s~~) ineligible due to factors not related to need. Exclusions include, but are not limited to:

(a) A recipient of SSI benefits;
 (b) An alien not meeting the citizenship and alienage requirements (~~see~~) as described under WAC 388-26-120(~~s~~);

(c) Adopted children receiving Title IVE, state, or local adoption assistance if inclusion of such child(~~ren~~) and (~~their~~) the child's income will result in a decrease in benefits to the assistance unit;

(d) A child(~~ren~~) who receives Title IVE, state (~~and~~) or local foster care maintenance payments; and

(e) A person under sanction for noncooperation with:
 (i) The Job Opportunities Basic Skills Training (JOBS) program (~~see~~) as described under WAC 388-24-107(~~s~~); or

(ii) The department's office of support enforcement (~~see~~) as described under WAC 388-24-108 and 388-24-109(~~s~~).

WSR 93-19-039
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3632—Filed September 8, 1993, 11:44 a.m.]

Date of Adoption: September 8, 1993.

Purpose: The department is rewriting, reorganizing, and recodifying the Washington Administrative Code (WAC) policies relating to financial and medical assistance programs. This new chapter will facilitate the on-line computer access by eligibility staff in field offices.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-40 WAC, Alcohol/drug programs; and new chapter 388-240 WAC, Alcohol/drug programs.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-15-080 on July 19, 1993.

Changes Other than Editing from Proposed to Adopted Version: To WAC 388-240-4100, added subsection (5) "The department shall only offer medical services to a person eligible for ADATSA treatment choosing methadone chemical dependency treatment, as referenced under WAC 388-86-120 or its successor."

Effective Date of Rule: Thirty-one days after filing.
 September 8, 1993

Dewey Brock, Chief
 Office of Vendor Services

Chapter 388-240 WAC
Alcohol/Drug Programs

NEW SECTION

WAC 388-240-0010 Introduction. This chapter contains the rules for program service levels and for determining client eligibility for:

(1) The alcohol/drug detoxification program; and

(2) The Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program. The ADATSA program is divided into two subprograms:

(a) Treatment; and
 (b) Shelter.

NEW SECTION

WAC 388-240-0020 Definitions. (1) "Active addiction" means use of alcohol or drugs by a diagnosed alcoholic or drug addict within a specific time period immediately preceding the latest assessment center evaluation:

(a) For ADATSA shelter eligibility purposes, within the sixty-day period immediately preceding assessment.

(b) For ADATSA treatment eligibility purposes, within the ninety-day period immediately preceding assessment.

(2) "Alcohol and Drug Addiction Treatment and Support Act (ADATSA)" is a legislative enactment providing state-financed treatment and support to indigent alcoholics and drug addicts.

(3) "Gainfully employed" means performing in a regular and predictable manner an activity for pay or profit. Gainful employment does not include noncompetitive jobs such as work in a department-approved sheltered workshop or sporadic or part-time work, if the person, due to functional limitation, is unable to compete with unimpaired workers in the same job.

(4) "Intensive protective payee" provides case management services for an ADATSA shelter client. These services include:

(a) Sufficient controls of monthly shelter expenditures as necessary to ensure the client's basic needs are met; and

(b) Preventing the diversion of assistance toward purchase of alcohol or drugs.

(5) "Protective payee" means a person or agency who has the authority and responsibility to make decisions about the expenditure of outpatient treatment living stipends for an outpatient client.

(6) "Shelter services" or "shelter assistance" means:

(a) Room and board in a supervised living arrangement to an ADATSA client by a facility under contract with the department; or

(b) Where contracted facilities are not available, benefits paid to an intensive protective payee for an ADATSA client living in independent housing.

NEW SECTION

WAC 388-240-1100 Detoxification services. The department shall only pay for three-day detoxification services for acute alcoholic condition or five-day detoxification services for acute drug addiction for eligible persons when the services are:

(1) Directly related to detoxification; and

(2) Performed by a certified detoxification center or a general hospital contracted with the department to perform these services.

NEW SECTION

WAC 388-240-1200 Detoxification eligibility. (1) The department shall consider a person eligible who is an AFDC/general assistance, a medical assistance program, or a supplemental security income (SSI) beneficiary; or

(2) The department shall consider a person eligible who does not have combined nonexempt income and/or resources that exceed the aid to families with dependent children (AFDC) payment standards. The department shall:

(a) Exempt the following resources for the alcoholism and drug detoxification program:

(i) A home;

(ii) Household furnishings and personal clothing essential for daily living;

(iii) Other personal property used to reduce need for assistance or for rehabilitation; and

(iv) A used and useful automobile.

(b) Not exempt the following resources:

(i) Cash;

(ii) Marketable securities; and

(iii) Any other resource not specifically exempted that can be converted to cash.

(c) Deduct or exempt the following from income:

(i) Mandatory expenses of employment;

(ii) Total income and resources of a noninstitutionalized SSI beneficiary;

(iii) Support payments paid under a court order; and

(iv) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs when failure to make such payments will result in garnishment of wages or loss of employment.

(3) The department shall not require the person receiving detoxification services to incur a deductible as a factor of eligibility for the covered period of detoxification.

(4) The department shall determine eligibility for the detoxification program on the basis of information shown on the department's application forms.

(5) The department shall require supplemental forms, verification procedures, and/or face-to-face interviews only in cases where there is a specific reason for requiring further verification of eligibility.

(6) When the department is notified within ten working days of the date detoxification began, the department shall cover this period if all eligibility factors are met.

(7) The department shall continue the effective period of eligibility from the date detoxification treatment began through the end of the month in which the client completed the three-day or five-day treatment.

NEW SECTION

WAC 388-240-2100 ADATSA purposes and programs. (1) The purpose of ADATSA is to:

(a) Assist in the rehabilitation of alcoholics and drug addicts who can benefit from treatment; or

(b) Provide a program of shelter services for those alcoholics and drug addicts whose chemical dependency has resulted in incapacitating physiological or cognitive impairments.

(2) The department shall provide eligible persons with those ADATSA services available within legislative appro-

priation and only to the extent such service conforms to all conditions and limitations set by the department.

(3) Persons qualifying for the ADATSA program may be eligible for:

(a) Alcohol/drug treatment services and support described under WAC 388-240-4100 and 388-240-4400; or

(b) Shelter services as described under WAC 388-240-5100.

(4) A person eligible for ADATSA shall be eligible for medical care services as described under WAC 388-86-120 or its successor.

NEW SECTION

WAC 388-240-2300 ADATSA categorical eligibility.

(1) A person eligible for ADATSA services shall:

(a) Be eighteen years of age or older;

(b) Be a resident of Washington as defined by the GAU program; and

(c) Be either a United States citizen or alien who:

(i) Is lawfully admitted for permanent residence;

(ii) Is otherwise permanently residing in the United States under color of law; or

(iii) Has been granted temporary residency status under the Immigration Reform and Control Act.

(d) Provide the department with the applicant's Social Security number. If the applicant cannot finish a Social Security number because it has not been issued or is not known, the applicant shall apply for a number before authorization of assistance. The applicant shall provide the Social Security number to the department upon receipt.

(e) Meet the same income and resource criteria as required by the general assistance-unemployable (GA-U) program; except, persons excluded from GA-U under WAC 388-235-9000, because they are clients of federal aid, may be eligible for ADATSA treatment services.

(2) A person placed in an alcohol or drug congregate care facility shall meet the payment and procedural requirements set forth in WAC 388-15-568 or its successor. However, the department shall not require a client receiving services in an intensive inpatient chemical dependency treatment program of thirty days or less to participate in the cost of care.

(3) The department shall require a client with income while residing in a recovery house, extended care recovery house, or long-term care or drug residential treatment facility to contribute toward the cost of care of that portion of their income in excess of the clothing and personal incidental standard. This participation shall:

(a) Begin the month following the month of admission; and

(b) For benefits, be computed by the department according to applicable rules for the program under which the benefits are received.

NEW SECTION

WAC 388-240-2400 ADATSA treatment—Eligibility requirements. (1) Within the current appropriation, the department may grant ADATSA treatment services to an alcoholic or drug addict.

(2) An eligible person for ADATSA treatment services shall meet the:

- (a) Financial eligibility criteria in WAC 388-240-2300; and
 (b) Incapacity eligibility criteria in WAC 388-240-2450.

NEW SECTION

WAC 388-240-2450 ADATSA treatment—Incapacity requirements. (1) In order to qualify for ADATSA treatment services, a person shall be:

(a) Diagnosed as having a mild, moderate, or severe dependency on a psychoactive substance class other than nicotine, using the criteria for *Psychoactive Substance Dependence in the Diagnostic and Statistical Manual of Mental Disorders* (third edition revised), published by the American Psychiatric Association (this publication will be referred to below as the DSM III-R.); and

(b) Incapacitated, i.e., unable to work. Incapacity shall exist if the applicant meets one or more of the following:

(i) Currently pregnant or up to two months post partum; or

(ii) Diagnosed as at least moderately psychoactive substance dependent and referred for treatment by child protective services; or

(iii) Diagnosed as severely psychoactive substance dependent and currently an intravenous drug user; or

(iv) Diagnosed as severely psychoactive substance dependent and has:

(A) One prior diagnosis of severe psychoactive substance dependency by an assessment center; or

(B) At least one prior admission to a department-approved alcohol/drug treatment or detoxification program.

(v) Diagnosed as severely psychoactive substance dependent and has had two or more arrests for offenses directly related to the chemical dependency; or

(vii) Lost two or more jobs during the last six months as a direct result of chemical dependency; or

(viii) Admitted to a department-approved outpatient treatment program during the last six months and the outpatient treatment provider certifies the treatment recipient is not benefiting from outpatient treatment and needs more intensive chemical dependency treatment services.

(c) Not eligible for ADATSA treatment, notwithstanding subsection (b) of this section, when the person:

(i) Is not clearly diagnosed as currently dependent on psychoactive substances other than nicotine; or

(ii) Has abstained from alcohol and drug use for the last ninety days, excluding days spent while incarcerated; or

(iii) Has been gainfully employed in a job in the competitive labor market at any time during the last thirty days.

(2) A person who is successfully participating in ADATSA outpatient treatment services shall be considered incapacitated through completion of the planned treatment, even if the person:

(a) Becomes employed;

(b) Abstains from alcohol or drug use; or

(c) Has full or partial remission of psychoactive substance abuse dependence.

NEW SECTION

WAC 388-240-2500 ADATSA shelter—Eligibility requirements. (1) Within the current appropriation, the department may grant ADATSA shelter services to an alcoholic or drug addict.

(2) An eligible person for these ADATSA shelter services shall meet the:

(a) Financial eligibility criteria in WAC 388-240-2300; and

(b) Incapacity eligibility criteria in WAC 388-240-2550.

NEW SECTION

WAC 388-240-2550 ADATSA shelter—Incapacity requirements. To meet shelter incapacity standards, a person shall meet the following conditions:

(1) Be actively addicted, meaning having used alcohol or drugs within the sixty-day period immediately preceding the latest assessment center evaluation, as determined by the assessment center;

(2) Have resulting physiological or organic damage, or have resulting cognitive impairment not expected to dissipate with sixty days of sobriety or detoxification;

(3) To qualify on the basis of physical impairment, the physiological or organic damage must have a severity rating of "03" or more as defined under the GA-U program;

(4) To qualify on the basis of cognitive impairment, the applicant must have:

(a) At least a moderate impairment of ability to understand, remember, and follow complex instructions; and

(b) An overall moderate impairment in ability to:

(i) Learn new tasks;

(ii) Exercise judgment;

(iii) Make decisions, and

(iv) Perform routine tasks without undue supervision.

(5) The department shall require the impairments described in subsections (2), (3) and (4) of this section to be supported by documented, objective, and current medical evidence provided by a licensed physician, licensed clinical psychologist, or mental health professional as defined by RCW 71.05.020.

NEW SECTION

WAC 388-240-2570 ADATSA shelter—Eligibility determination and review. The department shall:

(1) Make an eligibility decision for ADATSA shelter within forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on the part of the applicant;

(2) Redetermine incapacity and financial and medical eligibility for ADATSA shelter every six months or more often; and

(3) Provide adequate and advance notice of adverse action.

NEW SECTION

WAC 388-240-2600 ADATSA SSI referral requirements. (1) An ADATSA client the department determines potentially eligible for supplemental security income (SSI) shall:

- (a) Make application for SSI; and
 - (b) Assign the initial SSI payment to the department of social and health services up to the amount of ADATSA assistance provided to the recipient pending approval of the SSI application.
- (2) To establish eligibility, the department shall assist an ADATSA client in:
- (a) Making application for SSI; and
 - (b) Obtaining the necessary documentation required by the Social Security Administration.

NEW SECTION

WAC 388-240-3100 ADATSA assessment center—

Role. (1) A department-designated chemical dependency assessment center shall determine incapacity based on alcoholism or drug addiction. The assessment center is the department's sole source of medical evidence required for the diagnosis and evaluation of alcoholism/drug addiction and its effects on employability.

- (2) The department shall:
- (a) Require a current assessment, in writing, for all ADATSA clients; and
 - (b) Pay the costs of assessments needed to determine eligibility.
- (3) ADATSA assessment centers shall:
- (a) Be responsible for diagnostic evaluation and treatment placement;
 - (b) Not be responsible for providing direct treatment;
 - (c) In accordance with chapter 275-19 WAC or its successor, conduct a face-to-face diagnostic assessment to determine if the client:
 - (i) Is chemically dependent;
 - (ii) Meets incapacity standards for treatment under WAC 388-240-2400; and
 - (iii) If incapacitated, is willing, able, and eligible to undergo a course of ADATSA treatment.
 - (4) The assessment center shall determine a course of treatment based on an individual assessment of alcohol/drug involvement and treatment needs in accordance with RCW 70.96A.100 and the procedures under chapter 275-19 WAC or its successor.
 - (5) Once the treatment client's financial and medical eligibility is established, the assessment center shall:
 - (a) Develop an ADATSA treatment plan;
 - (b) Arrange all placements into ADATSA treatment taking into account the treatment priorities described under WAC 388-240-4200;
 - (c) Provide the client with written notification of the client's right to return to the community service office (CSO) at any time while receiving ADATSA treatment. This includes, but is not limited to, those situations where the client is discharged from any residential or outpatient agency providing services under contract to the department;
 - (d) Provide the client with written notification of the client's right to request a fair hearing to challenge any action affecting eligibility for ADATSA treatment;
 - (e) Provide ongoing case monitoring of treatment services; and
 - (f) Notify the community services office promptly of all placement or eligibility status changes.

(6) When evaluating the person's ability to benefit from primary outpatient treatment, the assessment center shall consider clinical or medical factors indicating the likelihood of a client's success in a less-structured primary treatment modality. Such factors may include:

- (a) An assessment of former treatment history;
- (b) The number of detoxification admissions;
- (c) The chronicity and degree of incapacity of the client; and
- (d) Social factors, such as:
 - (i) The availability of social support systems;
 - (ii) Family support; and
 - (iii) Stable living arrangement.

NEW SECTION

WAC 388-240-4100 ADATSA treatment limitations.

(1) The department shall offer ADATSA treatment services to an eligible person incapacitated by alcoholism or drug addiction, subject to:

- (a) Availability defined under WAC 388-240-2100; and
 - (b) Priority classifications set forth under WAC 388-240-4200.
- (2) The department shall limit a person's treatment services to a maximum of six months in a twenty-four-month period. The twenty-four-month period begins on the date of initial entry into treatment.
- (3) The department shall limit residential treatment to the following durations:
- (a) Intensive inpatient treatment, not to exceed thirty days per admission;
 - (b) Recovery house treatment, not to exceed sixty days per admission;
 - (c) Extended care recovery house treatment, not to exceed ninety days;
 - (d) Long-term care residential treatment, not to exceed one hundred eighty days;
 - (e) Drug residential treatment, not to exceed one hundred eighty days.
- (4) An ADATSA client shall not receive more than ninety days of ADATSA outpatient treatment in a twenty-four-month period, if referred:
- (a) Directly to outpatient treatment; or
 - (b) Following a residential placement.
- (5) The department shall only offer medical services to a person eligible for ADATSA treatment choosing methadone chemical dependency treatment, as referenced under WAC 388-86-120 or its successor.

NEW SECTION

WAC 388-240-4200 ADATSA treatment terminations and reinstatements (1) The department shall terminate an ADATSA client who withdraws or is discharged from treatment for any reason. The client must reapply and be re-referred to the assessment center if the client requires further ADATSA treatment services.

- (a) The department shall refer an ADATSA client demonstrating an inability to remain abstinent in outpatient treatment to residential treatment.
- (b) The department may require a client dropping out of treatment in the intensive inpatient modality to repeat this phase.

(c) The department may require a client dropping out of treatment during the recovery house or outpatient modality to:

(i) Return to the modality from which the client dropped out; or

(ii) Enter intensive inpatient treatment if, in the clinical judgment of the assessment center, a more structured form of treatment seems warranted.

(2) A client absent from inpatient treatment or other residential services for less than seventy-two hours may reenter that program without being considered as having dropped out. This is done at the discretion of the treatment service administrator and without requiring the client to apply for readmittance through the assessment center.

(3) An ADATSA client terminating treatment shall not be eligible for benefits beyond the month in which treatment services end. Regulations regarding advance and adequate notice still apply, but an ADATSA treatment client shall not be eligible for continued assistance pending a fair hearing as provided under WAC 388-33-377 or its successor.

NEW SECTION

WAC 388-240-4400 ADATSA treatment priority groups. (1) When assigning residential admissions, the assessment center shall:

(a) Give first priority to a pregnant woman or a parent with a child in the home;

(b) Additionally, provide priority access to ensure admission for:

(i) A person referred through by the department's children's protective services (CPS) program; and

(ii) An injecting drug user (IDU).

(2) When assigning outpatient admissions, the assessment center shall:

(a) Give first priority to a pregnant woman or a parent with a child in the home unable to access Title XIX outpatient treatment;

(b) Additionally, provide priority access to ensure admission for:

(i) A person completing residential treatment;

(ii) A person referred through CPS; and

(iii) An IDU.

(3) The department may deny ADATSA treatment services to a person able to access, at no cost to the person, comparable state-approved chemical dependency treatment.

NEW SECTION

WAC 388-240-4600 ADATSA treatment living allowance. (1) An ADATSA client in residential treatment shall be eligible for an allowance based on the department's current payment standard for clothing and personal incidentals.

(2) An ADATSA client in an outpatient treatment modality shall be eligible for a treatment living allowance for housing and other living expenses.

(3) The department shall:

(a) Base the living allowance amount on the current ADATSA payment standard;

(b) Issue this living allowance directly to the outpatient provider as (protective) payee; and

(c) Not authorize the use of any treatment living allowance to pay for shelter in a dormitory setting not requiring sobriety as a condition of residence.

NEW SECTION

WAC 388-240-5100 ADATSA shelter services. (1) The department shall limit ADATSA shelter services to shelter assistance in the contracted facilities unless the client resides in a county described under subsection (2) of this section.

(2) A client residing in a county where a contracted shelter bed is not available may receive shelter assistance in independent housing, subject to the following provisions:

(a) The client shall, as a condition of continued eligibility, move to a contracted shelter bed when available. "Availability" means the existence of a vacant shelter bed, rather than whether or not a particular A/R is accepted or rejected from a shelter facility based on disciplinary problems;

(b) The client shall receive the monthly shelter assistance payment through an intensive protective payee defined under WAC 388-240-6100; and

(c) The department shall only provide assistance for independent housing to a client residing in a permanent residential structure. The client must have a deed of purchase, rental agreement, or other verifiable written agreement between the client and the person or entity to whom the client is obligated for shelter costs or from whom the recipient is receiving shelter.

(3) The department shall base the amount of a client's assistance for independent housing and basic needs on the appropriate payment standard for the GA-U program. For a client in a contracted shelter facility, the department shall provide an allowance for clothing and personal incidentals based on the standard for congregate care facilities.

(4) The department shall terminate a client receiving contracted shelter services:

(a) When the client is discharged from the facility for disciplinary reasons; or

(b) If the client subsequently leaves shelter, without notice, for more than seventy-two hours.

(5) The department shall continue benefits for an ADATSA shelter requesting a fair hearing within the advance notice period before termination is to occur as required under WAC 388-37-377 or its successor.

NEW SECTION

WAC 388-240-6100 ADATSA protective payees. (1) The department shall pay the assistance needs of an ADATSA client receiving outpatient treatment or shelter assistance by protective payee or vendor payment. The protective payee for:

(a) An outpatient client shall be the same agency providing outpatient treatment;

(b) A shelter client in independent housing shall be an agency under contract with the department to provide intensive protective payee services described under subsection (5) of this section; and

(c) A shelter client residing in a contracted shelter facility shall be the facility operator. The facility operator shall have the authority to use personal discretion on the

method of disbursing the client's clothing and personal incidental money each month.

(2) The protective payee for an outpatient client shall:

(a) Have the authority and responsibility to make decisions about the expenditure of outpatient treatment stipends;

(b) Encourage the client to participate in the decision-making process. The amount of decision-making the protective payee allows the client shall depend upon the level of responsibility the client demonstrates; and

(c) Disburse funds to meet the basic needs of a client's shelter, utilities, food, clothing, and personal incidentals.

(3) The outpatient protective payee may use discretion on the method of disbursing to the client any cash balance remaining from the client's monthly assistance warrant. The protective payee has the authority to apportion any remaining funds to the client at regular intervals throughout the month.

(4) The intensive protective payee shall provide to a client case management services to include, but not be limited to:

(a) Disbursement of a payment for shelter and utilities, such as a check directly to the landlord, mortgage company, utility company, etc;

(b) Direct payment to vendors directly for goods or services provided to or for the recipient, including personal and incidental expenses; and

(c) An exception only where unusual circumstances prevent direct payment and the recipient is unlikely to divert the money to purchasing alcohol or drugs.

(5) A shelter client in independent housing has the right to request a change of an intensive protective payee within the county if dissatisfied with the department's selection of a particular intensive protective payee. If the department determines good cause exists for the payee change, the department shall reassign the client to another intensive protective payee, if available.

(6) In the event the client or protective payee relationship is terminated for any reason, the protective payee shall return any remaining funds to the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-40-010, Alcoholism and drug detoxification program—Eligible persons.
- WAC 388-40-020, Alcoholism and drug addition treatment and support act (ADATSA)—Program description.
- WAC 388-40-030, ADATSA services.
- WAC 388-40-040, Financial eligibility requirements.
- WAC 388-40-050, Incapacity requirements for ADATSA treatment.
- WAC 388-40-055, Incapacity requirements for ADATSA shelter.
- WAC 388-40-060, Eligibility determination and review—Time frame.
- WAC 388-40-070, SSI referral requirements.

- WAC 388-40-080, ADATSA assessment centers—Role.
- WAC 388-40-090, ADATSA treatment modalities—Description of services, requirements, and limitations.
- WAC 388-40-091, Availability of treatment—Priority groups.
- WAC 388-40-095, ADATSA treatment—Living allowance.
- WAC 388-40-100, ADATSA shelter services.
- WAC 388-40-110, ADATSA protective payee requirements.

**WSR 93-19-043
PERMANENT RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY**
[Filed September 8, 1993, 2:03 p.m.]

Date of Adoption: September 2, 1993.

Purpose: To amend existing fee schedules for registered air pollution sources, notices of construction, and asbestos abatement projects. To add new fee schedule for operating permits.

Citation of Existing Rules Affected by this Order: Amending Spokane County Air Pollution Control Authority, Regulation I, Article X, Fees and Charges.

Statutory Authority for Adoption: RCW 70.94.141, [70.94.]151, and [70.94.]161.

Pursuant to notice filed as WSR 93-15-077 on July 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 3, 1993
Eric P. Skelton
Director

**ARTICLE X
FEES AND CHARGES**

- ADOPTED:** September 12, 1991
- REVISION:** September 3, 1993
- EFFECTIVE:** ~~October 13, 1991~~ October 4, 1993

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

AMENDATORY SECTION

SECTION 10.01 DEFINITIONS

When used in Regulation I of the Spokane County Air Pollution Control Authority:

((A. ~~Air Contaminant Source means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single~~

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~~product or functionally related group of products.~~

- ~~B. Class A 1 means that the actual or potential controlled emissions of any one criteria pollutant are equal to or greater than 100 tons per year.~~
- ~~C. Class A 2 means that the actual emissions of any one criteria pollutant are less than 100 tons per year, but potential uncontrolled emissions of any one criteria pollutant are equal to or greater than 100 tons per year.~~
- ~~D. Class B means that the actual and potential uncontrolled emissions of any one criteria pollutant are less than 100 tons per year.~~
- ~~E. Class A 1 (Toxic) means that the actual or potential controlled emissions of any one TAP are greater than or equal to 10 tons per year; OR, the actual or potential controlled emissions of any combination of TAPs are greater than or equal to 25 tons per year.~~
- ~~F. Class A 2 (Toxic) means that the actual emissions are below Class A 1 (Toxic) levels, but potential uncontrolled emissions are greater than Class A 1 (Toxic) levels.~~
- ~~G. Class B (Toxic) means that the actual and potential uncontrolled emissions are below Class A 1 (Toxic) levels:))~~

~~H A. Criteria Pollutant ((is)) means any one of the following: fine particulate matter (PM10), nitrogen oxides, sulfur oxides, ozone, lead, or carbon monoxide ((or any other pollutant as determined by the Control Officer)).~~

~~B. Emission Fee means the component of a registration fee or operating permit fee which is based on actual emissions of criteria and toxic air pollutants. In the case of a new or modified source or a source being registered initially, the emission fee is based on projected emissions as presented in an approved Notice of Construction or registration form.~~

~~I C. Emission Reduction Credit means a credit granted to a source for a voluntary reduction in actual emissions per 173-400-131 WAC.~~

~~D. Fiscal Year has the same meaning as the term in RCW 70.94.161.~~

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

~~J F. Significant Emissions means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, at a rate of emissions equal to or greater than any one of the following rates: ((new sources or modifications resulting in one of the following: -increased emissions of 100 tons per year of any one criteria pollutant;))~~

- ~~- increased emissions of 10 tons per year of any one toxic air pollutant; or,~~
- ~~- increased emissions of 25 tons per year of two or more toxic air pollutants; or,~~

~~((Sources with significant emissions are also those sources which emit more than the following of any pollutant for which the area exceeds or threatens to exceed ambient air quality standards for that pollutant or a related pollutant.~~

<u>Pollutant</u>	<u>Tons/ year</u>	<u>Pounds/ day</u>	<u>Pounds/ hour</u>
<u>Volatile organic compounds</u>	40		
<u>Nitrogen oxides</u>	40	800	80
<u>Sulfur oxides</u>	40		
<u>Lead</u>	0.6		
<u>Particulate Matter</u>	25	500	50
<u>PM 10</u>	15		

<u>Pollutant</u>	<u>Tons/Year</u>
<u>Carbon monoxide</u>	100
<u>Nitrogen oxides</u>	40
<u>Sulfur dioxide</u>	40
<u>Particulate Matter (PM)</u>	25
<u>Fine particulate matter (PM10)</u>	15
<u>Volatile organic compounds</u>	40
<u>Lead</u>	0.6
<u>Fluorides</u>	3
<u>Sulfuric Acid Mist</u>	7
<u>Hydrogen sulfide (H₂S)</u>	10
<u>Total reduced sulfur (including H₂S)</u>	10
<u>Reduced sulfur compounds (including (H₂S)</u>	10
<u>Municipal waste combustor organics (measured as total tetra-through-octa-chlorinated dibenzo-p-dioxins and dibenzofurans)</u>	0.0000035
<u>Municipal waste combustor metals (measured as PM)</u>	15
<u>Municipal waste combustor acid gases (measured as SO₂ and hydrogen chloride)</u>	40

~~K F. Toxic Air Pollutant means any toxic air pollutant (TAP) listed in WAC 173-460-150 and 173-460-160((, or as determined by the Control Officer)). Toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of substances.~~

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.

AMENDATORY SECTION

SECTION 10.02 FEES AND CHARGES REQUIRED

~~((A fee or service charge shall be paid to the Authority for issuance of permits and for providing services as hereinafter~~

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~~provided.))~~ Any fee assessed pursuant to Article X shall be paid within 60 days of assessment. Any person who is more than 90 days late with such payment shall pay a penalty equal to three times the amount of the emissions fee component.

Revenues collected pursuant to RCW 70.94.161 shall be deposited in the operating permit program dedicated account and shall be used exclusively for the program.

SECTION 10.03 FEES OTHERWISE PROVIDED

All fees and charges provided for in this Article X are in addition to fees otherwise provided for or required to be paid by Regulation I, PROVIDED the Control Officer shall waive payment of any fee or service charge hereby required if such fee is duplicative of a fee charged or required to be paid by another Article of this regulation.

AMENDATORY SECTION

SECTION 10.04 FEE WAIVER, INDIGENCY

Except for sources subject to the operating permit program, pursuant to RCW 70.94.161, ((F)) the Control Officer ((shall)) may waive payment of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that ((the permit or service requested is necessary and)) payment of the fee would cause financial hardship upon the applicant.

AMENDATORY SECTION

SECTION 10.05 GENERAL ADMINISTRATIVE FEES

- A. A fee of \$.25 per page for photocopies shall be charged for ten or fewer copies.
- B. A fee of \$.20 per page for photocopies shall be charged for more than ten copies.
- ~~((C. A fee of \$20.00 per hour shall be charged for all time expended preparing photocopies and for obtaining documents to be photocopied for requests covering more than ten pages.))~~
- ~~D. The actual cost of postage shall be charged for all material requested to be mailed.~~
- ~~E. For other administrative services requested and performed by Authority staff which are not provided to the public generally the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.~~

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.

AMENDATORY SECTION

SECTION 10.06 REGISTRATION AND INSPECTION OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES

- A. All ~~((air contaminant))~~ sources required by Article IV, Section 4.01 to be registered, all sources

subject to the operating permit program pursuant to RCW 70.94.161, ((shall pay a fee of \$50.00 at the time of initial registration. In addition, registered air contaminant sources)) and ((those air contaminant)) all sources required by Article V, Section 5.01 to obtain an approved Notice of Construction and Application for Approval shall pay an annual fee ((of \$50.00 per each calendar year, or portion thereof, in which each facility operates)). Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

- B. ~~((IN ADDITION to the fee provided in "A" above, each air contaminant source inspected annually shall pay an))~~ The annual fee ((of)) for each source shall be determined as follows:

- ~~((1) \$30.00 per each inspection for each stack or other emission point not to exceed \$600.00; and~~
- ~~(2) For Class B sources, \$10.00 per ton per year of each criteria and/or toxic air pollutant, as determined by annual emissions; and~~
- ~~(3) For Class A-2 sources, 10.00 per ton per year of each criteria and/or toxic air pollutant, as determined by annual emissions; and~~
- ~~(4) For Class A-1 sources, \$10.00 per ton per year of each criteria and/or toxic air pollutant up to 4,000 tons per year, as determined by annual emissions.))~~
- (1) For sources that emit less than 5 tons per year of criteria and toxic air pollutants:
 - (a) a flat fee of \$125; and
 - (b) a \$30 fee for each stack and other emission point, not to exceed \$600; and
 - (c) an emission fee of \$10 per ton of each criteria and toxic air pollutant.
- (2) For sources that emit 5 tons or more per year of criteria and toxic air pollutants, but less than 100 tons per year of any one criteria pollutant, excluding carbon monoxide:
 - (a) a flat fee of \$125; and
 - (b) an emission fee of \$15 per ton of each criteria and toxic air pollutant, including carbon monoxide.
- (3) For sources that emit 100 tons or more per year of criteria and toxic air pollutants, excluding carbon monoxide:
 - (a) an emission fee of \$30 per ton, including carbon monoxide, half of which shall be applied in Fiscal Year 1994 to development of the operating permit program, pursuant to RCW 70.94.161; and

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- (b) an interim assessment, as determined by the Department of Ecology, pursuant to RCW 70.94.161, which shall be remitted by the Authority to the Department of Ecology.
- (4) Effective the latter of either July 1, 1994, or 90 days after receiving approval of delegation of the operating permit program from the U.S. Environmental Protection Agency, for sources subject to the operating permit program pursuant to RCW 70.94.161:
 - (a) except for affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq), an emission fee of \$44 per ton, including carbon monoxide. Any source subject to the fee schedule in Section 10.06.B.(4). is exempt from the fee schedules in Section 10.06.B.(1), (2), & (3). In the event the fee schedule in Section 10.06.B.(4). becomes effective after July 1, 1994, the source shall pay a prorated Fiscal Year 1994 fee, based on the respective portions of the fiscal year during which the source was subject to the two different fee schedules.
 - (b) for affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq), a fee of \$50 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.
 - (c) an assessment, as determined by the Department of Ecology, pursuant to RCW 70.94.161, which shall be remitted by the Authority to the Department of Ecology.
- (5) Gasoline dispensing facilities which are not subject to RCW 70.94.161 shall not be assessed the emission fee component of a registration fee.
- (6) After December 31, 1999, Section 10.06.B.(4)(b) of this regulation shall no longer be in effect, and affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq) shall be subject to the fee schedule in Section 10.06.B. (4)(a) of this regulation.
- C. On or before April 7, 1994, and annually thereafter, the Board of Directors shall review the fee schedule established in Section 10.06.B.(4). and projected costs to implement the requirements of RCW 70.94.161 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to recover program costs. Such review shall include opportunity for public review and comment on the projected costs and any changes to the operating permit fee schedule. Accordingly, the Authority shall account for program costs, including employee costs and overhead. If the Board of Directors determines that the total projected fee revenue is either significantly excessive or deficient

for this purpose, then the Board of Directors shall amend the fee schedule to more accurately recover program costs.

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.

AMENDATORY SECTION

SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY SOURCE

- A. For all construction required by Article V to file a Notice of Construction and Application for Approval (NOC), a filing fee of ~~(((\$50.00))~~ \$125 shall be paid at the time of filing the NOC. ~~((The registration fee required in Section 10.06A shall be waived whenever a NOC is required.))~~
- B. IN ADDITION to the filing fee provided in "A" above, a plan review and ~~((inspection))~~ approval fee shall be paid according to one of the following:
 - (1) Fuel Burning Equipment With or Without Air Pollution Control Equipment:

Design Input Size (Mbtu/hr)	Install Fee	Fuel Change Fee
.4 < 5	\$ 50 <u>100</u>	\$ 20
5 < 10	\$ 400 <u>150</u>	\$ 40
10 < 20	\$ 150 <u>200</u>	\$ 60
20 < 50	\$ 250	\$ 80
50 < 100	\$ 350	\$ 100
100 < 250	\$ 500	\$ 150
250 < 500	\$ 650	\$ 200
500 < UP	\$ 850	\$ 250

- (2) Refuse Burning Equipment Including Air Pollution Control Equipment:

Capacity (ton/day)	Fee
0 < 12	\$ 500
12 < 250	\$ 1,000
250 < UP	\$ 2,500

- (3) Process Equipment and/or Air Pollution Control Equipment or Uncontrolled Process Equipment:

Actual ft ³ /min	Fee
0 < 5,000	\$ 100
5,000 < 20,000	\$ 200
20,000 < 50,000	\$ 300
50,000 < 100,000	\$ 400
100,000 < 250,000	\$ 500
250,000 < 500,000	\$ 650
500,000 < UP	\$ 800

- (4) Gasoline dispensing facilities: \$50
- (4) (5) For sources not included in (1), (2), or (3), or (4) above, ~~((a plan review and inspection fee of \$100.00 shall be paid plus))~~ an hourly

fee of \$50.00 per hour of time expended in plan review and ~~((inspection))~~ approval.

- C. For temporary portable sources required by Article V to notify the Agency of intent to operate at a new location, the filing fee shall be ~~((50.00))~~ \$125 and the plan review and ~~((inspection))~~ approval fee shall be one half (1/2) of the current fee for a Notice of Construction and Application for Approval.
- D. IN ADDITION to the other fees and costs herein above required any new source of air pollution to be constructed and anticipated to produce SIGNIFICANT EMISSIONS shall pay an additional fee of ~~\$250.00~~.

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.

AMENDATORY SECTION

SECTION 10.08 EMISSION REDUCTION CREDITS MISCELLANEOUS FEES

- A. A fee of ~~((500.00))~~ \$50 per hour of time expended in review shall be paid for each ~~((review of an emission reduction credit request))~~ of the following:
 - (1) Emission reduction credit request pursuant to Chapter 173-400-131 WAC.
 - (2) Paving waiver request pursuant to Spokane County Zoning Code, Section 14.802.080 or City of Deer Park Code, Chapter 18.74.050.
 - (3) Alternate opacity limit request pursuant to RCW 70.94.331 (2)(c).
 - (4) Reasonably Available Control Technology (RACT) determination pursuant to Chapter 173-400-040 WAC and/or RCW 70.94.161.
 - (5) Variance request pursuant to SCAPCA Regulation II; Article III or RCW 70.94.181. In addition, the applicant shall pay a filing fee of \$125.

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

SECTION 10.09 ASBESTOS

Any owner or operator of a demolition or renovation activity required by federal regulation or Regulation I to notify the Authority prior to removal or demolition, or required by Federal Regulation to be approved or inspected by the Authority, shall give required notice and pay a fee according to the following:

- (a) If more than 80 linear meters (260 linear feet), 15 square meters (160 square feet), or one cubic meter (35 cubic feet) of asbestos is to be removed a ~~((100.00))~~ \$150 fee is required.

- (b) If less than 80 linear meters (260 linear feet), 15 square meters (160 square feet), or one cubic meter (35 cubic feet) but more than 3 linear meters (10 linear feet), one square meter (11 square feet), one cubic foot of asbestos is to be removed a ~~((50.00))~~ \$75 fee is required.
- (c) If less than 3 linear meters (10 linear feet), one square meter (11 square feet), or one cubic foot of asbestos is to be removed or if the activity is a demolition not requiring asbestos removal a ~~((25.00))~~ \$40 fee is required.
- (d) If more than 3 linear meters (10 linear feet), one square meter (11 square feet), or one cubic foot of asbestos is to be removed from a private residence a ~~((25.00))~~ \$40 fee is required.
- (e) No notice or fee is required for private residences if the amount of asbestos to be removed is less than 3 linear meters (10 linear feet), one square meter (11 square feet), or one cubic foot.
- (f) Registered sources may elect to submit an annual notice, for work conducted in their own facility by their own employees rather than individual notifications. A fee of ~~((100.00))~~ \$150 shall accompany the annual notice.

REPEALER

~~((SECTION 10.10 RESIDENTIAL BURN BARRELS
An annual fee of \$15.00 shall be paid for issuance of any permit for a residential burning barrel.))~~

AMENDATORY SECTION

SECTION 10.11 10 SOLID FUEL BURNING DEVICE EXEMPTIONS

An initial fee of ~~\$25.00~~ shall be paid for review of any exemption request to use solid fuel combustion device during periods of impaired air quality. An annual renewal fee of ~~\$10.00~~ will be required each year thereafter. Payment of the fee shall not guarantee the applicant that the request will be approved. These fees may be waived per Section 10.04 or for emergency situations.

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.

AMENDATORY SECTION

SECTION 10.1211 OXYGENATED GASOLINE

Pursuant to Chapter 173-492 WAC, the following annual fees shall be paid by blenders of oxygenated gasoline for sale in the Spokane Control Area.

Small Volume	(<100,000 Gallons/Month)	\$500
Medium Volume	(100,000 to <1,000,000 Gallons/Month)	\$1,000
Large Volume	(1,000,000 to <15,000,000 Gallons/Month)	\$6,200
Very Large Volume	(>15,000,000 Gallons/Month)	\$15,500

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 93-19-046
PERMANENT RULES
WALLA WALLA
COMMUNITY COLLEGE
 [Filed September 9, 1993, 10:16 a.m.]

Date of Adoption: September 1, 1993.

Purpose: Decodification of rules of conduct and procedures of enforcement, and decodification of the summary suspension procedures.

Citation of Existing Rules Affected by this Order: Repealing chapters 132T-20 and 132T-24 WAC.

Statutory Authority for Adoption: Chapter 1-21 WAC, RCW 288.50.140 [28B.50.140] and chapters 34.05 and 34.08 RCW.

Pursuant to notice filed as WSR 93-15-079 on July 19, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 1, 1993
 Steven L. VanAusdle
 President

REPEALER

The following chapters of the Washington Administrative Code are repealed:

Chapter 132T-20 WAC	Rules of conduct and procedures of enforcement.
Chapter 132T-24 WAC	Summary suspension procedures.

WSR 93-19-051
PERMANENT RULES
SECRETARY OF STATE

(Division of Archives and Records Management)
 [Filed September 10, 1993, 9:14 a.m.]

Date of Adoption: September 10, 1993.

Purpose: Requires state archivist to adopt standards by rule for the durability and permanence of public records.

Statutory Authority for Adoption: Chapter 40.14 RCW.

Pursuant to notice filed as WSR 93-14-002 on June 23, 1993.

Changes Other than Editing from Proposed to Adopted Version: Deletes the phrase "for the acquisition of technology."

Effective Date of Rule: Thirty-one days after filing.
 September 10, 1993
 Sidney F. McAlpin
 State Archivist

Chapter 434-660 WAC
STANDARDS FOR THE ACCURACY, DURABILITY
AND PERMANENCE OF PUBLIC RECORDS

NEW SECTION

WAC 434-660-010 Statutory authority. The state archivist shall adopt rules under chapter 34.05 RCW setting standards for the durability and permanence of public records maintained by state and local agencies:

(1) Governing procedures for the creation, maintenance, transmission, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services;

(2) Governing the accuracy and durability of photographic, optical, electronic or other images used as public records. Reference RCW 40.14.020.

WSR 93-19-052
PERMANENT RULES
LOTTERY COMMISSION
 [Filed September 10, 1993, 11:18 a.m.]

Date of Adoption: September 10, 1993.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 106 (Cash Explosion), 107 (Break the Bank), 108 (Money Bags), and 109 (Black Jacks); to amend the rules for Instant Game No. 99 (Megamoney); to amend the rules for the on-line game Quinto, to discontinue the on-line game "Beat the State."

Citation of Existing Rules Affected by this Order: Amending WAC 315-33A-030, 315-33A-050, 315-33A-060, 315-33B-060, 315-11-990, 315-11-991, and 315-11-992.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 93-16-096 on August 4, 1993.

Changes Other than Editing from Proposed to Adopted Version: The proposed amendment to WAC 315-06-125 was withdrawn prior to adoption. The proposed amendment to WAC 315-33A-060 was changed to start the Wednesday Quinto drawing on November 17, 1993. The proposed amendment to WAC 315-33B-060 was changed to discontinue Beat the State on November 13, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 10, 1993
 Evelyn P. Yenson
 Director

NEW SECTION

WAC 315-11A-106 Instant Game Number 106 ("Cash Explosion"). (1) **Definitions for Instant Game Number 106.**

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "9." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with

and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 106, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$7.00," "\$12.00," "\$50.00," "\$100.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 106, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 7.00	SVN DOL
\$ 12.00	TLV DOL
\$ 50.00	\$FIFTY\$
\$ 100.00	ONEHUND
\$ 5,000	FIVTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 10600001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 106 constitute the "pack number" which starts at 10600001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 106, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
FOR	\$ 4.00 (\$2, \$2; \$1, \$1, \$1 AND \$1)

SVN	\$ 7.00	(\$4, \$1, \$1 AND \$1; \$7)
TLV	\$ 12.00	(\$7, \$4, AND \$1; \$12)
NIT	\$ 19.00	(\$12, \$7; \$12, \$4, \$2 AND \$1)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 106.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 106 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 106; and/or

(ii) Vary the number of tickets sold in Instant Game Number 106 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 106.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 106 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

PERMANENT

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

\$ 16.00	SXT DOL
\$ 40.00	\$FORTY\$
\$ 80.00	\$EIGHTY
\$ 5,000	FIVTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 10700001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 107 constitute the "pack number" which starts at 10700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 107, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
THR	\$ 3.00 (\$1, \$1, AND \$1; \$3)
EGT	\$ 8.00 (\$5, \$1, \$1 AND \$1; \$8)
SXT	\$ 16.00 (\$8 AND \$8; \$8, \$5 AND \$3; \$16)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 107.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 107 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 107; and/or

(ii) Vary the number of tickets sold in Instant Game Number 107 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11A-107 Instant Game Number 107 ("Break the Bank"). (1) Definitions for Instant Game Number 107.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "9." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 107, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$3.00," "\$5.00," "\$8.00," "\$16.00," "\$40.00," "\$80.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 107, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 8.00	EGT DOL

PERMANENT

(3) Ticket validation requirements for Instant Game Number 107.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 107 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-108 Instant Game Number 108 ("Money Bags"). (1) Definitions for Instant Game Number 108.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "9." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 108, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$7.00," "\$11.00," "\$21.00," "\$50.00," "\$500.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 108, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 7.00	SVN DOL
\$ 11.00	ELV DOL
\$ 21.00	TTN DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	FIVHUND
\$ 5,000	FIVTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 10800001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 108 constitute the "pack number" which starts at 10800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 108, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
FOR	\$ 4.00 (\$2 AND \$2; \$1, \$1, \$1 AND \$1)
SVN	\$ 7.00 (\$4, \$1, \$1, AND \$1; \$7)
ELV	\$ 11.00 (\$7 AND \$4; \$11)
TTN	\$ 21.00 (\$21)

PERMANENT

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 108.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 108 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 108; and/or

(ii) Vary the number of tickets sold in Instant Game Number 108 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 108.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 108 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each

of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-109 Instant Game Number 109 ("Black Jacks"). (1) Definitions for Instant Game Number 109.

(a) Play symbols: The following are the "play symbols": "11"; "12"; "13"; "15"; "16"; "17"; "19"; "20"; and "21." One of these play symbols appears in each of the three play spots in the "your hand" column and in each of the three play spots in the "their hand" column in the playfield on the front of the ticket.

(b) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The number 1, 2 or 3 precedes each play symbol caption to indicate the location of the play symbol in Game 1, Game 2 or Game 3. For Instant Game Number 109, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
11	ELEVN
12	TWLVE
13	THR TN
15	FIF TN
16	SIX TN
17	SV TN
19	NIN TN
20	TW NTY
21	TTY ON

(c) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$3.00"; "\$6.00"; "\$8.00"; "\$16.00"; "\$40.00"; and "\$10,000." One of these prize symbols appears for each game (row) in the prize column on the front of the ticket.

(d) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. The number 1, 2 or 3 precedes each prize symbol caption to indicate the location of the prize symbol in Game 1, Game 2 or Game 3. For Instant Game Number 109, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 16.00	SIXTEEN

PERMANENT

\$ 40.00 FORTY\$
 \$ 10,000 TENTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered with latex.

(f) Pack-ticket number: The eleven-digit number of the form 10900001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 109 constitute the "pack number" which starts at 10900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 and less. For Instant Game Number 109, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
THR	\$ 3.00 (\$1, \$1 AND \$1; \$3)
EGT	\$ 8.00 (\$6, \$1 AND \$1; \$8)
SXT	\$ 16.00 (\$8 AND \$8; \$16)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 109.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your hand" column that is a larger number than the play symbol in the "their hand" column in the same game (row) shall win the prize shown in the prize column for that game (row). The bearer of a ticket having winning play symbols in more than one game (row) shall win the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 109 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 109; and/or

(ii) Vary the number of tickets sold in Instant Game Number 109 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 109.

(a) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 109 shall comply with all of the following validation requirements.

(i) Exactly one play symbol must appear in each of the three play spots in the "your hand" column and in each of the three play spots in the "their hand" column under the latex covering on the front of the ticket.

(ii) Each of the six play symbols must have a caption below and each must agree with its caption.

(iii) Exactly one prize symbol for each of the three games (rows) must appear under the latex covering in the prize column on the front of the ticket.

(iv) Each of the three prize symbols must have a caption below it and each must agree with its caption.

(v) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(vi) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(vii) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section, each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 93-11-056, filed 5/12/93, effective 6/12/93)

WAC 315-11-990 Definitions for Instant Game Number 99 ("Megamoney"). (1) Play symbols: The following are the "play symbols": (~~"\$2.00"; "\$3.00"; "\$6.00"; "\$10.00"; "\$20.00"; "\$40.00"; "\$500.00"; and "\$10,000."~~) "1," "2," "3," "4," "5," "6," and "9." One of these play symbols appears in each of the (~~nine~~) six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play

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symbol caption. For Instant Game Number 99, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
(\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 6.00	SIX DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 40.00	\$FORTY\$
\$ 500.00	FIVHUND
\$ 10,000	TENTHOU))
<u>1</u>	<u>ONE</u>
<u>2</u>	<u>TWO</u>
<u>3</u>	<u>THR</u>
<u>4</u>	<u>FOR</u>
<u>5</u>	<u>FIV</u>
<u>6</u>	<u>SIX</u>
<u>9</u>	<u>NIN</u>

(3) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$5.00," "\$10.00," "\$20.00," "\$50.00," "\$100.00," "\$10,000." One of these play symbols appear below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(4) Prize symbol captions: The small printed characters which appear below the prize symbol and correspond with and verify that prize symbol. The prize symbol caption is a spelling out in full or abbreviated form of the prize symbol. For Instant Game Number 99, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
<u>\$ 1.00</u>	<u>ONE DOL</u>
<u>\$ 2.00</u>	<u>TWO DOL</u>
<u>\$ 3.00</u>	<u>THR DOL</u>
<u>\$ 5.00</u>	<u>FIV DOL</u>
<u>\$ 10.00</u>	<u>TEN DOL</u>
<u>\$ 20.00</u>	<u>TWY DOL</u>
<u>\$ 50.00</u>	<u>\$FIFTY\$</u>
<u>\$ 100.00</u>	<u>ONEHUND</u>
<u>\$ 10,000</u>	<u>TENTHOU</u>

(5) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex ((~~e~~overing)).

((~~4~~)) (6) Pack-ticket number: The eleven-digit number of the form 09900001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 99 constitute the "pack number" which starts at 09900001; the last three digits constitute the "ticket number" which starts at 000 and continues through ((~~399~~)) 199 within each pack of tickets.

((~~5~~)) (7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 99, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00 (<u>\$2; \$1 AND \$1</u>)
THR	\$ 3.00 (<u>\$3; \$1, \$1 AND \$1</u>)
SIX	\$ 6.00 (<u>\$2, \$2 AND \$2; \$2, \$2, \$1 AND \$1</u>)
TEN	\$ 10.00 (<u>\$2, \$2, \$2, \$2 AND \$2; \$5 AND \$5</u>)
TWY	\$ 20.00 (<u>\$10, \$5 AND \$5; \$10, \$5, \$2, \$2 AND \$1</u>)

((~~6~~)) (8) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

AMENDATORY SECTION (Amending WSR 93-11-056, filed 5/12/93, effective 6/12/93)

WAC 315-11-991 Criteria for Instant Game Number 99. (1) The price of each instant game ticket shall be \$2.00. (2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

((~~The bearer of a ticket having the following play symbols in any three of the nine spots beneath the removable covering on the front of the ticket shall win the following prize:~~

Three \$ 2.00	play symbols	Win \$ 2.00
Three \$ 3.00	play symbols	Win \$ 3.00
Three \$ 6.00	play symbols	Win \$ 6.00
Three \$ 10.00	play symbols	Win \$ 10.00
Three \$ 20.00	play symbols	Win \$ 20.00
Three \$ 40.00	play symbols	Win \$ 40.00
Three \$ 500.00	play symbols	Win \$ 500.00
Three \$ 10,000	play symbols	Win \$ 10,000))

(a) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(b) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 99 set forth in WAC 315-11-992, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 99; and/or

(b) Vary the number of tickets sold in Instant Game Number 99 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

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AMENDATORY SECTION (Amending WSR 93-11-056, filed 5/12/93, effective 6/12/93)

WAC 315-11-992 Ticket validation requirements for Instant Game Number 99. (1) A valid instant game ticket for Instant Game Number 99 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the ~~((nine))~~ six play spots under the removable latex covering on the front of the ticket.

(b) Each of the ~~((nine))~~ six play symbols must have a caption below it, and each must agree with its caption. Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-990(1) and each of the captions must be exactly one of those described in WAC 315-11-990(2).

(f) Each of the prize symbols must be exactly one of those described in WAC 315-11-990(3) and each of the prize symbol captions must be exactly one of those described in WAC 315-11-990(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 91-20-062, filed 9/25/91, effective 10/26/91)

WAC 315-33A-030 Play for Quinto. (1) Type of play: Each play is a selection of five sets. A winning play is achieved only when 2, 3, 4, or 5 of the sets selected match, in any order, the five winning sets drawn by the lottery.

(2) Method of play: ~~((An))~~ A player may use a play slip to make set selections. The on-line terminal will read the play slip and issue ticket(s) with corresponding sets. A player may also choose to have the on-line computer system ((with)) make all set selections with the use of a random number generator, a method commonly referred to as "quick play."

AMENDATORY SECTION (Amending WSR 91-20-062, filed 9/25/91, effective 10/26/91)

WAC 315-33A-050 Ticket purchases. (1) Quinto tickets may be purchased or redeemed no less than seventeen hours each day in accordance with a schedule to be determined by the director, provided that on-line retailers shall sell and redeem tickets only during their normal business hours.

(2) Quinto tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Quinto tickets shall, on the front of the ticket, contain the ~~((quick-play))~~ selection of sets, amount, drawing date, and validation and reference numbers. The back of the ticket shall contain player instructions, player information, and signature area, and the ticket serial number. The overall odds of winning shall appear on the ticket.

AMENDATORY SECTION (Amending WSR 91-20-062, filed 9/25/91, effective 10/26/91)

WAC 315-33A-060 Drawings. (1) The Quinto drawing pursuant to this chapter shall be held once each Saturday evening beginning November 2, 1991, and once each Wednesday evening beginning November 17, 1993, except that the director may change the drawing schedule if Saturday or Wednesday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, five winning sets with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn sets are not declared winners until the drawing is certified by the lottery. The winning sets shall be used in determining all Quinto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

AMENDATORY SECTION (Amending WSR 92-08-002, filed 3/18/92, effective 4/18/92)

WAC 315-33B-060 Drawings. (1) The "Beat the State" drawing held pursuant to this chapter shall be once each Saturday beginning May 16, 1992, and ending November 13, 1993, in conjunction with the Quinto drawing held pursuant to chapter 315-33A WAC, except that the director may change the drawing schedule if Saturday is a holiday.

(2) The drawing of the state's hand will be overseen by lottery officials.

(3) The state's hand shall be determined by a random drawing of one hand from 52 possibilities, which shall be as follows:

Number of possibilities for Royal Flush:	1
Number of possibilities for Straight Flush:	1
Number of possibilities for Four of a Kind:	2
Number of possibilities for Full House:	2
Number of possibilities for Flush:	3
Number of possibilities for Straight:	5
Number of possibilities for Three of a Kind:	7

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Number of possibilities for Two Pair:	12
Number of possibilities for One Pair:	14
Number of possibilities for Fold:	5
	52
Total possibilities	52

(4) The state's hand shall not be declared official until certified by the lottery. If the state's hand is not certified, another drawing will be conducted to determine the state's hand.

(5) The drawing shall not be invalidated based on the liability of the lottery.

WSR 93-19-056
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION

[Order 138—Filed September 10, 1993, 1:46 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Regulates specific equipment using special axle groupings other than conventional single or tandem axles.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-280 Special equipment.

Statutory Authority for Adoption: RCW 46.44.090.

Pursuant to notice filed as WSR 93-16-069 on July 30, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 10, 1993

S. A. Moon
 Deputy Secretary

AMENDATORY SECTION (Amending Order 50, Resolution No. 253, filed 10/24/85)

WAC 468-38-280 Special equipment. Special equipment employing axle groupings other than the conventional single or tandem axle must first be approved by the department before permits will be granted authorizing the unit to operate on state highways.

A retractable axle carrying weight allowed under RCW 46.44.041 shall have a manufacturers rating of at least 10,000 pounds, shall be self-steering, and shall have the capacity to be activated only from ((outside)) a location out of reach of the driver's compartment: Provided, The requirement that controls be activated only from ((outside)) a location out of reach of the driver's compartment shall not apply to ((existing trucks, presently equipped with hydraulically loaded lift axles which presently can be activated inside the driver's compartment)) vehicles equipped with hydraulically or pneumatically loaded lift axles that can not be activated when the vehicle is in motion. Any variable control used to adjust axle loadings by regulating air pressure or by other means must be out of reach of the driver's compartment: And Provided Further, The requirement that the retractable lift axle shall be self-steering does not apply to a truck/tractor where the retractable axle equipped with four tires is used to create a tandem and the distance between the drive axle and the retractable axle is no greater than 60 inches. The self-steering requirement shall also not apply to a trailing unit where the distance between

a fixed axle and the retractable axle is no greater than 60 inches.

WSR 93-19-061
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed September 13, 1993, 8:32 a.m.]

Date of Adoption: August 24, 1993.

Purpose: Establish standards to ensure that state public health service account funds are not used to supplant local support for public health programs.

Statutory Authority for Adoption: RCW 43.70.020.

Pursuant to notice filed as WSR 93-15-091 on August [July] 20, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 10, 1993

Bruce Miyahara
 Secretary

NEW SECTION

WAC 246-05-001 Purpose. The purpose of this chapter is to ensure that the appropriations to local health departments, described in section 225(9), chapter 24, Laws of 1993 1st ex. sess., will not be used to replace current local support for public health programs.

NEW SECTION

WAC 246-05-010 Definitions. "Department" means the department of health.

"Secretary" means the secretary of health, or the secretary's designee.

"Local health department" means the city, town, county or district which provides public health services to persons within the area.

NEW SECTION

WAC 246-05-030 Assurance of nonsupplanting. Funds shall not be allocated by the secretary unless the authorized agent of the local health department provides assurance of compliance to the secretary that, "State funds received pursuant to section 225(9), chapter 24, Laws of 1993, shall be used solely to expand and complement, but not supplant, local support for public health programs."

WSR 93-19-063
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-13—Filed September 13, 1993, 11:14 a.m.]

Date of Adoption: September 10, 1993.

Purpose: To bring state regulations in compliance with recent amendments to the Individuals with Disabilities Education Act.

Citation of Existing Rules Affected by this Order: Amending chapter 392-171 WAC.

PERMANENT

Statutory Authority for Adoption: Chapter 28A.155 RCW.

Pursuant to notice filed as WSR 93-15-085 on July 20, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 10, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-171-300 Purposes. The purposes of this chapter are:

(1) To implement chapter 28A.155 RCW in a manner that is compatible also with the federal (~~(Education for All Handicapped Children)~~) Individuals with Disabilities Education Act, 20 United States Code (USC) section 1401 et seq. (PL 94-142);

(2) To assure that all (~~(handicapped)~~) students with disabilities as defined in this chapter have an opportunity for a free and appropriate education at public expense (i.e., free special education and related services) to meet their unique needs;

(3) To assure that the rights of (~~(handicapped)~~) students with disabilities and their parents are protected;

(4) To assist school districts and others to provide for the education of all (~~(handicapped)~~) students with disabilities;

(5) To assess and assure the effectiveness of efforts to educate (~~(handicapped)~~) students with disabilities; and

(6) To be applicable to all (~~(handicapped)~~) education programs for students with disabilities established pursuant to law and operated by the common school districts or on behalf of the common school districts, including the state residential school programs established and operated pursuant to RCW 28A.190.020 et seq.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-305 Advisory council. (1) Council established—The special education state advisory council is hereby established in order to help facilitate the provision of special education and related services to meet (~~(every handicapped student's)~~) the unique needs, abilities, and limitations of students with disabilities.

(2) Membership—The membership of the council shall include at least one representative of each of the following groups or entities:

(a) (~~(Handicapped individuals;)~~) Individuals with disabilities;

(b) Teachers of (~~(handicapped)~~) students with disabilities;

(c) Parents of (~~(handicapped)~~) students with disabilities;

(d) Local administrators of special education programs;

(e) Support services personnel;

(f) Superintendents;

(g) Principals;

(h) Nonpublic schools serving (~~(handicapped)~~) students with disabilities;

(i) School directors;

(j) Institutions of higher education;

(k) Department of social and health services;

(l) The medical profession; and

(m) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

(3) Functions—The council's purposes are:

(a) To advise the superintendent of public instruction and make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of (~~(handicapped)~~) students with disabilities;

(b) Comment publicly on the state's annual program plan, state rules regarding the education of (~~(handicapped)~~) students with disabilities, and the procedures for distribution of funds; and

(c) Assist the state in developing and reporting such information and evaluations as may assist the federal government.

(4) Organization—The council shall conduct its affairs in accordance with bylaws approved by the superintendent of public instruction. To assure that maximum information and recommendations are provided to the superintendent of public instruction, the state advisory council shall have the authority to recommend the design of its organization and to appoint subcommittees from its membership for carrying out council responsibilities. Ad hoc subcommittees with membership other than council members may be appointed: *Provided*, That the superintendent of public instruction or his or her designee has given prior approval for such appointments.

AMENDATORY SECTION (Amending Order 17, filed 7/25/90, effective 7/25/90)

WAC 392-171-310 Definitions of "free appropriate, public education," "adult student," "~~(handicapped)~~ student with disabilities," "parent," and "school district." As used in this chapter:

(1) "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district supervision and direction, and without charge;

(b) Meet the standards of the state educational agency, including the requirements of this chapter; (~~(and)~~)

(c) Include preschool, elementary school, or secondary school education in the state; and

(d) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a (~~(handicapped student or a)~~) student with disabilities who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or

otherwise incapable of exercising the same by a court of law).

(3) (~~("Handicapped student")~~) "Student with disabilities" and "student" (depending upon the context in which the terms are used) mean:

(a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 and to be in need of special education and related services; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 in the judgment of the school district superintendent or his or her designee, or the parent(s), or the adult student; or

(c) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school (~~(for the handicapped)~~) servicing students with disabilities in accordance with RCW 28A.190.020 et seq.; who also qualifies pursuant to (a) of this subsection.

(d) The foregoing categories of persons— notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(4) "Parent" means a (~~(natural)~~) parent, a (~~(legal)~~) guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-171-581, who represents a nonadult student. The term does not include the state if the (~~(child)~~) student is a ward of the state. The term does include persons acting in the place of a parent, such as a grandparent or stepparent with whom a student lives, as well as persons who are legally responsible for a student's welfare.

(5) "School district" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more (~~(handicapped)~~) students with disabilities; and

(c) Each public or private organization or entity or person who provides special education and/or related services to one or more (~~(handicapped)~~) students with disabilities in behalf of a public school district—even though such public school district, educational service district, or public or private organization or entity or person does not receive federal funds made available for the purposes of the (~~(Education for All Handicapped Children)~~) Individuals with Disabilities Education Act.

AMENDATORY SECTION (Amending Order 17, filed 7/25/90, effective 7/25/90)

WAC 392-171-315 Definition of "special education."

As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a student having a (~~(handicapped)~~) disabling condition, including classroom and itinerant instruction, instruction in physical education, home instruction, (~~(and)~~) instruction in hospitals and institutions, and instruction in other settings. The term includes communication disorders services,

physical and occupational therapy, orientation and mobility instruction, behavioral intervention, and audiological services. The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a (~~(handicapped)~~) student with disabilities.

The terms in the definition of "special education" are defined as follows:

(1) "Specially designed instruction" means organized and planned teaching and/or training activities to meet the unique needs, abilities, and limitations of the (~~(handicapped)~~) student with disabilities. The term does not include diagnostic or assessment activities, related services per se, or materials preparation. Specially designed instruction shall be provided as follows:

(a) Regular classroom. Provided directly by certificated and/or licensed special education personnel or by regular certificated teachers and/or classified instructional staff who are under the direct supervision of the regular certificated teacher.

(b) Nonregular classrooms. Provided directly by certificated and/or licensed special education personnel or by classified instructional staff either who are under the direct supervision of the certificated and/or licensed special education personnel or who are performing individual or small group—six students or less—instructional and/or training activities pursuant to specific directives provided by the certificated and/or licensed special education personnel.

(c) Condition. If the specially designed instruction is not delivered directly by certificated and/or licensed special education personnel, it must be designed, monitored, and evaluated by certificated and/or licensed special education personnel pursuant to a written plan which shall include at least a monthly evaluation of student progress toward specific written objectives.

(2) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to (~~(nonhandicapped)~~) students who are not disabled or their parents as a part of the regular education program.

(3) "Physical education" means the development of:

(a) Physical and motor fitness;

(b) Fundamental motor skills and patterns; and

(c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

(4) "Career development" means instructional activities infused into a student's education program which make provision for career awareness, career exploration and career preparation for all occupations.

(5) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professional or requiring a baccalaureate or higher degree.

(6) "Audiology" means the provision of habilitative activities related to a hearing impairment, such as language habilitation, auditory training, speech reading (lip reading), training for hearing evaluation, and speech conservation.

(7) "Occupational therapy" means improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are impaired or lost; and preventing through early intervention, initial or further impairment or loss of function.

(8) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for students who are visually ((handicapped students)) impaired.

(9) "Physical therapy" means seeking to relieve disability or pain, developing or restoring motor function and maintaining appropriate performance commensurate with the student's unique needs, abilities, and limitations.

(10) "Communication disorders services" mean the provision of speech and language services for the habilitation or prevention of communication disorders.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-320 Definition of "related services."

As used in this chapter "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a ((handicapped)) student with disabilities to benefit from special education, and includes communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in students, counseling services, including rehabilitation counseling, medical services for diagnostic or assessment purposes, and orientation and mobility services. The term also includes school health services, social work services in schools, parent counseling and training, and classified staff services.

The terms used in the definition of "related services" are defined as follows:

(1) "Audiology" includes:

(a) Identification of students with hearing loss;

(b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(c) Creation and administration of programs for prevention of hearing loss;

(d) Counseling and guidance of students, parents, and teachers regarding hearing loss; and

(e) Determination of the student's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early identification and assessment of disabilities in students" means the implementation of a formal plan for identifying a disability as early as possible in a student's life.

(4) "Medical services" means services provided by a licensed physician to determine a student's medically related ((handicapping)) disabling condition which results in the student's need for special education and related services.

(5) "Occupational therapy" includes:

(a) The identification and assessment of the student's physical and self-care status;

(b) Determination of the student's need for occupational therapy; and

(c) Related counseling and guidance of parents, students, and staff regarding the provision of occupational therapy.

(6) "Orientation and mobility services" includes:

(a) Identification and assessment of the student's mobility status;

(b) Determination of the student's need for orientation and mobility services; and

(c) Related counseling and guidance of parents, students and staff regarding orientation and mobility services.

(7) "Parent counseling and training" means assisting parents in understanding the special needs, abilities, and limitations of their child or ward and providing parents with information about child/student development.

(8) "Physical therapy" includes:

(a) Identification and assessment of the student's physical status;

(b) Determination of the student's need for physical therapy; and

(c) Related counseling and guidance of parents, students and staff regarding physical therapy services.

(9) "Psychological services" includes:

(a) Administering psychological and educational tests, and other assessment procedures;

(b) Interpreting assessment results;

(c) Obtaining, integrating, and interpreting information about child/student behavior and conditions relating to learning;

(d) Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, and behavioral evaluations; and

(e) Planning and managing a program of psychological services, including psychological counseling for students and parents.

(10) "Recreation" includes:

(a) Assessment of leisure function;

(b) Therapeutic recreation services;

(c) Recreation programs in school and community agencies; and

(d) Leisure education.

(11) "School health services" means services provided by a qualified school nurse or other qualified person.

(12) "Social work services in schools" include:

(a) Preparing a social or developmental history on a ((handicapped)) student with disabilities;

(b) Group and individual counseling with the student and family;

(c) Working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and

(d) Mobilizing school and community resources to enable the student to ((receive maximum benefit from)) learn as effectively as possible in his or her educational program.

(13) "Communication disorders services" includes:

(a) Identification of students with communication disorders;

(b) Diagnosis and appraisal of specific communication disorders;

(c) Referral for medical or other professional attention necessary for the habilitation of communication disorders; and

(d) Counseling and guidance of parents, students, and staff regarding communication disorders.

(14) "Transportation" includes:

(a) Travel to and from school and between schools;

(b) Travel in and around school buildings; and

(c) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a ~~((handicapped))~~ student with disabilities.

(15) "Classified staff services" includes:

(a) Services provided by classified staff which provide for the ~~((handicapped))~~ student's safety and/or personal care and instructional assistance (e.g. interpreter services and braille services); and

(b) Services provided by classified staff which provide assistance for ~~((handicapped))~~ students with disabilities and certificated staff to achieve placement in the least restrictive environment.

(16) "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

AMENDATORY SECTION (Amending Order 91-18, filed 8/23/91, effective 9/23/91)

WAC 392-171-321 Definition—Transition services.

(1) As used in this chapter, the term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities. Some examples of appropriate post school outcomes include:

(a) Postsecondary education;

(b) Integrated employment;

(c) Supported employment;

(d) Continuing and adult education;

(e) Adult services; and

(f) Independent living and/or community participation.

(2) The coordinated set of activities shall be based upon the individual student needs, taking into account the student's preferences and interests, and shall include:

(a) Functional vocational evaluation;

(b) Instruction;

(c) Vocational education/training;

(d) Community experiences; ~~((and))~~

(e) The development of employment and other postschool adult living objectives; and

(f) Where appropriate, acquisition of daily living skills.

The following terms used in the definition of "transition services" are defined as follows:

(i) "Coordinated set of activities" means a planned and organized sequence of activities which promotes the movement of a student from school to post school adult living.

(ii) "Outcome oriented process" means a series of events unique to an individual student's needs which lead directly

to integrated employment, supported employment, postsecondary education, continuing and adult education, adult services, independent living, and/or community participation.

(3) "Postsecondary education" means organized educational programs provided by qualified personnel which are available beyond grades 9-12. The term includes:

(a) Community colleges;

(b) Vocational-technical ~~((institutes))~~ colleges;

(c) Four-year colleges and universities.

(4) "Vocational education" means a planned series of learning experiences, the specific objectives of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professionals or requiring a baccalaureate or higher degree.

(5) "Vocational training" means the acquisition of specific skills through specialized instruction and practice, and provided by qualified personnel.

(6) "Integrated employment" means paid work in sites and settings that are not unique to individuals with disabilities.

(7) "Supported employment" means paid work that requires the use of designated personnel to assist individuals with disabilities in acquiring and maintaining site specific skills.

(8) "Continuing and adult education" means organized educational programs conducted by qualified personnel for individuals who have graduated or left high school.

(9) "Adult services" means health, social, housing, transportation, and/or employment opportunities normally provided for persons beyond age eighteen through public, nonprofit agencies.

(10) "Independent living" means initiating, maintaining, and/or actively participating in a household using self-generated resources.

(11) "Community participation" means integrated and active involvement in the local community.

(12) "Functional vocational evaluation" means the assessment of occupational interests, aptitudes, and preparation opportunities.

(13) "Participating agency" means any state or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

NEW SECTION

WAC 392-171-323 Definition—Assistive technology device and service. The term assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of students with disabilities.

The term assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

(1) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a student with disabilities, or if appropriate, the student's family; and

(6) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of students with disabilities.

NEW SECTION

WAC 392-171-324 Definition—Availability of assistive technology. Each public agency shall ensure that assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required as a part of the student's:

- (1) Special education;
- (2) Related services; or
- (3) Supplementary aids and services.

Assistive technology devices and services must be provided only if they are required in order for a student to receive a free appropriate public education.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-325 Students' rights to special education programs. (1) Each school district shall provide every (~~handicapped~~) student with disabilities between the age of three and twenty-one a free and appropriate educational program consisting of special education and related services. The date of eligibility to begin receiving such services shall be the child's birthdate(~~(- Provided, That handicapped children between the age of three and four need not be served until the 1985-86 school year).~~).

(2) School districts may provide special education and related services to (~~handicapped~~) students with disabilities in the (~~zero to one, one, two,~~) birth to three and/or three and four year old age groups without being obligated to extend preschool programs to (~~nonhandicapped children~~) students who are not disabled. However, if a school district provides an education to any (~~nonhandicapped child~~) student who is not disabled in the (~~zero~~) birth to three year old age group, the district shall make special education and related services available pursuant to this chapter to all its (~~handicapped~~) students with disabilities of the same age(~~(- Provided, That school districts that do not offer services to all eligible three year old handicapped children in the 1984-85 school year shall be subject to this nondiscriminatory service requirement).~~).

(3) Any student made a focus of concern shall qualify pursuant to the disability definitions and criteria set forth in this chapter in order to receive state or federal special education funding. A (~~handicapped~~) student with disabili-

ties shall remain eligible for special education and related services until: (a) The student has met high school graduation requirements established by the school district pursuant to rules of the state board of education; or (b) the student has reached age twenty-one; or (c) the student is no longer in need of special education and related services as judged by the student's multidisciplinary team based upon a reassessment of the student, whichever occurs first. The student may continue to receive special education and related services: *Provided*, That a reassessment of the student concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-336 Childfind. The local district shall conduct childfind activities to locate, evaluate, and identify students with a suspected (~~handicapping~~) disabling condition, regardless of the severity of their disability, who are residing within the boundaries of the district and not currently receiving special education services. Childfind activities shall apply to students age (~~0 to~~) birth through 21 and may include, but are not necessarily limited to: Preschool developmental screening, local media informational campaigns, liaison with public health and other medical and social agencies, public or private, questionnaire for first-time enrolling students, screening of district-wide group standardized test results, inservice education to teaching staff, and cooperation as requested with state childfind programs.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-341 Student as focus of concern—Preassessment procedures—Timeline. (1) A student shall become a focus of concern when the student is brought to the attention of a school district superintendent or his or her designee because of a suspected (~~handicapping~~) disabling condition(s). Such concern for a student may be originated by or transmitted through any source, including: Parents, medical personnel, school district personnel, community agencies, civil authorities, district screening procedures, and other identified, interested persons.

(2) When the possibility of a student's need for special education and related services has been brought to the attention of the school district superintendent or his or her designee, the superintendent or his or her designee shall act on the referral by promptly:

(a) Recording the circumstance by date, origin, and reason for concern; and

(b) Providing the student's parent(s) (or the adult student) written notice that the student has been referred because of a suspected (~~handicapping~~) disabling condition and that within fifteen school days the district will determine whether or not there is good reason to believe that the student is a candidate for assessment.

(3) The superintendent or his or her designee shall, within fifteen school days after the date of referral, review the referral, collect and examine existing school, medical and other records in the possession of the school district and

make a determination that there is or is not good reason to believe that the student is a candidate for assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. The superintendent or his or her designee shall, within ten school days after the date of such decision, direct a written notice to the student's parent(s) (or the adult student) that complies with the notice requirements of WAC 392-171-526.

(4) In the event the decision is that there is good reason to believe that the student is a candidate for assessment, the school district shall fully assess the student and arrive at a decision pursuant to WAC 392-171-376 within:

(a) Thirty-five school days (also referred to as the formal assessment period) after the date written consent for an assessment has been provided by the parent(s) (or the adult student); or

(b) Thirty-five school days (also referred to as the formal assessment period) after the date the refusal of the parent(s) (or the adult student) to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC 392-171-521 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) (or the adult student) and school authorities.

(5) The school district shall request the parent to sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

(6) If temporary (not to exceed thirty school days) special education programming is necessary for ~~((diagnostic reasons during))~~ an eligible student with a disability as part of the assessment ((period)) process, the district shall obtain written permission ((for such diagnostic placement)) from the parent(s) prior to making the placement and develop an IEP consistent with WAC 392-171-461 for the student which sets out the specific conditions and timelines for the temporary placement. The purpose of placing the student in the program is to assist the district in determining the most appropriate placement for the student. It is essential that the temporary placement not become the final placement before the IEP is reviewed. Therefore, the school district shall conduct an IEP meeting within thirty school days in order to review and revise as necessary the student's IEP and finalize the placement.

~~((7) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.))~~

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-351 General assessment safeguards—Personnel, materials and procedures. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter. The superintendent of public instruction shall ensure that each public agency establishes and implements protection in evaluation procedures which meet the requirements of this chapter. Before any action is taken with respect to the initial placement of a student with a disability in a program providing special education and related services, a full and individual evalua-

tion of the student's educational needs must be conducted in accordance with the requirements of this chapter.

(1) The initial assessment of a student (except one with a suspected communication disorder) shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall consist of a representative from each professional area involved in identified deficits or other eligibility criteria pertinent to the classification of such student in the most recent assessment of the student and such other professional areas as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules: *Provided*, That in assessing or reassessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team at least three members:

(a) The student's regular education teacher or, if the student does not have a regular education teacher, a regular education teacher qualified to teach a student of his or her age;

(b) A special education teacher having experience with learning disabled students; and

(c) A school psychologist.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility or ~~((handicapping))~~ disabling condition and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a specific ~~((handicap))~~ disability and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist: *Provided*, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

(6) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achieve-

ment level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected (~~handicapping~~) disabling condition(s) of the student, including previous screening and assessment results, health reports, relevant cumulative records and recommendations of related service providers; and

(b) Conduct current assessment activities required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to verify the results of standardized testing, including but not limited to parent and/or teacher interviews and current classroom performance data.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty day school calendar: *Provided*, That in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment was made.

(9) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

AMENDATORY SECTION (Amending Order 17, filed 7/25/90, effective 7/25/90)

WAC 392-171-371 Independent educational assessment. (1) General.

(a) The parent(s) of a student (or the adult student) made a focus of concern and assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or to the adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or the adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) should provide a written or verbal notice to the school district superintendent or special education director which:

(i) (~~Specifies the portion(s) of the assessment results with which~~) Indicates that the parent(~~(s)~~) (or the adult student) disagrees with the district's assessment; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing pursuant to WAC 392-171-531 et seq. to show that its assessment is appropriate: *Provided*, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-171-521 et seq.

(4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

ELIGIBILITY CRITERIA FOR ((~~HANDICAPPED~~)) STUDENTS WITH DISABILITIES

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-381 Definition and eligibility criteria for developmentally ((~~handicapped~~)) disabled. Definition and eligibility criteria for developmentally ((~~handicapped~~)) disabled are as follows:

(1) As used in this chapter, the term "developmentally ((~~handicapped~~)) disabled" shall mean children under the age

of eligibility to the first grade who meet the definition and eligibility criteria for one of the following:

- (a) WAC 392-171-382, Developmentally delayed;
- (b) WAC 392-171-396, Orthopedically impaired;
- (c) WAC 392-171-401, Health impaired;
- (d) WAC 392-171-436, Deaf;
- (e) WAC 392-171-441, Hard of hearing;
- (f) WAC 392-171-446, Visually (~~handicapped; and~~)

disabled;

- (g) WAC 392-171-451, Deaf-blind;
- (h) WAC 392-171-452, Autism; and
- (i) WAC 392-171-454, Traumatic brain injury.

(2) The term "developmentally (~~handicapped~~) disabled" does not include children under the age of eligibility for entry to the first grade who qualify solely for communications disorder services under WAC 392-171-391.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-382 Definition and eligibility criteria for developmentally delayed. Definition and eligibility criteria for developmentally delayed are as follows:

(1) Developmentally delayed, birth to three years. As used in this chapter, the term "developmentally delayed, birth to three years" shall mean those children under three years of age who:

(a) Demonstrate a 1.5 standard deviation or twenty-five percent delay in the developmental delay area of cognitive (WAC 392-171-383(1)), communication (WAC 392-171-383(2)), fine motor (WAC 392-171-383(3)), gross motor (WAC 392-171-383(4)), or motor which for the purpose of this section shall be a combined delay area of fine motor (WAC 392-171-383(3)) and gross motor (WAC 392-171-383(4)); and

(b) For that reason need special education and related services. Such children in order to continue to be eligible for special education and related services after reaching three years of age (~~shall meet the entry eligibility criteria~~) must be reassessed prior to age three and a determination made that the child either:

(i) Qualifies for developmentally delayed, three to six years or one of the other eligibility criteria specified in WAC 392-171-381; or

(ii) Is no longer in need of special education services; the procedural safeguard requirements in this chapter apply to this provision.

(2) Developmentally delayed, three to six years. As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between three years and the age of eligibility for entry to the first grade who receive a score on a standardized norm referenced test, with a test-retest or split-half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the (~~five~~) six developmental delay areas defined in WAC 392-171-383; or

(b) One and one-half standard deviations below the mean in two or more of the (~~five~~) six developmental delay areas defined in WAC 392-171-383 and for that reason need special education and related services. Children who qualify for special education as developmentally delayed, three to six years, must be reassessed prior to the age of eligibility for

entry to first grade and a determination made that the student either:

(i) Qualifies under the provisions of one of the other disabling conditions in this chapter; or

(ii) Is no longer in need of the special education services. The procedural safeguard requirements in this chapter are also applicable to this provision.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-383 Areas of developmental delay—Definitions. The (~~five~~) six developmental delay areas for the purpose of applying eligibility criteria to developmentally delayed children are:

(1) Cognitive: Comprehending, remembering, and making sense out of one's experience. Cognitive ability is the ability to think and is often thought of in terms of intelligence;

(2) Communication: The ability to effectively use or understand, age-appropriate language, including vocabulary, grammar, and speech sounds;

(3) Fine motor: Motor skills requiring precise, coordinated use of the small muscles;

(4) Gross motor: Motor skills used for body control such as standing, walking, balance and climbing; (~~and~~)

(5) Social/emotional: The ability to develop and maintain functional interpersonal relationships and to exhibit age appropriate social and emotional behaviors; and

(6) Adaptive skills: The ability to develop and exhibit age appropriate self help skills, including independent feeding, toileting, personal hygiene and dressing skills.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-401 Definition and eligibility criteria for health impaired. (~~Health-impaired students~~) Students with health impairments are those who have chronic or acute health problems—such as students with serious congenital heart defect, other congenital syndrome(s), other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment, (~~autism~~) or other profound health circumstances or degenerative condition(s)—which adversely affect or with a high degree of professional certainty will affect their educational performance.

All students considered for initial placement in special education as health impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning which may include an evaluation of adaptive behaviors as measured by standardized instrument(s) or professionally recognized

scales addressing the student's self-help and interpersonal communication skills in relation to chronological age/grade peers; and

- (4) A current vision and hearing screening report.

NEW SECTION

WAC 392-171-452 Definition and eligibility criteria for autism. Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student's educational performance. Students in this category have a range of intellectual abilities.

Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences.

The term does not apply if a student's educational performance is adversely affected primarily because the student has a serious behavioral disability, as defined in this chapter. The category of autism includes students with pervasive developmental disorders if they meet eligibility criteria.

If a student manifests characteristics of the disability category "autism" after age 3, that student still could be diagnosed as having "autism" if the criteria in this section are satisfied.

All students considered for initial placement in special education under the category of autism shall be assessed and determined eligible for special education and related services according to the following:

(1) A developmental history which includes verbal and nonverbal communication, social interaction, play, and motor and sensory development;

(2) An adaptive behavior evaluation which includes:

(a) A standardized measure of adaptive behavior;

(b) An assessment of the student's social skills, including interactions with peers, based on a classroom observation; and

(c) An assessment of the student's self-help and community skills based on classroom and/or home observations and/or standardized assessment methods;

(3) A communication evaluation which includes assessments of:

(a) Receptive, expressive, and social communication skills;

(b) The possible contributions of the students communication impairment to challenging behavior, and their implications for educational planning; and

(c) The potential need for augmentative communication methods;

(4) An evaluation of pre-academic or academic strengths and weaknesses, preferred learning modalities, and present levels of functioning;

(5) A hearing and vision screening;

(6) An evaluation of fine and gross motor skills; and

(7) A current medical evaluation by a qualified medical practitioner which describes the student's health circumstances and which provides any medical implications for educational planning.

NEW SECTION

WAC 392-171-454 Definition and eligibility criteria for traumatic brain injury. Traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability and/or psychosocial impairment that adversely affects educational performance which results in the need for special education and related services. The term applies to open or closed head injuries resulting in impairments in one or more of the following areas such as: Cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

All students considered for initial placement in special education under the category of traumatic brain injury shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner, which describes an acquired injury to the brain or a history of significant head trauma and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) Current assessment of cognitive functioning, which may include intelligence, memory, attention, reasoning, abstract thought, judgment, problem-solving, and/or information-processing;

(4) Current assessment of language and communication skills;

(5) Current assessment of fine and gross motor skills;

(6) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning;

(7) A current evaluation of the student's skills in activities of daily living; and

(8) Current vision and hearing screening reports.

AMENDATORY SECTION (Amending WSR 91-01-033, filed 12/11/90, effective 1/11/91)

WAC 392-171-456 Meetings. (1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: *Provided*, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a nonadult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student (and in the case of nonadult students, the student, if appropriate);

(e) A member of the student's assessment team; ~~((and))~~

(f) A person knowledgeable about the placement options; and

(g) Other individuals at the discretion of the district or the parent or the adult student.

(2) Each school district shall take steps to assure (in the case of nonadult students) that one or both parents of the ~~((handicapped))~~ student with disabilities are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(7) The district shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(8) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently.

NEW SECTION

WAC 392-171-457 Individual education plan to be in effect. At the beginning of each school year, each public agency shall have in effect an individual education plan for every student with a disability who is receiving special education from that agency. An individual education plan must:

(1) Be in effect before special education and related services are provided to a student; and

(2) Be implemented as soon as possible following the meetings under this chapter.

It is expected that the individual education plan of a student with a disability will be implemented immediately following the meetings under this chapter. An exception to this would be when the meetings occur during the summer or a vacation period, or where there are circumstances that require a short delay (e.g., working out transportation

arrangements). However, there can be no undue delay in providing special education and related services to the student.

AMENDATORY SECTION (Amending Order 91-18, filed 8/23/91, effective 9/23/91)

WAC 392-171-461 Individualized education program. (1) Each ~~((handicapped))~~ student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) For each orthopedically impaired and health impaired student under the age of eligibility to first grade, current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstance and which provides any medical implications for educational planning;

(b) A statement of the student's present levels of educational performance;

(c) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(d) A statement of the specific special education and related services ~~((needed by))~~ to be provided to the student based upon the individual needs of the student, as determined through the assessment process, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included;

(e) The IEP developed for a student with a disability shall also include a statement of the needed transition services as defined in WAC 392-171-321 including goals and objectives, based on a functional vocational evaluation and anticipated post school outcome(s) beginning no later than age sixteen and annually thereafter (and when determined appropriate for an individual student, beginning ~~((at age fourteen or younger))~~ in elementary school or sooner), including, when appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting. In the case where a participating agency fails to provide agreed upon services, the educational agency shall reconvene the IEP team, as soon as possible, to identify alternative strategies to meet transition objectives, and, if necessary, revise the IEP, as long as the student is eligible for services;

(f) If the IEP team determines that services are not needed in one or more of the areas specified in WAC 392-171-321, the IEP must include a statement to that effect and the basis upon which the determination was made;

(g) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services shall be provided: *Provided*, That in the event the individualized educational program is the first in the district for such student and the multidisciplinary team has not made a determination as to the need for an extended school year for such ~~((child))~~

student, the individualized educational program team shall make its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular one hundred eighty school days; ~~(and~~

~~(g))~~ (h) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

(2) Nothing in this chapter relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(3) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

~~((3) Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.))~~ (4) Each public agency must provide special education and related services to a student with a disability in accordance with an IEP. However, Part B of the Individuals with Disabilities Education Act does not require that any agency, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and objectives.

NEW SECTION

WAC 392-171-462 Parent notice—Transition services. If a purpose of the individual education plan meeting is the consideration of transition services for a student, the notice must also:

- (1) Indicate this purpose;
- (2) Indicate that the district will invite the student; and
- (3) Identify any other agency that will be invited to send a representative.

NEW SECTION

WAC 392-171-463 Transition services participants. If a purpose of the individual education plan meeting is the consideration of transition services for a student, the district shall also invite:

- The student; and
 - A representative of any other agency that is likely to be responsible for providing or paying for transition services.
- If the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered; and

If an agency invited to send a representative to an individual education plan meeting does not do so, the district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

NEW SECTION

WAC 392-171-464 Required student participation—Transition. The district is required to invite each student to participate in his or her individual education plan meeting if a purpose of the meeting is the consideration of transition services for the student. For all students who are sixteen

years of age or older, one of the purposes of the annual meeting will always be the planning of transition services, since transition services are a required component of the individual education plan for these students.

For a student younger than age sixteen, if transition services are initially discussed at a meeting that does not include the student, the district is responsible for ensuring that, before a decision about transition services for the student is made, a subsequent individual education plan meeting is conducted for that purpose, and the student is invited to the meeting.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-466 Initial educational placement—Notice—Consent. (1) Each school district shall provide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-171-456. The notice shall comply with the notice requirements of WAC 392-171-526. Provided that ~~((pupils))~~ students admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(2) The written consent of the parent(s) (or adult student) shall be requested if special education placement is proposed.

(3) The student's proposed special education placement shall commence when either:

- (a) Written consent has been given by the parent(s) (or the adult student); or
- (b) The refusal of a student's parent(s) (or adult student) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC 392-171-521 et seq.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-471 Least restrictive environment. The state shall ensure that each public agency establishes and implements procedures which meet the least restrictive environment requirements of this chapter, and that the various alternative placements included under this chapter are available to the extent necessary to implement the IEP for each student with a disability. The placement and provision of services to each ~~((handicapped))~~ student with disabilities shall be in his or her least restrictive environment as follows:

(1) Educational setting—Each ~~((handicapped))~~ student with disabilities shall be placed:

- (a) In the regular educational environment with ~~((nonhandicapped))~~ students without disabilities to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not ~~((handicapped))~~ disabled, unless his or her individualized education program requires some other arrangement. If

some other arrangement is required, the student shall be placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

(2) Nonacademic settings—Each ~~((handicapped))~~ student with disabilities shall be provided nonacademic and extracurricular services and activities conducted by the school district (e.g., meals, recess, recreation, athletics, counseling, transportation, student club activities, etc.) with ~~((nonhandicapped))~~ students without disabilities to the maximum extent appropriate to the needs of the student.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-476 Continuum of alternative placements. A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's ~~((handicapped))~~ students with disabilities for special education and related services.

The option shall include instruction in regular classes, special classes, special schools, home instruction, ~~((and))~~ instruction in hospitals and institutions, and instruction in other settings, and shall provide for supplementary services such as resource room or itinerant instruction in conjunction with regular class placement.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-481 Placement options—Selection—Required considerations. (1) The placement of each ~~((handicapped))~~ student with disabilities shall be determined at least annually at a meeting conducted pursuant to WAC 392-171-456.

(2) The selection of the appropriate placement option or options for each ~~((handicapped))~~ student with disabilities shall be based upon:

- (a) The student's individualized education program;
- (b) The least restrictive environment requirements of WAC 392-171-471;
- (c) The option or combination of options that provides a reasonably high probability of assisting the student to attain his or her annual goals; and
- (d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.

(3) In interpreting evaluation data gathered through the assessment and eligibility process in this chapter and in making placement decisions, each public agency shall:

(a) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, parental input, physical condition, social or cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered; and

(c) Ensure that the placement decision is made in conformity with the least restrictive environment rules in this chapter.

NEW SECTION

WAC 392-171-504 Implementation by state. In implementing the private school provisions of this chapter, the state shall:

(1) Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a student with a disability; and

(2) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

NEW SECTION

WAC 392-171-507 Placement of students by parents. If a student with a disability has a free appropriate public education available and the parents choose to place the student in a private school or facility, the public agency is not required by this part to pay for the student's education at the private school or facility. However, the public agency shall make services available to the student as provided under this chapter.

Disagreements between a parent and a public agency regarding the availability of a program appropriate for the student, and the question of financial responsibility, are subject to the due process procedures of this chapter.

NEW SECTION

WAC 392-171-508 Students in public or private institutions. The state shall make arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures) as may be necessary to ensure that the least restrictive environment provisions in this chapter are effectively implemented.

NEW SECTION

WAC 392-171-509 Technical assistance training and monitoring activities. (1) The state shall carry out activities to ensure that teachers and administrators in all public agencies:

(a) Are fully informed about their responsibilities for implementing the least restrictive environment requirements; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(2) The state shall carry out activities to ensure that the least restrictive environment requirements are implemented by each public agency.

If there is evidence that a public agency makes placements that are inconsistent with the least restrictive environment requirements, the state shall:

(a) Review the public agency's justification for its actions; and

(b) Assist in planning and implementing any necessary corrective action.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-511 Annual review of placement and student progress—Program improvement. (1) Annual placement review—The educational placement of each

((handicapped)) student with disabilities shall be evaluated and redetermined at least annually at a meeting conducted pursuant to WAC 392-171-456.

(2) Program evaluation—Each school district shall establish a simple and reliable system of evaluating the program established for each ((handicapped)) student with disabilities. Program evaluations shall be based upon a ((handicapped)) student's progress toward the accomplishment of the goals and objectives set forth in the student's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the student's individualized education program.

(3) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of the evaluation shall be reported to the parent(s) (or the adult student) consistent with policies and procedures of the school district.

(4) Program evaluations shall serve two purposes:

- (a) To compare a student's measured performance with established goals and objectives; and
- (b) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

(5) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the student. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the goals and objectives are not met.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-512 Reassessment—Requirement.

Each identified student having a ((handicapping)) disabling condition shall be reassessed in accordance with the assessment procedures specified in WAC 392-171-351 through 392-171-366 by the multidisciplinary team provided for in WAC 392-171-351 as follows:

- (1) At a minimum, once every three years or more frequently if ((required by this chapter)) conditions warrant.
- (2) Upon request of the student's parent (or adult student), teacher, or individualized education program committee.

NEW SECTION

WAC 392-171-522 General responsibility of public agencies. The state shall ensure that each public agency establishes and implements procedural safeguards that meet the requirements of 34 CFR 300.500-300.515.

NEW SECTION

WAC 392-171-524 Parent consent. Parental consent must be obtained in writing before:

- (1) Conducting a preplacement assessment; and
- (2) Initial placement of a student with a disability in a program providing special education and related services.

A public agency shall not require written parental consent as a condition for receiving any other benefit, service, or activity to the parent or to the student.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-526 Contents of notice. (1) The notice required by WAC 392-171-521 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent (or the adult student) that are set forth in ((this chapter)) 34 CFR 300.500, 300.502 through 515, and 300.562 through 569;

(b) A description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

(c) A description of each assessment procedure, test, record, or report the district used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the district's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the district shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in subparagraphs (a) and (b) of this subsection have been met.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-531 Right to initiate—Purposes. (1) Hearings conducted in accordance with WAC 392-171-521 through 392-171-556 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

- (i) The identification of the student;
- (ii) The assessment of the student;
- (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:

- (i) The identification of the student;

- (ii) The assessment of the student;
- (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or adult student) disagrees with the assessment results.

(2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:

- (a) Be in writing;
 - (b) Be mailed or provided directly to the superintendent of the school district; and
 - (c) Explain the complaint of the parent(s) (or adult student) in general or specific terms.
- (3) A request by a school district for a hearing pursuant to this section shall:

- (a) Be in writing;
- (b) Be mailed or provided directly to Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504. A copy of such request, including required attachments shall be transmitted to the student's parent(s) (or adult student);
- (c) Have attached to such request a copy of the notice to parent(s) (or adult student) as required by WAC 392-171-521. If the hearing request by the district is in response to a request for an independent educational assessment pursuant to WAC 392-171-371, the district's written request for a hearing also shall have attached a copy of the written notice to the district required by WAC 392-171-371(2).

(4) A notice of a hearing requested by a student's parent(s) (or adult student) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

- (a) The date, time, and place of the hearing;
- (b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;
- (c) The rights, procedures, and other matters set forth in WAC 392-171-536 through 392-171-576; and
- (d) The right of the parent(s) (or adult student) to seek an independent assessment at public expense pursuant to WAC 392-171-371.

(5) The forty-five day timeline for completing the hearing process shall begin on the day the superintendent of the school district receives the parent's written request for a due process hearing.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-536 Hearing officers—Selection and expenses of—Parent assistance. (1) If a hearing is initiated pursuant to WAC 392-171-531:

- (a) The hearing shall be conducted by and at the expense of the superintendent of public instruction.
- (b) The superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the superintendent of public instruction: *Provided*, That a court reporter's stenographic record need not be transcribed

for any purpose except as provided or required in WAC 392-171-551(e).

(c) The superintendent of public instruction shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

- (i) The parent (or adult student) requests the information; or
 - (ii) The school district or the parent (or adult student) initiates a hearing;
- (d) The hearing shall be conducted by a qualified person selected and appointed by the chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

- (i) Is not an employee of a (~~school district~~) public agency which is involved in the education or care of the student; and
- (ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

(3) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-551 Hearing rights. (1) Any party to a hearing initiated pursuant to WAC 392-171-531 has the right to:

- (a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of (~~handicapped~~) students with disabilities;
- (b) Be advised and/or represented by an attorney;
- (c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;
- (d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
- (e) Obtain a written or electronic verbatim record of the hearing at (~~no~~) no cost (~~(no greater than the fee charged by the court reporter for transcribing his or her record of the)~~) to any party to a hearing: *Provided*, That in the event of an appeal to a court of law by the school district, such district shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if any, which is no greater than the school district's cost of copying the original; and
- (f) Obtain written findings of fact, conclusions of law and judgments. The state, after deleting any personally identifiable information, shall:

- (i) Transmit those findings and decisions to the state advisory panel established under this chapter; and
- (ii) Make those findings and decisions available to the public.

(2) Parents who are a party to a hearing have the right to have the (~~child~~) student who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-556 Timeline for hearing officer's decision—Time and place of hearing. (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC 392-171-531:

(a) A final decision shall be reached based upon a preponderance of the evidence; and

(b) A copy of the decision consisting of the hearing officer's findings of fact, conclusions of law, and judgment shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the hearing officer, together with a certification of the date of mailing and the parties to whom it was mailed.

(2) The date of mailing or providing a decision to the parties shall be certified to on the first page of the decision by the person(s) who mails or provides the decision to the parties. The decision of the hearing officer shall be drafted in a manner which:

(a) Sets forth the findings of fact, conclusions of law and judgment separately, and numbers each findings of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(4) Each hearing (~~involving oral arguments~~) shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-561 Final decision—Appeal to court of law. A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless modified or overturned by a court of law. Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under this chapter has the right to bring a civil action under section 615 (e)(2) of the Individuals with Disabilities Education Act. A civil action may be filed in either state or federal court.

NEW SECTION

WAC 392-171-564 Attorneys' fees. Each public agency shall inform parents that in any action or proceeding under section 615 of the Individuals with Disabilities Education Act, courts may award parents reasonable attorneys' fees under the circumstances described in section 615 (e)(4).

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-581 Surrogate parents. (1) General. Each school district providing a special education program to a nonadult (~~handicapped~~) student with disabilities shall assure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 392-171-310(4)) can be identified;

(b) The school district, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school district. The duty of a school district under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. Each school district shall assure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of a school district and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district and/or other agency solely because he or she is paid by the school district and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.

NEW SECTION

WAC 392-171-593 Notice to parents. The state shall give notice that is adequate to fully inform parents about the requirements of this chapter including:

(1) A description of the extent that the notice is given in the native languages of the various populations groups in the state;

(2) A description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

(3) A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

(4) A description of all of the rights of parents and students regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations in part 99 of this title.

Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both with circulation adequate to notify parents throughout the state of the activity.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-596 Access rights. (1) Each school district shall permit parents of (~~handicapped~~) students with disabilities (or adult students) to inspect and review during school business hours any education records relating to their children or ward (or the adult student) which are collected, maintained, or used by the district under this chapter. The district shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student and in no case more than forty-five calendar days after the request has been made.

(2) The right to inspect and review education records under this section includes:

(a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent (or adult student) inspect and review records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child or ward unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-646 Definition—"Private school (~~handicapped~~) student(s) with disabilities." For the purpose of WAC 392-171-651 through 392-171-686 "private school (~~handicapped~~) student(s) with disabilities" means (~~handicapped~~) students with disabilities enrolled in private schools or agencies but not as the result of a contractual arrangement between a public school district and the private school or agency.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-651 School district responsibility for private school (~~handicapped~~) students with disabilities. Subject to the provisions of WAC 392-171-656 through 392-171-686:

(1) Each school district shall provide special education and related services designed to meet the needs of private school handicapped students who reside in the school district.

(2) Each school district shall provide private school handicapped students with genuine opportunities to partici-

pate in special education and related services consistent with the number of those students and their needs.

NEW SECTION

WAC 392-171-688 State responsibility. The state shall ensure that to the extent consistent with their number and location in the state, provision is made for the participation of private school students with disabilities in the program assisted or carried out under this chapter by providing them with special education and related services.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-691 Annual applications—Contents. As a condition to the receipt and expenditure of federal special education funds, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date is announced and conduct its special education and related services program in compliance therewith. The applications shall be made pursuant to forms developed and distributed by the superintendent or his or her designee. Application forms shall include, but not necessarily be limited to, the following assurance(s) and types of information:

(1) An assurance that:

(a) The school district is in compliance with the provisions of this chapter and the rules implementing PL 94-142 (34 CFR 300.1 et seq.) that may supplement this chapter;

(b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;

(2) The information and assurances required by 34 CFR 300.220 through 34 CFR 300.240 and any other pertinent federal rules;

(3) Identification of the local district designee responsible for child identification activities and confidentiality of information;

(4) A description of the procedures and/or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation of (~~handicapped children~~) students with disabilities not currently receiving special education and related services;

(b) Assurance of confidentiality of personally identifiable information;

(c) Implementation of a system for personnel development;

(d) Involvement of parents of (~~handicapped children~~) students with disabilities;

(e) Participation of (~~handicapped~~) students with disabilities with (~~nonhandicapped~~) students without disabilities;

(f) Placement of (~~handicapped~~) students with disabilities in the least restrictive environment;

(g) Development of individualized education programs for each eligible (~~handicapped~~) student with disabilities;

(h) Availability of career development and vocational education programs for (~~handicapped~~) students with disabilities;

(i) A description of the numbers and types of (~~handicapped~~) students with disabilities receiving special education and related services by placement option within the district's continuum of alternative placements;

(j) A description of the kind of and number of facilities, personnel, and services necessary to meet the district's full educational opportunity goal, including a detailed timetable for reaching that goal; and

(k) A description of the use of funds received under PL 94-142 (34 CFR 300.1 et seq.).

(5) Any other pertinent information requested by the superintendent of public instruction which is necessary for the management of the special education program.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-696 Denial of applications—Opportunity for hearing. (1) In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the annual application of a district for federal special education funds, the district shall be provided notice pursuant to RCW 34.04.090 of:

(a) Intent to deny the application of the district; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to a denial of the application.

(2) The district's application may be denied, in whole or part, in the event the district fails to request a hearing or the hearing decision upholds the proposed basis for denial.

(3) The superintendent of public instruction shall provide an opportunity for a hearing before the agency disapproves the application in accordance with the following procedures:

(a) The applicant shall request the hearing within thirty days of the action of the superintendent of public instruction.

(b) Within thirty days after it receives a request, the superintendent of public instruction shall hold a hearing on the record and shall review its action.

(c) No later than ten days after the hearing the agency shall issue its written ruling, including findings of fact and reasons for the ruling.

(d) If the agency determines that its action was contrary to state or federal statutes or regulations that govern the applicable program, the agency shall rescind its action.

(e) If the superintendent of public instruction does not rescind its final action after a review, the applicant may appeal to the United States Secretary of Education. The applicant shall file a notice of the appeal with the United States Secretary of Education within twenty days after the applicant has been notified by the superintendent of public instruction of the results of the agency's review. If supported by substantial evidence, findings of fact of the superintendent of public instruction are final.

(f) The superintendent of public instruction shall make available at reasonable times and places to each applicant all records of the agency pertaining to any review or appeal the applicant is conducting under this section, including records of other applicants.

NEW SECTION

WAC 392-171-728 Interagency agreements. The superintendent of public instruction shall develop and implement interagency agreements with all other state and local agencies that provide or pay for services required under this chapter for students with disabilities: *Provided*, That consideration shall be given to preserving existing arrangements between school districts and other agencies which are consistent with this chapter. These agreements shall:

(1) Describe the role that each agency plays in providing or paying for required services;

(2) Define the financial responsibility of each agency for providing students with disabilities with a free appropriate public education;

(3) Establish procedures for resolving interagency disputes among agencies that are parties to the agreements; and

(4) Establish procedures under which school districts may initiate proceedings in order to secure reimbursement from agencies that are parties to the agreements or otherwise implement the provisions of the agreements.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-736 Definition of "unlawfully received or expended funds." For the purpose of WAC 392-171-741 through 392-171-756, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

(1) State statute or rule, including this chapter; or

(2) Any federal rule or condition to funding that may now or hereafter supplement this chapter including:

The recovery of funds based on inaccurate child count information under Individuals with Disabilities Education Act.

(3) In addition to meeting the other requirements of this chapter, the superintendent of public instruction shall:

(a) Establish procedures to be used by school districts and other educational institutions in counting the number of students with disabilities receiving special education and related services;

(b) Set dates by which those agencies and institutions must report to the superintendent of public instruction to ensure that the state complies with federal requirements;

(c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made;

(d) Aggregate the data from the count obtained from each agency and institution, and prepare the reports required by the United States Department of Education; and

(e) Ensure that documentation is maintained that enables the state and the United States Secretary of Education to audit the accuracy of the count.

NEW SECTION

WAC 392-171-835 Transition to preschool program. Each local school district shall develop policies and procedures for the smooth transition of children participating in the early intervention program under Part H of the Individu-

als with Disabilities Education Act (IDEA) who are eligible for participation in preschool programs under Part B of the IDEA.

Each district's policies and procedures must include:

- (1) A description of how the families will be included in the transitional plans;
- (2) Procedures for ensuring that the district, the agency in which the child is being served, and the family are notified of the need for transitional planning;
- (3) Procedures for convening, with the approval of the family, a conference between the agency, family, and district;
- (4) A timeline of convening the above conference at least ninety days before such child is eligible for the preschool program under Part B of IDEA;
- (5) Procedures for reviewing a child's program options, for the period commencing on the day a child turns three running through the remainder of the school year, and establishing a transition plan; and
- (6) Procedures for ensuring that if the child will participate in the district's preschool program under Part B of IDEA at age 3, an individual education program consistent with this chapter is developed and implemented by the child's third birthday. The district must provide the family with information on the eligibility and evaluation requirements under Part B of IDEA, including the parent's and district's rights regarding procedural safeguards.

NEW SECTION

WAC 392-171-900 Comprehensive system of personnel development. The superintendent of public instruction shall establish and implement procedures for developing and conducting a comprehensive system of personnel development which includes:

- (1) The continuing education of general and special education instructional and related services personnel;
- (2) Detailed procedures to assure that all personnel necessary to carry out the purposes of the Individuals with Disabilities Education Act (IDEA), P.L. 102-119, 34 CFR 300.1, as of October 1, 1992, are appropriately and adequately prepared;
- (3) Provisions consistent with 34 CFR 300.153, 300.380-383, and 303.360;
- (4) Effective procedures for acquiring and disseminating significant information derived from educational research, demonstration and similar projects; and
- (5) The adoption, where appropriate, of promising educational practices and material developed through research, demonstration, and similar initiatives.

NEW SECTION

WAC 392-171-901 Definitions. The following definitions apply to this chapter:

- (1) "Appropriate professional requirements," those entry level requirements that are based on the highest requirements in the state applicable to the profession or discipline in which a person is providing special education or related services and that establish the qualifications for personnel providing special education and related services under chapters 392-168, 392-171, and 392-173 WAC to children

and youth with disabilities who are served by state, local, and private agencies;

(2) "Highest requirements in the state applicable to a specific profession or discipline," the highest entry-level academic degree needed for any state-approved or -recognized certification, licensing, or registration or other comparable requirements that apply to that profession or discipline;

(3) "Profession or discipline," a specific occupational category that provides special education and related services to children and youth with disabilities under chapters 392-168, 392-171, and 392-173 WAC, has been established or designated by the state, and has a required scope of responsibility and degree of supervision; and

(4) "Qualified" means that a person, in accordance with the provisions contained in 34 CFR 300.153 of the Individuals with Disabilities Education Act (IDEA), has met superintendent of public instruction approved or recognized certification, licensing, registration, or other comparable requirements for the profession or discipline in which the person is providing special education and related services.

NEW SECTION

WAC 392-171-905 Scope of system. Through the superintendent of public instruction, the state of Washington shall develop and implement a comprehensive system of personnel development which:

- (1) Meets all federal requirements contained in 34 CFR 300.153, 300.381-300.383 and 303.360 of the IDEA;
- (2) Addresses current and projected special education and related services personnel needs, including the needs of leadership personnel; and
- (3) Coordinates and facilitates efforts among state and local educational agencies, institutions of higher education, professional and other associations to recruit, prepare and retain qualified personnel necessary to serve children and youth (birth through twenty-one), including leadership personnel, personnel from minority backgrounds, and personnel with disabilities.

NEW SECTION

WAC 392-171-910 Establishment of a comprehensive system of personnel development advisory subcommittee. Consistent with procedures established at the discretion of the superintendent of public instruction, the superintendent shall appoint members of the council to serve on a comprehensive system of personnel development advisory committee. The comprehensive system personnel development advisory committee shall include at least one representative each from: An institution of higher education, the office of the superintendent of public instruction, an educational service district, a local educational agency, a special education-related professional organization, and a parent or other advocacy organization. It shall be the responsibility of the comprehensive system personnel development advisory subcommittee to:

- (1) Advise the superintendent of public instruction, through the advisory council, of unmet personnel needs with respect to the provision of special education and related services to children and youth (ages birth through twenty-one years);

(2) Comment publicly on the state plan and rules and other policy documents proposed for issuance by the state which have an impact on such personnel; and

(3) Assist the superintendent of public instruction in developing and reporting such information and evaluations as may be required to assist the secretary of the department of education in the performance of his or her responsibilities under the IDEA and other activities as determined necessary by the superintendent.

NEW SECTION

WAC 392-171-915 Annual needs assessment. Each year, the special education section of the office of the superintendent of public instruction, with the assistance of the state's educational services districts, shall administer a state-wide needs assessment to determine the current and projected special education and related services personnel needs, including the need for leadership personnel.

NEW SECTION

WAC 392-171-925 Data system on personnel and personnel development. Annually, the superintendent of public instruction, with the assistance of the state's educational service districts, shall collect the following information:

(1) The number and type of personnel, including leadership personnel, employed in the provision of special education and related services, by profession or discipline;

(2) The number and type of personnel who are employed with emergency, provisional, or temporary certification in each profession or discipline who do not hold appropriate state certification, licensure, or other credentials comparable to certification or licensure in that profession or discipline;

(3) The number and type of personnel, including leadership personnel, in each profession or discipline needed, and a projection of the number of those personnel that will be needed in five years, based on projections of individuals to be served, retirement, and other departures of personnel from the field and other relevant factors; and

(4) Content areas in which continuing education is needed, identified by profession or discipline, including leadership personnel. Information collected on personnel which meets the requirements of subsections (1) through (3) of this section must include: Audiologists, counselors, diagnostic and evaluation personnel, home-hospital teachers, interpreters for students with hearing impairments including deafness, occupational therapists, orientation and mobility specialists, parents, physical education teachers, physical therapists, psychologists, rehabilitation counselors, social workers, speech-language pathologists, teachers, teacher aides (i.e., instructional assistants), recreation and therapeutic recreation specialists, vocational education teachers, work study coordinators, and other instructional and non-instructional staff. Additionally, data on leadership personnel required under subsections (1) through (3) of this section must include administrators and supervisors of state and local agencies who are involved in the provision or supervision of services or activities necessary to carry out the purposes of the Individuals with Disabilities Education Act, Parts B and H.

NEW SECTION

WAC 392-171-930 Other sources of annual needs assessment data. As required under 34 CFR 300.383, the superintendent of public instruction shall collect data from institutions of higher education to determine, on an annual basis:

(1) The numbers of students enrolled in programs for the preparation of special education and related services personnel administered by institutions in the state of Washington; and

(2) The numbers of students who graduated during the past year with certification or licensure, or with credentials to qualify for certification or licensure, from programs for the preparation of special education and related services personnel administered by Washington's institutions of higher education.

Prior to collecting data from institutions of higher education, the special education section of the office of the superintendent of public instruction shall determine annually the institutions of higher education within the state that are preparing special education and related services personnel, including leadership personnel, by area of specialization (consistent with the listing of personnel categories incorporated in WAC 392-171-925 (1) through (3)). This information, in written form, shall be made available annually to the comprehensive system of personnel development subcommittee of the special education state advisory council, to institutions of higher education in the state of Washington, and, upon request, to the public.

NEW SECTION

WAC 392-171-935 Report of current and projected personnel needs. Annually, the special education section shall:

(1) Review and analyze the information submitted by public agencies, institutions of higher education, and other sources; and

(2) Prepare a summary report of projected state-wide preservice and continuing education needs for the state of Washington. This document shall be submitted to the members of the comprehensive system of personnel development subcommittee for review, comment, and revision and shall be included in the annual report of the special education state advisory council. This information shall also be reported to the department of education as required under 34 CFR 300.383 of the IDEA.

NEW SECTION

WAC 392-171-940 Administration of continuing education. The personnel development plan for the state of Washington shall provide for the continuing education needs of regular and special education and related services personnel to enable these personnel to meet the needs of students with disabilities under this chapter. Educational service districts shall assume a central role in the provision and coordination of continuing education programming state-wide.

NEW SECTION**WAC 392-171-945 Personnel development plan.**

Each year, with the involvement of the state's educational service districts, the superintendent of public instruction will develop, update and implement a personnel development plan which addresses:

- (1) The process used for determining the continuing education and preservice training needs;
- (2) The need, by areas of specialization, for new personnel and the need for continuing education;
- (3) The content areas in which continuing education and preservice training is needed;
- (4) An assurance that ongoing continuing education (inservice training) programs are available to all personnel who are engaged in the education of children and youth with disabilities, including leadership personnel, and that these programs include the following:

(a) The use of incentives which ensure participation by personnel, such as release time, payment for participation, options for academic credit, certification renewal, or updating of professional skills; and

(b) The use of innovative training practices which have been found to be effective;

(5) The involvement of the state's educational service districts in the planning, administration, and evaluation of continuing education;

(6) The procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources;

(7) Procedures for adopting, if appropriate, promising practices, materials, and technology, proven effective through research and demonstration; and where appropriate, of promising educational practices and material developed through research, demonstration, and similar initiatives.

NEW SECTION**WAC 392-171-950 Provision of technical assistance.**

Consistent with the federal requirements contained in 34 CFR 300.380-383 and 34 CFR 300.555, the superintendent of public instruction shall provide, through superintendent of public instruction-initiatives and/or educational service district staff, technical assistance to local educational agencies and other agencies, institutions, organizations, or individuals responsible for implementing special education and related services. Technical assistance and related training shall be provided in response to:

(1) Requests from agencies, institutions, organizations, and individuals;

(2) The results of monitoring or application review; and/or

(3) The targeting of specific training issues or concerns through the personnel development plan or superintendent of public instruction staff evaluation.

Technical assistance may be administered through on-site visitation, teleconference, correspondence, or any other means considered appropriate and effective by the superintendent of public instruction, in consultation with the educational service district, if providing technical assistance, and the receiving agency, institution, organization, or individual.

NEW SECTION

WAC 392-171-955 Personnel standards. In order to ensure that all personnel necessary to carry out the purposes of Part B the Individuals with Disabilities Education Act (IDEA-B) are appropriately and adequately prepared and trained, the superintendent of public instruction shall:

(1) Establish and maintain standards for personnel providing special education and related services; and

(2) Determine that all personnel providing special education and related services perform these functions under state-approved or state-recognized certification, licensure, or other comparable requirements that apply to the area in which the person is providing special education and related services.

NEW SECTION**WAC 392-171-960 Professional standards review.**

Before October 1st of each year, the special education section, on behalf of the superintendent of public instruction, shall review the professional requirements in the statutes necessary for the provision of special education and related services. This professional standards review must include the requirements of all statutes and the rules of all state agencies applicable to serving children and youth with disabilities, and shall include the standards of the superintendent of public instruction, the department of licensing, the division of vocational rehabilitation, the department of social and health services, and any other public agency responsible for the licensing or certification of personnel who provide special education or related services. In conducting this review, the superintendent of public instruction must:

(1) Determine the highest standards applicable to each profession or discipline based upon the most current information available to the superintendent of public instruction;

(2) Identify those professions or disciplines for which the highest requirements of the state do apply;

(3) Identify those specific professions or disciplines for which the existing personnel standards for special education or related services, including standards for temporary or emergency certification are not based on the highest requirement in the state applicable to that specific profession or discipline; and

(4) For those professions or disciplines for which the highest requirements of the state do not apply, detail the steps the superintendent of public instruction is taking (and the procedures for notifying public agencies and personnel of those steps and the timelines it has established) for the retraining or hiring of personnel that meet the appropriate professional requirements in the state of Washington. In determining annually the status of personnel standards for each applicable profession or discipline in the state (as defined in WAC 392-171-955), the superintendent of public instruction's review and determination must be based on current information that accurately describes, for each profession or discipline in which personnel are providing special education or related services, whether the applicable standards are consistent with the highest requirements in the state for that profession or discipline.

The results of the review conducted in accordance with the provision of this section shall be described in a report prepared for and submitted to the comprehensive system of

personnel development subcommittee of the special education state advisory committee. Each annual report and necessary supporting documentation must be maintained in the files of the superintendent of public instruction's special education section and must be available to the public. Each report shall be incorporated in the appropriate state plan for Part B of the Individuals with Disabilities Education Act submitted to the department of education.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-171-384 Distinction between developmentally handicapped and communication disorder—
Reassessment of developmentally delayed upon entry to first grade.

WSR 93-19-064
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-14—Filed September 13, 1993, 11:20 a.m.]

Date of Adoption: September 10, 1993.

Purpose: To bring state regulations into compliance with recent amendments to the Individuals with Disabilities Education Act.

Citation of Existing Rules Affected by this Order: Amending chapter 392-173 WAC.

Statutory Authority for Adoption: Chapter 28A.155 RCW.

Pursuant to notice filed as WSR 93-15-083 on July 20, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 10, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-005 Purpose. The purpose of this chapter is to accommodate the unique goals and student population of the state schools for the deaf and the blind and the early childhood developmental centers operated by the department of social and health services by establishing the standards governing the development and implementation of special education and related services for ~~((handicapped))~~ residents with disabilities of such schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department of social and health services and the general supervisory authority of the office of the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-010 Definitions. As used in this chapter:

(1) "Department" shall mean the department of social and health services.

(2) The meaning of terms as used in this chapter shall be as provided in WAC 392-171-310, 392-171-311, 392-171-315, and 392-171-320.

(3) The term "schools" shall mean the state schools for the deaf and the blind and the early childhood developmental centers.

(4) Early childhood developmental centers shall mean state/department supported community based programs for preschool students aged ~~((zero))~~ birth to three.

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-015 General duties of the department of social and health services and the superintendent of public instruction. In recognition of the fact that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state schools for the deaf and the blind and early childhood developmental centers; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated federal funds for these programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent of public instruction and department shall be as follows:

(1) The superintendent of public instruction shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student ~~((an educational opportunity))~~ a free appropriate public education consistent with this chapter;

(2) The superintendent of public instruction ~~((defers to the authority and duty of))~~ shall assist the department regarding the operation and maintenance of educational programs for students in such schools;

(3) The superintendent of public instruction shall seek, allocate, and distribute federal funds made available for these programs on the condition that funds made available for the education of students be expended in compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent of public instruction shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available. This part may not be construed to permit the state to reduce medical and other assistance available to students with disabilities, or to alter the eligibility of a student with a disability, under Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, to receive

services that are also part of a free appropriate public education.

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-030 Medical evaluation. Medical evaluation shall be the responsibility of the department whenever a (~~handicapped~~) student with disabilities is suspected of having a health problem which may affect his or her educational program: *Provided*, That medical evaluations at the expense of the department as otherwise in behalf of the department shall be obtained only:

(1) At the direction of or with prior approval of the department's designee, except in the case of an independent assessment ordered pursuant to WAC 392-171-371.

(2) In accordance with criteria established by the department, but not limited to, the location of the evaluation and report required.

(3) When the student's personal physician, if the student has a physician, has been involved in the planning.

NEW SECTION

WAC 392-173-047 Interagency agreements. WAC 392-171-728 shall be applicable to the department.

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-080 Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program. (1) Decisions made by the state school for the deaf and the blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter; *Provided*, That such procedures shall at least guarantee parents, guardians, surrogate parents, public agencies, and others such notice and right to register a complaint, including the appeal process, as may now or hereafter be provided for in and pursuant to chapter 392-168 WAC.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: *Provided*, That such procedures shall at least guarantee parents, guardians, surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 U.S.C. § 1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of (~~an educational opportunity to a student~~) a free appropriate education.

**WSR 93-19-065
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 93-15—Filed September 13, 1993, 11:22 a.m.]

Date of Adoption: September 10, 1993.

Purpose: To bring state regulations into compliance with recent amendments to the Individuals with Disabilities Education Act.

Citation of Existing Rules Affected by this Order: Amending chapter 392-168 WAC.

Statutory Authority for Adoption: Chapter 28A.155 RCW.

Pursuant to notice filed as WSR 93-15-084 on July 20, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 10, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-110 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with 34 CFR 76.780 through 782, Department of Education regulations governing state-administered federal grant programs, 34 CFR 300.660 through 662, Individuals with Disabilities Education Act, and with the Hatch Amendment.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-115 Applicability. This chapter shall apply to federal programs administered by the superintendent of public instruction and listed in 34 CFR 76.1(b):

(1) Title III-A of the National Defense Education Act of 1958, Strengthening Instruction in Academic Subjects in Public Schools;

(2) Title IV of Public Law 96-511, Emergency Immigrant Education Program;

(3) Title II, Sections 201-206, 208-211, and 213 of the Education for Economic Security Act, State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning;

(4) Part B of the (~~Education of the Handicapped~~) Individuals with Disabilities Education Act, Assistance to States for Education of (~~Handicapped Children~~) Students with Disabilities;

(5) Section 619 of the (~~Education of the Handicapped~~) Individuals with Disabilities Education Act, Incentive Grants;

(6) Part A of Title I of the Vocational Education Act, State Vocational Education Program;

(7) Career Education Incentive Act (except Sections 10, 11, and 12) Career Education—State Allotment Program; and

(8) Adult Education Act (except Sections 309, 314, 317, and 318), State Adult Education Program;

(9) *Provided*, That pursuant to 34 CFR 76.1(c), this chapter shall not apply to programs authorized under Chapter

1 and Chapter 2 of the Education Consolidation and Improvement Act of 1981:

(a) Chapter 1—Financial Assistance to Local Educational Agencies to Meet the Special Educational Needs of Educationally Deprived Children, Grants to State Educational Agencies for Program to Meet the Special Educational Needs of Migratory Children, Grants to State Agencies for Programs to Meet the Special Education Needs of Children in Institutions for Neglected or Delinquent Children, State-operated Programs for Handicapped Children; and

(b) Chapter 2—Consolidation of Federal Programs for Elementary and Secondary Education:

(10) *Provided further*, That any additional complaint procedure requirements of particular programs shall be applicable to those programs in addition to the basic citizen complaint procedure described in this chapter.

NEW SECTION

WAC 392-168-132 Informing citizens about complaint procedures. The superintendent of public instruction shall inform parents and other interested individuals about the citizen complaint procedures in this chapter. Specific actions to be taken by the superintendent of public instruction include:

- (1) Disseminating copies of the state's procedures to parent, advocacy, and professional organizations;
- (2) Conducting inservice training sessions on the complaint process through educational service districts; and
- (3) Including information about the system in state-wide conferences.

NEW SECTION

WAC 392-168-167 General responsibilities of superintendent of public instruction. In implementing the appeals process, the superintendent of public instruction shall:

- (1) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
- (2) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of part B of the Individuals with Disabilities Education Act or of this part; and
- (3) Consistent with the provisions of WAC 392-168-170 through 392-168-185, issue a written decision to the complainant that addresses each allegation in the complaint and contains:
 - (a) Findings of fact and conclusions; and
 - (b) The reasons for the state's final decision.

WSR 93-19-073
PERMANENT RULES
YAKIMA VALLEY
COMMUNITY COLLEGE
 [Filed September 13, 1993, 4:44 p.m.]

Date of Adoption: August 1, 1993.

Purpose: To incorporate the Lower Valley Education Center to comply with current policy.

Citation of Existing Rules Affected by this Order:
 Amending WAC 132P-136-010, 132P-136-020, 132P-136-030, 132P-136-040, 132P-136-050, and 132P-136-060.

Statutory Authority for Adoption: RCW 28B.50.140(7).
 Pursuant to notice filed as WSR 93-12-099 on June 1, 1993.

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

Dr. V. Philip Tullar
 President

AMENDATORY SECTION (Amending Order 72-2, filed 12/4/72)

WAC 132P-136-010 General. (1) ~~((Community groups shall be permitted and encouraged to use college facilities for worthwhile purposes as determined by the college when such uses will not interfere with the college program or be detrimental to college properties.))~~ College facilities located in Yakima, Washington and the Lower Valley Education Center (LVEC) in Grandview, Washington, with the exception of any lab area, may be made available for use by community groups and/or organizations conducting public education, research, cultural, civic, recreational, or community activities as limited by this policy; provided that such activities do not interfere with the educational priorities of the college or be detrimental to college property. All arrangements shall be subject to the provisions which follow. The term "community groups" is interpreted to mean nonprofit, civic, religious, fraternal, or other public-interest activity.

(2) Authorization for use of college facilities shall not be considered as endorsement of or approval of any group or organization nor the purposes they represent. The name of the college shall not be associated with any program or activity for which the college facilities are used without specific approval from the president.

(3) The college does not wish to compete with privately owned facilities in any manner.

(4) ~~((These rentals carry))~~ Rental of college facilities carries no right of advertising on college premises other than the right to post a sign for the purpose of directing people to the place of assembly.

(5) Scheduling of conferences, seminars, etc., in which there is a need for more than two rooms or other facilities, may not be scheduled on week days unless sponsored by the college. Request for scheduling will not be allowed more than two months in advance or beyond the end of the quarter in which a request is made.

(6) Room use for college or ~~((ASB))~~ ASYVCC recognized groups will be calendared by the activities office ~~((as directed by the business manager))~~ through the facilities coordinator.

(7) Teleconferencing will be scheduled the same as all other events. Additionally, the using organization shall coordinate scheduling with the telecommunications and facilities coordinators. Teleconferencing users are required to provide proof of licensing to the telecommunications coordinator before taping and/or receiving of satellite transmission can occur.

AMENDATORY SECTION (Amending Order 72-2, filed 12/4/72)

WAC 132P-136-020 Applications—Permits. (1) No permit will be granted for the use of buildings or grounds except upon written application which shall be made to the ~~((business office))~~ designated facilities coordinator. All applications shall be presented in time to allow consideration by the college board if necessary. Not less than two weeks shall be the minimum.

~~((2))~~ ~~((Upon approval of an application, a permit will be issued by the business office, which shall be presented by the business office to the person in charge of the college calendar.~~

~~((3))~~ ~~((The college board ((reserves the right to revoke any permit and refund any rental)) of trustees or its designee reserves the right to cancel the facilities rental agreement at any time and to refund any payment to the college for the use of college facilities. If imminent danger exists or unlawful activity is practiced by the using organization, the college may terminate an agreement immediately and without notice, if there is any violation of any term, condition, or provision.~~

~~((4))~~ ~~((3))~~ Request for Sunday, vacation, or holiday use of facilities creates additional costs that must be borne by renter.

AMENDATORY SECTION (Amending Order 72-2, filed 12/4/72)

WAC 132P-136-030 Rental fees. (1) Rental fees may be requested to be paid in advance to the business office at the time of application.

(2) No requests for reduction in rental rates will be considered. ~~((There is enough variety in the size of college facilities and subsequent rental rates to provide for small groups.))~~

(3) Where a collection or charge of admission fee is made, charges will be made as listed.

(4) The college reserves the right to have trained staff operate any and all technical equipment at the user's expense. Charges will be assigned for rental, technical personnel, and equipment to all users with the exception of Yakima Valley Community College staff/programs. Schedules of rates and charges for use of facilities are available from the ~~((business office))~~ facilities coordinator.

(5) Rates and charges are established by the college board of trustees.

AMENDATORY SECTION (Amending WSR 90-11-077, filed 5/16/90, effective 6/16/90)

WAC 132P-136-040 Regulations. (1) ~~((Custodians shall be present at all times when college facilities are used unless special arrangements have been made. The custodian's duties normally include the operation of lights, heat, ventilation, and such duties incidental to maintaining order the preventing persons from entering unauthorized parts of the building. When necessary in the larger buildings, a fireman shall be on duty. Other custodians in the building with regularly assigned cleaning areas are not to be considered as available for these duties.~~

~~((2))~~ ~~Elaborate decorations or adjustments in space should not be expected or planned by groups using buildings or grounds.~~

~~((3))~~ ~~The college does not have pianos located where they are readily available. Renting groups should not expect the college to move these pianos without charges for tuning and cost if damaged in moving. (A charge of \$25 will be made if a piano is moved.)~~

~~((4))~~ ~~Disorderly conduct shall be prohibited within the college. Applicants must assume responsibility for compliance with these rules and for any damage which may be done to the property.~~

~~((5))~~ ~~Where partisan political meetings are requested, or discussions of initiatives, referendums, or other pending legislation, it is expected that such requests will be made by the county central committee of the party or by nonpartisan candidates. Such requests should come only during periods of political action of general interest to the public in Yakima.)~~ Unless otherwise provided by contractual agreement, an authorized member of the college staff may be required to be available at times when college facilities are in use by a group. If service beyond that normally scheduled is required as a result of any meeting, such time shall be paid for by the using organization at the currently established rate, which shall include overtime. When necessary, in larger buildings, a fire fighter may be required to be on duty. Custodians in the building with regularly assigned cleaning areas are not to be considered as available for services required by the user. The user is not entitled to security other than opening and closing rooms, except by contract; however, the college may require and charge users for security services at its discretion.

(2) No decorations or the application of materials to walls, fixtures, ceilings, or floors shall be permitted. Rearrangement of furniture or transfer of furniture from one area to another is prohibited. The user is required to arrange for the disposal of all decorations, materials, equipment, furnishings, or rubbish left after the use of college facilities. The user shall be billed for removal of materials left on the premises and/or for the time required to reinstate furniture to its original state if the user fails to comply with these regulations.

(3) A charge will be assessed to move pianos. Additional charges may be assessed if repair and/or tuning are required as a result of moving any piano.

(4) Disorderly conduct is prohibited. Applicants must assume responsibility for compliance with these rules and for any damage which may be done.

(5) Student group applications for use of college facilities for partisan political meetings for the purpose of discussion of initiatives, referendums, or other pending legislation when such meetings are in keeping with the educational mission of the college, shall follow procedures outlined in the code of student rights and responsibilities. Where requests for college facilities are made by private citizens, community groups, and/or organizations for such meetings, the college will adhere to the public disclosure law (RCW 42.17.130).

(6) Improvement organizations, community clubs, service organizations and other such organizations shall meet all of the requirements and costs as stated.

(7) The advisor of any Yakima Valley College group of students may request the use of buildings or equipment to be placed under his charge for any student group functions or entertainment. Such events will be free of rental.

(8) The use of intoxicants shall be prohibited on campus unless expressly authorized by the college. No smoking is permitted within college facilities.

AMENDATORY SECTION (Amending Order 72-2, filed 12/4/72)

WAC 132P-136-050 Restrictions—Exceptions. (1) Religious youth groups may be allowed space for meetings, on a rental basis, provided the meetings are ~~((held on school days but not during school hours))~~ not in conflict with the normal college operation.

(2) ~~((Such meetings shall end not less than 15 minutes prior to starting of school and begin not less than 15 minutes after school closes.~~

~~(3))~~ The youth activity must be fully supervised by the sponsoring organization and be responsible to the ~~((business manager))~~ college.

~~((4))~~ ~~Ordinarily, the gymnasium is not available for use by outside organizations. No attempt should be made to try to schedule a series of practices or games. Only incidental use can be provided.~~

(5) ~~The gymnasium should only be scheduled for night and weekend use. Student activities of any type may override the use by outside organizations. Use by off-campus groups may only be scheduled on a one-time basis.~~

~~(6) Arrangements for dinners or snacks served by the snack bar, except for purposes sponsored by the school, must be cleared with the business office and snack bar manager. "Noon" dinners or lunches are not available to off-campus groups.~~

~~(7) Groups must pay the established meal rate, or in case of a potluck, should pay for the employment of the required number of snack bar workers at the prevailing rate.~~

~~(8) Entry to the snack bar shall not be granted for the use of any campus or off-campus group.~~

~~(9) Any organization which serves food or drink on campus must secure it through the snack bar manager. Food or beverages may not be brought to the campus for serving unless arranged for through the snack bar manager.~~

~~(10))~~ (3) All food and beverage services shall be approved by and arranged through the office of the food service contractor, unless an exception has been officially approved in advance.

(4) Requests which require a commitment from the college ~~((district to provide facilities for a schedule or series of meetings))~~ will not be approved. As determined by the college, exceptions may be made when an activity serves an educational purpose ((of) or interest to the community((, such determination to be made exclusively by the college)).

~~((11))~~ (5) Use of college facilities for public dances is prohibited. ~~((This would include either adult or youth groups.))~~

AMENDATORY SECTION (Amending Order 72-2, filed 12/4/72)

WAC 132P-136-060 Use of equipment. Library and audio-visual equipment and materials are primarily intended to support and supplement the curriculum. Equipment shall not be loaned for any purpose off campus, unless official prior approval has been granted. Equipment may be used on campus by any group using college facilities when arranged in advance of activity and subject to currently established charges.

WSR 93-19-074
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3634—Filed September 14, 1993, 2:16 p.m.]

Date of Adoption: September 14, 1993.

Purpose: To implement changes to the Medicaid payment system for nursing facilities adopted by the 1993 state legislature, effective July 1, 1993.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-96-756 and 388-96-775; and amending chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Statutory Authority for Adoption: RCW 74.46.800 and 74.09.120.

Pursuant to notice filed as WSR 93-14-078 on June 30, 1993.

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

September 14, 1993

Dewey Brock, Chief
 Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 93-20 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 93-19-075
PERMANENT RULES
LAKE WASHINGTON
TECHNICAL COLLEGE
 [Filed September 14, 1993, 3:30 p.m.]

Date of Adoption: September 8, 1993.

Purpose: To set forth policies governing refund of tuition and special course/program connected fees that comply with revised 484B Title IV Institutional refund policy.

Citation of Existing Rules Affected by this Order: Amending WAC 495D-135-040.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 93-16-093 on August 4, 1993.

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

September 9, 1993

Gary D. Cohn
 Vice-President

AMENDATORY SECTION (Amending WSR 93-01-084, filed 12/15/92, effective 1/15/93)

WAC 495D-135-040 Tuition and special course/program connected fees refund policy. Upon withdrawal from college or reduction in class load and the completion of all applicable fee refund forms, the student may receive a tuition and/or fee refund under the following conditions:

(1) A full refund of general tuition fees, operating fees, special course/program connected fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session, except that a registration cost shall be retained from such fees.

(2) A full refund will be made when courses or programs are cancelled by the college.

(3) An eighty percent refund will be made on or after the first class session and on or prior to the fifth class session of the term, or student's registration period of less than a term, upon withdrawal or termination from a full-time or part-time preparatory occupational course. When a registration is for a first-time student, his or her refund may be calculated on a pro rata basis consistent with applicable federal rules.

(4) A fifty percent refund will be made after the fifth class session and up to the twentieth class session of the term, or student's registration period if less than a term, upon withdrawal or termination from a full-time or part-time preparatory occupational course. When a registration is for a first-time student, his or her refund may be calculated on a pro rata basis consistent with applicable federal rules.

(5) Refunds will be made through the second scheduled class meeting for part-time supplemental occupational courses.

(6) Refund requests must be made in person or in writing. Refund requests may not be made by telephone.

(7) Refund processing procedures shall be established by the president.

(8) Exceptions may be made at the president's discretion for students who withdraw for bona fide medical reasons or when called into the military service.

(9) The college shall charge a registration cost set by the president for refund and transfer processing.

(10) Refunds of less than five dollars will not be made.

(11) Students who have paid fees for equipment or material which have a return/refund value must obtain written verification and approval on an appropriate form from the instructor or staff person who is responsible for the return/refund.

(12) Fees which are nonrefundable and not subject to this policy will be set by the president and identified as such in the quarterly course schedule and/or course announcement.

WSR 93-19-078

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed September 14, 1993, 4:35 p.m., effective October 1, 1993]

Date of Adoption: September 9, 1993.

Purpose: WAC 251-10-060 establishes how layoff lists are administered; WAC 251-10-061 grants the personnel officer additional certification of eligibles; WAC 251-17-090

establishes who is eligible for the examination process; WAC 251-18-180 defines and determines the composition of eligible lists; WAC 251-18-190 states the duration of eligible lists; WAC 251-19-010 outlines provisions for employees returning from layoff; WAC 251-19-060 establishes how trial service periods are administered; and WAC 251-19-100 requires the personnel officer to develop a transfer/lateral movement/voluntary demotion procedure.

Citation of Existing Rules Affected by this Order: WAC 251-10-060 Layoff lists—State-wide; 251-17-090 Examination—Eligibility; 251-18-180 Eligible lists—Definition—Composition; 251-18-190 Eligible lists—Duration; 251-19-010 Returning employee provisions—Layoff; 251-19-060 Trial service period; and 251-19-100 Transfer—Lateral movement—Voluntary demotion.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 93-16-095 on August 4, 1993.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date of October 1, 1993, is necessary for these rules in order to provide continuous enhanced layoff rights to individuals encountering layoff. The rules were adopted on June 3, 1993, on an emergency basis by the Higher Education Personnel Board with the subsequent filing on June 4, 1993. Therefore, the emergency rules are effective for 120 days and will expire on October 1, 1993. In order for the rules to be effective without any delay between the expiration of the emergency rules and the effective date of the permanent rules, the October 1, 1993, effective date is required. It is imperative that the rules be in place without interruption so that higher education institutions' personnel officers can continue to provide enhanced access to individuals facing layoff.

Effective Date of Rule: October 1, 1993.

September 14, 1993

Dennis Karras

Secretary

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. ~~((Termination during))~~ 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. Failure to satisfactorily complete 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.

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 eligibles 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 personnel 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 underutilized groups to all eligible lists, except layoff lists, at 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.

However, persons covered in (a) and (b) of this subsection meet 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) 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.

Persons appointed under (b) of this subsection 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.

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(~~(-)~~) or intersystem employee list(~~(- 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 eligibles shall be notified of the cancellation.

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) of this section 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))~~ (5)(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.

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) of this section.

(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 93-19-079
PERMANENT RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed September 15, 1993, 8:35 a.m.]

Date of Adoption: September 9, 1993.

Purpose: To adopt permanent rules for the administration of project even start (formerly administered by the Superintendent of Public Instruction's Office (SPI)).

Citation of Existing Rules Affected by this Order: Superintendent of Public Instruction will repeal chapter 392-315 WAC after we adopt permanent rules, chapter 131-47 WAC, Project even start.

Statutory Authority for Adoption: Chapters 28A.610 and 28B.50 RCW.

Other Authority: RCW 28B.50.915.

Pursuant to notice filed as WSR 93-14-052 on June 30, 1993.

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

September 15, 1993

Claire C. Krueger

Executive Assistant

Agency Rules Coordinator

Chapter 131-47 WAC
PROJECT EVEN START

NEW SECTION

WAC 131-47-010 Authority. The authority for this chapter is chapter 28A.610 RCW which authorizes the state board for community and technical colleges to promulgate rules for the establishment and administration of project even start.

NEW SECTION

WAC 131-47-015 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of project even start, including the establishment of eligibility criteria for the award of grants to eligible grantees.

NEW SECTION

WAC 131-47-020 Public policy goals of project even start. The public policy goals of project even start are to:

(1) Recognize that parents can be the most effective teachers for their children.

(2) Provide illiterate or semiliterate parents with opportunities to acquire basic skills and child development knowledge that will enhance their ability to assist and support their children in the learning process.

(3) Enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contributes to enhanced academic performance.

NEW SECTION

WAC 131-47-025 Project even start—Definition. As used in this chapter, the term "project even start" means a program primarily designed to provide illiterate or semiliterate parents with basic skills instruction and which may include instruction in child development knowledge and other eligible program components as provided in WAC 392-315-030.

NEW SECTION

WAC 131-47-030 Child development knowledge—Definition. As used in this chapter, the term "child development knowledge" means information about characteristics of child growth, including differences in development, and the role of child-parent interaction in supporting the developmental process.

NEW SECTION

WAC 131-47-035 Other eligible program components—Definition. As used in this chapter, the term "other eligible program components" means one or more of the following:

(1) Transportation.

(2) Child care.

(3) Other activities and/or resources determined by the state board for community and technical colleges to be directly necessary activities to accomplish the purpose of project even start.

NEW SECTION

WAC 131-47-040 Eligible grantee—Definition. As used in this chapter, the term "eligible grantee" means any public agency or private nonsectarian program or organization.

NEW SECTION

WAC 131-47-045 Eligible parents—Definition. As used in this chapter, the term "eligible parents" means one or more parents, which may be a biological or foster parent, a guardian, or a person with whom a child resides, and who meets the following two part test:

(1) Is illiterate or semiliterate, i.e., has less than an eighth grade ability in one or more basic skill areas: Provided, That in the case of parents whose primary language is other than English, eighth grade ability shall be determined on the basis of performing basic skill activities in their native language.

(2) Has a child enrolled in one of the following programs:

- (a) State early childhood education and assistance program.
- (b) Federal head start program.
- (c) State or federally funded elementary school—i.e., grades K-8—basic skills program serving students who have scored below the national average of the basic skill areas of reading, language arts, or mathematics.
- (d) A cooperative nursery—e.g., preschool or day care—at a community or technical college.
- (e) A bilingual education/ESL program which includes children who are eligible for programs listed in (a) through (d) of this subsection.
- (f) A program that serves children with special needs who are eligible for programs listed in (a) through (d) of this subsection.

NEW SECTION

WAC 131-47-050 Basic skills—Definition. As used in this chapter, the term "basic skills" means reading, language arts, and mathematics, including the readiness skills associated with such skills.

NEW SECTION

WAC 131-47-055 Standardized test—Definition. As used in this chapter, the term "standardized test" means any recognized test of adult basic skills and/or ESL that has received the prior approval of the state board for community and technical colleges.

NEW SECTION

WAC 131-47-060 Transportation—Definition. As used in this chapter, the term "transportation" means transport of the eligible parents or children thereof provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to the allowances provided in WAC 392-141-190(2).

NEW SECTION

WAC 131-47-065 Child care—Definition. As used in this chapter, the term "child care" means adult supervision of children of eligible parents provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to a written contract either with the provider of the day care or with the eligible parent.

NEW SECTION

WAC 131-47-070 Directly necessary activities—Definition. As used in this chapter, the term "directly necessary activities" means reasonable services and activities that are needed to remove barriers that inhibit participation of eligible parents in the even start project.

NEW SECTION

WAC 131-47-075 Indirect expenditures—Definition. As used in this chapter, "indirect expenditures" means those expenditures for administration of the organization as well as support service, fiscal support, and maintenance of facilities.

NEW SECTION

WAC 131-47-080 Assurance of nonsupplanting—Program standard. No application for an even start project grant shall be approved by the state board for community and technical colleges unless the authorized agent of the eligible grantee provides assurance to the state board for community and technical colleges of compliance with RCW 28A.610.030(4)—i.e., "State funds . . . shall be used solely to expand and complement, but not supplant, federal funds for adult literary programs."

NEW SECTION

WAC 131-47-085 Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard. No application for an even start project grant shall be approved by the state board for community and technical colleges unless the authorized agent of the eligible grantee agrees to assist eligible parents in any reporting requirement of the department of social and health services related to compliance with RCW 28A.610.030(3)—i.e., "fulfillment of . . . work and training obligation for the receipt of public assistance."

NEW SECTION

WAC 131-47-090 Assurance to submit annual evaluation report to the state board for community and technical colleges. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee agrees to submit to the state board for community and technical colleges on a date established by the state board for community and technical colleges an annual evaluation report which shall contain the following:

- (1) Progress made by adult enrolled as evidence by:
 - (a) Grade equivalent or standardized test scores by basic skills at beginning and end of enrollment in even start programs.
 - (b) Total number of instructional hours offered.
 - (c) Total number of instructional hours actually received by participants.
- (2) Effect of parents' participation in even start on children of enrollees as evidenced by:
 - (a) Preinterviews and post interviews of parents; and/or
 - (b) Other independent verifications of the parent's effect on the child's education.
- (3) Summary impressions on the most effective methods and materials for serving specific populations.
- (4) Observations regarding the effect of support services on program participation.
- (5) Recommendations for program improvements.
- (6) Estimated need for even start programs in service area versus number of participants enrolled.
- (7) Such additional information as the state board for community and technical colleges shall request related to the effectiveness of the funded project even start.

NEW SECTION

WAC 131-47-095 Reporting requirements. Successful applicants for project even start will be required to report fiscal, program, and client data to state board for community and technical colleges upon request.

At a minimum, applicants are required to ensure that:

(1) Financial systems allow for effective control and accountability for all program funds, property, and other assets, including use for authorized purposes only.

(2) Accounting systems will meet and comply with generally accepted accounting principles. Transactions will be supported by source documentation which identifies the source and use of the contract funds.

(3) The agency records management system provides for systematic accumulation; filing; retention of appropriate records; all contract documentation of accountability and an inventory of nonexpendable items. Included are vouchers; receipts; materials and equipment cost; facilities usage; and, general indirect costs.

(4) Program and client data are available at a minimum on a quarterly basis. Monthly attendance records are kept on all participants.

NEW SECTION

WAC 131-47-100 Request for even start project grants to the state board for community and technical colleges. Any eligible grantee may submit a request to the state board for community and technical colleges for an even start project grant. Such request must be reviewed and approved by the governing board of the requesting public or private agency and shall include the assurances required by WAC 392-315-075, 392-315-080, and 392-315-085.

NEW SECTION

WAC 131-47-105 Assurance of cooperation with state auditor. No application for an even start project grant shall be approved by the state board for community and technical colleges unless the authorized agent or eligible grantee agrees to provide written assurance that an audit will be permitted if deemed appropriate by the state auditor.

NEW SECTION

WAC 131-47-110 Assurance of service to targeted groups. No application for an even start project grant shall be approved by the state board of community and technical colleges unless the authorized agent or eligible grantee agrees to provide written assurance that even start programs will serve one or more of the following groups:

- (1) Single heads of household.
- (2) Parents of early childhood education assistance program (ECEAP) participants.
- (3) Parents of federal head start program participants.
- (4) Public assistance recipients.
- (5) Ethnic minorities.
- (6) Limited English-proficient parents who are below the eighth grade literacy level in their own language.
- (7) Parents of children with special needs.

NEW SECTION

WAC 131-47-115 Priority groups. Programs funded under project even start shall give priority to serving parents with children who have not yet enrolled in kindergarten or are in grades kindergarten through three.

NEW SECTION

WAC 131-47-120 Date of receipt of even start project proposals. In order to be considered for possible funding, an even start project proposal must be received in the office of the state board for community and technical colleges by 5:00 p.m. of the date set forth in the bulletin of the state board for community and technical colleges requesting the submission of even start project proposals.

NEW SECTION

WAC 131-47-125 Even start advisory committee. An advisory committee composed of at least one representative from among the following agencies/groups shall make recommendations to the state board for community and technical colleges regarding the implementation and operation of project even start and the proposal selection process:

Office of superintendent of public instruction, department of social and health services, department of community development, community-based agencies, adult basic education directors, local literacy councils, parent-education specialists, state university colleges of education, common school districts, education service districts, ethnic minority commissions, a local board of education, a business or industry with a commitment to education, and professional organizations devoted to early childhood education, reading instruction, and English as a second language (ESL) instruction, and department of social and health services or common school programs serving children with special needs in grades P-3. A selection committee approved by the advisory committee shall evaluate the proposals submitted under project even start. Members of the selection committee will not be from commissions, agencies, organizations, or schools which have submitted proposals, and, must not personally benefit from the outcome of the selection process.

NEW SECTION

WAC 131-47-130 Duties of even start advisory committee. The even start advisory committee shall select subcommittees of not more than seven members of the committee, or individuals approved by the committee to:

(1) Evaluate requests for proposals and make recommendations for funding to the state board for community and technical colleges, including the need for the state board for community and technical colleges to negotiate the terms, conditions, or funding of any grant proposal. Members of the selection subcommittee will not be from commissions, agencies, organizations, or schools which have submitted even start proposals and must not personally benefit from the outcome of the selection process.

(2) Make recommendations to the state board for community and technical colleges on the administration and operation of project even start, including the need to change any statute or rule affecting project even start.

(3) Develop the bylaws that govern the activities of the advisory committee.

NEW SECTION

WAC 131-47-135 Priority projects. In accordance with RCW 28A.610.040, "before developing and funding new adult literacy programs to carry out the purposes of project even start.", the state board for community and technical colleges shall fund the existing adult literacy programs and parent related programs which meet the conditions established in this chapter and are offered by the following agencies:

- (1) Common schools.
- (2) Community and technical colleges.
- (3) Community-based, nonprofit organizations.

NEW SECTION

WAC 131-47-140 Coordination of programs. Even start programs shall coordinate their services with programs that enroll the participants' children. Such coordination is essential for several reasons:

(1) Parent participation opportunities in the children's programs enable parents to become involved in their children's learning and development.

(2) Resources available to children and parents through state funded early childhood education and assistance programs and federally funded head start programs and other programs serving at risk children complement those available to parents through even start.

(3) The support network of parents and instructional personnel offered through the children's programs will complement, extend, and continue the parent education component beyond participants' period of active involvement in the even start program.

NEW SECTION

WAC 131-47-145 Evaluation criteria for project even start. Proposals for even start funds shall be evaluated according to the following criteria:

(1) The applicant's likely success in meeting the goals of this program;

(2) The need for literacy, basic skills, and child development instruction for illiterate and semiliterate parents of young children in the geographical area served by the applicant. All proposals must contain data which identify the estimated number of males and females to be served, the estimate of limited English-speaking adults and ethnic minorities to be enrolled, the number of anticipated public assistance recipients to be served, and the number of anticipated percentage of participants with children enrolled in early childhood education and assistance programs (ECEAP) and head start programs;

(3) The applicant's ability to design a unique program of instruction for parents which integrates instruction in literacy, basic skills, and child development knowledge;

(4) The linkages between the applicant's program and the instructional programs serving the children of the parents being served: Head start programs, early childhood education assistance program (ECEAP), state or federally funded elementary school basic skills programs serving students who

have scored below the national average on basic skills tests, and cooperative preschools at community or technical colleges;

(5) The applicant's plan for evaluating the effect of the program on both the parent participants and their preschool or school aged children;

(6) The cost-effectiveness of the program; and the reasonableness of the budget;

(7) The applicant's administrative capability; and

(8) The applicant's ability to cooperate and coordinate between a variety of relevant service providers in all phases of the program and the ability and willingness to leverage other resources to support the participants and the program.

NEW SECTION

WAC 131-47-150 Performance standards for project even start. Programs proposed under project even start shall:

(1) Reflect instructional methods, staffing patterns, curricula, and utilization of resources which reflect current research in adult learning theory, first and second language literacy acquisition, the role of parents in the child's acquisition of language, and effective parenting skills;

(2) Be sensitive to the social, cultural, and ethnic differences of the participants, and shall respond to those differences in the program design;

(3) Offer adult services at least ten hours per week for a minimum of ten weeks and for at least thirty weeks within a fifty-two week period.

NEW SECTION

WAC 131-47-155 Administrative expenditures. Administration expenditures (i.e., direct and indirect) for programs funded under project even start may not exceed ten percent of the total grant awarded.

NEW SECTION

WAC 131-47-160 Liability insurance. The state board for community and technical colleges assumes no liability with respect to bodily injury, illness, accident, theft, or any other damages or losses concerning persons or property, or involving the applicant's equipment or vehicles. Successful applicants who are nonpublic entities shall have the responsibility of providing adequate insurance coverage to protect against legal liability arising out of activities.

NEW SECTION

WAC 131-47-165 Bonding. Every officer, director, or employee of a nonpublic entity who is authorized to act on behalf of the applicant or any subcontractor for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks, or other instruments of payment for program costs will be bonded to provide protection against loss.

WSR 93-19-081
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Order 5014—Filed September 15, 1993, 9:00 a.m.]

Date of Adoption: September 15, 1993.

Purpose: Marking of apiaries will enhance communication within the agricultural community by making it easier to contact the owner of an apiary.

Citation of Existing Rules Affected by this Order: Amending WAC 16-602-040.

Statutory Authority for Adoption: Chapter 15.60 RCW.

Pursuant to notice filed as WSR 93-15-100 on July 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: As requested at the hearing, language was added to allow usage of first and middle initial and last name, or full name when marking hives.

Effective Date of Rule: Thirty-one days after filing.
 September 15, 1993

John King
 Acting Director

NEW SECTION

WAC 16-602-040 Apiary marking. Each person owning or having bees in their possession shall identify their apiary(ies) by placing a sign so it is visible to passersby. Sign lettering shall be a minimum of two inches in height and shall include the name (first and middle initial, and last name may be used), assigned apiarist identification number and telephone number. The lettering shall be in a color which contrasts with the color of the sign. Signs shall be placed as to make them conspicuous to anyone approaching the apiary location.

In lieu of signs, the apiary(ies) may be identified by displaying the assigned apiarist identification number and telephone number in at least two-inch characters on the side and top of some hives in each apiary. The lettering shall be in a color contrasting with the hive color, and shall be conspicuous to anyone approaching the apiary location.

Apiaries located at the bee keeper's residence are exempt from these marking requirements.

WSR 93-19-082
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Order 5006—Filed September 15, 1993, 9:03 a.m.]

Date of Adoption: September 15, 1993.

Purpose: To change current WAC 16-602-020 Apiary inspection fees, to make the rule reflect the current costs of conducting inspections.

Citation of Existing Rules Affected by this Order: Amending WAC 16-602-020.

Statutory Authority for Adoption: Chapter 15.60 RCW.

Pursuant to notice filed as WSR 93-15-099 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 15, 1993

John King
 Acting Director

AMENDATORY SECTION (Amending Order 1967, filed 3/7/88)

WAC 16-602-020 Apiary inspection fees. Fees for inspection of honeybees are as follows:

(1) Certification of honeybees for out-of-state movement - ~~(\$18.00)~~ \$28.00 per hour.

(2) Colony strength inspection - ~~(\$18.00)~~ \$28.00 per hour.

(3) All other inspections or services requested by persons or those performed by the department as required by chapter 15.60 RCW - ~~(\$18.00)~~ \$28.00 per hour.

(4) For all inspection services performed after 5:00 p.m. or on Saturdays, or Sundays, or state legal holidays, an hourly rate ~~((equivalent))~~ of ~~(\$27.00)~~ \$42.00 per hour for actual hours spent in performance of duties shall be charged by the department. For purposes of this section, state legal holidays are those set forth in RCW 1.16.050.

(5) ~~((The following state legal holidays will be observed: New Year's Day, Veterans Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, President's Day, and Martin Luther King, Jr.'s Birthday.))~~ No service will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m. on the previous day.

(6) ~~((Mileage.))~~ Mileage and per diem shall be charged at the rate established by the state office of financial management.

WSR 93-19-083
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3630A—Filed September 15, 1993, 9:59 a.m.]

Date of Adoption: September 8, 1993.

Purpose: This corrects the omission of the second page to WAC 388-83-130 which was revised to meet the intent of the Sneede vs. Kizer 9th Circuit Court decision.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-130 Eligibility—Special situations.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Sneede vs. Kizer 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH.

Pursuant to notice filed as WSR 93-16-054 on July 29, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 15, 1993
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3516, filed 2/24/93, effective 3/27/93)

WAC 388-83-130 Eligibility—Special situations. (1) ~~((In determining eligibility for medical services, the department shall:~~

~~(a) Consider parent's income available whether or not actually contributed, when determining;~~

~~(i) Eligibility of a non SSI related person under nineteen years of age residing in the same family unit with parents; or~~

~~(ii) SSI related eligibility of a person under eighteen years of age residing in the same family unit with parents.~~

~~(b) In determining a pregnant minor's medical eligibility, the department shall:~~

~~(i) Not consider the income of her natural, adoptive or stepparents unless the income is actually contributed; and~~

~~(ii) Consider a pregnant minor as living on her own.~~

~~(2)) The department shall not allow the AFDC earned income exemption of thirty dollars plus one-third of remainder to a client((s)):~~

~~(a) Applying solely for medical assistance, except for ((families)) a family applying for medical assistance who received AFDC or FIP cash assistance in any of the four preceding months; and~~

~~(b) After the client receives the thirty dollars plus one-third income disregard for a maximum of four consecutive months. A client is not eligible for the disregard until the client does not receive AFDC or FIP cash assistance for twelve consecutive months.~~

~~((3) For family units determined ineligible for AFDC or FIP cash assistance solely due to the requirements of WAC 388-24-050 or 388-77-210 that certain siblings be included in the assistance unit, at the applicant's option, such individuals and their income may be excluded from the assistance unit when determining eligibility of the remaining assistance unit members for categorically needy medical assistance.~~

~~(4) For family units determined ineligible for AFDC or FIP financial assistance solely due to the requirements of WAC 388-28-500(4) or 388-77-285 that income of the nonapplying parents of a minor parent be considered available to the assistance unit of the minor parent and such minor's child or children, such income shall be disregarded when determining eligibility of such minor's child or children.~~

~~(5)) (2) The department shall consider an AFDC ((and FIP children sixteen and seventeen years of age,)) client terminated from cash assistance((s)) as eligible for Medicaid ((on the same basis as dependent children)) when termination was solely due to the AFDC client:~~

~~(a) ((AFDC or FIP children)) Ceasing to attend school; or~~

~~(b) ((AFDC children)) Refusing to participate in the Job Opportunities and Basic Skills Training (JOBS) program.~~

~~((6) The department shall consider a person eligible for Medicaid when the person is denied AFDC or FIP cash assistance solely because:~~

~~(a) Of income and resources deemed available from the following person who is not a member of the AFDC or FIP unit, unless actually available to the assistance unit:~~

~~(i) Stepparent who is not legally liable for support of stepchildren;~~

~~(ii) Grandparent;~~

~~(iii) Legal guardian who is not a parent;~~

~~(iv) Alien sponsor; or~~

~~(v) Sibling.~~

~~(b) Of counting a sibling's income or resources or both to determine AFDC or FIP cash assistance when the sibling is residing in the same residence, unless the sibling actually~~

~~contributes or makes available the income or resources or both to the AFDC or FIP assistance unit; and~~

~~(c) After July 1, 1989, a member of the family transferred a resource without receiving adequate compensation))~~

~~(3) The department shall not consider the transfer of a resource when determining Medicaid eligibility for a person who is not institutionalized. If the ((family member)) client is institutionalized, refer to chapter 388-95 WAC.~~

~~((7) The department shall consider a person eligible for Medicaid when the person is denied SSI cash assistance solely because of income and resources deemed available from an alien sponsor.))~~

WSR 93-19-090

PERMANENT RULES

GAMBLING COMMISSION

[Order 244—Filed September 15, 1993, 4:22 p.m.]

Date of Adoption: September 10, 1993.

Purpose: WAC 230-04-135, Class A charitable/nonprofit or commercial amusement game licensees would allow Class B and above licensees to operate amusement games at their business premises. Added subsections (k) of WAC 230-40-138, grocery stores, (l), bona fide charitable/nonprofit organizations, and (vi), grocery stores, to subsection (3)(b); WAC 230-04-138, adds subsection (1), bona fide charitable/nonprofit organizations to subsections (1) and (5). Adds subsection (k), grocery stores, to subsection (5). Deletes contractual requirements from subsection (5); WAC 230-08-060, includes that records shall be maintained for a period of not less than three years. A provision was added to subsection (1) that a summary of the operation of the activity, which includes at least coin-in meter readings and gross gambling receipts shall be provided to charitable/nonprofit organizations each time a game is serviced and/or moneys removed; WAC 230-12-020, adds requirement that funds be deposited in gambling receipts account within two banking days; WAC 230-20-670, change the title to "Commercial amusement games— Operating restrictions." Class B or above commercial amusement game licensees locating and operating amusement games at premises not owned, leased, or otherwise controlled by them, as authorized by WAC 230-04-138(5) was added to the first paragraph. Subsection (2) was amended to add charitable nonprofit organization licensed to operate amusement games and the contractual requirements for the operation of amusement games. Subsection (3) was amended to add the rent or consideration paid to a Class A commercial amusement game location may be based on a percentage of revenue generated by the activity. Subsection (4) was added for the rent or consideration paid to charitable nonprofit organization shall not be based on a percentage of revenue generated by the activity unless the amount returned to the organization is equal to or exceeds 22% of the gross gambling receipts; and WAC 230-04-201, allows a charitable or nonprofit organization to enter into a contract with Class B or above commercial amusement game licensee to locate and operate amusement games on their premises.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-135, 230-04-138, 230-04-201, 230-08-060, 230-12-020, and 230-20-670.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 93-15-042 on July 14, 1993; and 93-16-052 on July 28, 1993.

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

September 15, 1993

Shanna Lingel

Rules Coordinator

AMENDATORY SECTION (Amending Order 228, filed 10/15/91, effective 11/15/91)

WAC 230-04-135 Commercial amusement games—
License required. ~~((1))~~ Prior to operating, renting, leasing, or otherwise sharing in the proceeds of amusement games operated at any location, commercial amusement game operators shall first obtain a license from the commission. The following requirements apply to commercial amusement game operators:

~~((a))~~ (1) Class A commercial amusement game licensees may ~~(operate amusement games at a single permanent location or)~~ allow a Class B and above licensee to operate amusement games at their business premises.

~~((b))~~ (2) Class B and above commercial amusement game licensees may locate and operate amusement game at any location authorized by WAC 230-04-138 or rent, lease, or sell amusement devices or amusement game equipment on a time basis to any licensed amusement game operator.

~~((2))~~ (3) In addition to the requirements for certification as set out in WAC 230-04-020 and all other sections of this title, applicants must provide the following additional information for each operating locations:

(a) All locations:

(i) A list of all locations and time and dates at which the activity will be operated;

(ii) When operated at a location not owned, rented, or leased by the applicant, written permission from the person, organization, county, city or town, or an authorized agent thereof, to locate and operate amusement games at that location;

(iii) A personal information form for all "adult supervisors," as required by WAC 230-20-680(2); ~~(and)~~

(iv) A copy of any rental/lease agreement which allows operation of commercial amusement games at any location not owned or otherwise controlled by a licensee. The document must disclose full details of the rental/lease agreement, including any revenue sharing provisions, all costs to be shared, and any restrictions regarding the number of amusement games to be operated~~((-))~~; and

(v) Copies of any contract related to rental, lease, or purchase agreement of amusement game equipment.

(b) Permanent locations. In addition to the information required by ~~((subsection (2)))~~(a) ~~((above))~~ of this subsection, all applicants requesting to operate amusement games at locations authorized by WAC 230-04-138 (1)(f), (g), (h), (i), ~~((e))~~ (j), (k), or (l) must provide details necessary to determine qualification of the location for operation of the activity and include the following minimum details:

(i) Amusement parks, as authorized by WAC 230-04-138 (1)(f): The number of mechanical or aquatic rides, theatrical productions, motion pictures, and slide show presentations available for the public;

(ii) Regional shopping center, as authorized by WAC 230-04-138 (1)(g): The size of the shopping center, in gross square feet not including parking areas~~((-))~~;

(iii) Taverns and restaurant with cocktail lounges, as authorized by WAC 230-04-138 (1)(h): Washington state liquor control board license number and expiration date, and a statement of whether minors are prohibited from all portions of the premises;

(iv) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers, as authorized by WAC 230-04-138 (1)(i): A complete description of the business activities conducted; and if an amusement center, the number of amusement devices and income derived from such devices and all other business activities conducted by the licensee during the last ~~((12))~~ twelve months; ~~((and))~~

(v) Family entertainment restaurants, as authorized by WAC 230-04-138 (1)(j): The number of amusement devices, theatrical productions, mechanical rides, motion pictures, and slide show presentation available for customers on a daily basis; and the amount of gross income generated from the entire business and that portion of gross income generated from food service for on-premises consumption; and

(vi) Grocery stores as authorized by WAC 230-04-138 (1)(k): The type of retail products sold and size of the store premises, in gross square feet not including parking areas.

(c) Limited duration locations. In addition to the information required by ~~((subsection (2)))~~(a) ~~((above))~~ of this subsection, all applicants requesting to operate commercial amusement games must receive written permission from the sponsor of any activity authorized by WAC 230-04-138 ~~((sub-section))~~ (1)(a), (d), or (e) and submit an itinerary that includes planned operating dates for all locations at which the applicant plans operations during the year. This itinerary must be updated any time the dates of operation change.

AMENDATORY SECTION (Amending WSR 93-01-013, filed 12/4/92, effective 1/4/93)

WAC 230-04-138 Commercial amusement games—
Authorized locations. (1) Amusement games may only be conducted by commercial amusement game licensees when operated as a part of, and/or upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than ~~((17))~~ seventeen consecutive days by any licensee during any calendar year; or

(f) An amusement park. An amusement park is a group of activities, at a permanent location, to which people go to be entertained through a combination of various mechanical or aquatic rides, theatrical productions, motion picture and/or slide show presentation with food and drink service. The amusement park must include at least five different mechanical or aquatic rides, three additional activities and the gross receipts must be primarily from these amusement activities; or

(g) Within a regional shopping center. A regional shopping center is a shopping center developed and operated for retail sales and service by retail sales and service operators and consisting of more than six hundred thousand gross square feet not including parking areas. Amusement games conducted as a part of, and upon the site of, a regional shopping center shall not be subject to the prohibition on leases of premises based on a percentage of gambling receipts set forth in RCW 9.46.120; or

(h) Any location that possesses a valid license from the Washington state liquor control board and prohibits minors on their premises; or

(i) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of ~~((+))~~ ten or more amusement devices; or

(j) Any business whose primary activity is to provide food service for on premises consumption and who offers family entertainment which includes at least three of the following activities: Amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations; or

(k) Within a grocery store. A grocery store is any retail store selling a line of dry grocery, canned goods, or nonfood items plus some perishable items consisting of more than twelve thousand gross square feet not including the parking areas; or

(l) Any premise controlled and operated by a bona fide charitable/nonprofit organization that it currently licensed to operate punchboards and pull tabs and/or bingo if the rent or other consideration paid to the charitable/nonprofit organization is equal to or greater than twenty-two percent of the gross gambling receipts of the activity.

(2) No amusement games may be conducted in any location except in conformance with local zoning, fire, health, and similar regulations.

(3) No amusement games may be conducted in any location(s) without first having obtained written permission to do so from the person or organization owning the premises or property where the activity will be operated. If the games are conducted as a part of or in conjunction with any of the activities set out in subsection~~((s))~~ (1)(a), (b), (c), (d), or (e) of this section, written permission must be obtained from the person or organization sponsoring the activity.

(4) All rental agreements relating to use of a premises or site to conduct amusement games must be submitted to the commission as a part of the application.

(5) Any operator licensed to conduct Class B or above amusement games may enter into a contract with the business owner of any of the locations set out in subsection~~((s))~~ (1)(f), (g), (h), (i), ~~((or))~~ (j) ~~((above))~~, (k), or with

charitable/nonprofit organizations set out in subsection (l) of this section to locate and operate amusement games upon their premises if ~~((the business is))~~ they are licensed to conduct amusement games. All such contracts must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party. ~~((All contracts regarding the operation of amusement games must be on file with the commission prior to location and operation of the activity. Violations of terms of the contract by an amusement game operator may be grounds for suspension or revocation of their license.))~~

AMENDATORY SECTION (Amending Order 233, filed 10/19/92, effective 11/19/92)

WAC 230-04-201 Fees. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES	(Fee based on annual gross receipts)	
* Class A	((Up to \$ 5,000)) Premises only	\$ 50
Class B	((Up to \$ 15,000 150)) Up to \$ 10,000	50
Class C	Up to \$ 25,000	250
Class D	Up to \$ 50,000	400
Class E	over \$ 50,000	700
<i>*Allows a charitable or nonprofit organization to enter into a contract with Class B or above commercial amusement game licensee to locate and operate amusement games on their premises.</i>		
2. BINGO GROUP	CLASS (Fee based on annual gross gambling receipts)	
I	Class A Up to \$15,000	\$ 50
	Class B \$ 15,001 to 50,000	150
	Class C \$ 50,001 to 100,000	300
	Class D \$ 100,001 to 300,000	800
	Class E \$ 300,001 to 500,000	1,350
	Class F \$ 500,001 to 1,000,000	2,700
II	Class G \$1,000,001 to 1,500,000	3,900
	Class H \$1,500,001 to 2,000,000	5,200
	Class I \$2,000,001 to 2,500,000	6,500
	Class J \$2,500,001 to 3,000,000	7,800
III	Class K \$3,000,001 to 3,500,000	8,750
	Class L \$3,500,001 to 4,000,000	10,000
	Class M Over \$4,000,000	11,250
3. BINGO GAME MANAGER	Original	\$ 150
	Renewal	75
4. CARD GAMES		
Class A	General (fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinocle, and/or cribbage - (fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (no fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25

PERMANENT

PERMANENT

5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-04-290) (See WAC 230-30-016)	25

6. FUND RAISING EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300
Class B	One event not more than 72 consec. hrs.	500
Class C	Additional participant in joint event (not lead organization)	150
Class D	Fund Raising Event Equipment Distrib- utor - Rents or leases, equipment for fund raising event or recreational gam- ing activity more than 4 times per year.	200
Class E	Fund Raising Event Equipment Distrib- utor - Rents or leases equipment for fund raising event or recreational gam- ing activity more than 10 times per year.	500

NOTE: Charitable and nonprofit organizations licensed to conduct fund raising events may rent equipment up to four occasions without getting licensed as a distributor.

7. PERMITS	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25
	Recreational gaming activity permit (RGA) (see WAC 230-25- 330 and 230-02-505)	50

8. PUNCHBOARDS/ (Fee based on annual gross PULL TABS gambling receipts) (One time variance)		
Class A	Up to \$ 50,000	\$ 5,000 \$ 475
Class B	Up to \$ 100,000	\$ 5,000 850
Class C	Up to \$ 200,000	\$ 10,000 1,600
Class D	Up to \$ 300,000	\$ 10,000 2,325
Class E	Up to \$ 400,000	\$ 10,000 3,000
Class F	Up to \$ 500,000	\$ 10,000 3,625
Class G	Up to \$ 600,000	\$ 10,000 4,200
Class H	Up to \$ 700,000	\$ 10,000 4,725
Class I	Up to \$ 800,000	\$ 10,000 5,200
Class J	Up to \$ 1,000,000	\$ 20,000 5,900
Class K	Up to \$ 1,250,000	\$ 25,000 6,550
Class L	Up to \$ 1,500,000	\$ 25,000 7,150
Class M	Up to \$ 1,750,000	\$ 25,000 7,650
Class N	Up to \$ 2,000,000	\$ 25,000 8,100
Class O	Over \$ 2,000,000	Nonapplicable 8,900

A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.

9. RAFFLES	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 10,000	150
Class C	Up to \$ 25,000	300
Class D	Up to \$ 50,000	500
Class E	Up to \$ 75,000	800
Class F	Over \$ 75,000	1,200

10. SEPARATE PREMISES		
BINGO	Occasion (see WAC 230-04-300)	\$ 25

11. SPECIAL FEES		
INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030)	As required As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a pres- ent or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required

12. SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The sec- ond half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six- month period: Provided, That partici- pants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25
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Table 2. (For commercial stimulant/profit seeking organizations)

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pi- nochle, mah-jongg, and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners - see WAC 230- 04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK	(See WAC 230-04-340(1))	50

REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	25	
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50	
3. DISTRIBUTOR (Fee based on annual gross sales of gambling related supplies and equipment)			
(a) Class A	Nonpunchboard/pull tab only	\$ 500	
Class B	Up to \$250,000	\$ 1,000	
Class C	\$250,001 to \$500,000	\$ 1,500	
Class D	\$500,001 to \$1,000,000	\$ 2,000	
Class E	\$1,000,001 to \$2,500,000	\$ 2,600	
Class F	Over \$2,500,000	\$ 3,200	
In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.			
(b) Fund Raising Event Equipment Distributor			
Class A	Rents or leases equipment for fund raising event or recreational gaming activity up to ten times per year.	\$ 200	
		\$ 500	
Class B	Rents or leases equipment for fund raising event or recreational gaming activity more than ten times per year.		
4. DISTRIBUTOR'S REPRESENTATIVE			
	Original	\$ 200	
	Renewal	125	
5. MANUFACTURER (Fee based on annual gross sales of gambling related supplies and equipment)			
Class A	Machines only	\$ 500	
Class B	Up to \$250,000	\$ 1,000	
Class C	\$250,001 to \$500,000	\$ 1,500	
Class D	\$500,001 to \$1,000,000	\$ 2,000	
Class E	\$1,000,001 to \$2,500,000	\$ 2,600	
Class F	Over \$2,500,000	\$ 3,200	
In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.			
6. MANUFACTURER'S REPRESENTATIVE			
	Original	\$ 200	
	Renewal	125	
7. PERMITS			
Class A	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25	
Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	150	
8. PUBLIC CARD ROOM EMPLOYEE			
	Original	\$ 150	
	Renewal	75	
9. PUNCHBOARDS/ PULL TABS (Fee based on annual gross gambling receipts) (One time variance)			
Class A	Up to \$ 50,000	\$ 5,000	\$ 475
Class B	Up to \$ 100,000	\$ 5,000	850
Class C	Up to \$ 200,000	\$ 10,000	1,600
Class D	Up to \$ 300,000	\$ 10,000	2,325
Class E	Up to \$ 400,000	\$ 10,000	3,000
Class F	Up to \$ 500,000	\$ 10,000	3,625
Class G	Up to \$ 600,000	\$ 10,000	4,200
Class H	Up to \$ 700,000	\$ 10,000	4,725
Class I	Up to \$ 800,000	\$ 10,000	5,200
Class J	Up to \$ 1,000,000	\$ 20,000	5,900
Class K	Up to \$ 1,250,000	\$ 25,000	6,550

Class L	Up to \$ 1,500,000	\$ 25,000	7,150
Class M	Up to \$ 1,750,000	\$ 25,000	7,650
Class N	Up to \$ 2,000,000	\$ 25,000	8,100
Class O	Over \$ 2,000,000	Nonapplicable	8,900

A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.

10. SPECIAL FEES			
INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240)	As required	
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required	
In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.			
REVIEW/EVALUATION/ APPROVAL OF AMUSEMENT GAMES OR DEVICES	(See WAC 230-20-605)		\$100

11. COMMERCIAL AMUSEMENT GAMES			
* Class A	Premises only	** \$250/100	
Class B	Up to \$ 50,000	\$ 350	
Class C	Up to \$ 100,000	900	
Class D	Up to \$ 250,000	2,000	
Class E	Up to \$ 500,000	3,500	
Class F	Up to \$ 1,000,000	6,000	
Class G	Over \$ 1,000,000	7,500	

* Allows the owner of a business operated at any location qualified under WAC 230-04-138 ~~((1)(f), (g), (h), (i), or (j))~~ (5) to enter into a contract with a Class B or above commercial amusement game licensee to locate and operate amusement games on their premises.

** Provides for a fee reduction of \$150 when:
 - Renewing an annual license;
 - Applying for an additional license(s); and/or
 - Applying for multiple licenses.

12. SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual	\$25
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gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.

AMENDATORY SECTION (Amending Order 227, filed 9/18/91, effective 10/19/91)

WAC 230-08-060 Commercial amusement game records. Licensees for the operation of commercial amusement games shall be required to prepare a detailed record for each game or concession operated. ~~((This))~~ These records shall be maintained for a period of not less than three years. These records shall be recorded using a prescribed format provided by the commission and shall include the following:

(1) The gross gambling receipts collected from each separate amusement game supported by proper receipting records. The minimum records shall contain an entry for each withdrawal of receipts from a game. For amusement games with coin-in meters the minimum entry will be the coin-in meter reading at the time of each withdrawal of receipts of a game: Provided, That a summary of the operation of the activity, which includes at least coin-in meter readings and gross gambling receipts, shall be provided to charitable/nonprofit organizations each time a game is serviced and/or moneys received;

(2) The number and actual cost of merchandise prizes awarded. The minimum records shall contain an entry of the number and actual cost of prizes each time prizes are added to the inventory of a game or concession and when disbursements are made for prizes;

(3) For amusement games that issue tickets for the redemption of prizes the minimum entry shall be a log of the beginning/ending ticket numbers at the end of the month for each game; and

(4) Full details on all expenses including:

(a) All cash disbursements;

(b) The number and actual cost of all prizes purchased;

(c) All other expenses directly related to the conduct of amusement games; and

(d) All disbursements of receipts to locations authorized by WAC 230-04-138.

~~((These records shall be maintained for a period of not less than three years.))~~

AMENDATORY SECTION (Amending Order 223, filed 6/17/91, effective 7/18/91)

WAC 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations—Exemptions. (1) Every licensed bona fide charitable or nonprofit organization shall keep a separate gambling receipts' account in a recognized Washington state

depository authorized to receive funds, which shall be kept separate and apart and actually segregated from the licensee's general funds: Provided, That if such activities are conducted on the United States' portion of the Point Roberts Peninsula, Washington, the deposit may be made in a British Columbia branch of a Canadian bank. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained. The following conditions of deposit will be met:

(a) No expenditures other than for prizes shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: Provided, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

(i) The total of all such prize funds does not accumulate to exceed ~~((200.00))~~ two hundred dollars;

(ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

(b) All net gambling receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

(c) All net gambling receipts from the operation of card rooms, raffles (Class E and above), and amusement games (Class D and above) shall be deposited in the licensee's gambling receipts account at least once each week;

(d) Funds received from commercial amusement game operators that relate to the operation of amusement games on their premises shall be deposited in the licensee's gambling receipts account no later than the second banking day following receipt;

(e) Net gambling receipts from the operation of each punchboard and pull tab series, including cost recovery for merchandise prizes awarded, shall be deposited in the licensee's gambling receipts account no later than two banking days after a board or series is removed from play. The Washington state identification number assigned to the punchboard or pull tab series and the amount of net gambling receipts shall be recorded on the deposit slip/receipt each time a deposit is made: *Provided*, That licensees may record the Washington state identification stamp numbers and the net gambling receipts on a separate record if the record is identified with the bank validation number and maintained with the deposit slip/receipt; and

~~((e))~~ (f) All deposits of net gambling receipts from each activity shall be made separately from all other deposits, and the validated deposit receipt shall be kept as a part of the records required by Title 230 WAC. Deposit receipts are a part of the applicable daily or monthly records and shall be available for inspection by commission representatives.

(2) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

(a) Raffles under the provisions of RCW 9.46.0315;

(b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.0321;

(c) Class A, B, or C bingo game;

- (d) Class A, B, C, or D raffle; or
- (e) Class A, B or C amusement game.

(3) Bona fide charitable or nonprofit organizations who conduct only fund raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

- (a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;
- (b) All net gambling receipts shall be deposited within two banking days following receipt thereof; and
- (c) The validated deposit receipt shall be kept with the licensee's gambling records.

AMENDATORY SECTION (Amending 93-12-082, filed 5/28/93, effective 7/1/93)

WAC 230-20-670 Commercial amusement games—Operating ((requirements)) restrictions. Class B or above commercial amusement game licensees locating and operating amusement games at premises not owned, leased, or otherwise controlled by them, as authorized by WAC 230-04-138(5) shall comply with the following restrictions:

- (1) Each location where commercial amusement games are operated shall be required to obtain ~~((a-commercial))~~ an amusement game license((-));
- (2) A charitable/nonprofit organization licensed to operate amusement games or any person licensed for Class A (premise only) commercial amusement games may enter into a contract with a Class B or above commercial amusement game licensee to operate amusement games on their premises. ((The)) All contracts regarding the operation of amusement games shall be submitted to the commission and become part of the license file. Violations of the terms of the contract by a commercial amusement game operator may be grounds for suspension or revocation of their license. All contracts must be written and specific in terms, setting out the time of the contract, ((revenue sharing plan)) amount of rent or consideration to be paid, rent due dates, and all expenses to be borne by each party((-Provided, That the revenue sharing plan));
- (3) The rent or consideration paid to a Class A commercial amusement game location may be based on a percentage of revenue generated by the activity if the method of distribution is specific((-All contracts regarding the operation of amusement games shall be submitted to the commission and become part of the licensee file. (3));
- (4) The rent or consideration paid to charitable/nonprofit organizations shall not be based on a percentage of revenue generated by the activity unless the amount returned to the organization is equal to or exceeds twenty-two percent of the gross gambling receipts. Shall be paid to the organization at least once a month;
- (5) No Class B or above commercial amusement game operator shall allow operation of a game at a premise which has not been previously licensed by the commission.

**WSR 93-19-094
PERMANENT RULES
NORTHWEST AIR
POLLUTION AUTHORITY**
[Filed September 16, 1993, 10:09 a.m.]

Date of Adoption: September 8, 1993.

Purpose: To adjust maximum civil penalty amount to account for inflation, to establish local authority to administer the operating permit program and to charge fees to cover operating costs to establish a new source category for small emitters of toxic air pollutants and to collect registration fees to cover the costs.

Citation of Existing Rules Affected by this Order: Amending Section 104 Adoption of State and Federal Laws and Rules, Section 133 Civil Penalty, Section 150 Pollutant Disclosure—Reporting by Air Contaminant Sources, Section 324.11 Fees, and Section 324.119 Fees; and adding Section 300.4 Notice of Construction When Required, Section 324.120 Fees, Section 324.121 Fees, Section 324.122 Fees, and Section 326 Operating Permits.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 93-16-049 on July 23, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 14, 1993
Terry L. Nyman
Control Officer

AMENDATORY SECTION

NWAPA REGULATION SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

- 104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation the Authority is hereby adopted by reference and made part of the Regulation of the Authority as of September 8, 1993. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04) and RCW 43.21A and 43.21B and the following state rules: 173-400 WAC, 173-402 WAC, 173-403 WAC, 173-410 WAC, 173-415 WAC, 173-425 WAC, 173-430 WAC, 173-433 WAC, 173-434 WAC, 173-440 WAC, 173-460 WAC, 173-470 WAC, 173-474 WAC, 173-475 WAC, 173-480 WAC, 173-481 WAC, 173-490 WAC, and 173-491 WAC.
- 104.2 All provisions of the following federal rules are hereby adopted by reference and made part of the Regulation of the Authority as of September 8, 1993: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Ca, Cb, D, Da, Db, Dc, E, Ea, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, FF, GG, HH, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, SSS, TTT, VVV; and 40 CFR Part 61 (National Emission Standards For Hazardous Air

PERMANENT

Pollutants) Subparts A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB, FF.

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.

AMENDATORY SECTION

NWAPA REGULATION SECTION 133 - CIVIL PENALTY

- 133.1 In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW, chapter 70.120 RCW, any of the rules in force under such chapters, including regulation of the Northwest Air Pollution Authority may incur a civil penalty in an amount not to exceed ten thousand ~~three six~~ hundred ~~sixty~~ dollars (~~\$10,300~~) (\$10,660) per day for each violation. Each violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order shall be liable for a civil penalty of not more than ten thousand ~~three six~~ hundred ~~sixty~~ dollars (~~\$10,300~~) (\$10,660) for each day of continued noncompliance. ~~Each such violation shall be a separate and distinct offense, and in case of a separate and distinct violation.~~ The maximum daily fine for violations of standards by a specific emissions unit shall be ten thousand ~~three six~~ hundred ~~sixty~~ (~~\$10,300~~) (\$10,660) dollars.

Reviser's note: The typographical errors 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

NWAPA REGULATION SECTION 150 - POLLUTANT DISCLOSURE - REPORTING BY AIR CONTAMINANT SOURCES

- 150.1 Every person operating a class A registered air contaminant source or a source subject to the operating permit program shall file annually at a time determined by the Authority and on forms furnished by the Authority a report setting forth:
- 150.13 The estimated annual total production of wastes discharged into the air in units and contaminants designated by the Authority. Annual emission reports shall be submitted to the NWAPA within 120 days after the end of the previous calendar year. If the emission report is not submitted by the required date and the emissions are used to determine operating permit fees as described in section 324.126 then potential to emit will be used to determine said fees.

NEW SECTION

NWAPA REGULATION SECTION 300 - NOTICE OF CONSTRUCTION WHEN REQUIRED

- 300.4 Where work for which a Notice of Construction is required is commenced or performed prior to making application and receiving approval the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 324.2, shall be assessed in an amount equal to 3 times the plan examination fees of Section 324.2. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

NEW SECTION

NWAPA REGULATION SECTION 323 - CLASSES OF REGISTRATION

- 323.19 Class T - All air contaminant sources with potential uncontrolled annual emissions usually less than 10 tons/year of any compound listed in WAC 173-460 Sections 150 and 160, or CAA Section 112(b), shall be classified as T sources. The registration of all Class T sources will be subject to review at the discretion of the Control Officer.

AMENDATORY SECTION

NWAPA REGULATION SECTION 324 - FEES

- 324.11 Sources classified as class "A", Class "B", Class "T", Class "G", Class "O", and Class "T" as defined in Section 323, and holders of each Variance issued by NWAPA, shall, upon notification by the Control Officer, pay the Authority an annual registration fee on or before January 1 of each year in accordance with the following schedule except that any new source which has paid a Notice of Construction filing fee and plan, examination and inspection fee shall not be required to pay an additional registration fee during that same calendar year.

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

NWAPA REGULATION SECTION 324 - FEES

- 324.119 The Authority shall collect interim fees to cover operating permit program development costs. The fees will be assessed to all sources in the jurisdiction that emit one hundred tons or more of a regulated pollutant. A regulated pollutant is defined in Section 502(b) of the Federal Clean Air Act Amendments of 1990. Fees shall be based on emissions determined in the most recent emissions inventory. The costs shall be determined by a

~~workload analyses done by the Authority and approved by the Board. The fees shall be collected beginning fiscal year 1994. All Class "T" registered sources \$100.00.~~

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

NEW SECTION

NWAPA REGULATION SECTION 324 - FEES

324.120 The Authority shall collect interim fees to cover operating permit program development costs. The fees will be assessed to all sources in the jurisdiction that emit one hundred tons or more of a regulated pollutant. A regulated pollutant is defined in Section 502(b) of the Federal Clean Air Act Amendments of 1990. Fees shall be based on emissions determined in the most recent emissions inventory. The costs shall be determined by a workload analyses done by the Authority and approved by the Board. The fees shall be collected beginning fiscal year 1994.

NEW SECTION

NWAPA REGULATION SECTION 324 - FEES

324.121 Commencing with the effective date of the operating permit program the Authority shall assess and collect annual air operating permit fees in it's jurisdiction for any source specified in section 7661(a) of Title V of the Federal Clean Air Act (FCAA) (excluding sources regulated by the Washington State Department of Ecology Industrial Section). The total fees required by the NWAPA to administer the program shall be determined by a workload analysis conducted by the staff and approved annually by resolution by the Board of Directors in a public hearing. Allocation of the fees to individual affected sources shall be based on the following:

- a. Twenty percent of the total fees shall be allocated equally among all affected sources.
- b. Eighty percent of the total fees shall be allocated based on actual emissions of regulated pollutants identified in the most recent annual emission inventory, or potential emissions if actual data are unavailable. A Regulated pollutant for fee calculation shall include:

Nitrogen oxides

Volatile organic compounds

Particulate matter with an aerodynamic particle diameter less than or equal to 10 m (PM₁₀)

Sulfur dioxide

Lead

Any pollutant subject to the requirements under section 112(b) of the FCAA.

324.122 Upon assessment by the Authority, fees are due and payable and shall be deemed delinquent if not

fully paid within 90 days. Any source that fails to pay a fee imposed under Section 324 within 90 days of the due date shall be assessed a late penalty in the amount of 50 percent of the fee. This late penalty shall be in addition to the fee assessed under Section 324.

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

NWAPA REGULATION SECTION 326 - OPERATING PERMITS

Section 326: OPERATING PERMITS

326.1 Purpose

The purpose of this Section is to provide for the implementation of a renewable operating permit program consistent with the requirements of Title V of the Federal Clean Air Act Amendments of 1990 and RCW 70.94.

326.2 Applicability

The provisions of this section shall apply to all sources within the NWAPA jurisdiction excluding those regulated by the Washington State Department of Ecology Industrial Section subject to the requirements of section 7661(a) of the Federal Clean Air Act (FCAA).

326.3 Compliance

It shall be unlawful for any person to operate a source that is subject to the requirements of this section without complying with the provisions of Title V of the Federal Clean Air Act.

326.4 Operating Permit Program Fees

326.41 The Authority shall levy annual operating permit program fees as set forth in section 324.121 to cover the cost of administering the operating permit program.

326.42 The Authority shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology to cover the Department of Ecology's program development and oversight costs attributable to subject sources within the NWAPA jurisdiction. Fees shall be allocated to affected sources in the same manner specified in Section 324.121 (a) and (b).

326.43 An affected source subject to the operating permit program that is required to pay an annual operating permit program fee shall not be required to pay a registration fee as specified in Section 324.11.

WSR 93-19-101
PERMANENT RULES
DEPARTMENT OF WILDLIFE

[Order 612—Filed September 16, 1993, 2:57 p.m.]

Date of Adoption: August 14, 1993.

Purpose: To establish the 1993-94 Migratory waterfowl seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-416 1992-93 Migratory waterfowl hunting seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-13-136 on June 23, 1993.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-417 differs from the proposed version filed with the code reviser in the following specifics: Brant season dates were shifted later in December; specific limits on white-fronted and snow geese were added statewide; Western Washington falconry dates were changed to reflect calendar adjustments from 1992; the application deadline for snow goose hunting authorizations was extended to September 24; the shot shell limitation in the Belfair-Hood Canal wetlands was deleted; wording was added to the southwest Washington Canada goose season to authorize the director to implement emergency area closures based on preset quotas; and errors in the season dates for Goose Management Area 1 were corrected to read Jan. 17-23, 1994, and for Goose Management Area 2 to read Oct. 15, 1993-Jan. 15, 1994.

Effective Date of Rule: Thirty-one days after filing.
 September 15, 1993
 Curt Smitch
 for Dean A. Lydig, Chairman
 Wildlife Commission

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, White-fronted, Snow, 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 24 or postmarked on or before September 24. 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 harvest 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. The Wildlife Commission has authorized the Director to implement emergency area closures in accordance with the following quotas: a total of 90 dusks to be distributed,

45 for Clark and south Cowlitz private lands, 20 for Ridgefield National Wildlife Refuge, and 25 for north Cowlitz, Wahkiakum, and Pacific counties.

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. 17, 1994; Nov. 11, 25, 26, Dec. 24, 1993, and Dec. 31, 1993; and every day Jan. 17-23, 1994.

Eastern Washington Goose Management Area 2

Saturdays, Sundays, Tuesdays, and Wednesdays only, from noon Oct. 16, 1993-Jan. 16, 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. 11, 12, 13, 15, 17, 18, 19, 22, 24, 25, and 26, 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.

White-fronted Geese

Same areas, dates, and shooting hours as the general goose seasons.

Daily bag limit: 2 white-fronted geese.

Possession limit: 4 white-fronted geese

Snow Geese

Same areas, dates, and shooting hours as the general goose seasons.

Daily bag limit: 3 snow geese

Possession limit: 6 snow geese

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 within 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 Rock Island Dam and a point in Douglas County perpendicular to the Chelan County substation at Winesap.

—Between Chief Joseph Dam and the mouth of Nespelem Creek in Okanogan and Douglas counties.

—From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (Highway 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 or from any island in the Columbia River in the following 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 other federal regulations for this area.)

—Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards

north of Quilomene Bay and a point perpendicular in Grant County, including islands.

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 (north-northwest); 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 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. 16-30; Nov. 7, 1993-Feb. 6, 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 93-19-102
PERMANENT RULES
DEPARTMENT OF**

COMMUNITY DEVELOPMENT

[Order 93-07—Filed September 16, 1993, 3:54 p.m.]

Date of Adoption: September 15, 1993.

Purpose: Repeal of chapter 365-24 WAC, Uniform relocation assistance and real property acquisition.

Citation of Existing Rules Affected by this Order: Repealing chapter 365-24 WAC.

Statutory Authority for Adoption: Chapter 43.63A RCW.

Pursuant to notice filed as WSR 93-15-086 on July 20, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 15, 1993
Gene Canque Liddell
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 365-24-010	General purpose and coverage.
WAC 365-24-020	General responsibilities of relocating entities.
WAC 365-24-030	State agencies and local public bodies policies and procedures.
WAC 365-24-040	Review of activities for compliance with chapter 8.26 RCW.
WAC 365-24-050	Public information.
WAC 365-24-060	Payments not considered income or resource.
WAC 365-24-100	Interpretation of definitions.
WAC 365-24-110	Specific definitions.
WAC 365-24-210	Determination or assurance of availability of housing.
WAC 365-24-220	Data support for determination or assurance.
WAC 365-24-230	Waiver of assurances.
WAC 365-24-240	Housing provided as a last resort.
WAC 365-24-310	Relocation assistance advisory program.
WAC 365-24-312	Other advisory services.
WAC 365-24-320	Contracting for relocation services.
WAC 365-24-330	Coordination of planned relocation activities.
WAC 365-24-410	Eligibility.
WAC 365-24-420	Allowable moving expenses for displaced persons.

- WAC 365-24-430 Limitations on allowable moving expenses for displaced persons.
- WAC 365-24-440 Nonallowable moving expenses and losses of displaced persons.
- WAC 365-24-450 Allowable expenses in searching for replacement business or farms.
- WAC 365-24-460 Limitations on allowable expenses in searching for replacement business or farms.
- WAC 365-24-510 For displacement from a dwelling.
- WAC 365-24-520 For displacement from a business.
- WAC 365-24-530 For displacement from a farm operation.
- WAC 365-24-540 Amount of business fixed payment.
- WAC 365-24-610 Eligibility.
- WAC 365-24-620 Computation of replacement housing payment.
- WAC 365-24-710 Eligibility.
- WAC 365-24-720 Computation of replacement housing payments for displaced tenants.
- WAC 365-24-730 Computation of replacement housing payment for certain others.
- WAC 365-24-810 Right of review.
- WAC 365-24-820 Initiation of appeal—Notice and statement.
- WAC 365-24-822 Form of statement.
- WAC 365-24-824 Correction or amendment of notice.
- WAC 365-24-830 Preliminary review authorized.
- WAC 365-24-832 Notice and time limitation on preliminary review.
- WAC 365-24-834 Effect of preliminary review.
- WAC 365-24-840 Applicability of Administrative Procedure Act.
- WAC 365-24-850 Appointment of hearing officer.
- WAC 365-24-852 Hearing officer powers and duties.
- WAC 365-24-854 Time and place of hearing.
- WAC 365-24-856 Evidence.
- WAC 365-24-858 Submission of proposed decision and orders.
- WAC 365-24-860 Exceptions—Time for filing.
- WAC 365-24-862 Reply to exceptions.
- WAC 365-24-870 Submission or record and issuance of final decision.
- WAC 365-24-880 Petitions for rule making.
- WAC 365-24-882 Requisites.
- WAC 365-24-884 Notice of disposition.
- WAC 365-24-910 Acquisition procedures.
- WAC 365-24-920 Statement furnished to owner upon initiation of negotiations for acquisition of real property.
- WAC 365-24-930 Relocation costs and awards not to be considered in making appraisals.

- WAC 365-24-940 Consideration of relocation costs of outdoor advertising displays in making appraisals.
- WAC 365-24-950 Acquisition of mobile homes.
- WAC 365-24-960 Appraisal standards.

WSR 93-19-106
PERMANENT RULES
OLYMPIC AIR POLLUTION
CONTROL AUTHORITY

[Filed September 17, 1993, 9:10 a.m.]

Date of Adoption: September 8, 1993.

Purpose: To amend the regulations and standards for control of air pollution from sources in Thurston, Mason, Clallam, Jefferson, Pacific, and Grays Harbor counties. Amendments are necessary to achieve consistency with Washington Clean Air Act, chapter 70.94 RCW.

Citation of Existing Rules Affected by this Order: Repealing Article 12, section 13.05, section 9.19, section 9.06; and amending Article 1, Article 3, Article 7, Article 8, Article 9, Article 10, Article 14, and Article 15.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 93-13-077 on June 17, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 13, 1993
 Mark Goodin
 Mechanical Engineer

Reviser's note: The material contained in this filing will appear in the 93-21 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 93-19-109
PERMANENT RULES
DEPARTMENT OF HEALTH

[Order 391—Filed September 20, 1993, 8:13 a.m.]

Date of Adoption: September 17, 1993.

Purpose: To repeal chapter 246-340 WAC, Second trimester abortion facilities, in accordance with the passage of Initiative #120 that eliminated the department's statutory authority to regulate.

Citation of Existing Rules Affected by this Order: Repealing chapter 246-340 WAC.

Statutory Authority for Adoption: RCW 43.70.040. Pursuant to notice filed as WSR 93-14-035 on June 29, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 17, 1993
 Bruce Miyahara
 Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-340-001 Purpose.

WAC 246-340-010	Definitions.
WAC 246-340-020	Facilities approved for termination of pregnancy.
WAC 246-340-030	Certificate of approval required.
WAC 246-340-040	Application for certificate of approval.
WAC 246-340-050	Issuance, duration, and assignment of certificate of approval.
WAC 246-340-060	Form of application for certificate of approval and inspection.
WAC 246-340-070	Notice of decision— Adjudicative proceeding.
WAC 246-340-080	Nonhospital facilities approved for termination of pregnancy during the second trimester.
WAC 246-340-090	HIV/AIDS education and training.
WAC 246-340-100	Reporting of pregnancy terminations.
WAC 246-340-110	Disclosure of information.
WAC 246-340-990	Fees.

WSR 93-19-111**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Dental Disciplinary Board)

[Order 400B—Filed September 20, 1993, 8:19 a.m.]

Date of Adoption: September 11, 1993.

Purpose: To create a new section related to an act that may be performed by unlicensed persons outside the treatment facility.

Statutory Authority for Adoption: RCW 18.32.640.

Other Authority: RCW 18.32.020 and 18.32.030.

Pursuant to notice filed as WSR 93-16-028 on July 26, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 11, 1993

Paul E. Lovdahl, D.D.S.
Chair

NEW SECTION

WAC 246-816-225 An act that may be performed by unlicensed persons outside the treatment facility. Unlicensed persons may select shade for crowns or fixed prostheses with the use of a technique which does not contact the oral cavity to avoid contamination with blood or saliva. The procedure shall be performed pursuant to the written instructions and order of a licensed dentist.

WSR 93-19-112**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Dental Disciplinary Board)

[Order 399B—Filed September 20, 1993, 8:22 a.m.]

Date of Adoption: September 11, 1993.

Purpose: To amend the existing rule contained in chapter 246-816 WAC related to the guidelines for teaching the comprehensive control of pain and anxiety in an advanced education program published by the American Dental Association, Council on Dental Education, dated May 1987.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-816-370.

Statutory Authority for Adoption: RCW 18.32.640.

Pursuant to notice filed as WSR 93-16-029 on July 26, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 11, 1993
Paul E. Lovdahl, D.D.S.
Chair

AMENDATORY SECTION (Amending Order 243B, filed 2/7/92, effective 3/9/92)

WAC 246-816-370 General anesthesia (including deep sedation). Deep sedation and general anesthesia must be administered by an individual qualified to do so under this chapter.

(1) Training requirements for dentists: In order to administer deep sedation or general anesthesia, the dentist must have current and documented proficiency in advanced cardiac life support. One method of demonstrating such proficiency is to hold a valid and current ACLS certificate or equivalent. Additionally, a dentist must meet one or more of the following criteria:

(a) Have completed a minimum of one year's advanced training in anesthesiology or related academic subjects, or its equivalent beyond the undergraduate dental school level, in a training program as outlined in Part 2 of Teaching the Comprehensive Control of Pain and Anxiety in an Advanced Education Program, published by the American Dental Association, Council on Dental Education, dated ((~~May, 1987~~)) July 1993.

(b) Is a fellow of the American Dental Society of Anesthesiology.

(c) Is a diplomate of the American Board of Oral and Maxillofacial Surgery, or is eligible for examination by the American Board of Oral and Maxillofacial Surgery pursuant to the July 1, 1989, standards.

(d) Is a fellow of the American Association of Oral and Maxillofacial Surgeons.

Only a dentist meeting the above criteria for administration of deep sedation or general anesthesia may utilize the services of a nurse licensed pursuant to chapter 18.88 RCW to administer deep sedation or general anesthesia under the close supervision of the dentist as defined in WAC 246-816-210(4).

(2) Training requirements for monitoring personnel: In addition to those individuals necessary to assist the practitioner in performing the procedure, a trained individual must be present to monitor the patient's cardiac and respiratory functions. The individual monitoring patients receiving deep sedation or general anesthesia must have received a minimum of fourteen hours of documented training in a course specifically designed to include instruction and practical experience in use of all equipment required in WAC 246-816-370. This must include, but not be limited to, the following equipment:

- (a) Sphygmomanometer
- (b) Pulse oximeter
- (c) Electrocardiogram
- (d) Bag-valve-mask resuscitation equipment
- (e) Oral and nasopharyngeal airways
- (f) Defibrillator
- (g) Intravenous fluid administration set.

A course, or its equivalent, may be presented by an individual qualified under WAC 246-816-370 or sponsored by an accredited school, medical or dental association or society, or dental speciality association.

(3) Procedures for administration: Patients receiving deep sedation or general anesthesia must have continual monitoring of their heart rate, blood pressure, and respiration. In so doing, the licensee must utilize electrocardiographic monitoring and pulse oximetry. The patient's blood pressure, heart rate, and respiration shall be recorded at least every five minutes. During deep sedation or general anesthesia, the person administering the anesthesia and the person monitoring the patient, may not leave the immediate area.

During the recovery phase, the patient must be monitored continually by an individual trained to monitor patients recovering from general anesthesia or deep sedation. A discharge entry shall be made in the patient's record indicating the patient's condition upon discharge and the responsible party to whom the patient was discharged.

(4) Equipment and emergency medications: All offices in which general anesthesia (including deep sedation) is administered must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain appropriate medical history and patient evaluation. Anesthesia records shall be recorded during the procedure in a timely manner and must include: Blood pressure, heart rate, respiration, blood oxygen saturation, drugs administered including amounts and time administered, length of procedure, any complications of anesthesia.

(b) Office facilities and equipment shall include:

(i) An operating theater large enough to adequately accommodate the patient on a table or in an operating chair and permit an operating team consisting of at least three individuals to freely move about the patient.

(ii) An operating table or chair which permits the patient to be positioned so the operating team can maintain the airway, quickly alter patient position in an emergency, and provide a firm platform for the administration of basic life support.

(iii) A lighting system which is adequate to permit evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit conclusion of any operation underway at the time of general power failure.

(iv) Suction equipment capable of aspirating gastric contents from the mouth and pharyngeal cavities. A backup suction device must be available.

(v) An oxygen delivery system with adequate full face masks and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate portable backup system.

(vi) A recovery area that has available oxygen, adequate lighting, suction, and electrical outlets. The recovery area can be the operating theater.

(vii) Ancillary equipment which must include the following:

(A) Laryngoscope complete with adequate selection of blades, spare batteries, and bulb.

(B) Endotracheal tubes and appropriate connectors.

(C) Oral airways.

(D) Tonsillar or pharyngeal suction tip adaptable to all office outlets.

(E) Endotracheal tube forceps.

(F) Sphygmomanometer and stethoscope.

(G) Adequate equipment to establish an intravenous infusion.

(H) Pulse oximeter.

(I) Electrocardiographic monitor.

(J) Synchronized defibrillator available on premises.

(c) Drugs. Emergency drugs of the following types shall be maintained:

(i) Vasopressor.

(ii) Corticosteroid.

(iii) Bronchodilator.

(iv) Muscle relaxant.

(v) Intravenous medications for treatment of cardiac arrest.

(vi) Narcotic antagonist. Sedative antagonist, if available.

(vii) Antihistaminic.

(viii) Anticholinergic.

(ix) Antiarrhythmic.

(x) Coronary artery vasodilator.

(xi) Antihypertensive.

(xii) Anticonvulsant.

(5) Continuing education: A dentist granted a permit to administer general anesthesia (including deep sedation) under this chapter, must participate in eighteen hours of continuing education every three years. A dentist granted a permit must maintain records that can be audited and must submit course titles, instructors, dates attended, sponsors, and number of hours for each course every three years. The education must be provided by organizations approved by the dental disciplinary board and must be in one or more of the following areas: General anesthesia, conscious sedation, physical evaluation, medical emergencies, monitoring and use of monitoring equipment, pharmacology of drugs and agents used in sedation and anesthesia, or basic life support (BLS), or advanced cardiac life support (ACLS).

(6) Permit of authorization: Required.

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 93-19-113
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed September 20, 1993, 9:50 a.m.]

Date of Adoption: September 17, 1993.

Purpose: Establish new fees for boat launches, trailer dump stations, popular destination parks and marine trail camping, and increase selected existing fees.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-250.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 93-14-070 on June 30, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 20, 1993
Robert C. Petersen
Chair

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

WAC 352-32-250 Standard fees charged. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: \$10.00 per night;

(2) Overnight camping - utility campsite: \$14.00 per night. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$2.00 per night;

(3) Overnight camping - primitive campsite: \$5.00 per night for nonmotorized vehicle and \$7.00 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(6) Group camping area - certain parks: \$1.00 per person per day and/or night; nonrefundable reservation fee - \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center - overnight camping: \$4.45 per camper per night;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: \$5.45 per camper per night;

(b) Environmental learning center - day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group - whichever is higher;

(8) Hot showers: \$.25 for a minimum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle overnight parking fee: \$4.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided*, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) Overnight camping - emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the \$4.00 per night permit fee. The permit must be prominently displayed in the vehicle;

(15) Campsite reservations - see WAC 352-32-035(6);

(16) Boat launch permit fee - (~~(\$5.00)~~) \$4.00 per day for one or more launches per watercraft per day at those boat launches where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis; and \$3.00 per day at other boat launches as designated by the commission: *Provided*, said fees shall not be imposed on vehicles of persons camping within the state park area containing such boat (~~launch~~) launches; and, *Provided*, said fee shall not be imposed on vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park; and, *Provided*, said fee shall not be imposed on vehicles of persons using any environmental learning center; and, *Provided*, said fee shall not apply to vehicles of persons holding limited income senior citizen, disability, or veteran disability passes; and, *Provided*, said fee shall not apply where prohibited by lease or deed restrictions, or by applicable federal or state law; and, *Provided*, said fee shall not be imposed on vehicles properly displaying a valid annual boat launch permit;

(17) Annual boat launch permit fee - (~~(\$50.00 per calendar year)~~) \$20.00 per boat launching vehicle for issuance of an annual boat launch permit for the period of July 1, 1993, through December 31, 1993; and \$40.00 per boat launching vehicle for issuance of an annual boat launch permit effective January 1, 1994. Such permits may be obtained by submitting an application therefor to Washington state parks and recreation commission (~~(regional offices, or by writing to the Washington State Parks and Recreation Commission)~~) headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, Washington, 98504-2650. Permits must be displayed in conformance with instructions set forth thereon(~~(-)~~);

(18) Trailer dump station fee - \$3.00 per use: *Provided*, such fee shall not be imposed on recreational vehicles using the dump station while camping within the state park area containing the dump station;

(19) Popular destination park fee - \$1.00 surcharge for use of standard or utility campsite located in a popular destination park during the period of May 21 through September 14;

~~(20) ((Day area parking fee—\$3.00 per vehicle per day for use of any designated day area parking space during the period of May 21 through September 14: *Provided*, said fee shall not be imposed on vehicles used for boat launching which are subject to a boat launch fee as set forth in subsection (16) of this section; and, *Provided*, said fee shall not be imposed on vehicles of persons camping within the state park area containing such day area parking space; and, *Provided*, said fee shall not be imposed on vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park; and, *Provided*, said fee shall not be imposed on vehicles of persons using any environmental learning center; and, *Provided*, said fee shall not apply to vehicles of persons holding limited income senior citizen, disability or veteran disability passes; and, *Provided*, said fee shall not apply where prohibited by lease or deed restrictions, or by applicable federal or state law;~~

(21)) Marine trail camping area fee - certain parks: \$1.00 per person per day and/or night.

WSR 93-19-121
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-16—Filed September 21, 1993, 11:30 a.m.]

Date of Adoption: September 15, 1993.

Purpose: To change language to include classified staff in the full awards participation and eligibility.

Citation of Existing Rules Affected by this Order: Amending WAC 392-202-110.

Statutory Authority for Adoption: RCW 28A.625.050.

Pursuant to notice filed as WSR 93-15-034 on July 13, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 21, 1993

Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 93-02, filed 3/24/93, effective 4/24/93)

WAC 392-202-110 Awards for teachers, principals, ~~(and)~~ administrators, and classified staff. The award for educational excellence for teachers, classified employees, and principals~~(, and)~~ or administrators shall include:

(1) A certificate presented by the governor and superintendent of public instruction in public ceremony(ies); and

(2) The recipients' choice of one of the following:

(a) An academic cash grant worth up to forty-five quarter or thirty semester credits, reimbursable at a rate not to exceed the part-time, resident, graduate cost per credit at the University of Washington. The grant may be used at eligible private schools in Washington provided the school matches the state grant dollar-for-dollar with actual cash or a tuition waiver;

(b) A grant not to exceed one thousand dollars, which shall be used for educational purposes; or

(c) A recognition stipend not to exceed one thousand dollars.

WSR 93-19-125

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5009—Filed September 21, 1993, 3:39 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Establishes disease testing requirements for bulls and boars that produce semen for commercial artificial insemination purposes.

Statutory Authority for Adoption: RCW 16.36.096 and 16.36.040.

Pursuant to notice filed as WSR 93-16-088 on August 4, 1993.

Changes Other than Editing from Proposed to Adopted Version: Changes WAC 16-46-035 and 16-46-045:

Tuberculosis interval of test was extended to one year instead of six months.

Toxoplasmosis and transmissible gastroenteritis were eliminated.

Leptospirosis - a test result indicating a low stable titer would be considered negative.

Pseudorabies (PRV WAC 16-46-035) testing was changed to quarterly as to coincide with normal PRV testing for qualified pseudorabies negative herds.

Effective Date of Rule: Thirty-one days after filing.
September 10, 1993

John King
Acting Director

NEW SECTION

WAC 16-46-005 Definitions. For the purposes of this chapter:

(1) "Stud" means the facilities required for the collection of semen from bulls and boars for use in artificial insemination.

(2) "Boar" means the intact male of the porcine species.

(3) "Bull" means the intact male of the bovine species.

AMENDATORY SECTION (Amending Order 854, effective 7/19/61)

WAC 16-46-010 ((Permission to import or produce) Commercial semen production. ~~((Permission in writing from the director of agriculture must be obtained before bovine semen may be shipped into or produced))~~ All individuals, partnerships, or corporations shipping or producing semen from bulls and boars within the state of Washington for artificial insemination purposes for commercial use shall comply with the following regulations: *Provided*, That this regulation does not apply to an individual, partnership, or corporation whose production and use of bovine and boar semen is confined to his/her or its own cattle and/or swine on his/her or its own premises.

AMENDATORY SECTION (Amending Order 854, effective 7/19/61)

WAC 16-46-020 Health certificate. The director of agriculture of the state of Washington must be furnished ~~((an approved health certificate on all bulls from which the semen is collected))~~ a list of all bulls or boars producing semen in each calendar year for use in the state of Washington by those individuals, partnerships or corporations producing

semen for artificial insemination purposes with a statement signed by an accredited veterinarian certifying that they have been tested according to chapter 16-46 WAC.

AMENDATORY SECTION (Amending Order 854, effective 7/19/61)

WAC 16-46-030 Requirements of animals producing. All bovine (~~(animals)~~) bulls used in the production of semen for artificial insemination shall meet the following requirements:

(1) Negative to tuberculosis test (~~((once yearly))~~) every six months.

(2) Negative to brucellosis test every six months.

(3) Negative to examination for trichomoniasis and campylobacteriosis culture every six months.

(4) Negative to test for leptospirosis (~~((once yearly))~~) every six months.

(5) (~~(Negative to examination for vibriosis every 6 months by swab cultured method.~~

(6) ~~Semen:~~

(a) ~~Negative to brucella semen plasma agglutination test, 1:25 dilution, by tube method, every six months.~~

(b) ~~FDA approved antibiotics must be added to all semen ((at least six hours before release for use)) during process.~~

NEW SECTION

WAC 16-46-035 Test requirements for boars producing semen. All boars used in the production of semen for artificial insemination shall meet the following requirements:

(1) Negative to tuberculosis test yearly.

(2) Negative to brucellosis, leptospirosis (low stable titer), vesicular stomatitis, and PRRS tests every six months.

(3) Negative to pseudorabies every three months.

(4) FDA approved antibiotics must be added to all semen during processing.

(5) Not used for natural service.

AMENDATORY SECTION (Amending Order 854, effective 7/19/61)

WAC 16-46-040 Addition of ((animals)) bulls to stud. Addition of ((animals)) bulls to stud must be:

(1) (~~(From a tuberculosis negative herd and be tested for tuberculosis not more than thirty days before introduction to stud.~~

(2) ~~(From a brucellosis negative herd and be tested for brucellosis (two tests not less than thirty days apart) and not more than thirty days before admission to stud.~~

(3) ~~Negative to a series of six weekly examinations for trichomoniasis before introducing to stud to be completed not more than thirty days before entry to stud.~~

(4) ~~Negative to vibriosis, using swab culture method examination before introduction to stud.~~

(5) ~~Negative to brucella semen plasma agglutination test, 1:25 dilution by the tube method before introducing to stud.)~~ Isolated for forty-five to sixty days before addition to stud.

(2) Within the isolation period tested for:

(a) Tuberculosis.

(b) Brucellosis.

(c) Leptospirosis.

(d) Trichomoniasis and campylobacteriosis by six weekly preputial cultures with the exception of virgin bulls under twelve months of age where a series of three weekly cultures is adequate.

NEW SECTION

WAC 16-46-045 Addition of boars to stud. Addition of boars to stud must be:

(1) Isolated for forty-five to sixty days before addition to stud.

(2) Within the isolation period tested negative for:

(a) Tuberculosis.

(b) Brucellosis.

(c) Pseudorabies, two negative tests thirty days apart.

(d) Leptospirosis (low stable titer).

(e) Vesicular stomatitis.

(f) PRRS.

AMENDATORY SECTION (Amending Order 854, effective 7/19/61)

WAC 16-46-070 Permits. Importation and production of other domestic animal semen in the state of Washington (~~(with))~~ may require a permit from the director of agriculture. Such permit may be issued following application and proof of compliance with general health and testing requirements and laboratory examination of semen.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-46-050 Sample testing.

WAC 16-46-060 Director's list of producers.

WSR 93-19-126

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5010—Filed September 21, 1993, 3:41 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Establish animal health requirements for all animals imported into the state.

Statutory Authority for Adoption: RCW 16.36.096 and 16.36.040.

Pursuant to notice filed as WSR 93-16-089 on August 4, 1993.

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

September 10, 1993

John King

Acting Director

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-010 Definitions. For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment, a restricted feedlot, or other authorized slaughter only channel.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official calthood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.

(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

(6) "Stage I, II, III, IV, or V Pseudorabies state" means states as classified by the current federal pseudorabies eradication Uniform Methods and Rules.

(7) "Official health certificate" means a legible certificate of veterinary inspection executed on an official form of the state of origin or of the Animal and Plant Inspection Service (APHIS), United States Department of Agriculture (USDA), by a licensed and accredited veterinarian or a veterinarian approved by the proper official of APHIS, USDA.

(8) "Animal" means any animal species except fish and insects.

(9) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(10) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere ~~(and)~~ or used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-020 Illegal importation. (1) All animals being shipped into this state must have met requirements of Title 9, Code of Federal Regulations, in effect at the time of movement or importation from foreign countries and in addition thereto must meet all the applicable laws, rules and regulations of the state of Washington pertaining to animal health and care of animals.

(2) It shall be unlawful for any person, firm or corporation to import any animal unless in compliance with the requirements set forth hereafter in this order, and regulations relating to importation into and movement within the state of Washington of poultry, hatching eggs and wildlife. No animal, including poultry and wildlife, that is affected with any infectious or communicable disease shall be imported into the state unless written permission for the importation is obtained from the director and in the instance of wildlife,

written permission from the director of the department of wildlife shall also be obtained.

(3) It shall be unlawful for any person, firm, or corporation importing livestock into the state of Washington to fail to stop for inspection at any posted livestock inspection point.

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-035 Certification of health—Wild and exotic animals. (1) An official interstate health certificate or certificate of veterinary inspection stating that all listed animals are free from clinical symptoms of infectious or communicable disease shall be prepared prior to entry into the state of Washington and issued by an accredited veterinarian licensed in the state of origin for all captive wild and exotic animals and shall contain the following:

- (a) Common and scientific name(s) of the animals.
- (b) Number of animals.
- (c) Appropriate description of animals by criteria such as sex, age, weight, coloration.
- (d) Permanent individual animal identification.
- (e) Date of anticipated shipment.
- (f) Name and address of consignor and consignee.
- (g) Origin of shipment.
- (h) Signature of veterinarian and owner or agent.
- (i) Permit number issued by the Washington state veterinarian.

(2) The following tests or qualifications required for wild and exotic animals shall be performed by a licensed and accredited veterinarian prior to entry into the state of Washington:

(a) Brucellosis. The interpretation of brucellosis test results on captive wild or exotic animals shall be held by the Washington state veterinarian. Serologic testing must be conducted in accordance with state/federal brucellosis protocol within thirty days prior to entry for the following categories of captive wild or exotic animals over six months of age.

- (i) *Brucella abortus*.
 - (A) Camelidae: Such as vicuna, guanaco.
 - (B) Cervidae: Such as elk, caribou, moose, reindeer, deer.

(C) Giraffidae: Such as giraffe, okapi.

(D) Bovidae: Such as antelopes, wild cattle (gaur, banteng, kaupre, yak), bison (American bison, also refer to WAC 16-54), European bison, buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo), wild sheep (bighorn sheep, dalls sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep), wild goats (rocky mountain goat, ibex, walia ibex, west caucasian tur, east caucasian tur, spanish ibex, markhor).

(ii) *Brucella suis*.

(A) Suidae: Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, Babirusa, African bush pig, peccaries).

(B) Caribou, reindeer (*Brucella suis* Biovar 4).

(iii) *Brucella ovis*. All wild sheep and goats must be tested and found negative to *B. ovis* within thirty days prior to entry.

(b) Tuberculosis (mycobacterium bovis and mycobacterium tuberculosis) a skin test or other approved test must be conducted in accordance with federal tuberculosis protocols within thirty days prior to entry into Washington for the following categories of captive wild exotic animals as specified by the director. Animals under six months of age that are nursing negative tested dams may be excluded from the test requirements.

(i) Ceropithecidae: Old world primates.

(ii) Hylobotidae: Gibbons or Lessor apes.

(iii) Pongidae: Great apes.

(iv) Bovidae: Such as antelopes, wild cattle, wild sheep and wild goats.

(v) Cervidae: Such as elk, caribou, moose, reindeer, deer must be from herds not known to be affected with or exposed to tuberculosis and comply with the following Mycobacterium bovis testing requirements:

(A) Be negative to a 0.1 ml single cervical tuberculin test within thirty days prior to importation and originate from a herd which has had a negative complete herd test within twelve months or as otherwise required by the director of all eligible animals using the 0.1 ml single cervical test and all additions to the herd have been tested negative by the same test procedure and standards; or

(B) Be negative to a 0.1 ml single cervical tuberculin test within thirty days prior to importation and be confined at the destination for at least ninety days after arrival and retested for *M. bovis* after the confinement period using the 0.1 ml single cervical test. Testing and confinement under this subsection will be allowed only where the director can be assured of the negative tuberculosis status of the herd by methods other than by those in (v)(A) of this subsection.

(C) Originate from a state with a state program substantially equivalent to chapter 16-88 WAC, "Control of tuberculosis in cervidae," and meet the requirements of a herd status plan and interstate testing requirements outlined in WAC 16-88-030 and 16-88-040.

(vi) Giraffidae: Giraffe, okapi must be tested by a single cervical test.

(c) Animals that show positive reaction on a skin test may be tested by additional approved skin tests, microbiological cultures, radiographs or serology to fully assess the status in regard to tuberculosis and to confirm or deny the possibility of a false positive reading of the skin test. Final decision on the tuberculosis classification status of such animals will be made by the Washington state veterinarian.

(d) For all captive wild or exotic animals not listed in (b) of this subsection, the following statement signed by the owner or agent shall be placed on the health certificate. "To my knowledge the animals listed herein are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(e) Pseudorabies: Tested negative within thirty days of import. Held in quarantine for thirty to sixty days pending retest post entry.

Suidae: All wild swine.

(f) Equine Infectious Anemia: Tested negative on an approved test for equine infectious anemia within six months prior to entry for all wild horses, asses and hybrids.

(g) Elaphostrongylinae: *Parelaphostrongylus tenuis* (meningeal worm) and (~~*Elaphostrongylus*~~) *Elaphostrongylus cervis* (muscle worm).

All cervidae must be examined prior to entry into Washington state for Elaphostrongylinae infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(i) Cervidae as specified by the director which have resided for at least six months west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state veterinarian must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique. Animals tested shall be certified to have not been treated with or exposed to anthelmintics, including ivermectin (IVOMEC R) for at least thirty days prior to testing.

(ii) Cervidae as specified by the director which have resided for less than six months west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state veterinarian or from east of that line shall be held in preentry quarantine for thirty to sixty days and two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique. The first test must be conducted at least thirty days and not more than forty days before the second test. During this period, which shall be at least thirty days, test animals must be held in quarantine and isolated from all other cervidae not included in the shipment. Animals so tested shall be certified to have not been treated with or exposed to anthelmintics including ivermectin (IVOMEC R) during the time period beginning at least thirty days before the first fecal test and extending to at least one hundred eighty days after importation. Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the rectum and identified to the animal by the official animal identification number. If any animal tests positive to either of the two fecal tests, neither the consignment or any portion of the consignment may be imported into Washington.

Postentry animals must be held for one hundred eighty days in on-site quarantine and they must be available for inspection by the director of agriculture during this time. Thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples must be tested by the Baermann technique in an approved laboratory and found negative for dorsal-spined larvae; animals that test positive must be removed from the state or destroyed.

The quarantine site must be prepared and inspected prior to the entrance of the imported animals to prevent the presence of the gastropod intermediate hosts of Elaphostrongylinae larvae by:

(A) Keeping the animals on a hard surface, such as asphalt or concrete; or

(B) Spraying a four-meter wide tract around the perimeter of the holding compound with an EPA registered molluscicide and also spraying within the quarantine area. The perimeter tract has to be treated once every five days and within twenty-four hours of precipitation (10 mm or

more) to ensure the gastropod population is kept to zero within the compound.

(h) Rabies: Any mammal of the order carnivora that has been taken from the wild may not enter the state if a diagnosis of rabies has been made in the state of origin during the past twelve months.

(i) Qualifications, specific tests, or statements required for birds prior to entry into the state of Washington:

Pullorum and Fowl Typhoid.

(A) Commercial game birds and their eggs unless going directly to slaughter, must originate from a producer who is participating in the pullorum-fowl typhoid control phase of the National Poultry Improvement Plan (NPIP) or the birds must test serologically negative for pullorum and fowl typhoid within the past thirty days. In the case of eggs and hatchling birds, negative serologic tests for pullorum and fowl typhoid from a breeder flock not participating in the NPIP must be shown negative within the past thirty days. Serum testing or NPIP member status are also required for the following species: Bobwhite quail (*Colinus virginianus*), Coturnix quail (*Coturnix coturnix*), pure or hybrid Ring-necked pheasant (*Phasianus colchicus*), Chukar (*Alectoris chukar*), Hungarian partridge (*Perdix perdix*), Wild turkey (*Meleagris gallopavo*).

(B) In lieu of pullorum and fowl typhoid testing for certain other birds, the following statement can be placed on the health certificate: "To my knowledge, birds listed herein are not infected with pullorum or fowl typhoid and have not been exposed to birds infected with pullorum or fowl typhoid during the past twelve months." This statement should be signed by the owner or the owner's representative. This rule would apply to the following birds: All Galliformes except those listed in (i)(A) of this subsection; all Anseriformes.

(j) Mycoplasmosis.

All wild turkeys of the species *Meleagris gallopavo* and their eggs, unless going directly to slaughter must originate from a producer who is participating in the mycoplasmosis control phase of the NPIP or the birds must have tested serologically negative for *Mycoplasma gallisepticum* and *M. synoviae* within the past thirty days. In the case of eggs and hatchling birds, the breeder flock must be an NPIP participant or must have tested negative in the past thirty days.

(k) Duck Plague (Duck Virus Enteritis, D.V.E.) and Avian Cholera.

The statement, "To my knowledge, birds listed herein are not infected with duck plague or avian cholera and have not been exposed to birds known to be infected with duck plague or avian cholera within the past one hundred eighty days." must be written on the health certificate of all Anseriformes entering the state. The statement must be signed by the owner or the owner's representative.

(l) Exotic Newcastle Disease (viscerotropic, velogenic viruses) and Psittacosis.

(i) The statement, "To my knowledge, birds listed herein are not infected with exotic Newcastle disease or psittacosis and have not been exposed to birds known to be infected with exotic Newcastle disease or psittacosis within the past thirty days," must be written on the health certificate of all psittacine birds entering the state. The statement must be signed by the owner or the owner's representative.

(ii) While in transit or while being offered for sale, the following birds which have been repeatedly associated with introductions of exotic Newcastle disease must be identified with a numbered leg band or other approved method of identification:

Yellow naped Amazon parrot (*Amazona ochrocephala auropalliata*).

Mexican double yellow head parrot (*Amazona ochrocephala oratrix*).

Mexican red head parrot (*Amazona viridigenalis*).

Spectacled Amazon parrot (*Amazona albifrons albifrons*).

Yellow cheeked Amazon parrot (*Amazona autumnalis autumnalis*).

Green conure (*Aratinga holochlora*, *A. strenua*, *A. leucophthalmus*).

Military macaw (*Ara militaris*).

Lilac crowned Amazon parrot (*Amazona finschi*).

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-135 Llamas and alpacas. All llamas and alpacas imported into Washington shall be accompanied by a health certificate stating that the animals are free from signs or exposure to infectious or contagious disease. Llamas and alpacas six months of age and over must be tested negative for brucellosis and tuberculosis not more than thirty days prior to entry. The tuberculosis test is to be performed just caudal to the elbow joint in a similar manner to the single strength single cervical test.

WSR 93-19-127

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5011—Filed September 21, 1993, 3:43 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Lists animal diseases to be reported to the state veterinarian.

Statutory Authority for Adoption: RCW 16.36.096 and 16.36.040.

Pursuant to notice filed as WSR 93-16-090 on August 4, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 10, 1993

John King
Acting Director

NEW SECTION

WAC 16-70-005 Definitions. For the purpose of this chapter:

(1) "Animal" means any animal species except fish and insects including all those so classified as wild, captive wild, exotic wild, alternative livestock, semidomesticated, domestic or farm.

(2) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(3) "Farm animal" means any species which have normally and historically been kept and raised on farms in

Washington, the United States, or elsewhere and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(4) "Alternative livestock" means any species which can be kept or raised on farms and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(5) "Wild animal" means those species of the class Mammalia whose members exist in Washington in a wild state.

(6) "Exotic wild animal" means those species of class Mammalia whose members do not exist in the state of Washington but exist elsewhere in the world in the wild state.

AMENDATORY SECTION (Amending Order 1005, filed 7/22/66, effective 8/22/66)

WAC 16-70-010 Reporting diseases—Requirements.

(1) Any person (~~(registered)~~) licensed to practice veterinary medicine in the state of Washington shall report to the director of agriculture or his authorized representative the discovery of the existence or suspected existence among any wild, captive wild, exotic wild, alternative livestock, semi-domesticated or domestic animals within the state any of the reportable diseases as published by the director of agriculture.

(2) The following listed emergency diseases, suspected or confirmed, shall be reported immediately (by telephone or ~~((first class mail))~~ FAX on day discovered) to the office of the ~~((supervisor of animal industry))~~ state veterinarian whenever encountered among ~~((domestic))~~ animals within the state:

~~((Telephone))~~

All suspected foreign or eradicated diseases

Anthrax
~~((Apthous fever (foot and mouth disease))
 Aujeszky's disease (pseudorabies)
 Botulism (mink) (poultry) (swine)
 Contagious ecthyma
 Dourine
 Encephalomyelitis (equine)
 Equine infectious anemia
 Glanders
 Hog cholera
 Infectious coryza (poultry)
 Laryngotracheitis (poultry)
 Ornithosis (psittacosis))
Contagious equine metritis
 Rabies
~~((Rinderpest
 Scabies (chorioptic) (psoroptic) (sarcoptic) (demodectic)
 (cattle, sheep and horses))
 Sylvatic plague
 ((Tularemia
 Vesicular exanthema))~~~~

Vesicular stomatitis

~~((All other infectious contagious exotic or foreign diseases~~

Telephone or rapid mail

~~Aleutian disease of mink
 Blue tongue
 Bovine virus diarrhea
 Brucellosis
 Erysipelas (porcine)
 Footrot (sheep)
 Inf. bovine rhinotracheitis (IBR)
 Malignant catarrhal fever
 Mucosal disease
 Mycotic stomatitis
 Paratuberculosis (Johne's disease)
 Piroplasmosis
 Pullorum typhoid (poultry)
 Serapie
 Screw worm infestation (cochliomyia)
 Trichinosis
 Tuberculosis))~~

(3) The following ~~((list of))~~ listed diseases suspected or confirmed shall be reported ~~((on the monthly disease reporting cards distributed by the animal industry division whenever encountered during the reporting month among domestic animals))~~ by the phone the next working day, by telephone or FAX to the office of the state veterinarian whenever encountered among animals within the state.

~~((Anaplasmosis
 Atrophic rhinitis
 Blackleg
 Coccidiosis (clinical cases only)
 Edema disease of swine
 Equine viral arteritis (abortion)
 Equine viral rhinopneumonitis
 Influenza (swine) (equine)
 Leptospirosis
 Listeriosis
 Malignant edema
 Infectious mastitis (bovine) (caprine)
 Newcastle disease
 Salmonellosis (including paratyphoid)
 Scabies (swine and small animals) (nonotodectic)
 Strangles
 Tetanus (clostridium tetani) (equine) (ovine)
 Transmissible gastroenteritis (TGE of swine)
 Trichomoniasis
 Vibriosis))
Brucellosis
Contagious ecthyma (sheep, goats, llamas)
Equine encephalitis EEE, WEE (horses)
Infectious coryza (poultry)
Laryngotracheitis (poultry)
Lyme disease (any species)
Ornithosis (birds)
Potomac Horse Fever (horses)
Pseudorabies (swine)
Scrapie (sheep, goats)
Tuberculosis
Tularemia (sheep, dog, cats, rabbits, wildlife)~~

(4) The following list of diseases suspected or confirmed shall be reported if notified if notified to do so by letter from the state veterinarian's office whenever encountered in any animals during the reporting month. These diseases are to be reported by the 10th day of the next month.

Anaplasmosis
Aleutian disease (mink)
Atrophic rhinitis
Blackleg
Bovine viral diarrhea
Botulism (horses, swine, mink)
Bluetongue
Coccidiosis (clinical cases only)
Chronic wasting diseases of deer (captive)
Distemper (dogs, mink)
Edema disease of swine
Equine viral arteritis (abortion or respiratory)
Equine viral rhinopneumonia (abortion)
Erysipelas (swine)
Feline panleukopenia
Heartworm
Histoplasmosis
Influenza (swine) (horses)
Leptospirosis
Leukosis (cattle)
Leukemia (cats)
Listeriosis
Malignant edema (horses, cattle)
Malignant catarrhal fever
Mycotic stomatitis
Infectious mastitis (cattle) (goats)
Newcastle disease
Paratuberculosis (Johne's disease, confirmed only)
Parvo and related viruses (dogs)
Salmonellosis (including paratyphoid, enteritidis and typhoid in poultry and any in horses)
Scabies (swine and small animals) (nonotodectic)
Strangles (confirmed Strep. equi)
Tetanus (clostridium tetani) (horses) (sheep)
Transmissible mink encephalopathy
Toxoplasmosis
Transmissible gastroenteritis (TGE of swine)
Tuberculosis (dogs, cats)
Trichomoniasis
Campylobacteriosis

AMENDATORY SECTION (Amending Order 1005, filed 7/22/66, effective 8/22/66)

WAC 16-70-020 Reporting diseases—Not required, requested only. The ~~((animal industry division))~~ state veterinarian may request reports on any other diseases that concern the director from a statistical or survey standpoint associated with overall disease control measures. ~~((The))~~ Any veterinarian may also voluntarily report any other diseases of this nature on the monthly disease report ~~((cards))~~ forms as he/she determines they are pertinent to the purposes of the department and advantageous to disease control in the state.

WSR 93-19-128

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5012—Filed September 21, 1993, 3:46 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Control and eliminate tuberculosis in cervidae if diagnosed in a herd. Outlining testing procedures, herd status plans and regulating interstate, intrastate and international movement with regard to tuberculosis status.

Statutory Authority for Adoption: RCW 16.36.096 and 16.36.040.

Pursuant to notice filed as WSR 93-16-092 on August 4, 1993.

Effective Date of Rule: Thirty-one days after filing, September 10, 1993

John King

Acting Director

Chapter 16-88 WAC

CONTROL OF TUBERCULOSIS IN CERVIDAE

NEW SECTION

WAC 16-88-010 Definitions. "Accredited herd (cervidae)" means a cervid herd that has passed at least three consecutive official tuberculosis tests of all eligible animals conducted at ten to fourteen month intervals, and has no other evidence of bovine tuberculosis, and meets the accredited herd requirements of WAC 16-88-030.

"Accredited veterinarian" means a veterinarian approved by the administrator of APHIS in accordance with the provisions of Part 161, 9 CFR to perform functions required by cooperative state-federal disease control and eradication programs.

"Anniversary date" means the date of the last of three consecutive official qualifying tests.

"APHIS-VS" means Animal and Plant Health Inspection Service - Veterinary Services.

"Approved accredited veterinarian" means an accredited veterinarian who has been given special instruction and approved to administer the single cervical tuberculin test (cervidae).

"Approved slaughter facility" means a federal or state slaughter facility operating with individual animal inspection by federal or state inspectors.

"Approved state or federal veterinarian" means a veterinarian employed by the state or federal government and who has been specifically instructed in the comparative cervical tuberculin (CCT) test and approved to administer that test by USDA, APHIS-VS.

"Bovine tuberculosis" means a disease in Cervidae caused by *Mycobacterium bovis*.

"Cervidae" means all species of deer, elk, and moose raised under agricultural conditions for the production of meat or other agricultural products, sport, or exhibition.

"Comparative cervical tuberculin (CCT) test" means the intradermal injection of biologically balanced bovine PPD tuberculin and avian PPD tuberculin at separate sites in the mid-cervical area and a determination as to the probable presence of bovine tuberculosis (*M. bovis*) by comparing the response of the two tuberculins seventy-two hours (plus or

minus six hours) following injection. This test shall only be administered by an approved state or federal veterinarian.

"Cooperating state-federal official" means officials of USDA, APHIS-VS and state animal health officials performing functions required by cooperative state-federal disease control and eradication programs.

"Eligible animals" means all cervidae over six months of age and any other animals other than natural additions under six months of age.

"Exposed animals" means cervidae that have been exposed to bovine tuberculosis by reason of associating with known tuberculosis animals.

"Herd" means a group of cervidae maintained on common ground or two or more groups of cervids under common ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status. (A group means one or more animals.)

"Monitored herd" means a herd on which identification records are maintained on animals inspected for tuberculosis at an approved slaughter facility or approved diagnostic laboratory. A monitored herd must identify animals at slaughter at a rate to detect infection at a two percent prevalence level with ninety-five percent confidence evenly distributed over a three-year period. This rate would require a maximum number of one hundred forty-eight animals as graphically depicted in Appendix 1.

"Natural additions" means animals born and raised in a herd.

"Negative animals" means any cervids that show no response to a tuberculosis test or have been classified negative by the testing veterinarian based on history, supplemental tests, examination of carcasses, or laboratory results.

"No gross lesion (NGL) animal" means any cervids that do not reveal a lesion(s) of bovine tuberculosis upon postmortem inspection.

"Official eartag" means an identification eartag that provides unique identification for each individual animal by conforming to the alpha-numeric National Uniform Eartagging System.

"Official tuberculin test (cervidae)" means a test for bovine tuberculosis applied and reported by approved personnel in accordance with WAC 16-88-030 and 16-88-040. The official tests for cervidae are the single cervical test and the comparative cervical test.

"Permit" means an official document issued by a representative of APHIS-VS, a state veterinarian, or an accredited veterinarian that is required to accompany reactor, suspect, or exposed cervids to slaughter. The permit will list the reactor tag number or official eartag number in the case of suspect cervids and exposed cervids; the owner's name and address; origin and destination locations; number of cervids covered; and the purpose of the movement. If a change in destination becomes necessary, a new permit must be issued by a state, federal or accredited veterinarian. No diversion from the destination of the permit is allowed.

"Qualified herd" means a cervid herd that has undergone an official negative test of all eligible animals within the past twelve months and is not classified as an accredited herd.

"Reactor" means any cervid that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian.

"Single cervical tuberculin test (cervidae)" means the intradermal injection of 0.1 ml (5,000 tuberculin units) of USDA Bovine PPD tuberculin in the mid-cervical (neck) region with reading by visual observation and palpation in seventy-two hours (plus or minus six hours) following injection. This test shall only be administered by a state, federal, or approved accredited veterinarian.

"Tuberculin" means a product that is approved by and produced by USDA license for injection into cervids for the purpose of detecting bovine tuberculosis.

"Tuberculosis" means a disease of cervidae caused by *Mycobacterium bovis*.

"USDA" means the United States Department of Agriculture.

NEW SECTION

WAC 16-88-020 Testing procedures. (1) Presumptive diagnostic test. The single cervical (SCT) test is the tuberculin test for routine use in individual cervids, and herds of such animals where the tuberculosis status of the animals is unknown.

(2) Supplemental diagnostic test. The comparative-cervical (CCT) test should be used for retesting of suspects. This test should not be used in known infected herds without the prior written consent of cooperating state-federal officials and should not be used as a primary test for animals of unknown status.

Other tests may be used as supplemental diagnostic tests for purposes other than interstate or international movement.

(3) Primary/diagnostic test. The single cervical test is the recommended primary test for use in herds affected with bovine tuberculosis. It should be applied only by a veterinarian employed in full time capacity by the state or federal government.

(4) Tuberculin test interpretation. Decisions will be based upon the professional judgment of the testing veterinarian, after observation and palpation of the injection site, in accordance with the policies established by the cooperating state and federal officials and the test requirements described in subsection (5) of this section, Classification of cervidae tested.

(5) Classification of cervidae tested.

(a) Single cervical tuberculin test:

(i) Herds of unknown status - all response should be recorded and the animals classified as suspects and quarantined for retest with the CCT, unless in the judgment of the testing veterinarian the reactor classification is indicated.

(ii) Known infected herds - all responses should be recorded and the animals classified as reactors.

(b) Comparative cervical test - animals having a response to bovine PPD which is 1mm or greater, and is 0.5mm greater than the response to avian PPD shall be classified as reactors. Animals having a bovine response greater than 2mm and that response is equal to the avian response shall be classified as suspects except when in the judgment of the testing veterinarian the reactor classification is indicated. Animals meeting the criteria for suspect

classification on two successive CCT shall be classified as reactors.

(c) Suspect animals in cervid herds may be retested by the CCT. The CCT shall be applied within ten days following the SCT injection or after ninety days. Animals positive to the CCT should be classified as reactors.

(d) Suspects may be necropsied in lieu of retesting and if found without evidence of *Mycobacterium bovis* infection by histopathology and culture (including selected NGL specimens submitted from animals having no gross lesions indicative of tuberculosis) should be considered negative for tuberculosis.

(e) Other diagnostic tests will be classified in accordance with the specific criteria outlined by the test.

(6) Reporting of tests. A report of all tuberculin tests - including the individual identification of each animal by eartag number or tattoo, age, sex, and breed - and a record of the size of the response and test interpretation should be submitted, in accordance with state requirements, to the cooperating state-federal officials.

(7) Procedures in affected herds. Disclosure of tuberculosis in any herd must be followed by a complete epidemiologic investigation. All cervids in herds from which tuberculosis livestock originate and all cervids or other affected livestock should be tested promptly. The herd should be handled as outlined under subsection (8) of this section, Quarantine procedures (cervidae).

(8) Quarantine procedures (cervidae).

(a) All herds in which reactor animals are disclosed must be quarantined in accordance with state laws.

(b) Cervidae herds in which *Mycobacterium bovis* is confirmed will remain under quarantine and must pass three official tuberculosis tests in succession at ninety-day, one hundred eighty-day and one hundred eighty-day minimum intervals. Five annual complete herd tests of all eligible animals should be given following the release from quarantine.

(c) Reactors shall remain on the premises where they were disclosed until a state or federal permit for movement has been obtained. Movement for immediate slaughter will be directed to a slaughtering establishment where approved state or federal inspection is maintained within fifteen days of classification. Alternatively, the animals may be destroyed and a postmortem conducted by or under the supervision of a veterinarian employed in a full-time capacity by state or federal government.

(9) Retest schedules for high risk herds (cervidae).

(a) In herds with a history of lesions compatible or suggestive for tuberculosis by histopathology, two complete annual herd tests should be given after release from quarantine. Herds with a bacteriologic isolation of a species other than *M. bovis* should be considered negative for bovine tuberculosis with no further testing requirements.

(b) Source herds of slaughter animals having lesions of tuberculosis should be tested.

(c) Source herds of lesioned animals found in infected herds should be tested.

(10) Cleaning and disinfection of premises, conveyances, and materials. Premises including structures, holding facilities, conveyances, and materials that are determined by the appropriate cooperating state-federal officials to constitute a health hazard to humans or animals because of

tuberculosis should be properly cleaned and disinfected. This should be done in accordance with procedures approved by said officials.

(11) Identification. All cervidae tested must be individually identified. An official eartag is required for all interstate or international movements.

NEW SECTION

WAC 16-88-030 Herd status plans. (1) Accredited herd plan for cervidae.

(a) Animals to be tested - testing of herds for accreditation or reaccreditation shall include all cervidae over six months of age and any animals other than natural additions under six months of age. All natural additions shall be individually identified by official eartag and recorded on the test charts as members of the herd at the time of the herd test.

(b) Qualifying standards - to meet the requirements for accredited herd status the herd must pass at least three consecutive official tests for tuberculosis conducted at ten to fourteen month intervals with no evidence of bovine tuberculosis disclosed. All animals must be bona fide members of the herd. Herds meeting these standards shall be issued a certificate by the cooperating state-federal officials.

(c) Additions - herd additions must originate directly from one of the following:

(i) An accredited herd.

(ii) A qualified or monitored herd: *Provided*, That the individual animals for addition were negative to an official tuberculosis test conducted within ninety days prior to entry and must be kept in isolation from all members of the accredited herd until negative to an official tuberculosis test conducted after ninety days following entry.

(iii) A herd not meeting the requirements of (c)(i) or (ii) of this subsection. Individual animals for addition must be isolated from all other members of the herd of origin and pass two negative official tests for tuberculosis conducted at least ninety days apart provided that the second test was conducted within ninety days prior to movement to the premises of the accredited herd. The animals must then be kept in isolation from all members of the accredited herd until negative to an official tuberculosis test conducted at least ninety days following the date of entry.

Animals added under (c)(ii) and (iii) of this subsection shall not receive accredited herd status for sale purposes until they have entered the accredited herd from isolation following a negative retest ninety days after entry.

(d) Reaccreditation - to qualify for reaccreditation, the herd must pass a biannual test within a period of twenty-two to twenty-six months of the anniversary date. The accreditation period will be twenty-four months (seven hundred thirty days) from the anniversary date (not twenty-four months from the date of the reaccreditation test).

(2) Monitored herd plan for cervidae.

(a) Requirements - for a herd to be eligible for monitored herd status, the herd must be a herd on which identification records are maintained on animals slaughtered and inspected for tuberculosis at an approved slaughter facility. A monitored herd must identify animals at slaughter at a rate to detect infection at a two percent prevalence level with ninety-five percent confidence evenly distributed over a

three-year period. This rate would require a maximum number of one hundred forty-eight animals.

(b) Maintenance of monitored herd status - for monitored herd status to be renewed, an annual report shall be submitted by the person, firm, or corporation responsible for the management of the herd to the cooperating state-federal officials prior to the anniversary date to give the number of animals identified and slaughtered at an approved slaughter facility during the preceding year, as well as all other information necessary to maintain herd status.

(c) Additions - herd additions must originate directly from one of the following:

(i) Accredited herd.

(ii) A qualified or monitored herd: *Provided*, That the individual animals for addition were negative to a tuberculosis test conducted within ninety days prior to entry.

(iii) A herd not meeting the requirements of (c)(i) or (ii) of this subsection. Individual animals for addition must be isolated from all other members of the herd of origin and pass two negative official test for tuberculosis conducted at least ninety days apart provided that the second test was conducted within ninety days prior to movement to the premises of the monitored herd. The animals must then be kept in isolation from all members of the monitored herd until negative to an official tuberculosis test conducted at least ninety days following the date of entry.

Animals added under (c)(iii) of this subsection shall not receive monitored herd status for sale purposes until they have entered the monitored herd from isolation following a negative retest ninety days after entry.

(3) Qualified herd plan for cervidae.

(a) Animals to be tested - testing of herds for qualification shall include all cervidae over six months of age and any animals other than natural additions under six months of age. All natural additions shall be individually identified by official eartag and recorded on the test charts as members of the herd at the time of the herd test.

(b) Qualifying standards - to meet the requirements for qualified herd status, the herd must pass one official test for tuberculosis of all eligible animals with no evidence of bovine tuberculosis disclosed. The qualifying status remains in effect for twelve months following the qualifying test. All animals tested must be bona fide members of the herd.

(c) Additions - herd additions must originate directly from one of the following:

(i) An accredited herd.

(ii) A qualified or monitored herd: *Provided*, That the individual animals for addition were negative to a tuberculosis test conducted within ninety days prior to entry.

(iii) A herd not meeting the requirements of (c)(i) or (ii) of this subsection. Individual animals for addition must be isolated from all other members of the herd of origin and pass two negative official tests for tuberculosis conducted at least ninety days apart provided that the second test was conducted within ninety days prior to movement to the premises of the qualified herd. The animals must then be kept in isolation from all members of the qualified herd until negative to an official tuberculosis test conducted at least ninety days following the date of entry.

Animals added under (c)(iii) of this subsection shall not receive qualified herd status for sale purposes until they have

entered the qualified herd from isolation following a negative retest ninety days after entry.

NEW SECTION

WAC 16-88-040 Intrastate, interstate, or international movement—Tuberculosis testing requirements. (1) No animal with a response to any tuberculosis test is eligible for international movement into the state of Washington.

(2) No animal with a response to any tuberculosis test is eligible for intrastate or interstate movement unless said animal is subsequently classified "negative for tuberculosis" based upon an official tuberculosis test or is consigned directly to slaughter.

(3) Cervids that originate from accredited herds may be moved intrastate or interstate without further tuberculosis testing provided they are accompanied by a certificate stating such cervids have originated from an accredited free herd.

(4) Cervids not known to be affected with or exposed to tuberculosis that originate from qualified herds may be moved intrastate or interstate if they are accompanied by a certificate stating that such cervids originate from a qualified herd and have been classified negative to an official tuberculosis test which was conducted within ninety days prior to the date of movement. If the qualifying test was administered within ninety days of movement, the animal(s) do not require an additional test.

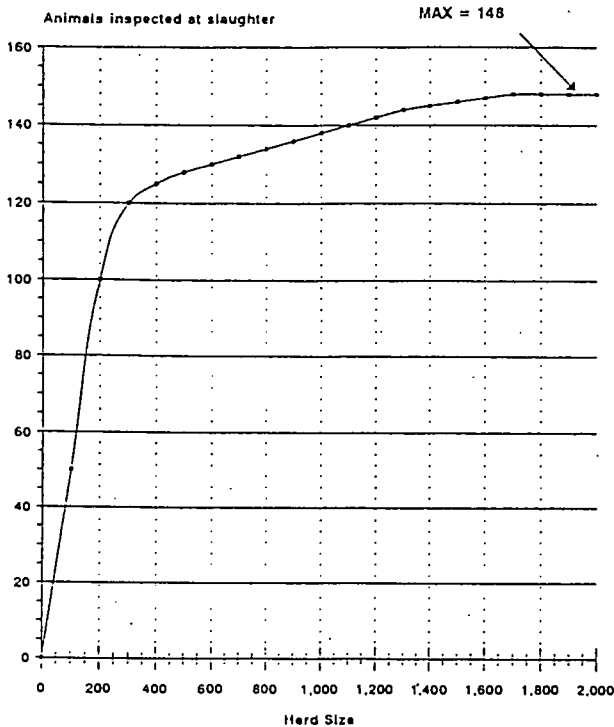
(5) Cervids not known to be affected with or exposed to tuberculosis that originate from monitored herds may be moved intrastate or interstate if they are accompanied by a certificate stating such cervids originate from a monitored herd and have been classified negative to an official tuberculosis test which was conducted within ninety days prior to the date of movement.

(6) Cervids not known to be affected with or exposed to tuberculosis that originate from all other herds may be moved intrastate or interstate if they are accompanied by a certificate stating that such cervids have been classified negative to two official tuberculosis tests which were conducted no less than ninety days apart, that the second test was conducted within ninety days prior to the date of movement and that the animals were isolated from all other members of the herd during the testing period.

(7) This section shall not apply to domestically raised cervids moved intrastate, interstate or imported internationally for immediate slaughter as provided by RCW 16.36.050 for domestic animals.

Appendix 1:

Monitored Herd Plan for Cervidae requirements for herd eligibility*



* detection at a 2% prevalence level with 95% confidence

**WSR 93-19-129
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**
[Order 5013—Filed September 21, 1993, 3:48 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Control and eradicate hog cholera. We are eliminating the rule because hog cholera does not exit in Washington or the United States and is considered a foreign animal disease. Emergency provisions exist in chapter 16.36 RCW in the event a foreign animal disease is diagnosed in Washington.

Statutory Authority for Adoption: RCW 16.36.096 and 16.36.040.

Pursuant to notice filed as WSR 93-16-091 on August 4, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 10, 1993

John King
Acting Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-78-001 Promulgation.
- WAC 16-78-002 Promulgation.
- WAC 16-78-003 Promulgation.
- WAC 16-78-010 General.
- WAC 16-78-020 Virulent hog cholera virus.
- WAC 16-78-030 Penalty.

**WSR 93-19-134
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Public Assistance)
[Order 3641—Filed September 22, 1993, 8:42 a.m.]

Date of Adoption: September 22, 1993.

Purpose: Proposed WAC 388-95-310 replaces WAC 388-34-095. The entirety of chapter 388-34 WAC is repealed. New WAC 388-95-310 Fraternal, religious, or benevolent nursing facility.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-34 WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-16-106 on August 4, 1993.

Effective Date of Rule: Thirty-one days after filing.
September 22, 1993
Dewey Brock, Acting Chief
Office of Vendor Services

NEW SECTION

WAC 388-95-310 Fraternal, religious, or benevolent nursing facility. (1) The department shall find an otherwise eligible client, residing in a nursing facility operated by a fraternal, religious, or benevolent organization:

- (a) Eligible for medical care when the:
 - (i) Facility is licensed as a nursing facility; and
 - (ii) Contract between the client and the nursing facility excludes free or prepaid institutional and/or medical care for life; or
 - (iii) Nursing facility is unable to fulfill the terms of the contract and has:
 - (A) Voided the contract; and
 - (B) Refunded to the client any existing assets of the client.

(b) Ineligible for institutional and/or medical care when a contract between the client and the facility includes free or prepaid institutional and/or medical care for life.

(2) The department shall consider available to the client all assets of a fraternal, religious, or benevolent organization when the client:

- (a) Signs a contract with the organization that includes free or prepaid institutional and/or medical care for the life of the client; and
- (b) Surrenders income and/or resources to the organization in exchange for such care.

PERMANENT

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-34-010	Institutional living arrangements.
WAC 388-34-015	Definitions.
WAC 388-34-020	Eligibility conditions.
WAC 388-34-025	Eligibility conditions—Eligibility for AFDC—Child or needy relative temporarily in institution.
WAC 388-34-035	Skilled nursing home care.
WAC 388-34-040	Skilled nursing home care—Application.
WAC 388-34-045	Skilled nursing home care—Cost standards for requirements.
WAC 388-34-055	Skilled nursing home care—Authorization and payment.
WAC 388-34-085	Public nursing home—Definition—Grant requirements.
WAC 388-34-095	Fraternal, religious, or benevolent home.
WAC 388-34-110	General hospital—Grants requirements.
WAC 388-34-120	Tuberculosis hospital—Grant requirements.
WAC 388-34-125	Psychiatric hospital (JCAH approved)—Standards for requirements.
WAC 388-34-140	Maternity services.
WAC 388-34-150	Other homes.
WAC 388-34-160	Grant change—Admittance to institution other than nursing home.
WAC 388-34-165	Grant change—Discharge from institution other than licensed nursing home.
WAC 388-34-180	Notification of grant authorization and change in grant.
WAC 388-34-370	Intermediate care—Eligibility conditions.
WAC 388-34-372	Intermediate care—Determination of need for intermediate care.
WAC 388-34-374	Intermediate care—Placement of recipient.
WAC 388-34-375	Intermediate care—Absence for social reasons.
WAC 388-34-376	Intermediate care—Services to be provided by operator.
WAC 388-34-378	Intermediate care—Grant requirements—Procedures.
WAC 388-34-380	Intermediate care—Payment procedures—Operator's responsibility.
WAC 388-34-384	Intermediate care—Application to provide intermediate care.

WSR 93-19-135
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3643—Filed September 22, 1993, 8:44 a.m.]

Date of Adoption: September 22, 1993.

Purpose: Clarification of technical language concerning certification for clients meeting spenddown who have incurred hospital expenses and clients who have not incurred hospital expenses.

Citation of Existing Rules Affected by this Order: Amending WAC 388-99-055 Base period.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-17-049 on August 13, 1993.

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

September 22, 1993

Dewey Brock, Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3528, filed 3/24/93, effective 4/24/93)

WAC 388-99-055 Base period. (1) Clients in their own homes shall have a choice of a three-month or a six-month base period which shall begin with the month of application. The department shall use a complete base period unless:

- A previous certification period overlaps; or
- The client is not resource eligible for the full base period; or
- The client is not categorically related for the full base period; or
- The client becomes eligible for categorically needy Medicaid.

(2) A client shall not be certified for more than six months.

(3) When countable income is greater than the appropriate medically needy income level (MNIL), the department shall require the client to spenddown the excess countable income for the base period.

(4) The department shall certify a client who is required to spenddown from the day the client meets the spenddown requirement through the last day of the chosen base period when the client has not incurred hospital expenses equal to the spenddown liability.

(5) The department shall certify a client who is required to spenddown from the first day of the ~~((month spenddown is met))~~ base period when the client has incurred hospital expenses equal to the spenddown liability.

(6) When the client requests retroactive medical coverage at the time of application, ~~((the department shall certify a client with spenddown from the day the spenddown requirement was met through the last day of))~~ the retroactive period ~~((which may))~~ shall begin ~~((up to))~~ three months before the application month unless exceptions in subsections (1)(a), (b), (c), or (d) of this section exist. The department shall certify a client with spenddown in a retroactive period effective:

(a) The day the spenddown requirement was met through the last day of the retroactive period when the client

has not incurred hospital expenses equal to the spenddown liability; or

(b) The first day of the retroactive period when the client has incurred hospital expenses equal to the spenddown liability.

(7) The department shall require an application for any subsequent period of eligibility for the medically needy program.

WSR 93-19-136
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 3642—Filed September 22, 1993, 8:46 a.m.]

Date of Adoption: September 22, 1993.

Purpose: Clarifies that the portion of veteran's benefits designated for unusual medical expense allowance is exempt income when determining initial eligibility and post-eligibility participation. Resources of an institutionalized spouse and a community spouse are considered available to the institutionalized spouse until the month after the institutionalized spouse is determined eligible for benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-340 Computation of available income and resources.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Social Security Act Section 1924(c) and 42 USC 1396r-5 Sec. 1924(c).

Pursuant to notice filed as WSR 93-16-105 on August 4, 1993.

Effective Date of Rule: Thirty-one days after filing.
 September 22, 1993
 Dewey Brock, Acting Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3517, filed 2/24/93, effective 3/27/93)

WAC 388-95-340 Computation of available income and resources. (1) The department shall limit financial responsibility of relatives to:

- (a) A spouse for a spouse; and
- (b) A parent for a child.

(2) Financial responsibility of spouses. The department shall:

(a) ~~((The department shall))~~ Consider, in the month the spouses stopped living together, the:

(i) Resources ~~((available to each spouse))~~ held by the institutionalized spouse, the community spouse, or both to be available to the institutionalized spouse;

(ii) Income available to the ~~((applying))~~ institutionalized spouse:

(A) In the name of the ~~((applying))~~ institutionalized spouse; and

(B) Community income received in the name of the ~~((nonapplying))~~ community spouse that does not exceed the community income received in the name of the applying spouse.

(b) ~~((The department shall))~~ Consider, in the month after the ~~((month the spouses stopped living together))~~ institutionalized spouse is determined eligible for institutional care, the ~~((spouses'))~~ community spouse's income and resources only when ~~((a))~~ the community spouse actually contributes such income and resources; and

(c) ~~((The department shall))~~ Consider the income and resources of spouses living in the same household as available to each other.

(3) The department shall consider institutionalized spouses as not living together even if such spouses share a room.

(4) Financial responsibility of parent to child. The department shall consider available only the parent's income actually contributed to an institutionalized person twenty years of age or younger.

(5) The department shall consider a client's income exemptions as unavailable income when determining initial eligibility or post-eligibility. The department shall exempt sequentially from income:

(a) Any public agency's refund of taxes paid on real property or on food;

(b) Supplemental security income (SSI) and state public assistance based on financial need;

(c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;

(d) Child support received by a parent, from an absent parent, for a minor child who is not institutionalized;

(e) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(f) Tax rebates or special payments excluded by other statutes;

(g) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(h) Veteran's benefits designated for the veteran's;

(i) Dependent; or

(ii) Unusual medical expense allowance.

(i) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client ~~((t))~~ e.g., chore services~~((t))~~;

(j) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(k) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's law for compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;

(l) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

(m) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(n) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(o) Restitution payment, and interest earned on such payment, to a civilian of Japanese or Aleut ancestry under P.L. 100-383;

(p) The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

~~((g))~~ (q) The amount of blindness-related work expenses of a blind client;

(r) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(s) Earned income tax credit (EITC);

(t) Victim's compensation.

(6) The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-95-360 for post-eligibility treatment of income. The department shall disregard sequentially from a client's income:

(a) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

(i) Twenty dollars per month if unearned; or

(ii) Ten dollars per month if earned.

(b) The first twenty dollars per month of earned or unearned income. The department may not exclude income paid to a client on the basis of need and is totally or partially funded by the federal government or by a private agency;

(c) The veteran's aid and attendance/house bound allowance;

(d) For an SSI-related person, the first sixty-five dollars per month of earned income not excluded according to subsection (5) of this section, plus one-half of the remainder;

(e) For an AFDC-related person, the first ninety dollars of earned income;

(f) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration ~~((t))~~ for the recovery of SSI overpayments~~((h))~~; and

(g) A fee charged by a guardian as reimbursement for provided services.

WSR 93-19-137
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3640—Filed September 22, 1993, 8:47 a.m.]

Date of Adoption: September 22, 1993.

Purpose: To clarify, for field staff, that the Medicare deductible is to be allowed toward spenddown when the client is hospitalized for the first time in a sixty-day calendar period.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-99-030 Allocation of excess income—Spenddown.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-16-107 on August 4, 1993.

Changes Other than Editing from Proposed to Adopted Version: Subsection (1)(a)(i) edited "Of the client or other

family member who is legally or blood related and living in the same household; or".

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

September 22, 1993

Dewey Brock, Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3335, filed 3/10/92, effective 4/10/92)

WAC 388-99-030 Allocation of excess income—Spenddown. (1) On initial or subsequent applications, the department shall deduct previously incurred medical expenses from the ~~((applicant's))~~ client's excess countable income subject to the following restrictions:

(a) The medical expense shall be a current liability:

(i) Of the ~~((applicant))~~ client or ~~((financially responsible relative))~~ other family member who is legally or blood related and living in the same household; or

(ii) Subject to payment during or after the base period, by a public program as defined ~~((it))~~ under subsection (2) of this section.

(b) The medical expense shall not have been used at any other time to reduce excess countable income on a medical application which resulted in eligibility;

(c) The department shall not consider ~~((toward spenddown))~~ the portion of the medical expense paid or covered by a third-party resource toward spenddown.

(i) The department shall disregard the possible payment by a third party as a resource and allow the entire expense for spenddown when a ~~((health insurer))~~ third party fails to send either payment or notice of the portion of a medical services bill covered within forty-five days of the date of service or thirty days from the last day of the base period, whichever is sooner.

(ii) When Medicare is the only insurance available ~~((and the applicant))~~ the department shall allow the Medicare deductible towards the spenddown when the client:

(A) Still owes the bill; and

(B) Is hospitalized for the first time in a ~~((calendar year and the client still owes the bill, the department shall allow the Medicare deductible toward the spenddown))~~ sixty-day period.

(d) The department shall consider toward spenddown a medical expense incurred and paid during the base period:

(i) By the ~~((applicant))~~ client; or

(ii) Subject to payment by a public program as defined ~~((it))~~ under subsection (2) of this section.

(e) The department shall consider only medical services provided by practitioners recognized under state law.

(2) For the purposes of this section, a public program is one administered and funded, except for deductibles and co-insurance amounts, by a state, county, city, or territory. Funding for a public program shall be:

(a) From a source other than federally matched or funded; and

(b) Appropriated by a state, county, city, or territory; or

(c) Transferred from a state, county, city, or territory to the administering agency.

(3) If the incurred medical bills equal or exceed the excess countable income at the time of application, the department shall certify the ~~((applicant's))~~ client's eligibility.

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(4) If the incurred medical bills are less than the excess countable income, the department shall not approve the application and shall require the ~~((applicant))~~ client to spenddown the remaining excess countable income. The department shall certify the ~~((applicant))~~ client eligible only when excess countable income has been completely spent down. ~~((For base periods beginning on or after February 1, 1990.))~~ The department shall deduct medical expenses incurred during the spenddown period in the following order:

(a) Medicare and other health insurance premiums, deductibles, coinsurance charges, enrollment fees, or copayments;

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program and provided by a practitioner recognized under state law;

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which a public program as defined ~~((by))~~ under subsection (2) of this section, has paid;

(d) Inpatient or outpatient hospital expenses for necessary medical and remedial care covered by the limited casualty program, but remaining ~~((an applicant's))~~ a client's liability; and

(e) Expenses for necessary medical and remedial care other than inpatient or outpatient hospital expenses covered by the limited casualty program.

(5) The ~~((applicant))~~ client shall provide the department with ~~((complete))~~ documentation of incurred medical expenses within thirty days of the end of the base period. Once the ~~((applicant's))~~ client's medical eligibility is approved, the department shall not consider expenses either not listed or omitted by the applicant. The ~~((applicant))~~ client may use such expenses to reduce excess countable income on a subsequent application, provided:

(a) The expenses incurred before the certification date meet the conditions in subsection (1) of this section; and

(b) Medical care or supplies received and paid for, on or after the certification date and before receiving medical coupons, meet the conditions in subsections (1)(b), (c), (d), and (e) of this section.

(6) The ~~((applicant))~~ client is liable for any expenses incurred before the first day of eligibility.

references. State-initiated housekeeping amendments are made to WAC 296-155-300, 296-155-305, and 296-155-310 to correct references to the American National Standards Institute Manual on Uniform Traffic Control Devices for Streets and Highways and delete a table that is not applicable. Federal-initiated amendments are made to WAC 296-155-444, 296-155-447, 296-155-449, 296-155-459, and 296-155-462 to change the 750 volts requirement to 600 volts. These amendments make the existing state standards at-least-as-effective-as the comparable federal final rules, by incorporating United States Department of Labor, Occupational Safety and Health Administration recommendations, dated June 10, 1991; chapter 296-304 WAC, Ship repairing, shipbuilding and shipbreaking, federal-initiated housekeeping amendments to WAC 296-304-02003, 296-304-03001, 296-304-03005, 296-304-03007, 296-304-04001, 296-304-04005, and 296-304-09003 are to clarify references to the amendments and new sections in WAC 296-62-14501 through 296-62-14553. State-initiated amendments are made to correct references to WAC 296-304-09003, where applicable.

Citation of Existing Rules Affected by this Order: Amending WAC 296-24-11003, 296-62-07105, 296-62-07711, 296-62-3090, 296-155-24510, 296-155-300, 296-155-305, 296-155-310, 296-155-444, 296-155-447, 296-155-449, 296-155-459, 296-155-462, 296-304-02003, 296-304-03001, 296-304-03005, 296-304-03007, 296-304-04001, 296-304-04005, and 296-304-09003.

Statutory Authority for Adoption: Chapter 49.17 RCW. Pursuant to notice filed as WSR 93-10-101 on May 5, 1993.

Changes Other than Editing from Proposed to Adopted Version: The standards section of industrial safety and health, Department of Labor and Industries had additional corrective amendments to various sections of the Washington Administrative Code (WAC). The items to be corrected are: WAC 296-62-3090 (5)(d), this section pertains to hazardous waste operations and emergency response, handling drums and containers. A letter dated May 14, 1993, from OSHA, the federal Occupational Safety and Health Administration, notes Washington state requires continuous communication between the employee-in-charge and the site supervisor and/or command post. The federal standard requires continuous communication between the employee and site supervisor, and the command post. OSHA states the word or must be removed. Because of the federal mandate that WISHA must be at-least-as-effective-as OSHA, we will amend the item to read . . . the site supervisor and command post until such time as . . . ; WAC 296-155-305(5), a housekeeping amendment will be added to correct wording to read . . . "the American National Standards Institute (ANSI) D6.1-1988." The present reference is to ANSI D6.1-1978; WAC 296-304-02003 (3)(a), a housekeeping amendment to the last line. It will be amended to read . . . to ensure that it contains at least 19.5 percent oxygen; WAC 296-304-02003 (3)(b), a housekeeping amendment to the paragraph. It will be amended to read: "If the tests indicate that the atmosphere in the space to be entered contains less than 19.5 percent oxygen . . ." These two housekeeping amendments are corrective actions to correct oxygen deficiency to 19.5 percent oxygen from 16.5 percent; additional housekeeping amendments are made to the following sections to correct references to a specific gender: WAC

WSR 93-19-142
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 93-04—Filed September 22, 1993, 10:10 a.m., effective November 1, 1993]

Date of Adoption: September 22, 1993.

Purpose: Chapter 296-24 WAC, General safety standards, state-initiated housekeeping amendment to WAC 296-24-11003. This amendment changes "section" to "part" for clarification; chapter 296-62 WAC, General occupational health standards, federal and state-initiated housekeeping amendments to WAC 296-62-07105, 296-62-07711, and 296-62-3090 are made to correct and clarify references; chapter 296-155 WAC, Safety standards for construction work, federal and state-initiated housekeeping amendments to WAC 296-155-24510 are made to correct and clarify

296-62-07105 and 296-155-462; and as a result of oral and written comments received, the following amended and new sections, relating to confined space, will not be adopted at this time. The department will be extensively reviewing stakeholder comments and present this standard at public hearing at a later date. On June 29, 1993, corrections to the federal final rule for confined space were published in Federal Register Volume 58, Number 123. These changes were made by OSHA to clarify the intent of the standard. The department will evaluate and incorporate the changes, as necessary, when proposing the state confined space rules, at a later date. WAC 296-24-70007 Work in confined spaces; 296-56-60005 Definitions; 296-56-60235 Welding, cutting and heating (hot work); 296-62-14501 Scope and application; 296-62-14503 Definitions; 296-62-14505 General requirements; 296-62-14507 Confined space program; 296-62-14509 Permit system; 296-62-14511 Entry permit; 296-62-14513 Training; 296-62-14515 Duties of authorized entrants; 296-62-14517 Duties of attendants; 296-62-14519 Duties of entry supervisor; 296-62-14521 Rescue and emergency services; 296-62-14523 Reserved; 296-62-14525 Reserved; 296-62-14527 Reserved; 296-62-14529 Reserved; 296-62-14540 Appendices to Part M of chapter 296-62 WAC—Confined space; 296-62-14542 Appendix A—Permit-required confined space decision flow chart; 296-62-14545 Appendix B—Procedures for atmospheric testing; 296-62-14547 Appendix C—Examples of permit-required confined space programs; 296-62-14549 Appendix D—Sample form; 296-62-14551 Appendix E—Sewer system entry; 296-62-14553 Appendix F—Hot work permit; 296-155-012 Definitions applicable to all sections of this chapter; 296-155-203 Confined spaces; 296-155-20301 Definitions; 296-155-20307 Confined space work on sewer systems under construction; and 296-304-01001 Definitions.

Small Business Economic Impact Statement: As a result of the information received at public hearing, the department is preparing a small business economic impact statement for permit required confined space rules. The economic impact statement will be filed with the CR-102 proposed rule making in accordance with chapter 19.85 RCW.

Effective Date of Rule: November 1, 1993.

September 22, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/08/92)

WAC 296-24-11003 Definitions applicable to this ((section)) Part. (1) Affected employee. An employee whose job requires him/her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which servicing or maintenance is being performed.

(2) Authorized employee. A person who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this ((section)) Part.

(3) Capable of being locked out. An energy isolating device is capable of being locked out if it has a hasp or other means of attachment to which, or through which, a lock can be affixed, or it has a locking mechanism built into it. Other energy isolating devices are capable of being locked out, if lockout can be achieved without the need to dismantle, rebuild, or replace the energy isolating device or permanently alter its energy control capability.

(4) Energized. Connected to an energy source or containing residual or stored energy.

(5) Energy isolating device. A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors and, in addition, no pole can be operated independently; a line valve; a block; and any similar device used to block or isolate energy. Push buttons, selector switches, and other control circuit type devices are not energy isolating devices.

(6) Energy source. Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal or other energy, including gravity.

(7) Hot tap. A procedure used in the repair, maintenance, and services activities which involves welding on a piece of equipment (pipelines, vessels, or tanks) under pressure, in order to install connections or appurtenances. It is commonly used to replace or add sections of pipeline without the interruption of service for air, gas, water, steam, and petrochemical distribution systems.

(8) Lockout. The placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

(9) Lockout device. A device that utilizes a positive means such as a lock, either key or combination type, to hold an energy isolating device in the safe position and prevents the energizing of a machine or equipment. Included are blank flanges and bolted slip blinds.

(10) Normal production operations. The utilization of a machine or equipment to perform its intended production function.

(11) Servicing and/or maintenance. Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning, or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

(12) Setting up. Any work performed to prepare a machine or equipment to perform its normal production operation.

(13) Tagout. The placement of a tagout device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

(14) Tagout device. A prominent warning device, such as a tag and a means of attachment, which can be securely

fastened to an energy isolating device in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-07105 Definitions. (1) Abrasive-blasting respirator. See "respirator." A respirator designed to protect the wearer against inhalation of abrasive material and against impact and abrasion from rebounding abrasive material.

(2) Accepted. Reviewed and listed as satisfactory for a specified use by the director or his or her designee.

(3) Aerodynamic diameter. The diameter of a unit density sphere having the same settling velocity as the particle in question of whatever shape and density.

(4) Aerosol. A system consisting of particles, solid or liquid, suspended in air.

(5) Air-line respirator. See "respirator."

(6) Air-purifying respirator. See "respirator."

(7) Air-regulating valve. An adjustable valve used to regulate, but which cannot completely shut off the airflow to the facepiece, helmet, hood, or suit of an air-line respirator.

(8) Air-supply device. A hand- or motor-operated blower for the hose mask, or a compressor or other source of respirable air for the air-line respirator.

(9) Approved. Tested and listed as satisfactory by the Bureau of Mines (BM) of the U.S. Department of Interior, or jointly by the Mining Enforcement and Safety Administration (MESA) of the U.S. Department of Interior and the National Institute for Occupational Safety and Health (NIOSH) of the U.S. Department of Health and Human Services, or jointly by the Mine Safety and Health Administration (MSHA) of the U.S. Department of Labor and NIOSH under the provisions of Title 30, Code of Federal Regulations, Part 11.

(10) Bioassay. A determination of the concentration of a substance in a human body by an analysis of urine, feces, blood, bone, or tissue.

(11) Breathing tube. A tube through which air or oxygen flows to the facepiece, mouthpiece, helmet, hood, or suit.

(12) Canister (air-purifying). A container with a filter, sorbent, or catalyst, or any combination thereof, which removes specific contaminants from the air drawn through it.

(13) Canister (oxygen-generating). A container filled with a chemical which generates oxygen by chemical reaction.

(14) Carcinogen. A substance known to produce cancer in some individuals following a latent period (for example: Asbestos, Chromates, radioactive particulates).

(15) Cartridge (air-purifying). A small canister.

(16) Catalyst. In respirator use, a substance which converts a toxic gas (or vapor) into a less-toxic gas (or vapor).

(17) Ceiling concentration. The concentration of an airborne substance that shall not be exceeded.

(18) Chemical-cartridge respirator. See respirator.

(19) Confined space. ((See ~~WAC 296-62-14501(1))~~)

Chapter 296-62 WAC Part M.

(20) Contaminant. A harmful, irritating, or nuisance material that is foreign to the normal atmosphere.

(21) Corrective lens. A lens ground to the wearer's individual corrective prescription to permit normal visual acuity.

(22) Demand. A type of self-contained breathing apparatus or type of air-line respirator which functions due to the negative pressure created by inhalation (i.e., air flow into the facepiece on "demand").

(23) Detachable coupling. A device which permits the respirator wearer, without using hand tools, to detach the air-supply line from that part of the respirator worn on the person.

(24) Dust. See WAC 296-62-07001(1).

(25) Emergency respirator use. Wearing a respirator when a hazardous atmosphere suddenly occurs that requires immediate use of a respirator either for escape from the hazardous atmosphere or for entry into the hazardous atmosphere.

(26) Exhalation valve. A device that allows exhaled air to leave a respirator and prevents outside air from entering through the valve.

(27) Eyepiece. A gas-tight, transparent window(s) in a full facepiece, helmet, hood, or suit, through which the wearer may see.

(28) Facepiece. That portion of a respirator that covers the wearer's nose and mouth in quarter-mask (above the chin) or half-mask (under the chin) facepiece or that covers the nose, mouth, and eyes in a full facepiece. It is designed to make a gas-tight or particle-tight fit with the face and includes the headbands, exhalation valve(s), and connections for an air-purifying device or respirable gas source, or both.

(29) Face shield. A device worn in front of the eyes and a portion of, or all of, the face, whose predominant function is protection of the eyes and the face.

(30) Fibrosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce findings of fibrotic growth that may cause pulmonary disease.

(31) Filter. A media component used in respirators to remove solid or liquid particles from the inspired air.

(32) Filter respirator. See respirator.

(33) Fog. A mist of sufficient concentration to perceptibly obscure vision.

(34) Full facepiece. See facepiece.

(35) Fume. See WAC 296-62-07001(2).

(36) Gas. An aeriform fluid which is in the gaseous state at ordinary temperature and pressure.

(37) Gas mask. See respirator.

(38) Goggle. A device, with contour-shaped eyecups with glass or plastic lenses, worn over eyes and held in place by a headband or other suitable means for the protection of the eyes and eye sockets.

(39) Half-mask facepiece. See facepiece.

(40) Hazardous atmosphere. Any atmosphere, either immediately or not immediately dangerous to life or health, which is oxygen deficient or which contains a toxic or disease-producing contaminant.

(41) Head harness. That part of a facepiece assembly which secures the facepiece to the wearer.

(42) Helmet. That portion of a respirator which shields the eyes, face, neck, and other parts of the head.

(43) High-efficiency filter. A filter which removes from air 99.97% or more of monodisperse dioctyl phthalate (DOP) particles having a mean particle diameter of 0.3 micrometer.

(44) Hood. That portion of a respirator which completely covers the head, neck, and portions of the shoulders.

(45) Hose mask. See respirator.

(46) Immediately dangerous to life or health (IDLH). Any atmosphere that poses an immediate hazard to life or produces immediate irreversible debilitating effects on health.

(47) Inhalation valve. A device that allows respirable air to enter a respirator and prevents exhaled air from leaving the respirator through the valve.

(48) Irrespirable. Unfit for breathing.

(49) Maximum use limit of filter, cartridge, or canister. The maximum concentration of a contaminant for which an air-purifying filter, cartridge, or canister is approved for use.

(50) Mist. See WAC 296-62-07001(4).

(51) Mouthpiece. That portion of a respirator which is held in the wearer's mouth and is connected to an air-purifying device or respirable gas source, or both. It is designed to make a gas-tight or particle-tight fit with the mouth.

(52) MPCa. Maximum permissible airborne concentration. These concentrations are set by the National Committee on Radiation Protection. They are recommended maximum average concentrations of radionuclides to which a worker may be exposed, assuming that he/she works 8 hours a day, 5 days a week, and 50 weeks a year.

(53) Negative pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is positive during exhalation in relation to the air pressure of the outside atmosphere and negative during inhalation in relation to the air pressure of the outside atmosphere.

(54) Nonroutine respirator use. Wearing a respirator when carrying out a special task that occurs infrequently.

(55) Nose clamp. A device used with a respirator equipped with a mouthpiece that closes the nostrils of the wearer (sometimes called a nose clip).

(56) Not immediately dangerous to life or health. Any hazardous atmosphere which may produce physical discomfort immediately, chronic poisoning after repeated exposure, or acute adverse physiological symptoms after prolonged exposure.

(57) Odor threshold limit. The lowest concentration of a contaminant in air that can be detected by the olfactory sense.

(58) Oxygen deficiency - immediately dangerous to life or health. An atmosphere which causes an oxygen partial pressure of 100 millimeters of mercury column or less in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor.

(59) Oxygen deficiency - not immediately dangerous to life or health. An atmosphere having an oxygen concentration below the minimum legal requirement of 19.5% by volume for respirable air at sea-level conditions, but above that which is immediately dangerous to life or health.

(60) Particulate matter. A suspension of fine solid or liquid particles in air, such as: Dust, fog, fume, mist, smoke, or spray. Particulate matter suspended in air is commonly known as an aerosol.

(61) Permissible exposure limit (PEL). The legally established time-weighted average (TWA) concentration or

ceiling concentration of a contaminant that shall not be exceeded.

(62) Pneumoconiosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce signs, symptoms, and findings of pulmonary disease.

(63) Positive-pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is positive in relation to the air pressure of the outside atmosphere during exhalation and inhalation.

(64) Powered air-purifying respirator. See respirator.

(65) Pressure demand. Similar to a demand type respirator but so designed to maintain positive pressure in the facepiece at all times.

(66) Protection factor. The ratio of the ambient concentration of an airborne substance to the concentration of the substance inside the respirator at the breathing zone of the wearer. The protection factor is a measure of the degree of protection provided by a respirator to the wearer. As used herein, a protection factor is synonymous with the fit factor assigned to a respirator facepiece by the use of qualitative and quantitative fitting tests.

(67) Rescue respirator use. Wearing a respirator for entry into a hazardous atmosphere to rescue a person(s) in the hazardous atmosphere.

(68) Resistance. Opposition to the flow of air, as through a canister, cartridge, particulate filter, orifice, valve, or hose.

(69) Respirable. Suitable for breathing.

(70) Respirator. A device designed to protect the wearer from the inhalation of harmful atmospheres.

(71) Respiratory-inlet covering. That portion of a respirator which connects the wearer's respiratory tract to an air-purifying device or respirable gas source, or both. It may be a facepiece, helmet, hood, suit, or mouthpiece/nose clamp.

(72) Routine respirator use. Wearing a respirator as a normal procedure when carrying out a regular and frequently repeated task.

(73) Sanitization. The removal of dirt and the inhibiting of the action of agents that cause infection or disease.

(74) Self-contained breathing apparatus. See respirator.

(75) Service life. The period of time that a respirator provides adequate protection to the wearer - for example, the period of time that an air-purifying device is effective for removing a harmful substance from inspired air.

(76) Smoke. A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.

(77) Sorbent. A material which is contained in cartridge or canister and which removes toxic gases and vapors from the inhaled air.

(78) Spray. A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.

(79) Supplied-air respirator. See respirator.

(80) Supplied-air suit. A suit that is impermeable to most particulate and gaseous contaminants and that is provided with an adequate supply of respirable air.

(81) Time-weighted average (TWA). The average concentration of a contaminant in air during a specific time period.

(82) Valve (air or oxygen). A device which controls the pressure, direction, or rate of flow of air or oxygen.

(83) Vapor. The gaseous state of a substance that is solid or liquid at ordinary temperature and pressure.

(84) Welding helmet. A device designed to provide protection for the eyes and face against intense radiant energy and molten metal splatter encountered in the welding and cutting of metals.

(85) Window indicator. A device on a cartridge or canister that visually denotes the service life of the cartridge or canister.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07711 Regulated areas. (1) General. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limits prescribed in WAC 296-62-07705.

(2) Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos in excess of the permissible exposure limits.

(3) Access. Access to regulated areas shall be limited to authorized persons or to persons authorized by the Washington Industrial Safety and Health Act or regulations issued pursuant thereto.

(4) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07715.

(5) Protective clothing. All persons entering a regulated area shall be supplied with and required to wear protective clothing, selected in accordance with WAC 296-62-07717.

(6) Prohibited activities. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated areas.

(7) Confined space. The employer shall determine if a confined space hazard exists and shall take any necessary precautions in accordance with chapter 296-62 WAC **Part M**.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-62-3090 Handling drums and containers. (1) General.

(a) Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with this section.

(b) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, WISHA, and EPA regulations for the wastes that they contain.

(c) When practical, drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) shall be moved to an accessible location and inspected prior to further handling.

(d) Unlabeled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(e) Site operations shall be organized to minimize the amount of drum or container movement.

(f) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(g) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(h) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in WAC 296-62-3010, shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(i) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(j) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of buried drums or containers.

(k) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(l) Fire extinguishing equipment meeting the requirements of Part G of chapter 296-24 WAC shall be on hand and ready for use to control incipient fires.

(2) Opening drums and containers. The following procedures shall be followed in areas where drums or containers are being opened:

(a) Where an airline respirator system is used, connections to the source of air supply shall be protected from contamination and the entire system shall be protected from physical damage.

(b) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(c) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(d) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(e) When there is a reasonable possibility of flammable atmospheres being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(f) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure cannot be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(g) Employees shall not stand upon or work from drums or containers.

(3) Material handling equipment. Material handling equipment used to transfer drums and containers shall be selected, positioned, and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers.

(4) Radioactive wastes. Drums and containers containing radioactive wastes shall not be handled until such time as their hazard to employees is properly assessed.

(5) Shock-sensitive wastes.

As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(a) All nonessential employees shall be evacuated from the area of transfer.

(b) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(c) An employee alarm system capable of being perceived above surrounding light and noise conditions shall be used to signal the commencement and completion of explosive waste handling activities.

(d) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and the site safety and health supervisor and ~~((for))~~ command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock-sensitive materials to explode shall not be used.

(e) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropriate containment procedures have been implemented to protect employees from explosive relief of the drum.

(f) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

Caution: Shipping of shock-sensitive wastes may be prohibited under United States Department of Transportation regulations. Employers and their shippers should refer to WAC 480-12-195.

(6) Laboratory waste packs. In addition to the requirements of subsection (4) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(a) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(b) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(7) Sampling of drum and container contents. Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(8) Shipping and transport.

(a) Drums and containers shall be identified and classified prior to packaging for shipment.

(b) Drum or container staging areas shall be kept to the minimum number necessary to identify and classify materials safely and prepare them for transport.

(c) Staging areas shall be provided with adequate access and egress routes.

(d) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(9) Tank and vault procedures.

(a) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(b) Appropriate tank or vault entry procedures as described in ~~((WAC 296-62-14503))~~ chapter 296-62 WAC Part M and the employer's safety and health plan shall be followed whenever employees must enter a tank or vault.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-24510 Fall restraint, fall arrest systems. (1) When employees are exposed to a hazard of falling from a location 10 feet or more in height, the employer shall ensure that fall restraint or fall arrest systems are provided, installed, and implemented according to the following requirements.

(2) Fall restraint protection shall consist of:

(a) Standard guardrails as described in ~~((WAC 296-155-505(6)))~~ chapter 296-155 WAC Part K.

(b) Safety belts and/or harness attached to securely rigged restraint lines.

(i) Safety belts and/or harness shall conform to ANSI Standard:

Class I - body belt

Class II - chest harness

Class III - full body harness

Class IV - suspension/position belt

(ii) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(iii) Rope grab devices are prohibited for fall restraint applications unless they are part of a fall restraint system designed specifically for the purpose by the manufacturer, and used in strict accordance with the manufacturer's recommendations and instructions.

(iv) The employer shall ensure component compatibility.

(v) Components of fall restraint systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(vi) Anchorage points used for fall restraint shall be capable of supporting 4 time the intended load.

(vii) Restraint protection shall be rigged to allow the movement of employees only as far as the sides and edges of the walking/working surface.

(c) A warning line system as prescribed in the WAC 296-155-24515(3) and supplemented by the use of a safety monitor system as prescribed in WAC 296-155-24521 to protect worker engaged in duties between the forward edge of the warning line and the unprotected sides and edges, including the leading edge, of a low pitched roof or walking/working surface.

(d) Warning line and safety monitor systems as described in WAC 296-155-24515 (3) through ~~((5))~~ (4)(f) and

296-155-24520 respectively are prohibited on surfaces exceeding a 4 in 12 pitch, and on any surface whose dimensions are less than 45 inches in all directions.

(3) Fall arrest protection shall consist of:

(a) Full body harness.

(i) An approved Class III full body harness shall be used.

(ii) Body harness system or components subject to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(iii) All safety lines and lanyards shall be protected against being cut or abraded.

(iv) Body harness system shall be rigged to minimize free fall distance with a maximum free fall distance allowed of 6 feet, and such that the employee will not contact any lower level.

(v) Hardware shall be drop forged, pressed or formed steel, or made of materials equivalent in strength.

(vi) Hardware shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attached body harness or lanyard.

(vii) When vertical lifelines (droplines) are used, not more than one employee shall be attached to any one lifeline.

(viii) Full body harness systems shall be secured to anchorages capable of supporting 5,000 pounds per employee except: When self-retracting lifelines or other deceleration devices are used which limit free fall to two feet, anchorages shall be capable of withstanding 3,000 pounds.

(ix) Vertical lifelines (droplines) shall have a minimum tensile strength of 5,000 pounds (22.2kN), except that self-retracting lifelines and lanyards which automatically limit free fall distance to two feet (.61 m) or less shall have a minimum tensile strength of 3,000 pounds (13.3 kN).

(x) Horizontal lifelines shall have a tensile strength capable of supporting a fall impact load of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline.

(xi) Lanyards shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(xii) All components of body harness systems whose strength is not otherwise specified in subsection (3) of this section shall be capable of supporting a minimum fall impact load of 5,000 pounds (22.2 kN) applied at the lanyard point of connection.

(xiii) Snap-hooks shall not be connected to loops made in webbing-type lanyards.

(xiv) Snap-hooks shall not be connected to each other.

(xv) Not more than one snap-hook shall be connected to any one D-ring unless they are the double locking type.

(xvi) Full body harness systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(b) Safety nets.

(i) All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test.

(ii) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(iii) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 10 feet below such level.

(iv) Safety nets shall extend outward at least 8 feet from the outermost projection of the work surface.

(v) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subsection (3)(b)(vii) of this section.

(vi) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subsection (3)(b)(vii) of this section.

(vii) Safety nets and safety net installations shall be drop-tested at the jobsite before used as a fall protection system. The drop-test shall consist of a 400 pound (180 kg) bag of sand 30+2 inches (76+5 cm) in diameter dropped into the net from the highest walking/working surface on which employees are to be protected. Exception: When the employer can demonstrate that a drop-test is not feasible or practicable, the net and net installation shall be certified by a qualified person to be in compliance with the provisions of this section.

(viii) Safety nets shall be inspected weekly for mildew, wear, damage, and other deterioration, and defective components shall be removed from service.

(ix) Materials, scrap pieces, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.

(x) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm²) nor be longer than six inches (15 cm) on any side measured center-to-center of mesh ropes or webbing. All mesh crossing shall be secured to prevent enlargement of the mesh opening.

(xi) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).

(xii) Connections between the safety net panels shall be as strong as integral net components and shall be spaced not more than six inches (15 cm) apart.

(c) Catch platforms.

(i) A catch platform shall be installed within 10 vertical feet of the work area.

(ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.

(4) Droplines or lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,000 pounds, shall be used.

(5) Safety harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work in hoppers, bins, silos, tanks, or other confined spaces as described in ((WAC 296-62-145)) chapter 296-62 WAC Part M.

(b) Work on hazardous slopes, or dismantling safety nets, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

AMENDATORY SECTION (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

WAC 296-155-300 Accident prevention signs and tags.

(1) General. Signs and symbols required by this section shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(2) Danger signs.

(a) Danger signs (see Figure E-1) shall be used only where an immediate hazard exists.

(b) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(3) Caution signs.

(a) Caution signs (see Figure E-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(b) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording.

letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(6) Directional signs. Directional signs, other than automotive traffic signs specified in subsection (7) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(7) Traffic signs.

(a) Construction areas shall be posted with legible traffic signs at points of hazard.

(b) All traffic control signs or devices used for protection of construction workers shall conform to and be set up according to American National Standards Institute D6.1-((1978)) 1988, Manual on Uniform Traffic Control Devices for Streets and Highways as amended by the Washington state department of transportation (M24-OT (HT)).

(8) Accident prevention tags.

(a) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(b) Specifications for accident prevention tags similar to those in Table E-1 shall apply.

(i) Additional rules. American National Standards Institute (ANSI) Z35.1-1972, Specifications for Accident Prevention signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-1972 and Z35.2-1968 with respect to rules not specifically prescribed in this part.

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FIGURE E-1



FIGURE E-2

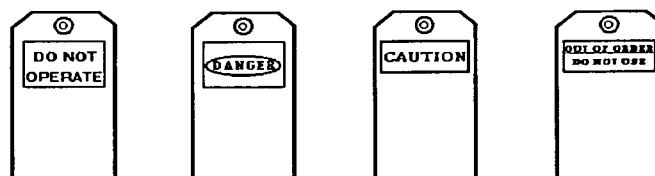


TABLE E-1

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White tag- White letters on red square	White tag- White letters on red oval with a black square	Yellow tag- Yellow letters on a black background
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order- Do Not Use

(4) Exit signs.

(a) Every exit sign shall have the word "exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

(b) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) Safety instruction signs. Safety instruction signs, when used, shall be white with green upper panel with white

AMENDATORY SECTION (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

WAC 296-155-305 Signaling. Flaggers.

(1) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, flaggers or other appropriate traffic controls shall be provided.

(2) Signaling directions by flaggers shall conform to American National Standards Institute D6.1-((1978)) 1988, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by the Washington state department of transportation. (M24-01 (HT).)

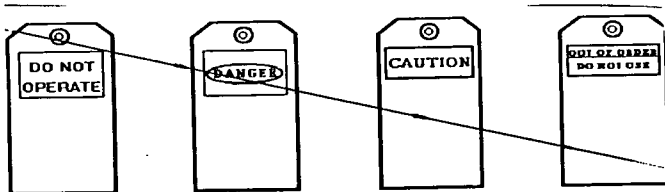
(3) Hand signaling by flaggers shall be by use of sign paddles at least 18 inches in diameter with series "C" letters at least 6 inches high or lights approved by the transportation commission. When hand signaling is done in periods of darkness, the sign paddles must be reflectorized or illuminated as required by ANSI D6.1-((1978)) 1988, Manual on Uniform Traffic Control Devices. The "STOP" side of the paddle shall have a red background with white lettering. When a paddle has a "SLOW" side, the background shall be orange and the lettering black. Colors shall conform to ANSI D6.1 current edition.

(4) Flaggers shall wear an orange warning garment and a yellow protective helmet while flagging. Warning garments worn at night shall be of reflectorized material. Yellow is specified as the color of helmets; the issue is clearly one of high visibility. Other colors providing equal visibility than the specified yellow will be acceptable. The iridescent or reflectorized hard hats, available in several colors, which provide "high visibility" in both day and night applications, will meet standard specifications.

(5) Each flagger shall be trained every three years in accordance with the American National Standards Institute (ANSI) D6.1-((1978)) 1988 manual on uniform traffic control devices as amended by the Washington state department of transportation (M 24-01 (HT)).

Note: Personnel that have not completed a flagging course may be assigned duties as flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention.

(6) Each flagger shall have in their possession a valid certificate which verifies completion of the training prescribed in subsection (5) of this section. Each certificate shall contain the date the card expires.



(((TABLE E-1

White tag	White tag	Yellow tag	White tag
White letters	White letters	Yellow letters	White letters
on red square	on red oval	on a black background	on black background
	with a black square		

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order-Do Not Use-))

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-310 Barricades. Barricades for protection of employees shall conform to the portions of the American National Standards Institute D6.1-((1974)) 1988, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by the Washington state department of highways, (M24-01 (HT)), relating to barricades.

AMENDATORY SECTION (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

WAC 296-155-444 General requirements. (1) Approval. All electrical conductors and equipment shall be approved.

(2) Examination, installation, and use of equipment.

(a) Examination. The employer shall ensure that electrical equipment is free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined on the basis of the following considerations:

(i) Suitability for installation and use in conformity with the provisions of this part. Suitability of equipment for an identified purpose may be evidenced by listing, labeling, or certification for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

(iii) Electrical insulation.

(iv) Heating effects under conditions of use.

(v) Arcing effects.

(vi) Classification by type, size, voltage, current capacity, specific use.

(vii) Other factors which contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(b) Installation and use. Listed, labeled, or certified equipment shall be installed and used in accordance with instructions included in the listing, labeling, or certification.

(3) Interrupting rating. Equipment intended to break current shall have an interrupting rating at system voltage sufficient for the current that must be interrupted.

(4) Mounting and cooling of equipment.

(a) Mounting. Electric equipment shall be firmly secured to the surface on which it is mounted. Wooden plugs driven into holes in masonry, concrete, plaster, or similar materials shall not be used.

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(b) Cooling. Electrical equipment which depends upon the natural circulation of air and convection principles for cooling of exposed surfaces shall be installed so that room air flow over such surfaces is not prevented by walls or by adjacent installed equipment. For equipment designed for floor mounting, clearance between top surfaces and adjacent surfaces shall be provided to dissipate rising warm air. Electrical equipment provided with ventilating openings shall be installed so that walls or other obstructions do not prevent the free circulation of air through the equipment.

(5) Splices. Conductors shall be spliced or joined with splicing devices designed for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device designed for the purpose.

(6) Arcing parts. Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(7) Marking. Electrical equipment shall not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment and unless other markings are provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be of sufficient durability to withstand the environment involved.

(8) Identification of disconnecting means and circuits. Each disconnecting means required by this part for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

(9) Construction site. Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(10) ~~(750)~~ 600 volts, nominal, or less. This subsection applies to equipment operating at ~~(750)~~ 600 volts, nominal, or less.

(a) Working space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) Working clearances. Except as required or permitted elsewhere in this part, the dimension of the working space in the direction of access to live parts operating at ~~(750)~~ 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive shall not be less than indicated in Table I-1. In addition to the dimensions shown in Table I-1, workspace shall not be less than 30 inches (762 mm) wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Walls constructed of concrete, brick, or tile are considered to be grounded. Working space is not required in back of assemblies such as dead-front switch-

boards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

Table I-1
Working Clearances

Nominal Voltage to Ground	Minimum Clear Distance for Conditions ¹		
	(a)	(b)	(c)
	Feet ²	Feet ²	Feet ²
0-150	3	3	3
151- (750) <u>600</u>	3	3 1/2	4

¹ Conditions (a), (b), and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. (c) Exposed live parts on both sides of the workspace not guarded provided in condition (a) with the operator between.

² Note: For International System of Units (SI): One foot=0.3048m.

(ii) Clear spaces. Working space required by this part shall not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be guarded.

(iii) Access and entrance to working space. At least one entrance shall be provided to give access to the working space about electric equipment.

(iv) Front working space. Where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment shall not be less than 3 feet (914 mm).

(v) Headroom. The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches (1.91 m).

(b) Guarding of live parts.

(i) Except as required or permitted elsewhere in this part, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by cabinets or other forms of enclosures, or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(B) By partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them.

(C) By location on a balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(D) By elevation of 8 feet (2.44 m) or more above the floor or other working surface and so installed as to exclude unqualified persons.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

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(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(11) Over ~~(750)~~ 600 volts, nominal.

(a) General. Conductors and equipment used on circuits exceeding ~~(750)~~ 600 volts, nominal, shall comply with all applicable provisions of subsections (1) through (7) of this section and with the following provisions which supplement or modify those requirements. The provisions of (b), (c), and (d) of this subsection do not apply to equipment on the supply side of the service conductors.

(b) Enclosure for electrical installations. Electrical installations in a vault, room, closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other equivalent means, are considered to be accessible to qualified persons only. A wall, screen, or fence less than 8 feet (2.44 m) in height is not considered adequate to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot (2.44 m) fence. The entrances to all buildings, rooms or enclosures containing exposed live parts or exposed conductors operating at over ~~(750)~~ 600 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(i) Installations accessible to qualified persons only. Electrical installations having exposed live parts shall be accessible to qualified persons only and shall comply with the applicable provisions of (c) of this subsection.

(ii) Installations accessible to unqualified persons. Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, access to which is controlled by a lock. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other similar associated equipment shall be marked with appropriate caution signs. If equipment is exposed to physical damage from vehicular traffic, guards shall be provided to prevent such damage. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(c) Workspace about equipment. Sufficient space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment. Where energized parts are exposed, the minimum clear workspace shall not be less than 6 feet 6 inches (1.98 m) high (measured vertically from the floor or platform,) or less than 3 feet (914 mm) wide (measured parallel to the equipment.) The depth shall be as required in Table I-2. The workspace shall be adequate to permit at least a ninety degree opening of doors or hinged panels.

(i) Working space. The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment shall not be less than specified in Table I-2 unless otherwise specified in this part. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. However, working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all

connections are accessible from locations other than the back. Where rear access is required to work on de-energized parts on the back of enclosed equipment, a minimum working space of 30 inches (762 mm) horizontally shall be provided.

Table I-2
Minimum Depth of Clear Working Space in Front of electric Equipment

Nominal Voltage to Ground	Minimum Clear Distance for Conditions ¹		
	(a)	(b)	(c)
	Feet ²	Feet ²	Feet ²
(750) 601 to 2,500	3	4	5
2,501 to 9,000	4	5	6
9,001 to 25,000	5	6	9
25,001 to 75kV	6	8	10
Above 75kV	8	10	12

¹ Conditions (a), (b), and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by insulating materials. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. Walls constructed of concrete, brick, or the tile are considered to be grounded surfaces. (c) Exposed live parts on both sides of the workspace (not guarded as provided in Condition (a)) with the operator between.

² Note: For SI units: One foot=0.3048m.

(ii) Lighting outlets and points of control. The lighting outlets shall be so arranged that persons changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment. The points of control shall be so located that persons are not likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(iii) Elevation of unguarded live parts. Unguarded live parts above working space shall be maintained at elevations not less than specified in Table I-3.

Table I-3
Elevation of Unguarded Energized Parts Above Working Space

Between Phases	Nominal Voltage to Minimum Elevation
(750) 601 to 7,500	8 feet 6 inches ¹
7,501 to 35,000	9 feet
Over 35kV	9 feet + 0.37 inches per kV above 35kV

¹ Note: For SI units: One inch=25.4mm, one foot=0.3048m.

(d) Entrance and access to workspace. At least one entrance not less than 24 inches (610 mm) wide and 6 feet 6 inches (1.98 m) high shall be provided to give access to the working space about electric equipment. On switchboard and control panels exceeding 48 inches (1.22 m) in width, there shall be one entrance at each end of such board where practicable. Where bare energized parts at any voltage or insulated energized parts above ~~(750)~~ 600 volts are located adjacent to such entrance, they shall be guarded.

(12) Welding and cutting equipment. Welding and cutting equipment shall meet the requirements specified in Parts D and H of this chapter.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-155-447 Wiring design and protection.

(1) Use and identification of grounded and grounding conductors.

(a) Identification of conductors. A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors. A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors.

(b) Polarity of connections. No grounded conductor shall be attached to any terminal or lead so as to reverse designated polarity.

(c) Use of grounding terminals and devices. A grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug shall not be used for purposes other than grounding.

(2) Branch circuits.

(a) Ground-fault protection.

(i) General. The employer shall use either ground-fault circuit interrupters as specified in (a)(ii) of this subsection or an assured equipment grounding conductor program as specified in (a)(iii) of this subsection to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(ii) Ground-fault circuit interrupters. All 120-volt, single-phase, 15-ampere and 20-ampere receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees, shall have approved ground-fault circuit interrupters for personnel protection. Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5kW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters.

(iii) Assured equipment grounding conductor program. The employer shall establish and implement an assured equipment grounding conductor program on construction sites covering all cord sets, receptacles which are not a part of the building or structure, and equipment connected by cord and plug which are available for use or used by employees. This program shall comply with the following minimum requirements:

(A) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the director and any affected employee.

(B) The employer shall designate one or more competent persons (as defined in WAC 296-155-012(4)) to implement the program, and to perform continuing tests and inspections as required.

(C) Each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing

pins or insulation damage, and for indications of possible internal damage. Equipment found damaged or defective shall not be used until repaired.

(D) The following tests shall be performed on all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and cord-connected and plug-connected equipment required to be grounded:

(I) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(II) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(III) Each outlet receptacle, or power source shall be tested to ensure proper polarity.

(E) All required tests shall be performed:

(I) Before first use;

(II) Before equipment is returned to service following any repairs;

(III) Before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and

(IV) At intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(F) The employer shall not make available or permit the use by employees of any equipment which has not met the requirements of (a)(iii) of this subsection.

(G) Tests performed as required in this subsection shall be recorded. This test record shall identify each receptacle, cord set, and cord-connected and plug-connected equipment that passed the test and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the director and any affected employee.

(b) Outlet devices. Outlet devices shall have an ampere rating not less than the load to be served and shall comply with the following:

(i) Single receptacles. A single receptacle installed on an individual branch circuit shall have an ampere rating of not less than that of the branch circuit.

(ii) Two or more receptacles. Where connected to a branch circuit supplying two or more receptacles or outlets, receptacle ratings shall conform to the values listed in Table I-4.

(iii) Receptacles used for the connection of motors. The rating of an attachment plug or receptacle used for cord-connection and plug-connection of a motor to a branch circuit shall not exceed 15 amperes at 125 volts or 10 amperes at 250 volts if individual overload protection is omitted.

Table I-4
Receptacle Ratings for Various Size Circuits

Circuit Rating Amperes	Receptacle Rating Amperes
15	Not Over 15

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20	15 or 20
30	30
40	40 or 50
50	50

(3) Outside conductors and lamps.

(a) ~~((750))~~ 600 volts, nominal, or less. (a)(i) through (iv)(D) of this subsection apply to branch circuit, feeder, and service conductors rated ~~((750))~~ 600 volts, nominal, or less and run outdoors as open conductors.

(i) Conductors on poles. Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(A) Power conductors below communication conductors: 30 inches (762 mm).

(B) Power conductors alone or above communication conductors: 300 volts or less—24 inches (610 mm); more than 300 volts—30 inches (762 mm).

(C) Communication conductors below power conductors: With power conductors 300 volts or less—24 inches (610 mm); more than 300 volts—30 inches (762 mm).

(ii) Clearance from ground. Open conductors shall conform to the following minimum clearances:

(A) 10 feet (3.05 m)—above finished grade, sidewalks, or from any platform or projection from which they might be reached.

(B) 12 feet (3.66 m)—over areas subject to vehicular traffic other than truck traffic.

(C) 15 feet (4.57 m)—over areas other than those specified in (a)(ii)(D) of this subsection that are subject to truck traffic.

(D) 18 feet (5.49 m)—over public streets, alleys, roads, and driveways.

(iii) Clearance from building openings. Conductors shall have a clearance of at least 3 feet (914 mm) from windows, doors, fire escapes, or similar locations. Conductors run above the top level of a window are considered to be out of reach from that window and, therefore, do not have to be 3 feet (914 mm) away.

(iv) Clearance over roofs. Conductors above roof space accessible to employees on foot shall have a clearance from the highest point of the roof surface of not less than 8 feet (2.44 m) vertical clearance for insulated conductors, not less than 10 feet (3.05 m) vertical or diagonal clearance for covered conductors, and not less than 15 feet (4.57 m) for bare conductors, except that:

(A) Where the roof space is also accessible to vehicular traffic, the vertical clearance shall not be less than 18 feet (5.49 m); or

(B) Where the roof space is not normally accessible to employees on foot, fully insulated conductors shall have a vertical or diagonal clearance of not less than 3 feet (914 mm); or

(C) Where the voltage between conductors is 300 volts or less and the roof has a slope of not less than 4 inches (102 mm) in 12 inches (305 mm), the clearance from roofs shall be at least 3 feet (914 mm); or

(D) Where the voltage between conductors is 300 volts or less and the conductors do not pass over more than 4 feet (1.22 m) of the overhang portion of the roof and they are terminated at a through-the-roof raceway or support, the clearance from roofs shall be at least 18 inches (457 mm).

(b) Location of outdoor lamps. Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

(4) Services.

(a) Disconnecting means.

(i) General. Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) Simultaneous opening of poles. Each service disconnecting means shall simultaneously disconnect all ungrounded conductors.

(b) Services over ~~((750))~~ 600 volts, nominal. The following additional requirements apply to services over ~~((750))~~ 600 volts, nominal.

(i) Guarding. Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(ii) Warning signs. Signs warning of high voltage shall be posted where unauthorized employees might come in contact with live parts.

(5) Overcurrent protection.

(a) ~~((750))~~ 600 volts, nominal, or less. The following requirements apply to overcurrent protection of circuits rated ~~((750))~~ 600 volts, nominal, or less.

(i) Protection of conductors and equipment. Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current. Conductors shall have sufficient ampacity to carry the load.

(ii) Grounded conductors. Except for motor-running overload protection, overcurrent devices shall not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.

(iii) Disconnection of fuses and thermal cutouts. Except for devices provided for current-limiting on the supply side of the service disconnecting means, all cartridge fuses which are accessible to other than qualified persons and all fuses and thermal cutouts on circuits over 150 volts to ground shall be provided with disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

(iv) Location in or on premises. Overcurrent devices shall be readily accessible. Overcurrent devices shall not be located where they could create an employee safety hazard by being exposed to physical damage or located in the vicinity of easily ignitable material.

(v) Arcing or suddenly moving parts. Fuses and circuit breakers shall be so located or shielded that employees will not be burned or otherwise injured by their operation.

(vi) Circuit breakers.

(A) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.

(B) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally,

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the up position of the handle shall be the closed (on) position.

(C) If used as switches in 120-volt, fluorescent lighting circuits, circuit breakers shall be marked "SWD."

(b) Over (~~(750)~~) 600 volts, nominal. Feeders and branch circuits over (~~(750)~~) 600 volts, nominal, shall have short-circuit protection.

(6) Effective grounding. The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; have ample carrying capacity to conduct safely the currents liable to be imposed on it; and have the impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit. (a) through (k) of this subsection contain grounding requirements for systems, circuits, and equipment.

(a) Systems to be grounded. The following systems which supply premises wiring shall be grounded:

(i) Three-wire DC systems. All three-wire DC systems shall have their neutral conductor grounded.

(ii) Two-wire DC systems. Two-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless they are rectifier-derived from an AC system complying with (a)(iii), (iv), and (v) of this subsection.

(iii) AC circuits, less than 50 volts. AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(iv) AC systems, 50 volts to 1000 volts. AC systems of 50 volts to 1000 volts shall be grounded under any of the following conditions, unless exempted by (a)(v) of this subsection:

(A) If the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts;

(B) If the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor;

(C) If the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor; or

(D) If a service conductor is uninsulated.

(v) Exceptions. AC systems of 50 volts to 1000 volts are not required to be grounded if the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

(A) The system is used exclusively for control circuits;

(B) The conditions of maintenance and supervision assure that only qualified persons will service the installation;

(C) Continuity of control power is required; and

(D) Ground detectors are installed on the control system.

(b) Separately derived systems. Where (a) of this subsection requires grounding of wiring systems whose power is derived from generator, transformer, or converter windings and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system, (e) of this subsection shall also apply.

(c) Portable and vehicle-mounted generators.

(i) Portable generators. Under the following conditions, the frame of a portable generator need not be grounded and may serve as the grounding electrode for a system supplied by the generator:

(A) The generator supplies only equipment mounted on the generator and/or cord-connected and plug-connected equipment through receptacles mounted on the generator; and

(B) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame.

(ii) Vehicle-mounted generators. Under the following conditions the frame of a vehicle may serve as the grounding electrode for a system supplied by a generator located on the vehicle:

(A) The frame of the generator is bonded to the vehicle frame; and

(B) The generator supplies only equipment located on the vehicle and/or cord-connected and plug-connected equipment through receptacles mounted on the vehicle or on the generator; and

(C) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame; and

(D) The system complies with all other provisions of this section.

(iii) Neutral conductor bonding. A neutral conductor shall be bonded to the generator frame if the generator is a component of a separately derived system. No other conductor need be bonded to the generator frame.

(d) Conductors to be grounded. For AC premises wiring systems the identified conductor shall be grounded.

(e) Grounding connections.

(i) Grounded system. For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means, or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(ii) Ungrounded systems. For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(f) Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(g) Supports, enclosures, and equipment to be grounded.

(i) Supports and enclosures for conductors. Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded, except that:

(A) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; and

(B) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and

nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:

- (I) Runs are less than 25 feet (7.62 m);
- (II) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and
- (III) Enclosures are guarded against employee contact.
 - (i) Service equipment enclosures. Metal enclosures for service equipment shall be grounded.
 - (ii) Fixed equipment. Exposed noncurrent-carrying metal parts of fixed equipment which may become energized shall be grounded under any of the following conditions:
 - (A) If within 8 feet (2.44 m) vertically or 5 feet (1.52 m) horizontally of ground or grounded metal objects and subject to employee contact.
 - (B) If located in a wet or damp location and subject to employee contact.
 - (C) If in electrical contact with metal.
 - (D) If in a hazardous (classified) location.
 - (E) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.
 - (F) If equipment operates with any terminal at over 150 volts to ground; however, the following need not be grounded:
 - (I) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;
 - (II) Metal frames of electrically heated appliances which are permanently and effectively insulated from ground; and
 - (III) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles at a height exceeding 8 feet (2.44 m) above ground or grade level.
 - (iv) Equipment connected by cord and plug. Under any of the conditions described in (g)(iv)(A) through (C) of this subsection, exposed noncurrent-carrying metal parts of cord-connected and plug-connected equipment which may become energized shall be grounded:
 - (A) If in a hazardous (classified) location (see WAC 296-155-444).
 - (B) If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground.
 - (C) If the equipment is one of the types listed in (g)(iv)(C)(I) through (V) of this subsection. However, even though the equipment may be one of these types, it need not be grounded if it is exempted by (g)(iv)(C)(VI) of this subsection.
 - (I) Hand held motor-operated tools;
 - (II) Cord-connected and plug-connected equipment used in damp or wet locations or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;
 - (III) Portable and mobile x-ray and associated equipment;
 - (IV) Tools likely to be used in wet and/or conductive locations; and
 - (V) Portable hand lamps.
 - (VI) Tools likely to be used in wet and/or conductive locations need not be grounded if supplied through an isolating transformer with an ungrounded secondary of not over 50 volts. Listed or labeled portable tools and appliances

es protected by a system of double insulation, or its equivalent, need not be grounded. If such a system is employed, the equipment shall be distinctively marked to indicate that the tool or appliance utilizes a system of double insulation.

(v) Nonelectrical equipment. The metal parts of the following nonelectrical equipment shall be grounded: Frames and tracks of electrically operated cranes; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand-operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and similar metal enclosures around equipment of over 1kV between conductors.

(h) Methods of grounding equipment.

(i) With circuit conductors. Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this part, shall be grounded by an equipment grounding conductor which is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(ii) Grounding conductor. A conductor used for grounding fixed or movable equipment shall have capacity to conduct safely any fault current which may be imposed on it.

(iii) Equipment considered effectively grounded. Electric equipment is considered to be effectively grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded by the method specified for the noncurrent-carrying metal parts of fixed equipment in (h)(i) of this subsection. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered to be effectively grounded.

(i) Bonding.

(i) If bonding conductors are used to assure electrical continuity, they shall have the capacity to conduct any fault current which may be imposed.

(ii) When attaching bonding and grounding clamps or clips, a secure and positive metal-to-metal contact shall be made. Such attachments shall be made before closures are opened and material movements are started and shall not be broken until after material movements are stopped and closures are made.

(j) Made electrodes. If made electrodes are used, they shall be free from nonconductive coatings, such as paint or enamel; and, if practicable, they shall be embedded below permanent moisture level. A single electrode consisting of a rod, pipe or plate which has a resistance to ground greater than 25 ohms shall be augmented by one additional electrode installed no closer than 6 feet (1.83 m) to the first electrode.

(k) Grounding of systems and circuits of 1000 volts and over (high voltage).

(i) General. If high voltage systems are grounded, they shall comply with all applicable provisions of (a) through (j) of this subsection as supplemented and modified by (k) of this subsection.

(ii) Grounding of systems supplying portable or mobile equipment. Systems supplying portable or mobile high voltage equipment, other than substations installed on a temporary basis, shall comply with the following:

(A) Portable and mobile high voltage equipment shall be supplied from a system having its neutral grounded through an impedance. If a delta-connected high voltage system is used to supply the equipment, a system neutral shall be derived.

(B) Exposed noncurrent-carrying metal parts of portable and mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(C) Ground-fault detection and relaying shall be provided to automatically deenergize any high voltage system component which has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored so as to de-energize automatically the high voltage feeder to the portable equipment upon loss of continuity of the equipment grounding conductor.

(D) The grounding electrode to which the portable or mobile equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 20 feet (6.1 m) from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe, fence or like objects.

(iii) Grounding of equipment. All noncurrent-carrying metal parts of portable equipment and fixed equipment including their associated fences, housings, enclosures, and supporting structures shall be grounded. However, equipment which is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus at a height exceeding 8 feet (2.44 m) above ground or grade level need not be grounded.

AMENDATORY SECTION (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

WAC 296-155-449 Wiring methods, components, and equipment for general use. (1) Wiring methods. The provisions of this subsection do not apply to conductors which form an integral part of equipment such as motors, controllers, motor control centers and like equipment.

(a) General requirements.

(i) Electrical continuity of metal raceways and enclosures. Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) Wiring in ducts. No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type shall be installed in any duct used for vapor removal or in any shaft containing only such ducts.

(iii) Receptacles for attachment plugs shall be approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact. All temporary outlet boxes shall be of a type suitable for use in wet or damp locations.

(iv) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(b) Temporary wiring.

(i) Scope. The provisions of (b) of this subsection apply to temporary electrical power and lighting wiring methods which may be of a class less than would be required for a permanent installation. Except as specifically modified in (b) of this subsection, all other requirements of this part for permanent wiring shall apply to temporary wiring installations. Temporary wiring shall be removed immediately upon completion of construction or the purpose for which the wiring was installed.

(ii) General requirements for temporary wiring.

(A) Feeders shall originate in a distribution center. The conductors shall be run as multiconductor cord or cable assemblies or within raceways; or, where not subject to physical damage, they may be run as open conductors on insulators not more than 10 feet (3.05 m) apart.

(B) Branch circuits shall originate in a power outlet or panelboard. Conductors shall be run as multiconductor cord or cable assemblies or open conductors, or shall be run in raceways. All conductors shall be protected by overcurrent devices at their ampacity. Runs of open conductors shall be located where the conductors will not be subject to physical damage, and the conductors shall be fastened at intervals not exceeding 10 feet (3.05 m). No branch-circuit conductors shall be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if the branch circuit is run as open conductors.

(C) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor, and all receptacles shall be electrically connected to the grounding conductor. Receptacles for uses other than temporary lighting shall not be installed on branch circuits which supply temporary lighting. Receptacles shall not be connected to the same ungrounded conductor of multiwire circuits which supply temporary lighting.

(D) Disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(E) All lamps for general illumination shall be protected from accidental contact or breakage. Metal-case sockets shall be grounded.

(F) Temporary lights shall be equipped with hard usage (S or SJ types) electric cords with connections and insulation maintained in safe condition. "Brewery" cord (type CBO or NB) may be substituted for hard usage cord provided it is protected from physical damages. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall retain the insulation, outer sheath properties, flexibility, and usage characteristics of the cord being spliced.

When pin-type connectors or lampholders are utilized, the area of perforations caused by lampholder removal shall be restored to the insulation capabilities of the cord.

(G) Portable electric lighting used in wet and/or other conductive locations, as for example, drums, tanks, and vessels, shall be operated at 12 volts or less. However, 120-volt lights may be used if protected by a ground-fault circuit interrupter.

(H) A box shall be used wherever a change is made to a raceway system or a cable system which is metal clad or metal sheathed.

(I) Flexible cords and cables shall be protected from damage. Sharp corners and projections shall be avoided. Flexible cords and cables may pass through doorways or other pinch points, if protection is provided to avoid damage.

(J) Extension cord sets used with portable electric tools and appliances shall be of three-wire type and shall be designed for hard or extra-hard usage. Flexible cords used with temporary and portable lights shall be designed for hard or extra-hard usage.

Note: The National Electrical Code, ANSI/NFPA 70, in Article 400, Table 400-4, lists various types of flexible cords, some of which are noted as being designed for hard or extra-hard usage. Examples of these types of flexible cords include hard service cord (types S, ST, SO, STO) and junior hard service cord (types SJ, SJO, SJT, SJTO).

(iii) Guarding. For temporary wiring over ~~((750))~~ 600 volts, nominal, fencing, barriers, or other effective means shall be provided to prevent access of other than authorized and qualified personnel.

(2) Cabinets, boxes, and fittings.

(a) Conductors entering boxes, cabinets, or fittings. Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall also be effectively closed.

(b) Covers and canopies. All pull boxes, junction boxes, and fittings shall be provided with covers. If metal covers are used, they shall be grounded. In energized installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(c) Pull and junction boxes for systems over ~~((750))~~ 600 volts, nominal. In addition to other requirements in this section for pull and junction boxes, the following shall apply to these boxes for systems over ~~((750))~~ 600 volts, nominal:

(i) Complete enclosure. Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Covers. Boxes shall be closed by covers securely fastened in place. Underground box covers that weigh over 100 pounds (43.6 kg) meet this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(3) Knife switches. Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical, a locking device shall be provided to ensure that the blades remain in the open position when so set.

(4) Switchboards and panelboards. Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures designed for the purpose and shall be dead front.

However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, fittings, and boxes. Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(b) Switches and circuit breakers. Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) Conductors for general wiring. All conductors used for general wiring shall be insulated unless otherwise permitted in this part. The conductor insulation shall be of a type that is suitable for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Permitted uses. Flexible cords and cables shall be suitable for conditions of use and location. Flexible cords and cables shall be used only for:

(A) Pendants;

(B) Wiring of fixtures;

(C) Connection of portable lamps or appliances;

(D) Elevator cables;

(E) Wiring of cranes and hoists;

(F) Connection of stationary equipment to facilitate their frequent interchange;

(G) Prevention of the transmission of noise or vibration; or

(H) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair.

(ii) Attachment plugs for cords. If used as permitted in (a)(i)(C), (F), or (H) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from a receptacle outlet.

(iii) Prohibited uses. Unless necessary for a use permitted in (a)(i) of this subsection, flexible cords and cables shall not be used:

(A) As a substitute for the fixed wiring of a structure;

(B) Where run through holes in walls, ceilings, or floors;

(C) Where run through doorways, windows, or similar openings, except as permitted in subsection (1)(b)(ii)(I) of this section;

(D) Where attached to building surfaces; or

(E) Where concealed behind building walls, ceilings, or floors.

(b) Identification, splices, and terminations.

(i) Identification. A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors.

(ii) Marking. Type SJ, SJO, SJT, SJTO, S, SO, ST, and STO cords shall not be used unless durably marked on the

surface with the type designation, size, and number of conductors.

(iii) Splices. Flexible cords shall be used only in continuous lengths without splice or tap. Hard service flexible cords No. 12 or larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iv) Strain relief. Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(v) Cords passing through holes. Flexible cords and cables shall be protected by bushings or fittings where passing through holes in covers, outlet boxes, or similar enclosures.

(vi) Trailing cables shall be protected from damage.

(vii) Cord and cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(8) Portable cables over ~~((750))~~ 600 volts, nominal. Multiconductor portable cable for use in supplying power to portable or mobile equipment at over ~~((750))~~ 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these cables shall be of a locking type with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables shall not be operated with splices unless the splices are of the permanent molded, vulcanized, or other equivalent type. Termination enclosures shall be marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified personnel.

(9) Fixture wires.

(a) General. Fixture wires shall be suitable for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) Uses permitted. Fixture wires may be used:

(i) For installation in lighting, fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) Uses not permitted. Fixture wires shall not be used as branch-circuit conductors except as permitted for Class 1 power-limited circuits.

(10) Equipment for general use.

(a) Lighting fixtures, lampholders, lamps, and receptacles.

(i) Live parts. Fixtures, lampholders, lamps, rosettes, and receptacles shall have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet (2.44 m) above the floor may have exposed parts.

(ii) Support. Fixtures, lampholders, rosettes, and receptacles shall be securely supported. A fixture that weighs more than 6 pounds (2.72 kg) or exceeds 16 inches (406 mm) in any dimension shall not be supported by the screw shell of a lampholder.

(iii) Portable lamps. Portable lamps shall be wired with flexible cord and an attachment plug of the polarized or grounding type. If the portable lamp uses an Edison-based lampholder, the grounded conductor shall be identified and attached to the screw shell and the identified blade of the attachment plug. In addition, portable handlamps shall comply with the following:

(A) Metal shell, paperlined lampholders shall not be used;

(B) Handlamps shall be equipped with a handle of molded composition or other insulating material;

(C) Handlamps shall be equipped with a substantial guard attached to the lampholder or handle;

(D) Metallic guards shall be grounded by the means of an equipment grounding conductor run within the power supply cord.

(iv) Lampholders. Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weather-proof type.

(v) Fixtures. Fixtures installed in wet or damp locations shall be identified for the purpose and shall be installed so that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) Receptacles, cord connectors, and attachment plugs (caps).

(i) Configuration. Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating. Receptacles connected to circuits having different voltages, frequencies, or types of current (AC or DC) on the same premises shall be of such design that the attachment plugs used on these circuits are not interchangeable.

(ii) Damp and wet locations. A receptacle installed in a wet or damp location shall be designed for the location.

(c) Appliances.

(i) Live parts. Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, shall have no live parts normally exposed to employee contact.

(ii) Disconnecting means. A means shall be provided to disconnect each appliance.

(iii) Rating. Each appliance shall be marked with its rating in volts and amperes or volts and watts.

(d) Motors. This subdivision applies to motors, motor circuits, and controllers.

(i) In sight from. If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet (15.2 m) from the other.

(ii) Disconnecting means.

(A) A disconnecting means shall be located in sight from the controller location. The controller disconnecting means for motor branch circuits over ~~((750))~~ 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means which is to be locked in the open position.

(B) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(C) If a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(I) The controller disconnecting means shall be capable of being locked in the open position.

(II) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(D) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(E) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(F) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(I) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or wood-working machine, crane, or hoist;

(II) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(III) If a group of motors is in a single room in sight from the location of the disconnecting means.

(iii) Motor overload, short-circuit, and ground-fault protection. Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions do not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(iv) Protection of live parts—all voltages.

(A) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not have such parts guarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(I) By installation in a room or enclosure that is accessible only to qualified persons;

(II) By installation on a balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons; or

(III) By elevation 8 feet (2.44 m) or more above the floor.

(B) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(e) Transformers.

(i) Application. The following subsections cover the installation of all transformers, except:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers which are an integral part of an x-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signaling circuits.

(ii) Operating voltage. The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Transformers over 35 kV. Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35 kV shall be in a vault.

(iv) Oil-insulated transformers. If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Fire protection. Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires which may originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults. Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Pipes and ducts. Any pipe or duct system foreign to the vault installation shall not enter or pass through a transformer vault.

(viii) Material storage. Materials shall not be stored in transformer vaults.

(f) Capacitors.

(i) Drainage of stored charge. All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge and maintaining the discharged state after the capacitor is disconnected from its source of supply.

(ii) Over ~~((750))~~ 600 volts. Capacitors rated over ~~((750))~~ 600 volts, nominal, shall comply with the following additional requirements:

(A) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(B) For series capacitors the proper switching shall be assured by use of at least one of the following:

(I) Mechanically sequenced isolating and bypass switches;

(II) Interlocks; or

(III) Switching procedure prominently displayed at the switching location.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-155-459 Special systems. (1) Systems over ((750)) 600 volts, nominal. (a) through (d) of this subsection contain general requirements for all circuits and equipment operated at over ((750)) 600 volts.

(a) Wiring methods for fixed installations.

(i) Above ground. Above-ground conductors shall be installed in rigid metal conduit, in intermediate metal conduit, in cable trays, in cablebus, in other suitable raceways, or as open runs of metal-clad cable designed for the use and purpose. However, open runs of nonmetallic-sheathed cable or of bare conductors or busbars may be installed in locations which are accessible only to qualified persons. Metallic shielding components, such as tapes, wires, or braids for conductors, shall be grounded. Open runs of insulated wires and cables having a bare lead sheath or a braided outer covering shall be supported in a manner designed to prevent physical damage to the braid or sheath.

(ii) Installations emerging from the ground. Conductors emerging from the ground shall be enclosed in raceways. Raceways installed on poles shall be of rigid metal conduit, intermediate metal conduit, PVC schedule 80 or equivalent extending from the ground line up to a point 8 feet (2.44 m) above finished grade. Conductors entering a building shall be protected by an enclosure from the ground line to the point of entrance. Metallic enclosures shall be grounded.

(b) Interrupting and isolating devices.

(i) Circuit breakers. Circuit breakers located indoors shall consist of metal-enclosed or fire-resistant, cell-mounted units. In locations accessible only to qualified personnel, open mounting of circuit breakers is permitted. A means of indicating the open and closed position of circuit breakers shall be provided.

(ii) Fused cutouts. Fused cutouts installed in buildings or transformer vaults shall be of a type identified for the purpose. They shall be readily accessible for fuse replacement.

(iii) Equipment isolating means. A means shall be provided to completely isolate equipment for inspection and repairs. Isolating means which are not designed to interrupt the load current of the circuit shall be either interlocked with a circuit interrupter or provided with a sign warning against opening them under load.

(c) Mobile and portable equipment.

(i) Power cable connections to mobile machines. A metallic enclosure shall be provided on the mobile machine for enclosing the terminals of the power cable. The enclosure shall include provisions for a solid connection for the ground wire(s) terminal to ground effectively the machine frame. The method of cable termination used shall prevent any strain or pull on the cable from stressing the electrical connections. The enclosure shall have provision for locking so only authorized qualified persons may open it and shall be marked with a sign warning of the presence of energized parts.

(ii) Guarding live parts. All energized switching and control parts shall be enclosed in effectively grounded metal cabinets or enclosures. Circuit breakers and protective equipment shall have the operating means projecting through the metal cabinet or enclosure so these units can be reset

without locked doors being opened. Enclosures and metal cabinets shall be locked so that only authorized qualified persons have access and shall be marked with a sign warning of the presence of energized parts. Collector ring assemblies on revolving-type machines (shovels, draglines, etc.) shall be guarded.

(d) Tunnel installations.

(i) Application. The provisions of this item apply to installation and use of high-voltage power distribution and utilization equipment which is associated with tunnels and which is portable and/or mobile, such as substations, trailers, cars, mobile shovels, draglines, hoists, drills, dredges, compressors, pumps, conveyors, and underground excavators.

(ii) Conductors. Conductors in tunnels shall be installed in one or more of the following:

(A) Metal conduit or other metal raceway;

(B) Type MC cable; or

(C) Other suitable multiconductor cable.

Conductors shall also be so located or guarded as to protect them from physical damage. Multiconductor portable cable may supply mobile equipment. An equipment grounding conductor shall be run with circuit conductors inside the metal raceway or inside the multiconductor cable jacket. The equipment grounding conductor may be insulated or bare.

(iii) Guarding live parts. Bare terminals of transformers, switches, motor controllers, and other equipment shall be enclosed to prevent accidental contact with energized parts. Enclosures for use in tunnels shall be drip-proof, weather-proof, or submersible as required by the environmental conditions.

(iv) Disconnecting means. A disconnecting means that simultaneously opens all ungrounded conductors shall be installed at each transformer or motor location.

(v) Grounding and bonding. All nonenergized metal parts of electric equipment and metal raceways and cable sheaths shall be grounded and bonded to all metal pipes and rails at the portal and at intervals not exceeding 1000 feet (305 m) throughout the tunnel.

(2) Class 1, Class 2, and Class 3 remote control, signaling, and power-limited circuits.

(a) Classification. Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits are characterized by their usage and electrical power limitation which differentiates them from light and power circuits. These circuits are classified in accordance with their respective voltage and power limitations as summarized in (a)(i) through (iii) of this subsection.

(i) Class 1 circuits.

(A) A Class 1 power-limited circuit is supplied from a source having a rated output of not more than 30 volts and 1000 volt-amperes.

(B) A Class 1 remote control circuit or a Class 1 signaling circuit has a voltage which does not exceed ((750)) 600 volts; however, the power output of the source need not be limited.

(ii) Class 2 and Class 3 circuits.

(A) Power for Class 2 and Class 3 circuits is limited either inherently (in which no overcurrent protection is required) or by a combination of a power source and overcurrent protection.

(B) The maximum circuit voltage is 150 volts AC or DC for a Class 2 inherently limited power source, and 100 volts AC or DC for a Class 3 inherently limited power source.

(C) The maximum circuit voltage is 30 volts AC and 60 volts DC for a Class 2 power source limited by overcurrent protection, and 150 volts AC or DC for a Class 3 power source limited by overcurrent protection.

(iii) Application. The maximum circuit voltages in (a)(i) and (ii) of this subsection apply to sinusoidal AC or continuous DC power sources, and where wet contact occurrence is not likely.

(b) Marking. A Class 2 or Class 3 power supply unit shall not be used unless it is durably marked where plainly visible to indicate the class of supply and its electrical rating.

(3) Communications systems.

(a) Scope. These provisions for communication systems apply to such systems as central-station-connected and noncentral-station-connected telephone circuits, radio receiving and transmitting equipment, and outside wiring for fire and burglar alarm, and similar central station systems. These installations need not comply with the provisions of WAC 296-155-444 through 296-155-459(2), except WAC 296-155-447 (3)(a)(ii) and 296-155-456.

(b) Protective devices.

(i) Circuits exposed to power conductors. Communication circuits so located as to be exposed to accidental contact with light or power conductors operating at over 300 volts shall have each circuit so exposed provided with an approved protector.

(ii) Antenna lead-ins. Each conductor of a lead-in from an outdoor antenna shall be provided with an antenna discharge unit or other means that will drain static charges from the antenna system.

(c) Conductor location.

(i) Outside of buildings.

(A) Receiving distribution lead-in or aerial-drop cables attached to buildings and lead-in conductors to radio transmitters shall be so installed as to avoid the possibility of accidental contact with electric light or power conductors.

(B) The clearance between lead-in conductors and any lightning protection conductors shall not be less than 6 feet (1.83 m).

(ii) On poles. Where practicable, communication conductors on poles shall be located below the light or power conductors. Communications conductors shall not be attached to a crossarm that carries light or power conductors.

(iii) Inside of buildings. Indoor antennas, lead-ins, and other communication conductors attached as open conductors to the inside of buildings shall be located at least 2 inches (50.8 mm) from conductors of any light or power or Class 1 circuits unless a special and equally protective method of conductor separation is employed.

(d) Equipment location. Outdoor metal structures supporting antennas, as well as self-supporting antennas such as vertical rods or dipole structures, shall be located as far away from overhead conductors of electric light and power circuits of over 150 volts to ground as necessary to avoid the possibility of the antenna or structure falling into or making accidental contact with such circuits.

(e) Grounding.

(i) Lead-in conductors. If exposed to contact with electric light or power conductors, the metal sheath of aerial cables entering buildings shall be grounded or shall be interrupted close to the entrance to the building by an insulating joint or equivalent device. Where protective devices are used, they shall be grounded.

(ii) Antenna structures. Masts and metal structures supporting antennas shall be permanently and effectively grounded without splice or connection in the grounding conductor.

(iii) Equipment enclosures. Transmitters shall be enclosed in a metal frame or grill or separated from the operating space by a barrier, all metallic parts of which are effectively connected to ground. All external metal handles and controls accessible to the operating personnel shall be effectively grounded. Unpowered equipment and enclosures shall be considered grounded where connected to an attached coaxial cable with an effectively grounded metallic shield.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-155-462 Definitions applicable to this part. The definitions given in this section apply to the terms used in Part I. The definitions given here for "approved" and "qualified person" apply, instead of the definitions given in WAC 296-155-012, to the use of these terms in Part I.

(1) "Acceptable." An installation or equipment is acceptable to the director, and approved within the meaning of this Part I:

(a) If it is accepted, certified, listed, labeled, or otherwise determined to be safe by a qualified testing laboratory capable of determining the suitability of materials and equipment for installation and use in accordance with this standard; or

(b) With respect to an installation or equipment of a kind which no qualified testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another state agency, or by a federal, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with those provisions; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives.

(2) "Accepted." An installation is "accepted" if it has been inspected and found to be safe by a qualified testing laboratory.

(3) "Accessible." (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure or finish, or not permanently closed in by the structure or finish of the building. (See "concealed" and "exposed.")

(4) "Accessible." (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "readily accessible.")

(5) "Ampacity." The current in amperes a conductor can carry continuously under the conditions of use without exceeding its temperature rating.

(6) "Appliances." Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions.

(7) "Approved." Approved by the director of the department of labor and industries or his/her authorized representative: *Provided, however*, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provisions of WAC 296-155-006 shall apply.

(8) "Askarel." A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(9) "Attachment plug (plug cap) (cap)." A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(10) "Automatic." Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature, or mechanical configuration.

(11) "Bare conductor." See "conductor."

(12) "Bonding." The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(13) "Bonding jumper." A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(14) "Branch circuits." That portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(15) "Building." A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

(16) "Cabinet." An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

(17) "Certified." Equipment is "certified" if it:

(a) Has been tested and found by a qualified testing laboratory to meet applicable test standards or to be safe for use in a specified manner; and

(b) Is of a kind whose production is periodically inspected by a qualified testing laboratory. Certified equipment must bear a label, tag, or other record of certification.

(18) "Circuit breaker."

(a) (~~(750)~~) 600 volts nominal, or less.) A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined

overcurrent without injury to itself when properly applied within its rating.

(b) (Over (~~(750)~~) 600 volts, nominal.) A switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(19) "Class I locations." Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) Class I, Division 1. A Class I, Division 1 location is a location:

(i) In which ignitable concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which ignitable concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release ignitable concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) Class I, Division 2. A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which ignitable concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which ignitable concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Note: This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition

even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or of liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(20) "Class II locations." Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) Class II, Division 1. A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

Note: Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) Class II, Division 2. A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures, and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be ignitable by abnormal operation or failure of electrical equipment or other apparatus.

Note: This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II, Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

(21) "Class III locations." Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) Class III, Division 1. A Class III, Division 1 location is a location in which easily ignitable fibers or

materials producing combustible flyings are handled, manufactured, or used.

Note: Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen,istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, sawdust, woodchips, and other material of similar nature.

(b) Class III, Division 2. A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture. Collector ring. A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(22) "Collector ring." A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(23) "Concealed." Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. See "accessible. (As applied to wiring methods.)"

(24) "Conductor."

(a) Bare. A conductor having no covering or electrical insulation whatsoever.

(b) Covered. A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) Insulated. A conductor encased within material of composition and thickness that is recognized as electrical insulation.

(25) "Controller." A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(26) "Covered conductor." See "conductor."

(27) "Cutout." (Over ((750)) 600 volts, nominal.) An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.

(28) "Cutout box." An enclosure designed for surface mounting and having swinging doors or covers secured directly to and telescoping with the walls of the box proper. (See "cabinet.")

(29) "Damp location." See "location."

(30) "Dead front." Without live parts exposed to a person on the operating side of the equipment.

(31) "Device." A unit of an electrical system which is intended to carry but not utilize electric energy.

(32) "Disconnecting means." A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(33) "Disconnecting (or isolating) switch." (Over ((750)) 600 volts, nominal.) A mechanical switching device used for isolating a circuit or equipment from a source of power.

(34) "Dry location." See "location."

(35) "Enclosed." Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

(36) "Enclosure." The case or housing of apparatus, or the fence or walls surrounding an installation to prevent

personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

(37) "Equipment." A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.

(38) "Equipment grounding conductor." See "grounding conductor, equipment."

(39) "Explosion-proof apparatus." Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

(40) "Exposed. (As applied to live parts.)" Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "accessible" and "concealed.")

(41) "Exposed. (As applied to wiring methods.)" On or attached to the surface or behind panels designed to allow access. See "accessible. (As applied to wiring methods.)"

(42) "Exposed. (For the purposes of WAC 296-155-459(4), Communications systems.)" Where the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.

(43) "Externally operable." Capable of being operated without exposing the operator to contact with live parts.

(44) "Feeder." All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

(45) "Festoon lighting." A string of outdoor lights suspended between two points more than 15 feet (4.57 m) apart.

(46) "Fitting." An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

(47) "Fuse." (Over ((750)) 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.

(48) "Ground." A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

(49) "Grounded." Connected to earth or to some conducting body that serves in place of the earth.

(50) "Grounded, effectively." (Over ((750)) 600 volts, nominal.) Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.

(51) "Grounded conductor." A system or circuit conductor that is intentionally grounded.

(52) "Grounding conductor." A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(53) "Grounding conductor, equipment." The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

(54) "Grounding electrode conductor." The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.

(55) "Ground-fault circuit interrupter." A device for the protection of personnel that functions to deenergize a circuit or portion thereof within an established period of time when a current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

(56) "Guarded." Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach to a point of danger or contact by persons or objects.

(57) "Hazard." That condition, potential or inherent, which is likely to cause injury, death, or occupational disease.

(58) "Hoistway." Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.

(59) "Identified (conductors or terminals)." Identified, as used in reference to a conductor or its terminal, means that such conductor or terminal can be recognized as grounded.

(60) "Identified (for the use)." Recognized as suitable for the specific purpose, function, use, environment, application, etc., where described as a requirement in this standard. Suitability of equipment for a specific purpose, environment, or application is determined by a qualified testing laboratory where such identification includes labeling or listing.

(61) "Insulated conductor." See "conductor."

(62) "Interrupter switch." (Over ((750)) 600 volts, nominal.) A switch capable of making, carrying, and interrupting specified currents.

(63) "Intrinsically safe equipment and associated wiring." Equipment and associated wiring in which any spark or thermal effect, produced either normally or in specified fault conditions, is incapable, under certain prescribed test conditions, of causing ignition of a mixture of flammable or combustible material in air in its most easily ignitable concentration.

(64) "Isolated." Not readily accessible to persons unless special means for access are used.

(65) "Isolated power system." A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(66) "J-Box (junction box)." An electrical sheet metal enclosure with openings for conduit or cable with sheet metal cover. The primary purpose is for joining conductors for splicing.

(67) "Labeled." Equipment or materials to which has been attached a label, symbol or other identifying mark of a qualified testing laboratory which indicates compliance with appropriate standards or performance in a specified manner.

(68) "Lighting outlet." An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(69) "Listed." Equipment or materials included in a list published by a qualified testing laboratory whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(70) "Location."

(a) Damp location. Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements.

(b) Dry location. A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) Wet location. Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as locations exposed to weather and unprotected.

(71) "Mobile x-ray." X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(72) "Motor control center." An assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(73) "Outlet." A point on the wiring system at which current is taken to supply utilization equipment.

(74) "Overcurrent." Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by certain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

(75) "Overload." Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A fault, such as a short circuit or ground fault, is not an overload. (See "overcurrent.")

(76) "Panelboard." A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "switchboard.")

(77) "Portable x-ray." X-ray equipment designed to be hand-carried.

(78) "Power fuse." (Over ~~((750))~~ 600 volts, nominal.) See "fuse."

(79) "Power outlet." An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to serve as a means for distributing power required to operate mobile or temporarily installed equipment.

(80) "Premises wiring system." That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware,

fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(81) "Qualified person." One familiar with the construction and operation of the equipment and the hazards involved.

(82) "Qualified testing laboratory." A properly equipped and staffed testing laboratory which has capabilities for and which provides the following services:

(a) Experimental testing for safety of specified items of equipment and materials referred to in this standard to determine compliance with appropriate test standards or performance in a specified manner;

(b) Inspecting the run of such items of equipment and materials at factories for product evaluation to assure compliance with the test standards;

(c) Service-value determinations through field inspections to monitor the proper use of labels on products and with authority for recall of the label in the event a hazardous product is installed;

(d) Employing a controlled procedure for identifying the listed and/or labeled equipment or materials tested; and

(e) Rendering creditable reports or findings that are objective and without bias of the tests and test methods employed.

(83) "Raceway." A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this part. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(84) "Readily accessible." Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "accessible.")

(85) "Receptacle." A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(86) "Receptacle outlet." An outlet where one or more receptacles are installed.

(87) "Remote-control circuit." Any electric circuit that controls any other circuit through a relay or an equivalent device.

(88) "Sealable equipment." Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

(89) "Separately derived system." A premises wiring system whose power is derived from generator, transformer, or converter windings and has no direct electrical connection,

including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(90) "Service." The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(91) "Service conductors." The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(92) "Service drop." The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(93) "Service-entrance conductors, overhead system." The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop.

(94) "Service-entrance conductors, underground system." The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(95) "Service equipment." The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(96) "Service raceway." The raceway that encloses the service-entrance conductors.

(97) "Shock hazard." To exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

(98) "Signaling circuit." Any electric circuit that energizes signaling equipment.

(99) "Switchboard." A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "panelboard.")

(100) "Switches."

(a) General-use switch. A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) General-use snap switch. A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this part.

(c) Isolating switch. A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) Motor-circuit switch. A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(101) "Switching devices." (Over ~~((750))~~ 600 volts, nominal.) Devices designed to close and/or open one or more electric circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, and interrupter switches.

(102) "Transformer." A transformer is an apparatus for converting electrical power in an a-c system at one voltage or current into electrical power at some other voltage or current without the use of rotating parts.

(103) "Transportable x-ray." X-ray equipment installed in a vehicle or that may readily be disassembled for transport in a vehicle.

(104) "Utilization equipment." Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

(105) "Utilization system." A utilization system is a system which provides electric power and light for employee workplaces, and includes the premises wiring system and utilization equipment.

(106) "Ventilated." Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(107) "Volatile flammable liquid." A flammable liquid having a flash point below 38°C (100°F) or whose temperature is above its flash point, or a Class II combustible liquid having a vapor pressure not exceeding 40 psia (276 kPa) at 38°C (100°F) whose temperature is above its flash point.

(108) "Voltage." (Of a circuit.) The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

(109) "Voltage, nominal." A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, ~~((750))~~ 600, etc.). The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(110) "Voltage to ground." For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for ungrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(111) "Watertight." So constructed that moisture will not enter the enclosure.

(112) "Weatherproof." So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

(113) "Wet location." See "location."

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-02003 Precautions before entering.

(1) Flammable atmospheres and residues.

(a) Before employees are initially permitted to enter any of the ship's spaces designated in (1) and (2) of this section, the atmosphere within the space to be entered shall be tested by a competent person to determine the concentration of flammable vapors or gases within the space.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Spaces immediately adjacent to those described in (1) of this section.

(b) If the tests indicate that the atmosphere in the space to be entered contains a concentration of flammable vapor or gas greater than 10 percent of the lower explosive limit, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit before men are permitted to enter.

(c) If the atmosphere in the space to be entered is found to contain a concentration of flammable vapor or gas below the level immediately dangerous to life as defined in ~~((WAC 296-304-09003 (2)(a)))~~ chapter 296-62 WAC Part E, but above the threshold limit value, employees shall be protected in accordance with the requirements of ~~((WAC 296-304-09003 (1), and (3), (4), or (5), which ever is applicable))~~ chapter 296-62 WAC Part E.

(2) Toxic atmospheres and residues.

(a) Before employees are initially permitted to enter any of the ship's spaces designated in (1), (2) and (3) of this section, the atmosphere in the space to be entered shall be tested for toxic atmospheric contaminants, and the space inspected for the presence of toxic or corrosive residues by a marine chemist, industrial hygienist or other person qualified to make these tests and inspections.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature.

(ii) Spaces which have been fumigated.

(iii) Spaces immediately adjacent to those described in (1) and (2) of this section.

(b) If the tests indicate that the atmosphere in the space to be entered contains a concentration of toxic contaminants above the level which is immediately dangerous to life, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life as defined in ~~((WAC 296-304-09003 (2)(a)))~~ chapter 296-62 WAC Part E.

(c) If the atmosphere in the space to be entered is found to contain a concentration of toxic contaminants below the level immediately dangerous to life as defined in WAC 296-304-02003 (2)(a), but above the threshold limit value, employees shall be protected in accordance with the requirements of WAC 296-304-09003 ~~((1), and (3), (4), or (5), whichever is applicable))~~.

(d) The person qualified to make the tests and inspections referred to in (1)(a) of this section shall make a record of the tests, inspections and instructions pertaining to (1)(c) and (2)(b) and (c) of this section, which shall be available for inspection and kept on file in accordance with WAC 296-304-02001 (3)(b).

(3) Oxygen deficient atmospheres.

(a) Before employees are initially permitted to enter any of the ship's spaces designated in (1) through (3) of this section, the atmosphere in the spaces to be entered shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least ~~((16.5))~~ 19.5 percent oxygen.

(i) Spaces in which the tests required by (1) and (2) of this section indicate that no flammable or toxic contaminants are present in the atmosphere.

(ii) Compartments which have been sealed.

(iii) Spaces which have been coated and closed up.

(iv) Nonventilated compartments which have been freshly painted.

(v) Cargo spaces containing cargoes or residues of cargoes which absorb oxygen, such as scrap iron, fresh fruit and molasses, and various vegetable drying oils in bulk.

(b) If the tests indicate that the atmosphere in the space to be entered contains less than ~~((16.5))~~ 19.5 percent oxygen, the space shall be ventilated until tests indicate an oxygen content above this level.

(4) Exceptions. In emergencies and in cases of work of brief duration necessary to accomplish the ventilation required or to start operations, work may be performed in atmospheres containing concentrations of flammable contaminants above the upper explosive limit or otherwise immediately dangerous to life, provided employees are protected in accordance with the requirements of WAC 296-304-09003 ~~((1) and (2))~~.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-03001 Toxic cleaning solvents. (1) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(a) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(b) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(c) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of WAC 296-304-09003 ~~((1) and (3))~~ and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(2) The principles in the threshold limit values to which attention is directed in WAC 296-304-02005 and applicable sections in chapter 296-62 WAC will be used by the department of labor and industries in enforcement proceedings in defining a safe concentration of air contaminants.

(3) When flammable solvents are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-03005 Mechanical paint removers.

(1) Power tools.

(a) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of WAC 296-304-09001(1).

(b) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(c) Portable electric tools shall be grounded in accordance with the requirements of WAC 296-304-08003 (1) and (2).

(d) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of WAC 296-304-09003 (~~((1) and (4))~~).

(2) Flame removal.

(a) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of WAC 296-304-09003 (~~((1) and (4)(b)(iv))~~).

(b) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(3) Abrasive blasting.

(a) Equipment. Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) Hoses. Hose of a type to prevent shocks from static electricity shall be used.

(ii) Hose couplings. Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) Nozzles. Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) Dead man control. A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(b) Replacement. Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(c) Personal protective equipment.

(i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of WAC 296-304-09003(~~((1))~~).

(ii) Abrasive blasters working in the open shall be protected as indicated in (1) except that when synthetic abrasives containing less than one percent free silica are used filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with WAC 296-304-09003 (~~((1) and (4))~~).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of WAC 296-304-09001 (1) and (2) and 296-304-09003 (~~((1) and (4))~~).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt and life line tied off to the ship or other structure when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-03007 Painting. (1) Paints mixed with toxic vehicles or solvents.

(a) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (3))~~).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (5))~~).

(b) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (3))~~).

(c) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(2) Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents. Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80°F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(a) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(b) If the ventilation fails or if the concentration of solvent vapors rises above ten percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten percent of the lower explosive limit shall be provided.

(c) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment

is gas free shall be made after the ventilating equipment has been shut off for a least ten minutes.

(d) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) Only nonsparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is nonsparking.

(g) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(h) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(i) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be nonsparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic gloves shall be used because of the danger of static sparks.

(j) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(k) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(l) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(m) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (5))~~).

(n) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (5))~~) and by suitable protective clothing.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-04001 Ventilation and protection in welding, cutting and heating. (1) Mechanical ventilation requirements.

(a) For the purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(2) Welding, cutting and heating in confined spaces.

(a) Except as provided in WAC 296-304-04001 (2)(c) and (3)(b), either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(b) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with WAC 296-304-05011 (2)(a) and (b).

(c) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(3) Welding, cutting or heating of metals of toxic significance.

(a) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(b) Welding, cutting, or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with local exhaust ventilation in accordance with the requirements of (1) of this section or

employees shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~(4)~~).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(c) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of WAC 296-304-09003 (~~(4)~~ and ~~(4)(b)(4)~~), except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~(4)~~).

(d) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(4) Inert-gas metal-arc welding.

(a) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in WAC 206-304-04011(5) shall be protected by filter lenses meeting the requirements of WAC 296-304-09001 (1) and (3). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of WAC 296-304-09001 (1) and (3) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of (3)(b) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(5) General welding, cutting and heating.

(a) Welding, cutting and heating not involving conditions or materials described in (2), (3) or (4) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(b) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of WAC 296-304-09001 (1) and (3).

(6) Residues and cargos of metallic ores.

(a) Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-04005 Welding, cutting and heating in way of preservative coatings. (1) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(2) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1 1/2-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(3) Protection against toxic preservative coatings.

(a) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of WAC 296-304-09003(~~(4)~~).

(b) In the open air employees shall be protected by a filter type respirator in accordance with the requirements of WAC 296-304-09003 (~~(4)~~ and ~~(4)~~).

(4) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(a) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(b) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in WAC 296-304-03005 (2)(b) shall apply.

(5) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such

additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-304-09003 Respiratory protection. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC Part E, shall apply.

**WSR 93-19-147
PERMANENT RULES
PERSONNEL RESOURCES BOARD**

[Order 432—Filed September 22, 1993, 10:25 a.m.]

Date of Adoption: September 9, 1993.

Purpose: These rules govern the duties of the Personnel Resources Board, as well as the referral process and periodic increment dates.

Citation of Existing Rules Affected by this Order: Amending WAC 251-04-030, 251-04-040, 251-04-050, 251-06-020, 251-08-005, 251-08-090, 251-18-240, 251-18-260, 251-18-280, 356-06-080, 356-10-020, 356-14-110, 356-26-060 and 356-26-100; and new WAC 356-06-003.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 93-16-020 on July 23, 1993.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This adoption will allow the specified rules to comply with ESHB 2054.

Effective Date of Rule: Thirty-one days after filing.
September 14, 1993
Dennis Karras
Secretary

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-030 Scope. The provisions of these rules shall apply to all personnel of the higher education institutions/related boards except those exempted under the provisions of WAC 251-04-040. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with those adopted by the former state personnel board. Further, these rules and compensation and classification plans shall continue to apply as before until such time as the Washington personnel resources board has had adequate time to review and consider changes to the existing rules and plans.

AMENDATORY SECTION (Amending WSR 90-17-037, filed 8/10/90, effective 10/1/90)

WAC 251-04-040 Exemptions. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chair((men)); academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Are employed in a position directly related to their major field of study to provide training opportunity; or

(c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

(5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.

(6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(8) The personnel director of the higher education personnel board and his confidential secretary.

PERMANENT

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, ~~((and principal assistants to executive heads of major administrative or academic divisions,))~~ as determined by the higher education personnel board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

(12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

AMENDATORY SECTION (Amending Order 149, filed 4/22/86, effective 6/1/86)

WAC 251-04-050 Higher education personnel board.

(1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the board or performs statutorily prescribed duties approved by the chairperson of the board. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally, in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a

chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to ~~((four))~~ six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment according to seniority; determination of appropriate bargaining units within any institution or related board: *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such

payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: *Provided*, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position: Provided, however that beginning July 1, 1993 through June 30, 1995, the board shall not adopt classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel services, and the proposed revision or study has been approved by the director of financial management in accordance with 43.88 RCW; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment increases within the series of steps for each pay grade: Provided, however, that beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceed \$3,750; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-06-020 Classification plan—Adoption.

The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the board by the director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the board shall hold open hearings on the plan. The plan shall become effective as determined by the board. However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with 43.88 RCW. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.

AMENDATORY SECTION (Amending Order 155, filed 4/1/87, effective 5/1/87)

WAC 251-08-005 Compensation plans—General.

The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service: Provided, however, that beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

(5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.

(6) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending WSR 91-16-054, filed 8/1/91, effective 9/1/91)

WAC 251-08-090 Salary—Periodic increment.

(1) Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range. An exception to the two step movement on the periodic increment date are those employees who occupy classes included in the higher education personnel board locality special pay plan per WAC 251-09-090 which applies only to University of Washington hospitals. The salary of each employee under this plan shall be increased as specified in the higher education personnel board hospital special pay plan.

(2) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

(3) However, beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.

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))~~ six 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 115, filed 5/2/84)

WAC 251-18-260 Certification—Incomplete. When the number of names available for certification for a given vacancy is fewer than ~~((five))~~ seven, the employing official may make an appointment from the certification or decline to do so.

AMENDATORY SECTION (Amending WSR 90-17-037, filed 8/10/90, effective 10/1/90)

WAC 251-18-280 Certification—Selection—Actions required. (1) The employing official shall consider all eligibles certified.

(2) Following certification and consideration of eligibles, the personnel officer shall record one of the following dispositions of the employing official for each name certified:

- (a) Eligible was considered but not appointed;
- (b) Eligible waived consideration for the position;
- (c) Eligible could not be contacted or failed to appear for an interview; or
- (d) Eligible was appointed to the position.

~~((2))~~(3) When the number of certified eligibles available is reduced to less than ~~((four))~~ six more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

NEW SECTION

WAC 356-06-003 Scope. The provisions of these rules shall apply to all personnel under the jurisdiction of RCW 41.06 except those exempted under the provisions of WAC 356-06-020. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with those adopted under the former higher education civil service law (RCW 28B.16). Further, these rules and compensation and classification plans shall continue to apply as before until such time as the Washington personnel resources board has had adequate time to review and consider changes to the existing rules and plans.

AMENDATORY SECTION (Amending Order 348, filed 5/30/90, effective 6/30/90)

WAC 356-06-080 Personnel board—Powers—Duties. It shall be the responsibility of the personnel board to:

(1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the merit system.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions.

(c) Examinations for all positions in the competitive and noncompetitive service.

- (d) Appointments.
- (e) Probationary periods of six to twelve months and rejections therein.
- (f) Transfers.
- (g) Sick and vacation leaves.
- (h) Hours of work.
- (i) Layoffs, when necessary, and subsequent reemployment.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position. However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved in accordance with 43.88 RCW.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increment within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status within the classified service. However, beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.

(p) Compliance with existing veterans preference statutes.

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 36, filed 7/1/71, effective 8/1/71)

WAC 356-10-020 Classification plan—Revision. The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) Beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revisions or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the

proposed revision or study has been approved by the director of financial management in accordance with 43.88 RCW.

AMENDATORY SECTION (Amending Order 230, filed 9/18/85)

WAC 356-14-110 Salary—Periodic increment dates—Original—Subsequent. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit retention in a job status, or((-))

(c) Beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.

(2) The dollar amount of the increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

(3) The original periodic increment date for an employee is:

(a) Six continuous months from the date the employee began work at the first step of a salary range, or

(b) One calendar year from the date on which the employee began work at an intervening salary step; provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) The periodic increment date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-220, breaks in serve due to reduction in force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) An employee's periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules.

AMENDATORY SECTION (Amending Order 416, filed 4/2/93, effective 5/3/93)

WAC 356-26-060 Certification—General methods. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to (~~four~~) six more than

there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: *PROVIDED*, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute (~~five~~) seven names per vacancy to be filled.

(3) The names of candidates from the same register who have the same score as the lowest score to be certified will also be certified.

(4) An unranked register may be used to complete a certification. An agency may request the transfer, reemployment, and/or voluntary demotion register(s) to complete a certification. In such cases, all names appearing on the specified register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups. More than three additional names per vacancy will be certified if there are protected group candidates with the same score as the lowest score to be certified. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are protected group members on the existing registers. If there are fewer than three protected group members on the register, the agency shall:

(a) Appoint one of the eligibles from the register; or

(b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

(6) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than (~~five~~) seven names available for consideration:

(a) The position is in an isolated or undesirable location.

(b) The position has undesirable working conditions.

(c) The agency needs to fill several positions in the class.

(d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains (~~five~~) seven or more available promotional candidates, agencies shall appoint from the promotional candidates.

(7) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

AMENDATORY SECTION (Amending Order 181, filed 3/25/83)

WAC 356-26-100 Certification—Local areas—Conditions. The appointing authority may request and the director of personnel may designate, by agency, classes of positions for which only persons living in the area of a vacancy will be considered available for employment. Such classes shall be only those for which there is evidence to show that certification on a statewide basis constitutes a hindrance to efficient and economical hiring by the agency. If certification of at least (~~five~~) seven names from the register for that class is not possible, certification shall be from eligibles who have indicated willingness for consideration in that geographic area.

WSR 93-19-152

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Order 431—Filed September 22, 1993, 10:46 a.m.]

Date of Adoption: September 9, 1993.

Purpose: This package of rules all apply to different kinds of leave usage.

Citation of Existing Rules Affected by this Order: Amending WAC 356-05-171, 356-18-145, 356-18-150, 356-18-060, 356-18-110, 356-14-260, and 356-15-030.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 93-18-052 on August 30, 1993.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This adoption will allow the specified rules to comply with the Federal Family and Medical Leave Act of 1993.

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

September 14, 1993
Dennis Karras
Secretary

NEW SECTION

WAC 356-05-171 Family and medical leave. For compliance with the federal family and medical leave act of 1993, the first 12 workweeks of leave, for purposes of WAC 356-18-145, Leave without pay—Serious health conditions, and WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision, will be considered family and medical leave.

NEW SECTION

WAC 356-18-145 Leave without pay—Serious health condition. (1) Pursuant to the federal family and medical leave act of 1993, a total of 12 work weeks, during any 12-month period, shall be allowed under the following circumstances:

- (a) The eligible employee's own serious health condition that prevents the employee from performing the functions of the job; or
- (b) Serious health conditions of a parent, spouse or child.

(2) A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- (a) in-patient care in a hospital, hospice, or residential medical care facility; or
 - (b) continuing treatment by a health care provider.
- (i) A health care provider is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or
- (ii) any other person determined by the secretary of the department of labor as being capable of providing health care services.

(3) For purposes of this section, the following definitions will apply:

- (a) Eligible employee: An employee who has worked for the state for at least 12 months and for at least 1,250 hours during the previous 12-month period.
- (b) Parent: Biological parent or other person that acted as a parent to an employee.
- (c) Spouse: Husband or wife.
- (d) Child: A biological, adopted, or foster child, a step child, a legal ward, or a child of a person acting as a parent who is:
 - (i) Under 18 years of age; or
 - (ii) Eighteen years of age or older and incapable of self care because of a mental or physical disability.

AMENDATORY SECTION (Amending Order 314, filed 2/24/89, effective 4/1/89)

WAC 356-18-150 Leave—Newborn ~~((or))~~, adoptive, or foster child care—Provision. (1) Child care leave without pay ~~((may))~~ shall be authorized to an eligible employee. An eligible employee is a permanent employee or an employee who has worked for the state for 12 months for at least 1,250 hours who is the parent of a newborn child ~~((or is))~~, the adoptive parent, or foster parent of a child ~~((if~~

~~the leave is requested in advance by the employee))~~. The duration of such leave without pay shall be no more than six months and must be utilized within the first 12 months of birth, adoption or foster child care. ~~((Leave must be requested within sixty days of adoption.))~~

(2) The employee shall make the request for child care leave without pay in writing and indicate the duration of the leave. The employee shall make every attempt to give the employer at least 30 days' notice, if possible. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with child care leave without pay authorized in accordance with this section.

(3) ~~((An agency may deny the child care leave request on the basis of operational necessity.))~~ Eligible employees are entitled to a minimum of 12 weeks of leave without pay. However, agencies may deny requests beyond 12 weeks on the basis of operational necessity. If both spouses are state employees and both have requested leave under this section, an agency(ies) may limit them to a total of 12 weeks of leave without pay which they may share. Denials shall be in writing to the employee and shall inform the employee of the right to petition the director of personnel for review.

(4) The director shall review the petition and may require the agency to authorize the child care leave request.

(5) When an agency denies child care leave under this section, and the director of personnel does not require it, an employee who vacates his/her position for the purpose of child care leave may request to return to state service. Such employee must notify the department of personnel, within six months of vacating the position, of their desire to return to work. The department of personnel shall direct the former employing agency to offer the employee the first vacancy in the employee's former class and geographic work location. This offer shall take precedence over all registers except for reduction-in-force registers.

AMENDATORY SECTION (Amending Order 398, filed 1/17/92, effective 3/1/92)

WAC 356-18-060 Paid sick leave—Use. (1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

- (a) Illness or injury of the employee or for preventative health care.
- (b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.
- (c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of children: Accumulated sick leave shall be granted when an employee is required to be absent from work to provide care to a child under the age of eighteen with a health condition requiring treatment or supervision. For the purpose of this subsection, "children" shall be limited to the son or daughter of the employee or the employee's spouse.

(3) Illness of relatives or household members: Up to five days of accumulated sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent from work to provide care to members of the employee's household or relatives of the

employee or the employee's spouse who experience an illness or injury. For purposes of this subsection, "relatives" shall be limited to:

- (a) Spouse.
- (b) Son or daughter, eighteen years of age or over, grandchild, or foster child.
- (c) Grandparent or parent.

(4) Accumulated sick leave shall be approved for the purpose of WAC 356-18-145, Leave without pay—Serious health condition.

~~((4))~~ (5) Preventative health care of relatives or household members: Up to one day of sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent to provide care or transportation for a relative of the employee or the employee's spouse or for a member of the employee's household obtaining preventative health care. For the purposes of this subsection "relatives" shall be limited to:

- (a) Spouse.
- (b) Son, daughter, grandchild, or foster child.
- (c) Grandparent or parent.

~~((5))~~ (6) For purposes of the provisions of subsections (3), ~~((4))~~ (5), and ~~((6))~~ (7)(a) of this section:

Members of household means "persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

~~((6))~~ (7) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

- (a) Death of members of the employee's household or relatives of the employee or the employee's spouse.
- (b) For purposes of the provisions of subsection ~~((6))~~ (7)(a) of this section, "relatives" shall be limited to:
 - (i) Spouse.
 - (ii) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.
 - (iii) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

~~((7))~~ (8) Inclement weather: Up to three days of accumulated sick leave shall be granted when the employee is unable to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

~~((8))~~ (9) Unforeseen family care requirements: Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.

~~((9))~~ (10) When a condition listed under subsection (1)(a) or (c) of this section arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation

leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

AMENDATORY SECTION (Amending Order 389, filed 9/23/91, effective 11/1/91)

WAC 356-18-110 Vacation leave—Allowance. (1) Full-time employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve continuous months of state service.

(2) All requests for vacation leave shall be in writing and must be approved in advance of the effective date unless used in lieu of sick leave or to respond to unforeseen child care requirements, or the supervisor chooses to approve the vacation leave on a retrospective basis.

(3) Accumulated vacation leave shall be approved for the purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

~~((3))~~ (4) Vacation leave shall be charged in half-hour increments or in smaller increments as set by the employing agency.

~~((4))~~ (5) When considering requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency.

~~((5))~~ (6) Vacation leave for religious observances should be granted to the extent agency or program requirements permit.

AMENDATORY SECTION (Amending Order 288, filed 11/24/87, effective 1/1/88)

WAC 356-14-260 Compensatory time—Liquidation. Agencies may require that compensatory time off shall be scheduled as soon as possible after accrual and with due regard for the employee's needs, insofar as this can be accomplished without detracting from sound and orderly administration. Accumulated compensatory time shall be granted for purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

Agencies may require that accumulated compensatory time be liquidated before vacation leave is granted except in those instances where this procedure would result in loss of accumulated vacation leave.

AMENDATORY SECTION (Amending Order 285, filed 11/24/87, effective 1/1/88)

WAC 356-15-030 Overtime provisions and compensation. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty nonovertime hours in one workweek or eighty nonovertime hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the scheduled workshift). Scheduled work performed on a

Sunday which is coincidental with some other state holiday is overtime work.

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be ~~((compensated) [compensation])~~ compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development

and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Accumulated exchange time shall be granted for the purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

~~((e))~~ (e) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

~~((e))~~ (f) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7)(a) Part-time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

(b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 nonovertime hours in a workweek.

WSR 93-19-153

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Order 430—Filed September 22, 1993, 10:49 a.m.]

Date of Adoption: September 9, 1993.

Purpose: This chapter of Title 356 WAC established the career executive program which provided for career development of recognized managers and to provide mobility of such employees among agencies.

Citation of Existing Rules Affected by this Order: Repealing chapter 356-47 WAC, Career executive program.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 93-18-050 on August 30, 1993.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: ESHB 2054 was adopted and effective July 1, 1993, and abolished the career executive program. This rulemaking order repeals this program on a permanent basis.

Effective Date of Rule: Thirty-one days after filing.
September 14, 1993
Dennis Karras
Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

356-47 Career executive program.

WSR 93-19-154 PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Order 429—Filed September 22, 1993, 1993, 10:55 a.m., effective November 1, 1993]

Date of Adoption: September 9, 1993.

Purpose: This rule provides guidelines on requesting an informal review by the director or designee on allocations or reallocations of a position.

Citation of Existing Rules Affected by this Order:
Amending WAC 356-10-060 Allocation—Request for review.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 93-18-049 on August 30, 1993.

Effective Date of Rule: November 1, 1993.
September 14, 1993
Dennis Karras
Secretary

AMENDATORY SECTION (Amending Order 163, filed 11/16/81)

WAC 356-10-060 Allocation—Request for review.
A review by the director of personnel or designee of the allocation ((or)), reallocation of a position, or incumbent status may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be filed with the director of personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The director of personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the director of personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the director of personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated department of personnel analyst: *PROVIDED*, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may appeal the determination of the director of personnel or designee to the state personnel appeals board as provided in Title 358 WAC.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the director of personnel or designee has had a reasonable period of time to reexamine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

WSR 93-19-016
EMERGENCY RULES
UNIVERSITY OF WASHINGTON

[Filed September 2, 1993, 12:36 p.m.]

Date of Adoption: September 2, 1993.

Purpose: To raise the limit for University of Washington small works projects from \$50,000 to \$100,000.

Citation of Existing Rules Affected by this Order: Amending WAC 478-355-030.

Statutory Authority for Adoption: RCW 28B.10.355.

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

Reasons for this Finding: To allow the university to immediately utilize the small works roster for any public works projects that total less than \$100,000, in accordance with the revised statutory limit in RCW 28B.10.355.

Effective Date of Rule: Immediately.

August 31, 1993
 Tallman Trask III
 Executive Vice-President

[**AMENDATORY SECTION** (Amending Order 88-01, filed 9/14/88)]

WAC 478-355-030 Project construction costs. Whenever the estimated project construction cost of any University of Washington public work is less than (~~fifty thousand~~) one-hundred thousand dollars, the University of Washington Executive Vice-President is authorized to use the small works roster in lieu of public advertisement for bids. In the event the legislature further increases the small works roster limit, the University is authorized to use the small works roster for any projects up to the subsequently authorized limit.

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 93-19-026
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-90—Filed September 3, 1993, 3:29 p.m.]

Date of Adoption: September 3, 1993.

Purpose: Puget Sound all-citizen commercial salmon fishery.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-904.

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: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Opening in Area 7B provides opportunity to harvest nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin. Modification of the 7-day-per-week preseason plan for this week in Area 7B will reduce chinook impacts.

Effective Date of Rule: Immediately.

September 3, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-905 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 5th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 7B - Gillnets using 5-inch minimum mesh may fish from 7PM to 8AM nightly, Tuesday, Wednesday and Thursday nights, September 7, 8, and 9.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11a, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-904 (93-85)

WSR 93-19-027
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-89—Filed September 3, 1993, 3:31 p.m., effective September 8, 1993, 12:01 a.m.]

Date of Adoption: September 3, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000F; and amending WAC 220-44-050.

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: These regulations were adopted by the Pacific Fisheries Management Council and will be implemented by the National Marine Fisheries Service. This regulation is needed to maintain consistency between state and federal regulations.

Effective Date of Rule: September 8, 1993, 12:01 a.m.

Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-44-05000G Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. September 8, 1993, until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Fixed two-week fishing period. Each of the following is defined as a fixed, two-week fishing period (hours given are on a 24-hour basis):

0001 hours September 8 to 2400 hours October 5;
0001 hours October 6 to 2400 hours October 19;
0001 hours October 20 to 2400 hours November 2;
0001 hours November 3 to 2400 hours November 16;
0001 hours November 17 to 2400 hours November 30;
0001 hours December 1 to 2400 hours December 14;
0001 hours December 15 to 2400 hours December 31;

(b) Fixed four-week periods. Each of the following is defined as a fixed, four-week fishing period (hours given are on a 24-hour basis):

0001 hours September 8 to 2400 hours October 5;
0001 hours October 6 to 2400 hours November 2;
0001 hours November 3 to 2400 hours November 30;
0001 hours December 1 to 2400 hours December 31;

(c) Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel in a specified period of time, without a limit on the number of landings or trips.

(d) Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(e) Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(f) Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(g) Week - Wednesday through the following Tuesday.

(2) Widow rockfish - Cumulative trip limit of 30,000 pounds in a fixed four-week period. No minimum size. Unless the fishery for widow rockfish is closed, a vessel which has landed its four week, cumulative trip limit may begin to fish on the limit for the next four-week period so long as the fish are not landed until the next four-week period.

(3) Shortbelly rockfish - No maximum poundage per two-week or four-week fishing period. No minimum size.

(4) Pacific ocean perch - No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings of more than 3,000 pounds per vessel trip. No minimum size.

(5) Pacific Whiting - The trip limit for Pacific Whiting is 10,000 pounds per vessel coastwide. No limit on the number of vessel trips. No minimum size.

(6) Sebastes complex - All other species of rockfish except widow, shortbelly, Pacific ocean perch and thornyhead or idiot rockfish (*Sebastes* spp.) - cumulative trip limit of 50,000 pounds per fixed two-week period. No more than 6,000 pounds of this amount may be yellowtail rockfish. No minimum size. Unless the fishery for the Sebastes complex or yellowtail rockfish is closed, a vessel which has landed its four-week, cumulative trip limit may begin to fish on the limit for the next four-week period so long as the fish are not landed until the next four-week period.

(7) Black rockfish - The trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(8) Deepwater complex - Sablefish, Dover sole, and thornyhead rockfish - Cumulative trip limit of 60,000 pounds per fixed four week period. No more than 35,000 pounds of this amount may be thornyheads. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

The following limits apply to sablefish taken under this subsection:

(a) Trawl vessels - In any landing of the deepwater complex, the trip limit for trawl-caught sablefish is the greater of 1,000 pounds (round weight) (454 kg), or 25 percent of the deepwater complex not to exceed 3,000 pounds (1,361 kg). To convert from dressed weight to round weight, multiply the dressed weight by 1.6.

(b) Non-trawl vessels - 250 pounds (round weight) daily trip limit. To convert round weight from dressed weight, multiply the dressed weight by 1.6.

(9) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative trip limit, vessel trip limit or daily trip limit.

(10) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 8, 1993:

WAC 220-44-05000F Coastal bottomfish catch limits. (93-88)

the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

GEAR

(2) Gill net gear shall be used as provided in WAC 220-40-015, except that the maximum mesh size in 8-1/2 inches.

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 93-19-030
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-91—Filed September 7, 1993, 1:57 p.m.]

Date of Adoption: September 7, 1993.

Purpose: Willapa Bay salmon—Fall fishery.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-40-027.

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 chinook and coho salmon are available, and access to the south channel region of Area 2G will provide for a more orderly commercial and recreational fishery.

Effective Date of Rule: Immediately.

September 7, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-40-02700H Willapa Bay salmon—Fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective immediately through September 9, 1993, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. September 7 to 6:00 p.m. September 9, 1993 in SMCRA 2J, 2K, 2M, 2H west of Willapa Channel Marker 35 and that part of SMCRA 2G east of a line drawn true north-south from the shore adjacent to the Shoalwater Indian Reservation south to Willapa Channel Entrance Buoy 13 and thence southwesterly on a bearing of 210 degrees true to Ledbetter Point.

(b) The Tokeland Boat Basin is closed to commercial fishing during the opening in SMCRA 2G described in subsection (a) of this section. The Tokeland Boat Basin means that portion of SMCRA 2G bounded on the south by

**WSR 93-19-031
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-92—Filed September 7, 1993, 2:00 p.m.]

Date of Adoption: September 7, 1993.

Purpose: Puget Sound all-citizen commercial salmon fishery.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-905 (93-90).

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: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Opening in Area 7B provides opportunity to harvest nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin. Modification of the 7-day-per-week pre-season plan for this week in Area 7B is designed to reduce chinook impacts. Requirements in the Area 12A coho fishery are designed to reduce impacts to summer chum stocks. All other Puget Sound areas are closed to prevent over-harvest of local salmon stocks.

Effective Date of Rule: Immediately.

September 7, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-906 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 7:00 p.m. Tuesday September 7th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

* Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.

EMERGENCY

- * Area 7B - Gillnets using 5-inch minimum mesh may fish from 7:00 p.m. to 8:00 a.m. nightly, Tuesday, Wednesday and Thursday nights, September 7, 8, and 9.
- * Area 12A - Skiff gillnets using 5-inch minimum, 5 1/2-inch maximum mesh may fish from 5:00 a.m. to 4:00 p.m. daily, Wednesday, Thursday, and Friday September 8, 9, and 10. Fishers are required to use a live-holding cage adjacent to the net to hold all chum captured. Any chum captured must be removed from the net by cutting the meshes ensnaring the fish. Any chum captured alive must be provided to the interagency broodstock program at Quilcene National Fish Hatchery or released alive following revival in the live-holding cage. Chum released alive must be reported to broodstock program personnel.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-905 (93-90)

WSR 93-19-035
EMERGENCY RULES
PUBLIC DISCLOSURE COMMISSION

[Filed September 7, 1993, 3:03 p.m.]

Date of Adoption: August 23, 1993.

Purpose: To define "exempt activities" and how to report them, new WAC 390-17-060.

Statutory Authority for Adoption: RCW 42.17.370.

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 implement Initiative 134.
Effective Date of Rule: Immediately.

August 31, 1993
Graham E. Johnson
Executive Director

NEW SECTION

WAC 390-17-060 Exempt activities—Definitions, reporting. (1)(a) "Exempt Contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17.630 (5)(b)(iv) and (vi). Such contributions are required to be reported under RCW 42.17.090, but are not subject to the contribution limits in RCW 42.17.640. Any written solicitation for exempt contributions must be so designated. Suggested

designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW 42.17.640.

(c) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fundraising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW 42.17.640.

(2) "Exempt Contributions Account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt Activities" are those activities described in RCW 42.17.630 (5)(b), expenditures for which are exempt from the contribution limits of RCW 42.17.640. However, only those activities described in RCW 42.17.630 (5)(b)(iv) and (vi) as further defined in subsection (4) and (5) of this rule are eligible for payment with exempt contributions.

(4)(a) If activities described in RCW 42.17.630 (5)(b)(iv) promote clearly identified candidate(s), the activities are a contribution to those candidate(s). Expenditures for these activities may not be made with exempt contributions. If more than one clearly identified candidate is promoted, the amount expended shall be allocated proportionally among those candidates. The amount expended for such activities shall be reported as a contribution to that candidate(s). Candidate(s) shall be notified in writing of the contribution within five (5) business days of the expenditure.

(b) A candidate is deemed to be clearly identified if: the name of the candidate is used; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

(c) An activity that benefits or opposes fewer than three (3) individual candidates shall be presumed to be for the purpose of promoting individual candidates whether or not they are clearly identified. Such an activity does not constitute a contribution to any candidate who is not clearly identified, but the activity shall not be paid with exempt funds.

(5)(a) "Internal Organization Expenditures" described in RCW 42.17.630 (5)(b)(vi) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fundraising Expenditures" described in RCW 42.17.630 (5)(b)(vi) are expenditures for fundraising purposes, including: facilities for fundraisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to subsections (5)(a) and (b) above are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(6) For purposes of RCW 42.17.630 (5)(b)(iv) and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

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 93-19-041

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 5008—Filed September 8, 1993, 1:37 p.m.]

Date of Adoption: September 8, 1993.

Purpose: To adopt most current edition of pasteurized milk ordinance (PMO) including new requirements for drug testing under Appendix N.

Citation of Existing Rules Affected by this Order: Amending WAC 16-101-700.

Statutory Authority for Adoption: Chapter 15.36 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: PMO requirements including Appendix N must be in place before October 1, 1993, as federal milk rating officers will begin checking states for enforcement of Appendix N (tanker drug testing) on that date. Failure to be in compliance may subject milk producers to penalties/sanctions under interstate milk shippers agreement requirements. We can not legally enforce and comply until adoption of the newest edition.

Effective Date of Rule: Immediately.

September 8, 1993

John Daly

Acting Deputy Director

AMENDATORY SECTION (Amending Order 1706, filed 6/2/80)

WAC 16-101-700 (~~Interpretation for the enforcement of chapter 15.36 RCW relating to pasteurized milk.~~) Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. (1) The Grade "A" Pasteurized Milk Ordinance ((1978)) 1989 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted (~~as the interpretation for the enforcement of those provisions of chapter 15.36 RCW relating to pasteurized milk.~~ *Provided*, ~~That the following portions of Part 1 Grade A Pasteurized Milk Ordinance and Part II Administrative Procedures shall not apply as interpretations for enforcement of chapter 15.36 RCW~~) by reference as additional Washington state standards for the production of milk and milk products under chapter 15.36 RCW with the exception of the following portions.

~~((4)) (a) Part 1. Grade A Pasteurized Milk Ordinance: ((a) Section 1. Paragraph A through paragraph L-2, pages 19-20.~~

~~(b) Section 6. Paragraph 4, pages 24-25.~~

~~(e)) (i) Section 7. Table 1, ((line 4,)) line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk, page ((26)) 13.~~

~~(ii) Item 19r Cooling, page 17.~~

~~((2)) (b) Part II. Administrative Procedures:~~

~~((a) Section 1. Paragraph A through paragraph L-2, pages 35-36.~~

~~(b) Section 6. Paragraph 4, page 42.~~

~~(e) Section 7. Table 1, line 4, page 45.~~

~~(d) Item 6r Administrative Procedures #2, page 49.))~~

~~(i) Section 3, paragraphs 3 and 4, page 31.~~

~~(ii) Section 7. Table 1, line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk; page 42.~~

~~(iii) Section 7, Item 19r Cooling, paragraph 1, page 58.~~

~~(iv) Section 7, Item 19r Cooling, Administrative Procedures (1), page 58.~~

~~((e)) (v) Sections 9, page 105, 15, 16, and 17, page ((86)) 108.~~

~~((f)) (vi) Appendix E, pages ((131-132)) 171-172.~~

~~((g)) (vii) Appendix K, page ((483)) 241-242.~~

~~((h) Appendix L, page 185.))~~

~~(viii) Appendix N: Regulatory Agency Responsibilities, B. Enforcement: Penalties.~~

~~(2) In lieu of the penalties provided under Appendix N, the following penalties for the adulteration of milk found in tanker screening samples are adopted. These penalties shall not apply to samples taken under provisions of RCW 15.36.110.~~

~~Penalties. The regulatory agency shall immediately suspend the Grade A permit of the responsible producer for a minimum of two days or equivalent penalty as determined by the regulatory agency. On the second occurrence of violative drug residues in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. For a third occurrence of violative drug residues in a twelve-month period, the regulatory agency shall initiate administrative procedures pursuant to revocation of the producer's permit.~~

~~As the Grade "A" Pasteurized Milk Ordinance ((1978)) 1989 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~

**WSR 93-19-042
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-93—Filed September 8, 1993, 1:46 p.m.]

Date of Adoption: September 8, 1993.

Purpose: Commercial salmon troll.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000Z; and amending WAC 220-24-010, 220-24-020, and 220-24-030.

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: A harvestable surplus of salmon is available for the troll fleet. This troll fishery was reopened for a 4 day fishing period with a 70 coho possession limit based on the recommendation of the Pacific Fisheries Management Council in a conference call September 7.

Effective Date of Rule: Immediately.

September 8, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-24-02000A Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) In waters south of a line projected true west from the Queets River to the Oregon-Washington border excluding Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty, it is lawful to fish for and possess salmon from 12:01 am September 9, 1993 through 11:59 pm September 12, 1993.

(2) All salmon taken during the fishery provided for herein must be sold by 11:59 pm September 13, 1993 and must be sold in the Salmon Management and Catch Reporting Area where taken or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(3) No vessel may land more than 70 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length

may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000Z Commercial salmon troll. (93-87)

**WSR 93-19-049
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE**

[Order 5007—Filed September 9, 1993, 1:54 p.m.]

Date of Adoption: September 9, 1993.

Purpose: Includes notice of intent to apply pesticides in the rules restricting the application of pesticides in Benton County and portions of Franklin and Walla Walla counties.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 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 continued concerns of allegations of pesticide drift in the Benton County area, this rule is necessary to better determine pesticide use patterns. They will also provide the department with better tools to more accurately determine violations and deter illegal pesticide applications.

Effective Date of Rule: Immediately.

September 9, 1993

John M. King

Acting Director

NEW SECTION

WAC 16-230-871 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Notice of intent.

(1) Application of restricted use herbicides, except as provided in subsection (2) below, as defined in WAC 16-230-810 (1)(a) through (f) is prohibited unless the department is notified of the intent to make the application prior to commencing the actual application. Notice of intent is required for all applications of restricted use herbicides in the following areas.

(a) Area 1 as defined in WAC 16-230-835;

(b) Area 1-A as defined in WAC 16-230-862;

(c) Area 2 as defined in WAC 16-230-840;

(d) Aerial application in area 6 of Benton county;

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(2) Applications made to orchards, vineyards, landscape applications, and right-of-way applications within the city limits of Kennewick and Richland are exempt from the notification requirement.

(3) Notice of intent shall be made by one of the following:

(a) Telephone to the department's pesticide notice recorder located at the grain office in Pasco, phone number (509) 546-4342 or (509) 546-4343;

(b) By facsimile to the Yakima compliance office, number (509) 575-2210; or

(c) Other conditions to be designated by the department.

(4) The notice of intent shall include the following information:

(a) Name and telephone number of person filing the notice of intent;

(b) Name and telephone number of person making the application;

(c) Location of the land where the pesticide is to be applied, specifying township, range, section, and quarter section: PROVIDED, That right-of-way application notices may omit township, range, section and quarter section;

(d) Year, month, day, and time the pesticide is to be applied;

(e) Crop or site to be treated;

(f) Acreage or area to be treated;

(g) Complete trade name of the pesticide to be applied, and EPA registration number for that pesticide.

(5) Application of restricted use pesticides shall not begin prior to the day and time provided in the notice of intent. If the application cannot be started or is not completed within twenty four hours from the day and time stated in the notice of intent, a new notice of intent shall be made.

(6) Providing the department with notice of intent does not replace any of the record keeping requirements required in WAC 16-228-190.

(7) This section shall be in effect commencing on September 15, 1993 and will remain in effect until November 15, 1993.

WSR 93-19-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3633—Filed September 10, 1993, 1:26 p.m., effective September 13, 1993, 12:01 a.m.]

Date of Adoption: September 10, 1993.

Purpose: Health Care Financing Authority is enforcing the federal regulation requiring independent clinical laboratories be CLIA registered before the department can reimburse payment. Requires independent clinical laboratories be registered under the requirements of the CLIA of 1988.

Citation of Existing Rules Affected by this Order: Amending WAC 388-87-075 Payment—Laboratory services.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 42 CFR 493.1809 - Final Rules.

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: Health Care Financing Authority is enforcing the federal regulation requiring independent clinical laboratories be Clinical Laboratory Improvement Amendment of 1988 (CLIA) registered before the department can reimburse payment.

Effective Date of Rule: September 13, 1993, 12:01 a.m.

September 10, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-87-075 Payment—Laboratory services.

(1) ~~((A physician using his own laboratory to provide necessary laboratory services))~~ Effective August 1, 1993, the department shall only reimburse independent clinical laboratories which are registered under the Clinical Laboratory Improvement Amendments (CLIA) of 1988.

(2) Laboratories shall bill the department according to ~~((the schedule of maximum allowances))~~ rates the department establishes.

~~((2))~~ (3) A ~~((physician))~~ medical practitioner using the services of an independent laboratory shall make request for services for a ~~((recipient))~~ client in the same manner ~~((he))~~ as a request ~~((s))~~ for services for ~~((his))~~ a private patient.

~~((3))~~ (4) An independent laboratory ~~((must))~~ shall bill the department directly. ~~((No reimbursement will be made to--))~~ The department shall not reimburse a ~~((physician))~~ medical practitioner for services referred to or performed by an independent laboratory.

(5) An independent laboratory shall not bill clients as described under WAC 388-87-010.

WSR 93-19-057

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-95—Filed September 10, 1993, 4:00 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Puget Sound all-citizen commercial salmon fishery.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-906.

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: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Opening in Area 7B provides opportunity to harvest, nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin. The gillnet mesh size restriction and purse seine chinook release requirement, and in-season area restrictions, are necessary to

reduce chinook impacts. Opening in Area 12A provides opportunity to harvest nontreaty coho destined for the Quilcene National Fish Hatchery. Requirements in the Area 12A coho fishery are designed to reduce impacts to summer chum stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

September 10, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-907 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 12th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 7B - Gillnets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday September 13 to 4:00 p.m. Friday September 17. Purse seines must release all chinook. In addition to the exclusion zones described in WAC 220-47-307, Area 7B is closed south of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * Area 12A - Skiff gillnets using 5-inch minimum, 5 1/2-inch maximum mesh may fish from 5:00 a.m. to 4:00 p.m. daily, Monday, Tuesday, Wednesday, Thursday, and Friday September 13, 14, 15, 16, and 17. Fishers are required to use a liveholding cage adjacent to the net to hold all chum captured. Any chum captured must be removed from the net by cutting the meshes ensnaring the fish. Any chum captured alive must be provided to the interagency broodstock program at Quilcene National Fish Hatchery or released alive following revival in the liveholding cage. Chum released alive must be reported to broodstock program personnel.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., September 12th, 1993.

WAC 220-47-906

WSR 93-19-058 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 93-94—Filed September 10, 1993, 4:06 p.m.]

Date of Adoption: September 10, 1993.

Purpose: WAC 220-56-19000U Coastal salmon—Saltwater seasons and bag limits.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000T.

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: Area 4 closed August 22. Area 4 waters east of the Bonilla-Tatoosh line open without a weekly bag limit. In Area 2, the 25 fathom line is lifted in accordance with Pacific Fisheries Management Council recommendations. In Area 1, the fishery is modified to include September 17 and 18 based on the recommendation of the Pacific Fishery Management Council in a conference call September 9.

Effective Date of Rule: Immediately.

September 10, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-19000U Coastal salmon - Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 1, 2 and 4, except as provided for in this section:

(1) Areas and times open to salmon angling are as follows:

(a) Catch Record Card Area 4 waters west of the Bonilla-Tatoosh line are closed.

(b) Catch Record Card Area 4 waters east of the Bonilla-Tatoosh line - open through September 30. Bag limit F.

(c) Catch Record Card Area 2 - open through September 30. Closed to salmon angling each Friday and Saturday. Bag limit F except that no more than four salmon may be retained in any seven consecutive days.

(d) Catch Record Card Area 1, excluding waters of the Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - open September 12 through September 23 and September 26 through September 30 only. Bag limit F except that no more than four salmon may be retained in any seven consecutive days.

(2) Terminal gear is limited to single point barbless hooks only.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000T Coastal salmon-saltwater seasons and bag limits (93-83).

WSR 93-19-059

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-96—Filed September 10, 1993, 4:08 p.m.]

Date of Adoption: September 10, 1993.

Purpose: Columbia River salmon seasons above Bonneville.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100A; and amending WAC 220-32-051, 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058.

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 fall chinook are available in the area between The Dalles Dam and McNary Dam. This rule is consistent with the decision of the September 10, 1993, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

September 10, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-32-05100B Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Spring, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6 a.m. September 13, 1993 to 6 p.m. September 18, 1993.

Sturgeon may be retained only for subsistence purposes.

(b) Open area: SMCRA 1G, and 1H

(c) Mesh: no mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline of the hatchery fishway to one and one-half mile downstream from the western shoreline of the hatchery fishway.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approxi-

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mately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100A Columbia River salmon seasons above Bonneville.

**WSR 93-19-062
EMERGENCY RULES
DEPARTMENT OF HEALTH**

[Filed September 13, 1993, 8:34 a.m., effective September 15, 1993]

Date of Adoption: September 13, 1993.

Purpose: To allow boarding homes to provide nursing care for temporary acute illness of residents.

Citation of Existing Rules Affected by this Order: Amending WAC 246-316-240 and 246-316-260.

Statutory Authority for Adoption: RCW 18.20.090.

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: Reduces response time to care for temporary acute illness of boarding home residents.

Effective Date of Rule: September 15, 1993.

September 10, 1993
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 121 [224], filed 12/27/90 [12/23/91], effective 1/31/91 [1/23/92])

WAC 246-316-240 Admission, placement and retention of residents. (1) Prior to admission or acceptance as resident, boarding homes shall obtain sufficient information to evaluate whether or not a resident/applicant can be safely housed and provided domiciliary care in the particular facility, including information in reference to:

- (a) Resident/applicant's ability to function with respect to the physical premises, equipment, and staff of the boarding home;
- (b) Space, equipment, and furniture requirements;
- (c) Ambulatory status;
- (d) Currently demonstrated overt behavior dangerous to self or others;

(e) Need for care in a hospital, nursing home, or other licensed facility under chapters 18.51, 70.41, and 71.12 RCW;

(f) Requirements for assistance in obtaining or administering medications; and

(g) Need or desire for nursing care exceeding that provided by the boarding home in accordance with WAC 246-316-260 (1) and (2)(a), periodic visits by staff of a home health care agency or a licensed nurse employed by an individual resident.

(2) Boarding homes shall accept, admit, and retain persons as residents only when:

(a) Ambulatory unless the boarding home is approved by the Washington state director of fire protection to:

- (i) Care for semi-ambulatory residents; or
- (ii) Care for nonambulatory residents not needing medical or nursing care as specified in subsection (2)(f)(ii) and (iii) of this section.

(b) Nonsmoking residents can be accommodated with smoke-free rooms and smoke-free common-use areas to prevent contact with smoke;

(c) Smoking residents can be accommodated by areas meeting the requirements in WAC 246-316-140(2);

(d) The individual resident can be accommodated by:

- (i) Physical plant, facilities, and spaces;
- (ii) Furniture and equipment; and
- (iii) Staff who are available and sufficient to provide nature of domiciliary care required and desired by the resident.

(e) The amount and nature of needed assistance with medication or medication service is available in the boarding home under RCW 18.20.160 and WAC 246-316-300; and

(f) Individuals do not:

- (i) Exhibit continuing overt behavior which is a danger to others or self;
- (ii) Need inpatient care in a hospital, nursing home, or other facility licensed under chapters 18.51, 70.12, or 70.41 RCW; or

(iii) Need (~~continuous~~) nursing care exceeding that required for periodic temporary acute illness provided by: (~~periodic or short-term services from~~):

- (A) The boarding home nursing staff; or
- (B) Staff of a home health care agency; or
- (~~(B)~~) (C) A licensed nurse retained by an individual resident.

(3) Upon admission or acceptance of an individual as a resident, boarding homes shall determine a resident's choice regarding:

- (a) Definite arrangements with a health care practitioner; and
- (b) Who to call in case of resident illness or death.

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.

EMERGENCY

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-260 Boarding home resident services.

(1) Boarding homes may provide nursing care for residents only to the extent and duration required for temporary acute illness.

(2) Boarding homes shall:

(a) Assure nursing care, if provided, is consistent with Chapters 18.78 and 18.88 RCW;

(b) Observe and note changes in physical, mental, and emotional functioning; and

~~((b))~~ (c) Assist with arrangements for appropriate transfer as needed.

~~((2))~~ (3) Boarding homes shall provide basic domiciliary care including, but not limited to:

(a) Assisting each resident to maintain his or her highest functional ability possible and compatible with individual safety and welfare;

(b) Providing general health supervision if required by resident including:

(i) Encouraging resident to self-administer medically prescribed drugs and treatment;

(ii) Encouraging resident to follow any medically prescribed modified diet, rest or activity regimen;

(iii) Encouraging and assisting a resident with arrangements to keep appointments for health care services, e.g., physicians, dentists, home health care services, or clinics;

(iv) Encouraging and assisting resident with arrangements to see his or her health care practitioner when the resident shows signs or describes symptoms of an illness or abnormality for which medical diagnosis and treatment may be indicated; and

(v) Encouraging, supervising, or assisting resident with:

(A) Personal hygienic care, dressing, grooming, and other activities;

(B) Functional aids or equipment, such as glasses, hearing aids, canes, crutches, walker, or wheelchair;

(C) Clothing and other personal effects;

(D) Personal living quarters in a manner conducive to safety and comfort.

(c) Encouraging, guiding, or assisting residents with arrangements to participate in social, recreational, diversional, vocational, church, or other activities within the boarding home and the community in accordance with his or her interests, tolerance, and abilities.

~~((3))~~ (4) Boarding homes shall post a calendar of daily social or recreational activities and events for residents.

WSR 93-19-067

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-97—Filed September 13, 1993, 4:04 p.m.]

Date of Adoption: September 13, 1993.

Purpose: Amend commercial shellfish rules.

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

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a

rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An unprecedented level of shrimp harvest has occurred, causing shrimp abundance to seriously decline. Very low levels of shrimp remain, insufficient to support a commercial harvest. Early closure of the commercial harvest is necessary to protect the spawning population.

Effective Date of Rule: Immediately.

September 10, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-52-05100Q Shrimp fishery - Puget Sound.

Notwithstanding the provisions of WAC 220-52-051, effective September 15, 1993, until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes:

(1) Using shellfish pot gear in Marine Fish/Shellfish Management and Catch Reporting Areas 20B, 22A, 24A, 24B, 24C, 24D, 26A and 26B.

(2) Using beam trawl gear in Marine Fish/Shellfish Management and Catch Reporting Areas 20B, and those waters of San Juan Channel north of Shrimp District 2 and west of a line projected northerly from Neck Point on Shaw Island to Steep Point of Orcas Island, and those waters of Upright Channel west of a line projected due north from Flat Point on Lopey Island to Shaw Island.

WSR 93-19-068

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-98—Filed September 13, 1993, 4:07 p.m.]

Date of Adoption: September 13, 1993.

Purpose: Willapa Bay salmon—Fall fishery.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-40-02700H.

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 chinook and coho salmon are available, and access to the south channel region of Area 2G will provide for a more orderly commercial and recreational fishery.

Effective Date of Rule: Immediately.

EMERGENCY

September 13, 1993
Loren J. Stern
for Robert Turner
Director

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-435 and 220-57-455.

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: Small numbers of pink salmon are expected to return to the upper Snohomish River drainage, and these rules will protect breeding stocks. These rules were intended to be adopted as part of the 1993 sport rules but were overlooked. Pink salmon are currently in the river and promulgation of permanent rules would not afford sufficient protection.

Effective Date of Rule: Immediately.

September 14, 1993
Loren J. Stern
for Robert Turner
Director

NEW SECTION

WAC 220-40-02700I Willapa Bay salmon—Fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective immediately through September 16, 1993, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. September 13 to 6:00 p.m. September 16, 1993 in SMCRA 2H, 2M, that part of SMCRA 2J north of the North Entrance marker to the Nahcotta basin (red flasher #2), and that part of SMCRA 2G east of a line drawn true north-south from the shore adjacent to the Shoalwater Indian Reservation south to Willapa Channel Entrance Buoy 13 and thence southwesterly on a bearing of 210 degrees true to Ledbetter Point.

(b) 6:00 p.m. September 13 to 6:00 p.m. September 14 in SMCRA 2K and that part of SMCRA 2J south of the North Entrance marker to the Nahcotta basin (red flasher #2).

(c) The Tokeland Boat Basin is closed to commercial fishing during the opening in SMCRA 2G described in subsection (a) of this section. The Tokeland Boat Basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

GEAR

(2) Gill net gear shall be used as provided in WAC 220-40-015, except that the maximum mesh size in 8-1/2 inches.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02700H Willapa Bay salmon —
Fall fishery. (93-91)

WSR 93-19-076
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 93-99—Filed September 14, 1993, 4:04 p.m.]

Date of Adoption: September 14, 1993.
Purpose: Personal use rules.

NEW SECTION

WAC 220-57-43500I Skykomish River. Notwithstanding the provisions of WAC 220-57-435, effective immediately until further notice it is unlawful to retain pink salmon taken from the Skykomish River.

NEW SECTION

WAC 220-57-45500D Snoqualmie River. Notwithstanding the provisions of WAC 220-57-455, effective immediately until further notice it is unlawful to retain pink salmon taken from the Snoqualmie River.

WSR 93-19-084
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3636—Filed September 15, 1993, 10:01 a.m., effective October 1, 1993, 12:01 a.m.]

Date of Adoption: September 15, 1993.

Purpose: Amendment changes the method of issuing combined food stamp program benefits to households eligible for expedited services. If a household applies for food stamps after the fifteenth of the month and is eligible for expedited services, the department must issue the initial month's prorated benefit and the second month's full benefit within the expedited time frame.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-49-560 Issuance.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Administrative Memo 93-53 and 7 CFR 274.2 (b)(3).

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

EMERGENCY

Reasons for this Finding: United States District Court ruled against USDA in Johnson vs. USDA and Georgia which concerned combined food stamp allotments for households eligible for expedited services.

Effective Date of Rule: October 1, 1993, 12:01 a.m.
September 15, 1993
Dewey Brock, Chief
Office of Vendor Services

Reasons for this Finding: The food and nutrition service (FNS) updated the thrifty food plan (TFP) standards effective October 1, 1993.

Effective Date of Rule: October 1, 1993, 12:01 a.m.
September 15, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3509, filed 1/29/93, effective 3/1/93)

WAC 388-49-560 Issuance. (1) The department shall issue food coupons through a:

- (a) Food coupon authorization (FCA) system staggered through the tenth of the month; or
- (b) Direct coupon mail out system staggered through the tenth of the month.

(2) For FCAs issued on or after the twentieth of the month, the department shall issue a valid FCA:

- (a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date; or
- (b) For the current month's benefits valid in the following month.

(3) ~~((For eligible households applying on the sixteenth of the month or after,))~~ The department shall issue the prorated allotment for the initial month and the allotment for the first full month at the same time for eligible households applying on the sixteenth of the month or after, except for households(-

- ~~(a) Eligible for expedited services for which missing or postponed verification have not been provided; and~~
- ~~(b)) ineligible for the initial month((-)) or the second month.~~

(4) The department shall not transact or restore an FCA with an expired validity date, except as specified under WAC 388-49-560(2).

(5) The department shall maintain issuance records for a period of three years from the month of origin.

AMENDATORY SECTION (Amending Order 3290, filed 11/19/91, effective 12/20/91)

WAC 388-49-550 Monthly allotments. (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	((111)) 112
2	((203)) 206
3	((292)) 295
4	((370)) 375
5	((440)) 446
6	((528)) 535
7	((584)) 591
8	((667)) 676
9	((750)) 761
10	((833)) 846
Each additional member	+ ((83)) 85

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) ~~The ((allotment shall be based upon))~~ department shall base the allotment on a thirty-day month.

(b) ~~((No))~~ The department shall not issue an allotment ~~((shall be issued))~~ for less than ten dollars.

(4) The department shall issue a full month allotment to migrant and seasonal farmworker households applying within thirty days after a prior certification ends.

(5) The department shall determine the value of the monthly allotment a household receives by:

- (a) Multiplying the household's net monthly income by thirty percent;
- (b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and
- (c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when ~~((no))~~ the department shall not issue an allotment ((shall be issued)) for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

WSR 93-19-085
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3635—Filed September 15, 1993, 10:02 a.m., effective October 1, 1993, 12:01 a.m.]

Date of Adoption: September 15, 1993.

Purpose: Update the thrifty food plan standards, effective October 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-550 Monthly allotments.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.10 (e)(4)(ii)(F).

Pursuant to RCW 43.05.350 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.

EMERGENCY

WSR 93-19-089
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-100—Filed September 15, 1993, 3:56 p.m.]

Date of Adoption: September 15, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-02000A; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. This troll fishery is reopened for 4 days south of Leadbetter Point only in order to protect Washington coastal and Puget Sound coho stocks, and is in accordance with the recommendation of the Pacific Fisheries Management Council made in a meeting on September 14, 1993.

Effective Date of Rule: Immediately.

September 15, 1993

Loren J. Stern

for Robert Turner

Director

NEW SECTION

WAC 220-24-02000B Commercial salmon troll.

Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) In waters south of a line projected true west from Leadbetter Point to the Oregon-Washington border excluding Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty, it is lawful to fish for and possess salmon from 12:01 am September 16, 1993 through 11:59 pm September 19, 1993.

(2) All salmon taken during the fishery provided for herein must be sold by 11:59 pm September 20, 1993 and must be sold in the Salmon Management and Catch Reporting Area where taken or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(3) No vessel may land more than 70 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length

may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000A Commercial salmon troll.
 (93-93)

WSR 93-19-097
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3638—Filed September 16, 1993, 2:17 p.m., effective September 17, 1993, 12:01 a.m.]

Date of Adoption: September 16, 1993.

Purpose: Reduce the need of prior authorization for all home health services, add definitions of services, and add criteria for home health nursing services for high risk obstetrical clients.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-86-045 Home health services.

Statutory Authority for Adoption: RCW 74.08.090.

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

Reasons for this Finding: This rule will be filed emergency to include administrative changes to remove the need for homebound therapy.

Effective Date of Rule: September 17, 1993, 12:01 a.m.

September 16, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 1891, filed 10/13/82)

WAC 388-86-045 Home health services. The ~~((department shall provide))~~ department's home health services include:

(a) Nursing ((and other)) services; ((furnished by))

(b) Home health aide services; and

(c) Occupational therapy, physical therapy, speech therapy and audiology services.

(2) A Title XVIII certified home health agency shall furnish medically necessary home health services to an eligible client.

(3) ~~((Fø))~~ A client may qualify for home health services when an otherwise eligible client meets the following criteria:

(a) ~~The ((patient must))~~ client shall be in the care of an attending physician who has authorized the plan of treatment, which was developed for the individual ~~((patient. Approval by the office of the medical director is required for any care extending beyond the limits established by the division of))~~ client; and

(b) The client shall receive occupational therapy, physical therapy and speech pathology and audiology services, only when a client is homebound.

(c) The medical assistance administration shall require prior authorization for any care extending beyond medical assistance administration established limits and for the following services:

(i) For a child age six and under;

(ii) Twice-a-day skilled nursing intervention;

(iii) Infant phototherapy services;

(iv) Therapy only services;

(v) Daily nursing visits exceeding ten consecutive days;

and

(vi) For a client whose program eligibility is for emergency medical care only.

(4) For the purpose of this section, the following definitions apply:

(a) "Homebound" means that the status of the client's condition is such that normal ability to leave home does not exist, and leaving home would require a considerable and taxing effort.

(b) "High risk medical obstetrical client" means a pregnant client who has a medical condition that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn.

(c) "Home health services" means comprehensive health care services which are provided in the client's residence on a part-time or intermittent basis by Title XVIII home health provider.

(d) "Residence" means a client's home or place of living not including the hospital, skilled nursing facility, or intermediate care facility.

(e) "Skilled nursing intervention" means a service provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse.

(f) "Therapy-only services" means homebound physical, occupational, speech, and audiology services.

(5) The client shall receive medical supplies, equipment and appliances as described under WAC 388-86-100.

(6) A client who receives emergency only services, as defined under WAC 388-80-005, shall be limited to two skilled nursing intervention visits within the eligibility coverage period.

(7) A high risk medical obstetrical client may receive:

(a) A maximum of three home health visits per pregnancy; and

(b) Such visits shall be by a registered nurse who has national perinatal certification or a minimum of one year of labor, delivery and post-partum experience at a hospital in the last five years.

**WSR 93-19-098
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Order 3639—Filed September 16, 1993, 2:18 p.m., effective September 17, 1993, 12:01 a.m.]

Date of Adoption: September 16, 1993.

Purpose: To allow implementation of the federally mandated waiver of the Title XIX program. Creates new sections WAC 275-56-600 through 275-56-720.

Citation of Existing Rules Affected by this Order: Amending WAC 275-56-015 Definitions.

Statutory Authority for Adoption: Chapter 71.24 RCW.

Other Authority: Title XIX waiver.

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 mental health division is implementing a federally mandated Title XIX waiver, effective September 1, 1993. Adoption of these rules is necessary to implement federal expectations and is required according to attorney general opinion.

Effective Date of Rule: September 17, 1993, 12:01 a.m.

September 16, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3391, filed 5/19/92, effective 6/19/92)

WAC 275-56-015 Definitions. For the purposes of the rules, regulations, and standards of chapter 275-56 WAC, the following words and phrases shall have the following meaning:

(1) "Acutely mentally ill" means a condition limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in this chapter;

(b) Being gravely disabled as defined in this chapter; or

(c) Presenting a likelihood of serious harm as defined in this chapter.

(2) "Authority" means the board of county commissioners, county council, county executive, or RSN entity having the authority to establish a community mental health program.

(3) "Available resources" means funds appropriated by the legislature during any biennium for the purpose of providing community mental health programs. When RSNs are established or after July 1, 1995, "available resources" means:

(a) Federal funds, except those provided according to Title XIX of the Social Security Act; and

(b) State funds appropriated under this chapter or chapter 71.05 RCW by the legislature during a biennium to provide mental health services.

(4) "Case management" means assistance to the consumer and family or significant others to obtain, maintain, or develop appropriate resources for the consumer. This

involves obtaining or providing the full range of needed services to help consumers establish and maintain respected positions in the community, including:

- (a) Housing;
- (b) Income;
- (c) Employment and other meaningful activities;
- (d) Monitoring and interventions; and
- (e) Crisis intervention and resolution.

(5) "Child" or "children" means a person or persons seventeen years of age and younger.

(6) "Chronically mentally ill" means a child or adult having a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meeting at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years;

(b) In the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements:

(i) Are due to a mental disorder (as defined in chapter 71.34 RCW); and

(ii) Progress toward a more restrictive setting. Placements by the department shall include but not be limited to placements by child protective services and child welfare services;

(c) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding year;

(d) Has been unable to engage in substantial gainful activity (subsection (50) of this section) by reason of any mental disorder lasting for a continuous period of not less than twelve months; or

(e) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(7) "Clinical staff member" means a regularly employed or contracted staff member or supervisor engaged in providing direct evaluative, diagnostic, or therapeutic services to consumers. The term does not include volunteers or students.

(8) "Community mental health program" means the total mental health program established by a county or group of counties acting in combination for the purpose of providing mental health services in accordance with the Community Mental Health Services Act, chapter 71.24 RCW. After July 1, 1995, or when RSNs are established, "community mental health program" means all activities or programs using available resources, under subsection (3) of this section.

(9) "Community Mental Health Services Act" means chapter 71.24 RCW.

(10) "Community support services" means:

(a) For non-RSN counties before July 1, 1995, services for priority population consumers including:

(i) Discharge planning for consumers leaving:

(A) State hospitals and other acute care inpatient facilities;

(B) Inpatient psychiatric facilities for consumers twenty years of age or younger; and

(C) Children's mental health residential treatment facilities.

(ii) Contacts with consumers, families, schools, or significant others to provide for an effective program of community maintenance; and

(iii) Medication monitoring.

(b) After July 1, 1995, or when RSNs are established, for adult and children priority populations under WAC 275-56-010 (1)(b), services authorized, planned, and coordinated through resource management services include:

(i) Assessment and diagnosis;

(ii) Emergency crisis intervention available twenty-four hours a day, seven days a week;

(iii) Prescreening determinations for mentally ill consumers considered for placement in nursing homes as required by federal law;

(iv) Screening for consumers considered for admission to residential services;

(v) Investigation, legal, and other nonresidential services (chapter 71.05 RCW);

(vi) Case management services;

(vii) Psychiatric treatment, including medication supervision;

(viii) Counseling;

(ix) Psychotherapy;

(x) Assured transfer of relevant patient information among service providers;

(xi) Maintenance of the mental health information system for priority populations; and

(xii) Other services required by priority populations as determined by RSNs.

(11) "Consumers" means persons, couples or families receiving clinical, coordinative, or support services.

(12) "Consultation" means review and recommendations regarding the job responsibilities, activities or decisions of administrative, clinical or clerical staff, contracted employees, volunteers or students by persons with appropriate knowledge and experience to make recommendations. This definition does not constitute a definition of consultation and education.

(13) "Consultation and education services" means those services provided to assist others in the community in understanding and caring for priority populations including:

(a) Consultation to other community providers; and

(b) Educational and public information services.

(14) "Crisis" means a situation where a person is acutely mentally ill or experiencing serious disruption in cognitive, volitional, psychosocial or neurophysiological functioning.

(15) "Crisis respite services" means residential support services provided to an individual who is in crisis or at risk of crisis; such services may be provided, in their own home or another home-like setting.

(16) "Crisis response system" means the system designed to resolve crises in the least restrictive manner possible, including:

(a) Emergency services;

(b) Crisis intervention;

(c) Crisis respite;

(d) Investigation and detention services; and

(e) Evaluation and treatment services.

(17) "Day treatment services" means services for mentally ill consumers, including training in basic living and social skills, supported work, vocational rehabilitation activities, and may include therapeutic treatment.

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

(19) "Direct treatment services" means clinical services provided directly to consumers meeting the consumer's mental health needs, as distinct from activities conducted with other persons, organizations, or groups on behalf of consumers, and also as distinct from supervisory, consultative, or training activities conducted with regard to consumers or services.

(20) "Disabled" means an individual with a developmental disability, or a serious physical or sensory impairment.

(21) "Elderly" means a person sixty years of age or older.

(22) "Emergency services" means those responses and intervention services provided to consumers experiencing mental health emergencies or crises, including:

(a) Twenty-four-hour telephone service; and

(b) Twenty-four-hour crisis intervention and outreach services.

(23) "Employment services" means supported employment, transitional work, placement in competitive employment, and other work-related services that result in persons with a mental illness becoming engaged in meaningful and gainful full-time or part-time work.

(24) "Enrollee" means a consumer eligible for Medicaid and eligible to receive community mental health rehabilitation services from a prepaid health plan (PHP).

(25) "Geriatric long-term rehabilitative services" means long-term rehabilitative services (subsection (32) of this section) for individuals fifty-five years of age and over, or fifty-four years of age and under who, because of psychoneurological impairments, are appropriate for this level of care.

~~((25))~~ (26) "Governing body" means the final decision-making body for a provider.

~~((26))~~ (27) "Gravely disabled" means a condition where a person, as a result of a mental disorder:

(a) Is in danger of serious physical harm resulting from a failure to provide for such person's essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning:

(i) Evidenced by repeated and escalating loss of cognition or volitional control over such person's actions; and

(ii) Is not receiving such care as is essential for such person's health or safety.

~~((27))~~ (28) "Individualized service plan" (ISP) means the plan developed by resource management services assuring continuity of a person's care and identifying needed residential and community support services.

~~((28))~~ (29) "Individualized treatment plan" (ITP) means the plan developed by the service provider identifying a person's treatment needs and methods of treatment and, in RSNs, is consistent with the ISP.

~~((29))~~ (30) "Integrated work setting" means that all work is done in settings which offer regular contact with nondisabled co-workers and includes social interaction and integration at the work site.

~~((30))~~ (31) "Less restrictive setting" means that service in which the consumer functions at maximum independence in the most normative environment possible.

~~((31))~~ (32) "Long-term adaptive services" means a facility-based residential program with twenty-four-hour

nursing care and medical supervision, and mental health services which include:

(a) Program and case consultation from a mental health professional;

(b) Individualized treatment, as appropriate; and

(c) Staff training.

~~((32))~~ (33) "Long-term rehabilitative services" means a facility-based residential program for adults or children who:

(a) Require twenty-four-hour supervision;

(b) Do not require extensive medical care; and

(c) Have a severe functional or behavioral impairment as a result of a psychiatric disorder; or

(d) Do not follow or do not have an effective medication regime.

~~((33))~~ (34) "Material adjustment" means a budget revision equaling ten percent of a cost center.

~~((34))~~ (35) "Mental disorder" means organic, mental, or emotional impairment having substantial adverse effect on an individual's cognitive or volitional functions.

~~((35))~~ (36) "Mental health professional" means:

(a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;

(b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse, which means a registered nurse licensed under chapter 18.88 RCW and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(d) A social worker, which means a person with a masters or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent by the secretary;

(e) A person having at least a masters degree in behavioral sciences, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(f) A mental health counselor or marriage and family therapist certified under chapter 18.19 RCW and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(g) A professionally licensed occupational or physical therapist having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional; or

(h) A person having at least a bachelors degree in behavioral sciences or related field from an accredited college or university and having at least five years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional.

~~((36))~~ (37) "Mental health services" means services required under chapter 71.24 RCW, including:

(a) In non-RSN counties:

(i) Emergency services, including screening for patients being considered for admission to state hospitals;

(ii) Outpatient services;

(iii) Day treatment;

(iv) Consultation and education services; and

(v) Community support services.

(b) When RSNs are established, or after July 1, 1995, "mental health services" shall mean all services provided by RSNs.

~~((37))~~ (38) "Mentally ill persons" and "the mentally ill" means a person or condition defined in this chapter as:

- (a) Acutely mentally ill;
- (b) Chronically mentally ill; or
- (c) Seriously disturbed.

~~((38))~~ (39) "Minority" or "ethnic minority" means any of the following general population groups:

- (a) American Indian or Alaskan native, which includes:
 - (i) An enrolled Indian:

(A) A person enrolled or eligible for enrollment in a recognized tribe;

(B) A person determined eligible to be found Indian by the secretary of the interior; or

- (C) An Eskimo, Aleut or other Alaskan native.

(ii) A Canadian Indian: A person being a member of a treaty tribe, Metis community or nonstatus Indian community, from Canada; and

(iii) An unenrolled Indian: A person considered Indian by a federally or nonfederally recognized Indian tribe or an off-reservation Indian/Alaskan native community organization.

- (b) Asian or Pacific Islander;
- (c) Black; or
- (d) Hispanic.

~~((39))~~ (40) "Outpatient services" means those services provided to priority populations needing less intensive treatment than that provided through inpatient, residential, or day treatment programs. Services shall include, but are not limited to:

- (a) Evaluation;
- (b) Individual, family, and group psychotherapy; and
- (c) Medication management.

~~((40))~~ (41) "Preadmission screening services" means those services provided for consumers being considered for voluntary admission to state hospitals to determine the appropriateness of admission and availability of alternatives.

~~((41))~~ (42) "Prepaid health plan (PHP) means, for sections 600 through 720 of this chapter, an organization contracting with the department, offering a plan that provides and/or pays for community mental health rehabilitation services provided to an eligible enrolled consumer for a department prepaid monthly set rate.

(43) "Prevocational services" means activities which are oriented toward job or career exploration and training that is designed to lead toward integrated, competitive employment; transitional employment; supported employment; or volunteer vocational experience.

~~((42))~~ (44) "Primary care provider (PCP) means a person with primary responsibility for implementing the individualized plan for community mental health rehabilitation services with the consumer.

(45) "Properly executed accounting documents" means accounting documents processed in a manner consistent with provider policies and procedures and providing sufficient and adequate documentation for an audit of the agency's financial transactions.

~~((43))~~ (46) "Provider" means licensed service provider as defined in chapter 71.24 RCW.

~~((44))~~ (47) "Regional support network" (RSN) means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary under this chapter.

~~((45))~~ (48) "Registration records" means all the records of the department, RSN, treatment facilities, and other persons providing services to the department, county departments, or facilities. Registration records identify individuals receiving or having received services for mental illness which have been funded by available resources.

~~((46))~~ (49) "Residential services" means a complete range of residences and supports authorized by resource management services. These may involve a facility, a distinct part thereof or services supporting community living, including, at least:

(a) Evaluation and treatment services as defined in chapter 71.05 RCW;

(b) Crisis respite care;

(c) Supported living services;

(d) Supervised care;

(e) Long-term rehabilitative care;

(f) Long-term adaptive care; and

(g) Support services to nursing home residents.

~~((47))~~ (50) "Resource management services" means the planning, coordination, and authorization of residential and community support services administered under an ISP for priority populations, including:

(a) Seven-day-a-week, twenty-four-hour-a-day availability of information regarding mentally ill adults' and children's enrollment in services; and

(b) Access to their ISP by county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN.

~~((48))~~ (51) "Secretary" means the secretary of the department of social and health services.

~~((49))~~ (52) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to self or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder causing major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a minor child diagnosed by a mental health professional as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school, or with peers or is clearly interfering with the child's personality development and learning.

~~((50))~~ (53) "Substantial gainful activity" is work involving significant physical or mental activities done for pay or profit. Substantial gainful activity means, for elderly, retired persons and disabled persons, due to physical or mental impairment, the ability to manage retirement and/or disability income and activities of daily living. Substantial gainful activity means, for children, the ability to productively participate in educational activities.

~~((51))~~ (54) "Supervised living services" means facility-based care for adults requiring twenty-four-hour supervision

but are able to use community-based resources outside of the facility when needed. Supervised living services provide minimal-to-moderate on-site programming primarily directed at maintaining consumers at this level of care or preparing consumers for transition into supported living services.

~~((52))~~ (55) "Supervision" means regular or occasional monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

~~((53))~~ (56) "Supported employment" is competitive employment in an integrated work setting with ongoing support services for individuals with mental illness, for whom competitive employment has not traditionally occurred or which has been interrupted.

~~((54))~~ (57) "Supported living services" means nonfacility residential programs for adults and children requiring a flexible array of services and supports to successfully live in their homes, adult family homes, or foster homes.

~~((55))~~ (58) "Timely provision of services" means the provision of medically necessary community mental health rehabilitation services without unreasonable delay.

(59) "Training" means planned educational events or activities designed to instill or enhance skills and to increase knowledge.

~~((56))~~ (60) "Transitional employment" means competitive work in an integrated setting for individuals with mental illness who may need support services (but not necessarily job skill training services), provided either at the work site or away from the work site. The job placement may not necessarily be a permanent employment outcome for the individual.

~~((57))~~ (61) "Treatment records" means registration and all other records concerning consumers receiving or at any time having received services for mental illness, which are maintained by the department, RSNs, and service providers. Treatment records do not include notes or records maintained for personal use by RSN or treatment facility staff providing treatment services if the notes or records are unavailable to others.

NEW SECTION

WAC 275-56-600 Managed care—Purpose. For contracts effective on or after October 1, 1993, the department may contract with prepaid health plans (PHPs) to:

- (1) Provide community health rehabilitation services directly to a consumer; or
- (2) Arrange for a consumer to receive community mental health rehabilitation services according to the contract between the department and a PHP.

NEW SECTION

WAC 275-56-610 Managed care—Eligible consumers. (1) The department shall require a consumer, eligible for certain designated medical program categories, to enroll in a PHP when the consumer resides in the contracted service area of a PHP, except as provided under WAC 275-56-630.

(2) The department shall assign a consumer who is eligible for community mental health rehabilitation services in a specified service area to a PHP.

NEW SECTION

WAC 275-56-620 Managed care—Payment. The department shall pay a set rate to a PHP for contracted community mental health rehabilitation services provided to the consumer.

NEW SECTION

WAC 275-56-630 Managed care—Managed care exemptions. (1) The department shall not require a consumer to enroll or continue enrollment in a PHP when the consumer does not have reasonably available or accessible medically necessary community mental health rehabilitation services.

(2) In making the exemption, the department shall consider medically necessary community mental rehabilitation services to not be reasonably available and accessible when the department determines the treating provider has established that the established treatment plan or plan of care is essential to the consumer's mental health and is not available through the PHP.

(3) A consumer requesting an exemption from enrolling in the designated PHP shall file a request with the department. The department shall, in writing, timely notify the consumer of the exemption decision.

(4) The consumer may file an adjudicative proceeding, as described under WAC 275-56-670, when the consumer is not satisfied with the department's decision regarding exemption.

NEW SECTION

WAC 275-56-640 Managed care—Consumer's choice of primary care provider. (1) Each consumer enrolled in a PHP shall have a primary care provider (PCP).

(2) A consumer shall have an opportunity to choose a PCP from available PHP staff.

(3) A PHP shall assign a consumer to a PCP when the consumer enrolls in a plan and does not choose a PCP in the PHP.

(4) A consumer enrolled in a PHP shall have the right to change the consumer's PCP:

- (a) One time during a twelve-month period for any reason; and
- (b) For subsequent changes during the twelve-month period, only for documented good cause. The consumer shall notify in writing the PHP of the:
 - (i) Desired change, including the name of the new PCP; and
 - (ii) Reason for a desired change.

NEW SECTION

WAC 275-56-650 Managed care—Other services. (1) The department shall pay for mental health or other services covered under the department's medical care programs that are excluded from the community mental health rehabilitation services managed care contract.

(2) The department's mental health or ancillary services may include:

- (a) Transportation as described under WAC 388-86-085; and
- (b) Inpatient services.

NEW SECTION

WAC 275-56-660 Managed care—Emergency services. The department shall exempt emergencies and transportation for emergencies from routine pre-service authorization procedures employed by the PHP.

NEW SECTION

WAC 275-56-670 Managed care—Consumer grievances. A consumer aggrieved by a decision of a PHP or the department shall have the right to an adjudicative proceeding. The PHP shall establish a grievance process which:

- (1) Is published and made known to current and potential consumers in a readily understandable language and manner;
- (2) Gives consumers the opportunity to report grievances, and have the consumers' grievances investigated, and resolved promptly;
- (3) Ensures retaliation, formal or informal, against a grievant does not occur;
- (4) Ensures the retention of full records of all grievances in confidential files, separate from the consumer's case records, for five years from completion of the grievance process;
- (5) Ensures the availability of ombuds service to assist grievants at all levels of the grievance process;
- (6) May progress through several levels as established by the PHP, beginning at the provider level and ending at the PHP governance board or the board's designee. The PHP shall ensure the entire process, from the written request for grievance up to the request for adjudicative proceeding, shall not exceed thirty days; and
- (7) Allows the consumer filing the grievance to request an adjudicative proceeding by the department when the grievance concerns eligibility, enrollment, or disenrollment for Title XIX community mental health rehabilitation services, or the medical necessity for such services and the:
 - (a) Grievance decision is adverse to the consumer;
 - (b) The PHP does not respond in writing within thirty days from the date the consumer requested the grievance in writing; or
 - (c) The PHP denies a consumer urgently needed community mental health rehabilitation services and the consumer files a grievance in writing.

NEW SECTION

WAC 275-56-680 Managed care—Consumer request for a second opinion. (1) The consumer enrolled in a PHP shall have the right to a second opinion by another participating staff in the consumer's assigned PHP:

- (a) When the consumer needs more information as to the medical necessity of treatment recommended by the PCP; or

(b) If the consumer believes the PCP is not authorizing medically necessary community mental health rehabilitation services.

- (2) When medically necessary, the PHP shall refer the consumer to another participating staff of the PHP staff.

NEW SECTION

WAC 275-56-690 Managed care—Enrollment termination. The department may terminate enrollment of a consumer in a PHP when a:

- (1) Consumer loses eligibility for community mental health rehabilitation services;
- (2) Consumer requests disenrollment, and the department approves the request, as described under WAC 275-56-630; or
- (3) PHP requests in writing to the department the disenrollment of the consumer and the PHP's requested disenrollment is approved by the department.
- (4) The department shall:
 - (a) Disenroll only when the consumer:
 - (i) Is no longer eligible for community mental health rehabilitation services;
 - (ii) Is deceased; or
 - (iii) Requests disenrollment from services and meets the requirements of WAC 275-56-630.
 - (b) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and
 - (c) Notify the consumer ten days in advance of the effective date of disenrollment for any approved disenrollment.

NEW SECTION

WAC 275-56-700 Managed care—Continuous quality improvement. (1) The PHP shall establish a continuous quality improvement system which collects information and takes steps to ensure consumer needs are met and consumer welfare is protected.

- (2) The PHP:
 - (a) Shall establish and maintain a quality review team;
 - (b) Shall establish bylaws concerning the size, appointment, removal and tenure, and decision-making process of the quality review team;
 - (c) Shall appoint members of the quality review team. All team members shall successfully complete state-sponsored training;
 - (d) Shall ensure the quality review team has reasonable access at reasonable times to consumers and service sites;
 - (e) May, at its discretion, have the ombuds service functions, under WAC 275-56-710, performed by the quality review team; and
 - (f) May, at its discretion, have the RSN advisory board assume the duties and functions of the quality review team.
- (3) The quality review team shall:
 - (a) Be comprised of at least fifty-one percent consumers, past consumers, or family members;
 - (b) Regularly review provider and PHP performance and meet with consumers and family members, allied service providers, underserved communities, and other members of the community to determine whether services are accessible and address the needs of consumers;

(c) Submit regular reports on noted strengths and areas for improvement to the provider, PHP, and Mental Health Division (MHD);

(d) Work with consumers, service providers, the PHP, and the department to resolve identified problems;

(e) Request necessary service changes by requiring written corrective action plans with specific time frames for resolution from providers, the PHP, or the department. If the provider or PHP fails to respond to requests for corrective action, the quality review team may request the department to review or audit the agency or PHP, and impose consequences, as necessary; and

(f) Maintain consumer confidentiality as required under WAC 275-56-240.

NEW SECTION

WAC 275-56-710 Managed care—Ombuds service.

The PHP shall establish an independent ombuds service to receive consumer complaints and grievances and assist in resolution at the lowest possible level. The PHP and its providers shall assure ombuds staff have reasonable access at reasonable times to consumers and service sites. The PHP shall ensure the ombuds service:

- (1) Is independent of service provision;
 - (2) Is performed by paid persons who are:
 - (a) Hired by the PHP;
 - (b) Consumers or past consumers, and may include family members of consumers; and
 - (c) Trained in a manner approved by the department.
 - (3) Intercedes on behalf of consumers, and at the consumers' request, in the grievance process. The PHP's ombuds service aid shall:
 - (a) Be accessible to all persons, including members of underserved populations;
 - (b) Involve other persons, at the consumer's choice;
 - (c) Include investigation regarding grievances;
 - (d) Include pursuit of informal resolution of grievances;
- and
- (e) If necessary and applicable, continue to assist the consumer through the grievance and adjudicative proceeding.
- (4) Provides copies of all complaints and the resolution to the PHP, the quality review team when established, and the department.
 - (5) Maintains consumer confidentiality consistent with this chapter.

NEW SECTION

WAC 275-56-720 Managed care—Audit. (1) At least once a year, the department shall conduct a PHP audit to promote the quality and accessibility of community mental health rehabilitative services a PHP provides or arranges for enrolled consumers.

- (2) The PHP shall permit a managed care audit.
- (3) The department may conduct or contract independently for such a managed care audit.

WSR 93-19-100 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3637—Filed September 16, 1993, 2:20 p.m., effective October 1, 1993, 12:01 a.m.]

Date of Adoption: September 16, 1993.

Purpose: Issues the initial month's prorated benefit and the second month's benefit within the expedited time frame to households who are eligible for expedited services, and apply after the fifteenth of the month.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-080 Expedited service.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 274.2 (b)(3) and Administrative Memo 93-53.

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: United States District Court ruled against USDA in Johnson vs. USDA and Georgia, which concerned combined food stamp allotments for households eligible for expedited services.

Effective Date of Rule: October 1, 1993, 12:01 a.m.

September 16, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3187, filed 6/4/91, effective 7/5/91)

WAC 388-49-080 Expedited service. (1) The department shall provide expedited service for applying households when the household:

- (a) Has liquid resources of one hundred dollars or less; and
 - (b) Has gross monthly income under one hundred fifty dollars; or
 - (c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:
 - (i) Standard utility allowance as set forth in WAC 388-49-505; or
 - (ii) Actual utilities costs, whichever is higher; or
 - (d) Includes all members who are homeless individuals;
- or

(e) Includes a destitute migrant or seasonal farm worker whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited service by the end of the fifth calendar day following the date the application was filed.

(3) The department shall provide food stamps to residents of drug and alcohol treatment centers and group living arrangements eligible for expedited service, by the fifth calendar day following the date of application.

(4) When certifying a household eligible for expedited service, the department shall:

(a) Verify the applicant's identity through readily available documentary evidence, or if this is unavailable, through a collateral contact; or

(b) Verify the identity of the authorized representative who applies on behalf of the household; and

(c) Make a reasonable effort to complete verification as described in WAC 388-49-110 within the expedited processing standards;

(d) Require the applicant to register for work unless exempt or the authorized representative is applying for the household;

(e) Attempt to register other nonexempt household members for work without delaying expedited benefits;

(f) Issue benefits within five calendar days for expedited service; and

(g) Assist the household in obtaining necessary verification.

~~(5) ((The department shall certify an expedited service household:~~

~~(a) Based on certification periods in WAC 388-49-160 when all necessary verification is provided; or~~

~~(b) For one month when necessary verification is postponed; or~~

~~(c) For the month of application and the second month when:~~

~~(i) Verification is postponed; and~~

~~(ii) The application is received on or after the sixteenth of the month.~~

~~(6) The department shall, after postponed verification is received for cases certified under subsection (5)(c), issue the second month's benefits:~~

~~(a) Within five working days from receipt of the verification; or~~

~~(b) The first working day of the second month, which ever is later.~~

~~(7) There is no)) The department shall not limit ((to)) the number of times a household may receive expedited service provided the household:~~

~~(a) ((The household)) Completes the postponed verification requirements((;)) ; or~~

~~(b) ((The household)) Was certified under the thirty-day processing standard since the last expedited certification.~~

~~((8)) (6) When a household is entitled to expedited service and a waiver of the office interview, the department shall:~~

~~(a) Conduct an out-of-office interview; and~~

~~(b) Complete the application process within the expedited service standard ((when a household is entitled to expedited service and a waiver of the office interview)).~~

WSR 93-19-103

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-101—Filed September 16, 1993, 3:57 p.m.]

Date of Adoption: September 16, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-907.

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: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Area 6D will be delayed until further notice to protect Dungeness River-origin pink salmon stocks. Opening in Area 7B provides opportunity to harvest nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin. The gillnet mesh size restriction and purse seine chinook release requirement, and in-season area and schedule restrictions, are necessary to reduce chinook impacts. Openings in Area 9A provides opportunity to harvest nontreaty share of Hood Canal hatchery-origin coho. Openings for the week of September 19-25 in Areas 10 and 11 are cancelled until further notice due to insufficient harvestable numbers in the nontreaty share of coho in the south Puget Sound area of origin. The Area 12A coho fishery is closed until further notice to eliminate impacts to summer chum stocks in that fishery. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

September 16, 1993

Robert Turner

Director

NEW SECTION

WAC 220-47-908 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 7B - Gillnets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday September 13 to 4:00 p.m. Friday September 17, and from 6:00 a.m. Monday September 20 to 4:00 p.m. Friday September 24. Purse seines must release all chinook. In addition to the exclusion zones described in WAC 220-47-307, Area 7B is closed south of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * Area 9A - Gillnets and skiff gillnets using 5-inch minimum mesh may fish from 6:00 a.m. Monday September 20 through 4:00 p.m. Friday September 24.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-907 Puget Sound all citizen-commercial salmon fishery. (93-95)

**WSR 93-19-116
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-102—Filed September 20, 1993, 4:50 p.m., effective September 20, 1993, 6:00 p.m.]

Date of Adoption: September 20, 1993.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order: Amending WAC 220-33-010.

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 fall chinook and coho salmon are available in the Columbia River. This rule is consistent with the actions of the September 16, 1993, meeting of the Columbia River Compact. The regulations allow for harvest of upriver bright chinook and early timed coho. Spring Creek Hatchery and lower river hatchery chinook are returning in numbers below escapement needs.

Effective Date of Rule: September 20, 1993, 6:00 p.m.
September 20, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-33-01000R Columbia River salmon seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, 1D and 1E except as provided in the following subsections.

FISHING PERIODS

(1) 6:00 p.m. September 20, 1993 to 6:00 p.m. September 24, 1993 in Shad Area 2S; and 6:00 p.m. September 22, 1993 to 6:00 p.m. September 24, 1993 in SMCRA 1A, 1B, and that portion of SMCRA 1C downstream of the Lord Island Powerlines.

GEAR

(2) It is unlawful to fish for salmon, shad and sturgeon with gill net gear that:
(a) exceeds 1,500 feet in length along the corkline;
(b) is constructed of monofilament webbing; and

(c) has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net; and
(d) the mesh size is less than 8 inches in Shad Area 2S.
(3) It is unlawful to gaff a sturgeon.
(4) White sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water.

SANCTUARIES

(4) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:
Abernathy Creek
Grays River
Elokomin-B
Gnat Creek
Big Creek and
all tributaries flowing into the Columbia River.

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 93-19-132
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-103—Filed September 21, 1993, 4:25 p.m.]

Date of Adoption: September 21, 1993.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100B; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of fall chinook are available in the area between The Dalles Dam and McNary Dam. This rule is consistent with the decision of the September 16, 1993, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.
September 21, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-32-05100C Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting

EMERGENCY

Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6 a.m. September 23, 1993 to 6 p.m. September 25, 1993.

Sturgeon may be retained only for subsistence purposes.

(b) Open area: SMCRA 1F, 1G, and 1H

(c) Mesh: no mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline of the hatchery fishway to one and one-half mile downstream from the western shoreline of the hatchery fishway.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100B Columbia River salmon seasons above Bonneville. (93-96)

WSR 93-17-014
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed August 6, 1993, 4:10 p.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
PERMANENT ADMINISTRATIVE RULES WITH THE
OFFICE OF THE CODE REVISER

I HEREBY CERTIFY that the copy shown below is a true, full and correct copy of PERMANENT rule(s) adopted on July 27, 1993, by the Columbia River Gorge Commission to become effective upon filing.

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 premises.

Notice of Intended Action in Code Reviser's Register: Yes.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action to be taken: Adopting 350-70, 350-80, 350-90, 350-100, and 350-110 as Administrative Rules of the Columbia River Gorge Commission.

DATED this 2nd day of August, 1993.

Allen Bell
Acting Executive Director

Statutory Authority: RCW 43.97.015 to 43.97.035, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

COLUMBIA RIVER GORGE COMMISSION
Chapter 350
Division 70
Appeals From Decisions Under Gorge Commission
Ordinances

350-70-000. Purpose.

The purpose of this division is to define the process and standards used by the Columbia River Gorge Commission in hearing appeals from decisions relating to the implementation of the Columbia River Gorge National Scenic Area Act ("National Scenic Act" or "Act"). The rule applies to appeals from decisions by the Executive Director under ordinances adopted by the Gorge Commission.

350-70-010. Authority.

The National Scenic Act authorizes appeals to the Gorge Commission by a person or entity adversely affected by a final action or order, and this includes decisions by the Executive Director under a land use ordinance for a county adopted by the Gorge Commission.

350-70-020. Scope.

Scope of Rules: All proceedings commenced by Notice of Intent to Appeal and Petition shall be governed by these rules.

Appeals commenced by a Notice of Appeal filed under the Final Interim Guidelines shall continue to be governed by Commission Rule 350-20 as adopted December 1, 1987, and the Final Interim Guidelines.

350-70-030. Application.

These rules are intended to promote the efficient review of land use decisions in accordance with the National Scenic Act while affording all interested persons reasonable notice and opportunity to intervene, reasonable time to prepare and submit their cases, and a full and fair hearing. The rules shall be interpreted to carry out these objectives and to promote justice.

350-70-040. Definitions.

In these rules, unless the context or subject matter requires otherwise:

- (1) "Applicant" means the person who requested that the Executive Director of the Gorge Commission take an action which resulted in a land use decision.
- (2) "Commission" means the Columbia River Gorge Commission or any member thereof.
- (3) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon, and Clark, Skamania, and Klickitat Counties, Washington.
- (4) "Days" means calendar days.
- (5) "Executive Director" means the director of the Gorge Commission.
- (6) "File" means to deliver to Commission offices by personal delivery or by mail, not by fax. To be considered filed, a document must be received at Commission offices by 5:00 p.m.
- (7) "Final decision": A decision is final when it is reduced to writing and bears the signature of the Executive Director of the Gorge Commission.
- (8) "Land use decision" means a final decision by the Executive Director based on the National Scenic Act.
- (9) "Notice" means the Notice of Intent to Appeal and Petition and refers to the document which must be filed with the Commission in order to begin a review proceeding.
- (10) "Party" means the petitioner, the applicant if different from the petitioner, the Executive Director, and any person who intervenes.
- (11) "Transmit" means to send with the United States Postal Service by first class mail or to deliver in person.

350-70-050. Notice of Intent to Appeal and Petition.

(1) Filing: The Notice of Intent to Appeal and Petition from a decision by the Director shall be filed with the Commission on or before the 30th day after the date the decision sought to be reviewed becomes final. A Notice

filed thereafter shall not be deemed timely filed and the appeal shall be dismissed.

(2) Service of Notice of Intent to Appeal and Petition: The Notice of Intent to Appeal and Petition shall be filed with the Commission and served on all persons identified in the Notice as required by subsection (3)(f) of this rule on or before the date the Notice of Intent to Appeal and Petition is required to be filed.

(3) Contents of Notice of Intent to Appeal and Petition: The Notice of Intent to Appeal and Petition shall be substantially in the form set forth in Exhibit 1 and shall contain:

(a) A caption which sets forth the name(s) of the person(s) filing the Notice, identifying the person(s) as petitioner(s), and Executive Director, identifying the Executive Director as respondent;

(b) Below the caption the heading "Notice of Intent to Appeal and Petition";

(c) The full title of the decision to be reviewed as it appears on the final decision;

(d) The date the decision to be reviewed became final;

(e) A concise description of the decision to be reviewed;

(f) The name, address and telephone number of each of the following:

(A) The Petitioner. If the petitioner is not represented by an attorney, the petitioner's name, address and telephone number shall be included. If an attorney represents the petitioner, the attorney's name, address and telephone number shall be substituted for that of the petitioner. If two or more petitioners are unrepresented by an attorney, one petitioner shall be designated as the lead petitioner.

(B) The Executive Director and the Director's legal counsel;

(C) The applicant, if any (and if other than the petitioner). If an applicant was represented by an attorney before the Executive Director, the applicant's address and telephone number may be omitted and the name, address and telephone number of the applicant's attorney shall be included;

(D) Any other person to whom written notice of the land use decision was mailed as shown on the Executive Director's records. The telephone number may be omitted for any such person.

(g) A statement advising all persons, other than the Executive Director, that in order to participate in the review proceeding a person must file a motion to intervene pursuant to 350-70-170.

(h) Proof of service upon all persons required to be named in the Notice. See Exhibit 1.

(4) Filing Fee and Deposit for Costs: A filing fee and deposit for costs may be charged by the Columbia River Gorge Commission.

350-70-060. Special Review Process.

(1) In any development review decision by the Executive Director under any rule adopting ordinances, where the applicant contends the result eliminates all beneficial use of the property, the applicant must request reconsideration of the decision of the Executive Director and special review as follows:

(a) The request for reconsideration shall be in writing.

(b) The request for reconsideration shall set forth all pertinent facts in support of the applicant's position.

(c) The request for reconsideration shall be accompanied by copies of all relevant documents (maps, deeds, easements, reports, etc.) that support the position taken by the applicant.

(d) The request for reconsideration shall be served on the Executive Director and all parties as a separate section of the Notice of Intent to Appeal and Petition from the Executive Director's decision along with proof of service.

(2) The Director, on receipt of a request for reconsideration, shall take the following steps:

(a) Review the request for reconsideration.

(b) Issue a written decision that addresses the specific portions of the request related to use of the property within 30 days of receipt of the request for reconsideration.

(c) Specify the factual or legal principles relied on in support of the written decision.

(d) Where appropriate, propose options for use for the property owner, or other options available to the property owner.

(e) Approve, where appropriate, based on the specific facts and circumstances of the case, a use to ensure the property is not subject to what would otherwise constitute a taking if the Forest Service or the federal government does not provide just compensation for a designation it made.

(f) The time period for submission of the Request for Review to the Gorge Commission shall not begin to run until the day after the decision on the request for reconsideration is issued.

(g) The applicant and anyone who intervened may pursue the appeal process below once the special review process is completed.

350-70-070. Record.

(1) Contents of Record: The record shall include the following:

(a) The final decision including findings of fact and conclusions of law of the Director's decision;

(b) All evidence, exhibits, maps, documents or other written materials included as part of the record during the course of the Executive Director's proceeding;

(c) Minutes of any meetings conducted by the Executive Director as required by law.

(2) Transmittal of Record: The Executive Director shall within 30 days after service of the Notice, transmit to the Commission the original or a certified copy, and two copies of the record of the proceeding under review. The Executive Director may, however, retain any large maps or documents which are difficult to duplicate, until the date of the hearing.

(3) Service of Record: Contemporaneously with transmittal, the Executive Director shall serve a copy of the record, exclusive of large maps and other documents which are difficult to duplicate, on the petitioner or the lead petitioner, if one is designated, and all other parties.

(4) Specifications of Record:

(a) The record shall:

(A) Be filed in a suitable folder; the cover shall bear the title of the case as it appears in the Notice, and the Commission's numerical designation for the case, and shall

indicate the numerical designation given the land use decision by the Executive Director;

(B) Begin with a table of contents, listing each item contained therein, and the page of the record where the item begins (see Exhibit 2), and listing each large map or document retained by the Executive Director under subsection (2) of this rule;

(C) Be securely fastened;

(D) Have pages numbered consecutively, with the page number at the bottom right-hand corner of each page;

(E) Be arranged in inverse chronological order, with the most recent item on top.

(b) A record which does not conform to the preceding requirements shall not be accepted by the Commission.

350-70-080. Objections to the Record.

(1) Before filing an objection to the record, a party shall attempt to resolve the matter with the Executive Director's legal counsel and the other parties. If the Executive Director amends the record in response to an objection, the date the amendment is received by the Commission shall be considered the date the record is received for the purpose of computing time limits as required by these rules.

(2) An objection to the record shall be filed with the Commission within 10 days following service of the record on the person filing the objection. Objections may be made on the following grounds:

(a) The record does not include all materials included as part of the record during the proceedings before the Executive Director. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.

(b) The record contains material not included as part of the record during the proceedings before the Executive Director. The item(s) not included as part of the record during the proceedings before the Executive Director shall be specified, as well as the basis for the claim that the item(s) are not part of the record.

(c) The minutes or transcripts of meetings or hearings are incomplete or do not accurately reflect the proceedings.

(3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration, the Commission shall require the Executive Director to produce additional evidence to prove the accuracy of the contested minutes or transcripts. If the evidence regarding contested minutes is an audiotape recording, a transcript of the relevant portion shall be submitted.

(4) The Commission or its staff may conduct a telephone conference with the parties to consider and resolve any objections to the record.

(5) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Commission shall issue a letter or order declaring the record complete and setting forth the schedule for subsequent events. Unless otherwise provided by the Commission, the date of the Commission's letter or order shall be deemed the date of

receipt of the record for purposes of computing subsequent time limits.

350-70-090. Request for Review.

(1) Filing and Service of Request: The Request for Review shall be filed with the Commission within 30 days after the date the record is received by the Commission. The Request shall also be served on the Executive Director and any party who has filed a motion to intervene. Failure to file a Request for Review within the time required by this section shall result in dismissal of the appeal and forfeiture of the filing fee and deposit for costs to the Gorge Commission.

(2) Specifications of Request: The Request for Review shall

(a) Begin with a table of contents;

(b) Not exceed 50 pages, exclusive of appendices, unless permission for a longer petition is given by the Commission. If a Request for Review exceeding the 50 page limit is filed without permission, the Commission shall notify the author, and a revised brief satisfying the 50 page limit shall be filed within three (3) days of notification by the Commission.

(c) Have a blue cover page, stating the full title of the proceeding, and the names, addresses and telephone numbers of all parties unrepresented by attorney. If a party is represented by an attorney, the name, address and telephone number of the attorney shall be substituted for the party. If there is more than one petitioner, the cover page shall specify the petitioner(s) are filing the Request. An intervenor shall be designated as either petitioner or respondent.

(d) Be typewritten, in pica type, and double spaced;

(e) Be signed on the last page by the author.

(3) Contents of Request: The Request for Review shall:

(a) State the facts that establish petitioner's standing;

(b) Present a clear and concise statement of the case, in the following order, with separate section headings:

(A) The nature of the land use decision and the relief sought by petitioner;

(B) A summary of the arguments appearing under the assignments of error in the body of the Request;

(C) A summary of the material facts. The summary shall be in narrative form with citations to the pages of the record where the facts alleged can be found.

(c) State why the challenged decision is a land use decision subject to the Commission's jurisdiction;

(d) Set forth each assignment of error under a separate heading. Where several assignments of error present essentially the same legal questions, the argument in support of those assignments of error shall be combined;

(e) Contain a copy of the challenged decision, including any adopted findings of fact and conclusions of law;

(f) Contain a copy of any management plan provision, comprehensive plan provision, ordinance or other provision of local law cited in the request, unless the provision is quoted verbatim in the Request.

350-70-100. Respondent's Submission.

(1) Filing and Service of Submission: Respondent's submission and/or brief shall be filed within 30 days after the Request for Review is received by the Commission. A copy of the respondent's submission shall be served on the petitioner or lead petitioner and all intervenors.

(2) Specifications of Submission: Respondent's submission shall conform to the specifications of the petition for review, except that it shall have a red cover. If there is more than one respondent, the cover page shall specify which respondent is filing the brief.

(3) Contents of Submission:

(a) The respondent's submission shall follow the form prescribed for the Request for Review. The respondent shall specifically accept the petitioner's statement of the case or shall cite any alleged omissions or inaccuracies therein and may state additional relevant facts or other matters. The statement shall be in narrative form with citations to the pages of the record where support for the facts alleged are found.

(b) Respondent shall accept or challenge petitioner's statement of the Commission's jurisdiction and petitioner's statement of standing. The basis for any challenge shall be stated. If respondent contends that the facts alleged by petitioner in support of standing are not true, respondent shall specify which allegations are contested.

350-70-110. Reply Brief.

A reply brief shall not be filed.

350-70-120. Prehearing Conference.

The Commission, on its own motion or at the request of any party, may call a prehearing conference to consider:

- (1) Simplification of the issues;
- (2) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (3) Limitation of the number of witnesses;
- (4) The form and substance of any prehearing order;
- (5) Such other matters as may aid in the disposition of the appeal.

350-70-130. Proposed Prehearing Order.

The Commission with or without a prehearing conference, may require that the parties prepare and sign a proposed prehearing order to be filed with the Commission on or before a date specified by the Commission. The order shall contain:

- (1) A statement of contentions of law of each party;
- (2) A concise statement of all contentions of fact to be proved by each party;
- (3) A statement of all agreed facts;
- (4) A list of witnesses and a summary of their testimony;
- (5) A list of exhibits and a statement of the contents of each;

(6) Such other matters as the Commission may require in order to expedite the hearing and appeal.

350-70-140. Hearing.

(1) The hearing before the Commission shall be "de novo" but shall include the record submitted by the Executive Director.

(2) Conduct of hearing:

(a) The hearing shall be conducted in the following order:

(A) The petitioner shall present its evidence including that of any witnesses;

(B) The other party(ies) shall have the opportunity to present evidence disputing that of the petitioner;

(C) The petitioner shall present rebuttal evidence as permitted by the Commission, limited to specific issues;

(b) Any witness is subject to cross examination by opposing parties;

(c) Any member of the Commission may question any witness;

(d) The burden of presenting evidence in support of a fact or proposition rests on the proponent of the fact or proposition;

(e) The Commission may continue a hearing and may set time limits for any hearing;

(f) Exhibits shall be marked to identify the party offering the exhibits. The exhibits shall be preserved by the Commission as part of the record.

(3) Evidentiary Rules:

(a) Evidence of a type commonly relied upon reasonably prudent person in conduct of their serious affairs shall be admissible.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) All evidence not objected to, shall be received by the Commission, subject to the Commission's power to exclude irrelevant, immaterial or unduly repetitious matter.

(d) Evidence objected to may be received by the Commission. Rulings on the admissibility of such evidence, if not made at the hearing, shall be made at or before the time a final order is issued.

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.

350-70-150. Depositions.

On petition of any party, the Commission may order testimony of any witness to be taken by deposition in the same manner prescribed for depositions in civil actions. Depositions may also be taken by the use of audio or audio visual recordings. The petition for deposition shall set forth:

(1) The name and address of the witness whose testimony is desired;

(2) A showing of relevance and materiality of the testimony;

(3) A request for an order that the testimony of the witness be taken.

350-70-160. Subpoenas.

The Commission shall issue subpoenas to any party to the appeal upon written request and upon a showing that the witness or the documents to be subpoenaed will provide relevant evidence generally not available without subpoena. Subpoenas may also be issued under the signature of the attorney of record of a party. Witnesses appearing pursuant to subpoena, other than parties or employees of the Commission, shall be tendered fees and mileage as prescribed by law for witnesses in civil actions. The party requesting the subpoena shall be responsible for service of the subpoena and tendering the witness and mileage fees to the witness.

350-70-170. Intervention.

(1) Standing to Intervene: The applicant and any person who appeared before the Executive Director may intervene in a review proceeding before the Commission. Status as an intervenor shall be recognized by letter or order of the Commission when a motion to intervene is filed.

(2) Motion to Intervene: In the interests of promoting timely resolution of appeals, a motion to intervene shall be filed within 10 days after the Notice of Intent to Appeal and Petition is filed pursuant to 350-70-050. The motion to intervene (exhibit 3) shall:

(a) State whether the party is intervening on the side of the petitioner or the respondent;

(b) State the facts which show the party is entitled to intervene, supporting the statement with affidavits, citations to the record or other proof;

(c) Be served upon the Commission and all parties.

(3) Intervenor's Submission:

(a) If intervention is sought as a petitioner, the submission (or brief) shall be filed within the time limit for filing the Request for Review, and shall satisfy the requirements for a Request for Review in 350-70-090.

(b) If intervention is sought as a respondent, the submission (or brief) shall be filed within the time for filing a respondent's brief and shall satisfy the requirements for a respondent's brief in 350-70-100.

(4) Objections to a motion to intervene shall be filed within 7 days of the filing of the motion.

350-70-180. Amicus Participation.

(1) A person or organization may appear as amicus only by permission of the Commission on written motion. The motion shall set forth the specific interest of the movant and state reasons why a review of relevant issues would be significantly aided by participation of the amicus. A copy of the motion shall be served on all parties to the proceeding.

(2) Appearance as amicus shall be by submission and/or brief only. An amicus brief shall be subject to the same rules as those governing briefs of parties to the appeal and shall be filed within the time required for filing respondent's brief. No filing fee is required. An amicus brief shall have a green cover.

(3) An amicus brief shall be submitted at the time the respondent's brief is due.

350-70-190. Consolidation.

The Commission, at the request of any party or on its own motion, may consolidate two or more proceedings, provided the proceedings seek review of the same or closely related land use decision(s).

350-70-200. Extensions of Time.

(1) In no event shall the time limit for the filing of the Notice of Intent to Appeal and Petition be extended.

(2) In no event shall the time limit for the filing of the Request for Review be extended without good cause shown, written consent by all parties and approval of the Gorge Commission.

(3) In the event the Commission extends the deadline for issuance of its final order without consent of the parties, it shall enter the specific findings to explain such action.

350-70-210. Stays.

(1) A motion for a stay of a land use decision shall include:

(a) A statement setting forth movant's right to standing to appeal the decision;

(b) A statement explaining why the challenged decision is subject to the Commission's jurisdiction;

(c) A statement of facts and reasons for issuing a stay, demonstrating a colorable claim of error in the decision and specifying how the movant will suffer irreparable harm if a stay is not granted;

(d) A suggested expedited briefing schedule;

(e) A copy of the decision under review and copies of all ordinances, resolutions, plans or other documents necessary to show the standards applicable to the decision under review.

(2) A copy of a motion for stay shall be served on the Executive Director and the applicant for the land use decision, as well as any other parties, if any, on the same day the motion is filed with the Commission.

(3) Unless otherwise ordered by the Commission, a response to a motion for a stay of a land use decision shall be filed within 10 days after the motion is filed and shall set forth all matters in opposition to the motion and any facts showing any adverse effect, including an estimate of any monetary damages that will accrue if a stay is granted.

(4) The Commission shall base its decision on the stay, including the right to a stay, or conditions of any stay order, upon the motion presented. Documents may be attached to the motion in the form of affidavits, maps or other materials, or presented at a hearing which may be convened at the discretion of the Commission and follow the process in 350-70-140.

350-70-220. Final Order of Commission.

(1) An Order of the Commission is final when the cover page of the order containing the caption of the appeal:

(a) States "Final Opinion and Order";

MISCELLANEOUS

- (b) Contains findings of fact and conclusions of law or incorporates them from the record below.
 - (c) Indicates whether the decision being reviewed is dismissed, affirmed, reversed or remanded;
 - (d) Contains the date of the final order; and
 - (e) Is date stamped by the Commission.
- (2) The order shall be mailed to all parties.
- (3) When an order of the Commission becomes final it shall be made available to interested members of the public. The Commission may charge a reasonable fee for copies of its final orders or other orders furnished to members of the public.
- (4) Notwithstanding subsections (1)(a) and (b) of this section, an order granting a motion to dismiss an appeal is a final order.

350-70-230. Reversal or Remand of Land Use Decisions.

- (1) The Commission shall reverse a land use decision when:
- (a) The Executive Director exceeded his/her jurisdiction;
 - (b) The decision is unconstitutional;
 - (c) The decision violates a provision of applicable law and is prohibited as a matter of law; or
 - (d) The decision was clearly erroneous or arbitrary and capricious.
- (2) The Commission shall remand a land use decision for further proceedings when:
- (a) The findings are insufficient to support the decision;
 - (b) The decision is not supported by substantial evidence in the whole record;
 - (c) The decision is flawed by errors that prejudice the substantial rights of the petitioner(s); or
 - (d) The decision improperly construes the applicable law.

EXHIBIT 1
(350-70-050)
BEFORE THE COLUMBIA RIVER GORGE COMMISSION

Jane Clark,)	
)	
Petitioner,)	
)	
vs.)	CRGC No.
)	
Executive Director,)	
)	
Respondent.)	

NOTICE OF INTENT TO APPEAL AND PETITION
I.

Notice is hereby given that petitioner intends to appeal that land use decision of respondent entitled [INDICATE TITLE OF LAND USE DECISION], which became final on [INDICATE DATE] and which involves [SET FORTH A BRIEF STATEMENT OF THE NATURE OF THE DECISION]

II.

Petitioner, Jane Clark, is represented by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Respondent, Executive Director, has as its mailing address and telephone number: [INDICATE MAILING ADDRESS AND TELEPHONE NUMBER] and has, as its legal counsel: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER].

III.

Applicant, John Developer, was represented in the proceeding below by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Other persons mailed written notice of the land use decision by Executive Director, as indicated by its records in this matter, include: [INDICATE NAMES, ADDRESSES AND TELEPHONE NUMBER OF ALL PERSONS WHOM THE EXECUTIVE DIRECTOR'S RECORDS INDICATE WERE MAILED WRITTEN NOTICE OF THE LAND USE DECISION. THE TELEPHONE NUMBERS OF SUCH PERSONS MAY BE OMITTED].

NOTICE:

Anyone designated in paragraph III of this Notice who desires to participate as a party in this case before the Columbia River Gorge Commission must file with the Commission a Motion to Intervene in this proceeding as required by CR 350-70-130.

Petitioner (each petitioner must sign)

or

Attorney for Petitioner(s)

CERTIFICATE OF SERVICE

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this Notice of Intent to Appeal and Petition on all persons listed in paragraphs II and III of this Notice pursuant to CR 350-70-050(2) by (a) first class mail or (b) personal delivery. [INDICATE WHICH]

Dated: _____

Signature

EXHIBIT 2
(350-70-070)

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MISCELLANEOUS

EXHIBIT 3
(350-70-1730)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

Jane Clark,)	
)	
Petitioner,)	
)	
vs.)	CRGC No.
)	
Executive Director,)	
)	
Respondent.)	

following persons: [LIST NAME AND ADDRESS OF EACH PARTY OR THE PARTY'S ATTORNEY].

Dated: _____

Signature _____

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.

COLUMBIA RIVER GORGE COMMISSION
Chapter 350
Division 80
Klickitat County Land Use Ordinance

MOTION TO INTERVENE

I.

John Smith moves to intervene on the side of (a) Petitioner or (b) Respondent [INDICATE WHICH] in the above-captioned appeal. Mr. Smith's (or his attorney's) address and phone number are as follows: [INDICATE ADDRESS AND PHONE NUMBER].

II.

The facts establishing movant's right to intervene are as follows: [SET FORTH STATEMENT OF FACTS].

III. [OPTIONAL]

In support of this motion, John Smith relies on the attached affidavit, Memorandum of Law or both.

_____	_____
Date	John Smith
or	

	Barbara Neil, Attorney for John Smith

[Add Certificates of Filing and Service on separate page. See forms in Exhibits 4 and 5.]

EXHIBIT 4

CERTIFICATE OF FILING
[For Document Other Than
Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I filed the original of this [IDENTIFY DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies, with the Columbia River Gorge Commission, 288 E. Jewett Blvd., P.O. Box 730, White Salmon, WA 98672, by (a) first class mail or (b) personal delivery [INDICATE WHICH].

Dated: _____

Signature _____

EXHIBIT 5

CERTIFICATE OF SERVICE
[For Document Other Than
Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this [IDENTIFY DOCUMENT] by (a) first class mail or (b) personal delivery [INDICATE WHICH] on the

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 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.

MISCELLANEOUS

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 by-products 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 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(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.

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.

350-80-050. 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 resources.
 - (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 applica-

tion 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 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).

(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 350-80 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).

(l) 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 (l).

(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 Rule 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) Unforeseen 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 in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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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 350-80-620):

(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 350-80.

(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 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 Agriculture	Type of Buffer (size in feet)		8-foot Berm or Terrain Barrier
	Open or Fenced	Natural or Created Vegetation Barrier	
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, 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.

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(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

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.

350-80-160. 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

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).

(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.

(l) 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.

(l) 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. "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.

350-80-200. 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).

(j) Boarding of horses.

(k) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(l) 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).

350-80-210. 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 350-80-040. 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 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.

350-80-240. 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.

(l) 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 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 350-80-300 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.

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.

350-80-280. 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 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 350-80-150(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.

350-80-300. 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 Wind 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 guidelines for recreation intensity classes 350-80-610(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 350-80-340(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 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 350-80-520 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.

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.

350-80-350. 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.

350-80-360. 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.

350-80-370. 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 1-acre 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).

350-80-390. 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 an 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 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.

350-80-430. Commercial Land.

Commission Rule 350-80-430 through 350-80-360 shall apply to those areas designated Commercial on the Scenic Area Land Use Designation Map.

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.

350-80-440. 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.

350-80-450. 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 350-80-520 through 350-80-620), and Commission Rule 350-80-460:

- (1) Travelers accommodations, bed and breakfast inns subject to Commission Rule 350-80-150(5).
- (2) Restaurants.
- (3) Gift shops.
- (4) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to Commission Rule 350-80-150(4).
- (5) One single-family dwelling per legally created parcel.
- (6) Utility facilities and railroads.

350-80-460. Approval Criteria for Review Uses on Lands Designated Commercial.

The uses identified in Commission Rule 350-80-450 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.

350-80-470. Recreation.

Commission Rule 350-80-470 through 350-80-510 shall apply to those areas designated Public Recreation and Commercial Recreation on the Scenic Area Land Use Designation Map.

350-80-480. 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.

350-80-490. 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 designa-

tions, 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.

350-80-500. 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.

350-80-510. 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 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.

350-80-520. 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 350-80-520.

(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 subordination 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 subordination and final conditions of approval shall include findings addressing each of these factors.

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(c) Determination of potential visual effects and compliance with visual subordination 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 given priority over other means of achieving visual subordination, 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 subordination 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 350-80-520 (1)(e).

(D) A written report on a determination of visual subordination 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 subordination 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 subordination (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 subordination 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 (l).

(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 subordination 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 subordination 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 subordination 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 low-intensity 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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordination 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 (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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" section of Part I, Chapter 1 of the Management Plan), the following guidelines shall be employed to achieve visual subordination 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 (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 subordination 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 moderate-intensity 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 350-80-150(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 subordination requirements shall be achieved 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.

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.

350-80-540. 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 350-80-504 (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 reconnais-

sance 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 identify 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 350-80-120, 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 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 350-80-540 (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 conditions 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 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.

350-80-550. 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 350-80-550(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

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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 350-80-550 (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.

350-80-560. 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 350-80-560 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:

(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.

350-80-570. 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.

(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 350-80-570(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, 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 350-80-570 (2) and (3) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to Commission Rule 350-80-570(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 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 350-80-560 (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 350-80-560 (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 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.

350-80-580. 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 350-80-580(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 distur-

bance, 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 peregrine 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 Specifications for Structural Range Improvements (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.

350-80-590. 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, 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 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.

350-80-600. 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 or 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 Inter-agency 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 plant 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.

(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 Recreation 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 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 350-80-520 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 marshal) 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).

(l) 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 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.

350-80-630.

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	X	X	X	X	X			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X		X	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X			X
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	X	X	X	X		X		X

MISCELLANEOUS

	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	X	X	X	X	X			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X		X	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X			X
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X		X		
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of sensitive wildlife area or site	X	X	X	X		X	X	
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of rare plant	X	X	X	X		X		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. 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 those review uses within 1000' feet of a sensitive wildlife area or site, or rare plant	X	X	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	X	X	X		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	X	X	X	X	X		X	

MISCELLANEOUS

	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	X	X	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	X	X	X	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 rare plant	X	X	X	X		X		X
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	X	X	X	X	X			

MISCELLANEOUS

	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	X	X	X	X		X	
Commercial LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Recreation LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Open Space LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Agriculture-Special LUD - Review uses	X	X	X	X	X			X
SPECIAL MANAGEMENT AREAS								
Review Uses - All LUDs	X	X	X	X	X		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.

COLUMBIA RIVER GORGE COMMISSION
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 and the Columbia River Gorge Commission finds it consistent with the Management Plan. Those portions of Commission Rule 350-90 pertaining to the Special Management Area remain effective until the Secretary of Agriculture concurs on the ordinances adopted by Clark County.

350-90-030. 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 350-90, when considered under the applicable procedural and substantive guidelines of this Rule.

350-90-040. Definitions.

As used in Commission Rule 350-90, 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 by-products 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) **andscape 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.

MISCELLANEOUS

(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(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.

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.

350-90-050. 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 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.

350-90-080. 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 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 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).

(l) 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 (l).

(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.

350-90-130. 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 350-90-120; 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 to 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) Unforeseen 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.

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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.

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 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 Agriculture	Type of Buffer (size in feet)		8-foot Berm or Terrain Barrier
	Open or Fenced	Natural or Created	
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, 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 350-90-150(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.

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(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 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.

350-90-160. 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 350-90-160 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 350-90-160.

(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 350-90-160 (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 350-90-160 (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 on 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.

(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 350-90-340(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.

350-90-190. 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 350-90-620):

(a) New cultivation, subject to compliance with Commission Rule 350-90-540 through 350-90-590.

(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 350-90-150(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 350-90-190 (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.

(l) 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 350-90-150(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.

(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.

(l) Signs as specified in Commission Rule 350-90-160(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 350-90-620.

(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.

350-90-200. 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 350-90-520 through 350-90-620) and Commission Rule 350-90-220.

(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 350-90-150(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.

(l) 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 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.

350-90-240. 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.

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.

(l) 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 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.

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.

350-90-280. 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.

350-90-300. 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

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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).

(j) 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 1-acre 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.

350-90-440. 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.

350-90-450. 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.

350-90-460. 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.

350-90-480. 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.

350-90-490. 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 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 350-90-540 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 designations, 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.

350-90-500. 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 subordination 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 subordination and final conditions of approval shall include findings addressing each of these factors.

(c) Determination of potential visual effects and compliance with visual subordination 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 subordination, 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 subordination 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 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 subordination 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 subordination 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 subordination (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 subordination 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 (l).

(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 subordination 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 350-90-520 (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 subordination 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 350-90-520 (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 350-90-520 (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 350-90-610, 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 subordination 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 wind-

rows. 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 low-intensity 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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordination 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 (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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" section of Part I, Chapter 1 of the Management Plan), the following guidelines shall be employed to achieve visual subordination 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 (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 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 subordination 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 (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 moderate-intensity 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 350-90-150(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 350-90-520 (2)(y).

(g) Expansion of existing quarries may be allowed pursuant to Commission Rule 350-90-520 (2)(v). Compliance with visual subordination 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 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.

350-90-540. 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 identify 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 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.

350-90-560. 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

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(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 350-90-560(5), and reviewed under the applicable provisions of Commission Rule 350-90-520 through 350-90-620:

(a) The modification, expansion, replacement, or 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 350-90-560 (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:

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(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.

350-90-570. 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 350-90-670 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 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 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 350-90-560 (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.

350-90-580. 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

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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 peregrine 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 Specifications for Structural Range Improvements (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.

350-90-590. 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, 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 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 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.

350-90-600. 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 or 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 Inter-agency 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 plant 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.

(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.

350-90-610. 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.

(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 350-90-520 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 marshal) 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).

(l) 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 350-90-610 (5)(i) regarding provision of mass transportation access.

350-90-620. 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 350-90-620(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 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.

350-90-630.

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	X	X	X	X	X			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X		X	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X			X
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	X	X	X	X		X		X

MISCELLANEOUS

	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	X	X	X	X	X			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X		X	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X			X
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X		X		
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of sensitive wildlife area or site	X	X	X	X		X	X	
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of rare plant	X	X	X	X		X		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	X	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	X	X	X		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	X	X	X	X	X		X	

	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	X	X	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	X	X	X	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 rare plant	X	X	X	X		X		X
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	X	X	X	X	X			

MISCELLANEOUS

	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	X	X	X	X		X	
Commercial LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Recreation LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Open Space LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Agriculture-Special LUD - Review uses	X	X	X	X	X			X
SPECIAL MANAGEMENT AREAS								
Review Uses - All LUDs	X	X	X	X	X		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.

**COLUMBIA RIVER GORGE COMMISSION
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 Com-

mission 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

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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 by-products 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 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 recre-

ation 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(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.

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.

350-100-050. 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 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.

350-100-060. 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.

(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.

(l) In the Special Management Area, applications and/or site plans shall contain the natural resources information required in Commission Rule 350-100-600(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 350-100 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).

(l) 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, livestock 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 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.

350-100-090. 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 applicant with the substantive and procedural requirements of Commission Rule 350-100, to discuss the principle elements of the proposed action, and to identify guidelines that 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.

350-100-130. 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 350-100-120; 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 Rule 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) Unforeseen 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.

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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

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and which are currently used for or are suitable for agricultural use:

(a) Setback Guidelines

Type of Agriculture	Type of Buffer (size in feet)		8-foot Berm or Terrain Barrier
	Open or Fenced	Natural or Created Vegetation Barrier	
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, 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.

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(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.

350-100-180. 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 350-100-340(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.

(l) 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 350-100-620). 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 350-100-270 (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

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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.

(l) 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.

(l) 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 recreation 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. 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 350-100-190 (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).

350-100-210. 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 350-100-040. 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.

350-100-220. 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.

350-100-230. 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.

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.

(l) 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.

(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 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 350-100-300 and 350-100-310.

(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 350-100-150(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 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 350-100-540, 350-100-560, 350-100-570, 350-100-580 and 350-100-590.

(t) Life Estates on lands designated Large or Small Woodland, pursuant to Commission Rule 350-100-320.

(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 350-100-520 through 350-100-620). 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 350-100-190(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 350-100-080, 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 350-100-620.

(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.

(l) 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.

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.

350-100-280. 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.

350-100-290. 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.

350-100-300. 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.

350-100-310. 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 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 350-100-150(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 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 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 350-100-150(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 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 350-100-300.

(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 1-acre 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).

350-100-390. 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.

350-100-440. 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.

350-100-450. 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.

350-100-460. 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.

350-100-480. 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.

350-100-490. 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

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.

350-100-510. 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 maintenance 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 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 subordination 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 subordination and final conditions of approval shall include findings addressing each of these factors.

(c) Determination of potential visual effects and compliance with visual subordination 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 given priority over other means of achieving visual subordination, 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 subordination 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 subordination 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 subordination 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 subordination (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 subordination 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 (l).

(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 subordination 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 (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 subordination 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 (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 350-100-610, 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 subordination 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 (l).

(D) Resource-based recreation uses of a very low-intensity 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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordination 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

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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" section of Part I, Chapter 1 of the Management Plan), the following guidelines shall be employed to achieve visual subordination 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 350-100-520 (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 subordination 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 (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 moderate-intensity 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 subordination 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 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.

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.

350-100-540. 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 reconnais-

sance 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 350-100-540, 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 identify 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 350-100-120, 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

(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 350-100-540 (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 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 350-100-540 (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, evaluations 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 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 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 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.

(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

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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.

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.

350-100-570. 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 pursuant 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, 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 350-100-570 (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 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 350-100-580(2) may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to Commission Rule 350-100-580(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 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 distur-

bance, 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 peregrine 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 Specifications for Structural Range Improvements (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.

350-100-590. 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 350-100-590(2) may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to Commission Rule 350-100-590(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 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 350-100-590(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.

(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 or 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 Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Inter-agency 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 plant 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.

(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 marshal) 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):

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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).

(l) 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 350-100-610 (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.

(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.

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	X	X	X	X	X			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X		X	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X			X
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	X	X	X	X		X		X

MISCELLANEOUS

	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	X	X	X	X	X			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X		X	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X			X
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X		X		
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of sensitive wildlife area or site	X	X	X	X		X	X	
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of rare plant	X	X	X	X		X		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	X	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	X	X	X		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	X	X	X	X	X		X	

MISCELLANEOUS

	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	X	X	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	X	X	X	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 rare plant	X	X	X	X		X		X
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	X	X	X	X	X			

	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	X	X	X	X		X	
Commercial LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Recreation LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Open Space LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Agriculture-Special LUD - Review uses	X	X	X	X	X			X
SPECIAL MANAGEMENT AREAS								
Review Uses - All LUDs	X	X	X	X	X		X	

MISCELLANEOUS

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.

COLUMBIA RIVER GORGE COMMISSION
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 by-products 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 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 recre-

ation 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(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.

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.

350-110-050. 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 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.

(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 350-110-600(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 350-110 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).

(l) 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 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 350-110-630; 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.

350-110-120. 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.

350-110-130. 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 350-110-120; 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 Rule 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) Unforeseen 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.

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.

350-110-140. 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 350-110 and the findings and conclusions for the original action.

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 Agriculture	Type of Buffer (size in feet)		8-foot Berm or Terrain Barrier
	Open or Fenced	Natural or Created Vegetation Barrier	
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, 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

MISCELLANEOUS

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 to 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, 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 350-110-160 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 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 350-110-160 (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.

(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.

350-110-170. Agricultural Land Designations.

Commission Rule 350-110-170 through 350-110-240 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.

350-110-180. 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 350-110-340(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.

(l) 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 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.

(l) Signs as specified in Commission Rule 350-110-160(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 350-110-620.

(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. "Primar-

ily" 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.

350-110-200. 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 350-110-520 through 350-110-620) and Commission Rule 350-110-220.

(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 350-110-150(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).

(j) Boarding of horses.

(k) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(l) 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.

(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).

350-110-210. 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 350-110-040. 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 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.

350-110-240. 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.

350-110-250. Forest Land Designations.

Commission Rule 350-110-250 through 350-110-310 shall apply to those areas designated Commercial Forest Land, Large or Small Woodland and SMA-Forest on the Scenic Area Land Use Designation Map.

350-110-260. 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 350-110-180(2) and the open space uses allowed in 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, 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.

350-110-270. 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 350-110-520 through 350-110-620):

(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 350-110-310) 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.

(l) 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, 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 350-110-620.

(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 350-110-150(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.

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.

350-110-280. 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 350-110-520 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, retreats, 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.

350-110-300. 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.

350-110-310. 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).

350-110-320. 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 350-110-520 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 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 350-110-340(1).

(b) Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for recreation intensity classes 350-110-610(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 350-110-340(1).

(b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-110-610(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 350-110-340(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 350-110-610(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.

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.

350-110-350. 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.

350-110-360. 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.

350-110-370. 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 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 350-110-150(4).
- (5) Fire stations.
- (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.

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.

350-110-440. 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.

350-110-460. 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.

350-110-490. 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 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 communication 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 subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-110-520 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 350-110-620.

(c) Public recreational facilities, consistent with Commission Rule 350-110-620.

(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 350-110-150(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 350-110-160(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 350-110-190(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.

350-110-510. 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 subordination 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 subordination and final conditions of approval shall include findings addressing each of these factors.

(c) Determination of potential visual effects and compliance with visual subordination 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 subordination, 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 subordination 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 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 subordination 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 subordination 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 subordination (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 subordination 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 subordination 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 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 subordination 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 350-110-520 (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 350-110-520 (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 350-110-610, 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 subordination 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 low-intensity 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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordination 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 subordination guidelines (pursuant to the "Developed Settings and Visual Subordination Policies" section of Part I, Chapter 1 of the Management Plan), the following guidelines shall be employed to achieve visual subordination 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 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 subordination 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 350-110-520 (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 moderate-intensity 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 subordination 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 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.

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.

350-110-540. 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 350-110-504 (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 350-110-540, 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 identify 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 350-110-120, 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 350-110-540. 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.

(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 350-110-540 (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 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.

350-110-550. 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.

(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 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 350-110-550 (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 responsi-

ble 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 350-110-670 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, 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 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 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 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 350-110-560 (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 peregrine 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 tempo-

rary 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 Specifications for Structural Range Improvements (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, 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 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 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 350-110-590(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 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.

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 or 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 plant 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.

(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.

350-110-610. General Management Areas Recreation Resource Review Criteria.

The following uses may be allowed, subject to compliance 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 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 350-110-520 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 marshal) 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).

(l) 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 350-110-610 (5)(i) regarding provision of mass transportation access.

350-110-620. 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 350-110-620(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.

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	X	X	X	X	X			
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs except those within 1000' of sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
Residential LUD - Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X		X	
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
Residential LUD - Review uses within 1000' of a rare plan except SFDs located adjacent to Agriculture or Forest LUDs	X	X	X	X	X			X
Residential LUD - SFDs adjacent to Agriculture & Forest LUDs within 1000' of rare plant	X	X	X	X		X		X

	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	X	X	X	X	X			
Agriculture LUD - Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X		X	
Agriculture LUD - Review uses within 1000' of a rare plant except non-farm SFD in Large-Scale Agriculture LUD	X	X	X	X	X			X
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X		X		
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of sensitive wildlife area or site	X	X	X	X		X	X	
Agriculture LUD - Non-farm SFD in Large-Scale Agriculture within 1000' of rare plant	X	X	X	X		X		X

MISCELLANEOUS

	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	X	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	X	X	X		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	X	X	X	X	X		X	

MISCELLANEOUS

	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	X	X	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	X	X	X	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 rare plant	X	X	X	X		X		X
Commercial LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or rare plant	X	X	X	X	X			

	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	X	X	X	X		X	
Commercial LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Recreation LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Recreation LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Recreation LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Open Space LUD - Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Open Space LUD - Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Open Space LUD - Review uses within 1000' of a rare plant	X	X	X	X	X			X
Agriculture-Special LUD - Review uses	X	X	X	X	X			X
SPECIAL MANAGEMENT AREAS								
Review Uses - All LUDs	X	X	X	X	X		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.

**WSR 93-19-013
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Memorandum—September 1, 1993]

MEETING NOTICE

WASHINGTON STATE
WORKFORCE TRAINING AND EDUCATION COORDINATING
BOARD

SEPTEMBER 22-23, 1993

WALLA WALLA COMMUNITY COLLEGE
500 TAUSICK WAY
WALLA WALLA, WASHINGTON

September 22, 11:00 a.m. - noon, Dining Area, Room 142, NCRVE Teleconference, the Workforce Training and Education Coordinating Board (WTECB) will participate in the National Center for Research in Vocational Education's National Satellite Teleconference on "Breaking the Mold: Educational Policy For a High Performance Future."

1:00 - 2:00 p.m., Dining Area, Room 142, the outcomes and evaluation (O/E) committee and the planning and coordination (P/C) committee of the workforce coordinating board

will meet jointly to discuss the SBCTC accountability plan for ESHB 1988 supported activities.

2:00 - 4:00 p.m., Board Room 161, the O/E committee will meet to discuss the targets for excellence and SPCTC's accountability plan for ESHB 1988 supported activities. The P/C committee will meet to discuss the Carl Perkins leadership outcomes, portions of the comprehensive plan, including the Draft of Chapter 3, "The Learning Enterprise," and the outline for the section on school-to-work transitions.

September 23, 8:00 a.m., Dining Area, Room 142, the workforce coordinating board will hold its regular business meeting on Thursday, September 23, beginning at 8:00 a.m. The meeting will be held in the Dining Area, Room 142, at the Walla Walla Community College. Agenda items will include the reports by the chair and executive director; updates on the farmworker forums, national conference of state legislatures project, and the national adult literacy survey. The board will also discuss the comprehensive plan, the accountability plan for ESHB 1988 activities, the targets for excellence, the Carl Perkins leadership funds/outcomes, and workforce initiatives at the national level. The board will also take action on the 1994 WTECB meeting schedule. The board may hold an executive session for the purpose of receiving and evaluating complaints against or reviewing the qualifications of an applicant for public employment or reviewing the performance of a public employee; consultation with legal counsel regarding agency enforcement actions or actual or potential agency litigation; considering the sale or acquisition of real estate; and/or reviewing professional negotiations.

MISCELLANEOUS

People needing special accommodations, please call Deifi Stolz at (206) 753-5677 or SCAN 234-5677.

WSR 93-19-021
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY

[Memorandum—August 31, 1993]

Thursday, September 16, 1993, at 3:00 p.m., the Washington State Library Commission will meet for a staff briefing at Fort Vancouver Regional Library, 1007 East Mill Plain Boulevard, Vancouver, WA.

Friday, September 17, 1993, 10:00, the Washington State Library Commission will hold its regular business meeting in the Library Hall, Fort Vancouver Regional Library, 1007 East Mill Plain Boulevard, Vancouver, WA.

WSR 93-19-028
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Memorandum—August 30, 1993]

The Seattle Community College District board of trustees will hold a work session, to begin at 4:00 p.m., and a reception for new administrators, to begin at 5:30 p.m., prior to their regularly scheduled meeting at 6:00 p.m., on Tuesday, September 7, 1993. This meeting will be held at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106-1499.

The board of trustees will hold its regularly scheduled meeting on October 5, at 6:00 p.m., at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

WSR 93-19-029
DEPARTMENT OF CORRECTIONS

[Filed September 7, 1993, 9:58 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.

The following Department of Corrections' rules, WAC 137-95-010, 137-95-020, 137-95-030, 137-95-040, 137-95-050, 137-95-060, 137-95-070, 137-95-080, 137-95-090, 137-95-100, 137-95-110, 137-95-120, 137-95-130, 137-95-140, 137-95-150, 137-95-160, 137-95-170, 137-95-180, 137-95-190, 137-95-200, 137-95-210, 137-95-220, 137-95-230, 137-95-240, 137-95-250, 137-95-260, 137-95-270, 137-95-280, and 137-95-290, are submitted for publication in the register and the Washington Administrative Code. Pertinent information is as follows:

New rules, chapter 137-95 WAC, were adopted on January 1, 1993.

The effective date of these new rules is October 1, 1993.

I certify pursuant to RCW 34.05.030(c) that WAC 137-95-010 through 137-95-290 are exempt from the APA.

The purpose is to set forth the rules and regulations governing the administration of the department's prerelease programs.

Chase Riveland
Secretary

Chapter 137-95 WAC
COMMUNITY CORRECTION PRERELEASE FA-
CILITIES

NEW SECTION

WAC 137-95-010 Purpose. The purpose of this chapter is to set forth the rules and regulations governing the administration of the department's prerelease programs.

NEW SECTION

WAC 137-95-020 Definitions. (1) "Secretary" is the secretary of the department of corrections.

(2) "Director" is the director, division of community corrections, department of corrections.

(3) "Assistant director" is the assistant director of the division of community corrections.

(4) "Superintendent" is responsible for the planning, organizing, and implementation of programs at a prerelease facility.

(5) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide programming for offenders at prerelease.

(6) "Prerelease offender" is an offender who has been approved and placed in prerelease.

(7) "Volunteer escort" is a responsible citizen who has been screened, trained, and assigned to escort and supervise offenders during official and approved activities outside of the facility or to participate in approved activities inside the facility.

(8) "Prerelease" is a total confinement facility approved for housing and supervision of offenders under the jurisdiction of the department of corrections. The program provides the transitional services necessary to assist offenders in their successful return into the community.

NEW SECTION

WAC 137-95-030 Secretary's authority to grant or deny. The secretary or his or her designee may grant or deny prerelease as authorized by Title 72 RCW subject to the rules of this chapter.

NEW SECTION

WAC 137-95-040 Reasons for placement. Prerelease may be authorized for one or more of the following:

(1) Time remaining to release and behavior is appropriate for placement.

(2) Offender has violated the terms of community placement.

(3) Offender has violated the conditions of work release.

(4) Offender has violated the conditions established by the indeterminate sentence review board.

(5) For any reason deemed appropriate by the department.

NEW SECTION

WAC 137-95-050 Supplementary rules. The superintendent of a prerelease facility may promulgate local supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director before being put into effect.

NEW SECTION

WAC 137-95-060 Notification. (1) Each offender of a prerelease facility shall be advised in writing of:

- (a) His/her rights and responsibilities;
- (b) Acts prohibited in the facility; and
- (c) Disciplinary action which may be taken in the event of misconduct.

(2) Each offender upon entering the custody of the prerelease shall be given a copy of the rules in this chapter and of all local disciplinary rules of the facility to which he/she is assigned.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies, and procedures shall be posted at a specifically designated place or places in each facility in advance of their effective date if possible and for at least thirty days after their effective date. Offenders shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for offender examination.

(4) The superintendent shall ensure that each offender has the opportunity to understand rules which relate to his/her conduct. If the offender is unable to read or understand English, the rules shall be read to him/her promptly in his/her accustomed language.

NEW SECTION

WAC 137-95-070 Definition of misconduct. Misconduct shall consist of:

- (1) Any act described in WAC 137-95-080 as a general infraction;
- (2) Any act described in WAC 137-95-090 as a serious infraction; or
- (3) Any act proscribed by a rule adopted by an institution pursuant to WAC 137-95-050.
- (4) Failure to abide by any written or oral direction.

NEW SECTION

WAC 137-95-080 General infractions. Any of the following types of behavior shall constitute a general infraction:

- 051- Unauthorized possession of money or other negotiable instruments totaling less than five dollars;
- 052- Loaning of property for profit;

- 053- Possession of anything not authorized for retention or receipt by an offender and/or not issued to him/her by regular facility channels;
- 055- Intentionally mutilating, altering, defacing, or destroying items issued by the state the value of which is less than five dollars;
- 103- Refusing to obey a lawful order of any staff member;
- 104- Unexcused absence from work or any assignment;
- 110- Theft of food;
- 202- Abusive language directed to a staff member;
- 203- Lying or knowingly providing a false statement to a staff member;
- 205- Participating in a meeting or gathering that has been disapproved in advance, in writing, by the facility administrative staff;
- 210- Being in an area identified by a facility as an area where the presence of offenders is unauthorized;
- 211- Intentional failure to follow published safety or sanitary regulations;
- 212- Using any equipment or machinery which is not specifically authorized;
- 213- Using any equipment or machinery contrary to instructions or posted safety standards;
- 214- Intentional failure to stand count;
- 251- Smoking where prohibited;
- 301- Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations;
- 302- Tattooing or self-mutilation;
- 303- Unauthorized use of mail or telephone;
- 305- Correspondence or conduct with a visitor in violation of published and posted regulations;
- 351- Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another inmate, a member of his/her family, or his/her friend, except when authorized; or
- 360- Any inappropriate physical contact with a member of the opposite gender that is defined in the field instruction covering fraternization.
- 400- Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself.

NEW SECTION

WAC 137-95-090 Serious infractions. Any of the following types of behavior shall constitute a serious infraction:

- 800- Creating a risk to the orderly operation of the facility or the health and safety of its residents, staff, or visitors;
- 801- Assaulting any person which results in the hospitalization of the person assaulted;
- 802- Assaulting any person;
- 803- Extortion, blackmail, demanding, or receiving money or anything of value in return for

MISCELLANEOUS

- protection against others, or under threat of informing;
- 804- Engaging in sexual acts with others within the facility, with the exception of extended family visits as authorized by the superintendent;
- 805- Fighting with any person, provided, however, that self-defense may be a defense to a serious infraction for fighting;
- 806- Threatening another with bodily harm or with any offense against his/her person;
- 810- Intentionally failing to seek or maintain employment or training or to maintain oneself financially;
- 811- Entering into an unauthorized contract;
- 812- Failing to report or turn in all earnings or income;
- 815- Failing to comply with all federal, state, and local laws, or court orders;
- 816- Tampering with or blocking any locking device;
- 817- Possessing or introducing into the facility an explosive or any ammunition or components of explosives orammunitions;
- 818- Possessing or introducing into the facility any unauthorized tool;
- 819- Possessing or introducing into the facility any gun, firearm, weapon, sharpened instrument, knife, or components thereof;
- 821- Holding a person hostage or restraining a person against his/her will;
- 825- Violating conditions of furlough;
- 831- Failing to return to the facility from an authorized sign out;
- 832- Escaping/absconding from the facility;
- 833- Using physical force in the act of escape;
- 834- Escaping/absconding from the facility and apprehension out-of-state;
- 843- Possessing, introducing, or using alcohol;
- 844- Possessing, introducing, or using marijuana or related paraphernalia;
- 845- Possessing, introducing, transferring, or using any narcotics, controlled substance, or related paraphernalia unless authorized by the supervisor pursuant to a valid prescription or order issued in the course of professional treatment by a licensed medical practitioner;
- 846- Refusing to submit to a urinalysis, breathalyzer, or other standard sobriety test;
- 851- Lying to a hearing committee;
- 852- Lying to a staff member which causes an innocent person to be penalized, disciplined, or proceeded against;
- 853- Intentionally or recklessly setting a fire;
- 854- Intentionally or recklessly destroying or damaging state property, or the property of another person, in excess of five dollars;
- 855- Stealing (theft) or knowingly possessing stolen property;
- 856- Refusing to and/or failing to submit to a body search when lawfully ordered to do so by staff;

- 857- Refusing and/or failing to work or attend regularly scheduled assignments;
- 858- Intentionally interfering with a staff member in the performance of his/her duties;
- 859- Gambling;
- 860- Possessing money or other negotiable instruments of five dollars or more without prior authorization;
- 861- Performing or participating in a marriage ceremony in the facility or on the facility grounds, except when such marriage was approved by the superintendent;
- 870- Rioting;
- 871- Inciting others to riot;
- 872- Engaging in or inciting prohibited group demonstration;
- 873- Intentionally interfering with the taking of count;
- 874- Counterfeiting, foregoing, falsification, or unauthorized reproduction of any document, article of identification, money, security, or official paper;
- 875- Making intoxicants, narcotics, or other controlled substances;
- 876- Giving or offering any official staff member or volunteer a bribe or anything of value for a favor or unauthorized service;
- 877- Committing four or more general infractions within a six-month period all of which arise out of separate incidents and have been reported in writing;
- 878- Intentionally failing to comply with an administrative or post-hearing sanction; or
- 900- Attempting to commit or aiding another person to commit a serious infraction as enumerated in this section. Such action shall be considered the same as commission of the offense itself.

NEW SECTION

WAC 137-95-100 Cell tag. Each offender of a multiple-offender cell will be held accountable for an infraction that occurs within the confines of such cell unless he/she can establish a lack of involvement in the infraction.

NEW SECTION

WAC 137-95-110 Earned time, granting, and denial. An offender may receive earned time sentence reduction for participating or attempting to participate in facility work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the offender. Should the offender wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the offender has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing shall be before an impartial official designated by the superintendent, pursuant to WAC 137-95-170. The offender shall be provided a written statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall

be conducted in accordance with WAC 137-95-210. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state offenders shall be handled in substantial accord with this rule.

NEW SECTION

WAC 137-95-120 Reporting to law enforcement authorities. (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the offender shall not be questioned about the incident, outside of a formal disciplinary hearing or an administrative segregation hearing, held pursuant to this chapter, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the offender in accordance with administrative segregation rules appearing in this chapter.

NEW SECTION

WAC 137-95-130 Infractions—On-site adjustment. (1) In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

- (a) Counseling, warning, or reprimanding the offender; and/or
- (b) Causing the offender to remove himself/herself from the situation immediately involved in the violation.

(2) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether an 877 serious infraction under WAC 137-95-090 has occurred.

NEW SECTION

WAC 137-95-140 Infractions—Report on. (1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.

- (2) The infraction report shall include:
- (a) A description of the incident;
 - (b) The time and place of the incident;
 - (c) The names of witnesses;
 - (d) The specific rule alleged to have been violated;
 - (e) A description of any action taken; and
 - (f) A recommendation of any action to be taken.
- (3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to receive such reports.

NEW SECTION

WAC 137-95-150 General infraction report—Action on report. (1) The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to:

(a) Take no further action, in which case the report shall be destroyed promptly; or

(b) Take administrative action as provided for in WAC 137-95-210.

(2) General infractions handled under this rule may be accumulated for purposes of invoking the provisions of WAC 137-95-090 with respect to serious infraction 877.

NEW SECTION

WAC 137-95-160 Appeal to hearing officer. (1) The decision of the supervisory employee or the unit team to take administrative action pursuant to WAC 137-95-210 may be appealed by the offender to the hearing officer. Such appeal must be in writing and include the reason why the offender believes the administrative action taken was improper or inappropriate. The appeal must be delivered to the hearing officer within forty-eight hours after the offender receives notice of the administrative action taken by the supervisory employee or the unit team.

(2) Within five working days after receipt of the appeal, unless such time is extended by the superintendent, the hearing officer will decide either to:

(a) Schedule a hearing on the appeal in accordance with the rules contained in this chapter; or

(b) Affirm, modify downward, or reverse the administrative action without a hearing; provided, however, if the administrative action imposes a sanction described in WAC 137-95-260, the hearing officer may not so affirm or modify without conducting a hearing.

(3) The offender shall be notified orally of the decision of the hearing officer on the offender's appeal within twenty-four hours after such decision, and in writing within seventy-two hours after such decision, unless such time periods are extended by the superintendent.

(4) All sanctions imposed by the administrative action of the supervisory employee or the unit team pursuant to WAC 137-95-260 shall be stayed pending the appeal under this section and any hearing scheduled by the hearing officer to consider such appeal.

NEW SECTION

WAC 137-95-170 Appointment and disqualification of hearing officer. (1) Hearings shall be conducted by a single hearing officer designated by the superintendent.

(2) The hearing officer may not function in such capacity when he/she has direct personal knowledge or interest in the incident under consideration. Such officer must disqualify himself/herself by giving notice to the superintendent, who will select a replacement.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude the hearing officer's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities.

(4) The hearing officer may disqualify himself/herself or be disqualified if it is felt the hearing officer is biased for or against the inmate so that he/she cannot render a fair

judgment in the hearing, regardless of the manner by which such bias was acquired.

NEW SECTION

WAC 137-95-180 Prehearing procedures—Rights of offenders. (1) Before being questioned about an alleged rule infraction, an offender alleged to have committed a rule infraction shall be advised that his/her refusal to testify at the hearing may be used against him/her.

(2) The offender shall retain his/her facility status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 137-95-190.

NEW SECTION

WAC 137-95-190 Prehearing procedures—Restriction of offender. (1) Prior to and during a hearing on a serious infraction:

(a) An offender may be restricted to a specific area without loss of his/her classification status when there is a reasonable belief that he/she is a substantial security risk; or

(b) An offender who is reasonably believed to be of danger to himself/herself or to others, in serious danger from others, or a danger to the order and security of the facility may, upon written verification by the shift supervisor, that such danger is reasonably believed to exist, be restricted to his/her own room or cell or placed in detention. Such restriction must be approved by the superintendent within twenty-four hours after the confinement;

(c) An offender shall not be confined or segregated for more than five working days unless there is an intervening hearing on the incident involved or the offender or the facility, for good cause, require additional time not to exceed seventy-two hours to prepare its or his/her case for the hearing.

(2) Confinement or restriction as authorized in this rule shall not limit the right of an offender to prepare an adequate defense to the charge(s) against him/her.

(3) An offender confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing officer following the hearing, as set forth in WAC 137-28-110.

(4) An offender confined or restricted as authorized in this section shall receive credit for time served in such manner if he/she is subsequently found guilty of the offense by the hearing officer.

NEW SECTION

WAC 137-95-200 Hearing officer--Preparation for hearing. In preparation for the hearing, the clerk of the hearing officer shall at least twenty-four hours in advance of the hearing:

(1) Provide copies of the infraction report to the offender;

(2) Advise the offender, both orally and in writing, of his/her rights, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) That if he/she chooses not to testify at the hearing, his/her silence may be used against him/her;

(c) To present written statements from other offenders, staff, or other persons in his/her behalf;

(d) To ask that staff members, other offenders, and other persons be present as witnesses for the hearing if it is determined by the hearing officer that to do so would not be unduly hazardous to the facility's safety or correctional goals: *Provided, however,* limitations may be made by the hearing officer if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the offender's case;

(e) To have a staff advisor to assist in preparation/presentation of his/her case when it is determined that the offender is unable to adequately represent himself/herself on the basis of literacy or competence in accordance with WAC 137-95-240; and

(f) To have access to nonconfidential reports and records utilized by the hearing officer during the fact-finding stage: *Provided, however,* where reports and records contain information, the disclosure of which to an offender might reasonably compromise the security and/or safety of the facility or its offenders, such reports and records shall be specifically identified as confidential and withheld, and in such cases, the offender shall be provided with a summary of such written documents with the classified information deleted;

(3) Obtain written acknowledgment of the receipt by the offender of the information provided in accordance with WAC 137-28-085(2);

(4) Determine from the offender whether he/she wishes to contest the allegation;

(5) Schedule the hearing within five working days after discovery of the incident, unless such time is extended by the superintendent; and

(6) Notify any staff member who witnessed the infraction of the hearing.

NEW SECTION

WAC 137-95-210 Conduct of hearing. (1) The hearing officer shall assure that the offender is competent to understand the charge against him/her and the proceedings, and to participate therein. He/she may order a postponement of the hearing to secure a report on the competence of the offender, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The offender shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing officer may wish to make concerning the identity of unidentified witnesses. An offender may waive his/her presence at a hearing.

(3) The offender shall be informed that if he/she chooses not to testify in the hearing, his/her silence may be used against him/her.

(4) The hearing officer shall divide the hearing into two stages consisting of:

(a) Determination of the guilt or innocence of the offender; and

(b) Determination of further action to be taken.

(5) Evidence, testimony, questions, and examinations shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(6) Where facility staff members are witnesses against the offender, every effort shall be made to have such witnesses present to testify at the hearing: *Provided, however,* the written statements of such staff members may be considered in their absence upon a showing of good cause.

(7) The hearing officer shall have the authority to cross-examine the staff member reporting the infraction.

(8) The offender shall be allowed to call witnesses and present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to facility safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the offender's case. The testimony of all witnesses from outside the facility shall be considered in writing. In the event the hearing officer determines that the presence of a witness is appropriate, the hearing officer will call the witness or continue the hearing until such time as the witness is available. If the witness is unavailable, the hearing officer may, in his/her discretion, consider the written testimony previously submitted.

(9) The offender may question witnesses against him/her at the discretion of the hearing officer. If the hearing officer determines that an offender witness would be subject to risk of harm if his/her identity were disclosed, testimony of the offender witness may be introduced by the testimony of a staff member to whom the information was provided by the offender witness and/or the affidavit of the offender witness. If the staff member to whom the offender witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member may be used.

(10) The hearing officer shall, out of the presence of all offenders, inquire as to the identification of any anonymous offender witness, and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified offender witness to identify such offender shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member with the rank of captain or above based on that staff member's determination of good cause for nondisclosure and that the informant is reliable. The hearing officer must make an independent determination as to the reliability of the informant and credibility of the information offered, except that the hearing officer may accept an assurance of credibility from a staff member who approves the nondisclosure of identity of the offender witness.

NEW SECTION

WAC 137-95-220 Decision of hearing officer. (1) A report of the hearing shall be made by a secretary and shall include the charge, names of witnesses, summary of the testimony and cross-examination, a description of the physical evidence used, and the decisions and reasons therefor. The written report shall be placed in the offender's facility file if he/she is found guilty. All reports shall be maintained as part of the hearing officer's records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the offender's file, and may

be destroyed one hundred twenty days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the offender, the hearing officer must rely solely on evidence presented in the hearing. However, during the dispositional stage of the hearing, such factors as the offender's facility file, prior conduct, and overall facility adjustment may be considered.

(3) The offender shall be informed personally of the decisions of the hearing officer. Such information shall be given to him/her orally within twenty-four hours of the hearing and in writing within three working days of the hearing unless such periods are extended by the superintendent.

(4) The offender shall be informed of his/her right to appeal the decisions of the hearing officer to the superintendent.

NEW SECTION

WAC 137-95-230 Finding of no infraction. If the hearing officer determines that no infraction occurred, the offender shall be reinstated to his/her previous status and all records pertaining to the charge shall be removed from the offender's central file but may be retained for statistical and recordkeeping purposes.

NEW SECTION

WAC 137-95-240 Staff advisors. (1) An offender may have a staff advisor appointed by the hearing officer to prepare for a hearing. The hearing officer shall consider such factors as the literacy, the complexity of the issue, and the inmate's overall ability to speak for himself/herself and adequately present his/her case, prior to assigning a staff advisor. The assignment of a staff advisor will only be necessary when considering such factors, and should not be construed to mean that a staff advisor must be assigned. The staff advisor will be a staff member and not involved in the observation of the infraction. The staff advisor may attend the hearing, but shall not be responsible for presentation of the offender's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing officer.

(2) A list of approved staff advisors will be maintained by the superintendent.

(3) Staff advisors shall be provided with:

(a) Copies of the written decisions of the hearing officer and the superintendent in cases in which the staff advisors are involved;

(b) An opportunity to have private conversation with offenders they are representing;

(c) Access to written information to be used by the hearing officer in the fact-finding stage as far in advance of the hearing as is reasonably possible; and

(d) Reasonable access to all witnesses.

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NEW SECTION**WAC 137-95-250 Sanctions--Authority to impose.**

(1) If the hearing officer determines that an offender is guilty of a serious infraction as enumerated in WAC 137-95-090, he/she may impose one or more of the sanctions provided in WAC 137-95-260.

(2) If the hearing officer determines that more than one infraction occurred, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a proposed disciplinary sanction for a fixed period of time, not to exceed six months, subject to the good behavior of the offender and/or meeting other conditions as specified by the hearing officer. If the subsequent behavior of the offender is appropriate, the hearing officer shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the offender's being found guilty of either a general or serious infraction and/or violating the conditions attached to the original suspension. A suspended sentence may be revoked only by the facility hearing officer following notice to the offender of possible revocation and an in-person meeting with the offender.

(4) The hearing officer may review any decision he/she has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

NEW SECTION

WAC 137-95-260 Sanctions--Types. (1) For general infractions enumerated in WAC 137-95-080 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed ten days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 137-48 and 275-80 WAC or in local rules regarding correspondence and/or visitors; and

(e) Up to one hundred twenty hours of extra work duty.

(2) For serious infractions enumerated in WAC 137-95-090, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in this section;

(b) Loss of specified privileges for a period of time not to exceed twenty days except that an offender shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday;

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Custody level will be determined by the department's classification process—DOC Policy #300.380;

(g) Recommendations to the classification committee/classification officer for transfer to another facility only when, as result of the infraction committed, the offender is unable to function in the facility of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the detention facility for a period not to exceed ten consecutive days;

(i) Restitution for damage done to any property or loss of any property assigned to the offender. Funds may be withdrawn from the offender's account to make restitution under this rule: *Provided, That* an offender's account shall not be reduced to less than five dollars under this subsection.

NEW SECTION

WAC 137-95-270 Sanctions--Limitations. (1) No offender shall be subject to disciplinary action for violation of offender conduct rules unless there has been reasonable advance notice to the offender of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) An offender placed in detention shall:

(a) Be confined to an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Be afforded his/her rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless staffing, space, facility security, order and/or safety, or other similar circumstances make this unfeasible, in which cases such offender shall be allowed as much exercise as is feasible in the judgment of staff; *provided, however,* any limitations of exercise shall be approved in advance by a staff member with the rank of lieutenant or higher; and

(e) Be visited by a physician or designated health care personnel at least once per week.

NEW SECTION

WAC 137-95-280 Appeal to superintendent. (1) An offender may appeal the decision of the hearing officer to the superintendent by filing a written request for review and his/her reasons therefor with the hearing officer within five days after receiving written notice of the decision of the

hearing officer. The superintendent may, in his/her discretion, consider appeals filed beyond the five-day period.

(2) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the hearing officer, stating his/her reasons therefor; reducing the severity of the sanctions imposed; vacating the judgment of the hearing officer, or remanding the matter for a new hearing. Any new hearing may not result in an increase of the severity of the sanctions originally imposed.

(3) Pending the decision of the superintendent, the sanctions shall not be imposed on the offender nor shall his/her custody be subject to change unless there are grounds for detention as provided in WAC 137-95-190 or if the superintendent has reason to believe that he/she is a substantial security risk.

(4) The offender shall promptly be notified of the decision of the superintendent.

NEW SECTION

WAC 137-95-290 Time limits. The time limits contained in these rules shall not be deemed to be jurisdictional and failure to adhere to a particular time limit shall not be a bar to any procedure or action covered by these rules.

WSR 93-19-040
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Memorandum—September 6, 1993]

The Department of Community Development's housing division will hold two formal public hearings to hear comments on the draft comprehensive housing affordability strategy plan for 1994 for the state of Washington. The CHAS will guide state housing policy for the five-year period of 1994 through 1998 and be used in determining the allocation of state and federal housing funds statewide. Meetings will be from 7 to 8:30 p.m. on both days. Hearing locations are as follows: On October 12, 1993, Spokane County Public Safety Building, Training Room, West 1100 Mallon, Spokane, WA 99260; and on October 13, 1993, Seattle Public Library, Auditorium, 1000 Fourth Avenue, Seattle, WA 98104.

This event is not sponsored by the Seattle Public Library. Hearing facilities are handicapped accessible. For more information, contact Barbara Frost at (206) 753-1881.

WSR 93-19-045
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Memorandum—September 3, 1993]

At their meeting on September 1, 1993, our board of trustees elected to change their regular meeting date for the remainder of this year. Location of the meetings will remain the same. The revised schedule is as follows:

Monday	October 18, 1993	11:00 a.m.
Monday	November 22, 1993	11:00 a.m.
Monday	December 20, 1993	11:00 a.m.

WSR 93-19-069
RULES OF COURT
STATE SUPREME COURT
 [September 2, 1993]

IN THE MATTER OF THE)
 ADOPTION OF THE AMEND-) ORDER,
 MENT TO CrR 7.2(d))
) NO. 25700-A-527
)

The Court Management Council having recommended the adoption of the proposed amendment to CrR 7.2(d), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 2nd day of September, 1993.

	Andersen, C. J.
Utter, J.	James Dolliver
Brachtenbach, J.	Charles Z. Smith
Durham, J.	Guy, J.
Johnson, J.	Madsen, J.

CrR 7.2(d)

(d) Judgment and Sentence. For every felony sentencing, the clerk of the court shall forward a copy of the uniform judgment and sentence to the Sentencing Guidelines Commission. The uniform judgment and sentence shall be a form prescribed by the Administrator for the Courts in conjunction with the Supreme Court Pattern Forms Committee. If the sentence imposed departs from the applicable standard sentence range, the court's written findings of fact and conclusions of law shall also be supplied to the Commission.

MISCELLANEOUS

WSR 93-19-070
RULES OF COURT
STATE SUPREME COURT
[September 2, 1993]

CR 50

MOTION FOR A DIRECTED VERDICT AND FOR
JUDGMENT NOTWITHSTANDING THE VERDICT
AS A MATTER OF LAW IN ACTIONS TRIED BY
JURY

IN THE MATTER OF THE)
ADOPTION OF THE AMEND-) ORDER
MENTS TO CR 5 (e) and)
(f); CR 50; New CR 53.3;) NO. 25700-A-527
RPC 8.4; CR 11; CR 26(b))
and CR 35)

The Washington State Bar Association having recommended the adoption of the proposed amendments to CR 5 (e) and (f); CR 50; RPC 8.4; CR 11; CR 26 (b); CR 35 and New Rule CR 53.3, and the Court having determined that the proposed amendments and new rule will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby ORDERED:

(a) That the amendments and new rule as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments and new rule will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 2nd day of September, 1993.

Andersen, C. J.

Utter, J.

Charles Z. Smith

Brachtenbach, J.

Durham, J.

J. M. Dolliver

Guy, J.

Johnson, J.

Madsen, J.

CR 5(e), (f)

(e) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him or her, in which event he the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk. Papers may be filed by facsimile transmission if permitted elsewhere in these or other rules of court, or if authorized by the clerk of the receiving court. The clerk shall not may refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices.

(f) Other Methods of Service. Service of all papers other than the summons and other process may also be made as authorized by statutes other than RCW 4.28.230, 4.28.240, 4.28.250, 4.28.260, 4.28.270, and 4.28.280, which are superseded by these rules statute.

(a) Motion for Directed Verdict; When Made; Effect Judgment as a Matter of Law. A party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted, without having reserved the right so to do and to the same extent as if the motion had not been made. A motion for a directed verdict which is not granted is not a waiver of trial by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific ground therefor.

(1) Nature and Effect of Motion. If, during a trial by jury, a party has been fully heard with respect to an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find or have found for that party with respect to that issue, the court may grant a motion for judgment as a matter of law against the party on any claim, counterclaim, cross claim, or third party claim that cannot under the controlling law be maintained without a favorable finding on that issue. A motion for judgment as a matter of law which is not granted is not a waiver of trial by jury even though all parties to the action have moved for judgment as a matter of law. A motion for judgment as a matter of law shall state the specific ground therefor.

(2) When Made. A motion for judgment as a matter of law may be made at any time before submission of the case to the jury, or in accordance with section (b) of this rule.

(b) Motion for Judgment Notwithstanding the Verdict Motion for Judgment After Trial; Alternative Motion for New Trial. Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not he the party has moved previously for a directed verdict judgment as a matter of law and whether or not a verdict was returned, a party may move for judgment notwithstanding the verdict as a matter of law. A motion for judgment notwithstanding the verdict shall identify the specific reasons in fact and law as to each ground on which the motion is based. A motion in the alternative for a new trial may be joined with this motion. A motion for a new trial under rule 59 may be joined with a motion for judgment as a matter of law under this section, or a new trial may be requested in the alternative. If a verdict was returned, the court may, in disposing of the motion for judgment as a matter of law, allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as a matter of law. If no verdict was returned, the court may, in disposing of the motion, direct the entry of judgment as a matter of law or may order a new trial.

(c) Alternative Motions for Judgment Notwithstanding the Verdict as a Matter of Law or for a New Trial-Effect of Appeal. Whenever a motion for a judgment notwithstanding the verdict as a matter of law and, in the alternative, for a new trial shall be filed and submitted in any superior court in any civil cause tried before a jury, and such superior court shall enter an order granting such motion for judgment notwithstanding the verdict as a matter of law,

MISCELLANEOUS

such court shall at the same time, in the alternative, pass upon and decide in the same order such motion for a new trial; such ruling upon said motion for a new trial not to become effective unless and until the order granting the motion for judgment ~~notwithstanding the verdict as a matter of law~~ shall thereafter be reversed, vacated, or set aside in the manner provided by law. An appeal to the Supreme Court or Court of Appeals from a judgment granted on a motion for judgment ~~notwithstanding the verdict as a matter of law~~ shall, of itself, without the necessity of cross appeal, bring up for review the ruling of the trial court on the motion for a new trial; and the appellate court shall, if it reverses the judgment entered ~~notwithstanding the verdict as a matter of law~~, review and determine the validity of the ruling on the motion for a new trial.

RPC 8.4(g)

(g) Commit a discriminatory act prohibited by law or harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination or harassment is committed in connection with the lawyer's professional activities.

CR 11

SIGNING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA: SANCTIONS

Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Petitions for dissolution of marriage, separation, declarations concerning the validity of a Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum; that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, shall may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include in order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable

~~attorney fee. For a willful violation of this rule, an attorney or party may be subjected to appropriate action as for contempt. Similar action may be taken if scandalous or indecent matter is inserted.~~

CR 26(b)

(b) Discovery Scope and Limits. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) *In General.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action; whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The frequency or extent of use of the discovery methods set forth in section (a) shall be limited by the court if it determines that: (A) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (B) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (C) the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under section (c).

(2) *Insurance Agreements.* A party may obtain discovery and production of: (i) the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part of all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment; and (ii) any documents affecting coverage (such as denying coverage, extending coverage, or reserving rights) from or on behalf of such person to the covered person or the covered person's representative. Information concerning the insurance agreement is not by reasons of disclosure admissible in evidence at trial. For purposes of this section, an application for insurance shall not be treated as part of an insurance agreement.

(3) *Structured Settlements and Awards.* In a case where a settlement or final award provides for all or part of the recovery to be paid in the future, a party entitled to such payments may obtain disclosure of the actual cost to the defendant of making such payments. This disclosure may be obtained during settlement negotiations upon written demand by a party entitled to such payments. If disclosure of cost is demanded, the defendant may withdraw the offer of a structured settlement at any time before the offer is accepted.

(4) *Trial Preparation: Materials.* Subject to the provisions of subsection (b)(5) of this rule, a party may obtain discovery of documents and tangible things otherwise discoverable under subsection (b)(1) of this rule and prepared in anticipation of litigation or for trial by or for

another party or by or for that other party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of rule 37(a)(4) apply to the award of expenses incurred in relation to the motion. For purposes of this section, a statement previously made is (A) a written statement signed or otherwise adopted or approved by the person making it, or (B) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

(5) *Trial Preparation: Experts.* Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subsection (b)(1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A)(i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and to state such other information about the expert as may be discoverable under these rules. (ii) A party may, subject to the provisions of this rule and of rules 30 and 31, depose each person whom any other party expects to call as an expert witness at trial.

(B) A party may discover facts known or opinions held by an expert who is not expected to be called as a witness at trial, only as provided in rule 35(b) or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(C) Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subsections (b)(5)(A)(ii) and (b)(5)(B) of this rule; and (ii) with respect to discovery obtained under subsection (b)(5)(A)(ii) of this rule the court may require, and with respect to discovery obtained under subsection (b)(5)(B) of this rule the court shall require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

(6) *Treaties or Conventions.* If the methods of discovery provided by applicable treaty or convention are inadequate or inequitable and additional discovery is not prohibit-

ed by the treaty or convention, a party may employ the discovery methods described in these rules to supplement the discovery method provided by such treaty or convention.

CR 35

PHYSICAL AND MENTAL EXAMINATION OF PERSONS

(a) **Order for Examination.** When the mental or physical condition (including the blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical examination by a physician, or mental examination by a physician or psychologist or to produce for examination the person in ~~his~~ the party's custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made. The party being examined may have a representative present at the examination, who may observe the examination but not interfere with or obstruct the examination. Unless otherwise ordered by the court. ~~The party or the party's representative may make an audiotape recording of the examination, which shall be made in an unobtrusive manner.~~

(b) **Report of Examining Physician or Psychologist.**

(1) If requested by the party against whom an order is made under rule 35(a) or the person examined, the party causing the examination to be made shall deliver to ~~him~~ the requesting party a copy of a detailed written report of the examining physician or psychologist setting out ~~his~~ the examiner's findings, including results of all tests made, diagnosis and conclusions, together with like reports of all earlier examinations of the same conditions, regardless of whether the examining physician or psychologist will be called to testify at trial. After delivery the party causing the examination shall be entitled upon request to receive from the party against whom the order is made a like report of any examination, previously or thereafter made, of the same condition, unless, in the case of a report of examination of a person not a party, the party shows that ~~he~~ the party is unable to obtain it. The court on motion may make an order against a party requiring delivery of a report on such terms as are just, and if a physician or psychologist fails or refuses to make a report the court may exclude ~~his~~ the examiner's testimony if offered at the trial.

(2) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege he may have in that action or any other involving the same controversy regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same mental or physical condition.

(3) This subsection applies to examinations made by agreement of the parties, unless the agreement expressly provides otherwise. This subsection does not preclude discovery of a report of an examining physician or the taking of a deposition of the physician in accordance with the provisions of any other rule.

CR 53.3

[NEW RULE]

**APPOINTMENT OF MASTERS IN DISCOVERY
MATTERS**

(a) **Appointment.** The court in which any action is pending may appoint a special master either to preside at depositions or to adjudicate discovery disputes, or both. Such appointment may be made, for good cause shown, upon the request of any party in pending litigation or upon the court's own motion.

(b) **Qualifications.** The master shall be a lawyer admitted to practice in the state of Washington.

(c) **Compensation.** The compensation of the master shall be fixed by the court. Payment of the master's compensation shall be charged to such of the parties or paid out of such other available funds as the court shall direct, but in determining payment of compensation the court shall take into account the relative financial resources of the parties and such other factors as the court deems appropriate.

(d) **Powers.** The order of reference to the master may specify the duties of the master. It may direct that the master preside at depositions and make rulings on issues arising at the depositions. It may direct the master to hear and report to the court on unresolved discovery disputes and to make recommendations as to the resolution of such disputes, as to the imposition of terms or sanctions to be assessed against any party, and as to which party or parties shall bear the costs of the master. If directed by the court, the master shall prepare a report upon the matters submitted to the master by the order of reference. A party may request that the report be sealed pursuant to rule 26(c). The report with the rulings and recommendations of the master shall be reviewed by the court and may be adopted or revised as the court deems just.

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: 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 93-19-071

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—September 13, 1993]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, September 16, 1993, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 93-19-072

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—September 9, 1993]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Scandinavian Languages and Literature.

Faculty Meeting

Meeting Dates	Location	Time
October 4, 1993	Raitt 314	3:30
October 18, 1993	Raitt 314	3:30
November 1, 1993	Raitt 314	3:30
November 15, 1993	Raitt 314	3:30
December 6, 1993	Raitt 314	3:30

WSR 93-19-092

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

[Memorandum—September 15, 1993]

The Washington State Department of Ecology will be holding two public hearings with local air pollution control authorities to solicit comments on inclusion of their locally adopted regulations into the Washington state implementation plan (SIP). The dates are as follows:

Yakima County Clean Air Authority (YCCAA)
Wednesday, October 13, 1993
2:30 p.m.
Yakima County Courthouse
128 North 2nd Street
Room 420
Yakima, WA 98901

Puget Sound Air Pollution Control
Agency (PSAPCA)
Thursday, October 14, 1993
9:00 a.m.
Puget Sound Air Pollution Control Agency
110 Union Street
Suite 500
Seattle, WA

For more information regarding these hearings, or if you are interested in attending and have special accommodation needs, please contact Lydia Blalock, (206)459-6507 (voice) or (206)438-8721 (TDD).

Written comments addressing whether or not the regulations should be included in the SIP are encouraged and will be considered if postmarked no later than October 15, 1993. Comments should be sent to Lydia L. Blalock, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

WSR 93-19-093
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—September 16, 1993]

BOARD OF TRUSTEES MEETING
September 21, 1993
SKB 103
(4:00 - 7:00)

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 93-19-105
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—September 16, 1993]

The Washington State Human Rights Commission will hold its October regular commission meeting in Silverdale, Washington on October 27 and 28, 1993. The meetings will be held at Silverdale on the Bay, West Bay Room, 3073 N.W. Bucklin Hill Road, Silverdale. The meeting on October 27, will be a planning and training session beginning at 7:00 p.m. The regular business meeting on October 28, will begin at 9:00 a.m.

WSR 93-19-114
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—September 20, 1993]

Eastern Washington University
Board of Trustees
September 24, 1993
9:00 a.m., Louise Anderson
First Floor Lounge

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the PUB, Room 302.

WSR 93-19-115
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—September 16, 1993]

The board of trustees of Community College District 24 will hold a board workshop from 5:00-7:00 p.m. on Friday, October 1, 1993, in the Percival Room of Building 27 and from 8:00 a.m. to 1:00 p.m., Saturday, October 2, 1993, in the boardroom of Building 25 on our campus.

If you have any questions, please contact Patty Pynch, administrative assistant to the president.

WSR 93-19-117
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
WATER QUALITY AUTHORITY
[Memorandum—September 15, 1993]

Please note the following change of location and add the day of October 19 for our October 19 and 20, 1993, authority meeting. This meeting will be held at: John L. O'Brien Building, Hearing Room C, Capitol Campus, Olympia, Washington. We also added another day to our December meeting; the dates are December 15 and 16, 1993.

Our 1994 dates and cities follow; I will notify you when facilities will allow me to book 1994 meetings.

January 19, 1994	Seattle	Port of Seattle Commission Chambers 2711 Alaskan Way Pier 69 Seattle
February 16, 1994	Shelton	
March 16, 1994	Olympia	
April 19 and 20, 1994	Steilacoom	
May 18, 1994	Federal Way	
June 29, 1994	Port Townsend	
July 20, 1994	Everett	
August 17, 1994	Vashon Island	
September 21, 1994	Bellingham	
October 19, 1994	Poulsbo	
November 16, 1994	Olympia	
December 21, 1994	Seattle	Port of Seattle Commission Chambers 2711 Alaskan Way Pier 69 Seattle

The meetings generally start at 9:30 a.m.; any variation from this starting time will be announced in advance. Persons interested in more information about the meetings are invited to call Duane Fagergren at 493-9306 (in Lacey) or 1-800-SOUND [1-800-54-SOUND].

WSR 93-19-138
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
[Memorandum—September 21, 1993]

The board of trustees of Community College District #1, meeting in regular session on September 14, 1993, changed the location of the October 12, 1993, meeting. The October meeting will begin at 10:30 a.m. and will be held at the following address: Port Townsend Branch Office, Peninsula College, 210 Polk Street, Room 5, Port Townsend, WA.

WSR 93-19-139
RULES COORDINATOR
UNIVERSITY OF WASHINGTON
[Filed September 22, 1993, 9:55 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the University of Washington is Rebecca Goodwin

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Deardorff, Administrative Procedures Officer, Reference Stations Management Office, University of Washington, 4014 University Way N.E., HI-29, Seattle, WA 98105, phone (206) 543-9199, FAX (206) 543-0786.

Norman Arkans
Associate Vice-President and
Executive Director of University Relations

WSR 93-19-143
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—September 22, 1993]

NOTICE OF FOREST PRACTICES BOARD MEETINGS

Regular meetings: This notice is given pursuant to provisions of RCW 42.30.075 and WAC 222-08-040. The Forest Practices Board's regular quarterly meeting scheduled for November 10, 1993, has been rescheduled to December 9, 1993. This meeting will be held in Room 172 of the Natural Resources Building, Olympia, starting at 9 a.m.

Special meetings: The Forest Practices Board anticipates holding special meetings at 1 p.m. on October 7, 1993, and 9 a.m. on November 10, 1993. These meetings will be held in Room 172 of the Natural Resources Building.

Board workshop: The board will hold a planning workshop on October 6, 1993, at UW's Pack Forest near Eatonville, beginning at 10 a.m. and continuing until dinner. No action and no public comment will be taken at this workshop. Members of the public who attend as observers will need to provide their own meals.

Board committee meetings: The board's Wildlife Committee will meet at 9 a.m. on October 21, November 4 and 18, and December 2 and 16, at Department of Trade and Economic Development, Westin Building, 2001 6th Avenue, Suite 2600, Seattle, WA 98121; and the board's Cumulative Effects Committee will meet on October 7, 9 a.m. - noon, NRB Olympia, Room 172 and on October 18 and November 9 from 10 a.m. - 4 p.m., Natural Resources Building, Olympia, Room TBA; check at Forest Practices, 4th Floor.

Additional information: More information about Forest Practices Board meetings and committee meetings may be obtained from: Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, (206) 902-1413.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- 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	4-25-191	REP-P	93-08-089	10-04-020	AMD	93-10-098
4-24-010	REP	93-12-064	4-25-191	REP	93-12-064	10-08-150	AMD-P	93-07-096
4-24-020	REP-P	93-08-089	4-25-220	REP-P	93-17-075	10-08-150	AMD	93-10-097
4-24-020	REP	93-12-064	4-25-260	REP-P	93-08-089	16-08-021	AMD-P	93-07-021
4-24-021	REP-P	93-08-089	4-25-260	REP	93-12-064	16-08-021	AMD-E	93-07-022
4-24-021	REP	93-12-064	4-25-360	REP-P	93-08-089	16-08-021	AMD	93-10-059
4-24-030	REP-P	93-08-089	4-25-360	REP	93-12-064	16-08-022	NEW-P	93-07-021
4-24-030	REP	93-12-064	4-25-400	NEW-P	93-08-090	16-08-022	NEW-E	93-07-022
4-24-040	REP-P	93-08-089	4-25-400	NEW	93-12-063	16-08-022	NEW	93-10-059
4-24-040	REP	93-12-064	4-25-510	NEW-P	93-08-091	16-08-141	AMD-P	93-07-021
4-24-041	REP-P	93-08-089	4-25-510	NEW	93-12-077	16-08-141	AMD-E	93-07-022
4-24-041	REP	93-12-064	4-25-511	NEW-P	93-08-092	16-08-141	AMD	93-10-059
4-24-050	REP-P	93-08-089	4-25-511	NEW	93-12-076	16-08-151	AMD-P	93-07-021
4-24-050	REP	93-12-064	4-25-520	NEW-P	93-08-093	16-08-151	AMD-E	93-07-022
4-24-060	REP-P	93-08-089	4-25-520	NEW	93-14-050	16-08-151	AMD	93-10-059
4-24-060	REP	93-12-064	4-25-530	NEW-P	93-08-094	16-10-010	NEW-P	93-04-113
4-24-070	REP-P	93-08-089	4-25-530	NEW	93-12-075	16-10-010	NEW-W	93-06-008
4-24-070	REP	93-12-064	4-25-540	NEW-P	93-08-095	16-10-010	NEW-P	93-06-076
4-24-080	REP-P	93-08-089	4-25-540	NEW	93-12-074	16-10-010	NEW	93-10-046
4-24-080	REP	93-12-064	4-25-550	NEW-P	93-08-096	16-10-020	NEW-P	93-04-113
4-24-090	REP-P	93-08-089	4-25-550	NEW	93-12-073	16-10-020	NEW-W	93-06-008
4-24-090	REP	93-12-064	4-25-551	NEW-P	93-08-097	16-10-020	NEW-P	93-06-076
4-24-101	REP-P	93-08-089	4-25-551	NEW	93-12-072	16-10-020	NEW	93-10-046
4-24-101	REP	93-12-064	4-25-600	NEW-P	93-17-076	16-10-030	NEW-P	93-04-113
4-24-110	REP-P	93-08-089	4-25-610	NEW-P	93-17-076	16-10-030	NEW-W	93-06-008
4-24-110	REP	93-12-064	4-25-620	NEW-P	93-17-076	16-10-030	NEW-P	93-06-076
4-24-120	REP-P	93-08-089	4-25-622	NEW-P	93-17-076	16-10-030	NEW	93-10-046
4-24-120	REP	93-12-064	4-25-630	NEW-P	93-17-076	16-46-005	NEW-P	93-16-088
4-24-131	REP-P	93-08-089	4-25-630	NEW-P	93-17-076	16-46-005	NEW	93-19-125
4-24-131	REP	93-12-064	4-25-640	NEW-P	93-17-076	16-46-010	AMD-P	93-16-088
4-24-140	REP-P	93-08-089	4-25-650	NEW-P	93-17-076	16-46-010	AMD	93-19-125
4-24-140	REP	93-12-064	4-25-660	NEW-P	93-17-076	16-46-020	AMD-P	93-16-088
4-24-150	REP-P	93-08-089	4-25-661	NEW-P	93-17-076	16-46-020	AMD	93-19-125
4-24-150	REP	93-12-064	4-25-662	NEW-P	93-17-076	16-46-030	AMD-P	93-16-088
4-25-010	REP-P	93-08-089	4-25-710	NEW-P	93-08-098	16-46-030	AMD	93-19-125
4-25-010	REP	93-12-064	4-25-710	NEW	93-12-071	16-46-035	NEW-P	93-16-088
4-25-040	REP-P	93-08-089	4-25-720	NEW-P	93-08-099	16-46-035	NEW	93-19-125
4-25-040	REP	93-12-064	4-25-720	NEW	93-12-070	16-46-040	AMD-P	93-16-088
4-25-060	REP-P	93-17-075	4-25-721	NEW-P	93-08-100	16-46-040	AMD	93-19-125
4-25-080	AMD-P	93-17-074	4-25-721	NEW	93-12-069	16-46-045	NEW-P	93-16-088
4-25-100	REP-P	93-17-075	4-25-722	NEW-P	93-17-072	16-46-045	NEW	93-19-125
4-25-120	REP-P	93-17-075	4-25-730	NEW-P	93-08-101	16-46-050	REP-P	93-16-088
4-25-130	REP-P	93-17-075	4-25-730	NEW	93-12-068	16-46-050	REP	93-19-125
4-25-140	REP-P	93-08-089	4-25-740	NEW-P	93-08-102	16-46-060	REP-P	93-16-088
4-25-140	REP	93-12-064	4-25-740	NEW	93-12-067	16-46-060	REP	93-19-125
4-25-141	REP-P	93-08-089	4-25-750	NEW-P	93-17-073	16-46-070	AMD-P	93-16-088
4-25-141	REP	93-12-064	4-25-755	NEW-P	93-08-103	16-46-070	AMD	93-19-125
4-25-142	REP-P	93-08-089	4-25-755	NEW	93-12-066	16-54-010	AMD-P	93-16-089
4-25-142	REP	93-12-064	4-25-760	NEW-P	93-08-104	16-54-010	AMD	93-19-126
4-25-190	REP-P	93-08-089	4-25-760	NEW	93-12-065	16-54-020	AMD-P	93-16-089
4-25-190	REP	93-12-064	10-04-020	AMD-P	93-07-097	16-54-020	AMD	93-19-126

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-54-035	AMD-P	93-16-089	16-219-014	NEW-E	93-18-064	16-229-010	NEW-P	93-12-044
16-54-035	AMD	93-19-126	16-219-015	NEW-P	93-12-128	16-229-015	NEW-P	93-12-044
16-54-135	AMD-P	93-16-089	16-219-015	NEW-E	93-13-038	16-229-020	NEW-P	93-12-044
16-54-135	AMD	93-19-126	16-219-015	RESCIND	93-13-045	16-229-025	NEW-P	93-12-044
16-70-005	NEW-P	93-16-090	16-219-015	NEW-E	93-13-046	16-229-030	NEW-P	93-12-044
16-70-005	NEW	93-19-127	16-219-015	NEW	93-16-017	16-229-040	NEW-P	93-12-044
16-70-010	AMD-P	93-16-090	16-219-015	REP-P	93-18-061	16-229-050	NEW-P	93-12-044
16-70-010	AMD	93-19-127	16-219-015	RESCIND	93-18-063	16-229-060	NEW-P	93-12-044
16-70-020	AMD-P	93-16-090	16-219-015	AMD-E	93-18-064	16-229-070	NEW-P	93-12-044
16-70-020	AMD	93-19-127	16-219-016	NEW-E	93-18-004	16-229-080	NEW-P	93-12-044
16-78-001	REP-P	93-16-091	16-219-016	RESCIND	93-18-063	16-229-090	NEW-P	93-12-044
16-78-001	REP	93-19-129	16-219-016	NEW-E	93-18-064	16-229-100	NEW-P	93-12-044
16-78-002	REP-P	93-16-091	16-219-020	NEW-P	93-12-128	16-229-110	NEW-P	93-12-044
16-78-002	REP	93-19-129	16-219-020	NEW-E	93-13-038	16-229-120	NEW-P	93-12-044
16-78-003	REP-P	93-16-091	16-219-020	RESCIND	93-13-045	16-229-130	NEW-P	93-12-044
16-78-003	REP	93-19-129	16-219-020	NEW-E	93-13-046	16-229-140	NEW-P	93-12-044
16-78-010	REP-P	93-16-091	16-219-020	NEW	93-16-017	16-229-150	NEW-P	93-12-044
16-78-010	REP	93-19-129	16-219-020	REP-P	93-18-061	16-229-160	NEW-P	93-12-044
16-78-020	REP-P	93-16-091	16-219-020	RESCIND	93-18-063	16-229-170	NEW-P	93-12-044
16-78-020	REP	93-19-129	16-219-020	REP-E	93-18-064	16-229-180	NEW-P	93-12-044
16-78-030	REP-P	93-16-091	16-219-025	NEW-P	93-12-128	16-229-200	NEW-P	93-12-044
16-78-030	REP	93-19-129	16-219-025	NEW-E	93-13-038	16-229-210	NEW-P	93-12-044
16-88-010	NEW-P	93-16-092	16-219-025	RESCIND	93-13-045	16-229-220	NEW-P	93-12-044
16-88-010	NEW	92-19-128	16-219-025	NEW-E	93-13-046	16-229-230	NEW-P	93-12-044
16-88-020	NEW-P	93-16-092	16-219-025	NEW	93-16-017	16-229-240	NEW-P	93-12-044
16-88-020	NEW	92-19-128	16-219-025	REP-P	93-18-061	16-229-250	NEW-P	93-12-044
16-88-030	NEW-P	93-16-092	16-219-025	RESCIND	93-18-063	16-229-260	NEW-P	93-12-044
16-88-030	NEW	92-19-128	16-219-025	REP-E	93-18-064	16-229-270	NEW-P	93-12-044
16-88-040	NEW-P	93-16-092	16-219-026	NEW-E	93-18-004	16-229-280	NEW-P	93-12-044
16-88-040	NEW	92-19-128	16-219-026	RESCIND	93-18-063	16-229-300	NEW-P	93-12-044
16-101-700	AMD-E	93-19-041	16-219-026	NEW-E	93-18-064	16-229-310	NEW-P	93-12-044
16-201	NEW-C	93-18-011	16-219-027	NEW-E	93-18-004	16-229-400	NEW-P	93-12-044
16-201	NEW-C	93-19-066	16-219-027	RESCIND	93-18-063	16-229-410	NEW-P	93-12-044
16-201-010	NEW-P	93-12-044	16-219-027	NEW-E	93-18-064	16-229-420	NEW-P	93-12-044
16-201-020	NEW-P	93-12-044	16-219-030	NEW-P	93-12-128	16-229-430	NEW-P	93-12-044
16-201-025	NEW-P	93-12-044	16-219-030	NEW-E	93-13-038	16-229-440	NEW-P	93-12-044
16-201-028	NEW-P	93-12-044	16-219-030	RESCIND	93-13-045	16-229-450	NEW-P	93-12-044
16-201-030	NEW-P	93-12-044	16-219-030	NEW-E	93-13-046	16-229-470	NEW-P	93-12-044
16-201-040	NEW-P	93-12-044	16-219-030	NEW	93-16-017	16-229-480	NEW-P	93-12-044
16-201-050	NEW-P	93-12-044	16-219-030	REP-P	93-18-061	16-230	AMD-C	93-16-018
16-201-060	NEW-P	93-12-044	16-219-030	RESCIND	93-18-063	16-230-250	AMD-E	93-12-038
16-201-070	NEW-P	93-12-044	16-219-030	REP-E	93-18-064	16-230-250	AMD-P	93-12-129
16-201-080	NEW-P	93-12-044	16-228-228	NEW-P	93-18-061	16-230-250	AMD	93-17-041
16-201-100	NEW-P	93-12-044	16-228-900	REP-P	93-04-114	16-230-260	AMD-E	93-12-038
16-201-110	NEW-P	93-12-044	16-228-900	REP-W	93-06-007	16-230-260	AMD-P	93-12-129
16-201-120	NEW-P	93-12-044	16-228-900	REP-P	93-06-075	16-230-260	AMD	93-17-041
16-201-130	NEW-P	93-12-044	16-228-900	REP	93-10-047	16-230-270	AMD-E	93-12-038
16-201-140	NEW-P	93-12-044	16-228-905	NEW-P	93-04-114	16-230-270	AMD-P	93-12-129
16-201-150	NEW-P	93-12-044	16-228-905	NEW-W	93-06-007	16-230-270	AMD	93-17-041
16-201-160	NEW-P	93-12-044	16-228-905	NEW-P	93-06-075	16-230-280	REP-E	93-12-038
16-201-170	NEW-P	93-12-044	16-228-905	NEW	93-10-047	16-230-280	REP-P	93-12-129
16-201-180	NEW-P	93-12-044	16-228-910	NEW-P	93-04-114	16-230-280	REP	93-17-041
16-201-190	NEW-P	93-12-044	16-228-910	NEW-W	93-06-007	16-230-281	NEW-E	93-12-038
16-201-200	NEW-P	93-12-044	16-228-910	NEW-P	93-06-075	16-230-281	NEW-P	93-12-129
16-201-210	NEW-P	93-12-044	16-228-910	NEW	93-10-047	16-230-281	NEW	93-17-041
16-201-220	NEW-P	93-12-044	16-228-915	NEW-P	93-04-114	16-230-290	AMD-E	93-12-038
16-201-230	NEW-P	93-12-044	16-228-915	NEW-W	93-06-007	16-230-290	AMD-P	93-12-129
16-201-240	NEW-P	93-12-044	16-228-915	NEW-P	93-06-075	16-230-290	AMD	93-17-041
16-201-250	NEW-P	93-12-044	16-228-915	NEW	93-10-047	16-230-300	REP-E	93-12-038
16-201-260	NEW-P	93-12-044	16-228-920	NEW-P	93-04-114	16-230-300	REP-P	93-12-129
16-201-270	NEW-P	93-12-044	16-228-920	NEW-W	93-06-007	16-230-300	REP	93-17-041
16-201-280	NEW-P	93-12-044	16-228-920	NEW-P	93-06-075	16-230-871	NEW-E	93-19-049
16-201-290	NEW-P	93-12-044	16-228-920	NEW	93-10-047	16-316-470	AMD-P	93-19-124
16-218-001	AMD-P	93-12-134	16-228-925	NEW-P	93-04-114	16-316-474	AMD-P	93-19-124
16-218-001	AMD	93-15-069	16-228-925	NEW-W	93-06-007	16-316-525	AMD-P	93-19-124
16-218-010	AMD-P	93-12-134	16-228-925	NEW-P	93-06-075	16-316-572	AMD-P	93-19-124
16-218-010	AMD	93-15-069	16-228-925	NEW	93-10-047	16-316-701	AMD-P	93-19-124
16-218-02001	AMD-P	93-12-134	16-228-930	NEW-P	93-04-114	16-316-715	AMD-P	93-19-124
16-218-02001	AMD	93-15-069	16-228-930	NEW-W	93-06-007	16-316-717	AMD-P	93-19-124
16-218-030	NEW-P	93-12-134	16-228-930	NEW-P	93-06-075	16-316-719	AMD-P	93-19-124
16-218-030	NEW	93-15-069	16-228-930	NEW	93-10-047	16-316-721	AMD-P	93-19-124
16-219-010	NEW-P	93-12-128	16-229	NEW-C	93-18-011	16-316-722	NEW-P	93-19-124
16-219-010	NEW	93-16-017	16-229	NEW-C	93-19-066	16-316-723	AMD-P	93-19-124

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-316-724	AMD-P	93-19-124	50-14-090	AMD-P	93-11-087	51-11-0625	AMD-P	93-16-113
16-316-727	AMD-P	93-19-124	50-14-090	AMD	93-13-142	51-11-0626	AMD-P	93-16-113
16-316-729	NEW-P	93-19-124	50-14-100	AMD-P	93-11-087	51-11-0627	AMD-P	93-16-113
16-316-731	NEW-P	93-19-124	50-14-100	AMD	93-13-142	51-11-0628	AMD-P	93-16-113
16-354-020	AMD-P	93-13-090	50-14-110	AMD-P	93-11-087	51-11-0629	AMD-P	93-16-113
16-354-020	AMD	93-17-019	50-14-110	AMD	93-13-142	51-11-0630	AMD-P	93-16-113
16-400-210	AMD-E	93-04-078	50-14-130	AMD-P	93-11-087	51-11-0631	AMD-P	93-08-077
16-400-210	AMD-P	93-04-103	50-14-130	AMD	93-13-142	51-11-0631	AMD-W	93-08-084
16-400-210	AMD	93-07-105	50-20-130	AMD-P	93-13-144	51-11-0700	AMD-P	93-08-077
16-403	AMD-C	93-17-102	50-20-130	AMD	93-16-033	51-11-1000	AMD-P	93-08-077
16-403-220	AMD-P	93-13-141	50-30-030	AMD-P	93-13-143	51-11-1006	AMD-P	93-16-113
16-403-220	AMD	93-18-065	50-30-030	AMD	93-16-032	51-11-1100	NEW-P	93-08-077
16-409-015	AMD-W	93-05-022	50-48-100	AMD-P	93-05-052	51-11-1101	NEW-W	93-08-084
16-409-065	REP-W	93-05-022	50-48-100	AMD	93-07-113	51-11-1102	NEW-W	93-08-084
16-409-075	AMD-W	93-05-022	51-04-015	AMD-W	93-14-017	51-11-1103	NEW-W	93-08-084
16-415	PREP	93-07-053	51-04-015	AMD-P	93-16-110	51-11-1104	NEW-W	93-08-084
16-432	PREP	93-07-053	51-04-018	AMD-W	93-14-017	51-11-1105	NEW-W	93-08-084
16-461-011	NEW-P	93-08-060	51-04-018	AMD-P	93-16-110	51-11-1106	NEW-W	93-08-084
16-461-011	NEW-W	93-12-047	51-04-020	AMD-W	93-14-017	51-11-1107	NEW-W	93-08-084
16-462-030	AMD-P	93-13-091	51-04-020	AMD-P	93-16-110	51-11-1108	NEW-W	93-08-084
16-462-030	AMD	93-17-022	51-04-025	AMD-W	93-14-017	51-11-1109	NEW-W	93-08-084
16-532-120	AMD-P	93-06-083	51-04-025	AMD-P	93-16-110	51-11-1110	NEW-P	93-08-077
16-532-120	AMD	93-09-014	51-04-030	AMD-W	93-14-017	51-11-1120	NEW-P	93-08-077
16-555-010	AMD-P	93-04-094	51-04-030	AMD-P	93-16-110	51-11-1130	NEW-P	93-08-077
16-555-010	AMD	93-10-063	51-04-060	AMD-W	93-14-017	51-11-1131	NEW-P	93-08-077
16-555-020	AMD-P	93-04-094	51-04-060	AMD-P	93-16-110	51-11-1132	NEW-P	93-08-077
16-555-020	AMD	93-10-063	51-11-0101	AMD-P	93-08-077	51-11-1133	NEW-P	93-08-077
16-561-100	NEW-P	93-16-070	51-11-0101	AMD-W	93-08-084	51-11-1134	NEW-P	93-08-077
16-561-110	NEW-P	93-16-070	51-11-0200	AMD-P	93-08-077	51-11-1140	NEW-P	93-08-077
16-561-120	NEW-P	93-16-070	51-11-0201	AMD-P	93-08-077	51-11-1141	NEW-P	93-08-077
16-570-040	AMD-P	93-07-085	51-11-0401	AMD-P	93-08-077	51-11-1142	NEW-P	93-08-077
16-570-040	AMD	93-11-032	51-11-0401	AMD-W	93-08-084	51-11-1143	NEW-P	93-08-077
16-602-020	AMD-P	93-15-099	51-11-0402	AMD-P	93-16-113	51-11-1144	NEW-P	93-08-077
16-602-020	AMD	93-19-082	51-11-0502	AMD-P	93-08-077	51-11-1150	NEW-P	93-08-077
16-602-040	NEW-E	93-12-039	51-11-0502	AMD-W	93-08-084	51-11-1160	NEW-P	93-08-077
16-602-040	NEW-P	93-15-100	51-11-0502	AMD-W	93-16-112	51-11-1201	NEW-P	93-08-077
16-602-040	NEW	93-19-081	51-11-0502	AMD-P	93-16-113	51-11-1201	NEW-W	93-08-084
16-620-150	NEW-P	93-17-059	51-11-0503	AMD-P	93-08-077	51-11-1210	NEW-P	93-08-077
16-620-270	AMD-P	93-17-059	51-11-0503	AMD-W	93-08-084	51-11-1301	NEW-P	93-08-077
16-674-002	REP	93-03-079	51-11-0505	AMD-P	93-08-077	51-11-1301	NEW-W	93-08-084
16-674-010	AMD	93-03-079	51-11-0505	AMD-W	93-08-084	51-11-1302	NEW-P	93-08-077
16-674-020	REP	93-03-079	51-11-0525	AMD-P	93-16-113	51-11-1302	NEW-W	93-08-084
16-674-060	NEW	93-03-079	51-11-0527	AMD-P	93-16-113	51-11-1303	NEW-P	93-08-077
16-674-070	NEW	93-03-079	51-11-0528	AMD-P	93-08-077	51-11-1303	NEW-W	93-08-084
16-674-080	NEW	93-03-079	51-11-0528	AMD-W	93-08-084	51-11-1310	NEW-P	93-08-077
16-674-090	NEW	93-03-079	51-11-0529	AMD-P	93-08-077	51-11-1310	NEW-C	93-16-111
16-674-100	NEW	93-03-079	51-11-0529	AMD-W	93-08-084	51-11-1311	NEW-P	93-08-077
44-01-010	AMD-E	93-14-081	51-11-0531	AMD-P	93-08-077	51-11-1311	NEW-C	93-16-111
44-01-020	AMD-E	93-14-081	51-11-0531	AMD-W	93-08-084	51-11-1312	NEW-P	93-08-077
44-01-030	AMD-E	93-14-081	51-11-0532	AMD-P	93-08-077	51-11-1313	NEW-P	93-08-077
44-01-100	AMD-E	93-14-081	51-11-0532	AMD-W	93-08-084	51-11-1314	NEW-P	93-08-077
44-01-110	AMD-E	93-14-081	51-11-0538	AMD-P	93-08-077	51-11-1320	NEW-P	93-08-077
44-01-120	AMD-E	93-14-081	51-11-0538	AMD-W	93-08-084	51-11-1321	NEW-P	93-08-077
44-01-130	AMD-E	93-14-081	51-11-0539	AMD-P	93-08-077	51-11-1322	NEW-P	93-08-077
44-01-140	AMD-E	93-14-081	51-11-0539	AMD-W	93-08-084	51-11-1323	NEW-P	93-08-077
44-01-150	AMD-E	93-14-081	51-11-0540	AMD-P	93-08-077	51-11-1330	NEW-P	93-08-077
44-01-160	AMD-E	93-14-081	51-11-0540	AMD-W	93-08-084	51-11-1331	NEW-P	93-08-077
44-01-170	AMD-E	93-14-081	51-11-0542	AMD-P	93-08-077	51-11-1332	NEW-P	93-08-077
44-10-030	AMD-E	93-07-017	51-11-0542	AMD-W	93-08-084	51-11-1333	NEW-P	93-08-077
50-14-020	AMD-P	93-11-087	51-11-0601	AMD-P	93-08-077	51-11-1334	NEW-P	93-08-077
50-14-020	AMD	93-13-142	51-11-0601	AMD-W	93-08-084	51-11-1334	NEW-C	93-16-111
50-14-030	AMD-P	93-11-087	51-11-0601	AMD-W	93-16-112	51-11-1401	NEW-P	93-08-077
50-14-030	AMD	93-13-142	51-11-0601	AMD-P	93-16-113	51-11-1401	NEW-W	93-08-084
50-14-040	AMD-P	93-11-087	51-11-0602	AMD-P	93-16-113	51-11-1402	NEW-P	93-08-077
50-14-040	AMD	93-13-142	51-11-0603	AMD-P	93-16-113	51-11-1402	NEW-W	93-08-084
50-14-050	AMD-P	93-11-087	51-11-0605	AMD-P	93-08-077	51-11-1410	NEW-P	93-08-077
50-14-050	AMD	93-13-142	51-11-0605	AMD-W	93-08-084	51-11-1411	NEW-P	93-08-077
50-14-060	AMD-P	93-11-087	51-11-0606	AMD-P	93-08-077	51-11-1412	NEW-P	93-08-077
50-14-060	AMD	93-13-142	51-11-0606	AMD-W	93-08-084	51-11-1412	NEW-C	93-16-111
50-14-070	AMD-P	93-11-087	51-11-0607	AMD-P	93-08-077	51-11-1413	NEW-P	93-08-077
50-14-070	AMD	93-13-142	51-11-0607	AMD-W	93-08-084	51-11-1414	NEW-P	93-08-077
50-14-080	AMD-P	93-11-087	51-11-0608	AMD-P	93-08-077	51-11-1414	NEW-C	93-16-111
50-14-080	AMD	93-13-142	51-11-0608	AMD-W	93-08-084	51-11-1415	NEW-P	93-08-077

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-11-1415	NEW-C	93-16-111	51-11-2009	NEW-W	93-08-084	118-04-210	REP-P	93-15-087
51-11-1420	NEW-P	93-08-077	51-11-99901	NEW-S	93-10-004	118-04-220	NEW-P	93-15-087
51-11-1421	NEW-P	93-08-077	51-11-99902	NEW-S	93-10-004	118-04-230	REP-P	93-15-087
51-11-1422	NEW-P	93-08-077	51-11-99903	NEW-S	93-10-004	118-04-240	NEW-P	93-15-087
51-11-1423	NEW-P	93-08-077	51-11-99904	NEW-S	93-10-004	118-04-250	REP-P	93-15-087
51-11-1424	NEW-P	93-08-077	51-13-101	AMD	93-02-056	118-04-260	NEW-P	93-15-087
51-11-1430	NEW-P	93-08-077	51-13-202	AMD	93-02-056	118-04-270	REP-P	93-15-087
51-11-1431	NEW-P	93-08-077	51-13-300	AMD	93-02-056	118-04-280	NEW-P	93-15-087
51-11-1432	NEW-P	93-08-077	51-13-302	AMD	93-02-056	118-04-290	REP-P	93-15-087
51-11-1433	NEW-P	93-08-077	51-13-303	AMD	93-02-056	118-04-300	NEW-P	93-15-087
51-11-1434	NEW-P	93-08-077	51-13-304	AMD	93-02-056	118-04-320	NEW-P	93-15-087
51-11-1435	NEW-P	93-08-077	51-13-401	AMD	93-02-056	118-04-340	NEW-P	93-15-087
51-11-1436	NEW-P	93-08-077	51-13-402	AMD	93-02-056	118-04-360	NEW-P	93-15-087
51-11-1437	NEW-P	93-08-077	51-13-502	AMD	93-02-056	118-04-380	NEW-P	93-15-087
51-11-1440	NEW-P	93-08-077	51-13-503	AMD	93-02-056	118-04-400	NEW-P	93-15-087
51-11-1441	NEW-P	93-08-077	55-01-001	AMD-E	93-14-089	118-04-420	NEW-P	93-15-087
51-11-1442	NEW-P	93-08-077	55-01-010	AMD-E	93-14-089	131-16-045	NEW-P	93-18-032
51-11-1450	NEW-P	93-08-077	55-01-010	AMD-P	93-18-102	131-16-091	AMD-P	93-10-103
51-11-1451	NEW-P	93-08-077	55-01-020	AMD-E	93-14-089	131-16-091	AMD	93-14-008
51-11-1452	NEW-P	93-08-077	55-01-020	AMD-P	93-18-102	131-16-092	AMD-P	93-10-103
51-11-1453	NEW-P	93-08-077	55-01-030	AMD-E	93-14-089	131-16-092	AMD	93-14-008
51-11-1454	NEW-P	93-08-077	55-01-030	AMD-P	93-18-102	131-16-093	AMD-P	93-10-103
51-11-1454	NEW-C	93-16-111	55-01-040	AMD-E	93-14-089	131-16-093	AMD	93-14-008
51-11-1501	NEW-P	93-08-077	55-01-040	AMD-P	93-18-102	131-47-010	NEW-E	93-09-047
51-11-1501	NEW-W	93-08-084	55-01-050	AMD-E	93-14-089	131-47-010	NEW-P	93-14-052
51-11-1502	NEW-W	93-08-084	55-01-050	AMD-P	93-18-102	131-47-010	NEW-E	93-14-053
51-11-1503	NEW-W	93-08-084	55-01-060	AMD-E	93-14-089	131-47-010	NEW	93-19-079
51-11-1504	NEW-W	93-08-084	55-01-060	AMD-P	93-18-102	131-47-015	NEW-E	93-09-047
51-11-1505	NEW-W	93-08-084	55-01-070	AMD-E	93-14-089	131-47-015	NEW-P	93-14-052
51-11-1510	NEW-P	93-08-077	55-01-070	AMD-P	93-18-102	131-47-015	NEW-E	93-14-053
51-11-1511	NEW-P	93-08-077	55-01-080	AMD-E	93-14-089	131-47-015	NEW	93-19-079
51-11-1512	NEW-P	93-08-077	55-01-080	AMD-P	93-18-102	131-47-020	NEW-E	93-09-047
51-11-1513	NEW-P	93-08-077	67-35-030	AMD-P	93-07-117	131-47-020	NEW-P	93-14-052
51-11-1513	NEW-C	93-16-111	67-35-030	AMD	93-10-067	131-47-020	NEW-E	93-14-053
51-11-1520	NEW-P	93-08-077	67-35-040	AMD-P	93-06-048	131-47-020	NEW	93-19-079
51-11-1521	NEW-P	93-08-077	67-35-040	AMD	93-09-013	131-47-025	NEW-E	93-09-047
51-11-1522	NEW-P	93-08-077	67-35-055	REP-P	93-06-048	131-47-025	NEW-P	93-14-052
51-11-1530	NEW-P	93-08-077	67-35-055	REP	93-09-013	131-47-025	NEW-E	93-14-053
51-11-1531	NEW-P	93-08-077	67-35-056	REP-P	93-06-048	131-47-025	NEW	93-19-079
51-11-1532	NEW-P	93-08-077	67-35-056	REP	93-09-013	131-47-030	NEW-E	93-09-047
51-11-1532	NEW-C	93-16-111	82-50-021	AMD-P	93-19-148	131-47-030	NEW-P	93-14-052
51-11-1601	NEW-W	93-08-084	98-60-010	NEW-P	93-03-063	131-47-030	NEW-E	93-14-053
51-11-1602	NEW-W	93-08-084	98-60-010	NEW	93-07-040	131-47-030	NEW	93-19-079
51-11-1603	NEW-W	93-08-084	98-60-020	NEW-P	93-03-063	131-47-035	NEW-E	93-09-047
51-11-1604	NEW-W	93-08-084	98-60-020	NEW	93-07-040	131-47-035	NEW-P	93-14-052
51-11-1605	NEW-W	93-08-084	98-60-030	NEW-P	93-03-063	131-47-035	NEW-E	93-14-053
51-11-1606	NEW-W	93-08-084	98-60-030	NEW	93-07-040	131-47-035	NEW	93-19-079
51-11-1607	NEW-W	93-08-084	98-60-040	NEW-P	93-03-063	131-47-040	NEW-E	93-09-047
51-11-1608	NEW-W	93-08-084	98-60-040	NEW	93-07-040	131-47-040	NEW-P	93-14-052
51-11-1701	NEW-P	93-08-077	98-60-050	NEW-P	93-03-063	131-47-040	NEW-E	93-14-053
51-11-1701	NEW-W	93-08-084	98-60-050	NEW	93-07-040	131-47-040	NEW	93-19-079
51-11-1801	NEW-W	93-08-084	98-70-010	AMD-P	93-03-062	131-47-045	NEW-E	93-09-047
51-11-1901	NEW-W	93-08-084	98-70-010	AMD	93-07-041	131-47-045	NEW-P	93-14-052
51-11-1902	NEW-W	93-08-084	118-04-010	REP-P	93-15-087	131-47-045	NEW-E	93-14-053
51-11-2000	NEW-W	93-08-084	118-04-020	NEW-P	93-15-087	131-47-045	NEW	93-19-079
51-11-2001	NEW-P	93-08-077	118-04-030	REP-P	93-15-087	131-47-050	NEW-E	93-09-047
51-11-2001	NEW-W	93-08-084	118-04-040	NEW-P	93-15-087	131-47-050	NEW-P	93-14-052
51-11-2002	NEW-P	93-08-077	118-04-050	REP-P	93-15-087	131-47-050	NEW-E	93-14-053
51-11-2002	NEW-W	93-08-084	118-04-060	NEW-P	93-15-087	131-47-050	NEW	93-19-079
51-11-2003	NEW-P	93-08-077	118-04-070	REP-P	93-15-087	131-47-055	NEW-E	93-09-047
51-11-2003	NEW-W	93-08-084	118-04-080	NEW-P	93-15-087	131-47-055	NEW-P	93-14-052
51-11-2004	NEW-P	93-08-077	118-04-090	REP-P	93-15-087	131-47-055	NEW-E	93-14-053
51-11-2004	NEW-W	93-08-084	118-04-100	NEW-P	93-15-087	131-47-055	NEW	93-19-079
51-11-2005	NEW-P	93-08-077	118-04-110	REP-P	93-15-087	131-47-060	NEW-E	93-09-047
51-11-2005	NEW-W	93-08-084	118-04-120	NEW-P	93-15-087	131-47-060	NEW-P	93-14-052
51-11-2006	NEW-P	93-08-077	118-04-130	REP-P	93-15-087	131-47-060	NEW-E	93-14-053
51-11-2006	NEW-W	93-08-084	118-04-140	REP-P	93-15-087	131-47-060	NEW	93-19-079
51-11-2006	NEW-C	93-16-111	118-04-150	REP-P	93-15-087	131-47-065	NEW-E	93-09-047
51-11-2007	NEW-P	93-08-077	118-04-160	NEW-P	93-15-087	131-47-065	NEW-P	93-14-052
51-11-2007	NEW-W	93-08-084	118-04-170	REP-P	93-15-087	131-47-065	NEW-E	93-14-053
51-11-2008	NEW-P	93-08-077	118-04-180	NEW-P	93-15-087	131-47-065	NEW	93-19-079
51-11-2008	NEW-W	93-08-084	118-04-190	REP-P	93-15-087	131-47-070	NEW-E	93-09-047
51-11-2009	NEW-P	93-08-077	118-04-200	NEW-P	93-15-087	131-47-070	NEW-P	93-14-052

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
131-47-070	NEW-E	93-14-053	131-47-160	NEW	93-19-079	132D-280-025	REP-P	93-19-118
131-47-070	NEW	93-19-079	137-47-165	NEW-E	93-09-047	132D-280-030	REP-P	93-19-118
131-47-075	NEW-E	93-09-047	131-47-165	NEW-P	93-14-052	132D-280-035	REP-P	93-19-118
131-47-075	NEW-P	93-14-052	131-47-165	NEW-E	93-14-053	132D-280-040	REP-P	93-19-118
131-47-075	NEW-E	93-14-053	131-47-165	NEW	93-19-079	132D-300-010	AMD-P	93-19-118
131-47-075	NEW	93-19-079	131-48-010	NEW-E	93-14-010	132D-300-020	AMD-P	93-19-118
131-47-080	NEW-E	93-09-047	131-48-010	NEW-P	93-18-067	132D-300-030	AMD-P	93-19-118
131-47-080	NEW-P	93-14-052	131-48-020	NEW-E	93-14-010	132D-300-040	NEW-P	93-19-118
131-47-080	NEW-E	93-14-053	131-48-020	NEW-P	93-18-067	132G-116-010	REP	93-02-063
131-47-080	NEW	93-19-079	131-48-030	NEW-E	93-14-010	132G-116-020	AMD	93-02-063
131-47-085	NEW-E	93-09-047	131-48-030	NEW-P	93-18-067	132G-116-025	NEW	93-02-063
131-47-085	NEW-P	93-14-052	131-48-040	NEW-E	93-14-010	132G-116-030	AMD	93-02-063
131-47-085	NEW-E	93-14-053	131-48-040	NEW-P	93-18-067	132G-116-035	NEW	93-02-063
131-47-085	NEW	93-19-079	131-48-050	NEW-E	93-14-010	132G-116-040	REP	93-02-063
131-47-090	NEW-E	93-09-047	131-48-050	NEW-P	93-18-067	132G-116-045	NEW	93-02-063
131-47-090	NEW-P	93-14-052	131-48-060	NEW-E	93-14-010	132G-116-050	REP	93-02-063
131-47-090	NEW-E	93-14-053	131-48-060	NEW-P	93-18-067	132G-116-055	NEW	93-02-063
131-47-090	NEW	93-19-079	131-48-070	NEW-E	93-14-010	132G-116-060	REP	93-02-063
131-47-095	NEW-E	93-09-047	131-48-070	NEW-P	93-18-067	132G-116-080	AMD	93-02-063
131-47-095	NEW-P	93-14-052	131-48-080	NEW-E	93-14-010	132G-116-090	AMD	93-02-063
131-47-095	NEW-E	93-14-053	131-48-080	NEW-P	93-18-067	132G-116-095	NEW	93-02-063
131-47-095	NEW	93-19-079	131-48-090	NEW-E	93-14-010	132G-116-100	REP	93-02-063
131-47-100	NEW-E	93-09-047	131-48-090	NEW-P	93-18-067	132G-116-105	NEW	93-02-063
131-47-100	NEW-P	93-14-052	131-48-100	NEW-E	93-14-010	132G-116-110	REP	93-02-063
131-47-100	NEW-E	93-14-053	131-48-100	NEW-P	93-18-067	132G-116-115	NEW	93-02-063
131-47-100	NEW	93-19-079	131-48-110	NEW-E	93-14-010	132G-116-120	REP	93-02-063
131-47-105	NEW-E	93-09-047	131-48-110	NEW-P	93-18-067	132G-116-125	NEW	93-02-063
131-47-105	NEW-P	93-14-052	131-48-120	NEW-E	93-14-010	132G-116-130	REP	93-02-063
131-47-105	NEW-E	93-14-053	131-48-120	NEW-P	93-18-067	132G-116-135	NEW	93-02-063
131-47-105	NEW	93-19-079	131-48-130	NEW-E	93-14-010	132G-116-140	REP	93-02-063
131-47-110	NEW-E	93-09-047	131-48-130	NEW-P	93-18-067	132G-116-145	NEW	93-02-063
131-47-110	NEW-P	93-14-052	131-48-140	NEW-E	93-14-010	132G-116-150	REP	93-02-063
131-47-110	NEW-E	93-14-053	131-48-140	NEW-P	93-18-067	132G-116-155	NEW	93-02-063
131-47-110	NEW	93-19-079	132D-120-040	AMD-P	93-19-118	132G-116-160	REP	93-02-063
131-47-115	NEW-E	93-09-047	132D-120-230	AMD-P	93-19-118	132G-116-170	REP	93-02-063
131-47-115	NEW-P	93-14-052	132D-120-260	AMD-P	93-19-118	132G-116-175	NEW	93-02-063
131-47-115	NEW-E	93-14-053	132D-120-270	AMD-P	93-19-118	132G-116-180	REP	93-02-063
131-47-115	NEW	93-19-079	132D-125-010	NEW-P	93-19-118	132G-116-185	NEW	93-02-063
131-47-120	NEW-E	93-09-047	132D-125-020	NEW-P	93-19-118	132G-116-190	REP	93-02-063
131-47-120	NEW-P	93-14-052	132D-125-025	NEW-P	93-19-118	132G-116-195	NEW	93-02-063
131-47-120	NEW-E	93-14-053	132D-125-030	NEW-P	93-19-118	132G-116-200	REP	93-02-063
131-47-120	NEW	93-19-079	132D-125-035	NEW-P	93-19-118	132G-116-205	NEW	93-02-063
131-47-125	NEW-E	93-09-047	132D-125-040	NEW-P	93-19-118	132G-116-210	REP	93-02-063
131-47-125	NEW-P	93-14-052	132D-125-045	NEW-P	93-19-118	132G-116-215	NEW	93-02-063
131-47-125	NEW-E	93-14-053	132D-125-050	NEW-P	93-19-118	132G-116-220	REP	93-02-063
131-47-125	NEW	93-19-079	132D-125-055	NEW-P	93-19-118	132G-116-225	NEW	93-02-063
131-47-130	NEW-E	93-09-047	132D-125-060	NEW-P	93-19-118	132G-116-230	REP	93-02-063
131-47-130	NEW-P	93-14-052	132D-125-070	NEW-P	93-19-118	132G-116-235	NEW	93-02-063
131-47-130	NEW-E	93-14-053	132D-125-075	NEW-P	93-19-118	132G-116-240	REP	93-02-063
131-47-130	NEW	93-19-079	132D-125-080	NEW-P	93-19-118	132G-116-245	NEW	93-02-063
131-47-135	NEW-E	93-09-047	132D-125-085	NEW-P	93-19-118	132G-116-250	REP	93-02-063
131-47-135	NEW-P	93-14-052	132D-125-090	NEW-P	93-19-118	132G-116-255	NEW	93-02-063
131-47-135	NEW-E	93-14-053	132D-125-095	NEW-P	93-19-118	132G-116-260	REP	93-02-063
131-47-135	NEW	93-19-079	132D-125-100	NEW-P	93-19-118	132G-116-265	NEW	93-02-063
131-47-140	NEW-E	93-09-047	132D-130-010	REP-P	93-19-118	132G-116-270	AMD	93-02-063
131-47-140	NEW-P	93-14-052	132D-130-020	REP-P	93-19-118	132G-116-275	NEW	93-02-063
131-47-140	NEW-E	93-14-053	132D-130-030	REP-P	93-19-118	132G-116-280	REP	93-02-063
131-47-140	NEW	93-19-079	132D-130-035	REP-P	93-19-118	132G-116-285	NEW	93-02-063
131-47-145	NEW-E	93-09-047	132D-130-040	REP-P	93-19-118	132G-116-290	REP	93-02-063
131-47-145	NEW-P	93-14-052	132D-130-045	REP-P	93-19-118	132G-116-295	NEW	93-02-063
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173-460-110	AMD-P	93-14-118	180-20-140	NEW	93-08-007
173-460-150	AMD-P	93-14-118	180-20-145	NEW-P	93-04-117
173-460-160	AMD-P	93-14-118	180-20-145	NEW	93-08-007
173-491-020	AMD-P	93-04-108	180-20-150	NEW-P	93-04-117
173-491-020	AMD	93-13-011	180-20-150	NEW	93-08-007
173-491-040	AMD-P	93-04-108	180-20-155	NEW-P	93-04-117
173-491-040	AMD	93-13-011	180-20-155	NEW	93-08-007
173-491-050	AMD	93-03-089	180-20-160	NEW-P	93-04-117
173-491-050	AMD-P	93-04-108	180-20-160	NEW	93-08-007
173-491-050	AMD	93-13-068	180-20-200	REP-P	93-04-117
182-12-110	AMD-E	93-17-091	180-20-200	REP	93-08-007
182-12-111	AMD-E	93-17-091	180-20-205	REP-P	93-04-117
182-12-115	AMD-E	93-17-091	180-20-205	REP	93-08-007
182-12-122	AMD-E	93-17-091	180-20-210	REP-P	93-04-117
180-16-222	AMD-P	93-04-116	180-20-210	REP	93-08-007
180-16-222	AMD	93-07-102	180-20-215	REP-P	93-04-117
180-16-223	AMD-P	93-04-116	180-20-215	REP	93-08-007
180-16-223	AMD	93-07-102	180-20-220	REP-P	93-04-117
180-20-005	NEW-P	93-04-117	180-20-220	REP	93-08-007
180-20-005	NEW	93-08-007	180-20-225	REP-P	93-04-117
180-20-030	NEW-P	93-04-117	180-20-225	REP	93-08-007
180-20-030	NEW	93-08-007	180-20-230	REP-P	93-04-117
180-20-031	NEW-P	93-04-117	180-20-230	REP	93-08-007
180-20-031	NEW	93-08-007	180-26-020	AMD-P	93-04-118
180-20-034	NEW-P	93-04-117	180-26-020	AMD	93-07-104
180-20-034	NEW	93-08-007	180-26-025	AMD-P	93-04-119
180-20-035	NEW-P	93-04-117	180-26-025	AMD-W	93-07-100
180-20-035	NEW	93-08-007	180-27-070	AMD-P	93-08-041
180-20-040	NEW-P	93-04-117	180-27-070	AMD	93-13-026
180-20-040	NEW	93-08-007	180-27-115	AMD-P	93-17-079
180-20-045	NEW-P	93-04-117	180-27-505	AMD	93-04-019
180-20-045	NEW	93-08-007	180-33-042	AMD-E	93-17-005
180-20-050	NEW-P	93-04-117	180-33-042	AMD-P	93-17-078
180-20-050	NEW-W	93-17-066	180-51-005	AMD	93-04-115
180-20-055	NEW-P	93-04-117	180-51-025	AMD	93-04-115
180-20-055	NEW	93-08-007	180-51-030	AMD	93-04-115
180-20-060	NEW-P	93-04-117	180-51-055	AMD	93-04-115
180-20-060	NEW	93-08-007	180-51-100	AMD	93-04-115
180-20-065	NEW-P	93-04-117	180-72-040	AMD-E	93-14-009
180-20-065	NEW	93-08-007	180-72-040	AMD-P	93-18-068
180-20-070	NEW-P	93-04-117	180-72-045	AMD-E	93-14-009
180-20-070	NEW	93-08-007	180-72-045	AMD-P	93-18-068
180-20-075	NEW-P	93-04-117	180-72-050	AMD-E	93-14-009
180-20-075	NEW	93-08-007	180-72-050	AMD-P	93-18-068
180-20-080	NEW-P	93-04-117	180-72-060	AMD-E	93-14-009
180-20-080	NEW	93-08-007	180-72-060	AMD-P	93-18-068
180-20-090	NEW-P	93-04-117	180-72-065	AMD-E	93-14-009
180-20-090	NEW	93-08-007	180-72-065	AMD-P	93-18-068
180-20-095	NEW-P	93-04-117	180-72-070	AMD-E	93-14-009
180-20-095	NEW	93-08-007	180-72-070	AMD-P	93-18-068
180-20-100	REP-P	93-04-117	180-78-010	AMD-P	93-04-120
180-20-100	REP	93-08-007	180-78-010	AMD	93-07-101
180-20-101	NEW-P	93-04-117	180-79-010	AMD-P	93-04-120
180-20-101	NEW	93-08-007	180-79-010	AMD	93-07-101
180-20-105	REP-P	93-04-117	180-79-236	AMD	93-05-007
180-20-105	REP	93-08-007	180-87-001	REP-P	93-17-077
180-20-106	REP-P	93-04-117	182-08-160	AMD-E	93-17-001
180-20-106	REP	93-08-007	182-08-160	AMD-P	93-19-047
180-20-111	NEW-P	93-04-117	182-08-175	NEW-E	93-17-001
180-20-111	NEW	93-08-007	182-08-175	NEW-P	93-19-047
180-20-115	NEW-P	93-04-117	182-08-190	AMD-E	93-17-001
182-08-190	AMD-P	93-19-047	182-08-190	AMD-E	93-19-047
182-12-110	AMD-E	93-17-091	182-12-110	AMD-E	93-17-091
182-12-111	AMD-E	93-17-091	182-12-111	AMD-E	93-17-091
182-12-115	AMD-E	93-17-091	182-12-115	AMD-E	93-17-091
182-12-122	AMD-E	93-17-091	182-12-122	AMD-E	93-17-091
182-14-010	NEW-E	93-18-059	182-14-010	NEW-E	93-18-059
182-14-020	NEW-E	93-18-059	182-14-020	NEW-E	93-18-059
182-14-030	NEW-E	93-18-059	182-14-030	NEW-E	93-18-059
182-14-040	NEW-E	93-18-059	182-14-040	NEW-E	93-18-059
182-14-050	NEW-E	93-18-059	182-14-050	NEW-E	93-18-059
182-14-060	NEW-E	93-18-059	182-14-060	NEW-E	93-18-059
182-14-070	NEW-E	93-18-059	182-14-070	NEW-E	93-18-059
182-14-080	NEW-E	93-18-059	182-14-080	NEW-E	93-18-059
182-14-090	NEW-E	93-18-059	182-14-090	NEW-E	93-18-059
182-14-100	NEW-E	93-18-059	182-14-100	NEW-E	93-18-059
192-10-010	REP-P	93-17-012	192-10-010	REP-P	93-17-012
192-10-015	REP-P	93-17-012	192-10-015	REP-P	93-17-012
192-10-020	REP-P	93-17-012	192-10-020	REP-P	93-17-012
192-10-030	REP-P	93-17-012	192-10-030	REP-P	93-17-012
192-10-040	REP-P	93-17-012	192-10-040	REP-P	93-17-012
192-10-050	REP-P	93-17-012	192-10-050	REP-P	93-17-012
192-10-060	REP-P	93-17-012	192-10-060	REP-P	93-17-012
192-10-070	REP-P	93-17-012	192-10-070	REP-P	93-17-012
192-10-080	REP-P	93-17-012	192-10-080	REP-P	93-17-012
192-10-090	REP-P	93-17-012	192-10-090	REP-P	93-17-012
192-10-100	REP-P	93-17-012	192-10-100	REP-P	93-17-012
192-10-110	REP-P	93-17-012	192-10-110	REP-P	93-17-012
192-10-120	REP-P	93-17-012	192-10-120	REP-P	93-17-012
192-10-130	REP-P	93-17-012	192-10-130	REP-P	93-17-012
192-10-140	REP-P	93-17-012	192-10-140	REP-P	93-17-012
192-10-150	REP-P	93-17-012	192-10-150	REP-P	93-17-012
192-10-160	REP-P	93-17-012	192-10-160	REP-P	93-17-012
192-10-170	REP-P	93-17-012	192-10-170	REP-P	93-17-012
192-10-180	REP-P	93-17-012	192-10-180	REP-P	93-17-012
192-10-190	REP-P	93-17-012	192-10-190	REP-P	93-17-012
192-10-200	REP-P	93-17-012	192-10-200	REP-P	93-17-012
192-10-210	REP-P	93-17-012	192-10-210	REP-P	93-17-012
192-10-220	REP-P	93-17-012	192-10-220	REP-P	93-17-012
192-10-230	REP-P	93-17-012	192-10-230	REP-P	93-17-012
192-10-240	REP-P	93-17-012	192-10-240	REP-P	93-17-012
192-10-250	REP-P	93-17-012	192-10-250	REP-P	93-17-012
192-10-265	REP-P	93-17-012	192-10-265	REP-P	93-17-012
192-10-280	REP-P	93-17-012	192-10-280	REP-P	93-17-012
192-10-290	REP-P	93-17-012	192-10-290	REP-P	93-17-012
192-10-300	REP-P	93-17-012	192-10-300	REP-P	93-17-012
192-10-310	REP-P	93-17-012	192-10-310	REP-P	93-17-012
192-10-330	REP-P	93-17-012	192-10-330	REP-P	93-17-012
192-12-141	AMD-P	93-07-086	192-12-141	AMD-P	93-07-086
192-12-141	AMD	93-10-025	192-12-141	AMD	93-10-025
192-12-158	REP-P	93-17-012	192-12-158	REP-P	93-17-012
192-12-180	AMD-P	93-13-137	192-12-180	AMD-P	93-13-137
192-12-180	AMD	93-16-053	192-12-180	AMD	93-16-053
192-12-182	AMD-P	93-13-137	192-12-182	AMD-P	93-13-137
192-12-182	AMD	93-16-053	192-12-182	AMD	93-16-053
192-12-184	AMD-P	93-13-137	192-12-184	AMD-P	93-13-137
192-12-184	AMD	93-16-053	192-12-184	AMD	93-16-053
192-12-186	AMD-P	93-13-137	192-12-186	AMD-P	93-13-137
192-12-186	AMD	93-16-053	192-12-186	AMD	93-16-053
192-16-070	NEW-E	93-13-007	192-16-070	NEW-E	93-13-007
192-16-070	NEW-P	93-15-115	192-16-070	NEW-P	93-15-115
192-16-070	NEW	93-18-054	192-16-070	NEW	93-18-054
192-30-010	REP-P	93-17-012	192-30-010	REP-P	93-17-012
192-30-020	REP-P	93-17-012	192-30-020	REP-P	93-17-012
192-30-030	REP-P	93-17-012	192-30-030	REP-P	93-17-012
192-30-040	REP-P	93-17-012	192-30-040	REP-P	93-17-012
192-30-100	REP-P	93-17-012	192-30-100	REP-P	93-17-012
192-30-200	REP-P	93-17-012	192-30-200	REP-P	93-17-012
192-30-210	REP-P	93-17-012	192-30-210	REP-P	93-17-012
192-30-220	REP-P	93-17-012	192-30-220	REP-P	93-17-012
192-30-230	REP-P	93-17-012	192-30-230	REP-P	93-17-012
194-10-030	AMD	93-02-033	194-10-030	AMD	93-02-033
194-10-100	AMD	93-02-033	194-10-100	AMD	93-02-033
194-10-110	AMD	93-02-033	194-10-110	AMD	93-02-033

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194-10-140	AMD	93-02-033	212-14-020	REP	93-05-032	212-26-085	REP-E	93-04-061
196-24-041	NEW-P	93-09-024	212-14-025	REP-E	93-04-061	212-26-085	REP	93-05-032
196-24-041	NEW	93-13-064	212-14-025	REP	93-05-032	212-26-090	REP-E	93-04-061
196-24-097	NEW-P	93-09-022	212-14-030	REP-E	93-04-061	212-26-090	REP	93-05-032
196-24-097	NEW	93-13-065	212-14-030	REP	93-05-032	212-26-095	REP-E	93-04-061
196-24-098	NEW-P	93-09-023	212-14-035	REP-E	93-04-061	212-26-095	REP	93-05-032
196-24-098	NEW	93-13-066	212-14-035	REP	93-05-032	212-26-100	REP-E	93-04-061
196-26-020	AMD-P	93-07-111	212-14-040	REP-E	93-04-061	212-26-100	REP	93-05-032
196-26-020	AMD	93-10-057	212-14-040	REP	93-05-032	212-26-105	REP-E	93-04-061
204-10-120	AMD-P	93-05-029	212-14-045	REP-E	93-04-061	212-26-105	REP	93-05-032
204-10-120	AMD	93-11-018	212-14-045	REP	93-05-032	212-28-001	REP-E	93-04-061
204-30-010	REP-P	93-16-067	212-14-050	REP-E	93-04-061	212-28-001	REP	93-05-032
204-30-020	REP-P	93-16-067	212-14-050	REP	93-05-032	212-28-010	REP-E	93-04-061
204-30-030	REP-P	93-16-067	212-14-055	REP-E	93-04-061	212-28-010	REP	93-05-032
204-30-040	REP-P	93-16-067	212-14-055	REP	93-05-032	212-28-015	REP-E	93-04-061
204-30-050	REP-P	93-16-067	212-14-060	REP-E	93-04-061	212-28-015	REP	93-05-032
204-30-060	REP-P	93-16-067	212-14-060	REP	93-05-032	212-28-020	REP-E	93-04-061
204-30-070	REP-P	93-16-067	212-14-070	REP-E	93-04-061	212-28-020	REP	93-05-032
204-30-080	REP-P	93-16-067	212-14-070	REP	93-05-032	212-28-025	REP-E	93-04-061
204-44-040	NEW-P	93-05-028	212-14-080	REP-E	93-04-061	212-28-025	REP	93-05-032
204-44-040	NEW	93-11-017	212-14-080	REP	93-05-032	212-28-030	REP-E	93-04-061
204-82A-070	AMD-P	93-10-002	212-14-090	REP-E	93-04-061	212-28-030	REP	93-05-032
204-82A-070	AMD	93-15-075	212-14-090	REP	93-05-032	212-28-035	REP-E	93-04-061
204-84-010	REP-P	93-05-029	212-14-100	REP-E	93-04-061	212-28-035	REP	93-05-032
204-84-010	REP	93-11-018	212-14-100	REP	93-05-032	212-28-040	REP-E	93-04-061
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	93-05-032
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	REP-P	93-05-029	212-26-001	REP-E	93-04-061	212-28-075	REP	93-05-032
204-84-090	REP	93-11-018	212-26-001	REP	93-05-032	212-28-080	REP-E	93-04-061
204-84-100	REP-P	93-05-029	212-26-005	REP-E	93-04-061	212-28-080	REP	93-05-032
204-84-100	REP	93-11-018	212-26-005	REP	93-05-032	212-28-085	REP-E	93-04-061
212-12	NEW-C	93-04-060	212-26-010	REP-E	93-04-061	212-28-085	REP	93-05-032
212-12-001	NEW-E	93-04-061	212-26-010	REP	93-05-032	212-28-090	REP-E	93-04-061
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212-12-005	NEW-E	93-04-061	212-26-015	REP	93-05-032	212-28-095	REP-E	93-04-061
212-12-005	NEW	93-05-032	212-26-020	REP-E	93-04-061	212-28-095	REP	93-05-032
212-12-011	NEW-E	93-04-061	212-26-020	REP	93-05-032	212-28-100	REP-E	93-04-061
212-12-011	NEW	93-05-032	212-26-025	REP-E	93-04-061	212-28-100	REP	93-05-032
212-12-015	NEW-E	93-04-061	212-26-025	REP	93-05-032	212-28-105	REP-E	93-04-061
212-12-015	NEW	93-05-032	212-26-030	REP-E	93-04-061	212-28-105	REP	93-05-032
212-12-020	NEW-E	93-04-061	212-26-030	REP	93-05-032	212-28-110	REP-E	93-04-061
212-12-020	NEW	93-05-032	212-26-035	REP-E	93-04-061	212-28-110	REP	93-05-032
212-12-025	NEW-E	93-04-061	212-26-035	REP	93-05-032	212-32-001	REP-E	93-04-061
212-12-025	NEW	93-05-032	212-26-040	REP-E	93-04-061	212-32-001	REP	93-05-032
212-12-030	NEW-E	93-04-061	212-26-040	REP	93-05-032	212-32-005	REP-E	93-04-061
212-12-030	NEW	93-05-032	212-26-045	REP-E	93-04-061	212-32-005	REP	93-05-032
212-12-035	NEW-E	93-04-061	212-26-045	REP	93-05-032	212-32-010	REP-E	93-04-061
212-12-035	NEW	93-05-032	212-26-050	REP-E	93-04-061	212-32-010	REP	93-05-032
212-12-040	NEW-E	93-04-061	212-26-050	REP	93-05-032	212-32-015	REP-E	93-04-061
212-12-040	NEW	93-05-032	212-26-055	REP-E	93-04-061	212-32-015	REP	93-05-032
212-12-044	NEW-E	93-04-061	212-26-055	REP	93-05-032	212-32-020	REP-E	93-04-061
212-12-044	NEW	93-05-032	212-26-060	REP-E	93-04-061	212-32-020	REP	93-05-032
212-14-001	REP-E	93-04-061	212-26-060	REP	93-05-032	212-32-025	REP-E	93-04-061
212-14-001	REP	93-05-032	212-26-065	REP-E	93-04-061	212-32-025	REP	93-05-032
212-14-005	REP-E	93-04-061	212-26-065	REP	93-05-032	212-32-030	REP-E	93-04-061
212-14-005	REP	93-05-032	212-26-070	REP-E	93-04-061	212-32-030	REP	93-05-032
212-14-010	REP-E	93-04-061	212-26-070	REP	93-05-032	212-32-035	REP-E	93-04-061
212-14-010	REP	93-05-032	212-26-075	REP-E	93-04-061	212-32-035	REP	93-05-032
212-14-015	REP-E	93-04-061	212-26-075	REP	93-05-032	212-32-040	REP-E	93-04-061
212-14-015	REP	93-05-032	212-26-080	REP-E	93-04-061	212-32-040	REP	93-05-032

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220-47-907	NEW-E	93-19-057	220-56-19000T	NEW-E	93-18-009	220-56-35000V	NEW-E	93-17-016
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236-14-200	NEW-W 93-10-090	246-05-001	NEW 93-19-061	246-08-380	REP-P 93-08-071
236-14-200	NEW-P 93-15-126	246-05-010	NEW-E 93-15-012	246-08-380	REP 93-13-005
236-14-300	NEW-W 93-05-041	246-05-010	NEW-P 93-15-091	246-08-420	NEW 93-08-004
236-14-300	NEW-P 93-09-068	246-05-010	NEW 93-19-061	246-08-440	NEW 93-08-004
236-14-300	NEW-W 93-10-090	246-05-030	NEW-E 93-15-012	246-08-450	NEW 93-08-004
236-14-300	NEW-P 93-15-126	246-05-030	NEW-P 93-15-091	246-08-520	AMD 93-08-004
236-14-800	NEW-P 93-15-126	246-05-030	NEW 93-19-061	246-08-560	AMD 93-08-004
236-14-900	NEW-W 93-05-041	246-08-001	REP-P 93-08-071	246-10-101	NEW-P 93-08-071
236-14-900	NEW-P 93-09-068	246-08-001	REP 93-13-005	246-10-101	NEW 93-13-005
236-14-900	NEW-W 93-10-090	246-08-020	REP-P 93-08-071	246-10-102	NEW-P 93-08-071
236-14-900	NEW-P 93-15-126	246-08-020	REP 93-13-005	246-10-102	NEW 93-13-005
236-22-010	AMD-P 93-09-030	246-08-030	REP-P 93-08-071	246-10-103	NEW-P 93-08-071
236-22-010	AMD 93-16-079	246-08-030	REP 93-13-005	246-10-103	NEW 93-13-005
236-22-020	NEW-P 93-09-030	246-08-040	REP-P 93-08-071	246-10-104	NEW-P 93-08-071
236-22-020	NEW 93-16-079	246-08-040	REP 93-13-005	246-10-104	NEW 93-13-005
236-22-030	NEW-P 93-09-030	246-08-050	REP-P 93-08-071	246-10-105	NEW-P 93-08-071
236-22-030	NEW 93-16-079	246-08-050	REP 93-13-005	246-10-105	NEW 93-13-005
236-22-031	NEW-P 93-09-030	246-08-060	REP-P 93-08-071	246-10-106	NEW-P 93-08-071
236-22-031	NEW 93-16-079	246-08-060	REP 93-13-005	246-10-106	NEW 93-13-005
236-22-032	NEW-P 93-09-030	246-08-070	REP-P 93-08-071	246-10-107	NEW-P 93-08-071
236-22-032	NEW 93-16-079	246-08-070	REP 93-13-005	246-10-107	NEW 93-13-005
236-22-033	NEW-P 93-09-030	246-08-080	REP-P 93-08-071	246-10-108	NEW-P 93-08-071
236-22-033	NEW 93-16-079	246-08-080	REP 93-13-005	246-10-108	NEW 93-13-005
236-22-034	NEW-P 93-09-030	246-08-090	REP-P 93-08-071	246-10-109	NEW-P 93-08-071
236-22-034	NEW 93-16-079	246-08-090	REP 93-13-005	246-10-109	NEW 93-13-005
236-22-035	NEW-P 93-09-030	246-08-100	REP-P 93-08-071	246-10-110	NEW-P 93-08-071
236-22-035	NEW 93-16-079	246-08-100	REP 93-13-005	246-10-110	NEW 93-13-005
236-22-036	NEW-P 93-09-030	246-08-101	NEW-P 93-08-071	246-10-111	NEW-P 93-08-071
236-22-036	NEW 93-16-079	246-08-101	NEW 93-13-005	246-10-111	NEW 93-13-005
236-22-037	NEW-P 93-09-030	246-08-102	NEW-P 93-08-071	246-10-112	NEW-P 93-08-071
236-22-037	NEW 93-16-079	246-08-102	NEW 93-13-005	246-10-112	NEW 93-13-005
236-22-038	NEW-P 93-09-030	246-08-103	NEW-P 93-08-071	246-10-113	NEW-P 93-08-071
236-22-038	NEW 93-16-079	246-08-103	NEW 93-13-005	246-10-113	NEW 93-13-005
236-22-040	NEW-P 93-09-030	246-08-104	NEW-P 93-08-071	246-10-114	NEW-P 93-08-071
236-22-040	NEW 93-16-079	246-08-104	NEW 93-13-005	246-10-114	NEW 93-13-005
236-22-050	NEW-P 93-09-030	246-08-105	NEW-P 93-08-071	246-10-115	NEW-P 93-08-071
236-22-050	NEW 93-16-079	246-08-105	NEW 93-13-005	246-10-115	NEW 93-13-005
236-22-060	NEW-P 93-09-030	246-08-106	NEW-P 93-08-071	246-10-116	NEW-P 93-08-071
236-22-060	NEW 93-16-079	246-08-106	NEW 93-13-005	246-10-116	NEW 93-13-005
236-22-070	NEW-P 93-09-030	246-08-110	REP-P 93-08-071	246-10-117	NEW-P 93-08-071
236-22-070	NEW 93-16-079	246-08-110	REP 93-13-005	246-10-117	NEW 93-13-005
236-22-080	NEW-P 93-09-030	246-08-120	REP-P 93-08-071	246-10-118	NEW-P 93-08-071
236-22-080	NEW 93-16-079	246-08-120	REP 93-13-005	246-10-118	NEW 93-13-005
236-22-100	AMD-P 93-09-030	246-08-130	REP-P 93-08-071	246-10-119	NEW-P 93-08-071
236-22-100	AMD 93-16-079	246-08-130	REP 93-13-005	246-10-119	NEW 93-13-005
236-22-200	NEW-P 93-09-030	246-08-140	REP-P 93-08-071	246-10-120	NEW-P 93-08-071
236-22-200	NEW 93-16-079	246-08-140	REP 93-13-005	246-10-120	NEW 93-13-005
236-22-210	NEW-P 93-09-030	246-08-150	REP-P 93-08-071	246-10-121	NEW-P 93-08-071
236-22-210	NEW 93-16-079	246-08-150	REP 93-13-005	246-10-121	NEW 93-13-005
242-02-220	AMD-P 93-08-032	246-08-160	REP-P 93-08-071	246-10-122	NEW-P 93-08-071
242-02-220	AMD 93-11-068	246-08-160	REP 93-13-005	246-10-122	NEW 93-13-005
242-02-562	NEW-W 93-06-045	246-08-170	REP-P 93-08-071	246-10-123	NEW-P 93-08-071
244-12-060	AMD-P 93-07-038	246-08-170	REP 93-13-005	246-10-123	NEW 93-13-005
244-12-060	AMD-W 93-09-049	246-08-180	REP-P 93-08-071	246-10-124	NEW-P 93-08-071

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246-10-201	NEW-P	93-08-071	246-11-001	NEW	93-08-003	246-11-380	NEW-P	93-04-102
246-10-201	NEW	93-13-005	246-11-010	NEW-P	93-04-102	246-11-380	NEW	93-08-003
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246-10-202	NEW	93-13-005	246-11-020	NEW-P	93-04-102	246-11-390	NEW	93-08-003
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246-10-204	NEW	93-13-005	246-11-040	NEW-P	93-04-102	246-11-420	NEW	93-08-003
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246-10-205	NEW	93-13-005	246-11-050	NEW-P	93-04-102	246-11-430	NEW	93-08-003
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246-10-301	NEW	93-13-005	246-11-060	NEW-P	93-04-102	246-11-440	NEW	93-08-003
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246-10-302	NEW	93-13-005	246-11-070	NEW-P	93-04-102	246-11-450	NEW	93-08-003
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246-10-303	NEW	93-13-005	246-11-080	NEW-P	93-04-102	246-11-470	NEW	93-08-003
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246-10-304	NEW	93-13-005	246-11-090	NEW-P	93-04-102	246-11-480	NEW	93-08-003
246-10-305	NEW-P	93-08-071	246-11-090	NEW	93-08-003	246-11-490	NEW-P	93-04-102
246-10-305	NEW	93-13-005	246-11-100	NEW-P	93-04-102	246-11-490	NEW	93-08-003
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246-10-306	NEW	93-13-005	246-11-110	NEW-P	93-04-102	246-11-500	NEW	93-08-003
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246-10-403	NEW	93-13-005	246-11-140	NEW-P	93-04-102	246-11-530	NEW	93-08-003
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246-10-405	NEW	93-13-005	246-11-160	NEW-P	93-04-102	246-11-550	NEW	93-08-003
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246-10-501	NEW	93-13-005	246-11-170	NEW-P	93-04-102	246-11-560	NEW	93-08-003
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246-10-503	NEW-P	93-08-071	246-11-180	NEW	93-08-003	246-11-580	NEW-P	93-04-102
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246-10-601	NEW-P	93-08-071	246-11-210	NEW	93-08-003	246-11-610	NEW-P	93-04-102
246-10-601	NEW	93-13-005	246-11-220	NEW-P	93-04-102	246-11-610	NEW	93-08-003
246-10-602	NEW-P	93-08-071	246-11-220	NEW	93-08-003	246-100-011	AMD-P	93-03-003
246-10-602	NEW	93-13-005	246-11-230	NEW-P	93-04-102	246-100-011	AMD	93-08-036
246-10-603	NEW-P	93-08-071	246-11-230	NEW	93-08-003	246-100-041	AMD-P	93-03-003
246-10-603	NEW	93-13-005	246-11-250	NEW-P	93-04-102	246-100-041	AMD	93-08-036
246-10-604	NEW-P	93-08-071	246-11-250	NEW	93-08-003	246-100-042	NEW-P	93-06-094
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246-10-605	NEW-P	93-08-071	246-11-260	NEW	93-08-003	246-100-076	AMD-P	93-03-003
246-10-605	NEW	93-13-005	246-11-270	NEW-P	93-04-102	246-100-076	AMD	93-08-036
246-10-606	NEW-P	93-08-071	246-11-270	NEW	93-08-003	246-100-236	AMD-P	93-03-003
246-10-606	NEW	93-13-005	246-11-280	NEW-P	93-04-102	246-100-236	AMD	93-08-036
246-10-607	NEW-P	93-08-071	246-11-280	NEW	93-08-003	246-130-040	AMD-E	93-04-015
246-10-607	NEW	93-13-005	246-11-290	NEW-P	93-04-102	246-130-040	AMD-P	93-06-095
246-10-608	NEW-P	93-08-071	246-11-290	NEW	93-08-003	246-130-040	AMD-W	93-11-006
246-10-608	NEW	93-13-005	246-11-300	NEW-P	93-04-102	246-130-070	AMD-E	93-04-015
246-10-701	NEW-P	93-08-071	246-11-300	NEW	93-08-003	246-130-070	AMD-P	93-06-095
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246-10-702	NEW	93-13-005	246-11-320	NEW-P	93-04-102	246-203-005	NEW-W	93-11-075
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246-10-704	NEW-P	93-08-071	246-11-330	NEW	93-08-003	246-217-005	NEW-W	93-11-075
246-10-704	NEW	93-13-005	246-11-340	NEW-P	93-04-102	246-220-002	AMD-P	93-19-048
246-10-705	NEW-P	93-08-071	246-11-340	NEW	93-08-003	246-220-007	AMD-P	93-19-048
246-10-705	NEW	93-13-005	246-11-350	NEW-P	93-04-102	246-220-010	AMD-P	93-19-048
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246-10-706	NEW	93-13-005	246-11-360	NEW-P	93-04-102	246-220-090	AMD-P	93-19-048
246-10-707	NEW-P	93-08-071	246-11-360	NEW	93-08-003	246-220-120	AMD-P	93-19-048
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246-221-030	AMD-P	93-19-048	246-239-080	AMD-P	93-19-048	246-290-210	REP-P	93-04-122
246-221-040	AMD-P	93-19-048	246-239-090	AMD-P	93-19-048	246-290-210	REP	93-08-011
246-221-050	AMD-P	93-19-048	246-239-100	AMD-P	93-19-048	246-290-230	AMD-P	93-04-122
246-221-055	NEW-P	93-19-048	246-240-020	AMD-P	93-19-048	246-290-230	AMD	93-08-011
246-221-060	AMD-P	93-19-048	246-243-010	AMD-P	93-19-048	246-290-250	AMD-P	93-04-122
246-221-070	AMD-P	93-19-048	246-243-020	AMD-P	93-19-048	246-290-250	AMD	93-08-011
246-221-080	AMD-P	93-19-048	246-243-040	AMD-P	93-19-048	246-290-300	AMD-P	93-04-122
246-221-090	AMD-P	93-19-048	246-243-070	AMD-P	93-19-048	246-290-300	AMD	93-08-011
246-221-100	AMD-P	93-19-048	246-243-080	AMD-P	93-19-048	246-290-310	AMD-P	93-04-122
246-221-102	NEW-P	93-19-048	246-243-090	AMD-P	93-19-048	246-290-310	AMD	93-08-011
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246-221-106	NEW-P	93-19-048	246-243-110	AMD-P	93-19-048	246-290-320	AMD	93-08-011
246-221-110	AMD-P	93-19-048	246-243-120	AMD-P	93-19-048	246-290-330	AMD-P	93-04-122
246-221-113	NEW-P	93-19-048	246-243-130	AMD-P	93-19-048	246-290-330	AMD	93-08-011
246-221-117	NEW-P	93-19-048	246-243-140	AMD-P	93-19-048	246-290-400	REP-P	93-04-122
246-221-120	AMD-P	93-19-048	246-243-150	AMD-P	93-19-048	246-290-400	REP	93-08-011
246-221-130	AMD-P	93-19-048	246-243-160	AMD-P	93-19-048	246-290-420	AMD-P	93-04-122
246-221-150	AMD-P	93-19-048	246-243-170	AMD-P	93-19-048	246-290-420	AMD	93-08-011
246-221-160	AMD-P	93-19-048	246-243-180	AMD-P	93-19-048	246-290-440	AMD-P	93-04-122
246-221-170	AMD-P	93-19-048	246-243-190	AMD-P	93-19-048	246-290-440	AMD	93-08-011
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246-221-190	AMD-P	93-19-048	246-243-200	AMD-P	93-19-048	246-290-450	REP	93-08-011
246-221-220	AMD-P	93-19-048	246-243-205	NEW-P	93-19-048	246-290-470	AMD-P	93-04-122
246-221-230	AMD-P	93-19-048	246-243-210	AMD-P	93-19-048	246-290-470	AMD	93-08-011
246-221-240	AMD-P	93-19-048	246-243-220	AMD-P	93-19-048	246-290-480	AMD-P	93-04-122
246-221-250	AMD-P	93-19-048	246-243-230	AMD-P	93-19-048	246-290-480	AMD	93-08-011
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246-221-265	NEW-P	93-19-048	246-250-001	AMD-P	93-19-048	246-290-601	NEW	93-08-011
246-221-270	AMD-P	93-19-048	246-252-030	AMD-P	93-19-048	246-290-610	NEW-P	93-04-122
246-221-275	NEW-P	93-19-048	246-254-053	AMD-P	93-08-069	246-290-610	NEW	93-08-011
246-221-285	NEW-P	93-19-048	246-254-053	AMD	93-13-019	246-290-620	NEW-P	93-04-122
246-221-290	AMD-P	93-19-048	246-254-070	AMD-P	93-08-069	246-290-620	NEW	93-08-011
246-221-300	AMD-P	93-19-048	246-254-070	AMD	93-13-019	246-290-630	NEW-P	93-04-122
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246-222-030	AMD-P	93-19-048	246-254-080	AMD	93-13-019	246-290-632	NEW-P	93-04-122
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246-222-070	AMD-P	93-19-048	246-254-090	AMD	93-13-019	246-290-634	NEW-P	93-04-122
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246-224-070	AMD-P	93-19-048	246-260-005	NEW-W	93-11-075	246-290-638	NEW	93-08-011
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246-225-030	AMD-P	93-19-048	246-264-005	NEW-W	93-11-075	246-290-639	NEW	93-08-011
246-225-040	AMD-P	93-19-048	246-282-005	NEW-W	93-11-075	246-290-640	NEW-P	93-04-122
246-225-050	AMD-P	93-19-048	246-282-990	AMD-P	93-13-125	246-290-640	NEW	93-08-011
246-225-150	AMD-P	93-19-048	246-282-990	AMD	93-17-096	246-290-650	NEW-P	93-04-122
246-225-160	AMD-P	93-19-048	246-290-001	AMD-P	93-04-122	246-290-650	NEW	93-08-011
246-225-99910	AMD-P	93-19-048	246-290-001	AMD	93-08-011	246-290-652	NEW-P	93-04-122
246-227-001	NEW-P	93-19-048	246-290-010	AMD-P	93-04-122	246-290-652	NEW	93-08-011
246-227-010	NEW-P	93-19-048	246-290-010	AMD	93-08-011	246-290-654	NEW-P	93-04-122
246-227-020	NEW-P	93-19-048	246-290-020	AMD-P	93-04-122	246-290-654	NEW	93-08-011
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246-227-040	NEW-P	93-19-048	246-290-030	AMD-P	93-04-122	246-290-660	NEW	93-08-011
246-227-050	NEW-P	93-19-048	246-290-030	AMD	93-08-011	246-290-662	NEW-P	93-04-122
246-227-060	NEW-P	93-19-048	246-290-040	AMD-P	93-04-122	246-290-662	NEW	93-08-011
246-227-070	NEW-P	93-19-048	246-290-040	AMD	93-08-011	246-290-664	NEW-P	93-04-122
246-227-080	NEW-P	93-19-048	246-290-050	AMD-P	93-04-122	246-290-664	NEW	93-08-011
246-227-090	NEW-P	93-19-048	246-290-050	AMD	93-08-011	246-290-666	NEW-P	93-04-122
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246-227-120	NEW-P	93-19-048	246-290-100	AMD-P	93-04-122	246-290-668	NEW	93-08-011
246-227-130	NEW-P	93-19-048	246-290-100	AMD	93-08-011	246-290-670	NEW-P	93-04-122
246-227-150	NEW-P	93-19-048	246-290-110	AMD-P	93-04-122	246-290-670	NEW	93-08-011
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246-290-680	NEW-P	93-04-122	246-318-700	AMD	93-07-011	246-340-001	REP	93-19-109
246-290-680	NEW	93-08-011	246-318-710	AMD	93-07-011	246-340-010	REP-E	93-14-034
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246-290-692	NEW	93-08-011	246-318-770	AMD	93-07-011	246-340-030	REP-E	93-14-034
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246-290-694	NEW	93-08-011	246-318-790	AMD	93-07-011	246-340-030	REP	93-19-109
246-290-696	NEW-P	93-04-122	246-318-799	REP	93-07-011	246-340-040	REP-E	93-14-034
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246-293-440	REP	93-13-005	246-318-820	AMD	93-07-011	246-340-050	REP-E	93-14-034
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246-294-080	NEW	93-03-047	246-321-018	NEW	93-16-030	246-340-080	REP-E	93-14-034
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246-316-020	AMD-P	93-08-078	246-327-090	NEW-W	93-04-091	246-340-090	REP-P	93-14-035
246-316-020	AMD	93-16-030	246-327-090	NEW-P	93-08-078	246-340-090	REP	93-19-109
246-316-040	AMD-W	93-04-091	246-327-090	NEW	93-16-030	246-340-100	REP-E	93-14-034
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246-316-240	AMD-P	93-19-060	246-331-990	AMD-P	93-17-045	246-358-001	AMD-E	93-07-052
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246-316-260	AMD-E	93-19-062	246-336-990	AMD-E	93-14-093	246-358-020	NEW	93-03-032
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246-318-040	AMD-P	93-08-078	246-338-010	AMD	93-18-091	246-358-035	REP	93-03-032
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246-388-070	AMD-P	93-08-078	246-810-990	AMD-P	93-10-071	246-838-320	REP-P	93-16-101
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246-388-072	NEW-P	93-08-078	246-815-990	AMD-P	93-12-121	246-838-350	NEW-P	93-16-101
246-388-072	NEW	93-16-030	246-815-990	AMD	93-16-073	246-838-360	NEW-P	93-16-101
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246-490-110	NEW-P	93-18-090	246-816-225	NEW-P	93-16-028	246-839-360	AMD-P	93-16-098
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246-520-040	REP-P	93-16-099	246-818-140	AMD	93-07-108	246-843-001	AMD-P	93-08-105
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246-680-005	NEW-W	93-11-075	246-824-072	NEW	93-14-011	246-843-090	AMD	93-13-004
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246-807-290	AMD-C	93-17-094	246-828-570	NEW-P	93-13-145	246-845-110	NEW-P	93-10-039
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246-807-311	NEW-C	93-17-094	246-828-990	AMD-P	93-10-071	246-845-990	AMD-P	93-10-071
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246-807-530	NEW-P	93-14-094	246-838-120	AMD-P	93-16-101	246-847-200	AMD	93-18-093
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246-849-210	NEW-P	93-03-046	246-857-330	REP	93-04-017	246-924-065	NEW	93-06-092
246-849-210	NEW	93-10-008	246-857-340	REP	93-04-017	246-924-070	AMD-P	93-04-014
246-849-220	NEW-P	93-03-046	246-863-050	AMD-P	93-04-101	246-924-070	AMD-E	93-06-023
246-849-220	NEW	93-10-008	246-863-050	AMD	93-10-007	246-924-070	AMD	93-07-078
246-849-230	NEW-P	93-03-046	246-863-130	NEW-W	93-04-018	246-924-100	AMD-P	93-16-074
246-849-230	NEW	93-10-008	246-865-060	AMD-P	93-19-110	246-924-100	AMD-E	93-16-075
246-849-240	NEW-P	93-03-046	246-869-245	NEW-W	93-07-051	246-924-350	REP-P	93-02-067
246-849-240	NEW	93-10-008	246-883-030	AMD	93-05-046	246-924-350	REP	93-07-036
246-849-250	NEW-P	93-03-046	246-886-030	AMD-E	93-17-004	246-924-351	NEW-P	93-02-067
246-849-250	NEW	93-10-008	246-886-030	AMD-P	93-19-151	246-924-351	NEW	93-07-036
246-849-260	NEW-P	93-03-046	246-887-132	NEW-P	93-08-108	246-924-352	NEW-P	93-02-067
246-849-260	NEW	93-10-008	246-887-132	NEW	93-14-037	246-924-352	NEW	93-07-036
246-849-270	NEW-P	93-03-046	246-887-160	AMD	93-06-093	246-924-353	NEW-P	93-02-067
246-849-270	NEW	93-10-008	246-887-160	AMD-P	93-08-109	246-924-353	NEW	93-07-036
246-849-990	AMD-P	93-10-071	246-887-160	AMD	93-14-038	246-924-354	NEW-P	93-02-067
246-849-990	AMD	93-14-011	246-901-030	AMD-P	93-08-107	246-924-354	NEW	93-07-036
246-851-110	AMD-P	93-08-079	246-901-030	AMD-W	93-13-039	246-924-355	NEW-P	93-02-067
246-851-110	AMD	93-18-092	246-901-035	NEW-P	93-12-123	246-924-355	NEW	93-07-036
246-851-270	REVIEW	93-03-030	246-901-060	AMD-P	93-08-107	246-924-356	NEW-P	93-02-067
246-851-360	REVIEW	93-03-030	246-901-060	AMD	93-17-097	246-924-356	NEW	93-07-036
246-851-360	AMD-P	93-08-079	246-901-065	NEW-P	93-08-107	246-924-357	NEW-P	93-02-067
246-851-360	AMD	93-18-092	246-901-065	NEW	93-17-097	246-924-357	NEW	93-07-036
246-851-520	REVIEW	93-03-030	246-903-010	AMD	93-04-016	246-924-358	NEW-P	93-02-067
246-851-530	REVIEW	93-03-030	246-903-020	AMD	93-04-016	246-924-358	NEW	93-07-036
246-851-530	REP-P	93-08-079	246-907-030	AMD	93-05-045	246-924-359	NEW-P	93-02-067
246-851-530	REP	93-18-092	246-907-030	AMD-P	93-12-003	246-924-359	NEW	93-07-036
246-851-540	NEW-P	93-08-079	246-907-030	AMD	93-18-015	246-924-360	REP-P	93-02-067
246-851-550	NEW-P	93-08-079	246-915-020	AMD	93-04-081	246-924-360	REP	93-07-036
246-851-560	NEW-P	93-08-079	246-915-080	AMD	93-04-081	246-924-361	NEW-P	93-02-067
246-853-020	AMD-P	93-17-095	246-915-085	NEW-W	93-04-082	246-924-361	NEW	93-07-036
246-853-190	AMD-P	93-17-095	246-915-120	AMD	93-04-081	246-924-363	NEW-P	93-02-067
246-853-275	NEW-P	93-17-095	246-915-140	AMD-W	93-04-082	246-924-363	NEW	93-07-036
246-854-020	AMD-P	93-17-095	246-915-145	NEW-W	93-04-082	246-924-364	NEW-P	93-02-067
246-854-030	AMD-P	93-17-095	246-917-100	AMD-P	93-17-043	246-924-364	NEW	93-07-036
246-854-040	AMD-P	93-17-095	246-917-110	AMD-P	93-17-043	246-924-365	NEW-P	93-02-067
246-854-050	AMD-P	93-17-095	246-917-120	AMD-P	93-17-043	246-924-365	NEW	93-07-036
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246-854-080	AMD-P	93-17-095	246-917-121	AMD	93-11-008	246-924-366	NEW	93-07-036
246-854-090	AMD-P	93-17-095	246-917-220	NEW-P	93-17-043	246-924-367	NEW-P	93-02-067
246-854-100	REP-P	93-17-095	246-917-990	AMD-W	93-11-073	246-924-367	NEW	93-07-036
246-854-110	NEW-P	93-17-095	246-917-990	AMD-P	93-12-122	246-924-370	REP-P	93-02-067
246-854-115	NEW-P	93-17-095	246-917-990	AMD-E	93-12-124	246-924-370	REP	93-07-036
246-857-020	REP	93-04-017	246-917-990	AMD	93-16-102	246-924-380	REP-P	93-02-067
246-857-030	REP	93-04-017	246-918-005	AMD-P	93-17-042	246-924-380	REP	93-07-036
246-857-040	REP	93-04-017	246-918-009	NEW-P	93-17-042	246-924-390	REP-P	93-02-067
246-857-050	REP	93-04-017	246-918-250	AMD-P	93-17-042	246-924-390	REP	93-07-036
246-857-060	REP	93-04-017	246-918-260	AMD-P	93-05-047	246-924-400	REP-P	93-02-067
246-857-070	REP	93-04-017	246-918-260	AMD	93-11-008	246-924-400	REP	93-07-036
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246-857-090	REP	93-04-017	246-922-033	NEW-P	93-19-150	246-924-410	REP	93-07-036
246-857-100	REP	93-04-017	246-922-035	NEW-P	93-08-082	246-924-420	REP-P	93-02-067
246-857-110	REP	93-04-017	246-922-035	NEW	93-18-036	246-924-420	REP	93-07-036
246-857-120	REP	93-04-017	246-922-100	AMD-P	93-19-150	246-924-430	REP-P	93-02-067
246-857-130	REP	93-04-017	246-922-110	REP-P	93-19-150	246-924-430	REP	93-07-036
246-857-140	REP	93-04-017	246-922-120	AMD-P	93-19-150	246-924-440	REP-P	93-02-067
246-857-150	REP	93-04-017	246-922-220	REP-P	93-19-150	246-924-440	REP	93-07-036
246-857-160	REP	93-04-017	246-922-235	NEW-P	93-08-082	246-924-450	REP-P	93-02-067
246-857-170	REP	93-04-017	246-922-235	NEW	93-18-036	246-924-450	REP	93-07-036
246-857-180	REP	93-04-017	246-922-250	REP-P	93-19-150	246-924-475	NEW-P	93-11-038
246-857-190	REP	93-04-017	246-922-260	AMD-P	93-19-150	246-924-475	NEW-E	93-12-042
246-857-200	REP	93-04-017	246-922-275	NEW-P	93-08-082	246-924-475	NEW	93-16-027
246-857-210	REP	93-04-017	246-922-275	NEW	93-18-036	246-930-499	AMD-P	93-10-072
246-857-220	REP	93-04-017	246-922-300	AMD-P	93-19-150	246-930-499	AMD	93-14-095
246-857-230	REP	93-04-017	246-922-310	AMD-P	93-19-150	246-933-010	AMD-P	93-04-079
246-857-240	REP	93-04-017	246-924-040	AMD-P	93-02-065	246-933-010	AMD	93-08-029
246-857-250	REP	93-04-017	246-924-040	AMD	93-06-092	246-933-180	NEW-P	93-04-079
246-857-260	REP	93-04-017	246-924-050	AMD-P	93-02-065	246-933-180	NEW	93-08-029
246-857-270	REP	93-04-017	246-924-050	AMD	93-06-092	246-933-190	NEW-P	93-13-052
246-857-280	REP	93-04-017	246-924-055	NEW-P	93-02-065	246-933-980	AMD-P	93-04-079
246-857-290	REP	93-04-017	246-924-055	NEW	93-06-092	246-933-980	AMD	93-08-029
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246-935-060	AMD-P	93-08-081	250-40-060	AMD-E	93-13-034	250-62-160	NEW-S	93-18-027
246-935-060	AMD	93-12-126	250-40-070	AMD-P	93-11-093	250-62-170	NEW-P	93-12-106
246-935-070	AMD-P	93-04-079	250-40-070	AMD-E	93-13-034	250-62-170	NEW-S	93-18-027
246-935-070	AMD	93-08-029	250-44-050	AMD	93-07-061	250-62-180	NEW-P	93-12-106
246-935-080	REP-P	93-04-079	250-44-110	AMD	93-07-061	250-62-180	NEW-S	93-18-027
246-935-080	REP	93-08-029	250-44-130	AMD	93-07-061	250-62-190	NEW-P	93-12-106
246-935-125	AMD-P	93-04-079	250-61-010	REP-P	93-12-106	250-62-190	NEW-S	93-18-027
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246-935-990	AMD-P	93-10-071	250-61-020	REP-P	93-12-106	250-62-200	NEW-S	93-18-027
246-935-990	AMD	93-14-011	250-61-020	REP-S	93-18-027	250-62-210	NEW-P	93-12-106
246-976-470	AMD-P	93-13-124	250-61-030	REP-P	93-12-106	250-62-210	NEW-S	93-18-027
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246-976-520	AMD-P	93-13-124	250-61-040	REP-P	93-12-106	250-65-030	AMD-P	93-11-089
246-976-560	AMD-P	93-13-124	250-61-040	REP-S	93-18-027	250-65-030	AMD	93-19-022
246-976-600	AMD-P	93-13-124	250-61-050	REP-P	93-12-106	250-65-040	AMD-P	93-11-089
246-976-610	AMD-P	93-13-124	250-61-050	REP-S	93-18-027	250-65-040	AMD	93-19-022
246-976-650	AMD-P	93-13-124	250-61-060	REP-P	93-12-106	250-65-050	AMD-P	93-11-089
246-976-680	AMD-P	93-13-124	250-61-060	REP-S	93-18-027	250-65-050	AMD	93-19-022
246-976-720	AMD-P	93-13-124	250-61-070	REP-P	93-12-106	250-65-060	AMD-P	93-11-089
246-976-730	AMD-P	93-13-124	250-61-070	REP-S	93-18-027	250-65-060	AMD	93-19-022
246-976-770	AMD-P	93-13-124	250-61-080	REP-P	93-12-106	250-66-020	AMD-P	93-11-094
246-976-780	AMD-P	93-13-124	250-61-080	REP-S	93-18-027	250-66-020	AMD-C	93-14-103
246-976-790	AMD-P	93-13-124	250-61-090	REP-P	93-12-106	250-66-020	AMD	93-19-014
246-976-810	AMD-P	93-13-124	250-61-090	REP-S	93-18-027	250-70-030	AMD-P	93-11-090
246-976-820	AMD-P	93-13-124	250-61-100	REP-P	93-12-106	250-70-030	AMD-C	93-14-100
246-976-830	NEW-P	93-13-124	250-61-100	REP-S	93-18-027	250-70-030	AMD	93-19-024
246-976-840	NEW-P	93-13-124	250-61-110	REP-P	93-12-106	250-76-020	AMD-P	93-11-091
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251-19-010	AMD-P	93-16-095	275-19-530	REP-P	93-18-008	275-56-610	NEW-E	93-19-098
251-19-010	AMD	93-19-078	275-19-550	REP-P	93-18-008	275-56-620	NEW-P	93-19-095
251-19-060	AMD-E	93-13-008	275-19-560	REP-P	93-18-008	275-56-620	NEW-E	93-19-098
251-19-060	AMD-P	93-16-095	275-19-570	REP-P	93-18-008	275-56-630	NEW-P	93-19-095
251-19-060	AMD	93-19-078	275-19-580	REP-P	93-18-008	275-56-630	NEW-E	93-19-098
251-19-100	AMD-E	93-13-008	275-19-585	REP-P	93-18-008	275-56-640	NEW-P	93-19-095
251-19-100	AMD-P	93-16-095	275-19-590	REP-P	93-18-008	275-56-640	NEW-E	93-19-098
251-19-100	AMD	93-19-078	275-19-595	REP-P	93-18-008	275-56-650	NEW-P	93-19-095
251-22-116	NEW	93-14-115	275-19-600	REP-P	93-18-008	275-56-650	NEW-E	93-19-098
251-22-167	AMD-P	93-11-103	275-19-610	REP-P	93-18-008	275-56-660	NEW-P	93-19-095
251-22-167	AMD	93-14-115	275-19-650	REP-P	93-18-008	275-56-660	NEW-E	93-19-098
251-22-167	AMD	93-16-061	275-19-660	REP-P	93-18-008	275-56-670	NEW-P	93-19-095
251-22-195	AMD-P	93-11-103	275-19-675	REP-P	93-18-008	275-56-670	NEW-E	93-19-098
251-22-195	AMD	93-14-115	275-19-680	REP-P	93-18-008	275-56-680	NEW-P	93-19-095
251-22-195	AMD	93-16-061	275-19-700	REP-P	93-18-008	275-56-680	NEW-E	93-19-098
251-22-197	NEW-P	93-11-103	275-19-710	REP-P	93-18-008	275-56-690	NEW-P	93-19-095
251-22-197	NEW	93-14-115	275-19-750	REP-P	93-18-008	275-56-690	NEW-E	93-19-098
251-22-200	AMD-P	93-11-103	275-19-760	REP-P	93-18-008	275-56-700	NEW-P	93-19-095
251-22-200	AMD	93-14-115	275-19-770	REP-P	93-18-008	275-56-700	NEW-E	93-19-098
251-22-215	REP	93-06-032	275-19-800	REP-P	93-18-008	275-56-710	NEW-P	93-19-095
260-32-115	NEW-P	93-18-071	275-19-810	REP-P	93-18-008	275-56-710	NEW-E	93-19-098
260-44-060	AMD-P	93-18-070	275-19-820	REP-P	93-18-008	275-56-720	NEW-P	93-19-095
260-48-110	AMD-E	93-09-008	275-19-830	REP-P	93-18-008	275-56-720	NEW-E	93-19-098
260-48-110	AMD-P	93-11-060	275-19-900	REP-P	93-18-008	275-55-020	AMD-P	93-14-073
260-48-110	AMD	93-14-124	275-19-910	REP-P	93-18-008	275-55-020	AMD	93-17-027
260-48-328	AMD-P	93-11-101	275-19-920	REP-P	93-18-008	275-55-050	AMD-P	93-14-073
260-48-328	AMD	93-14-125	275-19-930	REP-P	93-18-008	275-55-050	AMD	93-17-027
260-48-331	NEW-P	93-11-102	275-19-940	REP-P	93-18-008	284-07-060	NEW-C	93-04-062
260-48-331	NEW	93-14-126	275-19-950	REP-P	93-18-008	284-07-060	NEW	93-07-020
260-70-025	AMD-E	93-15-020	275-19-960	REP-P	93-18-008	284-07-070	NEW-P	93-15-105
260-70-025	AMD-P	93-18-072	275-19-970	REP-P	93-18-008	284-07-070	NEW	93-19-003
260-70-028	AMD-E	93-15-021	275-19-980	REP-P	93-18-008	284-12-200	NEW-P	93-15-111
260-70-028	AMD-P	93-18-073	275-19-985	REP-P	93-18-008	284-12-200	NEW	93-19-009
275-16-030	AMD-P	93-16-002	275-19-990	REP-P	93-18-008	284-12-210	NEW-P	93-15-111
275-16-030	AMD-E	93-16-004	275-25	AMD-E	93-11-051	284-12-210	NEW	93-19-009
275-16-030	AMD-S	93-19-055	275-25	AMD-P	93-11-053	284-12-220	NEW-P	93-15-111
275-19-010	REP-P	93-18-008	275-25	AMD	93-15-013	284-12-220	NEW	93-19-009
275-19-020	REP-P	93-18-008	275-25-010	AMD-E	93-11-051	284-12-230	NEW-P	93-15-111
275-19-030	REP-P	93-18-008	275-25-010	AMD-P	93-11-053	284-12-230	NEW	93-19-009
275-19-040	REP-P	93-18-008	275-25-010	AMD	93-15-013	284-12-250	NEW-P	93-15-111
275-19-050	REP-P	93-18-008	275-25-040	AMD-E	93-11-051	284-12-250	NEW	93-19-009
275-19-060	REP-P	93-18-008	275-25-040	AMD-P	93-11-053	284-12-260	NEW-P	93-15-111
275-19-070	REP-P	93-18-008	275-25-040	AMD	93-15-013	284-12-260	NEW	93-19-009
275-19-075	REP-P	93-18-008	275-25-300	REP-E	93-11-051	284-12-270	NEW-P	93-15-111
275-19-080	REP-P	93-18-008	275-25-300	REP-P	93-11-053	284-12-270	NEW	93-19-009
275-19-100	REP-P	93-18-008	275-25-300	REP	93-15-013	284-12-280	NEW-P	93-15-111
275-19-110	REP-P	93-18-008	275-25-310	REP-E	93-11-051	284-12-280	NEW	93-19-009
275-19-130	REP-P	93-18-008	275-25-310	REP-P	93-11-053	284-13-160	NEW-P	93-15-106
275-19-135	REP-P	93-18-008	275-25-310	REP	93-15-013	284-13-160	NEW	93-19-004
275-19-140	REP-P	93-18-008	275-25-330	REP-E	93-11-051	284-13-210	NEW-P	93-15-109
275-19-145	REP-P	93-18-008	275-25-330	REP-P	93-11-053	284-13-210	NEW	93-19-007
275-19-150	REP-P	93-18-008	275-25-330	REP	93-15-013	284-13-220	NEW-P	93-15-109
275-19-160	REP-P	93-18-008	275-25-340	REP-E	93-11-051	284-13-220	NEW	93-19-007
275-19-165	REP-P	93-18-008	275-25-340	REP-P	93-11-053	284-13-280	NEW-P	93-15-112
275-19-170	REP-P	93-18-008	275-25-340	REP	93-15-013	284-13-280	NEW	93-19-010
275-19-180	REP-P	93-18-008	275-25-810	REP-E	93-11-051	284-13-310	NEW-P	93-15-114
275-19-200	REP-P	93-18-008	275-25-810	REP-P	93-11-053	284-13-310	NEW	93-19-012
275-19-210	REP-P	93-18-008	275-25-810	REP	93-15-013	284-13-320	NEW-P	93-15-114

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284-13-330	NEW-P	93-15-114	284-18-120	REP	93-19-005	284-92-240	NEW-P	93-15-108
284-13-330	NEW	93-19-012	284-18-300	NEW-P	93-15-107	284-92-240	NEW	93-19-006
284-13-340	NEW-P	93-15-114	284-18-300	NEW	93-19-005	284-92-250	NEW-P	93-15-108
284-13-340	NEW	93-19-012	284-18-310	NEW-P	93-15-107	284-92-250	NEW	93-19-006
284-13-350	NEW-P	93-15-114	284-18-310	NEW	93-19-005	284-92-260	NEW-P	93-15-108
284-13-350	NEW	93-19-012	284-18-320	NEW-P	93-15-107	284-92-260	NEW	93-19-006
284-13-360	NEW-P	93-15-114	284-18-320	NEW	93-19-005	284-92-270	NEW-P	93-15-108
284-13-360	NEW	93-19-012	284-18-330	NEW-P	93-15-107	284-92-270	NEW	93-19-006
284-13-370	NEW-P	93-15-114	284-18-330	NEW	93-19-005	284-92-280	NEW-P	93-15-108
284-13-370	NEW	93-19-012	284-18-340	NEW-P	93-15-107	284-92-280	NEW	93-19-006
284-13-380	NEW-P	93-15-114	284-18-340	NEW	93-19-005	284-92-290	NEW-P	93-15-108
284-13-380	NEW	93-19-012	284-18-350	NEW-P	93-15-107	284-92-290	NEW	93-19-006
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284-13-390	NEW	93-19-012	284-18-360	NEW-P	93-15-107	284-92-410	NEW	93-19-006
284-13-400	NEW-P	93-15-114	284-18-360	NEW	93-19-005	284-92-420	NEW-P	93-15-108
284-13-400	NEW	93-19-012	284-18-370	NEW-P	93-15-107	284-92-420	NEW	93-19-006
284-13-410	NEW-P	93-15-114	284-18-370	NEW	93-19-005	284-92-430	NEW-P	93-15-108
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284-13-420	NEW-P	93-15-114	284-18-380	NEW	93-19-005	284-92-440	NEW-P	93-15-108
284-13-420	NEW	93-19-012	284-18-390	NEW-P	93-15-107	284-92-440	NEW	93-19-006
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284-13-510	NEW-P	93-15-104	284-18-400	NEW	93-19-005	284-92-460	NEW-P	93-15-108
284-13-510	NEW	93-19-002	284-18-410	NEW-P	93-15-107	284-92-460	NEW	93-19-006
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284-13-520	NEW	93-19-002	284-18-420	NEW-P	93-15-107	284-92-470	NEW	93-19-006
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284-13-550	NEW-P	93-15-104	284-18-430	NEW	93-19-005	284-92-490	NEW-P	93-15-108
284-13-550	NEW	93-19-002	284-18-440	NEW-P	93-15-107	284-92-490	NEW	93-19-006
284-13-560	NEW-P	93-15-104	284-18-440	NEW	93-19-005	284-92-500	NEW-P	93-15-108
284-13-560	NEW	93-19-002	284-18-450	NEW-P	93-15-107	284-92-500	NEW	93-19-006
284-13-570	NEW-P	93-15-104	284-18-450	NEW	93-19-005	284-92-510	NEW-P	93-15-108
284-13-570	NEW	93-19-002	284-18-460	NEW-P	93-15-107	284-92-510	NEW	93-19-006
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284-13-700	NEW-P	93-15-113	284-18-920	NEW	93-19-005	296-14-350	AMD-P	98-18-105
284-13-700	NEW	93-19-011	284-18-930	NEW-P	93-15-107	296-14-420	AMD-P	98-18-105
284-13-710	NEW-P	93-15-113	284-18-930	NEW	93-19-005	296-14-900	AMD-P	98-18-105
284-13-710	NEW	93-19-011	284-18-940	NEW-P	93-15-107	296-14-910	AMD-P	98-18-105
284-13-720	NEW-P	93-15-113	284-18-940	NEW	93-19-005	296-14-930	AMD-P	98-18-105
284-13-720	NEW	93-19-011	284-18-990	REP-P	93-15-107	296-14-940	AMD-P	98-18-105
284-13-730	NEW-P	93-15-113	284-18-990	REP	93-19-005	296-14-950	REP-P	98-18-105
284-13-730	NEW	93-19-011	284-18-99001	REP-P	93-15-107	296-14-960	REP-P	98-18-105
284-13-740	NEW-P	93-15-113	284-18-99001	REP	93-19-005	296-15-022	AMD-P	93-07-115
284-13-740	NEW	93-19-011	284-22-010	AMD-P	93-14-072	296-15-022	AMD	93-11-064
284-15-100	NEW-P	93-15-110	284-22-010	AMD-P	93-17-105	296-15-023	AMD-P	93-07-115
284-15-100	NEW	93-19-008	284-22-020	AMD-P	93-14-072	296-15-023	AMD	93-11-064
284-18-010	REP-P	93-15-107	284-22-020	AMD-P	93-17-105	296-15-030	AMD-P	93-07-115
284-18-010	REP	93-19-005	284-22-030	AMD-P	93-14-072	296-15-030	AMD	93-11-064
284-18-020	REP-P	93-15-107	284-22-030	AMD-P	93-17-105	296-15-060	AMD-P	93-07-115
284-18-020	REP	93-19-005	284-22-050	AMD-P	93-14-072	296-15-060	AMD	93-11-064
284-18-030	REP-P	93-15-107	284-22-050	AMD-P	93-17-105	296-15-065	AMD-P	93-07-115
284-18-030	REP	93-19-005	284-22-060	AMD-P	93-14-072	296-15-065	AMD	93-11-064
284-18-040	REP-P	93-15-107	284-22-060	AMD-P	93-17-105	296-17-350	AMD-P	93-07-114
284-18-040	REP	93-19-005	284-32-140	AMD-P	93-15-103	296-17-350	AMD	93-12-093
284-18-050	REP-P	93-15-107	284-32-140	AMD	93-19-001	296-17-430	AMD-P	93-07-114
284-18-050	REP	93-19-005	284-44-241	NEW-P	93-15-092	296-17-430	AMD	93-12-093
284-18-060	REP-P	93-15-107	284-44-241	NEW-C	93-18-074	296-17-440	AMD-P	93-07-114
284-18-060	REP	93-19-005	284-46-576	NEW-P	93-15-093	296-17-440	AMD	93-12-093
284-18-070	REP-P	93-15-107	284-46-576	NEW-C	93-18-074	296-17-450	AMD-P	93-07-114
284-18-070	REP	93-19-005	284-92-010	NEW-P	93-15-108	296-17-450	AMD	93-12-093
284-18-080	REP-P	93-15-107	284-92-010	NEW	93-19-006	296-17-501	AMD-P	93-07-114
284-18-080	REP	93-19-005	284-92-020	NEW-P	93-15-108	296-17-501	AMD	93-12-093
284-18-090	REP-P	93-15-107	284-92-020	NEW	93-19-006	296-17-506	AMD-P	93-07-114
284-18-090	REP	93-19-005	284-92-210	NEW-P	93-15-108	296-17-506	AMD	93-12-093
284-18-100	REP-P	93-15-107	284-92-210	NEW	93-19-006	296-17-50601	AMD-P	93-07-114
284-18-100	REP	93-19-005	284-92-220	NEW-P	93-15-108	296-17-50601	AMD	93-12-093
284-18-110	REP-P	93-15-107	284-92-220	NEW	93-19-006	296-17-50602	AMD-P	93-07-114
284-18-110	REP	93-19-005	284-92-230	NEW-P	93-15-108	296-17-50602	AMD	93-12-093

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296-17-521	AMD	93-12-093	296-17-690	AMD-P	93-07-114	296-20-065	AMD-P	93-11-095
296-17-52102	AMD-P	93-07-114	296-17-690	AMD	93-12-093	296-20-065	AMD	93-16-072
296-17-52102	AMD	93-12-093	296-17-700	AMD-P	93-07-114	296-20-098	NEW-P	93-18-105
296-17-52108	AMD-P	93-07-114	296-17-700	AMD	93-12-093	296-20-110	AMD-P	93-11-095
296-17-52108	AMD	93-12-093	296-17-704	AMD-P	93-07-114	296-20-110	AMD	93-16-072
296-17-52110	AMD-P	93-07-114	296-17-704	AMD	93-12-093	296-20-1102	AMD-P	93-11-095
296-17-52110	AMD	93-12-093	296-17-707	AMD-P	93-07-114	296-20-1102	AMD	93-16-072
296-17-524	AMD-P	93-07-114	296-17-707	AMD	93-12-093	296-20-1103	AMD-P	93-11-095
296-17-524	AMD	93-12-093	296-17-708	AMD-P	93-07-114	296-20-1103	AMD	93-16-072
296-17-526	AMD-P	93-07-114	296-17-708	AMD	93-12-093	296-20-115	REP-P	93-11-095
296-17-526	AMD	93-12-093	296-17-710	AMD-P	93-07-114	296-20-115	REP	93-16-072
296-17-527	AMD-P	93-07-114	296-17-710	AMD	93-12-093	296-20-120	AMD-P	93-11-095
296-17-527	AMD	93-12-093	296-17-715	AMD-P	93-07-114	296-20-120	AMD	93-16-072
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296-17-538	AMD	93-12-093	296-17-724	AMD-P	93-07-114	296-20-12501	AMD	93-16-072
296-17-545	AMD-P	93-07-114	296-17-724	AMD	93-12-093	296-20-12502	REP-P	93-11-095
296-17-545	AMD	93-12-093	296-17-747	AMD-P	93-07-114	296-20-12502	REP	93-16-072
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296-17-555	AMD	93-12-093	296-17-758	AMD-P	93-07-114	296-20-132	AMD	93-16-072
296-17-56101	NEW-P	93-07-114	296-17-758	AMD	93-12-093	296-20-135	AMD-P	93-11-095
296-17-56101	NEW	93-12-093	296-17-759	AMD-P	93-07-114	296-20-135	AMD	93-16-072
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296-17-57001	AMD	93-12-093	296-17-76202	AMD-P	93-07-114	296-21-140	REP	93-16-072
296-17-57002	AMD-P	93-07-114	296-17-76202	AMD	93-12-093	296-21-150	REP-P	93-11-095
296-17-57002	AMD	93-12-093	296-17-76204	AMD-P	93-07-114	296-21-150	REP	93-16-072
296-17-57003	AMD-P	93-07-114	296-17-76204	AMD	93-12-093	296-21-160	REP-P	93-11-095
296-17-57003	AMD	93-12-093	296-17-76205	AMD-P	93-07-114	296-21-160	REP	93-16-072
296-17-572	AMD-P	93-07-114	296-17-76205	AMD	93-12-093	296-21-170	REP-P	93-11-095
296-17-572	AMD	93-12-093	296-17-777	AMD-P	93-07-114	296-21-170	REP	93-16-072
296-17-574	AMD-P	93-07-114	296-17-777	AMD	93-12-093	296-21-180	REP-P	93-11-095
296-17-574	AMD	93-12-093	296-17-855	AMD-P	93-07-114	296-21-180	REP	93-16-072
296-17-579	AMD-P	93-07-114	296-17-855	AMD	93-12-093	296-21-190	REP-P	93-11-095
296-17-579	AMD	93-12-093	296-17-873	AMD-P	93-07-114	296-21-190	REP	93-16-072
296-17-580	AMD-P	93-07-114	296-17-873	AMD	93-12-093	296-21-200	REP-P	93-11-095
296-17-580	AMD	93-12-093	296-17-895	AMD-P	93-07-114	296-21-200	REP	93-16-072
296-17-582	AMD-P	93-07-114	296-17-895	AMD	93-12-093	296-21-210	REP-P	93-11-095
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296-17-58201	AMD-P	93-07-114	296-17-89501	NEW	93-12-093	296-21-230	REP-P	93-11-095
296-17-58201	AMD	93-12-093	296-17-896	REP-P	93-07-114	296-21-230	REP	93-16-072
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296-17-584	AMD	93-12-093	296-17-911	AMD-P	93-15-102	296-21-240	NEW	93-16-072
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296-17-58502	NEW	93-12-093	296-17-917	AMD-P	93-15-102	296-21-250	NEW	93-16-072
296-17-594	AMD-P	93-07-114	296-17-917	AMD	93-18-083	296-21-260	NEW-P	93-11-095
296-17-594	AMD	93-12-093	296-20-010	AMD-P	93-11-095	296-21-260	NEW	93-16-072
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296-17-618	AMD-P	93-07-114	296-20-015	AMD	93-16-072	296-21-290	NEW-P	93-11-095
296-17-618	AMD	93-12-093	296-20-01501	AMD-P	93-11-095	296-21-290	NEW	93-16-072
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296-17-61804	AMD	93-12-093	296-20-020	AMD-P	93-11-095	296-21-300	NEW	93-16-072
296-17-646	AMD-P	93-07-114	296-20-020	AMD	93-16-072	296-21-310	NEW-P	93-11-095
296-17-646	AMD	93-12-093	296-20-023	AMD-P	93-18-105	296-21-310	NEW	93-16-072
296-17-669	AMD-P	93-07-114	296-20-030	AMD-P	93-11-095	296-21-320	NEW-P	93-11-095
296-17-669	AMD	93-12-093	296-20-030	AMD	93-16-072	296-21-320	NEW	93-16-072
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296-17-676	AMD	93-12-093	296-20-03001	AMD	93-16-072	296-21A-010	REP	93-16-072
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296-23-50004	REP	93-16-072	296-23A-230	AMD-P	93-11-095	296-46-090	AMD	93-06-072
296-23-50005	REP-P	93-11-095	296-23A-230	AMD	93-16-072	296-46-140	AMD	93-06-072
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296-23-810	REP-P	93-11-095	296-23A-320	AMD	93-16-072	296-62-07405	NEW-P	93-02-057
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296-23A-115	AMD-P	93-11-095	296-23A-415	REP	93-16-072	296-62-07423	NEW	93-07-044
296-23A-115	AMD	93-16-072	296-23A-420	REP-P	93-11-095	296-62-07423	AMD-P	93-16-108
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296-62-07431	NEW	93-07-044	296-62-14519	AMD-P	93-10-101	296-155-17321	NEW	93-04-111
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296-62-07441	NEW	93-07-044	296-62-14523	AMD-P	93-10-101	296-155-17329	NEW	93-04-111
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296-62-07443	NEW	93-07-044	296-62-14525	AMD-W	93-19-141	296-155-17335	NEW	93-04-111
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296-62-07445	NEW	93-07-044	296-62-14527	AMD-W	93-19-141	296-155-17339	NEW	93-04-111
296-62-07445	AMD-P	93-16-108	296-62-14529	AMD-P	93-10-101	296-155-17341	NEW	93-04-111
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296-62-07447	NEW	93-07-044	296-62-14540	NEW-P	93-10-101	296-155-17345	NEW	93-04-111
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296-62-07449	NEW	93-07-044	296-62-14542	AMD-W	93-19-141	296-155-17351	NEW	93-04-111
296-62-07449	AMD-P	93-16-108	296-62-14545	NEW-P	93-10-101	296-155-17353	NEW	93-04-111
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296-62-07605	NEW	93-04-111	296-62-14551	AMD-W	93-19-141	296-155-176	NEW-P	93-17-106
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296-62-14501	AMD-P	93-10-101	296-116-360	AMD	93-07-077	296-155-20307	AMD-W	93-19-141
296-62-14501	AMD-W	93-19-141	296-125-070	NEW	93-04-112	296-155-24510	AMD-P	93-10-101
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296-62-14507	AMD-W	93-19-141	296-155-173	NEW	93-04-111	296-155-310	AMD-P	93-10-101
296-62-14509	AMD-P	93-10-101	296-155-17301	NEW	93-04-111	296-155-310	AMD	93-19-142
296-62-14509	AMD-W	93-19-141	296-155-17303	NEW	93-04-111	296-155-375	AMD	93-04-111
296-62-14511	AMD-P	93-10-101	296-155-17305	NEW	93-04-111	296-155-444	AMD-P	93-10-101
296-62-14511	AMD-W	93-19-141	296-155-17307	NEW	93-04-111	296-155-444	AMD	93-19-142
296-62-14513	AMD-P	93-10-101	296-155-17309	NEW	93-04-111	296-155-447	AMD-P	93-10-101
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296-304-03005	AMD	93-19-142	296-306-146	NEW-W	93-10-041	308-30-180	NEW-W	93-08-083
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296-306-06111	NEW-W	93-10-041	308-13-022	REP-P	93-12-105	308-61-210	REP	93-08-076
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296-306-06413	NEW-W	93-10-041	308-18-150	AMD-P	93-07-098	308-61-405	REP	93-08-076
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356-05-307	NEW-W	93-16-021	356-18-150	AMD-C	93-12-084	356-47-045	REP-P	93-14-063
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388-15-630	AMD-P	93-11-085	388-34-025	REP-W	93-08-113	388-34-375	REP-P	93-16-106
388-15-630	AMD	93-13-135	388-34-025	REP-P	93-16-106	388-34-375	REP	93-19-134
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388-15-830	AMD	93-10-023	388-34-035	REP-P	93-16-106	388-34-376	REP	93-19-134
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388-82-150	AMD-P	93-08-022	388-86-00902	AMD	93-17-039	388-88-099	REP-E	93-16-003
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388-82-160	AMD-E	93-08-023	388-86-021	AMD	93-11-048	388-88-099	REP-P	93-18-086
388-82-160	AMD	93-11-049	388-86-022	AMD-E	93-18-038	388-88-102	REP-E	93-16-003
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388-83-006	AMD	93-17-038	388-86-024	AMD-E	93-14-031	388-88-102	RESCIND	93-18-085
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388-83-026	AMD	93-06-038	388-86-100	AMD-W	93-05-019	388-88-150	NEW-W	93-18-084
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388-88-170	NEW-P	93-16-005	388-96-521	AMD-P	93-14-078	388-96-757	NEW-P	93-14-078
388-88-170	NEW-W	93-18-084	388-96-521	AMD-E	93-14-079	388-96-757	NEW-E	93-14-079
388-88-170	RESCIND	93-18-085	388-96-521	AMD	93-19-074	388-96-757	NEW	93-19-074
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388-88-180	NEW-E	93-16-003	388-96-523	AMD-E	93-14-079	388-96-762	AMD-E	93-14-079
388-88-180	NEW-P	93-16-005	388-96-523	AMD	93-19-074	388-96-762	AMD	93-19-074
388-88-180	NEW-W	93-18-084	388-96-525	AMD-P	93-14-078	388-96-764	AMD-P	93-14-078
388-88-180	RESCIND	93-18-085	388-96-525	AMD-E	93-14-079	388-96-764	AMD-E	93-14-079
388-88-180	NEW-P	93-18-086	388-96-525	AMD	93-19-074	388-96-764	AMD	93-19-074
388-88-190	NEW-E	93-16-003	388-96-529	AMD-P	93-14-078	388-96-765	AMD-P	93-14-078
388-88-190	NEW-P	93-16-005	388-96-529	AMD-E	93-14-079	388-96-765	AMD-E	93-14-079
388-88-190	NEW-W	93-18-084	388-96-529	AMD	93-19-074	388-96-765	AMD	93-19-074
388-88-190	RESCIND	93-18-085	388-96-531	AMD-P	93-14-078	388-96-768	AMD-P	93-14-078
388-88-190	NEW-P	93-18-086	388-96-531	AMD-E	93-14-079	388-96-768	AMD-E	93-14-079
388-92-025	AMD-P	93-07-122	388-96-531	AMD	93-19-074	388-96-768	AMD	93-19-074
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388-92-027	NEW-P	93-07-122	388-96-533	AMD-E	93-14-079	388-96-774	AMD	93-12-051
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388-92-036	AMD	93-08-112	388-96-535	AMD	93-19-074	388-96-775	REP-P	93-14-078
388-92-045	AMD-P	93-03-026	388-96-569	AMD-P	93-14-078	388-96-775	REP-E	93-14-079
388-92-045	AMD-E	93-03-028	388-96-569	AMD-E	93-14-079	388-96-775	REP	93-19-074
388-92-045	AMD	93-06-038	388-96-569	AMD	93-19-074	388-99-010	AMD-P	93-03-060
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388-95-310	NEW-W	93-08-113	388-96-572	AMD	93-12-051	388-99-010	AMD	93-06-037
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388-95-360	AMD	93-06-041	388-96-710	AMD-P	93-14-075	388-99-055	AMD	93-07-125
388-95-360	AMD-P	93-08-022	388-96-710	AMD-E	93-14-077	388-99-055	AMD-P	93-17-049
388-95-360	AMD-E	93-08-023	388-96-710	AMD	93-17-033	388-99-055	AMD	93-19-135
388-95-360	AMD	93-11-049	388-96-713	AMD-P	93-14-078	388-99-060	AMD-P	93-13-024
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388-96-010	AMD-E	93-14-079	388-96-713	AMD	93-19-074	388-99-060	AMD	93-16-040
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388-96-026	AMD-P	93-08-065	388-96-719	AMD-E	93-14-079	388-150-020	AMD	93-18-001
388-96-026	AMD	93-12-051	388-96-719	AMD	93-19-074	388-150-060	AMD-P	93-13-056
388-96-113	AMD-P	93-08-065	388-96-722	AMD-P	93-14-078	388-150-060	AMD	93-18-001
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388-96-210	AMD-P	93-14-078	388-96-722	AMD	93-19-074	388-150-070	AMD	93-18-001
388-96-210	AMD-E	93-14-079	388-96-727	AMD-P	93-14-078	388-150-150	AMD-P	93-13-056
388-96-210	AMD	93-19-074	388-96-727	AMD-E	93-14-079	388-150-150	AMD	93-18-001
388-96-226	AMD-P	93-14-078	388-96-727	AMD	93-19-074	388-150-160	AMD-P	93-13-056
388-96-226	AMD-E	93-14-079	388-96-735	AMD-P	93-14-078	388-150-160	AMD	93-18-001
388-96-226	AMD	93-19-074	388-96-735	AMD-E	93-14-079	388-150-165	AMD-P	93-13-056
388-96-228	AMD-P	93-14-078	388-96-735	AMD	93-19-074	388-150-165	AMD	93-18-001
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388-96-228	AMD	93-19-074	388-96-737	NEW-E	93-14-079	388-150-170	AMD	93-18-001
388-96-505	AMD-P	93-14-078	388-96-737	NEW	93-19-074	388-150-180	AMD-P	93-13-056
388-96-505	AMD-E	93-14-079	388-96-745	AMD-P	93-14-078	388-150-180	AMD	93-18-001
388-96-505	AMD	93-19-074	388-96-745	AMD-E	93-14-079	388-150-190	AMD-P	93-13-056
388-96-508	AMD-P	93-14-078	388-96-745	AMD	93-19-074	388-150-190	AMD	93-18-001
388-96-508	AMD-E	93-14-079	388-96-754	AMD-P	93-08-065	388-150-200	AMD-P	93-13-056
388-96-508	AMD	93-19-074	388-96-754	AMD-W	93-12-048	388-150-200	AMD	93-18-001
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388-150-220	AMD	93-18-001	388-160-230	NEW	93-15-124	388-230-0040	NEW	93-16-059
388-150-240	AMD-P	93-13-056	388-160-230	NEW-P	93-05-031	388-230-0050	NEW-P	93-08-064
388-150-240	AMD	93-18-001	388-160-230	NEW	93-15-124	388-230-0050	NEW	93-16-059
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388-150-250	AMD	93-18-001	388-160-240	NEW	93-15-124	388-230-0060	NEW	93-16-059
388-150-270	AMD-P	93-13-056	388-160-250	NEW-P	93-05-031	388-230-0080	NEW-P	93-08-064
388-150-270	AMD	93-18-001	388-160-250	NEW	93-15-124	388-230-0080	NEW	93-16-059
388-150-280	AMD-P	93-13-056	388-160-260	NEW-P	93-05-031	388-230-0090	NEW-P	93-08-064
388-150-280	AMD	93-18-001	388-160-260	NEW	93-15-124	388-230-0090	NEW	93-16-059
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388-150-295	NEW	93-18-001	388-160-270	NEW	93-15-124	388-230-0110	NEW	93-16-059
388-150-330	AMD-P	93-13-056	388-160-280	NEW-P	93-05-031	388-230-0120	NEW-P	93-08-064
388-150-330	AMD	93-18-001	388-160-280	NEW	93-15-124	388-230-0120	NEW	93-16-059
388-150-340	AMD-P	93-13-056	388-160-290	NEW-P	93-05-031	388-230-0140	NEW-P	93-08-064
388-150-340	AMD	93-18-001	388-160-290	NEW	93-15-124	388-230-0140	NEW	93-16-059
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388-150-390	AMD	93-18-001	388-160-300	NEW-P	93-05-031	388-233-0010	NEW-E	93-14-007
388-150-460	AMD-P	93-13-056	388-160-300	NEW	93-15-124	388-233-0010	NEW	93-17-029
388-150-460	AMD	93-18-001	388-160-310	NEW-P	93-05-031	388-233-0020	NEW-P	93-14-006
388-150-470	AMD-P	93-13-056	388-160-310	NEW	93-15-124	388-233-0020	NEW-E	93-14-007
388-150-470	AMD	93-18-001	388-160-320	NEW-P	93-05-031	388-233-0020	NEW	93-17-029
388-150-490	AMD-P	93-13-056	388-160-320	NEW	93-15-124	388-233-0030	NEW-P	93-14-006
388-150-490	AMD	93-18-001	388-160-340	NEW-P	93-05-031	388-233-0030	NEW-E	93-14-007
388-150-500	AMD-P	93-13-056	388-160-340	NEW	93-15-124	388-233-0030	NEW	93-17-029
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388-160	NEW-C	93-10-020	388-160-360	NEW-P	93-05-031	388-233-0040	NEW	93-17-029
388-160	NEW-C	93-12-095	388-160-360	NEW	93-15-124	388-233-0050	NEW-P	93-14-006
388-160	NEW-C	93-13-025	388-160-370	NEW-P	93-05-031	388-233-0050	NEW-E	93-14-007
388-160	NEW-C	93-15-039	388-160-370	NEW	93-15-124	388-233-0050	NEW	93-17-029
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388-160-020	NEW-P	93-05-031	388-160-390	NEW-P	93-05-031	388-233-0060	NEW	93-17-029
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388-160-040	NEW	93-15-124	388-160-410	NEW	93-15-124	388-233-0080	NEW-P	93-14-007
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388-160-050	NEW	93-15-124	388-160-420	NEW	93-15-124	388-233-0080	NEW	93-17-029
388-160-060	NEW-P	93-05-031	388-160-430	NEW-P	93-05-031	388-233-0090	NEW-P	93-14-006
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388-160-080	NEW-P	93-05-031	388-160-450	NEW-P	93-05-031	388-233-0100	NEW-E	93-14-007
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388-160-120	NEW-P	93-05-031	388-160-490	NEW-P	93-05-031	388-235-0020	NEW	93-16-058
388-160-120	NEW	93-15-124	388-160-490	NEW	93-15-124	388-235-0030	NEW-P	93-08-074
388-160-130	NEW-P	93-05-031	388-160-500	NEW-P	93-05-031	388-235-0030	NEW	93-16-058
388-160-130	NEW	93-15-124	388-160-500	NEW	93-15-124	388-235-0040	NEW-P	93-08-074
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388-160-150	NEW	93-15-124	388-160-520	NEW	93-15-124	388-235-0060	NEW-P	93-08-074
388-160-160	NEW-P	93-05-031	388-160-530	NEW-P	93-05-031	388-235-0060	NEW	93-16-058
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388-160-170	NEW-P	93-05-031	388-160-540	NEW-P	93-05-031	388-235-0070	NEW	93-16-058
388-160-170	NEW	93-15-124	388-160-540	NEW	93-15-124	388-235-0080	NEW-P	93-08-074
388-160-180	NEW-P	93-05-031	388-160-560	NEW-P	93-05-031	388-235-0080	NEW	93-16-058
388-160-180	NEW	93-15-124	388-160-560	NEW	93-15-124	388-235-0090	NEW-P	93-08-074
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388-160-190	NEW	93-15-124	388-230	NEW-C	93-13-023	388-235-0100	NEW-P	93-08-074
388-160-200	NEW-P	93-05-031	388-230	NEW-C	93-14-086	388-235-0100	NEW	93-16-058
388-160-200	NEW	93-15-124	388-230-0010	NEW-P	93-08-064	388-235-0110	NEW-P	93-08-074
388-160-210	NEW-P	93-05-031	388-230-0010	NEW	93-16-059	388-235-0110	NEW	93-16-058
			388-230-0030	NEW-P	93-08-064	388-235-1500	NEW-P	93-08-074

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-235-1500	NEW	93-16-058	388-235-9530	NEW-P	93-08-074	388-280-1150	NEW-P	93-08-075
388-235-2000	NEW-P	93-08-074	388-235-9540	NEW-P	93-08-074	388-280-1150	NEW	93-12-054
388-235-2000	NEW	93-16-058	388-235-9550	NEW-P	93-08-074	388-280-1160	NEW-P	93-08-075
388-235-3000	NEW-P	93-08-074	388-235-9560	NEW-P	93-08-074	388-280-1160	NEW	93-12-054
388-235-3000	NEW	93-16-058	388-235-9570	NEW-P	93-08-074	388-330-010	AMD-P	93-07-035
388-235-4000	NEW-P	93-08-074	388-235-9580	NEW-P	93-08-074	388-330-010	AMD-C	93-10-018
388-235-4000	NEW	93-16-058	388-235-9600	NEW-P	93-08-074	388-330-010	AMD-C	93-12-096
388-235-5000	NEW-P	93-08-074	388-240-0010	NEW-P	93-15-080	388-330-010	AMD	93-15-040
388-235-5000	NEW	93-16-058	388-240-0010	NEW	93-19-039	388-330-020	AMD-P	93-07-035
388-235-5040	NEW-P	93-08-074	388-240-0020	NEW-P	93-15-080	388-330-020	AMD-C	93-10-018
388-235-5050	NEW-P	93-08-074	388-240-0020	NEW	93-19-039	388-330-020	AMD-C	93-12-096
388-235-5050	NEW	93-16-058	388-240-1100	NEW-P	93-15-080	388-330-020	AMD	93-15-040
388-235-5060	NEW	93-16-058	388-240-1100	NEW	93-19-039	388-330-030	AMD-P	93-07-035
388-235-5070	NEW-P	93-08-074	388-240-1200	NEW-P	93-15-080	388-330-030	AMD-C	93-10-018
388-235-5070	NEW	93-16-058	388-240-1200	NEW	93-19-039	388-330-030	AMD-C	93-12-096
388-235-5080	NEW-P	93-08-074	388-240-2100	NEW-P	93-15-080	388-330-030	AMD	93-15-040
388-235-5080	NEW	93-16-058	388-240-2100	NEW	93-19-039	388-330-050	AMD-P	93-07-035
388-235-5090	NEW-P	93-08-074	388-240-2300	NEW-P	93-15-080	388-330-050	AMD-C	93-10-018
388-235-5090	NEW	93-16-058	388-240-2300	NEW	93-19-039	388-330-050	AMD-C	93-12-096
388-235-5100	NEW-P	93-08-074	388-240-2400	NEW-P	93-15-080	388-330-050	AMD	93-15-040
388-235-5100	NEW	93-16-058	388-240-2400	NEW	93-19-039	388-538-001	NEW-P	93-14-046
388-235-5200	NEW-P	93-08-074	388-240-2450	NEW-P	93-15-080	388-538-001	NEW-E	93-14-047
388-235-5200	NEW	93-16-058	388-240-2450	NEW	93-19-039	388-538-001	NEW	93-17-039
388-235-5300	NEW-P	93-08-074	388-240-2500	NEW-P	93-15-080	388-538-050	NEW-P	93-14-046
388-235-5300	NEW	93-16-058	388-240-2500	NEW	93-19-039	388-538-050	NEW-E	93-14-047
388-235-5400	NEW-P	93-08-074	388-240-2550	NEW-P	93-15-080	388-538-050	NEW	93-17-039
388-235-5400	NEW	93-16-058	388-240-2550	NEW	93-19-039	388-538-060	NEW-P	93-14-046
388-235-5500	NEW-P	93-08-074	388-240-2570	NEW-P	93-15-080	388-538-060	NEW-E	93-14-047
388-235-5500	NEW	93-16-058	388-240-2570	NEW	93-19-039	388-538-060	NEW	93-17-039
388-235-5600	NEW-P	93-08-074	388-240-2600	NEW-P	93-15-080	388-538-070	NEW-P	93-14-046
388-235-5600	NEW	93-16-058	388-240-2600	NEW	93-19-039	388-538-070	NEW-E	93-14-047
388-235-5700	NEW-P	93-08-074	388-240-3100	NEW-P	93-15-080	388-538-070	NEW	93-17-039
388-235-5700	NEW	93-16-058	388-240-3100	NEW	93-19-039	388-538-080	NEW-P	93-14-046
388-235-5800	NEW-P	93-08-074	388-240-4100	NEW-P	93-15-080	388-538-080	NEW-E	93-14-047
388-235-5800	NEW	93-16-058	388-240-4100	NEW	93-19-039	388-538-080	NEW	93-17-039
388-235-5900	NEW-P	93-08-074	388-240-4200	NEW-P	93-15-080	388-538-090	NEW-P	93-14-046
388-235-5900	NEW	93-16-058	388-240-4200	NEW	93-19-039	388-538-090	NEW-E	93-14-047
388-235-6000	NEW-P	93-08-074	388-240-4400	NEW-P	93-15-080	388-538-090	NEW	93-17-039
388-235-6000	NEW	93-16-058	388-240-4400	NEW	93-19-039	388-538-095	NEW-P	93-14-046
388-235-7000	NEW-P	93-08-074	388-240-4600	NEW-P	93-15-080	388-538-095	NEW-E	93-14-047
388-235-7000	NEW	93-16-058	388-240-4600	NEW	93-19-039	388-538-095	NEW	93-17-039
388-235-7100	NEW-P	93-08-074	388-240-5100	NEW-P	93-15-080	388-538-100	NEW-P	93-14-046
388-235-7100	NEW	93-16-058	388-240-5100	NEW	93-19-039	388-538-100	NEW-E	93-14-047
388-235-7200	NEW-P	93-08-074	388-240-6100	NEW-P	93-15-080	388-538-100	NEW	93-17-039
388-235-7200	NEW	93-16-058	388-240-6100	NEW	93-19-039	388-538-110	NEW-P	93-14-046
388-235-7300	NEW-P	93-08-074	388-280-1010	NEW-P	93-08-075	388-538-110	NEW-E	93-14-047
388-235-7300	NEW	93-16-058	388-280-1010	NEW	93-12-054	388-538-110	NEW	93-17-039
388-235-7500	NEW-P	93-08-074	388-280-1020	NEW-P	93-08-075	388-538-120	NEW-P	93-14-046
388-235-7500	NEW	93-16-058	388-280-1020	NEW	93-12-054	388-538-120	NEW-E	93-14-047
388-235-7600	NEW-P	93-08-074	388-280-1030	NEW-P	93-08-075	388-538-120	NEW	93-17-039
388-235-7600	NEW	93-16-058	388-280-1030	NEW	93-12-054	388-538-130	NEW-P	93-14-046
388-235-8000	NEW-P	93-08-074	388-280-1040	NEW-P	93-08-075	388-538-130	NEW-E	93-14-047
388-235-8000	NEW	93-16-058	388-280-1040	NEW	93-12-054	388-538-130	NEW	93-17-039
388-235-8100	NEW-P	93-08-074	388-280-1050	NEW-P	93-08-075	388-538-140	NEW-P	93-14-046
388-235-8100	NEW	93-16-058	388-280-1050	NEW	93-12-054	388-538-140	NEW-E	93-14-047
388-235-8130	NEW-P	93-08-074	388-280-1060	NEW-P	93-08-075	388-538-140	NEW	93-17-039
388-235-8130	NEW	93-16-058	388-280-1060	NEW	93-12-054	388-538-150	NEW-P	93-14-046
388-235-8140	NEW-P	93-08-074	388-280-1070	NEW-P	93-08-075	388-538-150	NEW-E	93-14-047
388-235-8140	NEW	93-16-058	388-280-1070	NEW	93-12-054	388-538-150	NEW	93-17-039
388-235-8150	NEW-P	93-08-074	388-280-1080	NEW-P	93-08-075	388-539-001	NEW-P	93-14-024
388-235-8150	NEW	93-16-058	388-280-1080	NEW	93-12-054	388-539-001	NEW-E	93-14-028
388-235-8200	NEW-P	93-08-074	388-280-1090	NEW-P	93-08-075	388-539-001	NEW	93-17-037
388-235-8200	NEW	93-16-058	388-280-1090	NEW	93-12-054	388-539-050	NEW-P	93-14-024
388-235-9000	NEW-P	93-08-074	388-280-1100	NEW-P	93-08-075	388-539-050	NEW-E	93-14-028
388-235-9000	NEW	93-16-058	388-280-1100	NEW	93-12-054	388-539-050	NEW	93-17-037
388-235-9100	NEW-P	93-08-074	388-280-1110	NEW-P	93-08-075	388-539-100	NEW-P	93-14-024
388-235-9100	NEW	93-16-058	388-280-1110	NEW	93-12-054	388-539-100	NEW-E	93-14-028
388-235-9200	NEW-P	93-08-074	388-280-1120	NEW-P	93-08-075	388-539-100	NEW	93-17-037
388-235-9200	NEW	93-16-058	388-280-1120	NEW	93-12-054	388-539-150	NEW-P	93-14-024
388-235-9300	NEW-P	93-08-074	388-280-1130	NEW-P	93-08-075	388-539-150	NEW-E	93-14-028
388-235-9300	NEW	93-16-058	388-280-1130	NEW	93-12-054	388-539-150	NEW	93-17-037
388-235-9500	NEW-P	93-08-074	388-280-1140	NEW-P	93-08-075	388-540-001	NEW-P	93-13-001
388-235-9520	NEW-P	93-08-074	388-280-1140	NEW	93-12-054	388-540-001	NEW-E	93-13-130

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-540-001	NEW	93-16-039	390-16-312	AMD	93-16-064	392-121-261	AMD-P	93-19-091
388-540-005	NEW-P	93-13-001	390-17-011	NEW-P	93-12-018	392-121-265	REP-P	93-19-091
388-540-005	NEW-E	93-13-130	390-17-011	NEW	93-16-064	392-121-267	REP-P	93-19-091
388-540-005	NEW	93-16-039	390-17-013	NEW-P	93-12-018	392-121-270	AMD-P	93-19-091
388-540-010	NEW-P	93-13-001	390-17-013	NEW	93-16-064	392-121-272	REP-P	93-19-091
388-540-010	NEW-E	93-13-130	390-17-015	NEW-P	93-12-018	392-121-280	AMD-P	93-19-091
388-540-010	NEW	93-16-039	390-17-015	NEW	93-16-064	392-121-285	REP-P	93-19-091
388-540-020	NEW-P	93-13-001	390-17-017	NEW-P	93-12-018	392-121-290	REP-P	93-19-091
388-540-020	NEW-E	93-13-130	390-17-017	NEW	93-16-064	392-121-295	AMD-P	93-19-091
388-540-020	NEW	93-16-039	390-17-030	NEW-P	93-12-018	392-121-445	AMD	93-04-054
388-540-030	NEW-P	93-13-001	390-17-030	NEW	93-16-064	392-122-110	AMD-P	93-18-018
388-540-030	NEW-E	93-13-130	390-17-050	NEW-P	93-12-018	392-122-400	NEW-P	93-07-046
388-540-030	NEW	93-16-039	390-17-050	NEW-P	93-16-062	392-122-400	NEW	93-12-017
388-540-040	NEW-P	93-13-001	390-17-050	NEW-E	93-16-063	392-122-401	NEW-P	93-07-046
388-540-040	NEW-E	93-13-130	390-17-052	NEW-P	93-12-018	392-122-401	NEW	93-12-017
388-540-040	NEW	93-16-039	390-17-052	NEW	93-16-064	392-122-405	NEW-P	93-07-046
388-540-050	NEW-P	93-13-001	390-17-060	NEW-P	93-12-018	392-122-405	NEW	93-12-017
388-540-050	NEW-E	93-13-130	390-17-060	NEW-P	93-12-046	392-122-410	NEW-P	93-07-046
388-540-050	NEW	93-16-039	390-17-060	NEW-P	93-19-033	392-122-410	NEW	93-12-017
388-540-060	NEW-P	93-13-001	390-17-060	NEW-E	93-19-035	392-122-415	NEW-P	93-07-046
388-540-060	NEW-E	93-13-130	390-17-065	NEW-P	93-12-018	392-122-415	NEW	93-12-017
388-540-060	NEW	93-16-039	390-17-065	NEW-P	93-19-104	392-123-046	AMD-P	93-11-034
390-05-190	NEW-P	93-12-019	390-17-065	NEW-W	93-19-130	392-123-046	AMD	93-17-006
390-05-190	NEW	93-16-064	390-17-065	NEW-P	93-19-131	392-123-054	AMD	93-17-006
390-05-190	AMD-P	93-17-107	390-17-070	NEW-P	93-17-107	392-123-071	AMD-P	93-11-034
390-05-200	AMD-P	93-12-020	390-17-100	NEW-P	93-12-018	392-123-071	AMD	93-17-006
390-05-200	AMD	93-16-064	390-17-100	NEW	93-16-064	392-123-072	AMD-P	93-11-034
390-05-205	AMD-P	93-12-021	390-17-200	NEW-P	93-12-018	392-123-072	AMD	93-17-006
390-05-205	AMD	93-16-064	390-17-200	NEW	93-16-064	392-127-015	AMD-P	93-18-041
390-05-210	AMD-P	93-12-022	390-17-205	NEW-P	93-12-018	392-139-007	AMD-P	93-18-062
390-05-210	AMD	93-16-064	390-17-205	NEW	93-16-064	392-139-055	AMD-P	93-18-062
390-05-215	AMD-P	93-12-023	390-17-300	NEW-P	93-12-018	392-139-056	REP-P	93-18-062
390-05-215	AMD	93-16-064	390-17-300	NEW	93-16-064	392-139-057	REP-P	93-18-062
390-05-235	AMD-P	93-17-107	390-17-305	NEW-P	93-12-018	392-139-058	NEW-P	93-18-062
390-12-170	AMD-P	93-15-101	390-17-305	NEW	93-16-064	392-139-310	AMD-P	93-18-062
390-12-170	AMD	93-19-034	390-17-310	NEW-P	93-12-018	392-139-320	AMD-P	93-18-062
390-16-011	AMD-P	93-10-049	390-17-310	NEW	93-16-064	392-139-606	NEW-P	93-18-062
390-16-011	AMD-E	93-10-051	390-17-315	NEW-P	93-12-018	392-139-610	AMD-P	93-18-062
390-16-011	AMD	93-15-004	390-17-315	NEW	93-16-064	392-139-611	NEW-P	93-18-062
390-16-012	AMD-P	93-10-049	390-17-400	NEW-P	93-12-018	392-139-615	AMD-P	93-18-062
390-16-012	AMD-E	93-10-051	390-17-400	NEW	93-16-064	392-139-616	NEW-P	93-18-062
390-16-012	AMD	93-15-004	390-18-010	AMD-P	93-12-034	392-139-616	NEW-P	93-18-062
390-16-031	AMD-P	93-04-127	390-18-010	AMD	93-16-064	392-139-620	AMD-P	93-18-062
390-16-031	AMD	93-09-002	390-18-020	AMD-P	93-12-035	392-139-621	NEW-P	93-18-062
390-16-034	NEW-P	93-19-033	390-18-020	AMD	93-16-064	392-139-625	AMD-P	93-18-062
390-16-038	AMD-P	93-12-024	390-18-050	NEW	93-04-072	392-139-626	NEW-P	93-18-062
390-16-038	AMD-P	93-16-062	390-20-020	AMD	93-04-072	392-139-660	AMD-P	93-18-062
390-16-038	AMD-E	93-16-063	390-20-110	AMD	93-04-072	392-139-670	AMD-P	93-18-062
390-16-041	AMD-P	93-04-127	390-37-020	AMD-P	93-19-033	392-139-675	REP-P	93-18-062
390-16-041	AMD	93-09-002	390-37-060	AMD-P	93-19-033	392-139-676	AMD-P	93-18-062
390-16-044	NEW-P	93-15-002	390-37-063	AMD-P	93-19-033	392-139-680	NEW-P	93-18-062
390-16-044	NEW-E	93-15-003	390-37-140	AMD-P	93-09-001	392-139-681	NEW-P	93-18-062
390-16-044	NEW	93-19-034	390-37-140	AMD-C	93-10-050	392-139-685	NEW-P	93-18-062
390-16-200	AMD-P	93-12-025	390-37-140	AMD	93-15-004	392-139-690	NEW-P	93-18-062
390-16-207	AMD-P	93-12-026	390-37-142	AMD-P	93-09-001	392-139-691	NEW-P	93-18-062
390-16-207	AMD	93-16-064	390-37-142	AMD-C	93-10-050	392-139-901	NEW-P	93-18-062
390-16-207	AMD-P	93-17-107	390-37-142	AMD	93-15-004	392-139-902	NEW-P	93-18-062
390-16-226	NEW-P	93-12-031	392-12-170	AMD-P	93-15-101	392-140-250	REP-P	93-07-047
390-16-226	NEW	93-16-064	392-105-030	AMD-P	93-03-002	392-140-250	REP	93-12-015
390-16-230	AMD-P	93-12-027	392-105-030	AMD	93-07-039	392-140-252	REP-P	93-07-047
390-16-230	AMD	93-16-064	392-105-035	AMD-P	93-03-002	392-140-252	REP	93-12-015
390-16-230	AMD-P	93-17-107	392-105-035	AMD	93-07-039	392-140-253	REP-P	93-07-047
390-16-232	NEW-P	93-12-032	392-105-040	AMD-P	93-03-002	392-140-253	REP	93-12-015
390-16-232	NEW	93-16-064	392-105-040	AMD	93-07-039	392-140-254	REP-P	93-07-047
390-16-234	NEW-P	93-12-033	392-105-060	AMD-P	93-03-002	392-140-254	REP	93-12-015
390-16-234	NEW	93-16-064	392-105-060	AMD	93-07-039	392-140-254	REP-P	93-07-047
390-16-240	AMD-P	93-12-028	392-121-245	AMD-P	93-19-091	392-140-255	REP	93-12-015
390-16-240	AMD	93-16-064	392-121-249	NEW-P	93-19-091	392-140-255	REP-P	93-07-047
390-16-308	AMD	93-04-072	392-121-250	AMD-P	93-19-091	392-140-256	REP	93-12-015
390-16-309	NEW-P	93-19-033	392-121-255	AMD-P	93-19-091	392-140-256	REP-P	93-07-047
390-16-310	AMD-P	93-12-029	392-121-257	AMD-P	93-19-091	392-140-257	REP-P	93-12-015
390-16-310	AMD	93-16-064	392-121-259	NEW-P	93-19-091	392-140-257	REP	93-12-015
390-16-312	AMD-P	93-12-030	392-121-260	REP-P	93-19-091	392-140-258	REP-P	93-07-047
						392-140-258	REP	93-12-015

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-315-120	REP	93-17-007	415-08-190	REP	93-11-079	415-108-110	REP-P	93-08-052
392-315-125	REP-E	93-08-037	415-08-200	REP-P	93-08-054	415-108-110	REP	93-11-077
392-315-125	REP-P	93-11-033	415-08-200	REP	93-11-079	415-108-120	REP-P	93-08-052
392-315-125	REP	93-17-007	415-08-210	REP-P	93-08-054	415-108-120	REP	93-11-077
392-315-130	REP-E	93-08-037	415-08-210	REP	93-11-079	415-108-130	REP-P	93-08-052
392-315-130	REP-P	93-11-033	415-08-220	REP-P	93-08-054	415-108-130	REP	93-11-077
392-315-130	REP	93-17-007	415-08-220	REP	93-11-079	415-108-150	REP-P	93-08-052
392-315-135	REP-E	93-08-037	415-08-230	REP-P	93-08-054	415-108-150	REP	93-11-077
392-315-135	REP-P	93-11-033	415-08-230	REP	93-11-079	415-108-160	REP-P	93-08-052
392-315-135	REP	93-17-007	415-08-240	REP-P	93-08-054	415-108-160	REP	93-11-077
392-315-140	REP-E	93-08-037	415-08-240	REP	93-11-079	415-108-620	NEW-P	93-08-052
392-315-140	REP-P	93-11-033	415-08-250	REP-P	93-08-054	415-108-620	NEW	93-11-077
392-315-140	REP	93-17-007	415-08-250	REP	93-11-079	415-108-630	NEW-P	93-08-052
392-315-145	REP-E	93-08-037	415-08-260	REP-P	93-08-054	415-108-630	NEW	93-11-077
392-315-145	REP-P	93-11-033	415-08-260	REP	93-11-079	415-108-640	NEW-P	93-08-052
392-315-145	REP	93-17-007	415-08-270	REP-P	93-08-054	415-108-640	NEW	93-11-077
392-315-150	REP-E	93-08-037	415-08-270	REP	93-11-079	415-108-650	NEW-P	93-08-052
392-315-150	REP-P	93-11-033	415-08-280	AMD-P	93-08-054	415-108-650	NEW	93-11-077
392-315-150	REP	93-17-007	415-08-280	AMD	93-11-079	415-108-660	NEW-P	93-08-052
392-315-155	REP-E	93-08-037	415-08-290	REP-P	93-08-054	415-108-660	NEW	93-11-077
392-315-155	REP-P	93-11-033	415-08-290	REP	93-11-079	415-108-671	NEW-E	93-15-059
392-315-155	REP	93-17-007	415-08-300	REP-P	93-08-054	415-108-671	NEW-P	93-15-082
392-315-160	REP-E	93-08-037	415-08-300	REP	93-11-079	415-112-015	NEW-P	93-08-051
392-315-160	REP-P	93-11-033	415-08-310	REP-P	93-08-054	415-112-015	NEW-S	93-17-023
392-315-160	REP	93-17-007	415-08-310	REP	93-11-079	415-112-535	REP-P	93-08-051
392-315-165	REP-E	93-08-037	415-08-320	REP-P	93-08-054	415-112-535	REP-S	93-17-023
392-315-165	REP-P	93-11-033	415-08-320	REP	93-11-079	415-112-561	NEW-E	93-15-059
392-315-165	REP	93-17-007	415-08-330	REP-P	93-08-054	415-112-561	NEW-P	93-15-082
399-10-010	AMD-P	93-15-089	415-08-330	REP	93-11-079	415-112-722	REP-P	93-08-051
399-10-020	AMD-P	93-15-089	415-08-340	REP-P	93-08-054	415-112-722	REP-S	93-17-023
399-10-030	AMD-P	93-15-089	415-08-340	REP	93-11-079	415-112-810	AMD-P	93-08-051
399-30-040	AMD-P	93-15-090	415-08-350	REP-P	93-08-054	415-112-810	AMD-S	93-17-023
415-04-010	AMD-P	93-08-054	415-08-350	REP	93-11-079	415-112-820	AMD-P	93-08-051
415-04-010	AMD	93-11-079	415-08-360	REP-P	93-08-054	415-112-820	AMD-S	93-17-023
415-04-020	AMD-P	93-08-054	415-08-360	REP	93-11-079	415-112-830	NEW-P	93-08-051
415-04-020	AMD	93-11-079	415-08-370	REP-P	93-08-054	415-112-830	NEW-S	93-17-023
415-08-010	AMD-P	93-08-054	415-08-370	REP	93-11-079	434-19-012	AMD-E	93-14-081
415-08-010	AMD	93-11-079	415-08-380	REP-P	93-08-054	434-19-014	AMD-E	93-14-081
415-08-020	AMD-P	93-08-054	415-08-380	REP	93-11-079	434-19-020	AMD-E	93-14-081
415-08-020	AMD	93-11-079	415-08-390	REP-P	93-08-054	434-19-056	AMD-E	93-14-081
415-08-025	NEW-P	93-08-054	415-08-390	REP	93-11-079	434-19-080	AMD-E	93-14-081
415-08-025	NEW	93-11-079	415-08-400	REP-P	93-08-054	434-19-081	AMD-E	93-14-081
415-08-030	AMD-P	93-08-054	415-08-400	REP	93-11-079	434-19-082	AMD-E	93-14-081
415-08-030	AMD	93-11-079	415-08-410	REP-P	93-08-054	434-19-083	AMD-E	93-14-081
415-08-040	AMD-P	93-08-054	415-08-410	REP	93-11-079	434-19-084	AMD-E	93-14-081
415-08-040	AMD	93-11-079	415-08-420	AMD-P	93-08-054	434-19-085	AMD-E	93-14-081
415-08-060	REP-P	93-08-054	415-08-420	AMD	93-11-079	434-19-086	AMD-E	93-14-081
415-08-060	REP	93-11-079	415-08-430	REP-P	93-08-054	434-19-087	AMD-E	93-14-081
415-08-080	AMD-P	93-08-054	415-08-430	REP	93-11-079	434-19-088	AMD-E	93-14-081
415-08-080	AMD	93-11-079	415-08-440	REP-P	93-08-054	434-19-097	AMD-E	93-14-081
415-08-090	AMD-P	93-08-054	415-08-440	REP	93-11-079	434-19-098	AMD-E	93-14-081
415-08-090	AMD	93-11-079	415-08-450	REP-P	93-08-054	434-19-101	AMD-E	93-14-081
415-08-100	AMD-P	93-08-054	415-08-450	REP	93-11-079	434-19-102	REP-E	93-14-081
415-08-100	AMD	93-11-079	415-08-460	REP-P	93-08-054	434-19-114	AMD-E	93-14-081
415-08-105	NEW-P	93-08-054	415-08-460	REP	93-11-079	434-19-118	AMD-E	93-14-081
415-08-105	NEW	93-11-079	415-08-470	REP-P	93-08-054	434-19-190	AMD-E	93-14-081
415-08-110	REP-P	93-08-054	415-08-470	REP	93-11-079	434-19-191	AMD-E	93-14-081
415-08-110	REP	93-11-079	415-08-480	REP-P	93-08-054	434-19-192	AMD-E	93-14-081
415-08-120	REP-P	93-08-054	415-08-480	REP	93-11-079	434-19-193	AMD-E	93-14-081
415-08-120	REP	93-11-079	415-104-011	NEW-P	93-08-053	434-19-194	AMD-E	93-14-081
415-08-130	REP-P	93-08-054	415-104-011	NEW	93-11-078	434-19-195	AMD-E	93-14-081
415-08-130	REP	93-11-079	415-104-782	NEW-P	93-08-053	434-50-010	AMD-E	93-14-080
415-08-140	REP-P	93-08-054	415-104-782	NEW	93-11-078	434-50-010	AMD-E	93-14-107
415-08-140	REP	93-11-079	415-104-783	NEW-P	93-08-053	434-50-010	REP-P	93-16-114
415-08-150	REP-P	93-08-054	415-104-783	NEW	93-11-078	434-50-015	AMD-E	93-14-080
415-08-150	REP	93-11-079	415-104-784	NEW-P	93-08-053	434-50-015	AMD-E	93-14-107
415-08-160	REP-P	93-08-054	415-104-784	NEW	93-11-078	434-50-015	REP-P	93-16-114
415-08-160	REP	93-11-079	415-104-785	NEW-P	93-08-053	434-50-020	AMD-E	93-14-080
415-08-170	REP-P	93-08-054	415-104-785	NEW	93-11-078	434-50-020	AMD-E	93-14-107
415-08-170	REP	93-11-079	415-108-010	AMD-P	93-08-052	434-50-020	REP-P	93-16-114
415-08-180	REP-P	93-08-054	415-108-010	AMD	93-11-077	434-50-025	REP-P	93-16-114
415-08-180	REP	93-11-079	415-108-100	REP-P	93-08-052	434-50-030	REP-P	93-16-114
415-08-190	REP-P	93-08-054	415-108-100	REP	93-11-077	434-50-031	NEW-E	93-14-080

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
434-50-031	NEW-E	93-14-107	434-110-060	NEW-P	93-16-114	440-22-200	NEW-P	93-18-008
434-50-032	NEW-E	93-14-080	434-110-070	NEW-P	93-16-114	440-22-205	NEW-P	93-18-008
434-50-032	NEW-E	93-14-107	434-110-075	NEW-P	93-16-114	440-22-210	NEW-P	93-18-008
434-50-033	NEW-E	93-14-080	434-110-080	NEW-P	93-16-114	440-22-215	NEW-P	93-18-008
434-50-033	NEW-E	93-14-107	434-110-090	NEW-P	93-16-114	440-22-220	NEW-P	93-18-008
434-50-034	NEW-E	93-14-080	434-110-100	NEW-P	93-16-114	440-22-225	NEW-P	93-18-008
434-50-034	NEW-E	93-14-107	434-110-120	NEW-P	93-16-114	440-22-230	NEW-P	93-18-008
434-50-035	AMD-E	93-14-080	434-110-130	NEW-P	93-16-114	440-22-240	NEW-P	93-18-008
434-50-035	AMD-E	93-14-107	434-600-010	NEW	93-04-001	440-22-245	NEW-P	93-18-008
434-50-035	REP-P	93-16-114	434-610-010	NEW	93-04-001	440-22-250	NEW-P	93-18-008
434-50-036	NEW-E	93-14-080	434-610-020	NEW	93-04-001	440-22-260	NEW-P	93-18-008
434-50-036	NEW-E	93-14-107	434-610-025	NEW	93-04-001	440-22-270	NEW-P	93-18-008
434-50-037	NEW-E	93-14-080	434-610-030	NEW	93-04-001	440-22-275	NEW-P	93-18-008
434-50-037	NEW-E	93-14-107	434-610-040	NEW	93-04-001	440-22-280	NEW-P	93-18-008
434-50-038	NEW-E	93-14-109	434-610-050	NEW	93-04-001	440-22-285	NEW-P	93-18-008
434-50-040	AMD-E	93-14-080	434-610-060	NEW	93-04-001	440-22-288	NEW-P	93-18-008
434-50-040	AMD-E	93-14-107	434-610-070	NEW	93-04-001	440-22-290	NEW-P	93-18-008
434-50-040	REP-P	93-16-114	434-610-080	NEW	93-04-001	440-22-292	NEW-P	93-18-008
434-50-045	AMD-E	93-14-080	434-610-090	NEW	93-04-001	440-22-294	NEW-P	93-18-008
434-50-045	AMD-E	93-14-107	434-610-100	NEW	93-04-001	440-22-296	NEW-P	93-18-008
434-50-045	REP-P	93-16-114	434-610-110	NEW	93-04-001	440-22-298	NEW-P	93-18-008
434-50-050	AMD-E	93-14-080	434-610-120	NEW	93-04-001	440-22-300	NEW-P	93-18-008
434-50-050	AMD-E	93-14-107	434-615-010	NEW	93-04-001	440-22-310	NEW-P	93-18-008
434-50-050	REP-P	93-16-114	434-615-020	NEW	93-04-001	440-22-320	NEW-P	93-18-008
434-50-055	AMD-E	93-14-080	434-615-030	NEW	93-04-001	440-22-325	NEW-P	93-18-008
434-50-055	AMD-E	93-14-107	434-620-010	NEW	93-04-001	440-22-330	NEW-P	93-18-008
434-50-055	REP-P	93-16-114	434-624-010	NEW	93-04-001	440-22-335	NEW-P	93-18-008
434-60-010	NEW-P	93-15-058	434-624-020	NEW	93-04-001	440-22-350	NEW-P	93-18-008
434-60-010	NEW	93-18-053	434-624-030	NEW	93-04-001	440-22-355	NEW-P	93-18-008
434-60-020	NEW-P	93-15-058	434-624-040	NEW	93-04-001	440-22-400	NEW-P	93-18-008
434-60-020	NEW	93-18-053	434-624-050	NEW	93-04-001	440-22-405	NEW-P	93-18-008
434-60-030	NEW-P	93-15-058	434-626-010	NEW	93-04-001	440-22-410	NEW-P	93-18-008
434-60-030	NEW	93-18-053	434-626-020	NEW	93-04-001	440-22-420	NEW-P	93-18-008
434-60-040	NEW-P	93-15-058	434-660-010	NEW-P	93-14-002	440-22-430	NEW-P	93-18-008
434-60-040	NEW	93-18-053	434-660-010	NEW	93-19-051	440-22-450	NEW-P	93-18-008
434-60-050	NEW-P	93-15-058	434-663-001	NEW-P	93-14-001	440-22-455	NEW-P	93-18-008
434-60-050	NEW	93-18-053	434-663-005	NEW-P	93-14-001	440-22-460	NEW-P	93-18-008
434-60-060	NEW-P	93-15-058	434-663-020	NEW-P	93-14-001	440-22-465	NEW-P	93-18-008
434-60-060	NEW	93-18-053	434-663-030	NEW-P	93-14-001	440-22-500	NEW-P	93-18-008
434-60-070	NEW-P	93-15-058	434-663-050	NEW-P	93-14-001	440-22-505	NEW-P	93-18-008
434-60-070	NEW	93-18-053	434-663-060	NEW-P	93-14-001	440-22-510	NEW-P	93-18-008
434-60-080	NEW-P	93-15-058	434-663-070	NEW-P	93-14-001	440-22-515	NEW-P	93-18-008
434-60-080	NEW	93-18-053	440-22-001	NEW-P	93-18-008	440-22-520	NEW-P	93-18-008
434-60-090	NEW-P	93-15-058	440-22-005	NEW-P	93-18-008	440-22-525	NEW-P	93-18-008
434-60-090	NEW	93-18-053	440-22-010	NEW-P	93-18-008	440-22-530	NEW-P	93-18-008
434-60-100	NEW-P	93-15-058	440-22-015	NEW-P	93-18-008	440-22-550	NEW-P	93-18-008
434-60-100	NEW	93-18-053	440-22-020	NEW-P	93-18-008	440-22-560	NEW-P	93-18-008
434-60-110	NEW-P	93-15-058	440-22-025	NEW-P	93-18-008	440-22-565	NEW-P	93-18-008
434-60-110	NEW	93-18-053	440-22-030	NEW-P	93-18-008	440-22-600	NEW-P	93-18-008
434-60-120	NEW-P	93-15-058	440-22-035	NEW-P	93-18-008	440-22-610	NEW-P	93-18-008
434-60-120	NEW	93-18-053	440-22-040	NEW-P	93-18-008	440-22-620	NEW-P	93-18-008
434-60-130	NEW-P	93-15-058	440-22-045	NEW-P	93-18-008	440-22-900	NEW-P	93-18-008
434-60-130	NEW	93-18-053	440-22-050	NEW-P	93-18-008	440-22-905	NEW-P	93-18-008
434-60-140	NEW-P	93-15-058	440-22-055	NEW-P	93-18-008	440-22-910	NEW-P	93-18-008
434-60-140	NEW	93-18-053	440-22-060	NEW-P	93-18-008	440-22-915	NEW-P	93-18-008
434-60-150	NEW-P	93-15-058	440-22-065	NEW-P	93-18-008	440-22-920	NEW-P	93-18-008
434-60-150	NEW	93-18-053	440-22-070	NEW-P	93-18-008	440-22-925	NEW-P	93-18-008
434-60-160	NEW-P	93-15-058	440-22-075	NEW-P	93-18-008	440-22-930	NEW-P	93-18-008
434-60-160	NEW	93-18-053	440-22-080	NEW-P	93-18-008	440-22-935	NEW-P	93-18-008
434-60-170	NEW-P	93-15-058	440-22-085	NEW-P	93-18-008	440-25-005	NEW-E	93-11-050
434-60-170	NEW	93-18-053	440-22-090	NEW-P	93-18-008	440-25-005	NEW-P	93-11-052
434-60-180	NEW-P	93-15-058	440-22-100	NEW-P	93-18-008	440-25-005	NEW	93-15-014
434-60-180	NEW	93-18-053	440-22-105	NEW-P	93-18-008	440-25-010	NEW-E	93-11-050
434-60-190	NEW-P	93-15-058	440-22-110	NEW-P	93-18-008	440-25-010	NEW-P	93-11-052
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434-79-010	AMD-E	93-14-088	440-22-150	NEW-P	93-18-008	440-25-020	NEW	93-15-014
434-110-010	NEW-P	93-16-114	440-22-155	NEW-P	93-18-008	440-25-030	NEW-E	93-11-050
434-110-020	NEW-P	93-16-114	440-22-160	NEW-P	93-18-008	440-25-030	NEW-P	93-11-052
434-110-030	NEW-P	93-16-114	440-22-165	NEW-P	93-18-008	440-25-030	NEW	93-15-014
434-110-040	NEW-P	93-16-114	440-22-175	NEW-P	93-18-008	440-25-040	NEW-E	93-11-050
434-110-050	NEW-P	93-16-114	440-22-180	NEW-P	93-18-008	440-25-040	NEW-P	93-11-052

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440-25-050	NEW-E	93-11-050	458-19-070	NEW-P	93-18-087	458-61-100	AMD-E	93-14-015
440-25-050	NEW-P	93-11-052	458-19-075	NEW-P	93-18-087	458-61-110	REP-E	93-14-015
440-25-050	NEW	93-15-014	458-19-080	NEW-P	93-18-087	458-61-120	AMD-E	93-14-015
440-25-060	NEW-E	93-11-050	458-20-101	PREP	93-02-046	458-61-130	AMD-E	93-14-015
440-25-060	NEW-P	93-11-052	458-20-101	AMD-P	93-08-013	458-61-140	REP-E	93-14-015
440-25-060	NEW	93-15-014	458-20-101	AMD	93-13-126	458-61-150	AMD-E	93-14-015
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440-25-070	NEW-P	93-11-052	458-20-102	PREP	93-17-086	458-61-210	AMD-E	93-14-015
440-25-070	NEW	93-15-014	458-20-115	PREP	93-12-111	458-61-220	AMD-E	93-14-015
440-25-080	NEW-E	93-11-050	458-20-115	AMD-P	93-15-064	458-61-230	AMD-E	93-14-015
440-25-080	NEW-P	93-11-052	458-20-115	AMD	93-19-017	458-61-235	NEW-E	93-14-015
440-25-080	NEW	93-15-014	458-20-116	PREP	93-12-112	458-61-240	REP-E	93-14-015
440-25-090	NEW-E	93-11-050	458-20-116	AMD-P	93-15-065	458-61-250	AMD-E	93-14-015
440-25-090	NEW-P	93-11-052	458-20-116	AMD	93-19-018	458-61-255	NEW-E	93-14-015
440-25-090	NEW	93-15-014	458-20-117	PREP	93-12-113	458-61-270	REP-E	93-14-015
440-25-100	NEW-E	93-11-050	458-20-117	AMD-P	93-15-066	458-61-280	REP-E	93-14-015
440-25-100	NEW-P	93-11-052	458-20-117	AMD	93-19-019	458-61-300	AMD-E	93-14-015
440-25-100	NEW	93-15-014	458-20-119	AMD-P	93-07-069	458-61-310	REP-E	93-14-015
440-25-110	NEW-E	93-11-050	458-20-119	AMD-C	93-18-079	458-61-320	REP-E	93-14-015
440-25-110	NEW-P	93-11-052	458-20-121	PREP	93-17-085	458-61-330	AMD-E	93-14-015
440-25-110	NEW	93-15-014	458-20-122	PREP	93-16-086	458-61-335	AMD-E	93-14-015
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440-25-120	NEW-P	93-11-052	458-20-124	AMD-C	93-18-080	458-61-360	REP-E	93-14-015
440-25-120	NEW	93-15-014	458-20-125	PREP	93-16-083	458-61-370	AMD-E	93-14-015
446-40-070	AMD-P	93-10-001	458-20-149	REP	93-03-005	458-61-375	NEW-E	93-14-015
446-40-070	AMD	93-15-074	458-20-150	PREP	93-12-114	458-61-376	NEW-E	93-14-015
446-80-005	NEW-P	93-13-119	458-20-150	AMD-P	93-15-067	458-61-380	REP-E	93-14-015
446-80-005	NEW	93-18-043	458-20-150	AMD	93-19-020	458-61-390	REP-E	93-14-015
446-80-010	NEW-P	93-13-119	458-20-165	PREP	93-16-084	458-61-400	AMD-E	93-14-015
446-80-010	NEW	93-18-043	458-20-166	PREP	93-17-084	458-61-410	AMD-E	93-14-015
448-13-080	AMD-P	93-18-013	458-20-167	PREP	93-12-115	458-61-420	AMD-E	93-14-015
448-13-210	AMD-P	93-18-013	458-20-168	AMD-E	93-13-086	458-61-430	AMD-E	93-14-015
458-12-010	AMD-P	93-05-016	458-20-174	PREP	93-02-047	458-61-440	REP-E	93-14-015
458-12-010	AMD	93-08-049	458-20-179	PREP	93-17-083	458-61-450	REP-E	93-14-015
458-12-240	REP-P	93-05-016	458-20-17901	AMD-P	93-04-045	458-61-460	REP-E	93-14-015
458-12-240	REP	93-08-049	458-20-17901	AMD	93-07-066	458-61-470	AMD-E	93-14-015
458-12-342	AMD-P	93-05-016	458-20-185	PREP	93-17-082	458-61-480	AMD-E	93-14-015
458-12-342	AMD	93-08-049	458-20-186	PREP	93-17-082	458-61-490	REP-E	93-14-015
458-14-015	AMD-P	93-05-015	458-20-209	PREP	93-16-087	458-61-500	REP-E	93-14-015
458-14-015	AMD	93-08-050	458-20-210	PREP	93-16-085	458-61-510	AMD-E	93-14-015
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458-14-127	AMD	93-08-050	458-20-900	NEW-E	93-13-087	458-61-553	NEW-E	93-14-015
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458-16-310	AMD-E	93-16-012	458-40-660	AMD-P	93-10-091	458-61-660	AMD-E	93-14-015
458-18-220	AMD-P	93-03-024	458-40-660	AMD	93-14-051	458-61-670	AMD-E	93-14-015
458-18-220	AMD-E	93-03-025	458-40-670	AMD-P	93-10-091	458-61-680	REP-E	93-14-015
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458-19-015	NEW-P	93-18-087	458-61-010	REP-E	93-14-015	460-24A-150	NEW-P	93-16-026
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458-19-040	NEW-P	93-18-087	458-61-040	REP-E	93-14-015	463-39-005	AMD-P	93-18-104
458-19-045	NEW-P	93-18-087	458-61-050	AMD-E	93-14-015	463-39-020	AMD-P	93-18-104
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468-16-050	AMD	93-03-020	478-116-530	REP-P	93-08-110	480-40-015	AMD	93-15-035
468-16-060	AMD	93-03-020	478-116-530	REP	93-14-130	480-40-030	AMD-P	93-11-096
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468-16-130	AMD	93-03-020	478-116-560	REP-P	93-08-110	480-70-710	NEW-P	93-13-139
468-16-140	AMD	93-03-020	478-116-560	REP	93-14-130	480-70-720	NEW-P	93-13-139
468-16-150	AMD	93-03-020	478-116-582	AMD-P	93-08-110	480-70-730	NEW-P	93-13-139
468-16-160	AMD	93-03-020	478-116-582	AMD	93-14-130	480-70-740	NEW-P	93-13-139
468-16-170	AMD	93-03-020	478-116-586	AMD-P	93-08-110	480-70-750	NEW-P	93-13-139
468-16-180	AMD	93-03-020	478-116-586	AMD	93-14-130	480-70-760	NEW-P	93-13-139
468-16-190	AMD	93-03-020	478-116-588	AMD-P	93-08-110	480-70-770	NEW-P	93-13-139
468-16-200	AMD	93-03-020	478-116-588	AMD	93-14-130	480-70-780	NEW-P	93-13-139
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468-38-100	AMD-P	93-17-067	478-116-589	NEW	93-14-130	480-80-240	AMD-P	93-18-096
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468-38-280	AMD	93-19-056	478-116-601	AMD	93-14-130	480-93-010	AMD-P	93-13-035
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468-52-020	NEW	93-03-033	478-355-030	AMD-E	93-19-016	480-110-023	NEW	93-12-062
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468-95-035	NEW-C	93-07-055	480-09-210	AMD-P	93-18-096	480-120-051	AMD	93-06-055
468-95-035	NEW-C	93-10-068	480-09-220	AMD-P	93-18-096	480-120-086	REP	93-06-055
468-95-035	NEW	93-17-018	480-09-320	AMD-P	93-18-096	480-120-350	NEW-P	93-05-013
468-95-037	NEW-C	93-07-055	480-09-330	AMD-P	93-18-096	480-120-350	NEW	93-11-026
468-95-037	NEW-C	93-10-068	480-09-420	AMD-P	93-18-096	480-120-500	NEW	93-06-055
468-95-037	NEW	93-17-018	480-09-425	AMD-P	93-18-096	480-120-505	NEW	93-06-055
468-300-010	AMD-P	93-14-113	480-09-480	AMD-P	93-18-096	480-120-510	NEW	93-06-055
468-300-010	AMD	93-18-005	480-09-500	AMD-P	93-18-096	480-120-515	NEW	93-06-055
468-300-020	AMD-P	93-14-113	480-09-720	AMD-P	93-18-096	480-120-520	NEW	93-06-055
468-300-020	AMD	93-18-005	480-09-736	AMD-P	93-18-096	480-120-525	NEW	93-06-055
468-300-040	AMD-P	93-14-113	480-09-760	AMD-P	93-18-095	480-120-530	NEW	93-06-055
468-300-040	AMD	93-18-005	480-09-770	AMD-P	93-18-096	480-120-535	NEW	93-06-055
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468-300-700	AMD-P	93-13-059	480-12-010	AMD	93-15-036	490-04B-010	NEW-P	93-02-045
468-300-700	AMD	93-18-006	480-12-022	NEW-P	93-18-101	490-04B-010	NEW	93-06-005
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478-116-370	AMD	93-14-130	480-12-030	AMD-P	93-18-101	490-08B-010	NEW	93-06-005
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478-116-410	REP	93-14-130	480-12-126	AMD-E	93-17-003	490-08B-030	NEW	93-06-005
478-116-420	REP-P	93-08-110	480-12-126	AMD-P	93-18-101	490-08B-040	NEW-P	93-02-045
478-116-420	REP	93-14-130	480-12-127	AMD-E	93-17-003	490-08B-040	NEW	93-06-005
478-116-430	REP-P	93-08-110	480-12-127	AMD-P	93-18-101	490-08B-050	NEW-P	93-02-045
478-116-430	REP	93-14-130	480-12-130	AMD-E	93-17-003	490-08B-050	NEW	93-06-005
478-116-440	AMD-P	93-08-110	480-12-130	AMD-P	93-18-101	490-08B-060	NEW-P	93-02-045
478-116-440	AMD	93-14-130	480-12-131	NEW-P	93-18-101	490-08B-060	NEW	93-06-005
478-116-450	AMD-P	93-08-110	480-12-135	AMD-E	93-17-003	490-08B-070	NEW-P	93-02-045
478-116-450	AMD	93-14-130	480-12-135	AMD-P	93-18-101	490-08B-070	NEW	93-06-005
478-116-460	AMD-P	93-08-110	480-12-150	AMD-P	93-11-097	490-08B-080	NEW-P	93-02-045
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478-116-470	REP	93-14-130	480-12-250	AMD-P	93-18-101	490-10-010	NEW	93-06-005
478-116-480	REP-P	93-08-110	480-12-285	AMD-P	93-11-098	490-13-010	NEW-P	93-02-045
478-116-480	REP	93-14-130	480-12-285	AMD	93-15-036	490-13-010	NEW	93-06-005
478-116-490	REP-P	93-08-110	480-12-350	AMD-E	93-17-003	490-100-030	AMD-P	93-18-098
478-116-490	REP	93-14-130	480-12-350	AMD-P	93-18-101	490-100-035	AMD-P	93-18-098
478-116-500	REP-P	93-08-110	480-12-600	NEW-P	93-19-162	490-100-040	AMD-P	93-18-098
478-116-500	REP	93-14-130	480-30-015	AMD-P	93-11-099	490-100-050	AMD-P	93-18-098
478-116-510	REP-P	93-08-110	480-30-015	AMD	93-15-035	490-100-060	AMD-P	93-18-098
478-116-510	REP	93-14-130	480-30-030	AMD-P	93-11-096	490-100-070	AMD-P	93-18-098
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490-100-105	AMD-P	93-18-098	495B-116-200	NEW	93-05-018	495B-280-030	NEW	93-05-018
490-100-120	AMD-P	93-18-098	495B-116-210	NEW	93-05-018	495B-280-040	NEW	93-05-018
490-100-130	AMD-P	93-18-098	495B-116-220	NEW	93-05-018	495B-280-050	NEW	93-05-018
490-100-170	AMD-P	93-18-098	495B-116-230	NEW	93-05-018	495B-280-060	NEW	93-05-018
490-100-180	AMD-P	93-18-098	495B-116-240	NEW	93-05-018	495B-280-070	NEW	93-05-018
490-100-190	AMD-P	93-18-098	495B-116-250	NEW	93-05-018	495B-280-080	NEW	93-05-018
490-100-200	AMD-P	93-18-098	495B-116-260	NEW	93-05-018	495B-280-090	NEW	93-05-018
490-100-205	AMD-P	93-18-098	495B-116-270	NEW	93-05-018	495B-280-100	NEW	93-05-018
490-100-208	AMD-P	93-18-098	495B-116-280	NEW	93-05-018	495B-280-110	NEW	93-05-018
490-100-210	AMD-P	93-18-098	495B-120-010	NEW	93-05-018	495B-280-120	NEW	93-05-018
490-100-250	AMD-P	93-02-044	495B-120-020	NEW	93-05-018	495B-300-010	NEW	93-05-018
490-100-250	AMD	93-06-006	495B-120-030	NEW	93-05-018	495B-300-020	NEW	93-05-018
490-276-010	NEW-P	93-02-045	495B-120-040	NEW	93-05-018	495B-300-030	NEW	93-05-018
490-276-010	NEW	93-06-005	495B-120-045	NEW	93-05-018	495B-300-040	NEW	93-05-018
490-276-020	NEW-P	93-02-045	495B-120-050	NEW	93-05-018	495B-310-010	NEW	93-05-018
490-276-020	NEW	93-06-005	495B-120-060	NEW	93-05-018	495B-310-020	NEW	93-05-018
490-276-030	NEW-P	93-02-045	495B-120-070	NEW	93-05-018	495B-310-030	NEW	93-05-018
490-276-030	NEW	93-06-005	495B-120-080	NEW	93-05-018	495B-310-040	NEW	93-05-018
490-276-040	NEW-P	93-02-045	495B-120-090	NEW	93-05-018	495B-325-010	NEW	93-05-018
490-276-040	NEW	93-06-005	495B-120-100	NEW	93-05-018	495D-104-010	AMD	93-03-086
490-276-050	NEW-P	93-02-045	495B-120-110	NEW	93-05-018	495D-135-040	AMD-E	93-15-073
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490-276-070	NEW	93-06-005	495B-120-140	NEW	93-05-018	495E-104-020	NEW-P	93-09-031
490-276-080	NEW-P	93-02-045	495B-120-150	NEW	93-05-018	495E-104-020	NEW	93-13-104
490-276-080	NEW	93-06-005	495B-120-160	NEW	93-05-018	495E-104-030	NEW-P	93-09-031
490-276-090	NEW-P	93-02-045	495B-120-170	NEW	93-05-018	495E-104-030	NEW	93-13-104
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490-276-120	NEW	93-06-005	495B-130-010	NEW	93-05-018	495E-108-040	NEW-P	93-09-032
490-276-130	NEW-P	93-02-045	495B-131-010	NEW	93-05-018	495E-108-040	NEW	93-13-105
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495B-108-080	NEW	93-05-018	495B-168-030	NEW	93-05-018	495E-116-050	NEW-P	93-09-033
495B-116-010	NEW	93-05-018	495B-168-040	NEW	93-05-018	495E-116-050	NEW	93-13-106
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495B-116-030	NEW	93-05-018	495B-168-060	NEW	93-05-018	495E-116-060	NEW	93-13-106
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