

NOVEMBER 16, 1994

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filed not later than November 2, 1994

CITATION

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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

The maximum allowable interest rate applicable for the month of November 1994 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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WASHINGTON STATE REGISTER

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Olympia, WA 98504-0552

The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Raymond W. Haman
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Code Reviser

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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) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **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].

1994 - 1995
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>
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
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
95-01	Nov 23	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 24
95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
95-10	Apr 5	Apr 19	May 3	May 17	Jun 6
95-11	Apr 26	May 10	May 24	Jun 7	Jun 27
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95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

¹All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

WSR 94-22-001
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 19, 1994, 2:07 p.m.]

Subject of Possible Rule Making: Hunting seasons and regulations.

Specific Statutory Authority for New Rule: RCW 77.12.040.

Reasons Why the New Rule is Needed: To set time, place, and manner of hunting.

Goals of New Rule: To update hunting seasons and regulations for 1995-96.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Submit comments to Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, (206) 753-5728, FAX (206) 664-3290.

October 18, 1994
Evan Jacoby
Legal Counsel

WSR 94-22-002
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
(Public Assistance)
[Filed October 19, 1994, 2:22 p.m.]

Subject of Possible Rule Making: WAC 388-87-072 Payment—Hospital outpatient services and 388-538-100 Managed care emergency services. Medical evaluation reimbursement to hospitals for nonemergency services for primary care case management clients.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: Reduce inappropriate emergency room usage by primary care case management clients.

Goals of New Rule: To promote more appropriate emergency room usage for primary care case management clients.

Process for Developing New Rule: Proposed rule is distributed for review to any party who expresses interest. Comments received to be evaluated and incorporated as appropriate.

How Interested Parties can Participate in Formulation of the New Rule: Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, WA 98504-5530, phone (206) 753-7462, FAX (206) 753-7315, TDD 1-800-848-5429.

October 19, 1994
Dewey Brock, Chief
Office of Vender Services

WSR 94-22-003
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
(Dispensing Opticians)
[Filed October 19, 1994, 3:55 p.m.]

Specific Statutory Authority for New Rule: RCW 43.70.040, 18.195.050.

Reasons Why the New Rule is Needed: Repealing of WAC 246-824-220 Retention of contact lens records, because it conflicts with and is superseded by WAC 248-852-040 Retention of contact lens records; amending WAC 246-824-075 by deleting the requirement that a licensee be reexamined after a lapse of two years due to noncompliance with continuing education requirements. Sanctions can better be determined on an individual basis; new section to structure a more effective and accountable apprenticeship program by developing new rules that define the content of the program and require a periodic report of progress; and amending WAC 246-824-990 to more clearly state the reinstatement fee for inactive licenses.

Goals of New Rule: To more closely align current regulations with statutory intent, to provide a more efficient apprenticeship program and to provide clarity to existing rules.

Process for Developing New Rule: Discussion at open public meetings and postal survey.

How Interested Parties can Participate in Formulation of the New Rule: Written comments may be submitted to Judy Haenke, Program Manager, Health Professions Quality Assurance Division, 1300 S.E. Quince Street, P.O. Box 47863, Olympia, WA 98504-7863, FAX (206) 586-7774.

October 19, 1994
Bruce Miyahara
Secretary

WSR 94-22-004
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
[Filed October 19, 1994, 3:57 p.m.]

Specific Statutory Authority for New Rule: RCW 18.32.035.

Reasons Why the New Rule is Needed: 1994 legislation abolished separate disciplinary and examining boards and created a new Dental Quality Assurance Commission. Rules need to be amended to reflect changes in chapters 246-816 and 246-818 WAC; and to repeal and/or amend exam related rules to reflect new examination standards to reflect joining the Western Regional Examining Board (WREB).

Goals of New Rule: Housekeeping changes required by recent legislative actions; and to clarify exam related rules.

Process for Developing New Rule: Public participation process.

How Interested Parties can Participate in Formulation of the New Rule: Written comments may be submitted to Lisa Anderson, Program Manager, Department of Health, P.O. Box 47867, Olympia, WA 98504-7867, (206) 586-6898, FAX (206) 664-9077.

October 17, 1994
Lisa Anderson
Program Manager

PREPROPOSAL

WSR 94-22-009
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed October 20, 1994, 4:33 p.m.]

Subject of Possible Rule Making: WAC 388-49-020 Definitions.

Specific Statutory Authority for New Rule: 7 CFR 273.1(b), 273.1(c) and 273.9(b), and RCW 74.04.050 and 74.04.510.

Reasons Why the New Rule is Needed: Adds that a person in foster care can be a child or adult, not just a child. Ineligible students are treated as nonhousehold members. Ineligible students need to be defined as a nonhousehold members rather than ineligible household members. Under parental control definition pertains when a child seventeen years of age or younger is living with an adult that is not the child's parent. Also, adds that a child who lives with a spouse or child of their own is not under parental control.

Goals of New Rule: Adds that an adult in foster care can also be considered a boarder. It clarifies that ineligible students are treated as nonhousehold members; and that under parental control is determined when a child seventeen years of age or younger lives with an adult other than a parent. Also, that a person who is married and living with a spouse or is living with a child of their own is not under parental control.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Wendy Forslin, Program Manager, Food Stamp Program Section, Mailstop 45400, phone 438-8323 or SCAN 585-8323, FAX 438-8258 or SCAN 585-8258.

October 20, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-22-010
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed October 20, 1994, 4:34 p.m.]

Subject of Possible Rule Making: WAC 388-49-500 Income—Deductions.

Specific Statutory Authority for New Rule: RCW 74.04.510.

Reasons Why the New Rule is Needed: Conform with 7 CFR 273.9 (d)(1) and (5)(i).

Goals of New Rule: Increase standard deduction to \$134 and homeless shelter deduction to \$139.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All com-

ments are taken into consideration before the final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joan Wirth, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (SCAN 585) 438-8324, FAX (SCAN 585) 438-8258.

October 20, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-22-011
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed October 20, 1994, 4:35 p.m.]

Subject of Possible Rule Making: Chapter 388-300 WAC, Job opportunities and basic skills training (JOBS) program.

Specific Statutory Authority for New Rule: Chapters 74.25 and 74.25A RCW.

Reasons Why the New Rule is Needed: Renumber and revise chapter 388-47 WAC to meet automated client eligibility system (ACES) requirements. Propose program changes - allow greater flexibility in service providers - amend sections to conform with state law.

Goals of New Rule: Meet requirements of ACES; allow flexibility in service providers; and make changes in component approval and waiting list process.

Process for Developing New Rule: This rule began as an amendment to an existing rule prior to the adoption of the current CR-101 process. Due to the requirements placed upon the JOBS program by development of the ACES on-line manual project, the rule was renumbered making it a "new" rule technically. In developing the amended rule (and now "new" rule), the rule writers have provided Evergreen Legal Services and Employment Security Department with draft versions of the rule. Through this informal process those parties have provided comments which have, to a large extent, been incorporated into the current proposed rule.

How Interested Parties can Participate in Formulation of the New Rule: Contact Dave Andersen, P.O. Box 45470, Olympia, WA 98504-5470, phone (206) 438-8281, FAX (206) 438-8379.

October 20, 1994
 Dewey Brock, Chief
 Office of Vendor Services

WSR 94-22-012
PREPROPOSAL STATEMENT OF INTENT
SECRETARY OF STATE
 (Corporations Division)

[Filed October 21, 1994, 11:10 a.m.]

Subject of Possible Rule Making: Charities.
 Specific Statutory Authority for New Rule: Chapter 19.09 RCW, Charitable solicitations.

Reasons Why the New Rule is Needed: Requests from constituents and to conform to statutes.

Goals of New Rule: Amending WAC 434-120-025 Definitions, readers are referred to the RCWs for several definitions. The charitable solicitations WACs are sent with registrations. Our customers may not have easy access to the RCWs for definitions. Clarification and addition of important definitions in the WACs will save confusion and time. Remove trust exclusion from charitable trust definition. Amend definition for charitable trust so every charity is not necessarily a trust; WAC 434-120-100 Who shall register, require separate registration of all names used by charities and commercial fundraisers. This will create more continuity in the registration process and provide better information to the public; WAC 434-120-105 Form, registration information is often incomplete when charitable organizations use their own format to register. Delete from the first paragraph "or shall provide, by letter, the required information organized and topically sectioned in exactly the following manner." Request assigned UBI and registration numbers on registration forms; WAC 434-120-125 Financial reporting adjustments, simplify financial reporting procedures and redesign to accurately represent percentage donated to charitable purpose. Clarify (4) (listed as second number (3)) to read . . . "compilations, reviews, audit reports, commercial fundraiser campaign reports, or any other record . . ."; WAC 434-120-130 Auditing standards and requirements, delete from the first paragraph "or may provide the required information topically sectioned in the exact following manner." Change financial review and audit levels; WAC 434-120-145 Fees, adjust registration fees for charitable organizations earning less than \$25,000 total revenue per year; WAC 434-120-215 Form, require use of state forms for registration to help expedite the registration process. Request UBI and corporation numbers on registration and renewal forms; WAC 434-120-255 Auditing standards, require commercial fundraisers to submit solicitation report at the completion of each campaign within forty-five days; WAC 434-120-300 Who shall register, include trust exclusion from charitable trust definition in WAC 434-120-025. Redefine a charitable trust so every charitable organization is not a trust; WAC 434-120-310 Form, require use of state registration forms to expedite process; and WAC 434-120-320 Content of annual report, require a copy of 990 from all charitable organizations with a total annual revenue equal to or greater than \$25,000. Those without a tax exempt status will use 990 as a worksheet.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Karen Dick, Corporations, Office of the Secretary of State, 505 East Union, P.O. Box 40234, Olympia, WA 98504-0234, (206) 753-7115 ext. 257 or (206) 586-0393, FAX (206) 664-8781.

October 21, 1994
Donald F. Whiting
Assistant Secretary of State
for Karen L. Dick

WSR 94-22-053

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH [Filed November 1, 1994, 8:31 a.m.]

Specific Statutory Authority for New Rule: ESHB 2676.

Reasons Why the New Rule is Needed: To repeal language about Chiropractic Disciplinary Board and Board of Chiropractic Examiners and replace with Chiropractic Quality Assurance Commission. Also to combine chapter 246-807 WAC with chapter 246-806 WAC.

Goals of New Rule: To comply with current legislation.

Process for Developing New Rule: All rules will be reviewed by the commission and oral and written input will be solicited by the public.

How Interested Parties can Participate in Formulation of the New Rule: Connie M. Glasgow, Department of Health, Chiropractic Section, P.O. Box 47867, Olympia, WA 98504-7867, (206) 586-1931, FAX (206) 664-9077.

October 25, 1994
Connie M. Glasgow
Program Manager

WSR 94-22-079

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY [Order 94-42—Filed November 2, 1994, 10:13 a.m.]

Specific Statutory Authority for New Rule: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Reasons Why the New Rule is Needed: Skagit County has requested this rule amendment to amend the Skagit County shoreline master program.

Goals of New Rule: To adopt a shoreline master program amendment for Skagit County. This will amend WAC 173-19-370.

Process for Developing New Rule: This amendment was developed during a two year amendatory process with a series of public meetings and hearings conducted by the Skagit County Planning Commission and Board of County Commissioners.

How Interested Parties can Participate in Formulation of the New Rule: Copies of the master program are available from Alice Schisel, Department of Ecology, Northwest Regional Office, 3190 160th Avenue S.E., Bellevue, 98008-5452, (206) 649-4309, FAX (206) 649-7098.

October 31, 1994
Linda G. Crerar
Water and Shorelands
Assistant Director

WSR 94-22-083

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF LABOR AND INDUSTRIES [Filed November 2, 1994, 11:15 a.m.]

Specific Statutory Authority for New Rule: RCW 51.04.020(1), 51.16.035.

Reasons Why the New Rule is Needed: Equity between retrospective rating participants and nonparticipants is not being achieved because the department does not return unused premiums to participants with interest; within retrospective rating, equity is not being achieved between participants in different plans and between participants in different premium size groupings; retrospective rating participants are not sufficiently protected against the catastrophic effect of unusually expensive accident; and language regarding adjustments between valuation dates is not applicable and often leads to unnecessary litigation.

Goals of New Rule: To include interest in the calculation of retrospective premium adjustments; to eliminate one of the five plans, Plan B, which favors large accounts at the expense of small accounts; to realign the premium size groupings to achieve more equitable treatment of participants of different premium sizes; to cap claim costs at a maximum of \$500,000 per claim in competing retrospective rating adjustments; and to eliminate confusion and clearly state that there are two mandatory adjustments for each coverage year. Remove unclear language which speaks to adjustments between valuation dates.

Process for Developing New Rule: Stakeholdered with the Retrospective Rating Advisory Committee. Input also solicited through CR-101 notice, through CR-102 filing and with public hearing scheduled for January 1995.

How Interested Parties can Participate in Formulation of the New Rule: Bill White, Senior Actuary, P.O. Box 44180, Olympia, WA 98504-4180, phone (206) 956-5014, or Kathy Kimbel, Program Manager, Retrospective Rating, P.O. Box 44180, Olympia, WA 98504-4180, phone (206) 956-4835, FAX (206) 9596-6706 [956-6706]. Input accepted from CR-101 filing until rule hearing tentatively scheduled for late January 1995.

November 2, 1994
Mark O. Brown
Director

P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 664-0086, FAX (206) 664-0693. For public meeting: General Administration Building, Director's Conference Room, Room 415, 11th and Columbia Streets, Olympia, Washington, on December 6, 1994, at 10:00 a.m. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

November 1, 1994
Linda L. Lethlean
Deputy Assistant Director

WSR 94-22-109

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF REVENUE

[Filed November 2, 1994, 11:52 a.m.]

Subject of Possible Rule Making: Amending WAC 458-30-590 Rates of inflation.

Specific Statutory Authority for New Rule: RCW 84.36.310, 84.36.360.

Reasons Why the New Rule is Needed: The rule must be annually updated so that the rule reflects the current rate of inflation.

Goals of New Rule: To provide county officials with the proper rate of inflation to be used to calculate the amount due as a result of deferred special benefit assessments when farm and agricultural land is removed or withdrawn from classification under chapter 84.34 RCW.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments and/or copies of rule may be directed to: Kim Qually, Counsel, Legislative and Policy,

WSR 94-22-005
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed October 19, 1994, 4:01 p.m.]

Original Notice.

Title of Rule: Radiation protection—Compatibility with United States Nuclear Regulatory Commission.

Purpose: To bring radiation protection rules into conformance with federal regulations and to perform housekeeping changes for consistency with other radiation protection rules and to correct typographical errors.

Statutory Authority for Adoption: RCW 70.98.050.

Statute Being Implemented: RCW 70.98.050.

Summary: WAC 246-220-010, definitions required by Nuclear Regulatory Commission; WAC 246-220-110, housekeeping; WAC 246-221-250 and 246-221-260, new Nuclear Regulatory Commission reporting criteria for emergencies involving radioactive material; WAC 246-235-077 and 246-235-150, Nuclear Regulatory Commission requirement for certain licensees to develop and maintain emergency preparedness plans; and WAC 246-240-015, Nuclear Regulatory Commission quality management rule for medical therapy licensees.

Reasons Supporting Proposal: Each of the rule changes (other than housekeeping) has been deemed as a "matter of compatibility" by the Nuclear Regulatory Commission and the state is committed through its formal agreement with the Nuclear Regulatory Commission to make these changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: T. R. Strong, Building 5, Airdustrial Park, Tumwater, (206) 586-8949.

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: For consistency with federal rules, several new definitions are added and others are amended. New reporting criteria are imposed for when licensees must notify the department because of mishaps with radioactive material. Licensees with the largest quantities of radioactive material are required to prepare and maintain emergency plans for coping with serious accidents involving radioactive material where offsite response organizations (such as police, fire and medical organizations) might be needed. Medical therapy licensees are required to develop policies and procedures for assuring that radiation is administered as directed by the authorized user physician. The purpose of the rule change is to provide for compatibility with the standards and regulatory program of the federal government and to protect the public health and safety where radiation is involved. Most of these changes will have minimal effect on radiation users and few licensees have sufficient quantities of radioactive material to require development of an emergency plan.

Proposal Changes the Following Existing Rules: WAC 246-220-010 is amended to incorporate new definitions, to update several others, to perform housekeeping, and to correct typographical errors; WAC 246-220-110 is amended to correct typographical errors and perform housekeeping; and WAC 246-221-250 and 246-221-260 are amended to update criteria for reporting incidents to the department.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. In accordance with RCW 19.85.060, a small business economic impact statement is not required when the rule is being adopted solely for the purpose of conformity with federal regulations or when the rule will have minor or negligible economic impact. These rules are being adopted to comply with federal requirements for compatible regulations and to perform housekeeping changes which have negligible economic impact on users of radiation or the public.

Hearing Location: Melbourne Tower, 1511 Third Avenue South, Seventh Floor Conference Room, Seattle, WA 98101-1549, on December 6, 1994, at 1:30 - 2:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Health, Consumer Assistance at 1-800-525-0127, extension 753-3461, TDD (206) 664-0064.

Submit Written Comments to: Ann Foster, Mailstop 7890, Department of Health, Olympia, Washington 98504-7890, by December 2, 1994.

Date of Intended Adoption: December 6, 1994.

October 19, 1994

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

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, Appendix A. 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.

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

(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).

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

(9) "Airborne radioactivity area" means a room, enclosure, or operating area in which airborne radioactive material exists in concentrations (a) in excess of the derived air concentration (DAC) specified in WAC 246-221-290,

Appendix A, 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) "Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by offsite response organizations to protect persons offsite.

(11) "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.

~~((+1))~~ (12) "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.

~~((+2))~~ (13) "Becquerel" (Bq) means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (s^{-1}).

~~((+3))~~ (14) "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.

~~((+4) "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.)~~

(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 "by-product material" within this definition.

(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.

(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.

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

(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."

(24) "Curie" means a unit of 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).

(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.

(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.

(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, total organ 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.

(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/cm^2).

(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.

(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.

(49) "High radiation area" means any area, accessible to individuals, in which radiation levels 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.

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

- (a) 3,000 times the A_1 or A_2 quantity as appropriate; or
- (b) 30,000 curies, whichever is less.

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

(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 ((49)) 21 CFR).

(54) "Individual" means any human being.

(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 concentrations 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, personnel monitoring device, personnel dosimeter, and dosimeter 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.

(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.

(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.

(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.

(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.

(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.

(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~~) except when the individual is receiving an occupational dose.

(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. 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 (~~NARM~~) NARM.

Diffuse sources of NARM are excluded from consideration by the CRCPD for Licensing State designation purposes.

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

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

(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."

(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.

(77) "Occupational dose" means the dose received by ~~(a worker)~~ an individual in the course of employment ~~(from)~~ in which the individual's assigned duties involve 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.

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

(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.

(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.

(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.

(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.

(84) "Personnel monitoring equipment." See individual monitoring devices.

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

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

(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.).

(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 or to radioactive material released by the licensee. It does not include occupational dose, dose received from background radiation, dose received as a patient from medical practices, or dose received from voluntary participation in medical research programs.

(90) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department he/she has the knowledge, 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.

(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 ^a
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

^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).

(94) "Radiation" means 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.

(95) "Radiation area" means any area, accessible to individuals, in which 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.

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

(97) "Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate

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radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

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

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

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

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

(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.

(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.

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

(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.

(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.

(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" means any area to which access is limited by the licensee or registrant for purposes 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.

(111) "Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58×10^{-4} coulombs/kilogram of air.

(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 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.

(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 centimeter (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 area emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

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

~~((118))~~ (119) "Source container" means a device in which radioactive material is transported or stored.

~~((119))~~ (120) "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.

~~((120))~~ (121) "Source material milling" means the extraction or concentration of uranium or thorium from any ore processing primarily for its source material content.

~~((121))~~ (122) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

~~((122))~~ (123) "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 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.

~~((123))~~ (124) "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))~~ (125) "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:

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

~~((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.))~~

(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, or presence of sources of radiation. 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.

(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.

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

(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) "Total organ dose equivalent (TODE)" means the sum of the deep dose equivalent and the committed dose equivalent to the organ or tissue receiving the highest dose.

(132) "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.

(133) "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.

(134) "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.

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

(136) "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).

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

(138) "Unrestricted area" (uncontrolled area) means any area which is not a restricted area (~~and~~), Areas where the external dose (~~will not~~) exceeds 2 mrem in any one hour (~~In addition,~~) or where the public dose, taking into account occupancy factors, will (~~not~~) exceed 100 mrem total effective dose equivalent in any one year must be restricted.

(139) "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.

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

(141) "Week" means seven consecutive days starting on Sunday.

(142) "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

Organ or Tissue	w _T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a
Whole Body	1.00 ^b

- 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.

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

(144) "Worker" means an individual engaged in ~~((work))~~ activities 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.

(145) "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.

(146) "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.

(147) "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.

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

WAC 246-220-110 Appendix A—Determination of A_1 and A_2 values. I. Single radionuclides.

(1) For a single radionuclide of known identity, the values of A_1 and A_2 are taken from Table A-1 if listed there. The values A_1 and A_2 in Table A-1 are also applicable for radionuclides contained in (α , n) or (γ , n) neutron sources.

(2) For any single radionuclide whose identity is known but which is not listed in Table A-1, the values of A_1 and A_2 are determined according to the following procedure:

(a) If the radionuclide emits only one type of radiation, A_1 is determined according to the rules in paragraphs (i), (ii), (iii) and (iv) of this paragraph. For radionuclides emitting different kinds of radiation, A_1 is the most restrictive value of those determined for each kind of radiation. However, in both cases, A_1 is restricted to a maximum of 1000 Ci (37 TBq). If a parent nuclide decays into a shorter lived daughter with a half-life not greater than 10 days, A_1

is calculated for both the parent and the daughter, and the more limiting of the two values is assigned to the parent nuclide.

(i) For gamma emitters, A_1 is determined by the expression:

$$A_1 = \frac{9}{\text{GRC}} \text{ curies}$$

where GRC is the gamma-ray constant, corresponding to the dose in R/h at 1 m per Ci; the number 9 results from the choice of 1 rem/h at a distance of 3 m as the reference dose-equivalent rate.

(ii) For X-ray emitters, A_1 is determined by the atomic number of the nuclide:

for $Z < 55$ — $A_1 = 1000$ Ci (37 TBq)

for $Z > 55$ — $A_1 = 200$ Ci (7.4 TBq)

where Z is the atomic number of the nuclide.

(iii) For beta emitters, A_1 is determined by the maximum beta energy (E_{max}) according to Table A-2;

(iv) For alpha emitters, A_1 is determined by the expression:

$A_1 = 1000 A_3$

where A_3 is the value listed in Table A-3;

(b) A_2 is the more restrictive of the following two values:

(i) The corresponding A_1 ; and

(ii) The value A_3 obtained from Table A-3.

(3) For any single radionuclide whose identity is unknown, the value of A_1 is taken to be two Ci (74 GBq) and the value of A_2 is taken to be 0.002 Ci (74 MBq). However, if the atomic number of the radionuclide is known to be less than 82, the value of A_1 is taken to be 10 Ci (370 GBq) and the value of A_2 is taken to be 0.4 Ci (14.8 GBq).

II. Mixtures of radionuclides, including radioactive decay chains.

(1) For mixed fission products the following activity limits may be assumed if a detailed analysis of the mixture is not carried out:

$A_1 = 10$ Ci (370 GBq)

$A_2 = 0.4$ Ci (14.8 GBq)

(2) A single radioactive decay chain is considered to be a single radionuclide when the radionuclides are present in their naturally occurring proportions and no daughter nuclide has a half-life either longer than 10 days or longer than that of the parent nuclide. The activity to be taken into account and the A_1 or A_2 value from Table A-1 to be applied are those corresponding to the parent nuclide of that chain. When calculating A_1 or A_2 values, radiation emitted by daughters must be considered. However, in the case of radioactive decay chains in which any daughter nuclide has a half-life either longer than 10 days or greater than that of the parent nuclide, the parent and daughter nuclides are considered to be mixtures of different nuclides.

(3) In the case of a mixture of different radionuclides, where the identity and activity of each radionuclide are known, the permissible activity of each radionuclide R_1 , R_2

... R_n is such that $F_1 + F_2 + \dots + F_n$ is not greater than unity, where

$$F_1 = \frac{\text{Total activity of } R_1}{A_1(R_1)}$$

$$F_2 = \frac{\text{Total activity of } R_2}{A_1(R_2)}$$

$$F_n = \frac{\text{Total activity of } R_n}{A_1(R_n)}$$

$A_1(R_1, R_2, \dots, R_n)$ is the value of A_1 or A_2 as appropriate for the nuclide R_1, R_2, R_n .

(4) When the identity of each radionuclide is known but the individual activities of some of the radionuclides are not

known, the formula given in paragraph (3) is applied to establish the values of A_1 or A_2 as appropriate. All the radionuclides whose individual activities are not known (their total activity will, however, be known) are classed in a single group and the most restrictive value of A_1 and A_2 applicable to any one of them is used as the value of A_1 or A_2 in the denominator of the fraction.

(5) Where the identity of each radionuclide is known but the individual activity of none of the radionuclides is known, the most restrictive value of A_1 or A_2 applicable to any one of the radionuclides present is adopted as the applicable value.

(6) When the identity of none of the nuclides is known, the value of A_1 is taken to be two Ci (74 GBq) and the value of A_2 is taken to be 0.002 Ci (74 MBq). However, if alpha emitters are known to be absent, the value of A_2 is taken to be 0.4 Ci (14.8 GBq).

TABLE A-1.— A_1 AND A_2 VALUES FOR RADIONUCLIDES

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A_1 (Ci)	A_2 (Ci)	Specific activity (Ci/g)
^{227}Ac	Actinium (89)	1000	0.003	7.2×10^1
^{228}Ac		10	4	2.2×10^6
^{105}Ag	Silver (47)	40	40	3.1×10^4
$^{110\text{m}}\text{Ag}$		7	7	4.7×10^3
^{111}Ag		100	20	1.6×10^5
^{241}Am	Americium (95)	8	0.008	3.2
^{243}Am		8	0.008	1.9×10^{-1}
^{37}Ar (compressed or uncompressed)*	Argon (18)	1000	1000	1.0×10^5
^{41}Ar (uncompressed)*		20	20	4.3×10^7
^{41}Ar (compressed)*		1	1	4.3×10^7
^{73}As	Arsenic (33)	1000	400	2.4×10^4
^{74}As		20	20	1.0×10^5
^{76}As		10	10	1.6×10^6
^{77}As		300	20	1.1×10^6
^{211}At	Astatine (85)	200	7	2.1×10^6
^{193}Au	Gold (79)	200	200	9.3×10^5
^{196}Au		30	30	1.2×10^5
^{198}Au		40	20	2.5×10^5
^{199}Au		200	25	2.1×10^5
^{131}Ba	Barium (56)	40	40	8.7×10^4
^{133}Ba		40	10	4.0×10^2
^{140}Ba		20	20	7.3×10^4
^7Be	Beryllium (4)	300	300	3.5×10^5
^{206}Bi	Bismuth (83)	5	5	9.9×10^4
^{207}Bi		10	10	2.2×10^2
^{210}Bi (RaE)		100	4	1.2×10^5
^{212}Bi		6	6	1.5×10^7
^{249}Bk	Berkelium (97)	1000	1	1.8×10^3
^{77}Br	Bromine (35)	70	25	7.1×10^5
^{82}Br		6	6	1.1×10^6
^{11}C	Carbon (6)	20	20	8.4×10^8
^{14}C		1000	60	4.6
^{45}Ca	Calcium (20)	1000	25	1.9×10^4
^{47}Ca		20	20	5.9×10^5
^{109}Cd	Cadmium (48)	1000	70	2.6×10^3
$^{115\text{m}}\text{Cd}$		30	30	2.6×10^4
^{115}Cd		80	20	5.1×10^5
^{139}Ce	Cerium (58)	100	100	6.5×10^3
^{141}Ce		300	25	2.8×10^4
^{143}Ce		60	20	6.6×10^5
^{144}Ce		10	7	3.2×10^3
^{249}Cf	Californium (98)	2	0.002	3.1
^{250}Cf		7	0.007	1.3×10^2
^{252}Cf		2	0.009	6.5×10^2
^{36}Cl	Chlorine (17)	300	10	3.2×10^{-2}
^{38}Cl		10	10	1.3×10^8

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242 _{Cm}	Curium (96)	200	0.2	3.3X10 ³
243 _{Cm}		9	0.009	4.2X10
244 _{Cm}		10	0.01	8.2X10
245 _{Cm}		6	0.006	1.0X10 ⁻¹
246 _{Cm}		6	0.006	3.6X10 ⁻¹
56 _{Co}	Cobalt (27)	5	5	3.0X10 ⁴
57 _{Co}		90	90	8.5X10 ³
58 _{mCo}		1000	1000	5.9X10 ⁶
58 _{Co}		20	20	3.1X10 ⁴
60 _{Co}		7	7	1.1X10 ³
51 _{Cr}	Chromium (24)	600	600	9.2X10 ⁴
129 _{Cs}	Cesium (55)	40	40	7.6X10 ⁵
131 _{Cs}		1000	1000	1.0X10 ⁵
134 _{mCs}		1000	10	7.4X10 ⁶
134 _{Cs}		10	10	1.2X10 ³
135 _{Cs}		1000	25	8.8X10 ⁻⁴
136 _{Cs}		7	7	7.4X10 ⁴
137 _{Cs}		30	10	9.8X10
64 _{Cu}	Copper (29)	80	25	3.8X10 ⁶
67 _{Cu}		200	25	7.9X10 ⁵
165 _{Dy}	Dysprosium (66)	100	20	8.2X10 ⁶
166 _{Dy}		1000	200	2.3X10 ⁵
169 _{Er}	Erbium (68)	1000	25	8.2X10 ⁴
171 _{Er}		50	20	2.4X10 ⁶
152 _{mEu}	Europium (63)	30	30	2.2X10 ⁶
152 _{Eu}		20	10	1.9X10 ²
154 _{Eu}		10	5	1.5X10 ²
155 _{Eu}		400	60	1.4X10 ³
18 _F	Fluorine (9)	20	20	9.3X10 ⁷
52 _{Fe}	Iron (26)	5	5	7.3X10 ⁶
55 _{Fe}		1000	1000	2.2X10 ³
59 _{Fe}		10	10	4.9X10 ⁴
67 _{Ga}	Gallium (31)	100	100	6.0X10 ⁵
68 _{Ga}		20	20	4.0X10 ⁷
72 _{Ga}		7	7	3.1X10 ⁶
153 _{Gd}	Gadolinium (64)	200	100	3.6X10 ³
159 _{Gd}		300	20	1.1X10 ⁶
68 _{Ge}	Germanium (32)	20	10	7.0X10 ³
71 _{Ge}		1000	1000	1.6X10 ⁵
3 _H	Hydrogen (1) see T-Tritium			
181 _{Hf}	Hafnium (72)	30	25	1.6X10 ⁴
197 _{mHg}	Mercury (80)	200	200	6.6X10 ⁵
197 _{Hg}		200	200	2.5X10 ⁵
203 _{Hg}		80	25	1.4X10 ⁴
166 _{Ho}	Holmium (67)	30	30	6.9X10 ⁵
123 _I	Iodine(53)	50	50	1.9X10 ⁶
125 _I		1000	70	1.7X10 ⁴
126 _I		40	10	7.8X10 ⁴
129 _I		1000	2	1.6X10 ⁻⁴
131 _I		40	10	1.2X10 ⁵
132 _I		7	7	1.1X10 ⁷
133 _I		30	10	1.1X10 ⁶
134 _I		8	8	2.7X10 ⁷
135 _I		10	10	3.5X10 ⁶
111 _{In}	Indium (49)	30	25	4.2X10 ⁵
113 _{mIn}		60	60	1.6X10 ⁷
114 _{mIn}		30	20	2.3X10 ⁴
115 _{mIn}		100	20	6.1X10 ⁶
190 _{Ir}	Iridium (77)	10	10	6.2X10 ⁴
192 _{Ir}		20	10	9.1X10 ³
194 _{Ir}		10	10	8.5X10 ⁵
42 _K	Potassium (19)	10	10	6.0X10 ⁶
43 _K		20	10	3.3X10 ⁶
85 _{mKr} (uncompressed)*	Krypton (36)	100	100	8.4X10 ⁶
85 _{mKr} (compressed)*		3	3	8.4X10 ⁶
85 _{Kr} (uncompressed)*		1000	1000	4.0X10 ²
85 _{Kr} (compressed)*		5	5	4.0X10 ²
87 _{Kr} (uncompressed)*		20	20	2.8X10 ⁷
87 _{Kr} (compressed)*		0.6	0.6	2.8X10 ⁷
140 _{La}	Lanthanum (57)	30	30	5.6X10 ⁵
(LSA)	Low specific activity material - see § 71.4)			
177 _{Lu}	Lutetium (71)	300	25	1.1X10 ⁵
MFP	Mixed fission products	10	0.4	
28 _{Mg}	Magnesium (12)	6	6	5.2X10 ⁶
52 _{Mn}	Manganese (25)	5	5	4.4X10 ⁵
54 _{Mn}		20	20	8.3X10 ³

⁵⁶ Mn		5	5	2.2X10 ⁷
⁹⁹ Mo	Molybdenum (42)	100	20	4.7X10 ⁵
¹³ N	Nitrogen (7)	20	10	1.5X10 ⁹
²² Na	Sodium (11)	8	8	6.3X10 ³
²⁴ Na		5	5	8.7X10 ⁶
^{93m} Nb	Niobium (41)	1000	200	1.1X10 ³
⁹⁵ Nb		20	20	3.9X10 ⁴
⁹⁷ Nb		20	20	2.6X10 ⁷
¹⁴⁷ Nd	Neodymium (60)	100	20	8.0X10 ⁴
¹⁴⁹ Nd		30	20	1.1X10 ⁷
⁵⁹ Ni	Nickel (28)	1000	900	8.1X10 ⁻²
⁶³ Ni		1000	100	4.6X10
⁶⁵ Ni		10	10	1.9X10 ⁷
²³⁷ Np	Neptunium (93)	5	0.005	6.9X10 ⁻⁴
²³⁹ Np		200	25	2.3X10 ⁵
¹⁸⁵ Os	Osmium (76)	20	20	7.3X10 ³
¹⁹¹ Os		600	200	4.6X10 ⁴
^{191m} Os		200	200	1.2X10 ⁶
¹⁹³ Os		100	20	5.3X10 ⁵
³² P	Phosphorus (15)	30	30	2.9X10 ⁵
²³⁰ Pa	Protactinium (91)	20	0.8	3.2X10 ⁴
²³¹ Pa		2	0.002	4.5X10 ⁻²
²³³ Pa		100	100	2.1X10 ⁴
²⁰¹ Pb	Lead (82)	20	20	1.7X10 ⁶
²¹⁰ Pb		100	0.2	8.8X10
²¹² Pb		6	5	1.4X10 ⁶
¹⁰³ Pd	Palladium (46)	1000	700	7.5X10 ⁴
¹⁰⁹ Pd		100	20	2.1X10 ⁶
¹⁴⁷ Pm	Promethium (61)	1000	25	9.4X10 ²
¹⁴⁹ Pm		100	20	4.2X10 ⁵
²¹⁰ Po	Polonium (84)	200	0.2	4.5X10 ³
¹⁴² Pr	Praseodymium (59)	10	10	1.2X10 ⁴
¹⁴³ Pr		300	20	6.6X10 ⁴
¹⁹¹ Pt	Platinum (78)	100	100	2.3X10 ⁵
^{193m} Pt		200	200	2.0X10 ⁵
^{197m} Pt		300	20	1.2X10 ⁷
¹⁹⁷ Pt		300	20	8.8X10 ⁵
²³⁸ Pu	Plutonium (94)	3	0.003	1.7X10
²³⁹ Pu		2	0.002	6.2X10 ⁻²
²⁴⁰ Pu		2	0.002	2.3X10 ⁻¹
²⁴¹ Pu		1000	0.1	1.1X10 ²
²⁴² Pu		3	0.003	3.9X10 ⁻³
²²³ Ra	Radium (88)	50	0.2	5.0X10 ⁴
²²⁴ Ra		6	0.5	1.6X10 ⁵
²²⁶ Ra		10	0.05	1.0
²²⁸ Ra		10	0.05	2.3X10 ²
²²² Rn	Radon (86)	10	2	1.5X10 ⁵
⁸¹ Rb	Rubidium (37)	30	25	8.2X10 ⁶
⁸⁶ Rb		30	30	8.1X10 ⁴
⁸⁷ Rb		Unlimited	Unlimited	6.6X10 ⁻⁸
Rb(natural)		Unlimited	Unlimited	1.8X10 ⁻⁵
¹⁸⁶ Re	Rhenium (75)	100	20	1.9X10 ⁵
¹⁸⁷ Re		Unlimited	Unlimited	3.8X10 ⁻⁸
¹⁸⁸ Re		10	10	1.0X10 ⁶
Re(natural)		Unlimited	Unlimited	2.4X10 ⁻⁸
^{103m} Rh	Rhodium (45)	1000	1000	3.2X10 ⁷
¹⁰⁵ Rh		200	25	8.2X10 ⁵
⁹⁷ Ru	Ruthenium (44)	80	80	5.5X10 ⁵
¹⁰³ Ru		30	25	3.2X10 ⁴
¹⁰⁵ Ru		20	20	6.6X10 ⁶
¹⁰⁶ Ru		10	7	3.4X10 ³
³⁵ S	Sulphur (16)	1000	60	4.3X10 ⁴
¹²² Sb	Antimony (51)	30	30	3.9X10 ⁵
¹²⁴ Sb		5	5	1.8X10 ⁴
¹²⁵ Sb		40	25	1.4X10 ³
⁴⁶ Sc	Scandium (21)	8	8	3.4X10 ⁴
⁴⁷ Sc		200	20	8.2X10 ⁵
⁴⁸ Sc		5	5	1.5X10 ⁶
⁷⁵ Se	Selenium (34)	40	40	1.4X10 ⁴
³¹ Si	Silicon (14)	100	20	3.9X10 ⁷
¹⁴⁷ Sm	Samarium (62)	Unlimited	Unlimited	2.0X10 ⁻⁸
¹⁵¹ Sm		1000	90	2.6X10
¹⁵³ Sm		300	20	4.4X10 ⁵
¹¹³ Sn	Tin (50)	60	60	1.0X10 ⁴
^{119m} Sn		100	100	4.4X10 ³
¹²⁵ Sn		10	10	1.1X10 ⁵

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85mSr	Strontium (38)	80	80	3.2X10 ⁷
85Sr		30	30	2.4X10 ⁴
87mSr		50	50	1.2X10 ⁷
89Sr		100	10	2.9X10 ⁴
90Sr		10	0.4	1.5X10 ²
91Sr		10	10	3.6X10 ⁶
92Sr		10	10	1.3X10 ⁷
T(uncompressed)*	Tritium (1)	1000	1000	9.7X10 ³
T(compressed)*		1000	1000	9.7X10 ³
T(activated luminous paint)		1000	1000	9.7X10 ³
T(adsorbed on solid carrier)		1000	1000	9.7X10 ³
T(tritiated water)		1000	1000	9.7X10 ³
T(other forms)		20	20	9.7X10 ³
182Ta	Tantalum (73)	20	20	6.2X10 ³
160Tb	Terbium (65)	20	10	1.1X10 ⁴
96mTc	Technetium (43)	1000	1000	3.8X10 ⁷
96Tc		6	6	3.2X10 ⁵
97mTc		1000	200	1.5X10 ⁴
97Tc		1000	400	1.4X10 ⁻³
99mTc		100	100	5.2X10 ⁶
99Tc		1000	25	1.7X10 ⁻²
125mTe	Tellurium (52)	1000	100	1.8X10 ⁴
127MTe		300	20	4.0X10 ⁴
127Te		300	20	2.6X10 ⁶
129MTe		30	10	2.5X10 ⁴
129Te		100	20	2.0X10 ⁷
131mTe		10	10	8.0X10 ⁵
132Te		7	7	3.1X10 ⁵
227Th	Thorium (90)	200	0.2	3.2X10 ⁴
228Th		6	0.008	8.3X10 ²
230Th		3	0.003	1.9X10 ⁻²
231Th		1000	25	5.3X10 ⁵
232Th		Unlimited	Unlimited	1.1X10 ⁻⁷
234Th		10	10	2.3X10 ⁴
Th(natural)		Unlimited	Unlimited	2.2X10 ⁻⁷
Th(irradiated)**				
200Tl	Thallium (81)	20	20	5.8X10 ⁵
201Tl		200	200	2.2X10 ⁵
202Tl		40	40	5.4X10 ⁴
204Tl		300	10	4.3X10 ²
170Tm	Thulium (69)	300	10	6.0X10 ³
171Tm		1000	100	1.1X10 ³
230U	Uranium (92)	100	0.1	2.7X10 ⁴
232U		30	0.03	2.1X10 ³
233U		100	0.1	9.5X10 ⁻³
234U		100	0.1	6.2X10 ⁻³
235U		100	0.2	2.1X10 ⁻⁶
236U		200	0.2	6.3X10 ⁻⁵
238U		Unlimited	Unlimited	3.3X10 ⁻⁷
U(natural)		Unlimited	Unlimited	(SEE TABLE A-4)
U(enriched) < 20%		Unlimited	Unlimited	(SEE TABLE A-4)
	20% or greater	100	0.1	(SEE TABLE A-4)
U(depleted)		Unlimited	Unlimited	(SEE TABLE A-4)
U(irradiated)***				
48V	Vanadium (23)	6	6	1.7X10 ⁵
181W	Tungsten (74)	200	100	5.0X10 ³
185W		1000	25	9.7X10 ⁻³
187W		40	20	7.0X10 ⁵
127Xe(uncompressed)*	Xenon (54)	70	70	2.8X10 ⁴
127Xe(compressed)*		5	5	2.8X10 ⁴
131mXe(compressed)*		10	10	1.0X10 ⁵
131mXe(uncompressed)*		100	100	1.0X10 ⁵
133Xe(uncompressed)*		1000	1000	1.9X10 ⁵
133Xe(compressed)*		5	5	1.9X10 ⁵
135Xe(uncompressed)*		70	70	2.5X10 ⁵
135Xe(compressed)*		2	2	2.5X10 ⁵
87Y	Yttrium (39)	20	20	4.5X10 ³
90Y		10	10	2.5X10 ⁵
91mY		30	30	4.1X10 ⁷
91Y		30	30	2.5X10 ⁴
92Y		10	10	9.5X10 ⁶
93Y		10	10	3.2X10 ⁶

169Yb	Ytterbium (70)	80	80	2.3X10 ⁵
175Yb		400	25	1.8X10 ⁵
65Zn	Zinc (30)		30	308.0X10 ³
69mZn		40	20	3.3X10 ⁶
69Zn		300	20	5.3X10 ⁷
93Zr	Zirconium (40)	1000	200	3.5X10 ⁻³
95Zr		20	20	2.1X10 ⁴
97Zr		20	20	2.0X10 ⁶

*For the purpose for Table A-1, compressed gas means a gas at a pressure which exceeds the ambient atmospheric pressure at the location where the containment system was closed.

**The values of A₁ and A₂ must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and of the uranium-233 in addition to that of the thorium.

***The values of A₁ and A₂ must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and plutonium isotopes in addition to that of the uranium.

TABLE A-2

RELATIONSHIP BETWEEN A₁ AND E_{max} FOR BETA EMITTERS

E _{max} (MeV)	A ₁ (Ci)
< 0.5	1000
0.5 - < 1.0	300
1.0 - < 1.5	100
1.5 - < 2.0	30
≥ 2.0	10

TABLE A-3

RELATIONSHIP BETWEEN A₃ AND THE ATOMIC NUMBER OF THE RADIONUCLIDE

Atomic Number	A ₃		
	Half-life less than 1000 days	Half-life 1000 days to 10 ⁶ years	Half-life greater than 10 ⁶ years
1 to 81	3 Ci	.05 Ci	3 Ci
82 and above	.002 Ci	.002 Ci	3 Ci

TABLE A-4—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM

Thorium and uranium enrichment ¹ wt % ²³⁵ U present	Specific activity	
	Ci/g	g/Ci
0.45	5.0x10 ⁻⁷	2.0x10 ⁶
0.72 (natural)	7.06x10 ⁻⁷	1.42x10 ⁶
1.0	7.6x10 ⁻⁷	1.3x10 ⁶
1.5	1.0x10 ⁻⁶	1.0x10 ⁶
5.0	2.7x10 ⁻⁶	3.7x10 ⁵
10.0	4.8x10 ⁻⁶	2.1x10 ⁵
20.0	1.0x10 ⁻⁵	1.0x10 ⁵
35.0	2.0x10 ⁻⁵	5.0x10 ⁴
50.0	2.5x10 ⁻⁵	4.0x10 ⁴
90.0	5.8x10 ⁻⁵	1.7x10 ⁴
93.0	7.0x10 ⁻⁵	1.4x10 ⁴
95.0	9.1x10 ⁻⁵	1.1x10 ⁴
Natural Thorium	2.2x10 ⁻⁷	4.6x10 ⁶

¹ The figures for uranium include representative values for the activity of the uranium-234 which is concentrated during the enrichment process. The activity for Thorium includes the equilibrium concentration of Thorium-228.

NEW SECTION

WAC 246-235-077 Special requirements for emergency planning. (1) Each application to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities in WAC 246-235-150, "Schedule C—Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release," must contain either:

(a) An evaluation showing that the maximum dose to a member of the public offsite due to a release of radioactive materials would not exceed 1 rem effective dose equivalent or 5 rems to the thyroid or an intake of 2 milligrams of soluble uranium; or

(b) An emergency plan for responding to the radiological hazards of an accidental release of radioactive material and to the chemical hazards associated with uranium hexafluoride, when present.

(2) One or more of the following factors may be used to support an evaluation submitted under subsection (1)(a) of this section:

(a) The radioactive material is physically separated so that only a portion could be involved in an accident;

(b) All or part of the radioactive material is not subject to release during an accident because of the way it is stored or packaged;

(c) The release fraction in the respirable size range would be lower than the release fraction listed in WAC 246-235-150 Schedule C due to the chemical or physical form of the material;

(d) The solubility of the radioactive material would reduce the dose received;

(e) Facility design or engineered safety features in the facility would cause the release fraction to be lower than listed in WAC 246-235-150 Schedule C;

(f) Operating restrictions or procedures would prevent a release fraction as large as that listed in WAC 246-235-150 Schedule C; or

(g) Other factors appropriate for the specific facility.

(3) An emergency plan for responding to a release of radioactive material submitted under subsection (1)(b) of this section must include the following information:

(a) Facility description. A brief description of the licensee's facility and area near the site.

(b) Types of accidents. An identification of each type of radioactive materials accident for which protective actions may be needed.

(c) Classification of accidents. A system for classifying accidents as alerts or site area emergencies.

(d) Detection of accidents. Identification of the means of detecting each type of accident in a timely manner.

(e) Mitigation of consequences. A brief description of the means and equipment for mitigating the consequences of

PROPOSED

each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

(f) Assessment of releases. A brief description of the methods and equipment to assess releases of radioactive materials.

(g) Responsibilities. A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the department; also responsibilities for developing, maintaining, and updating the plan.

(h) Notification and coordination. A commitment, and a brief description of the means available, promptly to notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the department immediately after notification of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency. These reporting requirements do not supersede or release licensees from complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499 or other state or federal reporting requirements.

(i) Information to be communicated. A brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the department.

(j) Training. A brief description of the frequency, performance objectives and plans for the training that the licensee will provide workers on how to respond to an emergency including any special instructions and orientation tours the licensee would offer to fire, police, medical and other emergency personnel. The training shall familiarize personnel with site-specific emergency procedures. Also, the training shall thoroughly prepare site personnel for their responsibilities in the event of accident scenarios postulated as most probable for the specific site, including the use of team training for such scenarios.

(k) Safe shutdown. A brief description of the means of restoring the facility to a safe condition after an accident.

(l) Exercises. Provisions for conducting quarterly communications checks with offsite response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee shall invite offsite response organizations to participate in the biennial exercises. Participation of offsite response organizations in biennial exercises although recommended is not required. Exercises must use accident scenarios postulated as most probable for the specific site and the scenarios shall not be known to most exercise participants. The licensee shall critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan,

emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques must be corrected.

(m) Hazardous chemicals. A certification that the licensee or applicant has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499, if applicable to the licensee's or applicant's activities at the proposed place of use of the radioactive material.

(4) The licensee shall allow the offsite response organizations expected to respond in case of an accident sixty days to comment on the licensee's emergency plan before submitting it to the department. The licensee shall provide any comments received within the sixty days to the department with the emergency plan.

NEW SECTION

WAC 246-235-150 Schedule C—Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release.

Radioactive material ¹	Release fraction	Possession limit (curies)
Actinium-228	0.001	4,000
Americium-241	.001	2
Americium-242	.001	2
Americium-243	.001	2
Antimony-124	.01	4,000
Antimony-126	.01	6,000
Barium-133	.01	10,000
Barium-140	.01	30,000
Bismuth-207	.01	5,000
Bismuth-210	.01	600
Cadmium-109	.01	1,000
Cadmium-113	.01	80
Calcium-45	.01	20,000
Californium-252 ²	.001	9
Carbon-14 ³	.01	50,000
Cerium-141	.01	10,000
Cerium-144	.01	300
Cesium-134	.01	2,000
Cesium-137	.01	3,000
Chlorine-36	.5	100
Chromium-51	.01	300,000
Cobalt-60	.001	5,000
Copper-64	.01	200,000
Curium-242	.001	60
Curium-243	.001	3
Curium-244	.001	4
Curium-245	.001	2
Europium-152	.01	500
Europium-154	.01	400
Europium-155	.01	3,000
Germanium-68	.01	2,000
Gadolinium-153	.01	5,000
Gold-198	.01	30,000
Hafnium-172	.01	400

Hafnium-181	.01	7,000
Holmium-166m	.01	100
Hydrogen-3	.5	20,000
Iodine-125	.5	10
Iodine-131	.5	10
Indium-114m	.01	1,000
Iridium-192	.001	40,000
Iron-55	.01	40,000
Iron-59	.01	7,000
Krypton-85	1.0	6,000,000
Lead-210	.01	8
Manganese-56	.01	60,000
Mercury-203	.01	10,000
Molybdenum-99	.01	30,000
Neptunium-237	.001	2
Nickel-63	.01	20,000
Niobium-94	.01	300
Phosphorus-32	.5	100
Phosphorus-33	.5	1,000
Polonium-210	.01	10
Potassium-42	.01	9,000
Promethium-145	.01	4,000
Promethium-147	.01	4,000
Ruthenium-106	.01	200
Samarium-151	.01	4,000
Scandium-46	.01	3,000
Selenium-75	.01	10,000
Silver-110m	.01	1,000
Sodium-22	.01	9,000
Sodium-24	.01	10,000
Strontium-89	.01	3,000
Strontium-90	.01	90
Sulfur-35	.5	900
Technetium-99	.01	10,000
Technetium-99m	.01	400,000
Tellurium-127m	.01	5,000
Tellurium-129m	.01	5,000
Terbium-160	.01	4,000
Thulium-170	.01	4,000
Tin-113	.01	10,000
Tin-123	.01	3,000
Tin-126	.01	1,000
Titanium-44	.01	100
Uranium-Hexafluoride	.001	Note ⁴
Vanadium-48	.01	7,000
Xenon-133	1.0	900,000
Yttrium-91	.01	2,000
Zinc-65	.01	5,000
Zirconium-93	.01	400
Zirconium-95	.01	5,000
Any other beta-gamma emitter	.01	10,000
Mixed fission products	.01	1,000
Mixed corrosion products	.01	10,000
Contaminated equipment beta-gamma	.001	10,000
Irradiated material, any form other than solid noncombustible	.01	1,000
Irradiated material, solid noncombustible	.001	10,000
Mixed radioactive waste, beta-gamma	.01	1,000

Packaged mixed waste, beta-gamma ⁵	.001	10,000
Any other alpha emitter	.001	2
Contaminated equipment, alpha	.0001	20
Packaged waste, alpha ⁵	.0001	20
Combinations of radioactive materials listed above ¹		

- 1 For combinations of radioactive materials, consideration of the need for an emergency plan is required if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material in Schedule C exceeds one.
- 2 For Californium-252, the quantity may also be expressed as 20 milligrams.
- 3 Excludes Carbon-14 as carbon monoxide.
- 4 For uranium hexafluoride, the quantity is 50 kilograms in a single container or 1,000 kilograms total.
- 5 Waste packaged in Type B containers does not require an emergency plan.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-250 Notification of incidents. (1) **Immediate notification.** Notwithstanding other requirements for notification, each licensee and/or registrant shall immediately (as soon as possible but no later than four hours after discovery of an incident) notify the State Department of Health, Division of Radiation Protection, 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) 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 or a total organ dose equivalent 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; or

(c) The loss of ability to take immediate protective actions necessary to avoid exposure to sources of radiation or releases of radioactive material that could exceed regulatory limits. Events which could cause such a loss of ability include fires, explosions, toxic gas releases, etc.

(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, 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) 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 or a total organ dose equivalent 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; or

(c) An unplanned contamination incident that:

(i) Requires access to the contaminated area, by workers or the general public, to be restricted for more than twenty-four hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) Involves a quantity of material greater than five times the lowest annual limit on intake specified in WAC 246-221-290; and

(iii) Has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than twenty-four hours to decay prior to decontamination; or

(d) Equipment failure or inability to function as designed when:

(i) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive material exceeding regulatory limits or to mitigate the consequences of an accident;

(ii) The equipment is required to be available and operable at the time it becomes disabled or fails to function; and

(iii) No redundant equipment is available and operable to perform the required safety functions; or

(e) An unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(f) An unplanned fire or explosion damaging any radioactive material or any device, container or equipment containing radioactive material when:

(i) The quantity of radioactive material involved is greater than five times the lowest annual limit on intake specified in WAC 246-221-290; and

(ii) The damage affects the integrity of the radioactive material or its container.

(3) For each occurrence((7)) 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 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).

(7) Telephone notification required under this section shall include, to the extent that the information is available at the time of notification:

(a) The caller's name and call-back telephone number;

(b) A description of the incident including date and time;

(c) The exact location of the incident;

(d) The radionuclides, quantities, and chemical and physical forms of the radioactive materials involved; and

(e) Any personnel radiation exposure data available.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

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 submit a written 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 incident and its exact location, time and date;

(b) 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))~~ (c) Levels of radiation and concentrations of radioactive material involved, including the radionuclides, quantities, and chemical and physical form;

~~((e))~~ (d) The cause or probable cause of the exposure, levels of radiation or concentrations;

(e) The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(f) The results of any evaluations or assessments; and
~~((d))~~ (g) 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) 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.

NEW SECTION

WAC 246-240-015 Policy and procedures for therapy administration. (1) Each licensee shall establish and maintain a written program to provide assurance that radioactive material or radiation from radioactive material will be administered as directed by the authorized user. The program must include written policies and procedures to meet the following specific objectives:

(a) That, prior to administration, a written directive is prepared for:

- (i) Any teletherapy radiation dose;
- (ii) Any gamma stereotactic radiosurgery radiation dose;

or

(iii) Any brachytherapy radiation dose. A written revision to an existing written directive may be made for any therapeutic procedure provided the revision is dated and signed by the authorized user prior to the administration of radioactive material or radiation from radioactive material for that therapeutic use. If a delay would jeopardize the patient's health, and the authorized user is not personally present to administer the dose, an oral directive or oral revision to an existing written directive by the authorized user will be acceptable provided the oral directive or oral revision is documented immediately in the patient's chart or record, and the revised written directive is signed by the authorized user within forty-eight hours of the oral revision. Note: A written directive is not required when an authorized user personally assays and administers a dosage, provided the pertinent facts are documented as otherwise required;

(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 evaluate and respond, within thirty days after the 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.

(3) The licensee shall retain:

- (a) Each written directive (provided, however, that such written directive is not required if the dose is both personally assayed and administered by the authorized user); and
- (b) A record of each administered radiation dose where a written directive is required in subsection (1)(a) of this section, in an auditable form for three years after the date of the administration.

(4) The licensee may make modifications to the program to increase the program's efficiency provided the program's effectiveness is not decreased.

WSR 94-22-006
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed October 20, 1994, 1:12 p.m.]

Original Notice.

Title of Rule: Duties of laboratories—Reporting of results indicative of certain reportable diseases.

Purpose: Permits laboratories which perform T-lymphocyte testing to report client names and medical record numbers to the Department of Health on a monthly or quarterly basis; also requires labs which send specimens out-of-state for T-lymphocyte testing to report results $<200/\text{mm}^3$ or $\%<14$ to the Department of Health.

Other Identifying Information: WAC 246-100-236.

Statutory Authority for Adoption: RCW 70.24.130.

Statute Being Implemented: RCW 70.24.105.

Summary: Labs that perform T-lymphocyte testing are currently required to report, on a quarterly basis, all CD4 results below $200/\text{mm}^3$ or below 14% to the Department of Health. Patient identifiers on each report are coded. The proposed rule seeks four changes: To permit labs to report names or coded identifier as submitted on the lab request form; to make pass-through labs responsible for reporting results from specimens sent to out-of-state laboratories for CD4 testing; to allow labs to report on a monthly or quarterly basis (current language requires quarterly reporting only); and to allow labs to provide medical record numbers when available.

Reasons Supporting Proposal: The current system of coded lab reporting is inefficient and a burden to providers and laboratories. A significant number of new, reportable cases of AIDS are missed due to coded identifiers.

Name of Agency Personnel Responsible for Drafting and Implementation: Mariella Cummings, Mailstop 7844, Olympia, Washington 98504, 586-8344; and Enforcement:

Bruce Miyahara, Mailstop 7890, Olympia, Washington 98504, 753-5871.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will permit laboratories which perform T-lymphocyte testing to report client names or identifiers as submitted on the lab request form and medical record numbers to the Department of Health on a monthly or quarterly basis; also requires labs which send specimens [to] out-of-state labs for T-lymphocyte testing to report results $<200/\text{mm}^3$ or $\%<14$ to the Department of Health. The Department of Health anticipates that the number of reported AIDS cases will increase with implementation of the rule, and Washington state will be eligible for increased federal AIDS service dollars.

Proposal Changes the Following Existing Rules: The Department of Health is requesting four changes to the current reporting rule: Require laboratories to report patient names or identifiers as recorded on the laboratory request slip instead of codes; allow labs to provide reports on a monthly, rather than quarterly, basis; permit labs to report medical record numbers, if available; and require in-state pass-through labs that send specimens for CD4 testing out-of-state to report results as outlined above and in the current rule.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed rule changes will not affect more than 10% of any one industry. The Department of Health has worked, and continues to work, with affected laboratory representatives to minimize impact of reporting regulations and remain flexible to their needs.

Hearing Location: Everett Community College, Monte Cristo Building, Room 210, 801 Wetmore Avenue, Everett, WA 98201, on December 14, 1994, at 1:10 p.m.

Assistance for Persons with Disabilities: Contact Shirley Standish, 464-5468, TDD (206) 664-0064 or 1-800-525-0127 ext. 5458.

Submit Written Comments to: Ann Foster, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by November 23, 1994.

Date of Intended Adoption: December 14, 1994.

October 19, 1994

Sylvia Beck

Executive Director

State Board of Health

AMENDATORY SECTION (Amending Order 354B, filed 4/1/93, effective 5/2/93)

WAC 246-100-236 Duties of laboratories—Reporting of laboratory results indicative of certain reportable diseases. (1) By December 31, 1987, medical laboratories shall:

(a) Report each positive culture or other suggestive test results to the local health officer by phone, written report, or submission of specimen within two working days, unless specified otherwise, for:

(i) Anthrax (*Bacillus anthracis*),

- (ii) Botulism (*Clostridium botulinum*),
- (iii) Cholera (*Vibrio cholerae*),
- (iv) Diphtheria (*Corynebacterium diphtheriae*) - toxigenic strains,
- (v) Gonorrhea (*Neisseria gonorrhoeae*) (report within seven days),
- (vi) Measles (rubeola) (measles virus),
- (vii) Plague (*Yersinia pestis*),
- (viii) Rabies (rabies virus),
- (ix) Brucellosis (*Brucella* species),
- (x) Leptospirosis (*Leptospira interrogans*),
- (xi) Listeria infection of blood or spinal fluid (*Listeria monocytogenes*),
- (xii) Meningococcal infection of blood or spinal fluid (*N. meningitidis*),
- (xiii) Pertussis (*Bordetella pertussis*),
- (xiv) Salmonellosis (*Salmonella* species),
- (xv) Shigellosis (*Shigella* species), and
- (xvi) Hepatitis A (positive anti-HAV IgM),
- (xvii) Mycobacteriosis.

(b) Send a copy of the state form accompanying specimen submitted as required in WAC 246-100-231 or identifying information including:

- (i) Type of specimen tested (e.g., serum or sputum),
- (ii) Test result,
- (iii) Name of reporting laboratory,
- (iv) Date of report,
- (v) Name of requesting health care provider or health care facility, and
- (vi) Name of patient.

(2) By December 31, 1987, medical laboratories shall report positive cultures or other suggestive test results for chlamydial infection (*Chlamydia trachomatis*) to local health departments monthly including either:

- (a) Identifying information specified in subsection (1)(b)(i-vi) of this section, or
- (b) Aggregate numbers of positive tests including age, sex, and site of infection when known.

(3) Medical laboratories shall label or stamp reports appropriately with information indicating "reportable disease" and the telephone number of the local health department, if such labels or stamps are provided by the local health department.

(4) State and local health officers and health departments receiving reports from medical laboratories shall:

- (a) Allow time for the laboratory to notify the principal health care provider prior to contact if:
 - (i) Delay is unlikely to jeopardize public health, and
 - (ii) The laboratory requests a delay.
- (b) Try to contact the principal health care provider and discuss circumstances prior to contact of a patient when possible.

(5) By ~~((April 15, 1993))~~ January 1995, medical laboratories performing CD4+ (T4) tests or sending specimens for CD4 testing out-of-state shall submit to the state HIV/AIDS office monthly or quarterly reports on the enumeration of CD4+ (T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) for specimens submitted after ~~((January 1, 1993))~~ October 1, 1994, of patients aged thirteen or older with CD4+ counts less than two hundred or CD4+ percents less than fourteen. Laboratories may, but are not required to,

exclude information concerning specimens which are unrelated to HIV infection or performed in conjunction with medical research, but otherwise shall report the following information:

- (a) ~~((Patient specific identifier or anonymous code or, if authorized by the patient,))~~ The patient's name or identifier as submitted to the laboratory; and
- (b) Name of the patient's health care provider; and
- (c) Address of patient's health care provider; and
- (d) CD4+ count (and CD4+ percent if available); and
- (e) Date of CD4+ count or CD4+ percent; and
- (f) Medical record number, if available.

WSR 94-22-007

PROPOSED RULES

DEPARTMENT OF HEALTH

(Division of Community and Family Health)

[Filed October 20, 1994, 1:15 p.m.]

Original Notice.

Title of Rule: Prevention, treatment, and control of tuberculosis.

Purpose: To enhance state and local authority to prevent and control tuberculosis, especially concerning local procedures to confine or detain persons with infectious tuberculosis.

Other Identifying Information: Part II of amendments to chapter 246-170 WAC. Part I concerned with tuberculosis skin testing and medication administration training and was adopted August 1994.

Statutory Authority for Adoption: RCW 70.28.032.

Statute Being Implemented: Chapter 70.28 RCW.

Summary: RCW 70.28.031 empowers local health officers to examine and isolate persons reasonably suspected of having tuberculosis. ESB 6158 adds a new section that mandates the State Board of Health to adopt rules by December 31, 1994, establishing due process standards for health officers to exercise their authority to involuntarily detain, test, treat, or isolate persons with suspected or confirmed tuberculosis.

Reasons Supporting Proposal: Chapter 70.28 RCW grants this authority to health officers.

Name of Agency Personnel Responsible for Drafting: Gary Livingston, 2nd Floor, Melbourne Tower, (206) 723-0823; Implementation: Community and Family Health, Building 14, Airdustrial, 586-8344; and Enforcement: Washington State Board of Health, P.O. Box 47990, 586-8558.

Name of Proponent: Tuberculosis Control Program, Department of Health, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will spell out the due process requirements for health officers to exercise their authority to control tuberculosis, if necessary, by quarantine, confinement or detention.

Proposal Changes the Following Existing Rules: Several definitions have been added, some dropped, and others updated; due process requirements of health officers have been developed and added to rule; out-of-date clinical

care and treatment procedures have been updated; some housekeeping changes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This is a revenue neutral rule as far as the Department of Health is concerned, nor will it have small business impact.

Hearing Location: Everett Community College, Monte Cristo Building, Room 210, 801 Wetmore Avenue, Everett, WA 98201, on December 14, 1994, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Gary Livingston by December 1, 1994, (206) 464-5406.

Submit Written Comments to: Ann Foster, P.O. Box 47890, Olympia, WA 98504-7890, by November 23, 1994.

Date of Intended Adoption: December 14, 1994.

October 18, 1994

Sylvia Beck

Executive Director

Chapter 246-170 WAC

Tuberculosis—Prevention, Treatment, and Control

NEW SECTION

WAC 246-170-002 Findings and purpose. (1) The Board of Health finds that: (a) Pulmonary tuberculosis is a life-threatening airborne disease that can be casually transmitted without significant interaction with an infectious person. Tuberculosis has reemerged as an epidemic disease nationally, and though Washington state is not in an epidemic yet, the increasing number of cases in Washington state each year clearly demonstrate that absent timely and effective public health intervention in individual cases, the residents of the state of Washington are at risk of being infected by tuberculosis.

(b) In order to limit the spread of tuberculosis, it is essential that individuals who have the disease are diagnosed and treated before they infect others. Diagnosis requires a variety of methodologies including skin tests, x-rays, and laboratory analysis of sputum samples.

(c) A person with infectious tuberculosis who cannot be relied upon to voluntarily submit to appropriate testing, treatment, or infection control methods poses an unreasonable risk of spreading the disease to those who come into the infectious person's proximity.

(d) Although the recommended course of treatment for tuberculosis varies somewhat from one individual to another, at a minimum, effective treatment requires a long-term regimen of multiple drug therapy. Some drugs are effective with some individuals but not others. The development of the appropriate course of treatment for any one individual may require trying different combinations of drugs and repeated drug susceptibility testing. The course of treatment may require as long as several years to complete.

(e) A person who begins a course of treatment for tuberculosis and fails to follow the recommended course through to completion is highly likely to relapse at some point into infectious tuberculosis. The person will most likely then be infected with what is known as multiple drug resistant tuberculosis, which is more virulent, more difficult to treat, and more likely to result in fatality. A person who is infected with multiple drug resistant tuberculosis poses a significant risk of transmitting multiple drug resistant

tuberculosis to other persons, unless appropriate treatment and infection control methods are followed.

(f) Multiple drug resistant tuberculosis is a significant element in the epidemic that is being encountered nationwide, and effective public health interventions are necessary to prevent that epidemic from developing in or spreading to Washington state.

(2) The following rules are adopted for the purpose of establishing standards necessary to protect the public health by (a) assuring the diagnosis, treatment, and prevention of tuberculosis and; (b) assuring that the highest priority is given to providing appropriate individualized preventive and curative treatment in the least restrictive setting.

NEW SECTION

WAC 246-170-011 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Case management" means a comprehensive, ongoing identification of needs, including the need for any medical, social, educational, or other support services; the development and implementation of a detailed plan of services and related activities; use of community linkages; and advocacy for the client performed in a prescribed, accountable manner.

"Confirmed" or "confirmed case" means an individual who has a positive bacteriologic culture for *Mycobacterium tuberculosis* complex or a suspected case that shows response to an appropriate course of treatment.

"Department" means the Department of Health.

"Detention" or "detain" means the act of restricting an individual's movement by confining the person.

"Directly Observed Therapy" (DOT) and "Directly Observed Preventive Therapy" (DOPT) mean providing oral medications to patients and observing ingestion of medications by patients.

"Infected" means an individual who has tubercle bacilli as identified by a positive tuberculin skin test, but is not capable of transmitting the organism to another person.

"Infectious" means the stage of disease in which an individual transmits viable tuberculosis organisms into the air.

"Inpatient" means health care furnished to an individual who has been admitted to a hospital.

"Outpatient" means health care furnished to an individual who is not an inpatient.

"Personal protective equipment" means respirators and other equipment as required by the Department of Labor and Industries.

"Prevention" means the interventions that interrupt the spread of tuberculosis, either within an individual, within the population, or both.

"Preventive therapy" means either treatment to prevent infection in an uninfected person or treatment to prevent disease in an infected person.

"Primary health care provider" means the person who assumes the day-to-day medical care of a tuberculosis patient.

"Suspected case" means an individual with signs or symptoms suggestive of tuberculosis disease prior to confirmation.

"Treatment" means a course of long-term multiple drug or other appropriate therapy prescribed for an individual with suspected or confirmed disease in accordance with accepted medical practice and current applicable national and state guidelines, and may include preventive therapy.

"Tuberculin skin test" means the introduction of purified protein derivative (PPD) by the Mantoux method.

"Tuberculosis Community Health Worker" means an unlicensed person trained to perform tuberculin skin testing, Directly Observed Therapy, and Directly Observed Preventive Therapy and working pursuant to chapter 70.28 RCW as part of a program established by a state or local health officer to control tuberculosis.

NEW SECTION

WAC 246-170-021 Responsibility of local health officers. Each county, city-county and district health officer is responsible for the control of tuberculosis within a jurisdiction. Each health officer shall act as or shall designate a physician to act as tuberculosis control officer. This individual shall coordinate all aspects of the prevention, treatment, and control program.

NEW SECTION

WAC 246-170-031 Local health department responsibilities. (1) Each local health department shall assure the provision of a comprehensive program for the prevention, treatment, and control of tuberculosis. Services shall include: (a) prevention and screening, with emphasis on screening of high risk populations; (b) diagnosis and monitoring, including laboratory and radiology; (c) individualized treatment planning consistent with American Thoracic Society/Centers for Disease Control and Prevention statements based on the least restrictive measures necessary to assure appropriate treatment, and; (d) case management.

(2) In the absence of third party reimbursement, the local health department shall assure the provision of inpatient or outpatient care, including DOT/DOPT and case management.

(3) Each local health department shall maintain a register of all diagnosed or suspected cases of tuberculosis. In addition, each local health department shall also maintain a register of individuals to whom that health department is providing preventive therapy. Quarterly status reports on suspected and diagnosed cases shall be furnished to the department of health tuberculosis control program.

(4) A physician knowledgeable in the diagnosis and treatment of tuberculosis approved by the department shall be available to provide review of diagnoses, plans of management and, if appropriate, discharge from inpatient facilities.

(5) Sufficient nursing, clerical, and other appropriate personnel shall be provided to furnish supervision of preventive and outpatient treatment, surveillance, suspect evaluation, epidemiologic investigation, and contact workup.

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.

PROPOSED

NEW SECTION**WAC 246-170-041 Inpatient services requirements.**

(1) Inpatient services to infectious or suspected cases shall be provided in hospitals or hospital units of correctional facilities. These facilities shall meet infection control program requirements pursuant to WAC 246-318-035, and shall provide: (a) a single-patient room consistent with the guidelines set forth in the 1994 CDC Guidelines For Preventing the Transmission of Tuberculosis in Health Care Facilities, or as hereafter amended. Copies of these guidelines are available from the Washington State Department of Health, TB Control Program; (b) medical, nursing, laboratory, radiology, pharmacy, patient education, and social services; (c) discharge conferences involving at least the current primary provider, a local health department representative, and transferring and receiving facility representatives.

(2) Suspected and infectious cases may be housed and treated in a residential setting not meeting the requirements of this section only as approved by the local health officer.

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

NEW SECTION

WAC 246-170-051 Procedures for involuntary testing, treatment, and detention. (1) If the local health officer has reason to believe that:

(a) A person is a suspected case, and that the person has failed to comply with a request from a health care practitioner or the local health officer to submit to examination and testing; or

(b) A person with confirmed tuberculosis is failing to comply with an individual treatment plan; then the health officer may detain the person, cause the person to be detained by written order, or petition the superior court ex parte for an order to take the person into emergency detention for testing or treatment, or both. The period of detention shall not exceed seventy-two hours, excluding weekends and holidays.

(2) If a person is involuntarily detained under this section, within one judicial day of initial detention, the local health officer shall file with the superior court in the county of detention a petition for detention. A petition filed under this section shall specify:

(a) The basis for the local health officer's belief that the respondent is either a suspected or confirmed case;

(b) The specific actions taken by the local health officer to obtain voluntary compliance by the respondent with recommended examination and testing or treatment, as the case may be;

(c) The nature and duration of further detention or other court-ordered action that the local health officer believes is necessary in order to assure that the respondent is appropriately tested or treated;

(d) The basis for believing that further detention or other court-ordered action is necessary to protect the public health; and

(e) Other information the local health officer believes is pertinent to the proper resolution of the petition.

(3) Service on Respondent. The health officer shall serve a copy of the petition on the individual named therein, and his or her legal representative, if any, as soon as is practicable after the petition is filed with the Court.

NEW SECTION

WAC 246-170-055 Due process proceedings. (1) A hearing on the petition for detention filed under WAC 246-170-050 shall be conducted in superior court within seventy-two hours after initial detention, excluding weekends and holidays. The local health officer shall have the burden of proving the allegations set forth in the petition by a preponderance of the evidence. The person named in the petition shall have the right to cross-examine witnesses, present evidence, and be represented by an attorney at any hearing held on the petition. If the person is indigent, legal counsel shall be appointed at public expense.

(2) At the conclusion of the hearing, the court shall consider the evidence, the action taken by the health officer to secure voluntary compliance by the patient, and the purpose and intent of the public health laws, including this chapter, and may take one of the following actions;

(a) If the court finds that the respondent is a suspected case, the court may enter an order requiring that the person be subjected to further examination, testing, and treatment as specified in the court's order. If the court finds that further detention of the respondent is necessary in order to assure that the examination, testing, and treatment occurs, the court may order that the respondent be detained for an additional period not to exceed forty-five days. The results of testing conducted under this chapter shall be provided to the court as soon as they are available to the local health officer. The court may then conduct an additional hearing to determine whether the person is a confirmed case and, if so, whether further measures are necessary to protect the public health pursuant to subsection (b) or (c).

(b) If the court finds that the person is a confirmed case, that further measures less restrictive than detention of the respondent are necessary to assure that appropriate treatment is implemented and that imposition of less restrictive measures will be sufficient to protect the public health, the court may enter an order setting forth such measures and ordering the respondent to comply with the measures.

(c) If the court finds that the person is a confirmed case, that further detention of the respondent is necessary to protect the public health, and that imposition of less restrictive measures will not be sufficient to protect the public health, the court may order that the respondent be detained and treated for an additional period not to exceed forty-five days.

(3) A person detained under this chapter may be released prior to the expiration of the court-ordered detention if the health officer or the court finds that less restrictive measures are sufficient to protect the public health. The court may impose such conditions on the release of the person as the court finds are necessary to protect the public health.

(4) The court may extend a period of court-ordered detention for additional periods not to exceed one hundred eighty days each if the court finds that further detention is necessary to assure that appropriate treatment is implement-

PROPOSED

ed, and that imposition of less restrictive measures are not sufficient to protect the public health. As an alternative to extending the period of detention, if the court finds after hearing that further measures less restrictive than detention are necessary to assure that appropriate treatment is continued, and that imposition of less restrictive measures will be sufficient to protect the public health, the court may enter an order setting forth the measures and ordering the respondent to comply.

(5) In the event that a person has been released from detention prior to completion of the prescribed course of treatment and fails to comply with the prescribed course of treatment, the health officer where that individual is found may detain that person, and any court having jurisdiction of the person may order the person detained for an additional period or periods, not to exceed one hundred eighty days each, as the court finds necessary to protect the public health.

(6) If a person has been detained in a county other than the county in which the court that originally ordered the detention is located, venue of the proceedings may remain in the original county, or may be transferred to the county of detention. Change in venue may be sought either by the local health officer in the original county or in the county of detention, or by the person detained. Except as otherwise agreed between the original health officer and the health officer in the county of detention, the original health officer retains jurisdiction over the detained person, including financial responsibility for costs incurred in implementing and continuing the detention.

(7) Court orders entered under this chapter shall be entered only after a hearing at which the respondent is accorded the same rights as at the initial hearing on the petition for detention.

NEW SECTION

WAC 246-170-061 Initiation of testing or treatment.

If a person has been detained under WAC 246-170-050 or -055, the health officer may begin testing or treatment, as appropriate, pending the hearing required under WAC 246-170-055.

NEW SECTION

WAC 246-170-065 Persons already detained, confined, or committed. (1) The provisions of WAC 246-170-050 through -060 of this chapter do not apply to persons who have been lawfully detained, confined, or committed to the custody of a penal institution, a mental health facility, or another public or private institution. The person in charge of such facility or his or her designee shall report to the local health officer the names of persons in custody who are either a suspected or confirmed case. The report shall include information indicating the date upon which the person is to be released from the facility, if known, and if no specific release date has been determined, the earliest date upon which release is likely to occur. A person in custody may be ordered to undergo examination and testing or treatment, as appropriate, by the person in charge of the facility or designee, subject to such constitutional or other requirements as may be applicable.

(2) The person in charge of a custodial facility shall notify the local health officer and the department of the release of a person who is at the time of release reasonably believed to be either a suspected or confirmed case. The notice shall be given to the local health officer where the facility is located and to the local health officer having jurisdiction over the place to which the person is being released, if known. The notice shall be given as early as is practical, but in no event later than the time of the actual release.

REPEALER

The following sections of the Washington Administrative Codes are hereby repealed:

- WAC 246-170-001 Purpose
- WAC 246-170-010 Definitions
- WAC 246-170-020 Responsibility of local health officers
- WAC 246-170-030 Local health department responsibilities
- WAC 246-170-040 Inpatient services
- WAC 246-170-050 Infection control
- WAC 246-170-060 Clinical services
- WAC 246-170-070 Home treatment
- WAC 246-170-080 Case monitoring
- WAC 246-170-090 Program review

**WSR 94-22-023
PROPOSED RULES
DEPARTMENT OF LICENSING**
[Filed October 25, 1994, 4:10 p.m.]

Original Notice.

Title of Rule: WAC 308-12-083 Identification of registrant.

Purpose: To rescind the requirement for firms and architects to list designated architects in all forms of public correspondence, publications and advertisements.

Statutory Authority for Adoption: RCW 18.08.340.

Summary: Repeal WAC 308-12-083 Identification of registrant.

Reasons Supporting Proposal: The requirements imposed on licensed persons are unnecessary and do not thwart unlicensed activity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 2424 Bristol Court, Olympia, (206) 753-6967.

Name of Proponent: Board of Registration for Architects, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This repeal eliminates an unnecessary advertising requirement.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repealing WAC 308-12-083 will eliminate an unnecessary requirement.

Proposal Changes the Following Existing Rules: Architects and architectural firms would no longer be

required to identify the designated architect in public correspondence and advertisements.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No impact to small businesses in workload or financial considerations.

Hearing Location: Gould Hall, Second Floor, Faculty Conference Room, Room 208 J, University of Washington, 3949 15th Avenue N.E., Seattle, WA 98105, on January 27, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact James D. Hanson by January 20, 1995, TDD (206) 753-1966.

Submit Written Comments to: FAX (206) 586-0998, by January 20, 1995.

Date of Intended Adoption: January 27, 1995.

October 24, 1994

James D. Hanson

Program Administrator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-12-083 Identification of registrant.

WSR 94-22-024
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed October 25, 1994, 4:13 p.m.]

Original Notice.

Title of Rule: WAC 308-12-025 Application for examination.

Purpose: To specify the dates that the examination is offered and clarify application administrative procedures.

Statutory Authority for Adoption: RCW 18.08.340.

Statute Being Implemented: RCW 18.08.360.

Summary: The October and February examination dates are deleted as no longer available.

Reasons Supporting Proposal: Examinations are not available in October and February.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 2424 Bristol Court, Olympia, (206) 753-6967.

Name of Proponent: Board of Registration for Architects, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This amendment clarifies the application cut-off dates and dates of available examinations.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment specifies the dates that the examinations are offered.

Proposal Changes the Following Existing Rules: It eliminates the October and February examination dates that are no longer available.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No impact to small businesses in workload or financial considerations.

Hearing Location: Gould Hall, Second Floor, Faculty Conference Room, Room 208 J, University of Washington, 3949 15th Avenue N.W., Seattle, WA 98105, on January 27, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact James D. Hanson by January 20, 1995, TDD (206) 753-1966.

Submit Written Comments to: FAX (206) 586-0998, by January 20, 1995.

Date of Intended Adoption: January 27, 1995.

October 24, 1994

James D. Hanson

Program Administrator

AMENDATORY SECTION (Amending Order PM 857, filed 8/10/89; effective 9/10/89)

WAC 308-12-025 Application for examination. (1) The application for examination must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.08.350. Applications for admission to ~~((a))~~ a scheduled examination ~~((if scheduled))~~ must be submitted or postmarked not later than the following dates:

<u>Examination Months/Divisions</u>	<u>Cut-off Dates</u>
June - All Divisions	April 1
((October - A, B(Written), D/F, E, G, H, I	September 10))
December - B(Graphic), C	October 1
((February - A, B(Written), D/F, E, G, H, I	December 10))

(2) On subsequent attempts examinees may retake any divisions offered not passed on previous attempts. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination fee and the appropriate examination fee for each division as established by the director and published in chapter 308-12 WAC, architect fees. For reexamination applicants, examination fees are listed by separate division.

(3) For the June and December examinations, notices of acceptance (examination admission letters) will be mailed to eligible applicants approximately six weeks prior to the examination, along with detailed information as to times, place, and scheduled examination divisions.

(4) ~~((For the February and October computer administered examinations, instruction packets will be mailed to eligible applicants approximately two weeks prior to the testing agency admission deadline.~~

(5) ~~((The application fee~~ fee ~~for examination and the reexamination fee are administrative charges and will not be refunded. The examination fees~~ for each division ~~may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national~~ test supplier.

PROPOSED

WSR 94-22-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed October 28, 1994, 3:50 p.m.]

Original Notice.

Title of Rule: WAC 388-49-500 Income—Deductions.

Purpose: Conform with federal standards for standard deduction and homeless shelter deduction (7 CFR 273.9 (d)(1) and (5)(i)).

Statutory Authority for Adoption: RCW 74.04.500.

Statute Being Implemented: RCW 74.04.500, 7 CFR 273.9 (d)(1) and (5)(i).

Summary: Increase standard deduction to \$134 and homeless shelter deduction to \$139.

Reasons Supporting Proposal: Conform with federal standards for standard deduction and homeless shelter deduction (7 CFR 273.9 (d)(1) and (5)(i)).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8324.

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

Rule is necessary because of federal law, 7 CFR 273.9 (d)(1) and (5)(i).

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on December 27, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by December 13, 1994, TDD (206) 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, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by December 20, 1994.

Date of Intended Adoption: December 28, 1994.

October 28, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3786, filed 9/28/94, effective 10/29/94)

WAC 388-49-500 Income—Deductions. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred (~~(thirty-one))~~ thirty-four dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed two hundred dollars for each dependent age one year old or younger and one hundred seventy-

five dollars for each other dependent when care is necessary for a household member to:

- (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;

(e) A deduction for legally obligated child support paid for a person who is not a member of the household;

(f) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, child support, and dependent care deductions. The shelter deduction shall not exceed two hundred thirty-one dollars;

(g) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) A household's shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

- (i) Household intends to return to the home;
- (ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

- (i) Has not yet received a billing for utilities;
- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or
- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

- (i) Not entitled to the standard utility allowance; or
- (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(e) A shelter amount of one hundred (~~(thirty-seven))~~ thirty-nine dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

- (i) Monthly shelter costs no greater than one hundred (~~(thirty-seven))~~ thirty-nine dollars; or
- (ii) Unverified shelter costs exceeding one hundred (~~(thirty-seven))~~ thirty-nine dollars.

(3) A household may switch between actual utility costs and the standard utility allowance:

- (a) At each recertification; and
- (b) One additional time during each twelve-month period following the initial certification action.

PROPOSED

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

- (a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;
- (b) Receive food stamps as a nonassistance household until becoming categorically eligible; or
- (c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

- (a) Reimbursement; or
- (b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.
- (6) The department shall verify:
 - (a) Dependent care costs including changes, except in prospective budgeting; ~~(and)~~
 - (b) Incurred and anticipated medical expenses and the reimbursement amounts resulting in a deduction only at application, recertification, and when the household reports a change in medical expenses(-); and
 - (c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(e) of this section.

(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction.

WSR 94-22-049
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
 [Filed October 31, 1994, 2:14 p.m.]

The Department of Social and Health Services is withdrawing two sections identified as WAC 388-97-285 and 388-97-290. These two sections were filed as proposals with the Office of the Code Reviser under WSR 94-13-052 on June 8, 1994.

Dewey Brock, Chief
 Office of Vendor Services

WSR 94-22-054
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed November 1, 1994, 8:38 a.m.]

Supplemental Notice to WSR 94-18-100.

Title of Rule: WAC 246-802-990 Acupuncture fees.

Purpose: Reduce surplus revenues.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: Chapter 18.06 RCW.

Summary: Fees are being reduced to comply with audits of revenue and expenditures.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, 1300 Quince Street S.E., Olympia, WA, (206) 586-8438.

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: Fees are being reduced and modified to reduce excessive revenues.

Proposal Changes the Following Existing Rules: Renewal fees are reduced.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Consensus of the profession surveyed indicated there would be no increased cost or recordkeeping or loss of sales or revenues as a result of the proposed rule changes.

Hearing Location: Department of Health, 1102 Quince Street, 1st Floor Conference Room, Olympia, WA 98504, on December 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact by December 7, 1994, TDD (206) 664-0064, or 1-800-525-0127.

Submit Written Comments to: Ann Foster, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by December 5, 1994.

Date of Intended Adoption: December 8, 1994.

October 31, 1994
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 295B, filed 8/13/92, effective 9/13/92)

WAC 246-802-990 Acupuncture fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application nonrefundable	\$200.00
Annual license renewal	((610.00)) 240.00
Inactive renewal	((225.00)) 110.00
Late renewal penalty	100.00
Duplicate license	15.00
Certification	25.00
Acupuncture training program application	500.00

WSR 94-22-057
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
 [Filed November 1, 1994, 1:10 p.m.]

Original Notice.

Title of Rule: Parking regulations—Center for nursing education.

Purpose: To regulate parking.

Other Identifying Information: Chapter 504-18 WAC.
 Statutory Authority for Adoption: RCW 28B.30.150, 28B.30.125.

Summary: The proposed rules update existing regulations regarding parking at the center.

Reasons Supporting Proposal: Existing rules are out of date; and proposed rules reflect the needs of the center.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Middlebrook, West 2917 Fort George Wright Drive, Spokane, WA 99204-5291, (509) 325-6143.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency recommends adoption and implementation.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules regulate parking at the Intercollegiate Center for Nursing Education. The rules serve to inform persons of the parking regulations, as well as outline the cost of parking permits and the method of fines for parking violations. The anticipated effects of the new rules include clarifying rules and regulations; updating costs of permits and fines; and streamlining parking violations appeal processes.

Proposal Changes the Following Existing Rules: Clarify parking regulations; raise rates for parking permits and fines; and revise method of enforcement and appeal of parking violations.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency does not anticipate that the proposed rules will have an economic impact on small businesses.

Hearing Location: Room 148, ICNE, West 2917 Fort George Wright Drive, Spokane, WA 99204, on December 13, 1994, at 2 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell by December 6, 1994, TDD (509) 335-1566.

Submit Written Comments to: Bill Middlebrook, FAX (509) 325-6173, by January 17, 1995.

Date of Intended Adoption: February 17, 1995.

October 26, 1994

Lou Ann Pasquan
Rules Coordinator

AMENDATORY SECTION (Amending Order 73-8, filed 10/5/73)

WAC 504-18-110 Authorization. Washington State University is the coordinating institution for Eastern Washington ((State College)) University, ((Fort Wright College,)) Whitworth College and Washington State University, the participating institutions in the intercollegiate center for nursing education (ICNE) in Spokane, and the participating institutions have delegated authority to Washington State University to act as their agent. The board of regents, Washington State University, is authorized by state law to establish parking regulations and to provide penalties for infractions of regulations (RCW 28B.10.560 and 28B.15.031).

AMENDATORY SECTION (Amending Order 73-8, filed 10/5/73)

WAC 504-18-120 Definitions. (1) The word "center" for purposes of these regulations means the center for nursing education in Spokane, also known as the intercollegiate center for nursing education.

(2) The words "motor vehicle" or "vehicle" include((s)) automobiles, trucks, motorcycles, motor scooters, and all other motor-driven conveyances licensed for use on public streets.

(3) The word "staff" as it appears herein((r)) refers to faculty and staff of the center and employees of noncenter organizations who work in center facilities.

(4) "Visitor" refers to those persons having no direct relationship with the center as do staff and students, but who do have official business with the center.

AMENDATORY SECTION (Amending Order 73-8, filed 10/5/73)

WAC 504-18-140 Parking permits. (1) General information

(a) Parking permits will be issued by the business office ((of the dean)) of the ((center for nursing education)) ICNE in Spokane, following application and the payment of the appropriate fee. Parking permits will be evidenced by flashers. By means of design, color, permit number, type and year, such flashers will identify each vehicle and designate the type of parking permitted. No permit shall be valid for longer than one year. Each permit shall terminate at the commencement of the next succeeding fall term of an academic year.

(b) All parking permits and flashers must be affixed in an approved location so that they are clearly visible and readable from the outside of the vehicle. ((Duplicate flashers and a)) Transferable ((card)) permits will be issued to multiple vehicle families or vehicle pool groups of either staff or students where only one vehicle at a time will be parked on center lots.

(c) ((Parking permits and flashers must be affixed in the lower left corner (driver's side) of the rear window with the following exceptions:

(i) ~~On convertibles and trucks, they must be affixed in the lower left corner of the front windshield.~~

(ii) ~~On station wagons, they must be affixed on the rear of the left rear side window.~~

(iii) ~~On motorcycles, they must be affixed in a conspicuous place.~~

(iv) ~~Each vehicle in a pool group must display a pool flasher in the appropriate location as set forth above. In addition, the vehicle parked on a center lot must display the transferable card permit in the lower left corner (driver's side) of the windshield.)~~ Permits should be affixed as follows:

(i) Cars—lower left-hand corner of rear window (driver's side);

(ii) Cars with rear defrost—rear of left side;

(iii) Station wagons—rear of left side window;

(iv) Convertibles and trucks—lower left-hand corner of windshield;

(v) Motorcycles—a conspicuous area of the machine;

(vi) Pool cars—the transferable plastic card with pool decal affixed to be displayed in the lower left corner of the windshield or hung from the rear-view mirror of the pool car being driven.

(d) The business office should be notified when a car or motorcycle is sold, traded, or destroyed. A minimal fee will be charged to replace the permit.

(2) Staff members

(a) A parking permit is required of any staff member who wishes to park a vehicle on ~~((a center))~~ an ICNE lot.

~~((a))~~ (b) Staff disability flashers are for a specified parking place upon certification by a physician that the health of the staff member requires a parking place close to ~~((his))~~ work. The permits may be issued for up to a year depending upon the nature of the disability.

~~((b) Service flashers are for staff who must use their private vehicles for center business and authorize parking in loading zones for not more than 15 minutes. (A staff permit is also required and this applies only to center parking lots.))~~

(3) Students

A parking permit is required of any student who wishes to park a vehicle on ~~((center))~~ ICNE lots.

(4) Visitor parking

(a) Vehicles of official visitors to the center with tax-exempt licenses will be allowed to park on center lots without permits.

(b) Visitor permits may be requested by those who are not employed by or enrolled at the Spokane center. These permits are issued free of charge by the business office ~~((of the dean))~~ of the ~~((center for nursing education))~~ ICNE in Spokane.

(5) Motorcycles

Motorcycle permits may be purchased by either staff or students and are valid only in designated motorcycle areas. Pool flashers and transferable card permits are valid on motorcycles.

AMENDATORY SECTION (Amending Order 74-4, filed 12/4/74)

WAC 504-18-150 Parking permit fees. (1) Staff members

The fee for a staff parking permit at any time during the first ~~((term))~~ semester (fall) is ~~((45.00))~~ \$73.44. The fee at any time during the second ~~((term (winter)))~~ semester is ~~((30.00))~~ \$36.72. ~~((The fee at any time during the third term (spring) is \$15.00.))~~ Upon request, a refund of ~~((30.00))~~ \$36.72 will be made to a staff member who leaves at the end of the first ~~((term. A \$15.00 refund will be made upon request from any staff member who leaves at the end of the second term))~~ semester. A request must be made before the end of the second week of the ~~((term in session))~~ second semester. There will be no refunds during the summer or for a partial period. Temporary staff permits may be purchased at the rate of \$.50 a day or 10 consecutive working days for ~~((3.00))~~ \$5.40.

(2) Students

The fee for a student parking permit for the student lot is ~~((9.00))~~ \$54.00 any time during the first ~~((term (fall)))~~ semester, ~~((6.00))~~ and \$27.00 at any time during the second ~~((term (winter), and \$3.00 at any time during the third term~~

~~((spring)))~~ semester. Upon request, a refund of ~~((6.00))~~ \$27.00 will be made at the end of the first ~~((term, \$3.00 at the end of the second term))~~ semester to a student who withdraws from school or no longer needs a permit. A request must be made before the end of the second week of the ~~((term in session))~~ semester. No refund will be made for the summer or partial periods. Temporary student permits may be purchased at the rate of ~~((.25))~~ \$.50 a day or 10 consecutive school days for ~~((1.00))~~ \$5.40.

(3) Motorcycles

Motorcycle permits may be purchased by either staff or students for ~~((4.50))~~ \$17.28 any time during the first ~~((term (fall), \$3.00))~~ and \$8.64 any time during the second ~~((term (winter), and \$1.50 any time during the third term (spring)))~~ semester. A refund of ~~((3.00))~~ \$8.64 will be made upon request if ~~((the))~~ a person leaves at the end of the first ~~((term, or no longer needs a permit, and \$1.50 refund at the end of the second term. There will be no refund for partial period or the summer))~~ semester. A request must be made before the end of the second week of the ~~((term in session))~~ second semester. Motorcycles must be parked in spaces so designated.

AMENDATORY SECTION (Amending Order 73-8, filed 10/5/73)

WAC 504-18-170 Administration and enforcement.

(1) The ~~((dean))~~ finance officer of the ~~((center for nursing education))~~ ICNE in Spokane is responsible for the administration and enforcement of the center parking regulations ~~((including the appointment of a center parking committee which shall consist of not more than 5 members and shall include representation of faculty, staff and students at the center)).~~

(2) ~~((The center parking committee is responsible for the following:~~

~~((a) To make recommendations on regulations governing center parking facilities and control;~~

~~((b) To make recommendations for physical improvements in parking facilities;~~

~~((c) To review the administration and enforcement of these regulations;~~

~~((d) To hear appeals.~~

~~((3))~~ (3) Anyone observed in violation of parking regulations may be given a notice of violation.

~~((4))~~ (3) The university reserves the right to impound any illegally parked vehicle at either or both the owner's or driver's expense.

~~((5))~~ (4) Parking violations will be processed by the business office of the ~~((dean of the center for nursing education))~~ ICNE in Spokane and will be paid ~~((to a representative designated))~~ in that office. Parking violations may be appealed in writing within 10 days of the violation.

~~((6))~~ (5) The fines for staff and students will be:

(a) ~~((2.00 for absence of transferable pool card when required;~~

~~((b) \$5.00))~~ \$10.00 for absence of parking permit when required, or improper parking, or parking in an area not allowed by permit.

~~((c) \$10.00))~~ (b) \$20.00 for parking in a ~~((staff disability))~~ disabled parking space without a ~~((staff))~~ disability permit.

~~((d)) \$25.00 for displaying a counterfeit permit or flasher or obtaining one under false pretenses.~~

(7)) (6) Failure of a student or staff member to pay the fine assessed for any violation will result in the total amount of the fines being referred to the participating institution at which the staff member is employed or the student is registered for collection. The participating institution, including Washington State University, may, if other collection efforts fail, deduct outstanding fines from salaries of employees to secure payment or withhold outstanding fines from damage deposits or other funds held for students. Where collection efforts are unsuccessful, the participating institutions, including Washington State University, may refrain from issuing copies of student transcripts or withhold permission to reenroll for an ensuing term until outstanding fines are paid.

(7) Appeal procedure

This procedure serves two primary purposes: To assure an impartial evaluation of certain circumstances and situations relating to an appeal and to aid in the appraisal of parking problems. ~~((The appeal procedure may involve two steps.~~

(a)) The initial appeal must be in writing. The forms for this purpose may be obtained at the business office (~~(of the dean))~~ of ~~((the center for nursing education))~~ ICNE in Spokane. ~~((After review by the center parking committee, the appellant and the appropriate administrative unit within the dean's office are notified by mail whether the appeal is granted or rejected.~~

(b) ~~If the appeal is rejected, the appellant may request a hearing before the center parking committee to present his case in person, and if appellant so requests, a hearing shall be scheduled with [within] a reasonable time. Following the hearing, the appellant is notified by mail as to the decision of the committee.)~~ Appeals are reviewed and acted on by the ICNE finance officer.

**WSR 94-22-058
PROPOSED RULES**

WASHINGTON STATE UNIVERSITY

[Filed November 1, 1994, 1:13 p.m.]

Original Notice.

Title of Rule: University policy of student education records.

Purpose: Regulate access and disclosure of education records. Implement federal law regarding this issue.

Other Identifying Information: Chapter 504-21 WAC.

Statutory Authority for Adoption: RCW 28B.30.150, 20 U.S.C 1232g.

Statute Being Implemented: 20 U.S.C. 1232g.

Summary: The proposed rule amends existing rules in accord with changes in federal law. In addition, changes give university more flexibility when appropriate.

Reasons Supporting Proposal: Washington State University's existing rules governing student education records need to be updated to reflect changes in federal law. In addition, some existing language has proven to be problematic.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Monty Nielsen, 346

French Administration Building, Pullman, WA 99164-1035, (509) 335-5346.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency recommends adoption of proposed rules.

Rule is necessary because of federal law, [20 U.S.C. 1232g].

Explanation of Rule, its Purpose, and Anticipated Effects: These rules regulate access to and disclosure of student records. The rules' purpose is to implement federal law which protects the confidentiality of student records and ensures students have access to their own records. The anticipated effects of the proposed rules will be to ease administrative concerns and to articulate more accurately students' rights under federal law.

Proposal Changes the Following Existing Rules: Revise definitions of records that are not education records in accord with federal law; clarify elements of student waivers of student rights to access records; in accord with federal law, allow victims of violent crimes to know the results of a disciplinary proceeding; expand the definition of directory information; streamline appeals processes regarding access to records; and make minor editorial changes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency does not anticipate any economic impact on small businesses.

Hearing Location: Room 127, Compton Union Building, Pullman, Washington 99164-7204, on December 13, 1994, at 3-5 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell, by December 6, 1994, TDD (509) 335-1566.

Submit Written Comments to: Monty Nielsen, FAX (509) 335-7823, by January 17, 1995.

Date of Intended Adoption: February 17, 1995.

October 27, 1994
Lou Ann Pasquan
Rules Coordinator

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-030 Education records—Student's right to inspect. (1) A student has the right to inspect and review his or her education records. A list of the types of education records maintained by the university and the record locations may be obtained by the student at the office of student affairs (~~(, the office of university relations,))~~ or at the registrar's office.

(a) For purposes of this ~~((section))~~ chapter the term "education records" means those records, files, documents and other materials which contain information directly related to a student.

(b) The term "education records" does not include:

(i) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute or the maker's administrator.

(ii) Records of the university police department which are ~~((kept apart from those records described in subsection (i) of this section and which are))~~ maintained ~~((solely))~~ by the law enforcement unit of WSU that were created by the WSU law enforcement unit for the purposes of law enforcement ~~((purposes and are not made available to persons other than law enforcement officials of the same jurisdiction))~~.

(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes. Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under this paragraph.

(iv) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or para-professional, acting in a professional or para-professional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment ~~((; provided, however, that))~~. Such records can be personally reviewed by a physician or other appropriate professional of the student's choice. In addition, health care information may be disclosed if authorized by state law.

(v) Records that contain information about an individual after he or she is no longer a student at that agency or institution.

(2)~~((a))~~ Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in ~~((paragraphs (b), (c) and (d) of this section))~~ this subsection.

~~((b))~~ (a) The student may specifically release his or her right to review where the information consists only of confidential letters and recommendations respecting:

(i) Admission to any educational institution, or

(ii) ~~((Applications for))~~ Employment application information and documents filed and maintained at the student's request at the university office of career services and placement.

(iii) Receipt of an honor or honorary recognition.

(iv) Faculty evaluations and other education records placed in departmental files where the department serves in a placement or referral capacity.

~~((c))~~ (b) A student's waiver of his or her right of access to confidential statements ~~((shall apply))~~ is valid only if:

(i) The student ~~((is))~~, upon request, shall be notified of the names of all persons making confidential statements concerning him~~((s))~~; and

(ii) ~~((Such))~~ Confidential statements ~~((are))~~ shall be used solely for the purpose for which they were originally intended~~((;))~~; and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the university.

~~((d))~~ (iv) The waiver is made in writing and signed by the student, regardless of age.

(c) Recommendations, evaluations or comments concerning a student that have been provided in confidence,

either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release ~~((under (a) above))~~ to the student. Such records shall remain confidential and shall be released only with the consent of the author of the specific document. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the requesting student.

(4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by a Washington State University copy center (except in cases where charges have previously been approved for certain specified services, such as transcripts and grade sheets).

(5) The registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule where the departmental procedure has been approved by the university records officer. In no case will any record which is requested by a student for review in accordance with these regulations be removed or destroyed prior to ~~((providing the student access))~~ final disposition of the record request.

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-040 Requests and appeal procedures.

(1) A request by a student for review of information shall be made in writing to the university employee or office having custody of the particular record.

(2) The person or office receiving a proper request for review of information must respond to a request for education records within a reasonable period of time, but in no case more than 45 days after the request has been made. A university employee or office which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reasons therefor in writing.

(3)(a) A student who ~~((feels that))~~ believes his or her request has not been properly answered by a particular person or office should ~~((contact))~~ consult the appropriate dean or director having supervisory responsibility for the office ~~((for mediation))~~.

(b) ~~((In cases where))~~ If a student remains dissatisfied after consulting with the appropriate dean or director, the student may then request a hearing ~~((by))~~ before the university's student records committee. Following the hearing, the university's student records committee shall render its decision within a reasonable period of time. The decision of the university's student records committee shall be final, except as ~~((allowed for))~~ provided in WAC 504-21-080.

(c) In no case shall any request for review by a student be considered by the university's student records ~~((committee))~~ officer which has not been filed with that ~~((body))~~ officer in writing within 90 days from the date of the initial request to the custodian of the record.

(d) The student records committee shall not review any matter regarding the appropriateness of official academic grades. (University (~~Rule~~) Academic Regulation 104, "academic complaint procedure" should be followed in all cases involving grading disputes.)

(e) Eligible students are hereby notified of their right to file a complaint with the Department of (~~Health~~) Education (~~and Welfare~~) concerning any alleged failure of Washington State University to comply with the Family Educational Rights and Privacy Act of 1974, as amended.

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-050 Release of personally-identifiable records. (1) The university shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student to any party other than the following:

(a) University staff and faculty, including deans, department and program (~~chairmen~~) chairs and academic advisers, and faculty and students when officially appointed to a university senate or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the university, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally- or state-supported education program or in connection with the enforcement of (~~the~~) federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials, and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Persons or organizations, other than parents or legal guardians, providing to the student financial aid, or determining financial aid decisions concerning eligibility, amount, condition, and enforcement of terms of said 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, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Education records may be used for legitimate academic research; provided that

(i) The procedures utilized and the reported findings do not violate the student's confidence(~~(-)~~);

(ii) Students' names will not be included in the study or in any way linked with the data(~~(-)~~);

(iii) Case histories and case records are sufficiently disguised to prevent identification of the individuals involved(~~(-)~~); and

(iv) The student's written permission is obtained where individual identification occurs.

(f) Accrediting organizations in order to carry out their accrediting functions.

(g) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that a (~~serious~~) reasonable attempt has been made to notify the student of all such orders or subpoenas in advance of the compliance therewith. Any university employee or office receiving a subpoena or judicial order for education records should immediately notify the WSU (~~attorney general's~~) division of the office of the attorney general.

(h) Parents or legal guardians of a student who have established that student's status as (~~a~~) their dependent according to Internal Revenue Code of 1954, Section 152.

(i) An alleged victim of any crime of violence as defined by 18 U.S.C. § 16 shall be informed of the results of any disciplinary proceeding conducted by WSU against the alleged perpetrator of that crime with respect to that crime.

(j) To the office of the attorney general when disclosure is to comply with a judicial order or to provide legal advice.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released,

(b) The reasons for such release, and

(c) The names of the parties to whom such records will be released unless the nature of the activity is such that advance identification of recipients is not possible such as employment assistance provided by the university office of career services and placement, in which case an effort will be made to identify recipients of information as they become known.

(3) In cases where records are made available without student (~~release~~) consent as permitted by WAC 504-21-050 (1)(b), (c), (d), (e) (~~and~~), (f), (i) and (j) the university shall maintain a record which will indicate the parties which have requested or obtained access to a student's records maintained by the university and which will indicate the legitimate interest of the (~~investigating~~) requesting party. Releases in accordance with WAC 504-21-050 (1)(a) need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a printed statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in WAC 504-21-050(1) is defined as student's name (including any former name), local and (~~home address~~) permanent addresses and telephone numbers, major and minor fields of study, class (e.g., freshman, sophomore), participation in officially-recognized activities in sports, weight and height of members of athletic teams, dates of attendance including number of hours enrolled, degrees, certificates, and awards received including the president's (~~list of~~) honor roll, and the most recent previous educational (~~agency or~~) institution attended by the student. Students may request that the university not release directory information (~~by so indicating on their~~)

~~registration form)) by filing a request with the registrar's office or the office of payroll services.~~

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-070 Student records ((committee) officer. The ~~((student records committee))~~ president's designee shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules. The ~~((committee))~~ designee shall also be responsible for hearing appeals as defined in WAC 504-21-040. ~~((The committee shall consist of the registrar, a graduate student, an undergraduate student, two faculty members, and a representative from the office of student affairs. Members shall be appointed by the president of the university.))~~

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-080 Right of student to register objections. Any student who objects to the accuracy or truthfulness of any information contained in any university education record that is related to him or her may, after processing an unsuccessful appeal pursuant to WAC 504-21-040, submit a written view regarding his or her education records to the ~~((executive vice president))~~ provost, who shall *review the appeal and take necessary action which may include reconsideration by the student records ((committee) officer or inclusion of the written objection or summary thereof in such education records; provided, however, no student has any right to post objections to academic grades and have the same appear on the student's academic record.*

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-090 Notice of rights given under Family Educational Rights and Privacy Act of 1974. In accordance with the requirements of the Family Education Rights and Privacy Act of 1974, the university will make its best efforts to notify all students of the rights under this act. Such notification shall be done through the Washington Administrative Code procedure ~~((provided for by the Higher Education Administrative Procedure Act)),~~ notices to the campus newspaper and radio and television services, and such other publications and media that the university deems appropriate.

WSR 94-22-059

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed November 1, 1994, 1:14 p.m.]

Original Notice.

Title of Rule: Policies and regulations for student living groups.

Purpose: To outline Washington State University's freshman live-in rule, living group discipline jurisdiction, and alcohol policies as they relate to living groups.

Other Identifying Information: Chapter 504-24 WAC.
Statutory Authority for Adoption: RCW 28B.30.125, 28B.30.095, 28B.30.150.

Summary: The proposed rules establish alcohol policies as they relate to living groups. In addition, the rules clarify discipline policies as they relate to living groups.

Reasons Supporting Proposal: Some of the existing rules are confusing and out of date.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: K. J. (Gus) Kravas, 332 French Administration Building, Pullman, WA 99164-1032, (509) 335-4531.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency recommends adoption and implementation.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules clarify existing discipline practices and alcohol policies. The purpose of the rules is to improve students' understanding of the existing policies. These changes are not anticipated to have effects other than improved understanding.

Proposal Changes the Following Existing Rules: Rearrange sections so rules are less confusing; explain Washington State University's alcohol policies as they relate to living groups; repeal section that is duplicative; and make minor editorial changes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency does not anticipate any economic impact on small businesses.

Hearing Location: Room 127, Compton Union Building, Pullman, Washington 99164-7204, on December 13, 1994, at 3-5 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell by December 6, 1994, TDD (509) 335-1566.

Submit Written Comments to: K. J. (Gus) Kravas, FAX (509) 335-1208, by January 17, 1995.

Date of Intended Adoption: February 17, 1995.

October 27, 1994

Lou Ann Pasquan

Rules Coordinator

**Chapter 504-24 WAC
POLICIES AND REGULATIONS ((APPLYING TO
ALL STUDENTS)) FOR STUDENT LIVING
GROUPS**

AMENDATORY SECTION (Amending Order 87-1, filed 5/26/87)

WAC 504-24-030 ((Housing regulations for)) Undergraduate((s)) housing requirement. (1) University-recognized housing includes residence halls, fraternities, sororities, and co-op houses.

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(2) Housing requirements for single undergraduate students. All single undergraduate freshmen under twenty years of age are required to live in organized living groups which are officially recognized by the university (residence halls, fraternities and sororities) for one academic year.

(a) Exemptions. Exemptions will be considered when a student demonstrates to the department of residence ~~((living))~~ life that either:

(i) The student has attended an institution of higher education as a regularly enrolled student for at least two regular semesters or three regular quarters (excluding summer sessions)~~((-));~~

(ii) The student is living with immediate family in a family situation (mother and/or father; legal guardian; aunt or uncle; or ~~((grandparents-))~~ grandparent(s));

(iii) The student has secured a statement from a physician or psychologist stating that residence in recognized student housing would ~~((have detrimental effects on))~~ detrimentally affect the student's physical health or emotional well-being~~((-));~~ or

(iv) The student ~~((can))~~ demonstrates that living in recognized University housing would cause undue financial hardship.

(b) Process. Applications for permission to reside off campus are available from the Washington State University Department of Residence ~~((Living))~~ Life, Streit-Perham Office Suite, Pullman, WA 99164-1726. Applications are reviewed and a determination is made whether an exemption will be granted. Persons applying for such exemption will be informed of the decision in writing. Requests for reconsideration of the decision may be submitted to the vice-provost for student affairs. The ~~((office of the))~~ vice-provost ~~((for student affairs))~~ or his/her designee will evaluate the appeal and approve or deny the appeal.

~~(((3) Living group discipline jurisdiction.~~

~~(a) Residence halls: Each university residence hall has a framework of rules, policies and traditions for the effective operation of its program. A student in signing a residence hall contract agrees to abide by the rules governing members of a university residence hall.~~

~~Standards boards in the residence halls working closely with their residence hall directors and the office of residence living are encouraged to act on such internal disciplinary problems as they feel competent to deal with effectively. Cases beyond their jurisdiction will be handled by the office of student affairs or the university conduct committee as the nature of the problem determines.~~

~~(b) Fraternities sororities: Each of the Greek letter living groups has developed policies and regulations governing the conduct of members and the operation of the organizations. A student in joining one of these groups assumes certain responsibilities of the living group organization.~~

~~Student officers in fraternities and sororities working closely with their advisors and the office of residence living are encouraged to act on such discipline problems involving their members as they feel competent to deal with effectively. Cases beyond their jurisdiction will be handled by the office of student affairs or the university conduct committee as the nature of the problem determines.~~

~~(c) Off campus students: Discipline cases involving students not living in organized living groups will be handled~~

~~directly by the office of student affairs or the university conduct committee.))~~

NEW SECTION

WAC 504-24-035 Alcohol policies. (1) The use of alcohol by living groups is restricted as stated in WAC 504-25-050, residence hall contracts, and as stated in other annual agreements between the university and living groups.

(2) Specific living groups within the university community may choose to employ local regulations more restrictive than those imposed by the state or the university.

NEW SECTION

WAC 504-24-040 Living group discipline jurisdiction. (1) Residence halls.

(a) Residence hall contracts. Each university residence hall has a framework of rules, policies, and traditions for the effective operation of its program. A student signing a residence hall contract agrees to abide by the residence hall policies set forth in the residence hall contract.

(b) Residence hall conduct board.

(i) Residence hall conduct boards are empowered to hear cases of alleged violations of the residence hall contract and to issue sanctions when a board finds a resident or residents responsible for a violation of a residence hall contract. Residence hall conduct board hearings shall be conducted in accord with this chapter.

(ii) Student conduct code. Violations of a residence hall contract which also amount to a violation of university conduct regulations may also subject an accused student to the university conduct system, regardless of whether or not the violation is handled at the hall level.

(2) Fraternities and sororities.

(a) Governing regulations. Each of the fraternities and sororities has developed policies and regulations governing the conduct of members and the operation of the organizations. Annual agreements between the university and each fraternity and sorority also govern the behavior of members. In joining one of these groups a student assumes the responsibilities of the living group organization.

(b) Student conduct code. Violations of fraternity or sorority living group policies or regulations which also amount to a violation of the university conduct regulations or violations of fraternity or sorority living group agreements with the university may also subject the accused student or students to the university conduct system, regardless of whether or not the member's fraternity or sorority organization handles the violation at a living group level.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 504-24-015 Agreed resolutions in student discipline cases.

WSR 94-22-060
PROPOSED RULES
WASHINGTON STATE UNIVERSITY

[Filed November 1, 1994, 1:17 p.m.]

Original Notice.

Title of Rule: Standards of conduct for students.

Purpose: Sets forth violations of the conduct code, sanctions for violations, and the processes for imposing sanctions.

Other Identifying Information: Chapter 504-25 WAC.

Statutory Authority for Adoption: RCW 28B.30.095, 28B.30.125, 28B.30.150.

Statute Being Implemented: RCW 28B.10.902, 20 U.S.C. 1232g.

Summary: The proposed rules more clearly define conduct that may subject students to disciplinary action; update conduct regulations to reflect changes in relevant laws and university policy; and improve the disciplinary processes.

Reasons Supporting Proposal: The existing conduct rules need to be updated to improve the student conduct system and to reflect changes in university policy and laws.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: K. J. (Gus) Kravas, 332 French Administration Building, Pullman, Washington 99164-1032, (509) 335-4531.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency recommends adoption and implementation.

Rule is necessary because of federal law, [20 U.S.C. 1232g].

Explanation of Rule, its Purpose, and Anticipated Effects: These rules set forth the standards by which students are expected to conduct themselves, the sanctions for violating these standards, and the process by which sanctions are imposed. Their purpose is to inform students of expected standards of conduct and to ensure the discipline process comports with due process requirements. The university anticipates the rule changes will improve students' understanding of standards of conduct and improve the disciplinary process.

Proposal Changes the Following Existing Rules: Clarify application of code to living groups; amend discrimination to reflect university policy; clarify policies regarding sexual offenses, hazing, alcohol, drugs, firearms, forgery, public obscenity, and misuse of student identification; more accurately describe discipline process; implement statutory sanctions for hazing; revise appeals processes; and implement federal law with regard to victim's access to results of disciplinary hearings.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency anticipates no economic impact on small businesses.

Hearing Location: Room 127, Compton Union Building, Pullman, Washington 99164-7204, on December 13, 1994, at 3-5 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell by January 6, 1994 [1995], TDD (509) 335-1566.

Submit Written Comments to: K. J. (Gus) Kravas, FAX (509) 335-1208, by January 17, 1995.

Date of Intended Adoption: February 17, 1995.

October 27, 1994
 Lou Ann Pasquan
 Rules Coordinator

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-010 Introduction. When students enroll at Washington State University they assume an obligation to conduct themselves in a manner ~~((which))~~ that is compatible with the university's function as an educational institution. ~~((It is clear that))~~ In a community of learning, willful disruption of the educational process, dishonesty, violation of the laws of the state and interference with the rights of others cannot be tolerated. Washington State University retains the right and the power to maintain order within the university and to exclude those who are disruptive to the educational process. To that end, the university community has established the following rules, regulations, and policies which apply to all students ~~((and))~~ student organizations, including fraternities, sororities, and living groups.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-020 Discrimination. Discrimination on the basis of race, national or ethnic origin, creed, age, sex, marital status, status as a Vietnam veteran, sexual orientation or ~~((handicap))~~ disability is prohibited. This rule will be interpreted in conformity with ~~((current))~~ federal and state laws on discrimination.

This antidiscrimination regulation explicitly incorporates and prohibits sexual or racial harassment by students. Sexual and racial harassment are defined as conduct which is sexually or racially motivated and has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive environment.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-025 Sexual ~~((assault))~~ offenses. (1) Sexual ~~((assault in any form))~~ offenses of any kind, including acquaintance rape, ~~((is))~~ indecent liberties and assault of a sexual nature are prohibited. University policy prohibiting sexual offenses is consistent with state law ~~((in defining and prohibiting rape, sexual assault, and other forced and/or noneconsensual sexual activity)).~~

(2) The definition of rape under state law includes sexual intercourse with a person who clearly expressed lack of consent by his or her words or conduct. Washington law further defines consent to sexual activity as actual words or conduct indicating freely given agreement to have sexual intercourse.

(3) The definition of indecent liberties under state law includes knowingly causing sexual contact with a person by

forcible compulsion or when the person is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. Pursuant to Washington law, sexual contact means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(4) The university also prohibits sexual contact when such contact amounts to assault under Washington law. Assault includes harmful and offensive contact with another. Lack of opportunity to consent to the contact may be evidence of assault.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-035 Hazing. Hazing is prohibited. Hazing is defined as any action required of or imposed on current or potential members of a group which, regardless of location of the incident or consent of the participant(s):

(1) Produces, or is reasonably likely to produce bodily harm (~~or danger~~), mental or physical discomfort, (~~embarrassment~~) harassment, fright, humiliation, (~~or~~) ridicule, substantial interference with academic efforts, or significant impairment or endangerment of physical well-being;

(2) Compels an individual to participate in any activity which is illegal, perverse or publicly indecent or contrary to university rules, regulations, or policies or which is known by the (~~compelling~~) person(s) compelling the activity to be contrary to the individual's moral or religious beliefs(~~or~~

~~(3) Impairs an individual's academic efforts~~).

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-050 Alcohol. (1) Illegal use, possession, or sale of intoxicating beverages is prohibited. University policy is consistent with state laws on the sale, possession, and consumption of alcoholic beverages.

(2) Consumption or possession of alcohol by students in public areas of any university-owned or controlled property is prohibited except (~~as stipulated in subsection (4) of this section~~) for students of legal age at university-approved events.

(3) Unless specifically approved for those of legal age, consumption or possession of alcohol at or in line for university-sponsored or supervised events is prohibited.

~~((4) Students who are twenty-one years old or older may consume or possess alcoholic beverages at a sponsored event for which there is an alcohol license or banquet permit.))~~

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-055 Drugs. Illegal use, possession, manufacture, sale, or distribution of any narcotic or dangerous drug is prohibited. University policy is consistent with state and federal laws which regulate controlled substances.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-060 Firearms and dangerous weapons. (1) Illegal possession, carrying or discharge of any explosive, firearm, or other weapon (including (~~shot guns~~) shotguns, rifles, pistols, air guns, and pellet guns) is prohibited. No student may possess any firearm, explosive, dangerous chemical, or dangerous weapon while on the campus or on other university-controlled or approved property, including university residence halls, apartments, and approved housing except in transit to or from approved storage or to leave campus.

(2) Any student who wants access to any firearm or weapon while on campus must immediately place the firearm(s) or weapon(s) in the university-provided storage facility while the firearm(s) or weapon(s) is on campus. The storage facility is located at the Washington State University police department and is accessible on a twenty-four-hour basis.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-080 Forgery and misrepresentation. Falsifying information to university officials including (~~falsifying information submitted or~~) issuing false identification within the university community; failing to reveal relevant information on any university form or federal financial aid form(~~or~~); offering any false information in any university disciplinary proceeding, academic exercise or hearing, employment situation, or in any other university situation; or maliciously altering or misusing university documents, records, permits, or identification is prohibited.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-100 Public indecency and obscenity. Indecent or obscene conduct is prohibited. Indecent or obscene conduct is conduct which is public and offensive to university community standards.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-120 Failure to comply with a proper order. (~~Willful refusal or failure~~.) While on university-owned or controlled property or on the premises of university-approved housing, willful refusal or failure to comply with a proper order or request of a university official, campus security officer or law enforcement officer, acting in performance of their duties is prohibited.

NEW SECTION

WAC 504-25-138 Misuse of student identification. Misuse of student identification is prohibited. Misuse of student identification includes, but is not limited to, alteration of validly issued identification in any manner; use of, or allowing use of, identification by a person other than the one for whom the identification was issued; or use of counterfeit student identification.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-210 Disciplinary procedures. (1) Any student, faculty member, staff member, or the university may file a complaint against a student or student organization for any violation of the standards of conduct.

(2) Once a complaint has been initiated, the following procedures are followed:

(a) The accused student or the ~~((president))~~ presiding officer of the accused student organization is contacted ~~((and))~~ to be interviewed by the university judicial officer. During that interview the student is informed of the charge(s) and asked to make a written statement about the incident. The student is also informed of the individual's or organization's rights and responsibilities in the disciplinary process. The investigation may include interviews of other people involved. The judicial officer may discontinue any investigation when the allegation(s) is/are deemed to be without basis or there is insufficient basis for the allegation(s).

(b) In the event ~~((that))~~ the judicial officer finds ~~((that))~~ there is any basis to the allegation(s), the student or student organization may be officially charged with violation(s) of the standards of conduct. The student or student organization will be assigned to either an administrative hearing or a university conduct board hearing. Any student accused of an offense which could result in suspension or expulsion will be sent to a full university conduct board hearing, unless the student requests and is granted an administrative hearing.

(c) ~~((When))~~ Any student or student organization ~~((is))~~ charged with violation(s) of the standards of conduct ~~((they))~~ must be notified at least seven calendar days in advance of the hearing. The notice must be in writing and include:

(i) The specific charges, citing the appropriate university policy or regulation allegedly violated;

(ii) The time and place of the alleged act(s) insofar as may be reasonably known; and

(iii) The time and place of the hearing.

(3) If a student has withdrawn or withdraws after the filing of any charge of a violation of the standards of conduct, either:

(a) A "registration hold" will be placed on the student's academic record and the student will be notified that disciplinary action may be initiated upon the student's reentry or application for readmission; or

(b) The university may proceed with the disciplinary action.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-215 Judicial officer ~~((and))~~ hearing boards and appeal boards. Generally, the first contact with any student or student organization involved in the discipline process is made by the university judicial officer. The judicial officer is an assistant in the office of student affairs and serves as the chief investigator and prosecutor. The judicial officer prepares the case and the ~~((materials))~~ evidence. The judicial officer serves as the secretary of the university conduct board and may be the administrative hearing officer.

~~((The))~~ Administrative hearing officers are appointed by the vice-provost for student affairs and are generally members of the faculty in student affairs. ~~((The))~~ An administrative hearing officer is responsible for hearing cases where the student or student organization has been offered a less formal hearing. The administrative hearing officer determines both the responsibility of the accused student or student organization and the sanction(s).

The university conduct board is a presidential standing committee, whose members are recommended by the vice-provost for student affairs and appointed by the president. The university conduct board is ~~((made up))~~ composed of faculty members and graduate and undergraduate student members. ~~((Members of each conduct board are drawn from this pool of trained members. On))~~ Each ~~((conduct))~~ hearing board ~~((there are))~~ consists of five members drawn from the conduct board: Two faculty members, two students, and the chairperson. The chairperson is ~~((the assistant to))~~ appointed by the vice-provost for student affairs.

The university appeals board is composed of three university administrators, appointed by the president, one of whom is the vice-provost for student affairs.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-220 Students charged with violations of the standards of conduct. (1) Any student or student organization charged with any violation(s) of the university standards of conduct ~~((have))~~ has the following rights in disciplinary procedures:

(a) The right to notice of the charge(s) ~~((against them))~~ and the basis for the charge(s).

(b) The right to remain silent when charged with any act which may be a violation of criminal law to avoid self incrimination.

(c) The right to seven calendar days' notice before the disciplinary hearing.

(d) The right to present written information to the hearing officer or member(s) of the hearing board prior to the hearing, including signed statements from witnesses and arguments.

(e) The right to a hearing.

(f) The right to consult an adviser.

(g) The right of one appeal.

(2) Any student or student organization brought before the university conduct board ~~((s))~~ has these additional rights:

(a) The right to view ~~((the))~~ in advance of the hearing written material to be presented ~~((against them in advance of the hearing))~~ to the board.

(b) The right to have an adviser present at the hearing; however, the student or student organization may have only one adviser present. The adviser may be allowed to give the student or student organization advice during the hearing, but is not permitted to ~~((speak to))~~ address the hearing board or conduct examinations of witnesses ~~((and))~~. The adviser is not permitted to disrupt the proceeding and may be asked to leave if he or she disrupts the proceedings.

(c) The right to hear the testimony of all witnesses.

(d) The right to present questions to be asked of all witnesses.

(e) The right to have a record made of the hearing.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-225 The hearing. (1) The following guidelines apply to both administrative hearings and hearings before the university conduct board:

(a) All hearing officers and board members must be impartial (i.e., not personally involved in the alleged act(s) with which the student is charged).

(b) The hearings are closed to the public.

(c) The university bears the burden of proving the charge(s) by a preponderance of evidence.

(d) The hearing officer or presiding officer of each board will exercise control over the hearing. A hearing officer or board is not bound by the rules of evidence observed by courts and may exclude unduly repetitious or irrelevant evidence.

(e) Any person, including the charged student or any member of the charged student organization, who disrupts a hearing may be excluded from the proceedings.

(f) The decision of responsibility on the charge(s) will be based on evidence and testimony presented at the hearing. However, the complete record of the student's, or student organization's, prior conduct and academic performance may be taken into account by the hearing officer or board in imposing any sanction(s).

(g) Deliberations on the hearing are closed to everyone but the hearing officer, or member(s) of the board, and assistant attorney(s) general advising the board.

(h) The accused student or student organization president will be sent notification of the decision, the reasons for the decision and the sanction(s), if any, in writing within ten calendar days of the hearing.

(i) Only the hearing officer or board member(s), the accused student or student organization, and the person(s) bringing the allegation(s) will be notified of the results of the hearing.

(j) If a student or student organization fails to appear at a hearing after proper notice, the hearing may proceed on the charge(s) and in such a case the hearing officer or member(s) of the hearing board will decide on responsibility and, if appropriate, the sanction(s).

(2) The following guideline applies only to hearings before the university conduct board: The university and the charged student or student organization will have the opportunity to call witnesses, present evidence, and question witnesses.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-230 Sanctions. (1) Any of the following sanctions or any combination of the sanctions may be imposed for violation(s) of the standards of conduct:

(a) Disciplinary probation: This may include the imposition of ~~((a set of))~~ conditions for any student or student organization ~~((defined))~~ for a specific period of time. If any condition of the probation is violated, this will constitute a new violation.

(b) Community service: Assignment of labor or responsibilities to any student or student organization within the university or local community may be imposed up to a

maximum of eighty hours per student or per member of an organization.

(c) Restitution: This ~~((will))~~ may include reimbursement for damaged or stolen property and medical expenses resulting from the violation(s).

(d) Fines: Monetary fines up to five thousand dollars for any student organization or two hundred fifty dollars for any student may be imposed.

(e) No contact order: Prohibition of direct or indirect physical and/or verbal contact with another individual or group may be imposed.

(f) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may be shared with the conduct administrator and conduct ~~((committee))~~ board. If the assessment by ~~((any university))~~ the counselor or physician recommends any condition(s), those recommendations may become conditions of the sanction. If the assessment indicates that the student is not capable of functioning within the university community, the student will be suspended until further assessment recommends that the student is capable of reentering the university.

(g) Loss of privileges or exclusion from activities including: Loss of the right to reside in a specific housing unit or in university-owned or approved housing may be imposed ~~((-));~~ exclusion from participation in designated privileges and extracurricular activities for specific periods of time may also be imposed.

(h) Loss of recognition or charter: A student organization may have its recognition or charter withdrawn, either permanently or for a specific period of time. Loss of recognition can include loss of a fraternity's or sorority's eligibility to provide approved freshman housing.

(i) Censure: This is a written reprimand for any violation of university policy or campus regulation, including explicit notice to the student or student organization that continued or repeated violation of any policy or regulation may be cause for further disciplinary proceedings.

(j) Hold on transcript and/or registration: This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of conditions of the sanction, the hold shall be released.

(k) Negative notation on transcript: Entry of violation on the student's academic record may be made for suspension or expulsion.

(l) Suspension: This is termination of student status for a given period of time. Upon satisfactory completion of stated conditions, reinstatement shall be granted.

(m) Expulsion: This is termination of student status for an indefinite period.

(2) Any student who has been suspended or expelled may be excluded from specific areas of campus when there is a reasonable cause to believe that ~~((their))~~ the student's presence there will lead to physical abuse, threats of violence, or conduct which threatens the health and safety of any person on university-owned or controlled property, in university-approved housing, or at an official event, or other conduct which interferes with the orderly functioning of the university.

(3) Special sanctions for hazing. Pursuant to RCW 28B.10.901, additional sanctions will be imposed in cases where there is a finding of responsibility for hazing when the hazing amounts to any method of initiation into a student

organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any person attending Washington State University. The additional sanctions that will be imposed upon such a finding will be as follows:

(a) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the administrative hearing officer or the university conduct board.

(b) Any organization, association or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by a public institution of higher education.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-235 Appeals. (1) Any student, or student organization, charged with any violation(s) of the standards of conduct and found responsible for any violation(s) by a hearing board or administrative hearing officer is entitled to one administrative appeal. ~~((The routes for those appeals are as follows:))~~

(a) ~~((University))~~ Appeals from decisions of an administrative hearing ((appeals go to)) officer are heard by the vice-provost for student affairs.

(b) Appeals from decisions of the university conduct board ((appeals go to)) are heard by the university appeals board.

(2) An appeal must be in writing and must be filed with the vice-provost for student affairs within twenty-one calendar days of the student receiving or the ((president)) presiding officer of the student organization receiving the decision. ((All requests to review a decision must be to the vice provost for student affairs for appeals of decisions of the university administrative hearing officer or the university conduct board and should be in writing.)) The letter of appeal must state the grounds for the appeal. The following ~~((are))~~ shall be the grounds for appeal:

(a) A procedural error which materially affected the decision;

(b) New evidence not previously available which would have materially affected the decision;

(c) The decision was not supported by substantial evidence; or

(d) The severity or appropriateness of the sanction(s).

(3) ~~((During the))~~ On appeal ((process, the burden of proof shifts from the university to)), the student or student organization bears the burden of proof. The appeal ((process)) is a review of the record of the hearing plus the letter of appeal, including any written argument(s) submitted by the student or student organization, and new evidence if that is the ground for the appeal. The judicial officer may also submit written arguments on behalf of the university. It is not a new hearing; however, the appeal board or officer can request an appearance of the accused student, the alleged victim, or any of the witnesses appearing in the hearing.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-240 Other interventions. (1) In most instances a student ~~((who))~~ or student organization ~~((which is))~~ allegedly involved in ((alleged)) misconduct goes through the full disciplinary process before any disciplinary action is ((taken)) imposed by the university. However, in situations where there is cause to believe that the student or student organization poses an imminent threat to himself ~~((or))~~ herself, or itself to others, or to property, or is incapable of continuing as a student for medical ~~((or))~~ or psychological reasons, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the vice-provost for student affairs or one of the associate vice-provosts, may include:

(a) Interim restrictions, including but not limited to assignment to alternate university housing or removal from university housing, limitation ~~((of))~~ on access to university facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the university or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to ~~((a panel of))~~ one or more university physicians/psychologists for assessment of the student's capability of remaining in the university.

(2) If interim action is required and taken, the student or student organization is entitled to an administrative hearing as soon as is reasonably possible, but no later than ten days after the action is taken.

AMENDATORY SECTION (Amending Order 89-1, Resolution No. 3-31-89-16, filed 5/18/89, effective 7/1/89)

WAC 504-25-245 Records. ~~((These))~~ (1) Disciplinary proceedings against individuals and related records, but not those against student groups or living groups, and records are confidential. The office of the vice-provost for student affairs will maintain disciplinary records for a minimum of seven years. Disciplinary records will be made available to hearing boards and university personnel, as needed.

(2) Any student may review his/her own disciplinary records by contacting the office of the vice-provost for student affairs.

(3) Any alleged victim may be informed of the result of any disciplinary proceeding involving a crime of violence.

(4) Except as outlined in these procedures, the university will not communicate a student's disciplinary record to any person or agency outside the university without the prior written consent of the student, except as required by law. ~~((If the student is a minor,))~~ The student's parents or legal guardians may review these records if the student is a minor or a dependent as defined by the Federal Educational Rights and Privacy Act.

WSR 94-22-061
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
 [Filed November 1, 1994, 1:18 p.m.]

Original Notice.

Title of Rule: Policies and regulations applying to all student organizations.

Purpose: States process for recognizing student organizations and policies to be followed when scheduling events and conducting financial projects.

Other Identifying Information: Chapter 504-28 WAC.

Statutory Authority for Adoption: RCW 28B.30.150, 28B.30.095, 28B.30.125.

Summary: Proposed rules define the meaning and requirements of university recognition of student groups. Proposed rules also update rules to reflect appropriate university practices and departments.

Reasons Supporting Proposal: Current rules are not consistent with university policy and practices.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tim McCarty, 143E Compton Union Building, Pullman, Washington 99164-7204, (509) 335-1209.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency recommends adoption of proposed rules.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules define university recognition of student groups and the rules governing student group activities. The purpose of these rules is to facilitate the activities of a wide variety of student groups in a manner consistent with state and federal law and university policy. The university anticipates the proposed rules will give students an understanding of the meaning of recognition and responsibilities when groups schedule events or financial projects.

Proposal Changes the Following Existing Rules: Define university recognition of student groups; revise anti-discrimination rule so that the rule is in accord with university policy; and update rules so they include correct information about university offices and practices.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency does not anticipate the rules will have any economic impact on small businesses.

Hearing Location: Room 127, Compton Union Building, Pullman, Washington 99164-7204, on December 13, 1994, at 3-5 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell by December 6, 1994, TDD (509) 335-1566.

Submit Written Comments to: Tim McCarty, FAX (509) 335-3837, by January 17, 1995.

Date of Intended Adoption: February 17, 1995.

October 27, 1994
 Lou Ann Pasquan
 Rules Coordinator

AMENDATORY SECTION (Amending Order 87-1, filed 5/26/87)

WAC 504-28-010 Student organizations. (1) Recognition process.

(a) Recognition. The university recognizes a wide variety of student groups to facilitate diverse interests of the student body. Attendant to recognition, groups are granted certain responsibilities as set forth in these rules. Recognition in no way implies that the university plans, organizes, or sanctions any particular activity or policy of a student group.

(b) Union board. The ~~((student activities))~~ union board ~~((is the student senate committee which))~~ recommends and reviews policies pertaining to all student organizations ~~((and assists with the planning of their activities))~~. Based on those policies the associate director, activities and recreational sports, determines whether or not it is appropriate that the university recognize a particular organization. The board ~~((also))~~ serves as an appeal body.

(2) Membership in organizations.

(a) Full membership in student organizations will be restricted to enrolled graduate and undergraduate students at Washington State University.

(b) Faculty and others may participate as honorary or associate members (at the option of the group) as specified in the group's constitution.

(c) Only full members may be eligible to vote on matters of business or hold elective office in the organization.

(3) Obtaining recognition for organizations.

(a) To become an approved student organization, recognition must be granted ~~((from))~~ by the associate director, activities and recreational sports, or the ((student activities)) union board. Contact the activities/~~((recreation))~~ recreational sports office, CUB 337.

(b) Before requesting recognition, the group ~~((must))~~ should hold a meeting of interested persons to ~~((plan a program,))~~ draft a constitution, elect officers, and select an advisor. Constitutions normally include:

(i) Name of the organization.

(ii) Purpose and objectives.

(iii) Qualifications for membership.

(iv) Sources of financial support (e.g., dues, initiation fees, local and national aid, and financial projects).

(v) Description of offices including qualifications, duties and method of election.

(vi) National-local affiliations and any financial obligation (to an affiliate) resulting therefrom.

(vii) Parliamentary authority and method of amending the constitution.

(viii) Adoption and amendment procedures.

(ix) A description of the organization's safety program.

(x) Responsibilities of the advisor.

(c) Washington State University will not recognize any student organization which denies membership to any student because of race, religion, sex, color, national or ethnic origin, age, marital status, sexual orientation, veteran status or ((handicap)) disability except that the permissibility of a single-sex organization will be evaluated in accord with Title IX guidelines. Recognized student organizations must insure

PROPOSED

that additional policies and procedures do not create de facto differentiation.

(d) Students who feel they have been denied membership in violation of ~~((regulation (3))~~(c) ~~((above))~~ of this subsection may appeal to the ~~((student activities))~~ union board.

(e) Washington State University shall not recognize a student group if recognition would violate local, state, or federal law.

(4) Requirements and responsibilities of recognized organizations.

(a) Officers of organizations are responsible for seeing that the organization abides by university rules and regulations, concerning scheduling, financial projects, advertising, and other policies of the ~~((student activities))~~ union board.

(b) Recognized organizations must have an advisor (see WAC 504-28-020 Advisors).

(c) Funds must be deposited into a faculty, student, and alumni account in the controller's office, which acts as a free banking service.

(d) The following records must be kept current in the activities/~~((recreation))~~ recreational sports office:

(i) Constitution and bylaws.

(ii) Officer roster card.

(iii) ~~((Annual))~~ Student organization report (forms available in the activities/~~((recreation))~~ recreational sports office); including activities, accomplishments, and financial status.

(iv) ~~((Registration of))~~ Special event forms.

~~((e) Recognized organizations must have a safety program unless its activity has absolutely no risk to members or others.))~~

(5) Privileges of recognized organizations.

(a) Recognized organizations have the right to sponsor on-campus activities.

(b) Recognized student organizations may use university facilities and services through appropriate scheduling offices.

(c) The activities/~~((recreation))~~ recreational sports office staff is available to serve approved organizations in all areas of concern.

(d) Free banking service is provided to approved organizations through faculty, student alumni accounts.

AMENDATORY SECTION (Amending Order 87-1, filed 5/26/87)

WAC 504-28-020 Advisors to recognized student organizations. (1) Advisors are members of the Washington State University faculty or staff or graduate students whom the student members choose and whose interest in the group indicates that they would judiciously advise the organization concerning its goals, purposes and procedures. Advisors guide the group in accordance with the purposes and ideals of the university and the organization. They do not directly control the group's programs and activities.

(2) Advisors assist the ~~((student activities))~~ union board to implement the policies for student organizations ~~((as set forth in the student activities board policies)).~~

(3) Responsibilities may include the following:

(a) Attending the organization's meetings.

(b) Assisting in planning the program.

(c) Supervising the handling of funds and approving all expenditures and contracts.

(d) Assisting in arranging for university facilities and equipment.

AMENDATORY SECTION (Amending Order 87-1, filed 5/26/87)

WAC 504-28-030 Scheduling of events. (1) ~~((Events. The activities/recreation office assists with the scheduling of events and programs by maintaining the master calendar and by publishing the fall and spring activities calendar.~~

~~((a) Master calendar—the master calendar is a continually updated calendar of campus events. Its use by all students, campus groups, faculty and staff can prevent program duplication and scheduling conflicts.~~

~~((2))~~ Facilities. Recognized student groups schedule facilities by contacting the appropriate campus departments. The activities/~~((recreation))~~ recreational sports office will assist groups in determining whom to contact.

(a) To schedule rooms in the Wilson Compton Union (CUB), contact ~~((the first floor administrative offices))~~ CUB scheduling. That office will determine if a special events form needs to be completed. Forms are available in the activities/recreational sports office, CUB 337.

(b) For scheduling of departmental, faculty and student events for conferences and conventions involving people from off-campus, contact the office of university relations.

(c) To schedule classrooms on campus, contact the registrar's office (French Administration Building).

(d) To schedule use of the coliseum, contact performing arts coliseum, coliseum director's office.

(e) To schedule gym facilities for use from 8:00 a.m. to 5:00 p.m. Monday through Friday, contact ~~((physical education))~~ kinesiology, leisure studies department. Scheduling of gym facilities for use after 5:00 p.m. and on weekends is handled through the activities/~~((recreation))~~ recreational sports office in CUB 337.

(f) To schedule Bryan Auditorium, contact the registrar's office.

(g) To schedule R.R. Jones Theatre and Daggy Little Theatre, contact Daggy Hall, Room 251.

(h) For use of special services, contact physical plant. For use of lecterns, lighting, P.A. set-ups and janitorial services, fill out the form "Request for services for special events," available at the physical plant and activities/~~((recreation))~~ recreational sports office. This form must be authorized at the activities/~~((recreation))~~ recreational sports office before turning it into physical plant.

(i) For scheduling of the Terrell Mall or library plaza, see WAC 504-32-010.

(3) Individuals and nonuniversity groups must first contact the ~~((facilities use committee))~~ director of the CUB to schedule university buildings ~~((and)),~~ rooms, and grounds.

(4) Time scheduling recommendations. Most buildings and facilities on campus close by midnight. Groups wishing their events to extend past this time should make arrangements with the appropriate scheduling office.

(5) Special scheduling information.

(a) The activities/~~((recreation))~~ recreational sports office ~~((should be notified of speakers so that information will be included on the master calendar. The office))~~ staff is ~~((also))~~

available to advise on appropriate forms, arrangements, publicity, etc.

(b) Any recognized student organization may sponsor political speakers on campus. All such groups should follow the normal procedure in scheduling.

(c) ASWSU may run concerts on a speculative basis. All other recognized student organizations may have concerts only if they have sufficient funds to back all concert expenses 100%. The activities/((recreation)) recreational sports office staff is available to advise on concert arrangements and contract negotiations.

(d) Committee meetings and social activities should be scheduled in facilities which are accessible to ((handi-eapped)) disabled individuals.

AMENDATORY SECTION (Amending Order 87-1, filed 5/26/87)

WAC 504-28-050 Financial projects. (1) Definition.

(a) A financial project is any approved activity of a student organization which is undertaken to raise funds and/or to defray expense. Projects may be for the benefit of organizations themselves or for charity groups.

(2) Approval.

(a) The ((student activities)) union board and/or its designated representative has been given the responsibility of approving all financial projects so that the following services can be provided:

- (i) Planning advice.
- (ii) Advertising and publicity assistance.
- (iii) Facility and equipment arrangements.
- (iv) Consumer protection.

(b) The financial projects requested and the proposed budget must be completed, approved, and filed with the activities/((recreation)) recreational sports office in advance of the proposed date using the special events form. Forms are available in the activities/((recreation)) recreational sports office. ((A report showing actual income and expenses of the financial project must be submitted to the activities/recreation office within two weeks after the event. The report must be certified by the personal signature of the president and advisor of the organization.))

(c) For approval, the organization must have funds on hand to cover 100% of the estimated expenses of a proposed financial project.

(d) Projects involving films are subject to additional ((student activities)) union board policies. Copies of the policies are available in CUB scheduling and the activities/((recreation)) recreational sports office.

(e) Scholarship fund projects must be administered in accordance with university policy governing such funds. Sponsoring organizations may reserve the right to select recipients and to establish the amount of grants in accordance with policies of the student financial aids office.

(f) Financial projects involving tables in the west entrance of the CUB ((and)), on the mall, or on the library plaza must be approved using the special events form. The forms ((for these)) may be picked up in the activities/((recreation)) recreational sports office. After approval the table requests are taken to ((the CUB administrative office)) scheduling to reserve a table. There shall be only one table per organization, available on a first-come, first-served basis.

(g) Raffles are subject to state law. Contact the activities/((recreation)) recreational sports office for current regulations.

(h) Retailing of student classroom books, supplies, and equipment by university departments, personnel, or students on the campus is prohibited.

(3) Additional requirements.

(a) All advertising and publicity for each project must include:

- (i) The name of the sponsoring organization.
- (ii) The product or service being sold.
- (((iii) The purpose for which profits will be used.))

(b) Any distributing, soliciting or selling must be done without individuals hawking or shouting.

(c) An organization seeking approval to sell a product or service must provide proof of ownership prior to approval.

(d) Individual students wishing to sell goods on campus must contact the director of safety, Safety Building.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 504-28-060 Advertising policies.

WSR 94-22-062

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed November 1, 1994, 1:20 p.m.]

Original Notice.

Title of Rule: Advertising policies.

Purpose: To establish policies governing advertising on campus.

Other Identifying Information: Chapter 504-34 WAC. Statutory Authority for Adoption: RCW 28B.30.150, 28B.30.095, 28B.30.125.

Summary: The new rule places an existing rule in a new chapter.

Reasons Supporting Proposal: The advertising policy formerly appeared in the chapter governing student groups, but the advertising policy has general applicability. This application will be less confusing if the rule is part of chapter 504-34 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tim McCarty, 143E Compton Union Building, Pullman, Washington 99164-7204, (509) 335-1209.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency recommends adoption.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed rule moves existing policy to a different chapter in the code. The purpose for the change is to clarify the rule's general applicability. Formerly, the rule appeared

in the chapter discussing recognized student groups. The agency anticipates the change will reduce confusion.

Proposal Changes the Following Existing Rules: Move rule from chapter 504-28 WAC to chapter 504-32 WAC.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency does not anticipate the rule will have any economic impact on small businesses.

Hearing Location: Room 127, Compton Union Building, Pullman, Washington 99164-7204, on December 13, 1994, at 3-5 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell by December 6, 1994, TDD (509) 335-1566.

Submit Written Comments to: Tim McCarty, FAX (509) 335-3837, by January 17, 1995.

Date of Intended Adoption: February 17, 1995.

October 27, 1994

Lou Ann Pasquan
Rules Coordinator

NEW SECTION

WAC 504-34-140 Advertising policies. The following policies apply to all advertising done on campus.

(1) Signs and posters.

(a) All advertising in the CUB must have approval from the activities/recreation office.

(b) All advertising announcements to be posted in other campus buildings should be confined to general bulletin boards. For use of other bulletin boards contact the appropriate department or residence hall for approval.

(c) No advertising should be taped to walls or other interior surfaces.

(d) All outdoor advertising is restricted to bulletin boards, the kiosks, and the west entrance of the CUB. Signs put up at the west entrance of the CUB should be approved in the activities/recreation office. The size is limited to twelve square feet.

(e) Banners may be displayed on the overhead walkways after securing permission from the activities/recreation office. They must be constructed of fabric, with air vents, and attached to the structure with rope or twine—tape and wire are not permitted.

(f) Free-standing signs may be placed on campus grounds and the mall with the approval of the director of physical plant.

(g) No signs, handbills, or stickers are to be placed on trees or buildings other than the two places mentioned above. Paint or chalk must not be used on sidewalks or buildings.

(h) Before exhibits or displays are placed on the mall, notification must be made to the disabled student services office.

(i) It is the responsibility of the group to remove advertising within twenty-four hours after the event.

(2) Literature, handbills and notices.

(a) Literature, handbills and notices may be distributed at any reasonable outdoor area on campus consistent with the orderly conduct of university affairs, the maintenance of university property, and the free flow of traffic and persons. Efforts must be made to avoid litter. Individuals or groups distributing are responsible for leaving the area clean,

including all discarded handbills. Distribution by means of accosting individuals or by hawking is prohibited.

(3) Public address system.

(a) Requests for public address systems require the signature of the faculty advisor.

(b) Systems are available through the instructional media services.

(c) Use of systems:

(i) Time of use: Monday through Thursday, 5:00 p.m. to 7:00 p.m.; and on Saturday 12:00 noon to 7:00 p.m. (Exceptions may be made by the student activities board.)

(ii) Discreet and considerate use of public address systems in the vicinity of the hospital is expected.

(iii) Public address systems on moving vehicles must have a police permit.

(4) Athletic events. All advertising at athletic events must be cleared through the office of intercollegiate athletics.

(5) Advertising for student government. Advertising for student government elections shall be according to the rules established by the ASWSU election board.

(6) Advertising at registration must be approved by the registrar.

WSR 94-22-064

PROPOSED RULES

HIGHER EDUCATION

COORDINATING BOARD

[Filed November 1, 1994, 3:08 p.m.]

Continuance of WSR 94-10-001.

Title of Rule: Amendments modifying regulations for the administration of the displaced homemaker program, chapter 250-44 WAC.

Date of Intended Adoption: November 14, 1994.

November 1, 1994

Elson S. Floyd

Executive Director

WSR 94-22-065

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed November 1, 1994, 3:55 p.m.]

Original Notice.

Title of Rule: WAC 388-513-1330 Institutional—Available income, 388-513-1340 Institutional—Exempt income, and 388-513-1345 Institutional—Disregarded income.

Purpose: To comply with federal requirements, the department shall consider veteran's aid and attendance allowance as unavailable income during both the eligibility and post-eligibility process.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Ensure veteran's aid and attendance/housebound allowance is considered as unavailable income when determining eligibility and post-eligibility.

Reasons Supporting Proposal: Ensure compliance with a change in federal rules.

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

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

Rule is necessary because of federal law, Title XIX State Agency Letter 94-33.

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There is no economic impact to nursing facilities because the amount of aid and attendance previously contributed for cost of care will be met by Medicaid funds.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on December 27, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by December 13, 1994, TDD (206) 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, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by December 20, 1994.

Date of Intended Adoption: December 28, 1994.

November 1, 1994

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1330 Institutional—Available income.

(1) Income is defined under chapter 388-511 WAC for a SSI-related client and under WAC 388-22-030 for an AFDC-related client.

(2) The methodology and standards for determining and evaluating income are defined under WAC 388-513-1315 and 388-513-1375.

(3) The department shall consider the following income ~~((less veteran's aid and attendance allowance))~~ available to an institutionalized person when determining income eligibility unless the criteria in subsection (4) of this section is met:

(a) Income the institutionalized spouse receives in the institutionalized spouse's name;

(b) Income paid on the behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;

(c) One-half of the income the community and institutionalized spouses receive in both names; and

(d) Income from a trust as provided by the trust.

(4) The department shall consider income ~~((less veteran's aid and attendance allowance))~~ as available to an institutionalized person when:

(a) Both spouses are institutionalized; or

(b) An institutionalized person has a community spouse and income in excess of three hundred percent of the SSI

federal benefit rate (FBR). For the determination of eligibility only:

(i) Use community property law in determining ownership of income for purposes of Medicaid eligibility;

(ii) Presume all income received after marriage by husband or wife to be community income;

(iii) Divide the total of the community income, by two assigning one-half of the total to each person; and

(iv) Consider if the community income received in the name of the nonapplying spouse exceeds the community income received in the name of the applying spouse, the applicant's interest in that excess shall be unavailable to the applicant.

(5) The department shall consider income the community spouse receives in the community spouse's name as unavailable to the institutionalized spouse.

(6) The department shall consider an agreement between spouses transferring or assigning rights to future income from one spouse to the other as invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.

(7) The department shall consider income produced by transferred or assigned resources as separate income.

(8) When an institutionalized spouse establishes the unavailability of income by a preponderance of evidence through a fair hearing, subsection (3) of this section shall not apply.

(9) See WAC 388-511-1130 for treatment of advance dated checks, electronically transferred funds, and garnished income.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1340 Institutional—Exempt income.

The department shall consider a client's income exemptions as unavailable income when determining initial institutional eligibility or post-eligibility. The department shall exempt sequentially from income:

(1) Any public agency's refund of taxes paid on real property or on food;

(2) Supplemental security income (SSI) and state public assistance based on financial need;

(3) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;

(4) Child support received by a parent from an absent parent, for a minor child who is not institutionalized;

(5) Tax exempt payments received by Alaska natives under the Alaska Native Claims Act;

(6) Tax rebates or special payments excluded by other statutes;

(7) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, The Domestic Volunteer Service Act of 1973;

(8) Veteran's benefits designated for the veteran's:

(a) Dependent; or

(b) Unusual medical expense allowance;

(9) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, for example, chore services;

(10) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(11) 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;

(12) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

(13) Payments under sections 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(14) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(15) Restitution payment, and interest earned on such payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383;

(16) The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(17) The amount of blindness-related work expenses of a blind client;

(18) Interest earned on excluded burial funds and any appreciation in the value of an exempt burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(19) Earned income tax credit (EITC); ~~((and))~~

(20) Victim's compensation; and

(21) The veteran's aid and attendance/house-bound allowance.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1345 Institutional—Disregarded income. The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-513-1380 for post-eligibility treatment of income. The department shall disregard sequentially from income:

(1) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

- (a) Twenty dollars per month if unearned; or
- (b) Ten dollars per month if earned.

(2) 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.

(3) ~~((The veteran's aid and attendance/house-bound allowance.~~

~~((4))~~ For an SSI-related person, the first sixty-five dollars per month of earned income not exempted under WAC 388-513-1340, plus one-half of the remainder.

~~((5))~~ (4) For an AFDC-related person, the first ninety dollars of earned income.

~~((6))~~ (5) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration for the recovery of an SSI overpayment; and

~~((7))~~ (6) A fee charged by a guardian as reimbursement for provided services, when such guardianship services are a requirement for the client to receive payment of the income.

WSR 94-22-067
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed November 2, 1994, 8:28 a.m.]

Original Notice.

Title of Rule: Milk and milk products, WAC 16-101-700.

Purpose: To adopt newest updated version of the pasteurized milk ordinance (PMO).

Statutory Authority for Adoption: RCW 15.36.021.

Statute Being Implemented: Chapter 15.36 RCW.

Summary: Adopts the newest updated version of the pasteurized milk ordinance (PMO).

Reasons Supporting Proposal: PMO requirements must be followed under NCIMS agreement for interstate shipment of milk.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne Hedlund, 1111 Washington Street, Olympia, 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adopts the PMO which are the rules governing interstate shipment of milk. Adoption will allow milk plants who comply to continue shipment of milk in interstate commerce.

Proposal Changes the Following Existing Rules: Rule is updated to include newest amendments passed by NCIMS committee. Includes housekeeping changes so that rule is in agreement with requirements under chapter 34.05 RCW, Administrative Procedure Act.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Changes and updating of current rule will have no economic impact on small business.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on December 8, 1994, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by December 1, 1994, TDD (206) 902-1996.

Submit Written Comments to: Verne Hedlund, FAX (206) 902-2087, by December 8, 1994.

Date of Intended Adoption: December 22, 1994.

November 1, 1994
John Daly
Assistant Director

AMENDATORY SECTION (Amending Order 5021, filed 11/30/93, effective 12/31/93)

WAC 16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. (1) The Grade "A" Pasteurized Milk Ordinance ((1989)) 1993 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted 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.

(a) Part 1. Grade A Pasteurized Milk Ordinance:

(i) Section 3, paragraphs 3 and 4, page 8.

(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 ((43)) 14.

((ii)) (iii) Item 19r Cooling, page ((47)) 18.

(b) Part II. Administrative Procedures:

(i) Section 3, paragraphs 3 and 4, page ((34)) 36.

(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)) 48.

(iii) Section 7, Item 19r Cooling, paragraph 1, page ((58)) 65.

(iv) Section 7, Item 19r Cooling, Administrative Procedures (1), page ((58)) 65.

(v) Sections 9, page ((405)) 115, 15, 16, and 17, page ((408)) 120.

(vi) Appendix E, pages 171-172.

(vii) Appendix K, page 241-242.

(viii) Appendix N: ((1/1/92-addition)) 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)) 15.36.201.

Penalties. ((The regulatory agency)) If a violative residue is present in a producer's milk, the department shall immediately suspend the ((Grade A permit)) milk producer's license of the responsible producer for a minimum of two days or equivalent penalty as determined by the ((regulatory agency)) department. On the second occurrence of violative drug residues in a twelve-month period, the producer's ((permit)) license shall be suspended for a minimum of four days or equivalent penalty as determined by the ((regulatory agency)) department. For a third occurrence of violative drug residues in a twelve-month period, the ((regulatory agency)) department shall initiate administrative procedures ((pursuant)) to ((revocation of)) revoke the milk producer's ((permit)) license. The department may offset any penalty imposed prior to the issuance of a notice of intent. The equivalent penalty may be an amount equal to one-half the

value of the sum of the volumes of milk equivalent produced under the license on the day prior to and the day of the presence of the violative residue, times the number of applicable days.

As the Grade "A" Pasteurized Milk Ordinance ((1989)) 1993 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 94-22-068

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed November 2, 1994, 8:31 a.m.]

Original Notice.

Title of Rule: Sanitary certificates, chapter 16-147 WAC.

Purpose: To establish requirements for issuance of sanitary certificates to food processors.

Statutory Authority for Adoption: RCW 69.07.020 and 69.07.085.

Statute Being Implemented: Chapter 69.07 RCW, Food Processing Act.

Summary: Defines and sets requirements for issuance of sanitary certificates issued to food processing licensees by the Department of Agriculture.

Reasons Supporting Proposal: Sanitary certificates are used in export of food products and are required by many countries as a condition for import of food products. Established requirements will ensure continued credibility of certificates and acceptance.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne Hedlund, 1111 Washington Street, Olympia, 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines and sets requirements for issuance of sanitary certificates to ensure that they are only issued covering food products prepared under sanitary conditions in plants which are in substantial compliance with our laws and rules covering food sanitation standards and labeling. It will maintain the good reputation of processed Washington food products and ensure acceptance and credibility of sanitary certificates issued by the Washington Department of Agriculture.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Has no economic impact on small business, the fee for the sanitary certificate is set by statute, RCW 69.07.085.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on December 8, 1994, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by December 1, 1994, TDD (206) 902-1996.

Submit Written Comments to: Verne Hedlund, FAX (206) 902-2087, by December 8, 1994.

Date of Intended Adoption: December 22, 1994.
November 1, 1994
John Daly
Assistant Director

**Chapter 16-147 WAC
SANITARY CERTIFICATES**

NEW SECTION

WAC 16-147-010 Authority and purpose. This chapter is promulgated under authority of RCW 69.07.020 and 69.07.085. The purpose of this rule is to establish requirements for issuance of sanitary certificates to food processors.

NEW SECTION

WAC 16-147-020 Sanitary certificate defined. A sanitary certificate is a notarized statement by a responsible food safety official that certifies that a food processing plant has been inspected and approved by this department and has been issued a license indicating the same.

It further certifies that its products to the best of our knowledge are prepared under sanitary conditions, are not harmful and are freely sold in the United States.

NEW SECTION

WAC 16-147-030 Requirements for obtaining a sanitary certificate. (1) All applicants for a sanitary certificate must have current license as a food processor in Washington state with the department of agriculture under RCW 69.07.040.

(2) Sanitary certificate will only cover products listed on the license application or otherwise approved by the department of agriculture.

(3) Products for certification must not be under embargo or litigation by Washington department of agriculture, the U.S. Food and Drug Administration, or other recognized public health authorities.

(4) A food processor must not be in arrears more than ninety days in paying for previous certificate issued.

(5) A food processor that requests sanitary certificates must have been inspected by the department of agriculture within the inspection frequency guidelines established by Washington state department of agriculture and must be in substantial compliance with applicable food safety laws and rules.

(6) Sanitary certificates will be in a form approved by the Washington state department of agriculture which specifies plant location where the products were produced and that the plant was inspected and in substantial compliance with food safety laws and rules. No statements will be made to infer that any given product was inspected and passed.

(7) Sanitary certificates will be issued as soon as possible in the order requests are received. However advance notice of three business days is required to ensure the sanitary certificates will be sent by the date needed.

(8) The department will deliver sanitary certificate by U.S. mail service. Requests for overnight mail or FAX will be allowed, but must be paid for by requester.

**WSR 94-22-069
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed November 2, 1994, 8:34 a.m.]**

Original Notice.

Title of Rule: Intrastate commerce in foods.

Purpose: Adopts federal regulations covering food as Washington rules for educational purposes.

Statutory Authority for Adoption: RCW 69.04.392, 69.04.394, 69.04.398, and 69.07.020.

Statute Being Implemented: Chapters 69.04 and 69.07 RCW.

Summary: Adopts pesticide tolerances, food additive regulations, color additive regulations, general requirements and FDA compliance policy guidelines as state rules.

Reasons Supporting Proposal: To increase knowledge that these federal regulations have been adopted under RCW 69.04.392, 69.04.394, 69.04.398 and that these are Washington state requirements. Uniformity with federal regulations allows free movement of food in interstate commerce.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne Hedlund, 1111 Washington Street, Olympia, 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adopts the federal requirements for pesticide tolerances, food labeling, food additives, color additives, food standards and compliance guidelines as Washington rules to publicize the fact that we use them as Washington requirements and to make it easier to find our standards and requirements. These have been adopted under chapter 69.04 RCW since 1975.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These regulations have already been adopted by Washington law and are already being used as Washington requirements. Adoption of these standards as rules will have no added small business economic impact.

Hearing Location: Natural Resources Building, 1111 Washington Street, Olympia, WA 98504, on December 8, 1994, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by December 1, 1994, TDD (206) 902-1996.

Submit Written Comments to: Verne Hedlund, FAX 902-2087, by December 8, 1994.

Date of Intended Adoption: December 22, 1994.

November 1, 1994

John Daly
Assistant Director

**Chapter 16-167 WAC
INTRASTATE COMMERCE IN FOODS**

NEW SECTION

WAC 16-167-010 Purpose and authority. (1) Consistent with the concept of uniformity where possible with the federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. the following

PROPOSED

federal regulations are specifically made applicable to all persons subject to chapters 69.04 and 69.07 RCW by virtue of RCW 69.04.392, 69.04.394, 69.04.396 and 69.04.398. Although those regulations are automatically applicable to all persons subject to chapters 69.04 and 69.07 RCW, the department is nevertheless adopting as its own rules the following existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, 1993.

(2) The purpose of this rule is to adopt the following portion of the federal regulations promulgated under Title 21 CFR, Title 40 CFR and FDA Compliance Policy Guidelines as Washington standards for food safety to ensure uniformity with United States standards and to protect the consuming public from possible harm due to the purchase or consumption of adulterated or misbranded food.

(3) These rules are promulgated under authority of RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020.

NEW SECTION

WAC 16-167-020 Pesticide chemicals. The following federal regulations are adopted as Washington tolerances for pesticide chemicals: 40 CFR Revised as of July 1, 1993.

(1) Parts 180 - Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

(a) Subpart A - Definitions and Interpretative Regulations.

(b) Subpart C - Specific Tolerances.

(2) Part 185 - Tolerances for Pesticides in Food.

(3) Part 186 - Tolerances for Pesticides in Animal Feeds.

NEW SECTION

WAC 16-167-030 Food additives. The following federal regulations prescribing the conditions under which such food additives may safely be used are adopted as Washington food additive regulations. 21 CFR Chapter 1 Revised as of April 1, 1994.

(1) Part 170 - Food Additives.

(2) Part 172 - Food Additives Permitted for Direct Addition to Food for Human Consumption.

(3) Part 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption.

(4) Part 174 - Indirect Food Additives: General.

(5) Part 175 - Indirect Food Additives: Adhesives and Components of Coatings.

(6) Part 176 - Indirect Food Additives: Paper and Paperboard Components.

(7) Part 177 - Indirect Food Additives: Polymers.

(8) Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.

(9) Part 179 - Irradiation in the Production, Processing and Handling of Food.

(10) Part 180 - Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study.

(11) Part 181 - Prior-Sanctioned Food Ingredients.

(12) Part 182 - Substances Generally Recognized as Safe.

(13) Part 184 - Direct Food Substances Affirmed as Generally Recognized as Safe.

(14) Part 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe.

(15) Part 189 - Substances Prohibited From Use in Human Food.

NEW SECTION

WAC 16-167-040 Color additives. The following federal regulations prescribing the use or limited use of such color additives are adopted as Washington color additive regulations. 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1994.

(1) Part 70 - Color Additives.

(2) Part 73 - Listing of Color Additives Exempt From Certification.

(3) Part 74 - Listing of Color Additives Subject to Certification.

(4) Part 81 - General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs and Cosmetics.

(5) Part 82 - Listing of Provisionally Listed Colors and Specifications.

NEW SECTION

WAC 16-167-050 General requirements. The following federal regulations concerning food are adopted as Washington requirements for regulating food in intrastate commerce.

(1) 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1994.

(a) Part 1 - General Enforcement Regulations.

(i) Subpart A General Provisions.

(ii) Subpart B General Labeling Requirements.

(b) Part 2 - General Administrative Rulings and Decisions.

(i) Subpart A General Provisions.

(ii) Subpart B Human and Animal Foods.

(c) Part 7 - Enforcement Policy.

(2) 21 CFR Chapter 1 Subchapter B-Food for Human Consumption.

(a) Part 100 - General.

(b) Part 101 - Food Labeling.

(c) Part 102 - Common or Usual Name for Nonstandardized Foods.

(d) Part 103 - Quality Standards for Foods With no Identity Standards.

(e) Part 104 - Nutritional Quality Guidelines for Foods.

(f) Part 105 - Foods for Special Dietary Use.

(g) Part 106 - Infant Formula Quality Control Procedures.

(h) Part 107 - Infant Formula.

(i) Part 108 - Emergency Permit Control.

(j) Part 109 - Unavoidable Contaminants in Food for Human Consumption and Food Packaging Material.

(k) Part 110 - Current Good Manufacturing Practice in Manufacturing, Packing and Holding Human Food.

(l) Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(m) Part 114 - Acidified Foods.

(n) Part 129 - Processing and Bottling Bottled Drinking Water.

- (o) Part 130 - Food Standards: General.
- (p) Part 131 - Milk and Cream.
- (q) Part 133 - Cheeses and Related Cheese Products.
- (r) Part 135 - Frozen Desserts.
- (s) Part 136 - Bakery Products.
- (t) Part 137 - Cereal Flours and Related Products.
- (u) Part 139 - Macaroni and Noodle Products.
- (v) Part 145 - Canned Fruits.
- (w) Part 146 - Canned Fruit Juices.
- (x) Part 150 - Fruit Butters, Jellies, Preserves and Related Products.
- (y) Part 152 - Fruit Pies.
- (z) Part 155 - Canned Vegetables.
- (aa) Part 156 - Vegetable Juices.
- (bb) Part 158 - Frozen Vegetables.
- (cc) Part 160 - Eggs and Egg Products.
- (dd) Part 161 - Fish and Shellfish.
- (ee) Part 163 - Cacao Products.
- (ff) Part 164 - Tree Nut and Peanut Products.
- (gg) Part 166 - Margarine.
- (hh) Part 168 - Sweeteners and Table Syrups.
- (ii) Part 169 - Food Dressings and Flavorings.

NEW SECTION

WAC 16-167-060 Compliance policy guidelines. The following compliance policy guidelines are adopted as Washington regulations for regulating food in intrastate commerce. Food and Drug Administration Compliance Policy Guides.

- (1) Chapter 1 Beverage.
- (2) Chapter 2 Baked Goods.
- (3) Chapter 3 Food Storage.
- (4) Chapter 4 Processed Grain.
- (5) Chapter 5 Candy and Sugar.
- (6) Chapter 6 Dairy.
- (7) Chapter 7 Egg Industry.
- (8) Chapter 8 Fish and Seafood.
- (9) Chapter 9 Condiment Industry.
- (10) Chapter 10 Fruit.
- (11) Chapter 12 Nut.
- (12) Chapter 13 Edible Oil.
- (13) Chapter 14 Vegetable.
- (14) Chapter 16 Multiple Food.
- (15) Chapter 17 Food Related.
- (16) Chapter 18 Dietary Food.
- (17) Chapter 20 Food - General.
- (18) Chapter 27 Color.
- (19) Chapter 41 Pesticides.
- (20) Chapter 51 Inspectional.

WSR 94-22-071
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed November 2, 1994, 8:45 a.m.]

Original Notice.

Title of Rule: WAC 246-815-070(2), dental hygiene retake exams.

Purpose: To establish retake examination criteria that is more appropriate than in the past.

Statutory Authority for Adoption: RCW 18.29.150(2).
 Statute Being Implemented: RCW 18.29.150(2).
 Summary: The amendment shall allow for two retakes of all parts failed on the dental hygiene exam.

Reasons Supporting Proposal: The amendment will provide more leniency in the retaking of the dental hygiene examination and still assure minimum competency in all skills.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Lewis, Olympia, Washington, (206) 586-1867.

Name of Proponent: Dental Hygiene Examining Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It provides more lenient requirements for retaking exam.

Proposal Changes the Following Existing Rules: Provides for retaking of all parts instead of maximum of two for two retakes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business economic impact analysis determined that this rule amendment will not economically impact the small business of hygienists or dentists.

Hearing Location: WestCoast Sea-Tac Hotel, Tacoma Room, 18220 Pacific Highway South, Seattle, WA 98188, on December 16, 1994, at 9:45 a.m.

Assistance for Persons with Disabilities: Contact Carol Lewis at (206) 586-1867 by phone or P.O. Box 47867, Olympia, WA 98504-7867 by mail, by December 1, 1994, TDD (800) 525-0127, or (206) 664-0064.

Submit Written Comments to: Ann Foster, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by December 15, 1994.

Date of Intended Adoption: December 16, 1994.

October 20, 1994
 Carol L. Lewis
 Program Manager

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

WAC 246-815-070 Examination results. (1) In order to pass the examination the applicant must:

- (a) Submit proof of successful completion of the national board of dental hygiene examination;
 - (b) Successfully complete the patient evaluation practical test;
 - (c) Successfully complete the prophylaxis practical test;
 - (d) Successfully complete the anesthetic practical test;
 - (e) Successfully complete the restorative practical test;
- and,
- (f) Successfully complete the Washington state written test.

(2) An applicant (~~who passes at least three of the following tests~~) may elect to retake only the tests failed: Provided, That if the applicant has not passed all tests (~~at~~) within the next two consecutive examination administrations offered then the entire examination must be retaken. The tests are:

- (a) Patient evaluation practical;
- (b) Prophylaxis case practical;
- (c) Anesthetic practical;
- (d) Restorative practical; and,
- (e) Washington state written test.

WSR 94-22-073
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed November 2, 1994, 9:26 a.m.]

Original Notice.

Title of Rule: New section WAC 356-06-110 Federal preemption—Fair Labor Standards Act; and amending WAC 356-34-030 Suspension—Duration—Procedure.

Purpose: The purpose of WAC 356-34-030 specifies the procedures for suspension actions. The purpose of WAC 356-06-110 is to remove any possible conflict of interest between the federal Fair Labor Standards Act and the Personnel Resources Board rules.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: The proposed amendment is needed to remove any possible conflict between the federal Fair Labor Standards Act and the Personnel Resources Board rules.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 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.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment will remove any possible conflict between the federal Fair Labor Standards Act and the Personnel Resources Board rules. The amendment will also streamline procedures.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South; Olympia, WA, on December 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by December 1, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (206) 586-4694, by December 6, 1994.

Date of Intended Adoption: December 8, 1994.

November 1, 1994
 Dennis Karras
 Secretary

NEW SECTION

WAC 356-06-110 Federal preemption - Fair Labor Standards Act. Agencies shall comply with the personnel resources board rules (Title 356) unless doing so causes them to violate the Fair Labor Standards Act.

AMENDATORY SECTION (Amending WSR 92-20-025, filed 9/28/92, effective 11/1/92)

WAC 356-34-030 Suspension-Duration-Procedure. Appointing authorities may suspend a permanent employee without pay for cause as specified in these rules.

(+) The period of suspension for ~~scheduled and non-scheduled work period~~ employees shall not exceed fifteen calendar days for a single penalty or for a total of thirty calendar days in any calendar year as a result of several penalties per RCW 41.06.170. The specified charges and duration of the action shall be furnished in writing to the employee not later than one calendar day after the suspension becomes effective. ~~A copy shall be submitted to the director of personnel.~~ Notice to the employee shall be made in the manner described in WAC 356-34-045. No qualifying time or seniority shall be denied for any period of suspension.

(2) ~~Exceptions work period employees may be suspended only in work week increments, not to exceed two workweeks for a single penalty or a total of four workweeks in any calendar year as a result of several penalties per RCW 41.06.170; except, suspensions for less than workweek increments may be imposed for infractions of safety rules of major significance. The specified charges and duration of the action shall be furnished in writing to the employee not later than one calendar day after the suspension becomes effective. A copy shall be submitted to the director of personnel. Notice to the employee shall be made in the manner described in WAC 356-34-045. No qualifying time or seniority shall be denied for any period of suspension.~~

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

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

WSR 94-22-074
WITHDRAWAL OF PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed November 2, 1994, 9:29 a.m.]

The Washington Personnel Resources Board hereby withdraws proposed amendment to WAC 356-10-040 and 356-10-045 filed with your office on May 27, 1994, as part of WSR 94-12-060 and continued as WSR 94-16-051, 94-20-024, and 94-21-092.

If you have any questions regarding the above withdrawal notice, please contact Sandra Brownrigg at 753-0381.

Dennis Karras
 Secretary

**WSR 94-22-075
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed November 2, 1994, 9:31 a.m.]

Original Notice.

Title of Rule: Adopting Section 13.07, Regulation I.

Purpose: To fulfill Section 172 (c)(9) of the federal Clean Air Act which requires State Implementation Plans to contain one or more contingency measures that go into effect automatically if an area fails to meet the national ambient air quality standard by the required attainment date.

Other Identifying Information: Section 13.07 pertains to the Contingency Plan.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: Use of woodstoves not meeting standards in RCW 70.94.457 would be prohibited if the EPA finds: An area has failed to attain/maintain the ambient air quality standard for PM10; and in consultation with the Washington Department of Ecology and Puget Sound Air Pollution Control Agency finds that emissions from solid fuel burning devices, located in an area to be determined by the EPA, are a contributing factor to such failure.

Reasons Supporting Proposal: Failure to include a contingency measure in the State Implementation Plan for PM10 will result in disapproval of the plan and imposition of sanctions.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, 98101, 689-4065; **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: This rule fulfills Section 172 (c)(9) of the federal Clean Air Act which requires State Implementation Plans to contain one or more contingency measures that go into effect automatically if an area fails to meet the national ambient air quality standard by the required attainment date. Based upon the likelihood of a failure to attain and maintain compliance with the air quality standard, it is not anticipated that this contingency measure will need to be employed. If the use of such woodstoves is prohibited, a measurable improvement in air quality would be expected.

Proposal Changes the Following Existing Rules: This proposal adds a new section pertaining to a contingency measure.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on December 8, 1994, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010, by December 1, 1994, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by November 28, 1994.

Date of Intended Adoption: December 8, 1994.

November 1, 1994
Gerald S. Pade
Air Pollution Engineer

NEW SECTION

REGULATION I SECTION 13.07 CONTINGENCY PLAN

The following provision is established for the sole purpose of a contingency measure to meet the requirements of Section 172 (c)(9) of the federal Clean Air Act. If the U.S. Environmental Protection Agency makes written findings that: (1) an area has failed to attain or maintain the national ambient air quality standard, and (2) in consultation with the Washington Department of Ecology and the Agency, finds that the emissions from solid fuel burning devices are a contributing factor to such failure to attain or maintain the standard, the use of woodstoves not meeting the standards set forth in RCW 70.94.457 shall be prohibited within the area determined by the U.S. Environmental Protection Agency to have contributed to the violation. This provision shall take effect one year after such a determination.

WSR 94-22-076

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed November 2, 1994, 10:02 a.m.]

Original Notice.

Title of Rule: WAC 390-16-071 Annual report of major contributors and persons making independent expenditures; WAC 390-18-030 Political advertising—Exemptions from identification; WAC 390-20-027 Definition—State elected official, candidate for state office; WAC 390-20-110 Forms for lobbyist employers report; and WAC 390-20-107 Lobbyist's employer—Reporting of "total expenditures."

Purpose: WAC 390-16-071, comply with provisions of RCW 42.17.180; WAC 390-18-030, comply with provision of I-134 regarding political advertising; WAC 390-20-027, implement RCW 42.17.180 as amended by Initiative 134; WAC 390-20-110, implement a reporting provision of I-134; and WAC 390-20-107, repeal existing rule.

Statutory Authority for Adoption: RCW 42.17.390.

Statute Being Implemented: Chapter 42.17 RCW.

Summary: WAC 390-16-071, for purposes of determining when the thresholds in RCW 42.17.180 have been met, potential filers would only count: Contributions given to state office candidates or statewide ballot measures; or independent expenditures made with respect to state office candidates or statewide ballot measures; WAC 390-18-030, currently, some items that may be used as political advertising, like bumper stickers, T-shirts, pens, etc., are exempt

from carrying the sponsor identification. Proposed rule would extent [extend] the exemption regarding these items to "notice to voters" and "top five contributor" information that customarily must appear on certain political ads; WAC 390-20-027, define "state elected official" in rule consistent with definitions found in RCW 42.17.630 (16) and (17); WAC 390-20-110, modify employer of lobbyist report (PDC Form L-3) to be consistent with new requirements included in I-134; and WAC 390-20-107, repeals explanation of "total expenditures" that are to be reported pursuant to RCW 42.17.180.

Reasons Supporting Proposal: WAC 390-16-071, limit those contributions and independent expenditures that count toward reporting thresholds to only those that would have to be reported if reporting is necessary; WAC 390-18-030, consistent with I-134; WAC 390-20-027, consistent with Initiative 134; WAC 390-20-110, necessary to conform with state law; and WAC 390-20-107, inconsistent with policy change commission made in 1992 that only direct, identifiable lobbying expenditures need to be reported.

Name of Agency Personnel Responsible for Drafting: Vicki Rippie, Public Disclosure Commission, Olympia, 586-4838; Implementation: Melissa Warheit, Public Disclosure Commission, Olympia, 753-1980; and Enforcement: Susan Harris, Public Disclosure Commission, Olympia, 753-1981.

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: WAC 390-16-071, rule clarifies who has to file "special political expenditures" report required of RCW 42.17.180 as amended by Initiative 134 by specifying which contributions and expenditures made have to be counted toward the thresholds; WAC 390-18-030, will relieve burden from sponsors of political ads that are too impractical to carry identification; WAC 390-20-027, persons filing reports pursuant to RCW 42.17.180 will supply information concerning expenditures made with respect to candidates for legislative and state executive office. They will no longer have to disclose contributions or other expenditures made with respect to candidates for justice of the supreme court or judge of the court of appeals. The latter are no longer considered "state elected office" for purposes of [RCW 42.17].180; WAC 390-20-110, I-134 requires that lobbyist employers report independent expenditures they make with respect to state office candidates and statewide ballot measures, in addition to the other information already required to be reported. The proposed revision to the L-3 reporting form accommodate the reporting of this additional information; and WAC 390-20-107, eliminates a rule that is contrary to policy change made in 1992. Will reduce confusion and reporting difficulties of lobbying employers.

Proposal Changes the Following Existing Rules: WAC 390-16-071, narrows the type of contributions and expenditures that count toward threshold; WAC 390-18-030, extends existing identification exemption to additional sponsor ID information that would otherwise be required by law; WAC 390-20-027, makes administrative rule consistent with statutory definition; WAC 390-20-110, adds another reporting category: Independent expenditures; and WAC 390-20-107, repeal existing rule.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. WAC 390-16-071, no small business impact statement because impact, if any, would be minimal; WAC 390-18-030, 390-20-027, 390-20-110 and 390-20-107, no small business impact.

Hearing Location: 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA 98501, on December 13, 1994, at 9 a.m.

Submit Written Comments to: Vicki Rippie, FAX (206) 753-1112, by November 23, 1994.

Date of Intended Adoption: December 13, 1994.

November 1, 1994

Melissa Warheit

Executive Director

AMENDATORY SECTION (Amending WSR 94-11-016, filed 5/5/94)

WAC 390-16-071 Annual report of major contributors and persons making independent expenditures. (1) Any person, other than an individual (1) who made contributions to ~~((federal,))~~ state ~~((and local))~~ office candidates ~~((political committees registered in Washington state,))~~ and statewide ~~((and local))~~ ballot ~~((issue))~~ proposition committees totaling more than \$10,000 in the aggregate during the preceding calendar year, or (2) who made independent expenditures regarding ~~((federal,))~~ state ~~((and local))~~ office candidates and statewide ~~((and local))~~ ballot ~~((issues))~~ propositions totaling more than \$500 in the aggregate during the preceding calendar year, shall file with the commission ~~((the))~~ an annual report required pursuant to RCW 42.17.180. This report shall not be required of a candidate's authorized committee or a political committee provided the information has been properly reported pursuant to RCW 42.17.080 and .090.

(2) The report is entitled "Special Political Expenditures" and is designated with PDC form number C-7.

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

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-18-030 Political advertising—Exemptions from ~~((sponsor))~~ identification. (1) Pursuant to RCW 42.17.510(4), the following forms of political advertising need not include the sponsor's name and address, the "notice to voters" or the "top five contributors" information as otherwise required by RCW 42.17.510 (1) and (2) because such identification is impractical: Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in

PROPOSED

moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, skywriting, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets or fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

AMENDATORY SECTION (Amending Order 71, filed 3/23/76)

WAC 390-20-027 Definition—State elected official, candidate for state office. For the purposes of reporting by employers of registered lobbyists pursuant to RCW 42.17.180, the terms "state elected official" and "candidate for state office" shall include governor, lieutenant governor, attorney general, state auditor, commissioner of public lands, insurance commissioner, secretary of state, superintendent of public instruction, state treasurer, state senator(~~(s)~~) and state representative(~~(s), justices of the supreme court and judges of the court of appeals~~)).

AMENDATORY SECTION (Amending WSR 93-04-072, filed 1/29/93)

WAC 390-20-110 Forms for lobbyist employers report. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised (~~(11/92)~~) 12/94. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.

PROPOSED

STATE OF WASHINGTON

EMPLOYER'S LOBBYING EXPENSES

L3

PDC Form L-3 (11/92)

1. Employer's Name (Use complete company, association, union or entity name)

Mailing Address

Telephone

City

State

Zip

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures incurred during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Direct payments to lobbyists for salary, contract, retainer and reimbursement of other lobbying expenses. In the amount listed for each lobbyist, include all contributions and expenses for entertainment, gifts and grass roots lobbying campaigns reported by the lobbyist on the L-2 report.

LOBBYIST NAME (IF PAYMENTS WERE TO LOBBY FIRM, LIST FIRM NAME)

AMOUNT

TOTAL AMOUNT

Table with 3 columns: LOBBYIST NAME, AMOUNT, TOTAL AMOUNT. Includes a row for 'TOTAL FROM ATTACHED PAGE' and 'TOTAL PAID DIRECTLY TO LOBBYISTS'.

Information continued on attached page

TOTAL FROM ATTACHED PAGE

TOTAL PAID DIRECTLY TO LOBBYISTS

When completing Items 3 thru 6 below, DO NOT include expenditures already reported in Item 2 above.

3. Other expenditures made by the employer for lobbying purposes. Include any and all:

- a. Payments to vendors on behalf of or in support of registered lobbyists (i.e., food, travel, credit card purchases);
b. Payments to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;
c. Payments for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families;
d. Payments for the composition, design, production and distribution of informational materials produced primarily for influencing legislation;
e. Payments for grass roots lobbying expenses, including those previously reported by employer on PDC Form L-6, and payments for lobbying communications to clients or customers (other than corporate stockholders and members of association or organization).

4. Political contributions to candidates for state office, including the legislature, to committees supporting or opposing those candidates or to committees supporting or opposing statewide ballot measures. (Also complete Item 9.)

- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.
b. If contributions were made by a political action committee associated, affiliated or sponsored by the employer, show name of PAC below. (Information reported by PAC on C-4 report need not be again included as part of this L-3 report.)

Name of PAC

5. Payments or expenditures to legislators and state officials and their spouses and dependents for the purpose of influencing, honoring, or benefiting the legislator or official. Do not include payments for goods or services obtained in the normal course of business. (Also complete Item 12.)

6. Payments for other expenditures for lobbying, whether through or on behalf of a registered lobbyist or otherwise. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not show payments included above.

TOTAL LOBBYING EXPENSES (Items 2 thru 6)

This report must be certified by the president, secretary-treasurer or similar officer of employer organization.

CERTIFICATION

I certify that the information contained in this report is a true, correct and complete statement in accordance with RCW 42.17.180.

SIGNATURE OF EMPLOYER

DATE

NAME TYPED OR PRINTED

DATE

CONTINUE ON REVERSE

PROPOSED

PROPOSED

8. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Description of Entertainment Gift or Travel
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Information continued on attached pages

9. Contributions made directly by the Employer aggregating over \$25 to candidates for state office, the legislature, committees supporting or opposing those candidates or committees supporting or opposing statewide ballot measures. Contributions from an employer-affiliated PAC need not be listed.

Name of Recipient	Amount	Date
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Information continued on attached pages

10. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate families.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Information continued on attached pages

11. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which a state elected official, successful state candidate or member of the immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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Information continued on attached pages

12. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of the immediate family, if made to honor, influence or benefit the person because of his official position.

Name	Amount	Purpose
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Information continued on attached pages

Public Disclosure Commission, 711 Capitol Way, Room 403, PO Box 40908, Olympia, WA 98504-0908

STATE OF WASHINGTON

EMPLOYER'S LOBBYING EXPENSES

L3
12/94

L3 12/94

DRAFT

1. Employer's Name (Use complete company, association, union or entity name)

Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

Mailing Address Telephone

City State ZIP + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, gifts for public officials, reimbursement for entertainment expenses, etc.) Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
Total From Attached Page			

Information continued on attached page

Total Expenses Incurred By or Through Lobbyists

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/acrued:
- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); _____
 - b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort; _____
 - c. for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.) _____
 - d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; _____
 - e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union). _____
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)
- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c. _____
 - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)
Name of PAC _____
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.) _____
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.) _____
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above. _____
- Total Lobbying Expenses
(Items 2 thru 7) _____

This report must be certified by the president, secretary-treasurer or similar officer of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.	Signature of Employer Officer	Date
Printed Name and Title of Officer:		

CONTINUE ON REVERSE

PROPOSED

PROPOSED

9. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Entertainment Gift or Travel
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Information continued on attached pages

10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if in-kind, Description)
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Information continued on attached pages

11. Independent expenditures totaling \$500 or more in support of or opposition to a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure" and correct way to determine if threshold has been met.

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
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Information continued on attached pages

12. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate families.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Information continued on attached pages

13. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which a state elected official, successful state candidate or member of the immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of the immediate family, if made to honor, influence or benefit the person because of his official position.

Name	Amount	Purpose
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Information continued on attached pages

Public Disclosure Commission, 711 Capitol Way, Room 403, PO Box 40908, Olympia, WA 98504-0908

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-107 Lobbyist's employer—
Reporting of "total expenditures."

WSR 94-22-080**PROPOSED RULES****OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed November 2, 1994, 10:22 a.m.]

Continuance of WSR 94-21-084.

Title of Rule: WAC 326-02-030 Definitions.

Purpose: Changing location of hearing from the Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504 to Hearing Room C, John L. O'Brien Building, Capitol Campus.

Hearing Location: John L. O'Brien Building, Hearing Room C, Capitol Campus, on November 22, 1994, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Tammi Hazlitt/Jean Wheat by November 15, 1994, (206) 753-9691.

Submit Written Comments to: Juan Huey-Ray, Rules Coordinator, 406 South Water, Olympia, 98504, FAX (206) 586-7079, by November 21, 1994.

Date of Intended Adoption: December 2, 1994.

November 2, 1994

James A. Medina
Director

WSR 94-22-081**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed November 2, 1994, 10:38 a.m.]

Original Notice.

Title of Rule: WAC 308-91-080 Temporary authorization permit and 308-91-150 Form of payment required—Dishonored checks.

Purpose: Sets forth requirements for eligibility and use of temporary authorization permits; and sets forth form and method of payment of license fees.

Statutory Authority for Adoption: RCW 46.87.010(2), 46.87.080(7).

Statute Being Implemented: RCW 46.87.080(7).

Summary: Makes changes to issuance and use of temporary authorization permits and the form and method of payment of license fees.

Reasons Supporting Proposal: Current rules place undue restrictions and burdens on eligibility and use of temporary authorization permits. Requirement for payment of fees in guaranteed funds places burdens on carriers without tangible benefit to carrier or licensing office.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Art Farley, 2000 4th Avenue West, Olympia, 98507, (206) 753-6993.

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 308-91-080, this rule provides motor carriers with the authority to issue temporary authorization permits to allow legal movement of vehicles pending issuance of license credentials; and WAC 308-91-150, this rule requires payment in guaranteed funds for motor carriers making original or renewal application under the provisions of chapter 46.87 RCW.

Proposal Changes the Following Existing Rules: WAC 308-91-080, the proposed amendments to this rule will allow more motor carriers to use temporary authorization permits and expands the conditions under which they can be used; and WAC 308-91-150, carriers will no longer be required to make payment in guaranteed funds for original and renewal applications under chapter 46.87 RCW.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed amendments are designed to eliminate undue restrictions regarding eligibility and use of temporary authorization permits with no direct or indirect economic impact anticipated. The amendments regarding payment of license fees in nonguaranteed funds does not create any direct or indirect economic impact. Amendments are designed to improve carrier and department administrative functions.

Hearing Location: Department of Licensing, 2000 4th Avenue West, Olympia, 98507, on December 16, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Art Farley by December 10, 1994, TDD (206) 753-6901, or (206) 753-6993.

Submit Written Comments to: Art Farley, P.O. Box 9036, Olympia, WA 98507, FAX (206) 664-8468, by December 10, 1994.

Date of Intended Adoption: February 3, 1995.

November 1, 1994

Michael R. Seale
Administrator

AMENDATORY SECTION (Amending WSR 90-16-072, filed 7/30/90, effective 9/1/90)

WAC 308-91-080 Temporary authorization permit. Washington temporary authorization permits (TAPs) are available to carriers (~~who have been~~) prorated with the state of Washington (~~for a minimum of one year~~) and who have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years (~~and who have a history of making prompt payment of fees when due and final, usually within thirty days of the billing date~~). These permits may be used by qualified carriers to allow immediate operation of vehicles (~~being added to~~) in their fleets pending issuance of proportional registration credentials.

Carriers desiring (~~the privilege of obtaining and using~~) to utilize TAPs must make application in writing to the prorate section of the department (~~and indicate their anticipated annual requirements for these permits~~). Upon approval of the application, the carrier may place an order

for ~~((ten or more))~~ TAPs ~~((utilizing order forms to be provided))~~ on a form prescribed by the department; payment as prescribed in RCW 46.87.080 must accompany the application. TAPs are valid for a period of two months from the date of ~~((issue by the carrier))~~ issuance. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued ~~((by the carrier))~~ in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. ~~((These permits))~~ TAPs are not transferable ~~((and may be utilized only by the carrier to whom they were issued for use with vehicles being added to their fleet or fleets))~~. ~~((Carriers must return))~~ All unused TAPs ~~((at such time as they cancel or fail to renew their Washington))~~ must be returned to the department upon cancellation or nonrenewal of the carrier's prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may ~~((only))~~ be used ~~((for vehicles being added to a carrier's established fleet. They cannot be used to increase gross weight on a vehicle or for a vehicle that has already been listed on a proportional registration application Schedule "A & C" or renewal application which has been submitted to the prorate section of the department. Only one permit may be issued for any one vehicle))~~ to:

- (a) Add vehicles to established fleets;
- (b) Increase gross weight of vehicles in established fleets;
- (c) Add jurisdictions to established fleets;
- (d) Transfer vehicles from one established fleet to another;
- (e) Establish a new fleet.

(3) TAPs must be ~~((filled out with a typewriter))~~ completed in a legible manner. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters across the face of the permit. Return the vehicle copy and prorate copy to the department within one week ~~((or with your next proration application supplement, whichever is sooner))~~. If TAP is to be used for a vehicle ~~((being added to a fleet))~~ registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department and carrier's records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a

trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third copy is to be attached to a Washington proration application supplement ~~((which is used to add the vehicle to the carrier's fleet))~~.

(5) When TAPs have been issued, a proration registration application supplement Schedule "A & C~~(7)~~" listing such vehicles ~~((as additions to the fleet,))~~ must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration registration application supplement Schedule "A & C" and TAPs should be issued from the same location. ~~((Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be cause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.))~~

(6) ~~((Other causes))~~ Grounds for suspension and cancellation of TAP ~~((and/or proportional registration privileges))~~ are:

- (a) Failure to comply with ~~((these rules and procedures; or~~
- (b) Failure to complete TAPs in their entirety prior to use; or
- (c) Failure to comply with Washington prorate instructions, rules or laws)) chapter 46.87 RCW and chapter 308-91 WAC; or
- ~~((d))~~ (b) Failure to make timely payment of registration fees, taxes or audit assessments when due and final ~~((usually within thirty days); or~~
- (e) Failure to maintain accountability of TAPs).

AMENDATORY SECTION (Amending WSR 94-13-012, filed 6/2/94, effective 7/3/94)

WAC 308-91-150 Form of payment required—Dishonored checks. (1) ~~((For accounts registered less than five years, original or renewal application))~~ Assessments for proportional registration fees/taxes due the state of Washington shall be paid in United States funds ~~((via cash, cashier's check, certified check, traveler's check, or money order. All other assessments may be paid by company or personal checks))~~ unless guaranteed payment is specifically required by the department.

(2) Any registrant who tenders a check that is subsequently dishonored by the bank or other financial institution upon whom it was drawn, may be required to tender all subsequent payments in person by cash or by cashier's check, certified check, traveler's check, or money order.

(3) A handling fee in the amount of fifteen dollars shall be assessed the drawer for each check dishonored by the bank or other financial institution upon whom it was drawn and interest on the amount of each check shall accrue from the date of dishonor at the rate of twelve percent per annum. The interest and handling fee shall be deposited into the highway safety fund.

WSR 94-22-082
PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE

[Filed November 2, 1994, 11:07 a.m.]

Original Notice.

Title of Rule: Accelerated life insurance.

Purpose: Make technical changes to recently adopted rule.

Other Identifying Information: Insurance Commissioner Matter No. R 94-25.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010.

Statute Being Implemented: RCW 48.11.020, 48.30.018.

Summary: Technical corrections to WAC 284-23-650 and 284-23-690.

Reasons Supporting Proposal: Errors in drafting were found after adoption.

Name of Agency Personnel Responsible for Drafting: Melodie Bankers, Olympia, 586-3574; Implementation and Enforcement: Patrick Musick, Olympia, 664-2093.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes limited to technical corrections to WAC 284-23-650 and 284-23-690 only.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business economic impact statement was prepared because these amendments make no substantive change to existing laws or rules.

Hearing Location: Insurance Commissioner's Office, Insurance Building, 2nd Floor Conference Room, Room 200, on December 6, 1994, at 10:00 a.m.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 0255, Olympia, WA 98504-0255, FAX 586-3535, by December 5, 1994.

Date of Intended Adoption: December 6, 1994.

November 2, 1994

Deborah Senn
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-650 Disclosure statement. (1) The words "accelerated benefit" must be included in the required title of every life insurance policy or rider that includes a provision for accelerated benefits. Accelerated benefits shall not be described, advertised, marketed, or sold as either long-term care insurance or as providing long-term care benefits.

(2) Possible tax consequences and possible consequences on eligibility for receipt of Medicare, Medicaid, Social Security, Supplemental Security Income (SSI), or other sources of public funding shall be included in every disclosure statement.

(a) A disclosure statement shall be provided which contains a statement that receipt of accelerated benefits may

be taxable and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related materials.

(b) The disclosure statement shall contain substantially the following: "If you receive payment of accelerated benefits from a life insurance policy, you may lose your right to receive certain public funds, such as Medicare, Medicaid, Social Security, Supplemental Security, Supplemental Security Income (SSI), and possibly others. Also, receiving accelerated benefits from a life insurance policy may have tax consequences for you. We cannot give you advice about this. You may wish to obtain advice from a tax professional or an attorney before you decide to receive accelerated benefits from a life insurance policy."

(c) The disclosure statement must be provided (i) to the applicant for an individual or group life insurance policy at the time application is made for the policy or rider; and (ii)(A) to the individual insured at the time the owner of an individual life insurance policy submits a request for payment of the accelerated benefit, and before the accelerated benefit is paid, or (B) to the individual (~~certificate holder~~) certificateholder at the time an individual certificateholder of a group life insurance policy submits a request for payment of the accelerated benefit, and before the accelerated benefit is paid. It is not sufficient to provide this required disclosure statement only to the holder of a group policy.

(3) The disclosure statement shall give a brief and clear description of the accelerated benefit. It shall define all qualifying events which can trigger payment of the accelerated benefit. It shall also describe any effect of payment of accelerated benefits upon the policy's cash value, accumulation account, death benefit, premium, policy loans, and policy liens.

(a) In the case of agent solicited insurance, the agent shall provide the disclosure form to the applicant before or at the time the application is signed. Written acknowledgment of receipt of the disclosure statement shall be signed by the applicant and the agent.

(b) In the case of a solicitation by direct response methods, the insurer shall provide the disclosure form to the applicant at the time the policy is delivered, with a written notice that a full premium refund shall be made if the policy is returned to the insurer within the free look period.

(c) In the case of group life insurance policies, the disclosure statement shall be contained in the certificate of coverage, or in any other related document furnished by the insurer to the certificateholder.

(4) If there is a premium or cost of insurance charge for the accelerated benefit, the insurer shall give the applicant a generic illustration numerically demonstrating any effect of the payment of an accelerated benefit upon the policy's cash value, accumulation account, death benefit, premium, policy loans, or policy liens.

(a) In the case of agent solicited insurance, the agent shall provide the illustration to the applicant either before or at the time the application is signed.

(b) In the case of a solicitation by direct response methods, the insurer shall provide the illustration to the applicant concurrently with delivery of the policy to the applicant.

(c) In the case of group life insurance policies, the disclosure form shall be included in the certificate of insurance or any related document furnished by the insurer to the certificateholder.

(5)(a) Insurers with financing options other than as described in WAC ((284-23-645)) 284-23-690 (1)(b) and (c) of this regulation, shall disclose to the policyowner any premium or cost of insurance charge for the accelerated benefit. Insurers shall make a reasonable effort to assure that the certificateholder on a group policy is made aware of any premium or cost of insurance charge for the accelerated benefits, if he or she is required to pay all or any part of such a premium or cost of insurance charge.

(b) Insurers shall furnish an actuarial demonstration to the Insurance Commissioner when filing an individual or group life insurance policy or rider form that provides accelerated benefits, showing the method used to calculate the cost for the accelerated benefit.

(6) Insurers shall disclose to the policyholder any administrative expense charge. The insurer shall make a reasonable effort to assure that the certificateholder on a group policy is made aware of any administrative expense charge if he or she is required to pay all or any part of any such charge.

(7) When the owner of an individual policy or the certificateholder of a group policy requests payment of an accelerated benefit, within 20 days of receiving the request the insurer shall send a statement to that person, and to any irrevocable beneficiary, showing any effect that payment of an accelerated benefit will have on the policy's cash value, accumulation account, death benefit, premium, policy loans, and policy liens. This statement shall disclose that receipt of accelerated benefit payments may adversely affect the recipient's eligibility for Medicaid or other government benefits or entitlements. When the insurer pays the accelerated benefit, it shall issue an amended schedule page to the owner of an individual policy, or to the certificateholder of a group policy, showing any new, reduced in-force amount of the policy. When more than one payment of accelerated benefit is permitted under the policy or rider, the insurer shall send a revised statement to the owner of an individual policy, or to the certificateholder of a group policy, when a previous statement has become invalid due to payment of accelerated benefits.

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-690 Actuarial standards, financing options, effect on cash value, and effect on policy loans.

(1) An insurer shall select one of the following finance options. Under subsection (1)(a) and (1)(b) of this section, the accelerated death benefit is regarded as completely settled. Premiums, if any, payable for the remaining coverage shall be reduced proportionally.

(a) An insurer may require a premium charge or cost of insurance charge for the accelerated benefit. These charges shall be based on sound actuarial principles. No additional charges may be imposed to collect benefits.

(b) An insurer may pay the present value of the face amount of the insured's policy or certificate. The calculation of that present value shall be based upon any applicable

discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be based upon sound actuarial principles and disclosed in the policy or actuarial memorandum. The maximum interest rate used shall be no more than the greater of:

- (i) The current yield on ninety day treasury bills; or
- (ii) The current maximum statutory adjustable policy loan interest rate.

(c) An insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate or the interest rate methodology used in the calculation shall be based upon sound actuarial principles and shall be disclosed in the policy or the actuarial memorandum. The maximum interest rate used shall be no more than the greater of:

- (i) The current yield on ninety day treasury bills; or
- (ii) The current maximum statutory adjustable policy loan interest rate.

The interest rate accrued on the portion of the lien which is equal in amount to the cash value of the policy at the time the benefit is accelerated shall be no more than the loan interest rate stated in the policy.

(2) ~~(Effect on cash value.~~

(a)) When an accelerated benefit is payable, there shall be no more than a pro rata reduction in the cash value based upon the percentage of death benefit accelerated to produce the accelerated benefit payment; provided, however, that the payment of accelerated benefits, any administrative expense charges, any future premiums, and any accrued interest may be considered a lien against the death benefit of the policy or rider, and the access to any remaining cash value may be restricted to the excess of the cash value over the sum of any other outstanding loans and any lien. Future access to additional policy loans may be limited to any excess of the cash value over the sum of the lien and any other outstanding policy amounts. When payment of an accelerated benefit results in a pro rata reduction in the cash value, the payment may not be applied toward repaying an amount greater than a pro rata portion of any outstanding policy loans.

WSR 94-22-084
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 2, 1994, 11:17 a.m.]

Original Notice.

Title of Rule: WAC 296-23-265 Independent medical examinations examiner.

Purpose: This rule describes who may perform independent medical examinations.

Statutory Authority for Adoption: RCW 51.32.112.

Statute Being Implemented: RCW 51.32.112.

Summary: This WAC 296-23-265 is being amended to add the word "chiropractic" to the rule to clarify that chiropractic physicians are able to perform independent medical examinations.

Reasons Supporting Proposal: This rule is being amended so it is consistent with changes to RCW 51.32.112 which were adopted in 1993.

Name of Agency Personnel Responsible for Drafting: Carol Britton, Tumwater, Washington, (206) 956-6818;

Implementation: Shelagh Taylor, Tumwater, Washington, (206) 956-5970; and Enforcement: Mark Brown, Tumwater, Washington, (206) 956-4200.

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: Independent medical examinations are now performed by examiners approved by the department and licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery or dentistry. This rule is being amended to allow chiropractic physicians to perform independent medical examinations. This rule is being amended so it is consistent with changes to RCW 51.32.112 which were adopted in 1993.

Proposal Changes the Following Existing Rules: Currently, chiropractic physicians may not perform independent medical examinations for the department or self-insurance. The department is implementing changes to RCW 51.32.112 to allow chiropractic physicians to perform independent medical examinations.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business economic impact statement was not prepared in this case because the amendment is a housekeeping change and there is no small business economic impact.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501, on December 14, 1994, at 1 p.m.

Assistance for Persons with Disabilities: Contact Carol Britton by November 30, 1994, (206) 956-6818.

Submit Written Comments to: Carol Britton, P.O. Box 44322, Olympia, WA 98504, FAX (206) 956-4249, by December 21, 1994.

Date of Intended Adoption: January 26, 1995.

November 2, 1994

Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-265 Independent medical examinations examiner. (1) Independent medical examinations must be performed in accordance with WAC 296-20-200 by examiners approved by the department and licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, chiropractic, or dentistry except:

(a) Attending physicians licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry may perform an impairment rating examination for a worker under their care at the direction of the state fund or self-insurer.

(b) The independent medical examination may be performed by a board certified specialist licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry selected by the department or the self-insurer if the worker does not live in Washington, Oregon, or Idaho.

(c) The independent medical examination may be performed by a treating physician in a department approved chronic pain management program accredited by the commission on accreditation of rehabilitation facilities. The examiner must be licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry.

(2) All other examiners who wish to do independent medical examinations of workers under Title 51 RCW, whether purchased by the department or self-insurers, must:

(a) Submit a completed department application to the medical director at the department of labor and industries; and

(b) Receive the medical director's approval to be an "approved examiner."

(3) Approved examiners will be listed on the department's approved examiners list. Examiners may be suspended or removed from the approved examiners list by the medical director. Such examiners shall not receive worker referrals from the department or self-insurers.

(4) The factors the medical director may consider in approving or disapproving or suspending examiners include, but are not limited to, any one or a combination of the following:

(a) Board certification;

(b) Complaints from workers about the conduct of the examiner;

(c) Disciplinary proceedings or actions;

(d) Experience in direct patient care in the area of specialty;

(e) Ability to effectively convey and substantiate medical opinions and conclusions concerning workers;

(f) Quality and timeliness of reports; and

(g) Geographical need of the department and self-insurer.

(5) Examiners must be available and willing to testify at the department fee schedule rate on behalf of the department, worker, or employer.

(6) Complaints from workers about examiner conduct during an independent medical examination must be promptly forwarded from self-insurer and department staff to the office of the medical director.

(7) The standards for independent medical examiners, the application for approved examiner status and maximum fee schedule for performing examinations are published in a medical examiners' handbook available from the Office of the Medical Director, Department of Labor and Industries, Olympia, WA 98504.

(8) Fees for independent medical examinations are determined by the dollar value published in the medical examiners' handbook.

WSR 94-22-085
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 2, 1994, 11:18 a.m.]

Original Notice.

Title of Rule: Chapter 296-81 WAC, Safety rules governing elevators, dumbwaiters, escalators, and other

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lifting devices—Moving walks; chapter 296-86 WAC, Regulations and fees for freight and passenger elevators, manlifts, dumbwaiters, escalators, moving walks, automobile parking elevators, and other lifting devices; and chapter 296-95 WAC, Electric elevators—Direct plunger and roped hydraulic elevators—Escalators used to transport passengers—Electric and hand-powered dumbwaiters and hand-powered elevators.

Purpose: Chapter 296-81 WAC, the purpose is to correct the effective date for the adoption of the national code ANSI A17.1-1990 Edition, adopt ANSI A17.1-1993 Edition, add back in a section on door operation that was repealed in error in 1992, and make a correction in the door jamb marking designation requirement; chapter 296-86 WAC, the purpose is to establish an annual operating permit fee for casket lifts; and chapter 296-95 WAC, the purpose is to amend one section concerning access to elevator pits to make our requirement equal to that of the national code; add a requirement for stop switches in elevator pits, as required in the national code, and make one housekeeping change to correct a code reference.

Statutory Authority for Adoption: Chapter 70.87 RCW.

Statute Being Implemented: RCW 70.87.030.

Summary: Chapter 296-81 WAC, new section WAC 296-81-306 is a section for a door protective and reopening device. This section was repealed in 1992 because it was thought the subject was already covered in ANSI A17.1, Rule 211. This was in error, it is not covered, and it needs to be reinserted. Amended sections, the first amendment to WAC 296-81-007 changes the incorrect effective date of July 1, 1992, for the adoption of the 1990 Edition of the national code ANSI A17.1, to January 1, 1993, the correct date; and the second amendment adopts the 1993 Edition of ANSI A17.1. An amendment to WAC 296-81-350 corrects the door jamb marking designation requirements; chapter 296-86 WAC, an amendment to WAC 296-86-060 establishes an annual operating permit fee for casket lifts; and chapter 296-95 WAC, an amendment is proposed to change WAC 296-95-130 to require access ladders in elevator pits that are three feet or more deep, to put us in compliance with the national code. Our current rule requires access ladders in pits four feet or more deep. An amendment is proposed to WAC 296-95-272 to require a stop switch in elevator pits, defines the location of the switch, and its accessibility from outside the hoistway. The amendment to WAC 296-95-318 is a housekeeping change, to correct a code reference number.

Reasons Supporting Proposal: To provide for the safe mechanical and electrical operation of elevators so they shall be reasonably safe to persons and property.

Name of Agency Personnel Responsible for Drafting: Howard Long, 12806 Gateway Drive, Seattle, WA, (206) 248-6657; Implementation and Enforcement: Suzanne L. Mager, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

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: Chapter 296-81 WAC, new section WAC 296-81-306, this new section was originally developed in 1980, filed

December 10, 1980, and became effective January 10, 1981. It was repealed in 1992 because it was thought the subject was covered in the national code, ANSI A17.1, Rule 211. It is not. The door and reopening device senses an object or person in the path of a closing door without requiring contact for activation. This requirement needs to be reinserted. The reinsertion of this requirement should have no effect on the building owner, as all elevators installed since its initial adoption in 1981 have this sensory device. Amending WAC 296-81-007, this change is to correct the effective date of the adoption of the American National Standard Code for Elevator, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1990 Edition. The effective date should be January 1, 1993, rather than the date published in error, July 1, 1992. This is a housekeeping change, no effect anticipated. Most manufacturers and contractors are aware of the correct effective date. A second amendment proposes to adopt the 1993 Edition of ANSI A17.1, to keep us current with the national code. This amendment adopts the current edition of the national code that manufacturers and elevator constructors have already been complying with for over a year. Amending WAC 296-81-350, housekeeping change to make two corrections in the door jamb marking requirement. Designation should be raised (.03) inch and accompanied by Grade 2 Braille; chapter 296-86 WAC, amending WAC 296-86-060, this amendment establishes an annual operating permit fee for casket lifts. Housekeeping change, no effect anticipated. There are only six such lifts in the state and we have charged the same fee as for hydraulic lifts for several years; and chapter 296-95 WAC, amending WAC 296-95-130, state-initiated change to provide safe access to pits by requiring a ladder to be installed in elevator pits three feet and deeper. This change will put the department into compliance with the national code, ANSI A17.1, and, also, elevator pit floors are sometimes slippery, making it unsafe for a person trying to enter or leave the pit without a ladder. Amendment proposed for the purpose of safety, and also to be in compliance with the national code. Amending WAC 296-95-272, state-initiated amendment proposed for safety reasons to require a stop switch in elevator pits. The rule defines the location of the switch and its need to be accessible from outside the hoistway. A person having to enter a pit for whatever reason can shut the elevator off, eliminating the risk of the elevator being activated from above and coming down on the person in the pit area. Minor effect. This requirement is necessary for the safety of persons having to enter a pit area, to retrieve an object, do maintenance, inspect, etc. Pit switches have been required in the national code since 1963. Amending WAC 296-95-318, this is a housekeeping change only, to correct a code reference number. No effect.

Proposal Changes the Following Existing Rules: See Title of Rule and Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Although many of the proposed amendments appear specifically to be for the purpose of clarifying existing guidelines, there are two exceptions. These exceptions are requiring shut-off switches for pre 1963 elevators; and requiring longer elevator pit access ladder for pre 1978 elevators. Given that only 100 elevators out of 10,000 elevators statewide would be impact-

ed, no small business economic impact statement is required under RCW 19.85.060.

Hearing Location: Department of Labor and Industries, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 13, 1994, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by November 23, 1994, 956-5516.

Submit Written Comments to: Suzanne L. Mager, Assistant Director, Division of Consultation and Compliance Services, P.O. Box 44620, Olympia, WA 98504-4620, by December 20, 1994. In addition to written comments, the department will accept comments submitted to the following voice mail number and telefacsimile machine number: Voice mail (206) 956-5525 or FAX (206) 956-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: January 18, 1995.

November 2, 1994
Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 92-24-065, filed 12/1/92, effective 1/1/93)

WAC 296-81-007 National Elevator Code adopted.

(1) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, American National Standards Institute A17.1, as amended or revised through 1971, is adopted as the standards in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982.

(2) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1981 edition, is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after July 1, 1982 through January 9, 1986.

(3) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1984 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986, with the exception of ANSI A17.1, part XIX. For all elevators, dumbwaiters, escalators, and moving walks installed on or after November 1, 1988, the requirements of ANSI A17.1, 1984 edition apply, with the exception of ANSI A17.1, part XIX and ANSI A17.1, part II, Rule 211.3b, which is replaced by WAC 296-81-275.

(4) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1987 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 1, 1989, with the exception of ANSI A17.1, part XIX, and ANSI A17.1, part II, Rule 211.3b, which is replaced by WAC 296-81-275.

(5) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1990 Edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after ~~((July 1, 1992))~~ January 1, 1993, with the exceptions of ANSI A17.1, Part XIX, and ANSI A17.1, Part V, Section 513, which is replaced by chapter 296-94 WAC.

(6) The American National Standard Safety Code For Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1993 Edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 1, 1995, with the exceptions of ANSI A17.1, Part XIX, and ANSI A17.1, Part V, Section 513, which is replaced by chapter 296-94 WAC.

NEW SECTION

WAC 296-81-306 Door protective and reopening device. Doors closed by automatic means shall be provided with a door reopening device which will function to stop and reopen a car door and adjacent hoistway door in case the car door is obstructed while closing. This reopening device shall also be capable of sensing an object or person in the path of a closing door without requiring contact for activation at a nominal 5 and 29 inches above the floor.

AMENDATORY SECTION (Amending WSR 92-24-065, filed 12/1/92, effective 1/1/93)

WAC 296-81-350 Door jam marking. The floor designation shall be provided at each hoistway entrance on both sides of jamb visible from within the car and the elevator lobby at a centerline height of (60) inches above the floor. Designations shall be on contrasting color background (2) inches high and raised ~~((.30))~~ (.03) inch, and shall be accompanied by Grade ~~((Z))~~ 2 Braille. Applied plates permanently attached shall be acceptable.

AMENDATORY SECTION (Amending WSR 92-24-065, filed 12/1/92, effective 1/1/93)

WAC 296-86-060 Annual operating permit fees. Fees for annual operation shall be paid in accordance with the following schedule and no operating permit shall be issued for the operation of a conveyance until such fees have been received.

CONVEYANCE	ANNUAL FEE
Each hydraulic elevator	\$ 70.00
Each cable elevator	90.00
	plus \$7.00 for
	each hoistway opening
	in excess of two.
Each cable elevator traveling	
more than 25 ft.	10.00 for each 25 ft.
without opening	of travel without openings.
Each sidewalk freight elevator	70.00
Each hand power freight elevator	45.00
Each hand power manlift	45.00
Each incline elevator in other than a	
private residence	90.00
Each belt manlift	70.00
Each boat launching elevator	70.00
Each auto parking elevator	70.00
Each escalator	70.00
Each moving walk	70.00
Each dumbwaiter in other than a private residence	45.00
Each people mover	60.00
Each stair lift in other than a private residence	45.00
Each wheel chair lift in other than a private	
residence	45.00
Each personnel elevator	70.00
Each material hoist	70.00
<u>Each casket lift</u>	<u>70.00</u>
Each inclined stairway chair lift in	
private residence	15.00

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Each inclined wheelchair lift in private residence	20.00
Each vertical wheelchair lift in private residence	25.00
Each inclined elevator at a private residence	70.00
Each dumbwaiter in private residence	20.00
Each private residence elevator	45.00
Each private residence elevator installed with variance in other than a private residence	70.00

AMENDATORY SECTION (Amending WSR 92-24-065, filed 12/1/92, effective 1/1/93)

WAC 296-95-130 Access to pits. Means of access for authorized personnel shall be provided to all pits. Access doors, if provided, shall be kept closed and locked. Access ladders shall be installed in elevator pits ((4)) 3 feet and deeper.

AMENDATORY SECTION (Amending WSR 92-24-065, filed 12/1/92, effective 1/1/93)

WAC 296-95-272 Electrical protective devices. Electrical protective devices shall be provided in accordance with the following:

(1) Slack-rope switch. Winding drum machines shall be provided with a slack-rope device equipped with a slack-rope switch of the enclosed manually reset type which shall cause the electric power to be removed from the elevator driving machine motor and brake if the suspension ropes become slack.

(2) Motor-generator running switch. Where generator-field control is used, means shall be provided to prevent the application of power to the elevator driving machine motor and brake unless the motor generator set connections are properly switched for the running condition of the elevator. It is not required that the electrical connections between the elevator driving machine motor and the generator be opened in order to remove power from the elevator motor.

(3) Compensating rope sheave switch. Compensating rope sheaves shall be provided with a compensating rope sheave switch or switches mechanically opened by the compensating rope sheave before the sheave reaches its upper or lower limit of travel to cause the electric power to be removed from the elevator driving machine motor and brake.

(4) Broken rope, tape, or chain switches used in connection with machine room normal terminal stopping switches. Broken rope, tape, or chain switches conforming to the requirements of WAC 296-95-236 shall be provided in connection with normal terminal stopping devices located in machine rooms of traction elevators. Such switches shall be opened by a failure of the rope, tape, or chain.

(5) Stop switch on top of car. A stop switch shall be provided on the top of every elevator car, which shall cause the electric power to be removed from the elevator driving machine motor and brake, and:

- (a) Be of the manually operated and closed type;
- (b) Have red operating handles or buttons;
- (c) Be conspicuously and permanently marked "stop" and shall indicate the stop and run positions;
- (d) Be positively opened mechanically (opening shall not be solely dependent on springs).

(6) Car-safety mechanism switch. A switch shall be required where a car safety is provided.

(7) Speed governor overspeed switch. A speed governor overspeed switch shall be provided when required by WAC 296-95-236.

(8) Final terminal stopping devices. Final terminal stopping devices shall be provided for every elevator.

(9) Emergency terminal speed limiting device. Where reduced stroke oil buffers are provided, emergency terminal speed limiting devices are required.

(10) Motor generator overspeed protection. Means shall be provided to cause the electric power to be removed automatically from the elevator driving machine motor and brake should a motor generator set, driven by a direct current motor, overspeed excessively.

(11) Motor field sensing means. Where direct current is supplied to an armature and shunt field of an elevator driving machine motor, a motor field current sensing means shall be provided, which shall cause the electric power to be removed from the motor armature and brake unless current is flowing in the shunt field of the motor.

A motor field current sensing means is not required for static control elevators provided with a device to detect an overspeed condition prior to, and independent of, the operation of the governor overspeed switch. This device shall cause power to be removed from the elevator driving machine motor armature and machine brake.

(12) Buffer switches for oil buffers used with Type C car safeties. Oil level and compression switches shall be provided for all oil buffers used with Type C safeties.

(13) Hoistway door interlocks or hoistway door electric contacts. Hoistway door interlocks or hoistway door electric contacts shall be provided for all elevators.

(14) Car door or gate electric contacts. Car door or gate electric contacts shall be provided for all elevators.

(15) Normal terminal stopping devices. Normal terminal stopping devices shall be provided for every elevator.

(16) Car side emergency exit electric contact. An electric contact shall be provided on every car side emergency exit door.

(17) Electric contacts for hinged car platform sills. Hinged car platform sills, where provided, shall be equipped with electric contacts.

(18) Stop switch in elevator pit. A stop switch shall be installed in all elevator pits. It shall be located between 36 in. to 48 in. above the bottom landing floor, and accessible from outside the hoistway.

AMENDATORY SECTION (Amending WSR 92-24-065, filed 12/1/92, effective 1/1/93)

WAC 296-95-318 Pump relief valve. (1) Pump relief valve required. Each pump or group of pumps shall be equipped with a relief valve conforming to the following requirements, except as covered by ~~((WAC 296-95-418))~~ subsection (2) of this section:

(a) Type and location. The relief valve shall be located between the pump and the check valve and shall be of such a type and so installed in the by-pass connection that the valve cannot be shut off from the hydraulic system.

(b) Setting. The relief valve shall be preset to open at a pressure not greater than one hundred twenty-five percent of working pressure.

PROPOSED

(c) Size. The size of the relief valve and by-pass shall be sufficient to pass the maximum rated capacity of the pump without raising the pressure more than twenty percent above that at which the valve opens. Two or more relief valves may be used to obtain the required capacity.

(d) Sealing. Relief valves having exposed pressure adjustments, if used, shall have their means of adjustment sealed after being set to the correct pressure.

(2) Pump relief valve not required. No relief valve is required for centrifugal pumps driven by induction motors, provided the shutoff, or maximum pressure which the pump can develop, is not greater than one hundred thirty-five percent of the working pressure at the pump.

WSR 94-22-086
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 2, 1994, 11:21 a.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: Chapter 296-62 WAC, General occupational health standards, federal-initiated proposed amendments to chapter 296-62 WAC, General occupational health standards, published in Federal Register Volume 59, Number 137, dated July 19, 1994, are made to be identical to the federal standards. Proposed amendments add new subsection (12) to WAC 296-62-05411 Labels and other forms of warning. The amendments relate to maintaining Department of Transportation hazard warning placards, labels and warnings on all hazardous material containers or packages until the containers or packages are empty and adequately purged, and the potential hazard no longer exists. The requirements are applicable to all forms of packaging and containers including mobile equipment, portable tanks, rail cars, aircraft or ships. Federal-initiated proposed amendments and a new section are made to be identical to the federal final rule relating to hazardous waste operations and emergency response, published in Federal Register Volume 59, Number 161, dated August 22, 1994. The United States Department of Labor, Occupational Safety and Health Administration (OSHA) has updated reference sources listed in Appendix B, 29 CFR 1910, Hazardous Waste Operations and Emergency Response and has added a new Appendix E that provides suggested guidelines for a more effective training curriculum and program. The state has the existing Appendix B that specifically addresses the reference sources. However, WISHA does not have the OSHA suggested guidelines for an effective training curriculum and program, Appendix E. The provisions of these amended and new appendices provide more comprehensive guidelines for employers and employees who work in hazardous waste operations or respond to emergencies under the scope of this standard. Federal-initiated proposed housekeeping amendments to WAC 296-62-3170, Appendix B, are made to correct, define, and clarify references. A new section, WAC 296-62-3195, Appendix E, is proposed to include the suggested guidelines for an effective training curriculum and program; and chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking, federal-initiated proposed amend-

ments are made to be identical to the federal final rule relating to safety standards for ship repairing, shipbuilding and shipbreaking, published in Federal Register Volume 59, Number 141, dated July 25, 1994. OSHA has made revisions to 29 CFR Part 1915, to amend Subparts A and B to include confined and enclosed spaces and other dangerous atmospheres in shipyard employment. Subpart A revises the criteria for a competent person. Subpart B is revised to include requirements for a shipyard competent person, a marine chemist, a certified industrial hygienist, or a Coast Guard authorized person to evaluate conditions within a confined or enclosed space and to institute measures to ensure that entrants are protected. It also contains requirements for posting unsafe spaces, for safe performance of cleaning, cold work, and hot work, and for classifying a person as a shipyard competent person. The state has existing requirements in chapter 296-304 WAC, that follow OSHA requirements. Federal-initiated proposed amendments to WAC 296-304-010 and 296-304-01001 are made to clarify and amend WISHA definitions and expand on the requirements of the competent person, to be substantially identical to the OSHA final rule. Federal-initiated proposed amendments to WAC 296-304-020 through 296-304-02015, are made to clarify and amend the scope and application and requirements of working in confined and enclosed spaces and other dangerous atmospheres in shipyard employment to be identical to the OSHA final rule. Compliance with the provisions of these amended and new standards will effectively provide more comprehensive protection to employees who work in confined or enclosed spaces from injury or death. State-initiated housekeeping amendments are made to correct references for clarification to the respirator standard, chapter 296-62 WAC, to clarify definitions to more closely align to the federal standard, and to replace references to the Division of Industrial Safety and Health.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Marcia Holt, 7273 Linderson Way, Tumwater, WA, (206) 956-5530; Implementation and Enforcement: Suzanne Mager, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, FR Vol 59, No 137, dated 7-19-94, FR Vol 59, No 161, dated 8-22-94, FR Vol 59, No 141, dated 7-25-94.

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

Proposal Changes the Following Existing Rules: See Title of Rule and Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Proposed amendments to chapter 296-62 WAC, General safety and health standards, and chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking are being amended to be identical to the federal OSHA rules.

Hearing Location: Department of Labor and Industries, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 13, 1994, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by November 23, 1994, (206) 956-5516.

Submit Written Comments to: Suzanne L. Mager, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620 [98504-4620], by December 20, 1994. In addition to written comments, the department will accept comments submitted to the following voice mail number and telefacsimile machine number: Voice mail (206) 956-5525 or FAX (206) 956-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: January 18, 1995.

November 2, 1994

Mark O. Brown

Director

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05411 Labels and other forms of warning. (1) The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

- (a) Identity of the hazardous chemical(s);
- (b) Appropriate hazard warnings; and
- (c) Name and address of the chemical manufacturer, importer, or other responsible party.

(2)(a) For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;

(b) The label may be transmitted with the initial shipment itself, or with the material safety data sheet that is to be provided prior to or at the time of the first shipment; and

(c) This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example, cutting fluids or pesticides in grain).

(3) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this part in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and regulations issued under that act by the department of transportation.

(4) If the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

(5) Except as provided in subsection (6) and (7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s) contained therein; and

(b) Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide the employees with the specific information regarding the physical and health hazards of the hazardous chemical.

(6) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection (5) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(7) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer. For purposes of this part, drugs which are dispensed by a pharmacy to a health care provider for direct administration to a patient are exempted from labeling.

(8) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(9) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

(10) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this part if existing labels already convey the required information.

(11) Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the chemical within three months of becoming aware of the new information. Labels on containers of hazardous chemicals shipped after that time shall contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importers, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

(12) Retention of DOT markings, placards and labels.

(a) Any employer who receives a package of hazardous material which is required to be marked, labeled or placarded in accordance with the U.S. Department of Transportation's Hazardous Materials Regulations (49 CFR Parts 171 through 180) shall retain those markings, labels and placards on the package until the packaging is sufficiently cleaned of residue and purged of vapors to remove any potential hazards.

(b) Any employer who receives a freight container, rail freight car, motor vehicle, or transport vehicle that is

required to be marked or placarded in accordance with the Hazardous Materials Regulations shall retain those markings and placards on the freight container, rail freight car, motor vehicle or transport vehicle until the hazardous materials which require the marking or placarding are sufficiently removed to prevent any potential hazards.

(c) Markings, placards and labels shall be maintained in a manner that ensures that they are readily visible.

(d) For nonbulk packages which will not be reshipped, the provision of this section are met if a label or other acceptable marking is affixed in accordance with the Hazard Communication Standard chapter 296-62 WAC.

(e) For the purposes of this section, the term "hazardous material" and any other terms not defined in this section have the same definition as in the Hazardous Materials Regulations (49 CFR Parts 171 through 180).

AMENDATORY SECTION (Amending Order 90-14, filed 10/1/90, effective 11/15/90)

WAC 296-62-3170 Appendix B—General description and discussion of the levels of protection and protective gear. (1) This appendix sets forth information about personal protective equipment (PPE) protection levels which may be used to assist employers in complying with the PPE requirements of this section.

(2) As required by the standard, PPE must be selected which will protect employees from the specific hazards which they are likely to encounter during their work on-site.

(3) Selection of the appropriate PPE is a complex process which must take into consideration a variety of factors. Key factors involved in this process are identification of the hazards or suspected hazards, their routes of potential hazard to employees (inhalation, skin absorption, ingestion, and eye or skin contact), and the performance of the PPE materials (and seams) in providing a barrier to these hazards. The amount of protection provided by PPE is material-hazard specific. That is, protective equipment materials will protect well against some hazardous substances and poorly, or not at all, against others. In many instances, protective equipment materials cannot be found which will provide continuous protection from the particular hazardous substance. In these cases the breakthrough time of the protective material should exceed the work durations.

(4) Other factors in this selection process to be considered are matching the PPE to the employee's work requirements and task-specific conditions. The durability of PPE materials, such as tear strength and seam strength, must be considered in relation to the employee's tasks. The effects of PPE in relation to heat stress and task duration are a factor in selecting and using PPE. In some cases layers of PPE may be necessary to provide sufficient protection, or to protect expensive PPE inner garments, suits or equipment.

(5) The more that is known about the hazards at the site, the easier the job of PPE selection becomes. As more information about the hazards and conditions at the site becomes available, the site supervisor can make decisions to up-grade or down-grade the level of PPE protection to match the tasks at hand.

(6) The following are guidelines which an employer can use to begin the selection of the appropriate PPE. As noted above, the site information may suggest the use of combina-

tions of PPE selected from the different protection levels (i.e., A, B, C, or D) as being more suitable to the hazards of the work. It should be cautioned that the listing below does not fully address the performance of the specific PPE material in relation to the specific hazards at the job site, and that PPE selection, evaluation and reselection is an ongoing process until sufficient information about the hazards and PPE performance is obtained.

(7) Personal protective equipment has been divided into four categories based on the degree of protection afforded (see subsection (8) of this section for further explanation of Levels A, B, C, and D hazards):

(a) Level A. To be selected when the greatest level of skin, respiratory, and eye protection is required. The following constitute Level A equipment; it may be used as appropriate:

(i) Positive pressure, full-facepiece self-contained breathing apparatus (SCBA), or positive pressure supplied-air respirator with escape SCBA, approved by the National Institute for Occupational Safety and Health (NIOSH).

(ii) Totally-encapsulating chemical-protective suit.

(iii) Coveralls.*

(iv) Long underwear.*

(v) Gloves, outer, chemical-resistant.

(vi) Gloves, inner, chemical-resistant.

(vii) Boots, chemical-resistant steel toe and shank.

(viii) Hard hat (under suit).*

(ix) Disposable protective suit, gloves, and boots. (Depending on suit construction, may be worn over totally-encapsulating suit.)

*Optional, as applicable.

(b) Level B. The highest level of respiratory protection is necessary but a lesser level of skin protection is needed. The following constitute Level B equipment; it may be used as appropriate:

(i) Positive pressure, full-facepiece self-contained breathing apparatus (SCBA), or positive pressure supplied-air respirator with escape SCBA (NIOSH approved).

(ii) Hooded chemical-resistant clothing (overalls and long-sleeved jacket, coveralls, one or two-piece chemical-splash suit, disposable chemical-resistant overalls).

(iii) Coveralls.*

(iv) Gloves, outer, chemical-resistant.

(v) Gloves, inner, chemical-resistant.

(vi) Boots, outer, chemical-resistant steel toe and shank.

(vii) Boot-covers, outer, chemical-resistant (disposable).*

(viii) Hard hat.

(ix) Face shield.*

*Optional, as applicable.

(c) Level C. The concentration(s) and type(s) of airborne substance(s) is known and the criteria for using air purifying respirators are met. The following constitute Level C equipment; it may be used as appropriate.

(i) Full-face or half-mask, air purifying respirators (NIOSH approved).

(ii) Hooded chemical-resistant clothing (overalls; two-piece chemical-splash suit; disposable chemical-resistant overalls).

(iii) Coveralls.*

(iv) Gloves, outer, chemical-resistant.

- (v) Gloves, inner, chemical-resistant.
- (vi) Boots (outer), chemical-resistant steel toe and shank.*
- (vii) Boot-covers, outer, chemical-resistant (disposable).*
- (viii) Hard hat.
- (ix) Escape mask.*
- (x) Face shield.*

*Optional, as applicable.

(d) Level D. A work uniform affording minimal protection: Used for nuisance contamination only. The following constitute Level D equipment; it may be used as appropriate.

- (i) Coveralls.
- (ii) Gloves.*
- (iii) Boots/shoes, chemical-resistant steel toe and shank.
- (iv) Boots, outer, chemical-resistant (disposable).*
- (v) Safety glasses or chemical splash goggles.*
- (vi) Hard hat.
- (vii) Escape mask.*
- (viii) Face shield.*

*Optional, as applicable.

(8) Part B. The types of hazards for which Levels A, B, C, and D protection are appropriate are described below:

(a) Level A - Level A protection should be used when:

(i) The hazardous substance has been identified and requires the highest level of protection for skin, eyes, and the respiratory system based on either the measured (or potential for) high concentration of atmospheric vapors, gases, or particulates; or the site operations and work functions involve a high potential for splash, immersion, or exposure to unexpected vapors, gases, or particulates of materials that are harmful to skin or capable of being absorbed through the intact skin;

(ii) Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or

(iii) Operations are being conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A have not yet been determined.

(b) Level B protection should be used when:

(i) The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;

(ii) The atmosphere contains less than 19.5 percent oxygen; or

(iii) The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the skin.

Note: This involves atmospheres with IDLH concentrations of specific substances that present severe inhalation hazards and that do not represent a severe skin hazard; or that do not meet the criteria for use of air-purifying respirators.

(c) Level C protection should be used when:

(i) The atmospheric contaminants, liquid splashes, or other direct contact will not adversely affect or be absorbed through any exposed skin;

(ii) The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and

(iii) All criteria for the use of air-purifying respirators are met.

(d) Level D protection should be used when:

(i) The atmosphere contains no known hazard; and

(ii) Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Note: As stated before combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

(9) As an aid in selecting suitable chemical protective clothing, it should be noted that the National Fire Protection Association (~~(is developing)~~) (NFPA) has developed standards on chemical protective clothing. (~~(These)~~) The standards (~~(are currently undergoing public review prior to adoption, including)~~) that have been adopted include:

(a) NFPA 1991 - Standard on Vapor-Protective Suits for Hazardous Chemical Emergencies (EPA Level A Protective Clothing);

(b) NFPA 1992 - Standard on Liquid Splash-Protective Suits for Hazardous Chemical Emergencies (EPA Level B Protective Clothing);

(c) NFPA 1993 - Standard on Liquid Splash-Protective Suits for Nonemergency, Nonflammable Hazardous Chemical Situations (EPA Level B Protective Clothing).

(10) These standards (~~(would)~~) apply documentation and performance requirements to the manufacture of chemical protective suits. Chemical protective suits meeting these requirements (~~(would be)~~) are labelled as compliant with the appropriate standard. (~~(When these standards are adopted by the National Fire Protection Association,)~~) It is recommended that chemical protective suits (~~(which)~~) that meet these standards be used.

NEW SECTION

WAC 296-62-3195 Appendix E—Training curriculum guidelines. The following nonmandatory general criteria may be used for assistance in developing site-specific training curriculum used to meet the training requirements of WAC 296-62-3040, 296-62-3140(7), 296-62-3140(8)(c), 296-62-3112(6), and 296-62-3112(7).

These are generic guidelines and they are not presented as a complete training curriculum for any specific employer. Site-specific training programs must be developed on the basis of a needs assessment of the hazardous waste site, RCRA/TSD, or emergency response operation in accordance with this chapter (chapter 296-62 WAC, Part P).

The guidance set forth here presents a highly effective program that in the areas covered would meet or exceed the regulatory requirements. In addition, other approaches could meet the regulatory requirements.

Suggested general criteria:

Definitions:

"Competent" means possessing the skills, knowledge, experience, and judgment to perform assigned tasks or activities satisfactorily as determined by the employer.

"Demonstration" means the showing by actual use of equipment or procedures.

"Hands-on training" means training in a simulated work environment that permits each student to have experience performing tasks, making decisions, or using equipment appropriate to the job assignment for which the training is being conducted.

"Initial training" means training required prior to beginning work.

"Lecture" means an interactive discourse with a class lead by an instructor.

"Proficient" means meeting a stated level of achievement.

"Site-specific" means individual training directed to the operations of a specific job site.

"Training hours" means the number of hours devoted to lecture, learning activities, small group work sessions, demonstration, evaluations, or hands-on experience.

Suggested core criteria:

(1) Training facility. The training facility should have available sufficient resources, equipment, and site locations to perform concise and hands-on training when appropriate. Training facilities should have sufficient organization, support staff, and services to conduct training in each of the courses offered.

(2) Training director. Each training program should be under the direction of a training director who is responsible for the program. The training director should have a minimum of two years of employee education experience.

(3) Instructors. Instructors should be deemed competent on the basis of previous documented experience in their area of instruction, successful completion of a "train-the-trainer" program specific to the topics they will teach, and an evaluation of instructional competence by the training director.

(a) Instructors should be required to maintain professional competency by participating in continuing education or professional development programs or by successfully completing an annual refresher course and having an annual review by the training director.

(b) The annual review by the training director should include observation of an instructor's delivery, a review of those observations with the trainer, and an analysis of any instructor or class evaluations completed by the students during the previous year.

(4) Course materials. The training director should approve all course materials to be used by the training provider. Course materials should be reviewed and updated at least annually. Materials and equipment should be in good working order and maintained properly.

(a) All written and audio-visual materials in training curricula should be peer reviewed by technically competent outside reviewers or by a standing advisory committee.

(b) Reviewers should possess expertise in the following disciplines were applicable: Occupational health, industrial hygiene and safety, chemical/environmental engineering, employee education, or emergency response. One or more of the peer reviewers should be an employee experienced in the work activities to which the training is directed.

(5) Students. The program for accepting students should include:

(a) Assurance that the student is or will be involved in work where chemical exposures are likely and that the student possesses the skills necessary to perform the work.

(b) A policy on the necessary medical clearance.

(6) Ratios. Student-instructor ratios should not exceed thirty students per instructor. Hands-on activity requiring the use of personal protective equipment should have the following student-instructor ratios: For Level C or Level D personal protective equipment the ratio should be ten students per instructor. For Level A or Level B personal protective equipment the ratio should be five students per instructor.

(7) Proficiency assessment. Proficiency should be evaluated and documented by the use of a written assessment and a skill demonstration selected and developed by the training director and training staff. The assessment and demonstration should evaluate the knowledge and individual skills developed in the course of training. The level of minimum achievement necessary for proficiency shall be specified in writing by the training director.

(a) If a written test is used, there should be a minimum of fifty questions. If a written test is used in combination with a skills demonstration, a minimum of twenty-five questions should be used. If a skills demonstration is used, the tasks chosen and the means to rate successful completion should be fully documented by the training director.

(b) The content of the written test or of the skill demonstration shall be relevant to the objectives of the course.

The written test and skill demonstration should be updated as necessary to reflect changes in the curriculum and any update should be approved by the training director.

(c) The proficiency assessment methods, regardless of the approach or combination of approaches used, should be justified, documented and approved by the training director.

(d) The proficiency of those taking the additional courses for supervisors should be evaluated and documented by using proficiency assessment methods acceptable to the training director. These proficiency assessment methods must reflect the additional responsibilities borne by supervisory personnel in hazardous waste operations or emergency response.

(8) Course certificate. Written documentation should be provided to each student who satisfactorily completes the training course. The documentation should include:

(a) Student's name.

(b) Course title.

(c) Course date.

(d) Statement that the student has successfully completed the course.

(e) Name and address of the training provider.

(f) An individual identification number for the certificate.

(g) List of the levels of personal protective equipment used by the student to complete the course.

(i) This documentation may include a certificate and an appropriate wallet-sized laminated card with a photograph of the student and the above information.

(ii) When such course certificate cards are used, the individual identification number for the training certificate should be shown on the card.

(9) Recordkeeping. Training providers should maintain records listing the dates courses were presented, the names of the individual course attendees, the names of those students successfully completing each course, and the number of training certificates issued to each successful student. These records should be maintained for a minimum of five years after the date an individual participated in a training program offered by the training provider. These records should be available and provided upon the student's request or as mandated by law.

(10) Program quality control. The training director should conduct or direct an annual written audit of the training program. Program modifications to address deficiencies, if any, should be documented, approved, and implemented by the training provider. The audit and the program modification documents should be maintained at the training facility.

Suggested Program Quality Control Criteria:

Factors listed here are suggested criteria for determining the quality and appropriateness of employee health and safety training for hazardous waste operations and emergency response.

(1) Training plan. Adequacy and appropriateness of the training program's curriculum development, instructor training, distribution of course materials, and direct student training should be considered, including:

- (a) The duration of training, course content, and course schedules/agendas;
- (b) The different training requirements of the various target populations, as specified in the appropriate generic training curriculum;
- (c) The process for the development of curriculum, which includes appropriate technical input, outside review, evaluation, program pretesting.
- (d) The adequate and appropriate inclusion of hands-on, demonstration, and instruction methods;
- (e) Adequate monitoring of student safety, progress, and performance during the training.

(2) Program management, training director, staff, and consultants. Adequacy and appropriateness of staff performance and delivering an effective training program should be considered, including:

- (a) Demonstration of the training director's leadership in assuring quality of health and safety training;
- (b) Demonstration of the competency of the staff to meet the demands of delivering high quality hazardous waste employee health and safety training;
- (c) Organization charts establishing clear lines of authority;
- (d) Clearly defined staff duties including the relationship of the training staff to the overall program;
- (e) Evidence that the training organizational structure suits the needs of the training program;
- (f) Appropriateness and adequacy of the training methods used by the instructors;
- (g) Sufficiency of the time committed by the training director and staff to the training program;
- (h) Adequacy of the ratio of training staff to students;
- (i) Availability and commitment of the training program of adequate human and equipment resources in the areas of:
 - (i) Health effects;
 - (ii) Safety;

- (iii) Personal protective equipment (PPE);
- (iv) Operational procedures;
- (v) Employee protection practices/procedures;
- (j) Appropriateness of management controls;
- (k) Adequacy of the organization and appropriate resources assigned to assure appropriate training;
- (l) In the case of multiple-site training programs, adequacy of management of the satellite centers.
- (3) Training facilities and resources. Adequacy and appropriateness of the facilities and resources for supporting the training program should be considered, including:
 - (a) Space and equipment to conduct the training;
 - (b) Facilities for representative hands-on training;
 - (c) In the case of multiple-site programs, equipment and facilities at the satellite centers;
 - (d) Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance;
 - (e) Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action;
 - (f) Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program;
 - (g) Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.
- (4) Quality control and evaluation. Adequacy and appropriateness of quality control and evaluation plans for training programs should be considered, including:
 - (a) A balanced advisory committee and/or competent outside reviewers to give overall policy guidance;
 - (b) Clear and adequate definition of the composition and active programmatic role of the advisory committee or outside reviewers;
 - (c) Adequacy of the minutes or reports of the advisory committee or outside reviewers' meetings or written communication;
 - (d) Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance;
 - (e) Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action;
 - (f) Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program;
 - (g) Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.
- (5) Students. Adequacy and appropriateness of the program for accepting students should be considered, including:
 - (a) Assurance that the student already possess the necessary skills for their job, including necessary documentation;
 - (b) Appropriateness of methods the program uses to ensure that recruits are capable of satisfactorily completing training;
 - (c) Review and compliance with any medical clearance policy.

(6) Institutional environment and administrative support. The adequacy and appropriateness of the institutional environment and administrative support system for the training program should be considered, including:

(a) Adequacy of the institutional commitment to the employee training program;

(b) Adequacy and appropriateness of the administrative structure and administrative support.

(7) Summary of evaluation questions. Key questions for evaluating the quality and appropriateness of an overall training program should include the following:

(a) Are the program objectives clearly stated?

(b) Is the program accomplishing its objectives?

(c) Are appropriate facilities and staff available?

(d) Is there an appropriate mix of classroom, demonstration, and hands-on training?

(e) Is the program providing quality employee health and safety training that fully meets the intent of regulatory requirements?

(f) What are the program's main strengths?

(g) What are the program's main weaknesses?

(h) What is recommended to improve the program?

(i) Are instructors instructing according to their training outlines?

(j) Is the evaluation tool current and appropriate for the program content?

(k) Is the course material current and relevant to the target group?

Suggested Training Curriculum Guidelines:

The following training curriculum guidelines are for those operations specifically identified in this Part P, as requiring training. Issues such as qualifications of instructors, training certification, and similar criteria appropriate to all categories of operations addressed in this Part P, have been covered in the preceding section and are not readdressed in each of the generic guidelines. Basic core requirements for training programs that are addressed include: (1) *General hazardous waste operations*; (2) *RCRA operations—Treatment, storage, and disposal facilities*; and (3) *Emergency response*.

(1) General hazardous waste operations and site-specific training.

(a) Off-site training. Training course content for hazardous waste operations, required by WAC 296-62-3040, should include the following topics or procedures:

(i) Regulatory knowledge.

(A) A review of this Part P and the core elements of an occupational safety and health program.

(B) The content of a medical surveillance program as outlined in WAC 296-62-3050.

(C) The content of an effective site safety and health plan consistent with the requirements of WAC 296-62-3010 (4)(b).

(D) Emergency response plan and procedures as outlined in WAC 296-24-567 and 296-62-3110.

(E) Adequate illumination.

(F) Sanitation recommendation and equipment.

(G) Review and explanation of WISHA's hazard-communication standard chapter 296-62 WAC, Part C, and chapter 296-24 WAC, Part A-4, safety procedures for the control of hazardous energy (lockout/tagout).

(H) Review of other applicable standards including but not limited to those in the construction standards, chapter 296-155 WAC.

(I) Rights and responsibilities of employers and employees under applicable WISHA/OSHA and department of ecology (DOE)/Environmental Protection Association (EPA) regulations and laws.

(ii) Technical knowledge.

(A) Type of potential exposures to chemical, biological, and radiological hazards; types of human responses to these hazards and recognition of those responses; principles of toxicology and information about acute and chronic hazards; health and safety considerations of new technology.

(B) Fundamentals of chemical hazards including but not limited to vapor pressure, boiling points, flash points, pH, other physical and chemical properties.

(C) Fire and explosion hazards of chemicals.

(D) General safety hazards such as but not limited to electrical hazards, powered equipment hazards, motor vehicle hazards, walking-working surface hazards, excavation hazards, and hazards associated with working in hot and cold temperature extremes.

(E) Review and knowledge of confined space entry procedures in chapter 296-62 WAC, Part M.

(F) Work practices to minimize employee risk from site hazards.

(G) Safe use of engineering controls, equipment, and any new relevant safety technology or safety procedures.

(H) Review and demonstration of competency with air sampling and monitoring equipment that may be used in a site monitoring program.

(I) Container sampling procedures and safeguarding; general drum and container handling procedures including special requirement for laboratory waste packs, shock-sensitive wastes, and radioactive wastes.

(J) The elements of a spill control program.

(K) Proper use and limitations of material handling equipment.

(L) Procedures for safe and healthful preparation of containers for shipping and transport.

(M) Methods of communication including those used while wearing respiratory protection.

(iii) Technical skills.

(A) Selection, use maintenance, and limitations of personal protective equipment including the components and procedures for carrying out a respirator program to comply with chapter 296-62 WAC Part E, Respiratory Protection.

(B) Instruction in decontamination programs including personnel, equipment, and hardware; hands-on training including Levels A, B, and C ensembles and appropriate decontamination lines; field activities including the donning and doffing of protective equipment to a level commensurate with the employee's anticipated job function and responsibility and to the degree required by potential hazards.

(C) Sources for additional hazard information; exercises using relevant manuals and hazard coding systems.

(iv) Additional suggested items.

(A) A laminated, dated card or certificate with photo, denoting limitations and level of protection for which the employee is trained should be issued to those students successfully completing a course.

(B) Attendance should be required at all training modules, with successful completion of exercises and a final written or oral examination with at least fifty questions.

(C) A minimum of one-third of the program should be devoted to hands-on exercises.

(D) A curriculum should be established for the eight-hour refresher training required by WAC 296-62-4040(10), with delivery of such courses directed toward those areas of previous training that need improvement or reemphasis.

(E) A curriculum should be established for the required eight-hour training for supervisors. Demonstrated competency in the skills and knowledge provided in forty-hour and eighty-hour courses should be prerequisites for supervisor training.

(b) Refresher training. The eight-hour annual refresher training required in WAC 296-62-3040(10) should be conducted by qualified training providers. Refresher training should include at a minimum the following topics and procedures:

(i) Review of and retraining on relevant topics covered in the forty-hour and eighty-hour programs, as appropriate, using reports by the students on their work experiences.

(ii) Update on developments with respect to material covered in the forty-hour and eighty-hour courses.

(iii) Review of changes to pertinent provisions of DOE/EPA or WISHA/OSHA standards or laws.

(iv) Introduction of additional subject areas as appropriate.

(v) Hands-on review of new or altered PPE or decontamination equipment or procedures. Review of new developments in personal protective equipment.

(vi) Review of newly developed air and contaminant monitoring equipment.

(c) On-site training. The employer should provide employees engaged in hazardous waste site activities with information and training prior to initial assignment into their work area, as follows:

(i) The requirements of the hazard communication program including the location and availability of the written program, required lists of hazardous chemicals, and material safety data sheets.

(ii) Activities and locations in their work area where hazardous substance may be present.

(iii) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearances, or other evidence (sight, sound or smell)) of hazardous chemicals being released, and applicable alarms from monitoring devices that record chemical releases.

(iv) The physical and health hazards of substances known or potentially present in the work area.

(v) The measures employees can take to help protect themselves from worksite hazards, including specific procedures the employer has implemented.

(vi) An explanation of the labeling system and material safety data sheets and how employees can obtain and use appropriate hazard information.

(vii) The elements of the confined space program including special PPE, permits, monitoring requirements,

communication procedures, emergency response, and applicable lockout procedures.

(d) The employer should provide hazardous waste employees with information and training and should provide a review and access to the site safety and health plan as follows:

(i) Names of personnel and alternate responsible for site safety and health.

(ii) Safety and health hazards present on the site.

(iii) Selection, use, maintenance, and limitations of personal protective equipment specific to the site.

(iv) Work practices by which the employee can minimize risks from hazards.

(v) Safe use of engineering controls and equipment available on site.

(vi) Safe decontamination procedures established to minimize employee contact with hazardous substances, including:

(A) Employee decontamination;

(B) Clothing decontamination; and

(C) Equipment decontamination.

(vii) Elements of the site emergency response plan, including:

(A) Preemergency planning.

(B) Personnel roles and lines of authority and communication.

(C) Emergency recognition and prevention.

(D) Safe distances and places of refuge.

(E) Site security and control.

(F) Evacuation routes and procedures.

(G) Decontamination procedures not covered by the site safety and health plan.

(H) Emergency medical treatment and first aid.

(I) Emergency equipment and procedures for handling emergency incidents.

(e) The employer should provide hazardous waste employees with information and training on personal protective equipment used at the site, such as the following:

(i) PPE to be used based upon known or anticipated site hazards.

(ii) PPE limitations of materials and construction; limitations during temperature extremes, heat stress, and other appropriate medical considerations; use and limitations of respirator equipment as well as documentation procedures as outlined in chapter 296-62 WAC, Part E, Respiratory Protection.

(iii) PPE inspection procedures prior to, during, and after use.

(iv) PPE donning and doffing procedures.

(v) PPE decontamination and disposal procedures.

(vi) PPE maintenance and storage.

(vii) Task duration as related to PPE limitations.

(f) The employer should instruct the employee about the site medical surveillance program relative to the particular site, including:

(i) Specific medical surveillance programs that have been adapted for the site.

(ii) Specific signs and symptoms related to exposure to hazardous materials on the site.

(iii) The frequency and extent of periodic medical examinations that will be used on the site.

(iv) Maintenance and availability of records.

(v) Personnel to be contacted and procedures to be followed when signs and symptoms of exposures are recognized.

(g) The employees will review and discuss the site safety and health plan as part of the training program. The location of the site safety and health plan and all written programs should be discussed with employees including a discussion of the mechanisms for access, review, and references described.

(2) RCRA operations training for treatment, storage and disposal facilities.

(a) As a minimum, the training course required in WAC 296-62-3140 should include the following topics:

(i) Review of the applicable parts of this Part P and the elements of the employer's occupational safety and health plan.

(ii) Review of relevant hazards such as, but not limited to, chemical, biological, and radiological exposures; fire and explosion hazards; thermal extremes; and physical hazards.

(iii) General safety hazards including those associated with electrical hazards, powered equipment hazards, lock-out/tagout procedures, motor vehicle hazards and walking-working surface hazards.

(iv) Confined space hazards and procedures.

(v) Work practices to minimize employee risk from workplace hazards.

(vi) Emergency response plan and procedures including first aid meeting the requirements of WAC 296-62-3140(8).

(vii) A review of procedures to minimize exposure to hazardous waste and various type of waste streams, including the materials handling program and spill containment program.

(viii) A review of hazard communication programs meeting the requirements of chapter 296-62 WAC, Part C.

(ix) A review of medical surveillance programs meeting the requirements of WAC 296-62-3050 and 296-62-3140(3) including the recognition of signs and symptoms of overexposure to hazardous substance including known synergistic interactions.

(x) A review of decontamination programs and procedures meeting the requirements of WAC 296-62-3100 and 296-62-3140(4).

(xi) A review of an employer's requirements to implement a training program and its elements.

(xii) A review of the criteria and programs for proper selection and use of personal protective equipment, including respirators.

(xiii) A review of the applicable appendices to this Part P (Appendices A through E).

(xiv) Principles of toxicology and biological monitoring as they pertain to occupational health.

(xv) Rights and responsibilities of employees and employers under applicable WISHA/OSHA and DOE/EPA regulations and laws.

(xvi) Hands-on exercises and demonstrations of competency with equipment to illustrate the basic equipment principles that may be used during the performance of work duties, including the donning and doffing of PPE.

(xvii) Sources of reference, efficient use of relevant manuals, and knowledge of hazard coding systems to include information contained in hazardous waste manifests.

(xviii) At least eight hours of hands-on training.

(xix) Training in the job skills required for an employee's job function and responsibility before they are permitted to participate in or supervise field activities.

(b) The individual employer should provide hazardous waste employees with information and training prior to an employee's initial assignment into a work area. The training and information should cover the following topics:

(i) The emergency response plan and procedures including first aid.

(ii) A review of the employer's hazardous waste handling procedures including the materials handling program and elements of the spill containment program, location of spill response kits or equipment, and the names of those trained to respond to releases.

(iii) The hazardous communication program meeting the requirements of chapter 296-62 WAC, Part C.

(iv) A review of the employer's medical surveillance program including the recognition of signs and symptoms of exposure to relevant hazardous substance including known synergistic interactions.

(v) A review of the employer's decontamination program and procedures.

(vi) A review of the employer's training program and the parties responsible for that program.

(vii) A review of the employer's personal protective equipment program including the proper selection and use of PPE based upon specific site hazards.

(viii) All relevant site-specific procedures addressing potential safety and health hazards. This may include, as appropriate, biological and radiological exposures, fire and explosion hazards, thermal hazards, and physical hazards such as electrical hazards, powered equipment hazards, lockout/tagout hazards, motor vehicle hazards, and walking-working surface hazards.

(ix) Safe use of engineering controls and equipment on-site.

(x) Names of personnel and alternates responsible for safety and health.

(3) Emergency response training.

(a) General considerations. Emergency response organizations are required to consider the topics listed in WAC 296-62-3112(6). Emergency response organizations may use some or all of the following topics to supplement those mandatory topics when developing their response training programs. Many of the topics would require an interaction between the response provider and the individuals responsible for the site where the response would be expected.

(i) Hazard recognition, including:

(A) Nature of hazardous substances present;

(B) Practical applications of hazard recognition, including presentations on biology, chemistry, and physics.

(ii) Principles of toxicology, biological monitoring, and risk assessment.

(iii) Safe work practices and general site safety.

(iv) Engineering controls and hazardous waste operations.

(v) Site safety plans and standard operating procedures.

(vi) Decontamination procedures and practices.

(vii) Emergency procedures, first aid, and self-rescue.

(viii) Safe use of field equipment.

(ix) Storage, handling, use and transportation of hazardous substances.

(x) Use, care, and limitations of personal protective equipment.

(xi) Safe sampling techniques.

(xii) Rights and responsibilities of employees under WISHA and other related regulations and laws concerning right-to-know, safety and health, compensations and liability.

(xiii) Medical monitoring requirements.

(xiv) Community relations.

(b) Suggested criteria for specific courses.

(i) First responder awareness level.

(A) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-3112.

(B) Hands-on experience with the U.S. Department of Transportation's *Emergency Response Guidebook* (ERG) and familiarization with chapter 296-62 WAC, Part C, the hazard communication standard.

(C) Review of the principles and practices for analyzing an incident to determine both the hazardous substances present and the basic hazard and response information for each hazardous substance present.

(D) Review of procedures for implementing actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including emergency notification procedures and follow-up communications.

(E) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(F) Awareness and knowledge of the competencies for the First Responder at the Awareness Level covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(ii) First responder operations level.

(A) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-3112.

(B) Hands-on experience with the U.S. Department of Transportation's *Emergency Response Guidebook* (ERG), manufacturer material safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, and other relevant sources of information addressing hazardous substance releases. Familiarization with chapter 296-62 WAC, Part C, the hazard communication standard.

(C) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, the likely behavior of the hazardous substance and its container, the types of hazardous substance transportation containers and vehicles, the types and selection of the appropriate defensive strategy for containing the release.

(D) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including extended emergency notification procedures and follow-up communications.

(E) Review of the principles and practice for proper selection and use of personal protective equipment.

(F) Review of the principles and practice of personnel and equipment decontamination.

(G) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(H) Awareness and knowledge of the competencies for the First Responder at the Operations Level covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(iii) Hazardous materials technician.

(A) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-3112.

(B) Hands-on experience with written and electronic information relative to response decision making including but not limited to the U.S. Department of Transportation's *Emergency Response Guidebook* (ERG), manufacturer material safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, computer data bases and response models, and other relevant sources of information addressing hazardous substance releases. Familiarization with chapter 296-62 WAC, Part C, the hazard communication standard.

(C) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, their physical and chemical properties, the likely behavior of the hazardous substance and its container, the types of hazardous substance transportation containers and vehicles involved in the release, the appropriate strategy for approaching release sites and containing the release.

(D) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including extended emergency notification procedures and follow-up communications.

(E) Review of the principles and practice for proper selection and use of personal protective equipment.

(F) Review of the principles and practices of establishing exposure zones, proper decontamination and medical surveillance stations and procedures.

(G) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(H) Awareness and knowledge of the competencies for the Hazardous Materials Technician covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(iv) Hazardous materials specialist.

(A) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-3112.

(B) Hands-on experience with retrieval and use of written and electronic information relative to response decision making including but not limited to the U.S. Department of Transportation's *Emergency Response Guidebook* (ERG), manufacturer material safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, computer data bases and response models, and other relevant sources of information addressing hazardous substance releases. Familiarization with chapter 296-62 WAC, Part C, the hazard communication standard.

(C) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, their physical and chemical properties, and the likely behavior of the hazardous substance and its container, vessel, or vehicle.

(D) Review of the principles and practices for identification of the types of hazardous substance transportation containers, vessels and vehicles involved in the release; selecting and using the various types of equipment available for plugging or patching transportation containers, vessels or vehicles; organizing and directing the use of multiple teams of hazardous material technicians and selecting the appropriate strategy for approaching release sites and containing or stopping the release.

(E) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, including knowledge of the available public and private response resources, establishment of an incident command post, direction of hazardous material technician teams, and extended emergency notification procedures and follow-up communications.

(F) Review of the principles and practice for proper selection and use of personal protective equipment.

(G) Review of the principles and practices of establishing exposure zones and proper decontamination, monitoring and medical surveillance stations and procedures.

(H) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(I) Awareness and knowledge of the competencies for the Off-site Specialist Employee covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(v) Incident commander.

The incident commander is the individual who, at any one time, is responsible for and in control of the response effort. This individual is the person responsible for the direction and coordination of the response effort. An incident commander's position should be occupied by the most senior, appropriately trained individual present at the response site. Yet, as necessary and appropriate by the level of response provided, the position may be occupied by many individuals during a particular response as the need for greater authority, responsibility, or training increases. It is possible for the first responder at the awareness level to assume the duties of incident commander until a more senior and appropriately trained individual arrives at the response site.

Therefore, any emergency responder expected to perform as an incident commander should be trained to fulfill the obligations of the position at the level of response they will be providing including the following:

(A) Ability to analyze a hazardous substance incident to determine the magnitude of the response problem.

(B) Ability to plan and implement an appropriate response plan within the capabilities of available personnel and equipment.

(C) Ability to implement a response to favorably change the outcome of the incident in a manner consistent with the

local emergency response plan and the organization's standard operating procedures.

(D) Ability to evaluate the progress of the emergency response to ensure that the response objectives are being met safely, effectively, and efficiently.

(E) Ability to adjust the response plan to the conditions of the response and to notify higher levels of response when required by the changes to the response plan.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-304-010 Scope and application. (1) The provisions and standards of the general safety and health standards, chapters 296-24 and 296-62 WAC, and such other codes and standards as are promulgated by the (~~division of industrial safety and health~~) department of labor and industries which are applicable to all industries, shall be applicable in the ship repairing, shipbuilding, or shipbreaking industries whenever the employees are covered under the Washington State Industrial Safety and Health Act, chapter 49.17 RCW. The rules of this chapter and the rules of the aforementioned chapters 296-24 and 296-62 WAC are applicable to all ship repairing, shipbuilding, and shipbreaking industries and operations, provided that such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(2) The responsibility for compliance with these regulations is placed upon "employers" as defined in WAC 296-304-01001(3).

(3) It is not the intent of these regulations to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(4) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

(5) Safety standards for ship repairing, shipbuilding, and shipbreaking are written, promulgated, and applicable to workplace hazards found in shipyards and boatyards located on navigable waters, provided such installations are not under the exclusive safety jurisdiction of the federal government or the United States Coast Guard. Such operations shall include adjoining shore installations such as wharves, drydocks, graving docks, terminals, building ways, marine railways, and other adjoining areas customarily used by the employer in ship repairing, shipbuilding, or shipbreaking operations.

(6) Small vessel manufacturing operations not located on navigable waters shall be cited from General safety and health standards, chapters 296-24 and 296-62 WAC.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-01001 Definitions. (1) "Shall" indicates provisions which are mandatory.

(2) "Director" means the director of the department of labor and industries or his/her designated representative.

(3) "Employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in these standards on the navigable waters of the United States, including dry docks, graving docks and marine railways.

(4) "Employee" means any ~~((ship repairman or other))~~ person engaged in ship ~~(repair)~~ repairing, shipbuilding, or shipbreaking or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(5) "Gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(6) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(7) For purposes of WAC 296-304-05007, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of these standards, the term does not include ship shaped or deep draft barges.

(8) For purposes of WAC 296-304-05007, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of these standards, the term does not include other towing vessels.

(9) "Shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(10) "Shipbuilding" means the construction of a vessel, including the installation of machinery and equipment.

(11) "Ship repair" means any repair of a vessel including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work.

(12)~~((a) For ship repairing,))~~ "Related employment(s)" means any employment(s) performed as an incident to or in conjunction with ship ~~(repair)~~ repairing, shipbuilding or shipbreaking work, including, but not restricted to, inspection, testing and employment as a watchman.

~~((b) For shipbuilding, "related employment" means any employments performed as an incident to or in conjunction with shipbuilding work, including, but not restricted to inspection, testing trials and employment as a watchman.~~

~~(e) For shipbreaking, "related employments" means any employments performed as an incident to or in conjunction with shipbreaking work, including, but not restricted to, inspection, survey and employment as a watchman.)~~

(13) "Hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(14) "Competent person" means ~~((one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them))~~ a person

who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of WAC 296-304-020, explosives and other dangerous atmospheres, WAC 296-304-030, surface preparation and preservation, and WAC 296-304-040, welding, cutting and heating, except for WAC 296-304-03007 (2)(h) and 296-304-03009 (1)(e), to which the above definition applies, the competent person must also meet the additional requirements of WAC 296-304-01005, Competent person.

(15) "Confined space" means ~~((any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include, but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels))~~ a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(16) "Enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(17) "Hot-work" means riveting, welding, burning or other fire or spark producing operations.

(18) "Cold-work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(19) "Portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(20) "Powder actuated fastening tool" means a tool or machine which drives a stud, pin, or fastener by means of an explosive charge.

(21) For purposes of WAC 296-304-06013, the term "hazardous material" means a material which has one or more of the following characteristics: (a) Has a flash point below 140°F., closed cup, or is subject to spontaneous heating; (b) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (c) has a single dose oral LD₅₀ below 500 mg./kg.; (d) is subject to polymerization with the release of large amounts of energy; (e) is a strong oxidizing or reducing agent; (f) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (g) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

NEW SECTION

WAC 296-304-01005 Competent person. (1) Application. This section applies to shipyard employment.

(2) Designation.

(a) One or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section, unless the requirements of WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, and WAC 296-304-080 through 296-304-08011, are always carried out by a marine chemist.

Exception: The employer may designate any person who meets the applicable portions of the criteria set forth in subsection (3) of this section as a competent person who is limited to performing testing to the following situations:

(i) Repair work on small craft in boat yards where only combustible gas indicator tests are required for fuel tank leaks or when using flammable paints below decks;

(ii) Building of wooden vessels where only knowledge of the precautions to be taken when using flammable paints is required;

(iii) The breaking of vessels where there is no fuel oil or other flammable hazard; and

(iv) Tests and inspections performed to comply with WAC 296-304-03007 (2)(h) and 296-304-03009 (1)(e).

(b) The employer shall maintain either a roster of designated competent persons or a statement that a marine chemist will perform the tests or inspections which require a competent person.

(c) The employer shall make the roster of designated persons or the statement available to employees, the employee's representative, or the director upon request.

(d) The roster shall contain, as a minimum, the following:

(i) The employer's name;

(ii) The designated competent person's name(s); and

(iii) The date the employee was trained as a competent person.

(3) Criteria. The employer shall ensure that each designated competent person has the following skills and knowledge:

(a) Ability to understand and carry out written or oral information or instructions left by marine chemist, Coast Guard authorized persons and certified industrial hygienists;

(b) Knowledge of WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, and WAC 296-304-080 through 296-304-08011;

(c) Knowledge of the structure, location, and designation of spaces where work is done;

(d) Ability to calibrate and use testing equipment including but not limited to, oxygen indicators, combustible gas indicators, carbon monoxide indicators, and carbon dioxide indicators, and to interpret accurately the test results of that equipment;

(e) Ability to perform all required tests and inspections which are or may be performed by a competent person as set forth in WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, and WAC 296-304-080 through 296-304-08011;

(f) Ability to inspect, test, and evaluate spaces to determine the need for further testing by a marine chemist or a certified industrial hygienist; and

(g) Ability to maintain records required by this section.

(4) Recordkeeping.

(a) When tests and inspections are performed by a competent person, marine chemist, or certified industrial hygienist as required by any provisions of WAC 296-304-020 through 296-304-02011, WAC 296-304-030 through 296-304-03009, WAC 296-304-040 through 296-304-04013, or WAC 296-304-080 through 296-304-08011, the employer shall ensure that the person performing the test and inspection records the location, time, date, location of inspected spaces, and the operations performed, as well as the test results and any instructions.

(b) The employer shall ensure that the records are posted in the immediate vicinity of the affected operations while work in the spaces is in progress. The records shall be kept on file for a period of at least three months from the completion date of the specific job for which they were generated.

(c) The employer shall ensure that the records are available for inspection by the director, and employees and their representatives.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-304-020 (~~Explosive and other dangerous atmospheres—Scope and application.~~) **Confined and enclosed spaces and other dangerous atmospheres in shipyard employment.** (~~All sections of this chapter which include WAC 296-304-020 in the section number apply to explosive and other dangerous atmospheres.~~)

(1) ~~WAC 296-304-02003 to 296-304-02009 applies to ship repairing and shipbreaking.~~

(2) ~~WAC 296-304-02011 applies to ship repairing.~~

(3) ~~WAC 296-62-076 through 296-62-07672, relating to 4,4'-Methylenedianiline (MDA) shall apply to every employee in every employment and place of employment covered by this chapter, in lieu of any different standard on exposure to MDA which would otherwise be applicable by virtue of these sections.)~~ Scope, application and definitions applicable to this subsection: (1) Scope and application. This section applies to work in confined and enclosed spaces and other dangerous atmospheres in shipyard employment, including vessels, vessel sections, and on land-side operations regardless of geographic location.

(2) Definitions applicable to this section:

Adjacent spaces means those spaces bordering a subject space in all directions, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.

Certified industrial hygienist (CIH) means an industrial hygienist who is certified by the American Board of Industrial Hygiene.

Coast Guard authorized person means an individual who meets the requirement of WAC 296-304-02015, Appendix B, for tank vessels, for passenger vessels, and for cargo and miscellaneous vessels.

Dangerous atmosphere means an atmosphere that may expose employees to the risk of death, incapacitation,

impairment of ability to self-rescue (i.e., escape unaided from a confined or enclosed space), injury, or acute illness.

Director means the director of the department of labor and industries or his/her designated representative.

Enter with restrictions denotes a space where entry for work is permitted only if engineering controls, personal protective equipment, clothing, and time limitations are as specified by the marine chemist, certified industrial hygienist, or the shipyard competent person.

Entry means the action by which a person passes through an opening into a space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

Hot work means any activity involving riveting, welding, burning, the use of powder-actuated tools or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark-producing operations are also considered hot work except when such operations are isolated physically from any atmosphere containing more than 10 percent of the lower explosive limit of a flammable or combustible substance.

Immediately dangerous to life or health (IDLH) means an atmosphere that poses an immediate threat to life or that is likely to result in acute or immediate severe health effects.

Inert or inerted atmosphere means an atmospheric condition where:

(a) The oxygen content of the atmosphere in the space is maintained at a level equal to or less than 8.0 percent by volume or at a level at or below 50 percent of the amount required to support combustion, whichever is less; or

(b) The space is flooded with water and the vapor concentration of flammable or combustible materials in the free space atmosphere above the water line is less than 10 percent of the lower explosive limit for the flammable or combustible material.

Labeled means identified with a sign, placard, or other form of written communication, including pictograms, that provides information on the status or condition of the work space to which it is attached.

Lower explosive limit (LEL) means the minimum concentration of vapor in air below which propagation of a flame does not occur in the presence of an ignition source.

Marine chemist means an individual who possesses a current marine chemist certificate issued by the National Fire Protection Association (NFPA).

NFPA means National Fire Protection Association.

Nationally Recognized Testing Laboratory (NRTL) means an organization recognized by OSHA, in accordance with Appendix A of 29 CFR 1910.7, which tests for safety and lists or labels or accepts equipment and materials that meet all the criteria found in Section 1910.7(b)(1) through (b)(4)(ii).

Not safe for hot work denotes a space where hot work may not be performed because the conditions do not meet the criteria for "safe for hot work."

Not safe for workers denotes a space where an employee may not enter because the conditions do not meet the criteria for "safe for workers."

Oxygen-deficient atmosphere means an atmosphere having an oxygen concentration of less than 19.5 percent by volume.

Oxygen-enriched atmosphere means an atmosphere that contains 22.0 percent or more oxygen by volume.

Safe for hot work denotes a space that meets all of the following criteria:

(a) The oxygen content of the atmosphere does not exceed 22.0 percent by volume;

(b) The concentration of flammable vapors in the atmosphere is less than 10 percent of the lower explosive limit;

(c) The residues or materials in the space are not capable of producing a higher concentration than permitted in (a) or (b) of the above, under existing atmospheric conditions in the presence of hot work and while maintained as directed by the marine chemist or competent person; and

(d) All adjacent spaces have been cleaned, or inerted, or treated sufficiently to prevent the spread of fire.

Safe for workers denotes a space that meets the following criteria:

(a) The oxygen content of the atmosphere is at least 19.5 percent and below 22.0 percent by volume;

(b) The concentration of flammable vapors is below 10 percent of the lower explosive limit (LEL);

(c) Any toxic materials in the atmosphere associated with cargo, fuel, tank coatings, or inerting media are within permissible concentrations at the time of the inspection; and

(d) Any residues or materials associated with the work authorized by the marine chemist, certified industrial hygienist, or competent person will not produce uncontrolled release of toxic materials under existing atmospheric conditions while maintained as directed.

Space means an area on a vessel or vessel section or within a shipyard such as, but not limited to: Cargo tanks or holds; pump or engine rooms; storage lockers; tanks containing flammable or combustible liquids, gases, or solids; rooms within buildings; crawl spaces; tunnels; or accessways. The atmosphere within a space is the entire area within its bounds.

Upper explosive limit (UEL) means the maximum concentration of flammable vapor in air above which propagation of flame does not occur on contact with a source of ignition.

Vessel section means a subassembly, module, or other component of a vessel being built, repaired, or broken.

Visual inspection means the physical survey of the space, its surroundings and contents to identify hazards such as, but not limited to, restricted accessibility, residues, unguarded machinery, and piping or electrical systems.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-02001 ((Competent person. (1) Designation:

(a) For the purposes of these standards, one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of this section are always carried out by a National Fire Protection Association Certified Marine Chemist.

PROPOSED

(2) Criteria. The following criteria shall guide the employer in designating employees as competent persons:

(a) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist or person authorized by the U.S. Coast Guard referred to in WAC 296 304 02007.

(b) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(c) Familiarity with an understanding of WAC 296 304 02001 through 296 304 04013 and 296 304 080 through 296 304 08011.

(i) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which breaking work is done.

(d) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which repair work is done.

(e) Capability to perform the tests and inspections required by these standards and to write the required logs.

(3) Logging of inspections and tests.

(a) When tests and inspections, required to be performed by a competent person by any provisions of these standards, are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded. A separate form shall be used for each vessel on which tests and inspections are made.

(b) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least three months from the date of the completion of the job.

(c) A copy of any certificate issued in accordance with WAC 296 304 02007 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job. The certificate and instructions issued by the person doing the fumigation referred to in WAC 296 304 02003 (2)(a)(ii) shall also be kept on file for a period of at least 3 months from the date of the completion of the job.

(4) Application. The provisions of WAC 296 304 02001 are intended to apply in their entirety to employers engaged in general shipbreaking, shipbuilding and ship repair work. They do not apply to employers whose work involves situations to which WAC 296 304 02001 through 296 304 04013 are not applicable, such as general cleaning work in which flammable and toxic atmospheres are not involved. Any employer whose work involves only certain portions of said sections, such as work on small craft in boat yards where only combustible gas indicator tests are necessary for fuel tank leaks or when using flammable paints below decks, may designate persons as competent on the basis of the applicable portion of the criteria set forth in (2) of this section.)) Reserved.

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

WAC 296-304-02003 Precautions before entering confined and enclosed spaces and other dangerous atmospheres. ((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 chapter 296 62 WAC Part E, but above the threshold limit value, employees shall be protected in accordance with the requirements of 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 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.

(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 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) Non-ventilated 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 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) Oxygen content.

(a) The employer shall ensure that the following spaces are visually inspected and tested by a competent person to determine the atmosphere's oxygen content prior to initial entry into the space by an employee:

(i) Spaces that have been sealed, such as, but not limited to, spaces that have been coated and closed up, and nonventilated spaces that have been freshly painted;

(ii) Spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases;

(iii) Spaces and adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive, or irritant;

(iv) Spaces and adjacent spaces that have been fumigated; and

(v) Spaces containing materials or residues of materials that create an oxygen-deficient atmosphere.

(b) If the space to be entered contains an oxygen deficient atmosphere, the space shall be labeled "not safe for workers" or, if oxygen-enriched, "not safe for workers—not safe for hot work." If an oxygen-deficient or oxygen-enriched atmosphere is found, ventilation shall be provided at volumes and flow rates sufficient to ensure that the oxygen content is maintained at or above 19.5 percent and below 22.0 percent by volume. The warning label may be removed when the oxygen content is equal to or greater than 19.5 and less than 22.0 percent by volume.

(c) An employee may not enter a space where the oxygen content, by volume, is below 19.5 percent or above 22.0 percent.

Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space provided:

(i) The atmosphere in the space is monitored for oxygen content, by volume, continuously; and

(ii) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (a): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

(2) Flammable atmospheres.

(a) The employer shall ensure that spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases are:

(i) Inspected visually by the competent person to determine the presence of combustible or flammable liquids; and

(ii) Tested by a competent person prior to entry by an employee to determine the concentration of flammable vapors and gases within the space.

(b) If the concentration of flammable vapors or gases in the space to be entered is equal to or greater than 10 percent of the lower explosive limit, the space shall be labeled "not safe for workers" and "not safe for hot work." Ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors is maintained below 10 percent of the lower explosive limit. The warning labels may be removed when the concentration of flammable vapors is below 10 percent of the lower explosive limit.

(c) An employee may not enter a space where the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit. Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space, provided:

(i) No ignition sources are present;

(ii) The atmosphere in the space is monitored continuously;

(iii) The atmosphere in the space is maintained above the upper explosive limit; and

(iv) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note 1 to (2): Additional provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

Note 2 to (2): Additional provisions for work in spaces containing a flammable substance which also has a permissible exposure limit, are located in subsection (3) of this section and chapter 296-62 WAC, Part H.

(3) Toxic, corrosive, irritant or fumigated atmospheres and residues.

(a) The employer shall ensure that spaces or adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive or irritant are:

(i) Inspected visually by the competent person to determine the presence of toxic, corrosive, or irritant residue contaminants; and

(ii) Tested by a competent person prior to initial entry by an employee to determine the air concentration of toxics, corrosives, or irritants within the space.

(b) If a space contains an air concentration of a material which exceeds a chapter 296-62 WAC, Part H, permissible exposure limit (PEL) or is IDLH, the space shall be labeled "not safe for workers." Ventilation shall be provided at volumes and flow rates which will ensure that air concentra-

tions are maintained within the PEL or, in the case of contaminants for which there is no established PEL, below the IDLH. The warning label may be removed when the concentration of contaminants is maintained within the PEL or below IDLH level.

(c) If a space cannot be ventilated to within the PELs or is IDLH, a marine chemist or CIH must re-test until the space can be certified "enter with restrictions" or "safe for workers."

(d) An employee may not enter a space whose atmosphere exceeds a PEL or is IDLH.

Exception: An employee may enter for emergency rescue, or for a short duration for installation of ventilation equipment provided:

(i) The atmosphere in the space is monitored continuously;

(ii) Respiratory protection and other necessary and appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (3): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

(4) Training of employees entering confined and enclosed spaces or other dangerous atmospheres.

(a) The employer shall ensure that each employee that enters a confined or enclosed space and other areas with dangerous atmospheres is trained to perform all required duties safely.

(b) The employer shall ensure that each employee who enters a confined space, enclosed space, or other areas with dangerous atmospheres is trained to:

(i) Recognize the characteristics of the confined space;

(ii) Anticipate and be aware of the hazards that may be faced during entry;

(iii) Recognize the adverse health effects that may be caused by the exposure to a hazard;

(iv) Understand the physical signs and reactions related to exposures to such hazards;

(v) Know what personal protective equipment is needed for safe entry into and exit from the space;

(vi) Use personal protective equipment; and

(vii) Where necessary, be aware of the presence and proper use of barriers that may be needed to protect an entrant from hazards.

(c) The employer shall ensure that each entrant into confined or enclosed spaces or other dangerous atmospheres is trained to exit the space or dangerous atmosphere whenever:

(i) The employer or his or her representative orders evacuation;

(ii) An evacuation signal such as an alarm is activated;

or

(iii) The entrant perceives that he or she is in danger.

(d) The employer shall provide each employee with training:

(i) Before the entrant begins work addressed by this chapter; and

(ii) Whenever there is a change in operations or in an employee's duties that presents a hazard about which the employee has not previously been trained.

(e) The employer shall certify that the training required by (a) through (d) of this subsection has been accomplished.

(i) The certification shall contain the employee's name, the name of the certifier, and the date(s) of the certification.

(ii) The certification shall be available for inspection by the director, employees, and their representatives.

(5) Rescue teams. The employer shall either establish a shipyard rescue team or arrange for an outside rescue team which will respond promptly to a request for rescue service.

(a) Shipyard rescue teams shall meet the following criteria:

(i) Each employee assigned to the shipyard team shall be provided with and trained to use the personal protective equipment he or she will need, including respirators and any rescue equipment necessary for making rescues from confined and enclosed spaces and other dangerous atmospheres.

(ii) Each employee assigned to the shipyard rescue team shall be trained to perform his or her rescue functions including confined and enclosed and other dangerous atmosphere entry.

(iii) Shipyard rescue teams shall practice their skills at least once every 12 months. Practice drills shall include the use of mannequins and rescue equipment during simulated rescue operations involving physical facilities that approximate closely those facilities from which rescue may be needed.

Note to (5)(a)(iii): If the team preforms an actual rescue during the 12 month period, an additional practice drill for that type of rescue is not required.

(iv) At least one person on each rescue team shall maintain current certification in basic first aid which includes maintenance of an airway, control of bleeding, maintenance of circulation and cardiopulmonary resuscitation (CPR) skills.

(b) The employer shall inform outside rescue teams of the hazards that the team may encounter when called to perform confined and enclosed space or other dangerous atmosphere rescue at the employer's facility so that the rescue team can be trained and equipped.

Note to (5): The criteria for in-house rescue, listed in (5)(a) can be used by the employer in evaluating outside rescue services.

(6) Exchanging hazard information between employers. Each employer whose employees work in confined and enclosed spaces or other dangerous atmospheres shall ensure that all available information on the hazards, safety rules, and emergency procedures concerning those spaces and atmospheres is exchanged with any other employer whose employees may enter the same spaces.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-02005 **Cleaning and other cold work.**
~~((1) Employees shall be permitted to perform manual cleaning to remove residue materials, scale, and debris or to perform other cold work in spaces described in WAC 296-304-02003 (1)(a)(i) and (ii) and (2)(a)(i) through (iii) before they have been certified as gas free only under the following conditions:~~

(a) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(b) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(c) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces, to ensure that the concentration stated in (1)(b) of this section is not exceeded.

(d) Cold work only shall be permitted.

(e) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, dry dock, graving dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(2) Only approved explosion proof, self-contained, battery fed, portable lamps shall be used in spaces described in WAC 296-304-02007(1) before the spaces have been certified as "safe for men." Battery fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(3) Signs shall be posted on the open deck adjacent to the access to spaces described in WAC 296-304-02007(1) prohibiting smoking and the use of open flames.

(4) 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.

(5) 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.

(6) In spaces described in WAC 296-304-02009(1) which have been certified "safe for men," either battery lamps or 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, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(7) In spaces certified "safe for fire" nonexplosion proof lights may be used.)) (1) Locations covered by this section.

The employer shall ensure that manual cleaning and other cold work are not performed in the following spaces unless the conditions of subsection (2) of this section have been met:

(a) Spaces containing or having last contained bulk quantities of combustible or flammable liquids or gases; and

(b) Spaces containing or having last contained bulk quantities of liquids, gases or solids that are toxic, corrosive or irritating.

(2) Requirements for performing cleaning or cold work.

(a) Liquid residues of hazardous materials shall be removed from work spaces as thoroughly as practicable before employees start cleaning operations or cold work in a space. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel, or for shore-side operations, onto the surrounding work area.

(b) Testing shall be conducted by a competent person to determine the concentration of flammable, combustible, toxic, corrosive, or irritant vapors within the space prior to the beginning of cleaning or cold work.

(c) Continuous ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration(s) of:

(i) Flammable vapor is maintained below 10 percent of the lower explosive limit; and

Note to (2)(c)(i):

Spaces containing highly volatile residues may require additional ventilation to keep the concentration of flammable vapors below 10 percent of the lower explosive limit and within the permissible exposure limit.

(ii) Toxic, corrosive, or irritant vapors are maintained within the permissible exposure limits and below IDLH levels.

(d) Testing shall be conducted by the competent person as often as necessary during cleaning or cold work to assure that air concentrations are below 10 percent of the lower explosive limit and within the PELs and below IDLH levels. Factors such as, but not limited to, temperature, volatility of the residues and other existing conditions in and about the spaces are to be considered in determining the frequency of testing necessary to assure a safe atmosphere.

Note to (2)(d):

See WAC 296-304-02013—Appendix A, for additional information on frequency of testing.

(e) Spills or other releases of flammable, combustible, toxic, corrosive, and irritant materials shall be cleaned up as work progresses.

(f) An employee may not enter a confined or enclosed space or other dangerous atmosphere if the concentration of flammable or combustible vapors in work spaces exceeds 10 percent of the lower explosive limit.

Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment provided:

(i) No ignition sources are present;

(ii) The atmosphere in the space is monitored continuously;

(iii) The atmosphere in the space is maintained above the upper explosive limit; and

(iv) Respiratory protection, personal protective equipment, and clothing are provided in accordance with WAC 206-304-090 through 296-304-09007.

Note to (2)(f): Other provisions for work in IDLH and other dangerous atmospheres are located in WAC 296-304-090 through 296-304-09007.

(g) A competent person shall test ventilation discharge areas and other areas where discharged vapors may collect to determine if vapors discharged from the spaces being ventilated are accumulating in concentrations hazardous to employees.

(h) If the tests required in (g) of this subsection indicate that concentrations of exhaust vapors that are hazardous to employees are accumulating, all work in the contaminated area shall be stopped until the vapors have dissipated or been removed.

(i) Only explosion-proof, self-contained portable lamps, or other electric equipment approved by a National Recognized Testing Laboratory (NRTL) for the hazardous location shall be used in spaces described in subsection (1) of this section, until such spaces have been certified as "safe for workers."

Note to (2)(i): Battery-fed, portable lamps or other electric equipment bearing the approval of a NRTL for the class, and division of the location in which they are used are deemed to meet the requirements of (i) of this subsection.

(j) The employer shall prominently post signs that prohibit sources of ignition within or near a space that has contained flammable or combustible liquids or gases in bulk quantities:

- (i) At the entrance to those spaces;
- (ii) In adjacent spaces; and
- (iii) In the open area adjacent to those spaces.

(k) All air moving equipment and its component parts, including duct work, capable of generating a static electric discharge of sufficient energy to create a source of ignition, shall be bonded electrically to the structure of a vessel or vessel section or, in the case of land-side spaces, grounded to prevent an electric discharge in the space.

(l) Fans shall have nonsparking blades, and portable air ducts shall be of nonsparking materials.

Note to (2): See WAC 296-304-02003(3) and applicable requirements of chapter 296-62 WAC, general occupational health standards, for other provisions affecting cleaning and cold work.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-02007 ((Certification before)) Hot work ((is begun)). ~~((1) Employees shall not be permitted to engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries or pipe lines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a marine chemist certificated by the National Fire Protection Association, except that a certificate issued by another person authorized by the U.S. Coast Guard pursuant to the provisions of 46 CFR 35.01-1 (e)(1) for tank vessels, 46 CFR 71.60-1 (e)(1) for passenger vessels, and 46 CFR 91.50-1 (e)(1) for cargo and miscellaneous vessels is acceptable for a particular inspection:~~

~~(a) On tank vessels.~~

~~(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.~~

~~(ii) Within or on the boundaries of fuel tanks.~~

~~(iii) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.~~

~~(b) On dry cargo, miscellaneous and passenger vessels.~~

~~(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.~~

~~(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150°F, except where the distance between such cargo tanks and the work to be performed is not less than twenty five feet.~~

~~(iii) Within or on the boundaries of fuel tanks.~~

~~(iv) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.~~

~~(2) In dry cargo holds for which a marine chemist's certificate is not required by (1)(b)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.~~

~~(3) Before hot work is performed in engine room and boiler room spaces of any vessel for which a marine chemist's certificate is not required by the provision of (1) or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.~~

~~(4) Hot work in the open. Before hot work is performed from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, the following steps shall be taken:~~

~~(a) Tests shall be made by a competent person to determine the concentration of flammable vapors in these spaces. The permissible level of concentration of flammable vapors shall not exceed ten percent of the lower explosive limit in all parts of the spaces.~~

~~(b) When the tests indicate that a space contains a concentration of flammable vapors above the permissible concentration, the space shall be inerted with a nonflammable gas or with water, or sufficient ventilation shall be provided to reduce the concentration below the permissible level.~~

~~(c) When the bottom of a space contains flammable residues, it shall be flooded with water to cover all parts of the space to a depth of at least one foot unless the space is inerted.)~~ (1) Hot work requiring testing by a marine chemist or Coast Guard authorized person.

(a) The employer shall ensure that hot work is not performed in or on any of the following confined and enclosed spaces and other dangerous atmospheres, boundaries of spaces or pipelines until the work area has been tested and certified by a marine chemist or a U.S. Coast Guard authorized person as "safe for hot work":

(i) Within, on, or immediately adjacent to spaces that contain or have contained combustible or flammable liquids or gases.

(ii) Within, on, or immediately adjacent to fuel tanks that contain or have last contained fuel; and

(iii) On pipelines, heating coils, pump fittings or other accessories connected to spaces that contain or have last contained fuel.

(iv) Exception: Within spaces adjacent to spaces in which the flammable gases or liquids have a flash point below 150 deg. F (65.6 deg. C) and the distance between such spaces and the work is greater than 25 feet (7.5 m).

Note to (1)(a): The criteria for "safe for hot work" is located in the definition section, WAC 296-304-020(2).

(b) The certificate issued by the marine chemist or Coast Guard authorized person shall be posted in the immediate vicinity of the affected operations while they are in progress and kept on file for a period of at least three months from the date of the completion of the operation for which the certificate was generated.

(2) Hot work requiring testing by a competent person.

(a) Hot work is not permitted in or on the following spaces or adjacent spaces or other dangerous atmospheres until they have been tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit:

(i) Dry cargo holds;

(ii) The bilges;

(iii) The engine room and boiler spaces for which a marine chemist or a Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(iv) Vessels and vessel sections for which a marine chemist or Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(v) Land-side confined and enclosed spaces or other dangerous atmospheres not covered by subsection (1)(a) of this section.

(b) If the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit in the space or an adjacent space where the hot work is to be done, then the space shall be labeled "not safe for hot work" and ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors or gases is below 10 percent by volume of the lower explosive limit. The warning label may be removed when the concentration of flammable vapors and gases are below 10 percent of the lower explosive limit.

Note to WAC 296-304-02007: See WAC 296-304-02013—Appendix A, for additional information relevant to performing hot work safely.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-02009 ((Maintaining gas free)) Maintenance of safe conditions. ((The following rules shall apply in maintaining gas free conditions:

(1) Pipe lines which may convey hazardous substances into the spaces certified "Safe for men—Safe for fire" shall be disconnected or blanked off, or other positive means shall be used to prevent discharge of hazardous substances from entering the space. Manholes and other closures which were secured when tests were made shall remain secured. If such manholes or other closures are opened or any manipulation of valves takes place which tends to alter existing conditions, work in the affected spaces or areas shall be stopped and not resumed until such time as the area has been retested and again certified "Safe for men—Safe for fire" in accordance with the requirements of WAC 296-304-02007(1).

(2) Before hot work is commenced on the weather deck over spaces which, under these regulations, are not required to be gas freed or inerted, all valves, closures and vents, except those which are vented up masts, connecting with nongas free tanks or compartments below, shall be closed. Valves, closures and vents shall not be opened until hot work is completed unless the hot work is stopped and the work location posted as unsafe for fire. The latter notice shall not be removed nor hot work resumed until the area is again made safe.

(3) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the marine chemist's certificates.

(4) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a marine chemist's certificate has been issued, a competent person shall make tests to assure that the gas free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new marine chemist's certificate in accordance with the requirements of WAC 296-304-02007(1) shall be obtained before work is resumed.

(5) Before hot work is begun on any metal covered with preservative coatings the requirements of WAC 296-304-04005 shall be met.) (1) Preventing hazardous materials from entering. Pipelines that could carry hazardous materials into spaces that have been certified "safe for workers" or "safe for hot work" shall be disconnected, blanked off, or otherwise blocked by a positive method to prevent hazardous materials from being discharged into the space.

(2) Alteration of existing conditions. When a change that could alter conditions within a tested confined or enclosed space or other dangerous atmosphere occurs, work in the affected space or area shall be stopped. Work may not be resumed until the affected space or area is visually inspected and retested and found to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

Note to (2): Examples of changes that would warrant the stoppage of work include: The opening of manholes or other closures

or the adjusting of a valve regulating the flow of hazardous materials.

(3) Tests to maintain the conditions of a marine chemist's or Coast Guard authorized person's certificates. A competent person shall visually inspect and test each space certified as "safe for workers" or "safe for hot work," as often as necessary to ensure that atmospheric conditions within that space is maintained within the conditions established by the certificate after the certificate has been issued.

(4) Change in the conditions of a marine chemist's or Coast Guard authorized person's certificate. If a competent person finds that the atmospheric conditions within a certified space fail to meet the applicable requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, work in the certified space shall be stopped and may not be resumed until the space has been retested by a marine chemist or Coast Guard authorized person and a new certificate issued in accordance with WAC 296-304-02007(1).

(5) Tests to maintain a competent person's findings. After a competent person has conducted a visual inspection and tests required in WAC 296-304-02003, 296-304-02005, and 296-304-02007 and determined a space to be safe for an employee to enter, he or she shall continue to test spaces as often as necessary to ensure that the required atmospheric conditions within the tested space are maintained.

(6) Changes in conditions determined by competent person's findings. After the competent person has determined initially that a space is safe for an employee to enter and he or she finds subsequently that the conditions within the tested space fail to meet the requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable, work shall be stopped until the conditions in the tested space are corrected to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-02011 Warning signs and labels. ((+)) Except as provided in WAC 296-304-02011(3), all tanks, compartments, or spaces which have been certified "Safe for men — Not safe for fire," or "Not safe for men — Not safe for fire" shall be plainly and conspicuously marked with paint or signs indicating that no hot work shall be performed on such tanks, compartments, or spaces or in the vicinity thereof.

(2) Except as provided in WAC 296-304-02011(3), all tanks, compartments or spaces which have been inerted with gas or certified "Not safe for men — Safe for fire" shall be plainly and conspicuously marked with paint or signs indicating that the tank, compartment or space contains a gas which will not support life or is hazardous to employees.

(3) The warning marks or signs required by WAC 296-304-02011(1), need not be posted on individual tanks, compartments or spaces if the entire vessel has been certified "Safe for men — Not safe for fire," "Not safe for men — Not safe for fire," or if the entire vessel has been inerted or certified "Not safe for men — Safe for fire," and if a sign to this effect is conspicuously posted at the gangway and at all other means of access to the vessel.) (1) Employee comprehension of signs and labels. The employer shall ensure that

each sign or label posted to comply with the requirements of this section is presented in a manner that can be perceived and understood by all employees.

(2) Posting of large work areas. A warning sign or label required by subsection (1) of this section need not be posted at an individual tank, compartment or work space within a work area if the entire work area has been tested and certified: "Not safe for workers," "not safe for hot work," and if the sign or label to this effect is posted conspicuously at each means of access to the work area.

NEW SECTION

WAC 296-304-02013 Appendix A—Compliance assistance guidelines for confined and enclosed spaces and other dangerous atmospheres. This appendix is a non-mandatory set of guidelines provided to assist employers in complying with the requirements of WAC 296-304-020 through 296-304-02011. This appendix neither creates additional obligations nor detracts from obligations otherwise contained in this chapter. It is intended to provide explanatory information and educational material to employers and employees to foster understanding of, and compliance with, this chapter.

WAC 296-304-020 through 296-304-02011. These standards are minimum safety standards for entering and working safely in vessel tanks and compartments.

WAC 296-304-020(2) Definition of "Hot work." There are several instances in which circumstances do not necessitate that grinding, drilling, abrasive blasting be regarded as hot work. Some examples are:

(1) Abrasive blasting of the hull for paint preparation does not necessitate pumping and cleaning the tanks of a vessel.

(2) Prior to hot work on any hollow structure, the void space should be tested and appropriate precautions taken.

WAC 296-304-020(2) Definition of "Lower explosive limit." The terms lower flammable limit (LFL) and lower explosive limit (LEL) are used interchangeably in fire science literature.

WAC 296-304-020(2) Definition of "Upper explosive limit." The terms upper flammable limit (UFL) and upper explosive limit (UEL) are used interchangeably in fire science literature.

WAC 296-304-02003(1) After a tank has been properly washed and ventilated, the tank should contain 20.8 percent oxygen by volume. This is the same amount found in our normal atmosphere at sea level. However, it is possible that the oxygen content will be lower. When this is the case, the reasons for this deficiency should be determined and corrective action taken.

An oxygen content of 19.5 percent can support life and is adequate for entry. However, any oxygen level less than 20.8 percent and greater than 19.5 percent level should also alert the competent person to look for the causes of the oxygen deficiency and to correct them prior to entry.

WAC 296-304-02003(2) Flammable atmospheres. Atmospheres with a concentration of flammable vapors at or above 10 percent of the lower explosive limit (LEL) are considered hazardous when located in confined spaces. However, atmospheres with flammable vapors below 10 percent of the LEL are not necessarily safe.

Such atmospheres are too lean to burn. Nevertheless, when a space contains or produces measurable flammable vapors below the 10 percent LEL, it might indicate that flammable vapors are being released or introduced into the space and could present a hazard in time. Therefore, the cause of the vapors should be investigated and, if possible, eliminated prior to entry.

Some situations that have produced measurable concentrations of flammable vapors that could exceed 10 percent of the LEL in time are:

(1) Pipelines that should have been blanked or disconnected have opened, allowing product into the space.

(2) The vessel may have shifted, allowing product not previously cleaned and removed during washing to move into other areas of the vessel.

(3) Residues may be producing the atmosphere by releasing flammable vapor.

WAC 296-304-02003(2) Flammable atmospheres that are toxic. An atmosphere with a measurable concentration of a flammable substance below 10 percent of the LEL may be above the WISHA permissible exposure limit for that substance. In that case, refer to WAC 296-304-02003 (3)(b), (c), and (d).

WAC 296-304-02005 (2)(d), 296-304-02009(3), and 296-304-02009(5). The frequency with which a tank is monitored to determine if atmospheric conditions are being maintained is a function of several factors that are discussed below:

(1) Temperature. Higher temperatures will cause a combustible or flammable liquid to vaporize at a faster rate than lower temperatures. This is important since hotter days may cause tank residues to produce more vapors and that may result in the vapors exceeding 10 percent of the LEL or an overexposure to toxic contaminants.

(2) Work in the tank. Any activity in the tank could change the atmospheric conditions in that tank. Oxygen from a leaking oxyfuel hose or torch could result in an oxygen-enriched atmosphere that would more easily propagate a flame. Some welding operations use inert gas, and leaks can result in an oxygen-deficient atmosphere. Manual tank cleaning with high pressure spray devices can stir up residues and result in exposures to toxic contaminants. Simple cleaning or mucking out, where employees walk through and shovel residues and sludge, can create a change in atmospheric conditions.

(3) Period of time elapsed. If a period of time has elapsed since a marine chemist or Coast Guard authorized person has certified a tank as safe, the atmospheric condition should be rechecked by the competent person prior to entry and starting work.

(4) Unattended tanks or spaces. When a tank or space has been tested and declared safe, then subsequently left unattended for a period of time, it should be retested prior to entry and starting work. For example, when barges are left unattended at night, unidentified products from another barge are sometimes dumped into their empty tanks. Since this would result in a changed atmosphere, the tanks should be retested prior to entry and starting work.

(5) Work break. When workers take a break or leave at the end of the shift, equipment sometimes is inadvertently left in the tanks. At lunch or work breaks and at the end of the shift are the times when it is most likely someone will

leave a burning or cutting torch in the tank, perhaps turned on and leaking oxygen or an inert gas. Since the former can produce an oxygen-enriched atmosphere, and the latter an oxygen-deficient atmosphere, tanks should be checked for equipment left behind, and atmosphere, monitored if necessary prior to re-entering and resuming work. In an oxygen-enriched atmosphere, the flammable range is severely broadened. This means that an oxygen-enriched atmosphere can promote very rapid burning.

(6) Ballasting or trimming. Changing the position of the ballast, or trimming or in any way moving the vessel so as to expose cargo that had been previously trapped, can produce a change in the atmosphere of the tank. The atmosphere should be retested after any such move and prior to entry or work.

WAC 296-304-02007 (1) and (2) Hot work. This is a reminder that other sections of the WISHA shipyard safety and health standards in chapter 296-304 WAC should be reviewed prior to starting any hot work. Most notably, WAC 296-304-040 through 296-304-04013, welding, cutting and heating, places additional restrictions on hot work: The requirements of WAC 296-304-04001 and 296-304-04005 must be met before hot work is begun on any metal that is toxic or is covered by a preservative coating respectively; the requirements of WAC 296-304-04007 must be met before welding, cutting, or heating is begun on any structural voids.

WAC 296-304-02003 (1)(b). During hot work, more than 20.8 percent oxygen by volume can be unsafe since it extends the normal flammable range. The standard permits the oxygen level to reach 22.0 percent by volume in order to account for instrument error. However, the cause of excess oxygen should be investigated and the source removed.

WAC 296-304-02011(2). If the entire vessel has been found to be in the same condition, then employers shall be considered to be in compliance with this requirement when signs using appropriate warning language in accordance with WAC 296-304-02011(1) are posted at the gangway and at all other means of access to the vessel.

NEW SECTION

WAC 296-304-02015 Appendix B—Confined and enclosed spaces and other dangerous atmospheres in shipyard employment. This appendix provides a complete reprint of U.S. Coast Guard regulations as of October 1, 1993 referenced in WAC 296-304-020 for purposes of determining who is a Coast Guard authorized person.

(1) Title 46 CFR 35.01-1 (a) through (c) covering hot work on tank vessels reads as follows:

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269, shall be used as a guide in conducting the inspections and issuance of certificates required by this chapter.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions shall be made:

(i) Within or on the boundaries of cargo tanks that have been used to carry flammable or combustible liquid or

chemicals in bulk, or within spaces adjacent to such cargo tanks; or

(ii) Within or on the boundaries of fuel tanks; or

(iii) To pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(c) Such inspections shall be made and evidenced as follows:

(i) In ports or places in the United States or its territories and possessions, the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemists are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his/her contractor or their representative, shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection.

(ii) If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth the fact in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started.

(iii) Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified, throughout the operation and shall include such additional tests and certifications as considered required.

(iv) Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) Title 46 CFR 71.60(c)(1) covering hot work on passenger vessels reads as follows:

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269, shall be used as a guide in conducting the inspections and issuance of certificates required by this chapter.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions shall be made:

(i) Within or on the boundaries of cargo tanks which have been used to carry flammable or combustible liquid or chemicals in bulk, or within spaces adjacent to such cargo tanks; or

(ii) Within or on the boundaries of fuel tanks; or

(iii) To pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(c) Such inspections shall be made and evidenced as follows:

(i) In ports or places in the United States or its territories and possessions the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemist are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his/her contractor or their representative, shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection.

(ii) If the inspection indicated that such operations can be undertaken with safety, a certificate setting forth the fact

in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started.

(iii) Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified throughout the operation and shall include such additional tests and certifications as considered required.

(iv) Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(3) Title 46 CFR 91.50-1 (c)(1) covering hot work on cargo and miscellaneous vessels as follows:

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269, shall be used as a guide in conducting the inspections and issuance of certificates required by this chapter.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions shall be made:

(i) Within or on the boundaries of cargo tanks which have been used to carry flammable or combustible liquid or chemicals in bulk, or within spaces adjacent to such cargo tanks; or,

(ii) Within or on the boundaries of fuel tanks; or,

(iii) To pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(c) Such inspections shall be made and evidenced as follows:

(i) In ports or places in the United States or its territories and possessions the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemist are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his/her contractor or their representative, shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection.

(ii) If the inspection indicated that such operations can be undertaken with safety, a certificate setting forth the fact in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started.

(iii) Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified throughout the operation and shall include such additional tests and certifications as considered required.

(iv) Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

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 chapter 296-62 WAC ((296-304-09003)), Part E 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 93-04, filed 9/22/93, effective 11/1/93)

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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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 chapter 296-62 WAC ((296-304-09003)), Part E. 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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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 chapter 296-62, Part E, respectively.

(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 93-04, filed 9/22/93, effective 11/1/93)

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 chapter 296-62 WAC ((296-304-09003)), Part E.

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of chapter 296-62 WAC ((296-304-09003)), Part E. Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of chapter 296-62 WAC ((296-304-09003)), Part E.

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of chapter 296-62 WAC ((296-304-09003)), Part E.

(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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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 chapter 296-62 WAC ((296-304-09003)), Part E 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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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 chapter 296-62 WAC ((296-304-09003)), Part E and by suitable protective clothing.

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

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 chapter 296-62 WAC ((296-304-09003)), Part E, 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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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, 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 chapter 296-62 WAC ((296-304-09003)), Part E.

(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 93-04, filed 9/22/93, effective 11/1/93)

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 chapter 296-62 WAC ((296-304-09003)), Part E.

(b) In the open air employees shall be protected by a filter type respirator in accordance with the requirements of chapter 296-62 WAC ((296-304-09003)), Part E.

(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 88-11, filed 7/6/88)

WAC 296-304-06013 Health and sanitation. (1) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of WAC 296-304-01001(((49))) (21), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(2) In order to ascertain the hazards, as required by subsection (1) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(a) The name, address, and telephone number of the source of the information specified in this section preferably those of the manufacturer of the product or material.

(b) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(c) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(d) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(e) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70°F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(f) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flashpoint, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(g) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture as appropriate, effects of overexposure; and emergency and first aid procedures.

(h) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(i) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(j) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(k) Special precautionary information about handling and storing.

(l) Any other general precautionary information.

(3) The pertinent information required by subsection (2) of this section shall be recorded either on United States Department of Labor Form LSB 00S-4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the department of labor and industries. Copies of Form LSB 00S-4 may be obtained at any of the following regional offices of the occupational safety and health administration:

(a) Pacific region. (Arizona, California, Hawaii, and Nevada.)

10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102.

(b) Region X, OSHA, (Alaska, Washington, Idaho, and Oregon), Federal Office Building, 909 First Avenue, Seattle, Washington 98174.

A completed MSDS form shall be preserved and available for inspection for each hazardous chemical on the worksite.

(4) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(5) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under subsection (1) of this section and those hazards for which specific precautions are required in WAC 296-304-020 through 296-304-04013.

(6) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(7) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation or where shiprepairing, shipbuilding, or shipbreaking operations produce atmospheric contamination.

(8) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

(9) Requirements of (~~WAC 296-62-054 et seq.~~) chapter 296-62 WAC, Part C, hazard communication, will apply to shiprepairing, shipbuilding, and shipbreaking when potential hazards of chemicals and communicating information concerning hazards and appropriate protective equipment is applicable to an operation.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-08009 Powder actuated fastening tools. Powder actuated fastening tool operators shall comply with; and tools shall be designed, constructed, maintained and used in accordance with the requirements specified in (~~WAC 296-24-66201 through 296-24-66225~~) chapter 296-24 WAC, Part H-1, general safety and health standards.

**WSR 94-22-087
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed November 2, 1994, 11:22 a.m.]

Original Notice.

Title of Rule: Recreational fishing rules.

Purpose: Amend sport fishing rules for 1995-1996.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: WAC 232-12-001, definitions are generally amended to conform Titles 232 and 220 WAC. "Snagging, gaffing and spearing" are distinguished to decriminalize permissible activities (use of a landing gaff) from impermissible activities (snagging and spearing gamefish). "Nonbuoyant lure" is defined for use in WAC 232-28-619. "In the field and in transit" are defined to reduce angler confusion. Activities (free fishing weekends, wild release, etc.) are moved from definitions to general rules.

WAC 232-12-151, fly fishing rules are consolidated and amended to conform Titles 232 and 220 WAC.

WAC 232-12-619, licensing for bullfrogs is clarified. Certain river mouths are defined to assist anglers in knowing which waters are open and closed. Nonbuoyant lure restrictions and night closures are presented as alternate proposals for public consideration.

WAC 232-28-619, generally, the opening dates are amended for 1995 to April 29th and seasons and area closures are adjusted to protect both steelhead and salmon. Numerous changes are made to conform game fish and food fish rules. In addition: Rivers, streams and beaver ponds in Whitman and Lincoln counties are opened year around; marine code areas are conformed between Titles 232 and 220 WAC; the rules for Lake Washington Ship Canal are simplified; the boat prohibition boundary line in the Cowlitz River is clarified; the trout limit in Capitol Lake is reduced as was proposed for 1994; Fishtrap Creek juvenile fishery established as was proposed for 1994; Little White Salmon and Tucannon rivers trout daily limit increased because of hatchery plants; Serene Lake opened year around as was proposed in 1994; Snohomish and Stillaguamish rivers Dolly Varden allowance provided for as was proposed in 1994; Spada Lake trout minimum size adjustment and use of electric motors allowed as was proposed for 1994 and enacted by emergency rule; Walupt Lake electric motors allowed to be consistent with USFS rules; Lake Wenatchee trout limit decreased for protection of native trout species; Mad River closure for protection because of fire damage.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Natural Resources Board, Olympia, Washington, 902-2930; Implementation: Bruce Crawford, Natural Resources Board, Olympia, Washington, 902-2325; and Enforcement: Dayna Matthews, Natural Resources Board, Olympia, Washington, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These rules affect recreational fishing, and do not affect ten percent of the small businesses in any one four-digit industrial classification or twenty percent of all small businesses.

Hearing Location: Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA, on December 9, 1994, at 6:30 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Evan Jacoby by December 2, 1994, TDD (206) 902-2207, or (206) 902-2930.

Submit Written Comments to: Rules Coordinator, Washington Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98101, FAX (206) 902-2942, by December 2, 1994.

Date of Intended Adoption: January 28, 1995.

November 2, 1994

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 617, filed 10/20/93, effective 4/16/94)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless ~~((the context clearly requires))~~ otherwise provided:

(1) "Snagging" ~~((, gaffing, or spearing))~~ means ~~((: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices))~~ an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.

(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

~~((2))~~ (4) A "valid" license, permit, tag, stamp or ~~((punchcard))~~ catch record card means ~~((:))~~ a license, permit, tag, stamp, or ~~((punchcard))~~ catch record card that was issued to the bearer for the current season ~~((by the commission))~~ and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

~~((3))~~ (5) "Hook" means ~~((:))~~ one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been filed off, pinched down, or deleted when manufactured.

~~((4))~~ Barbless hook means: ~~((:))~~ A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.

~~((5))~~ (6) "Falconry" means ~~((:))~~ possession, control, or use of a raptor for the purpose of hunting and free flight training.

~~((6))~~ (7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any nonlandlocked rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

~~((7))~~ (8) "Handgun" means ~~((:))~~ any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

~~((8))~~ (9) "Lure" ~~((or fly))~~ means ~~((:))~~ a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent

and/or flavoring to attract fish. ~~((A lure or fly may not have more than three hooks attached. When fishing with a lure or fly, fish may be released until the catch limit is retained.))~~ "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

~~((9))~~ (10) "Bait" means ~~((:))~~ any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

~~((10))~~ Steelhead means: ~~((:))~~ A searun rainbow trout over twenty inches in length.)

(11) "Natural bait" means a bait consisting only of an animal or part of an animal.

(12) "Possession limit" means ~~((: A two day catch))~~ the number of daily limits ~~((of game fish))~~ allowed to be retained in the field or in transit.

~~((12))~~ Selective fishery regulations: Only artificial flies or lures with a barbless hook are allowed; bait is prohibited; fish may be released until the catch limit is retained. No one may fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(13) Fly fishing means: In waters designated as "fly fishing only" an angler may use: A dry fly, bucktail fly, wet fly, nymph or streamer with not more than one, single-pointed barbless hook; a conventional fly line at least twenty five feet in length, with a back up line of any kind behind the fly line. In waters designated as "fly fishing only" an angler may not fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. When fishing with a lure or fly, fish may be released until the catch limit is retained.) (13) "Daily limit" means the maximum number of game fish or game birds which a person may legally retain in a single day.

(14) "Boat fishing" ~~((:))~~ means fishing while in or on a boat, raft, or any other floating device.

(15) "Catch-and-release" ~~((:))~~ means a type of angling where none of the fish caught are retained by the angler.

~~((16))~~ Daily catch limit: The maximum number of fish of a given species and size which a person may legally retain in a single day. When you are fishing with bait, all legal trout are counted as part of the daily catch limit, whether kept or released. Steelhead may be caught and released while using bait until the daily catch limit is retained.

~~((17))~~ "Fish in possession" ~~((:))~~ means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily ~~((catch))~~ limit is in possession.

~~((18))~~ (17) "Mouth" of stream, river, or slough ~~((:))~~ means those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

~~((19))~~ Maximum (18) Fish size ~~((limit:))~~ means the ~~((longest))~~ length of a fish ~~((of a given species that an angler may keep,))~~ measured from snout to tip of tail (not fork).

~~((20) Minimum size limit: The shortest length of a fish of a given species that an angler may keep, measured from snout to tip of tail (not fork).~~

~~(21) Night closure: On those waters where night closures are specified, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.~~

~~((22)) (19) Slough(±) means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.~~

~~((23) Wild cutthroat release: Only cutthroat trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.~~

~~(24) Wild steelhead release: Only steelhead with missing adipose or ventral fins may be possessed. There must be a healed scar in the location of the missing fin. It is unlawful to use a gaff hook to land steelhead in waters designated "wild steelhead release."~~

~~(25) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends fishing licenses will not be required to fish for game fish, except steelhead trout. These free fishing days are valid for everyone, regardless of residency or age. All other regulations remain in effect. Only waters open to fishing may be fished; lure and/or bait restrictions and size and catch limits currently in place must be followed.))~~

(20) "In the field or in transit" means any place other than in the residence or residential equivalency of the person who has harvested the fish or game, or in a residence where the harvester is an invited guest. A residential equivalency is any temporary domicile that has sleeping, cooking and toilet facilities, and includes hotels and motels, motor homes, the living quarters of vessels so equipped, camp trailers, and enclosed areas within fishing and hunting camps where a reasonable expectation of privacy is demonstrated, but does not include cold storage lockers, charter boats, or public facilities.

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-151 Fly fishing rules. (1) It is unlawful to fish for game fish in waters designated as "fly fishing only" with the use of:

((+)) (a) A fixed spool reel.

((2)) (b) Fishing line other than conventional fly line, except ((monofilament)) other line may be used ((as backup line)) for backing and leader if it is attached to not less than twenty-five feet of conventional fly line ((at the terminal end)).

((3) Weight attached to the leader or line.

(4) Bait.

(5) A lure other than a dry fly, bucktail fly, wet fly, nymph or streamer, with a single pointed hook.)) (c) Monofilament leader that has a breaking strength of more than 12 pounds.

(d) Hooks that exceed 1/2 inch when measured from point to shank.

(e) A lure other than a fly with a single pointed hook.

(f) Bait.

(g) Weight attached to the leader or line.

(2) "Fly" means a lure on which thread, feathers, hackle, or yarn are used as decorations on the hook and cover a minimum of half the shank of the hook. Metallic colored tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

AMENDATORY SECTION (Amending Order 617, filed 10/20/93, effective 4/16/94)

WAC 232-12-619 ((1994-95)) Permanent Washington state-wide game fish regulations. ((These regulations are effective from April 16, 1994, to April 15, 1995, both dates inclusive.)) The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

((State-wide regulations:

Taking and possessing game fish.))

(2) It is unlawful to:

(a) Use a gaff hook to land steelhead in waters designated as "wild steelhead release."

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. A hunting license is required to take bullfrogs.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

(3) Annual limit - steelhead trout only: Each angler who possesses a valid steelhead permit card may retain thirty steelhead over twenty inches in length per year (May 1 to April 30).

((Licenses—requirements:

When taking bullfrogs, a hunting or fishing license is required:

1994-95 license fees.))

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Selective fishery regulations: In waters designated as being under selective fishery regulations, only artificial flies with a barbless hook or lures with a barbless hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

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(9) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish, except that it is unlawful to fish for or possess steelhead trout without the required license and catch record card. During free fishing weekends only the licensing requirement is affected, and all other rules remain in effect.

(10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily catch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to so.

((STATE-WIDE REGULATIONS:

LAKES, PONDS, & RESERVOIRS, AND RIVERS, STREAMS & BEAVER PONDS:

STATE-WIDE REGULATIONS APPLY TO ALL WATERS, UNLESS WATERS ARE MODIFIED UNDER EXCEPTIONS TO REGIONAL REGULATIONS:))

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS: YEAR AROUND, unless specified otherwise under Exceptions - Regional Regulations.

RIVERS, STREAMS AND BEAVER PONDS: JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under Exceptions - Regional Regulations.

Note: Dates set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years are as follows: ((April 30, 1994:)) April ((25)) 29, 1995, April 27, 1996, and April 26, 1997

Waters managed under April through October seasons are listed under the Exceptions - Regional Regulations.

(13) Daily limits and minimum sizes:

Table with 3 columns: GAME FISH SPECIES, DAILY ((CATCH)) LIMIT, MINIMUM SIZE LIMIT. Rows include BASS, GRASS CARP, TROUT, and EASTERN BROOK.

TROUT (Salvelinus fontinalis)) part of the combined trout daily catch limit.

(a) The following game fish species are managed as trout for purposes of the daily limit:

- Eastern brook trout
Brown trout
Cutthroat trout
Dolly Varden/Bull trout
Golden trout
Kokanee/Silver trout
Lake trout
Landlocked Atlantic salmon
Rainbow trout/Steelhead

(b) The daily ((catch)) limit for trout caught in either lakes or streams is a combined total and must not exceed five.

((STATE-WIDE:

Dolly Varden/Bull Trout:))

(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the Exceptions - Regional Regulations, Dolly Varden/Bull Trout count as part of the combined trout daily catch limit of five (above).

Table with 3 columns: SPECIES, LIMIT, SIZE. Rows include WALLEYE, WHITEFISH, ALL OTHER GAME FISH, and BULLFROGS.

((*TROUT: Game fish species managed as "Trout" include the following:

- Brook Trout
Brown Trout
Cutthroat Trout
Dolly Varden/Bull Trout: Note: (See Dolly Varden/Bull Trout entry above):
Golden Trout
Kokanee (Silver Trout)
Lake Trout (Mackinaw)
Landlocked Atlantic Salmon
Rainbow Trout
Steelhead: Note: (See Steelhead entry above):

*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily catch limit whether kept or released.

Steelhead may be caught and released while using bait until the daily catch limit is retained.

Where use of bait is prohibited, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained.

if any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.)

(14) Possession limit. Except as otherwise provided, the possession limit is two daily limits.

(15) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:

Abernathy Creek
Bear River
Bone River
Chehalis River

Highway 4 Bridge.
Highway 101 Bridge.
Highway 101 Bridge.
U.P. Railway Bridge
in Aberdeen.

Cowlitz River

A line projected
across the river
between two fishing
boundary markers
set on each bank of
the river approximately
one-half mile down-
stream from the
lowermost railroad
bridge crossing the
Cowlitz River.

Dakota Creek

A line from the outer-
most headland of the
south bank to a house
at 1285 Runge Avenue,
Blaine, Washington,
approximately one-
quarter mile
downstream from the
Blaine Road Bridge.

Drano Lake
Duwamish River

Highway 14 Bridge.
First Avenue South
Bridge.

Elk River
Entiat River
Hoquiam River
Humptulips
River
Johns River
Kalama River

Highway 105 Bridge.
Highway 97 Bridge.
Highway 101 Bridge.
Mouth of Jessie
Slough.

Kennedy Creek

Highway 105 Bridge.
Boundary markers
located at the mouth.
An arc 500 yards
east of the midpoint
of the northbound
Highway 101 Bridge.

Lake Washington
Ship Canal

A line 400 feet west
of the fish ladder at
the Chittenden Locks.

Lewis River

Boundary markers at
the mouth.

Little White
Salmon River

At boundary markers
on the river bank
downstream from
the Little White
Salmon National Fish
Hatchery.

Methow River
Nasselle River
North Nemah
River

Highway 97 Bridge.
Highway 101 Bridge.
Highway 101 Bridge.

Niawiakum River
North River
Palix River
Puyallup River
Samish River

Sammamish River
Skagit River

Skamokaw Creek
Skookum Creek

Snohomish River

South Nemah
River

Tucannon River

Wallace River

Washougal River

Whatcom Creek

Highway 101 Bridge.
Highway 105 Bridge.
Highway 101 Bridge.
11th Street Bridge.
Samish Island Bridge
(Bayview-Edison
Road).

68th Street Bridge.
A line projected from
the terminus of the
jetty with McGlenn
Island to the white
monument on the
easterly end of Ika
Island, then to a white
monument on the west-
erly end of Craft
Island, then to a white
monument near the
corner of the levee
on the westerly
side of Dry Slough,
and then to a
white monument on the
easterly side of Tom
Moore Slough.

Highway 4 Bridge.
A line 400 yards below
the old railroad bridge.
Burlington Northern
Railway Bridges
crossing main river
and sloughs.

Lynn Point 117 degrees
true to the opposite
shore.

State Highway 261
Bridge.

The furthest
downstream rail-
road bridge.

A straight line projected
from the James River
pumphouse
southeasterly across
the Washougal
River to the east
end of Highway
14 Bridge at the
upper end of Lady
Island.

A line projected
approximately 14
degrees true from
the flashing light
to the south-
westerly end of
the Port of
Bellingham North
Terminal to the
southernmost point of

PROPOSED

White Salmon River
Wind River

Willapa River

Yakima River

the dike surrounding the Georgia Pacific treatment pond.
Markers below the Highway 14 Bridge.
Boundary line/markers at mouth.
South Bend boat launch.
Highway 240 Bridge.

(or)

(17) Freshwater fishing hours: It is unlawful to fish in freshwater from one hour after sunset to one hour before sunrise except it is lawful to fish at any time in the following waters:

All lakes, ponds and reservoirs
Columbia River
Snake River
Yakima River upstream to Benton City
Walla Walla River, Palouse River, Touchet River (mouth to South Fork Road) Spokane River, Tucannon River (mouth to Highway 12 Bridge), and Grand Ronde River (mouth to County Road Bridge).

(16) Nonbuoyant lure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

<u>Area</u>	<u>Unlawful to use nonbuoyant lures</u>
<u>Naselle River</u>	<u>September 1-November 30</u>
<u>Willapa River</u>	<u>September 1-November 30</u>
<u>Humptulips River</u>	<u>September 1-November 30</u>
<u>Satsop River</u>	<u>September 1-November 30</u>
<u>North Nemah River</u>	<u>September 1-November 30</u>
<u>Dungeness and Gray Wolf Rivers</u>	<u>August 1-October 15</u>
<u>Kennedy Creek</u>	<u>October 1-December 31</u>
<u>South Fork Nooksack River</u>	<u>August 1-December 31</u>
<u>Big Quilcene River</u>	<u>August 1-December 31</u>
<u>Samish River</u>	<u>August 1-December 31</u>
<u>Stillaquamish River</u>	<u>August 1-December 31</u>
<u>Whatcom Creek</u>	<u>August 1-December 31</u>
<u>Cowlitz River</u>	
<u>From Mill Creek to Barrier Dam</u>	<u>April 1-October 31</u>
<u>Kalama River</u>	
<u>From 200 feet above Modrow Trap to mouth</u>	<u>September 1-October 31</u>
<u>North Lewis River</u>	
<u>From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp</u>	<u>April 1-October 31</u>
<u>Washougal River</u>	
<u>Downstream of Salmon Falls Bridge</u>	<u>September 1-October 31</u>
<u>Icicle River</u>	
<u>From Leavenworth Federal Fish Hatchery to mouth</u>	<u>May 8-June 30</u>
<u>Wenatchee River</u>	
<u>From mouth of Icicle River to Highway 2 Bridge</u>	<u>May 8-June 15</u>
<u>Skagit River (and tributaries)</u>	
<u>Upstream of Gilligan Creek</u>	<u>July 1-November 30</u>

(or)

(16) Nonbuoyant lure restriction: It is unlawful to fish in freshwater rivers and streams with a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank.

(17) Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction.

AMENDATORY SECTION (Amending Order 617, filed 10/20/93, effective 4/16/94)

WAC 232-28-619 ((1994-95)) 1995-96 Washington game fish seasons and catch limits. Region I.

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

~~((All state wide regulations apply to all Region I waters unless specifically exempted or amended by Exceptions-Region I regulations (listed for separate waters and categories of waters):))~~

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

Exceptions - Region I Regulations: State-wide regulations apply to all waters except where modified in special regulations below and except all rivers, streams and beaver ponds in Whitman and Lincoln counties are open year around for fishing.

Amber Lake: April ((30)) 29 through September 30 season. Trout - ((eateh)) daily limit - two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch-and-release only, single barbless hooks (-), selective fishery regulations.

Alpowa Creek: April ((30)) 29 through June 30 season.

Asotin Creek, from mouth upstream to SR129 Bridge: Year around season. Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: Trout - ((eateh)) daily limit - eight. Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Trout - ((eateh)) daily limit - eight. Closed to fishing for steelhead. Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: April ((30)) 29 through October 31 season.

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Badger Lake: April ((30)) 29 through September 30 season.

Bayley Lake (Stevens County): April ((30)) 29 through July 4 season. Trout - ((~~catch~~)) daily limit - two, minimum length fourteen inches. Fly fishing only. Use of motors prohibited.

Additional season. July 5 through October 31. Catch-and-release, fly fishing only. Use of motors prohibited. Inlet stream: Closed waters.

Beaver Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Big Four Lake: March 1 through July 31 season. Trout - ((~~catch~~)) daily limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: April ((30)) 29 through October 31 season.

Black Lake (Stevens County): April ((30)) 29 through October 31 season.

Blue Creek (Walla Walla County): April ((30)) 29 through June 30 season.

Blue Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. April ((30)) 29 through October 31 season.

Burbank Slough: Fishing from any floating device prohibited.

Caldwell Lake: April ((30)) 29 through October 31 season. Trout - ((~~catch~~)) daily limit - two minimum length twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective fishery regulations.

Carl's Lake: April ((30)) 29 through October 31 season.

Cedar Lake (Stevens County): April ((30)) 29 through October 31 season.

Chapman Lake: April ((30)) 29 through October 31 season. Trout - ((~~catch~~)) daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: Selective fishery regulations.

Columbia River and impoundments and all connecting sloughs—see regulations page . . .

Colville River, from mouth to bridge at Town of Valley: Year around season.

From Valley upstream and tributaries: Selective fishery regulations.

Conger Pond: April ((30)) 29 through October 31 season.

Coppei Creek: April ((30)) 29 through June 30 season.

Cottonwood Creek (Asotin County): Closed to fishing for steelhead.

Cottonwood Creek (Lincoln County), outside city limits of Davenport: April 30 through September 30 season.

Crescent Lake (Pend Oreille County): April ((30)) 29 through October 31 season.

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

Davis Lake (Ferry County): April ((30)) 29 through October 31 season.

Dayton Pond (Columbia County): Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

Deep Lake (Stevens County): April ((30)) 29 through October 31 season.

Deer Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): April ((30)) 29 through September 30 season.

Deer Lake (Stevens County): April ((30)) 29 through October 31 season. Trout, no more than two over twenty inches.

Diamond Lake: April ((30)) 29 through October 31 season.

Downs Lake: April ((30)) 29 through September 30 season.

Dry Creek (Walla Walla County): April ((30)) 29 through June 30 season.

Elbow Lake (Stevens County): April ((30)) 29 through October 31 season.

Ellen Lake (Ferry County): April ((30)) 29 through October 31 season.

Empire Lake (Ferry County): April ((30)) 29 through October 31 season.

Fan Lake: April ((30)) 29 through September 30 season. Internal combustion engines prohibited.

Fishhook Pond (Walla Walla County): April ((30)) 29 through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): April ((30)) 29 through October 31 season.

Fish Lake (Spokane County): April ((30)) 29 through September 30 season. Internal combustion engines prohibited.

Fishtrap Lake: April ((30)) 29 through September 30 season.

Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches. Internal combustion engines prohibited.

Frater Lake: April ((30)) 29 through October 31 season.

Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).

Gillette Lake: April (~~(30)~~) 29 through October 31 season.

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries: (~~(June)~~) September 1 through April (~~(30)~~) 15 season.

Note: Cottonwood Creek is closed to fishing for steelhead. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Only steelhead with missing adipose fins may be possessed September 1 through April 15. There must be a healed scar in the location of the missing fin.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Headgate Pond: April 30 through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: April 30 through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches.

Horseshoe Lake (Pend Oreille County): April 30 through October 31 season. Trout - (~~(eat)~~) daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Huff Lake (Pend Oreille County): Closed waters.

Jefferson Park Pond (Walla Walla County): April (~~(30)~~) 29 through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: April (~~(30)~~) 29 through October 31 season.

Kalispell Creek and tributaries: April (~~(30)~~) 29 through October 31 season. Selective fishery regulations.

Kettle River, from the Burlington-Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - (~~(eat)~~) daily limit - eight, no more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept. Trout, minimum length twelve inches.

From Napoleon Bridge upstream: Trout, minimum length twelve inches; selective fishery regulations. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch-and-release only, selective fishery regulations. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: April (~~(30)~~) 29 through October 31 season.

Ledking Lake: April (~~(30)~~) 29 through October 31 season.

Leo Lake: April (~~(30)~~) 29 through October 31 season.

Liberty Lake: April (~~(30)~~) 29 through September 30 season.

Little Lost Lake (Pend Oreille County): April (~~(30)~~) 29 through October 31 season.

Little Spokane River, from mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Additional December 1 through March 31 season for whitefish only.

Little Twin Lake (Stevens County): April (~~(30)~~) 29 through October 31 season.

Long Lake (Ferry County): April (~~(30)~~) 29 through October 31 season. Fly fishing only.

Long Lake (Spokane River Reservoir): Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

Loon Lake: April (~~(30)~~) 29 through October 31 season. Trout - (~~(eat)~~) daily limit - ten, of which at least five must be kokanee, no more than two over twenty inches.

Lyons Park Pond (College Place): April (~~(30)~~) 29 through October 31 season. Juveniles only (under fifteen years old).

Marshal Lake: April (~~(30)~~) 29 through October 31 season.

McDowell Lake (Stevens County): April (~~(30)~~) 29 through October 31 season. Catch-and-release, fly fishing only.

Medical Lake: April (~~(30)~~) 29 through September 30 season. Trout - (~~(eat)~~) daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: April (~~(30)~~) 29 through September 30 season.

Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Oregon state line: Trout - ~~((catch))~~ daily limit - five.

Mill Creek Reservoir: Internal combustion engines prohibited.

Mill Pond: April ~~((30))~~ 29 through October 31 season.

Mudget Lake: April ~~((30))~~ 29 through October 31 season.

Muskegon Lake: April ~~((30))~~ 29 through October 31 season.

Mystic Lake: April ~~((30))~~ 29 through October 31 season.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): April ~~((30))~~ 29 through July 15 season.

Newman Lake: Tiger musky - ~~((catch))~~ daily limit - one, minimum length thirty-six inches.

Nile Lake: April ~~((30))~~ 29 through October 31 season.

No Name Lake: April ~~((30))~~ 29 through October 31 season.

Pampa Pond (Whitman County): April ~~((30))~~ 29 through September 30 season. Fishing from any floating device prohibited.

Parker Lake: April ~~((30))~~ 29 through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: April 30 through October 31 season. Juveniles only (under fifteen years-old).

Remainder of creek Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: April ~~((30))~~ 29 through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): April ~~((30))~~ 29 through October 31 season.

Potter's Pond: April ~~((30))~~ 29 through October 31 season.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Renner Lake: April ~~((30))~~ 29 through October 31 season.

Rigley Lake: April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): April ~~((30))~~ 29 through October 31 season. From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): Trout, no more than two over twenty inches. Trout - closed March 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Walleye - ~~((catch))~~ daily limit - eight, not more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge; in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges; in San Poil arm upstream from mouth of Manilla Creek.

Sacheen Lake: April ~~((30))~~ 29 through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.

Sherry Lake: April ~~((30))~~ 29 through October 31 season.

Skookum Lake, North: April ~~((30))~~ 29 through October 31 season.

Skookum Lake, South: April ~~((30))~~ 29 through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - ~~((catch))~~ daily limit - six minimum length ten inches, no more than two over twenty inches. Retaining steelhead is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily catch limit even if licensed by both states.

Spokane River, from the mouth at Lake Roosevelt upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - ~~((catch))~~ daily limit - five, no more than two over twenty inches. Walleye - ~~((catch))~~ daily limit - eight, no more than one over twenty inches. Only walleye less than sixteen inches or over twenty inches may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout - ~~((catch))~~ daily limit - one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar

in the location of the missing fin.) Selective fishery regulations.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Trout - ~~((eateh))~~ daily limit - one, minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: Channel catfish - ~~((eateh))~~ daily limit - five. Bass - only bass less than twelve inches or over fifteen inches may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on the lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Starvation Lake: April ~~((30))~~ 29 through May 31 season. Additional season June 1 through October 31, catch-and-release only, selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: Selective fishery regulations.

Summit Lake (Stevens County): April ~~((30))~~ 29 through October 31 season.

Swan Lake (Ferry County): April ~~((30))~~ 29 through October 31 season.

Thomas Lake: April ~~((30))~~ 29 through October 31 season.

Touchet River, from mouth to Highway 12 Bridge at Waitsburg: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From Highway 12 Bridge at Waitsburg to Wolf Fork Bridge: June 1 through April 15 season. Wild steelhead release. Open only to fishing for steelhead and brown trout over twenty inches September 1 through April 15.

From Wolf Fork Bridge upstream and all tributaries: Trout, minimum length twelve inches selective fishery regulations.

Trout Lake (Ferry County): April ~~((30))~~ 29 through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

Mouth to Highway 261 Bridge: Year around season. Closed to fishing for all trout April 16 through May 31.

From the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the Highway 12 Bridge upstream to the mouth of Cummings Creek: June 1 through October 31, trout, daily limit - five. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the mouth of Cummings Creek upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

From a point four hundred feet upstream of the hatchery intake dam to the mouth of Panjab Creek: Trout - ~~((eateh))~~ daily limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches may be retained as part of the trout daily ~~((eateh))~~ limit.

From the mouth of Panjab Creek upstream: Closed waters.

Vanes Lake: April ~~((30))~~ 29 through October 31 season.

Waits Lake: April ~~((30))~~ 29 through February 28 season.

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to fishing for all trout April 1 through May 31 wild steelhead release.

From the Touchet River upstream to state line: June 1 through April 15 season. Open only to fishing for steelhead November 1 through April 15.

Ward Lake (Ferry County): April ~~((30))~~ 29 through October 31 season.

Watson Lake: March 1 through July 31 season. Fishing from any floating device prohibited.

Williams Lake (Spokane County): April ~~((30))~~ 29 through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Yokum Lake: April ~~((30))~~ 29 through October 31 season.

Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

~~((All state wide regulations apply to all Region II waters unless specifically exempted or amended by exceptions - Region II regulations (listed for separate waters and categories of waters).))~~

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River).

Exceptions - Region II Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season. Fly fishing only.

Alta Lake (Okanogan County): April ~~((30))~~ 29 through September 30 season.

Big Twin Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - one; selective fishery regulations.

Blue Lake (Grant County): April ~~((30))~~ 29 through September 30 season.

Blue Lake (Sinlahekin, Washington - Okanogan County): April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): April ~~((30))~~ 29 through October 31 season. Trout - catch limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek Ponds (Grant County): March 1 through July 31 season.

Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches.

Burke Lake (Grant County): March 1 through July 31 season.

Caliche Lake (lower) (Grant County): March 1 through July 31 season.

Caliche Lake (upper) (Grant County): March 1 through July 31 season.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cattail Lake (Grant County): March 1 through July 31 season.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout, minimum length twelve inches. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - one. Fly fishing only.

Cliff Lake (Grant County): March 1 through July 31 season.

Columbia River and impoundments and all connecting sloughs - see regulations, page . . .

Conconully Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season.

Conconully Reservoir (Okanogan County): April ~~((30))~~ 29 through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Cougar Lake (near Winthrop - Okanogan County): September 1 through March 31 season.

Cow Lake (Adams County): Channel catfish - ~~((catch))~~ daily limit - five. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Coyote Creek Ponds (Adams County): March 1 through July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March 1 through July 31 season. Trout - ~~((catch))~~ daily limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through September 30 season. Trout - ~~((catch))~~ daily limit - five. Fishing from any floating device prohibited.

Crawfish Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Davis Lake (Okanogan County): September 1 through March 31 season.

Deadman Lake (Adams County): March 1 through July 31 season.

Deep Lake (Grant County): April ~~((30))~~ 29 through September 30 season.

Dollar Lake (Grant County): March 1 through July 31 season.

Dot Lake (Grant County): March 1 through July 31 season.

Dry Falls Lake: April 30 through October 31 season. Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations.

Dusty Lake (Grant County): March 1 through July 31 season.

Ell Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations.

Finnel Lake (Adams County): Channel catfish - ~~((catch))~~ daily limit - five. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Fish Lake (Okanogan County): April ~~((30))~~ 29 through September 30 season.

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over fourteen inches. Internal combustion engines prohibited.

Gadwall Lake (Grant County): March 1 through July 31 season.

George Lake (Grant County): March 1 through July 31 season.

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: Selective fishery regulations.

Green Lake (Okanogan County): December 1 through March 31 season.

Green Lake, lower (Okanogan County): December 1 through March 31 season. Trout - daily limit - five.

Grimes Lake: June 1 through August 31 season. Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations, except electric motors allowed.

Hallin Lake (Adams County): Channel catfish - ~~((catch))~~ daily limit - five. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through July 31 season.

Hourglass Lake (Grant County): March 1 through July 31 season.

Hutchinson Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): April ~~((30))~~ 29 through July 4 and October 1 through October 31 seasons.

Jasmine Creek: Juveniles only (under fifteen years old).

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. Selective fishery regulations.

Leader Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season.

Lemna Lake (Grant County): March 1 through July 31 season.

Lenice Lake: April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations.

Lenore Lake (Grant County): Closed: December 1 through February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through March 31 season.

Long Lake (Okanogan County): April ~~((30))~~ 29 through September 30 season.

Lost River (Okanogan County): From one-quarter mile above bridge to mouth of Monument Creek: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - ~~((catch))~~ daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Merry Lake: April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations.

Methow River, from mouth (railroad bridge) upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations June 1 through September 30.

Migraine Lake (Grant County): March 1 through July 31 season.

Mirror Lake: April ~~((30))~~ 29 through September 30 season.

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - ~~((catch))~~ daily limit - five. Only crappie more than ten inches long may be kept. Bluegill - ~~((catch))~~ daily limit - five. Only bluegill more than eight inches long may be kept.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Trout, minimum size twelve inches. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle.

Palmer Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches may be kept. Set lines may be used for burbot. An angler may use no more than one set line having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season. Juveniles only (under fifteen years old).

Park Lake: April ~~((30))~~ 29 through September 30 season.

Patterson Lake: April ~~((30))~~ 29 through October 31 season.

Pearygin Lake (Okanogan County): April ~~((30))~~ 29 through September 30 season.

Perch Lake: April ~~((30))~~ 29 through September 30 season.

Pillar Lake (Grant County): March 1 through July 31 season.

Poacher Lake (Grant County): March 1 through July 31 season.

Potholes Reservoir: Crappie and bluegill - catch limit - twenty-five (species combined).

Proctor Lake (Okanogan County): Trout - ~~((catch))~~ daily limit - one. Selective fishery regulations.

Quail Lake: Catch-and-release, fly fishing only.

Quincy Lake (Grant County): March 1 through July 31 season.

Rat Lake (Okanogan County): December 1 through March 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

Rocky Ford Creek and Ponds (Grant County): Trout - ~~((catch))~~ daily limit - one. Fly fishing only. Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

Round Lake (Okanogan County): April ~~((30))~~ 29 through September 30 season.

Royal Lake (Adams County): April ~~((30))~~ 29 through September 30 season. Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): Trout (including kokanee) - ~~((catch))~~ daily limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through July 31 season.

Salmon Creek, North Fork: Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: Selective fishery regulations.

Scabrock Lake (Grant County): March 1 through July 31 season.

Shiner Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches. Selective fishery regulations June 1 through ~~((September 30))~~ October 31.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Snake River: See Region I.

Snipe Lake (Grant County): March 1 through July 31 season.

Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.

Sprague Lake: Channel catfish - ~~((catch))~~ daily limit - five. Bass - only bass less than twelve inches or over fifteen inches may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lakes (near Quincy - Grant County): March 1 through July 31 season.

Twisp River (Okanogan County), from mouth to War Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Vic Meyers (Rainbow) Lake: April ~~((30))~~ 29 through September 30 season.

Wannacut Lake (Okanogan County): April ~~((30))~~ 29 through October 31 season.

Warden Lake (Grant County): March 1 through July 31 season.

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than 12 inches or over fifteen inches may be kept. Internal combustion engines prohibited.

Whitestone Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Widgeon Lake (Grant County): March 1 through July 31 season.

Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

~~((All state-wide regulations apply to all Region III waters unless specifically exempted or amended by Exceptions - Region III regulations (listed for separate waters and categories of waters).))~~

When fishing or hunting within the boundaries of the Yakima Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakima Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

In Benton County: Rivers, Streams and Beaver Ponds: Year around.

Exceptions - Region III Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: Selective fishery regulations.

Bachelor Creek: Year around season. Trout - ~~((catch))~~ daily limit - five, no minimum length.

Bear Creek (tributary to South Fork Tieton River):
Closed season, August 16 through May 31.

Beehive (Lake) Reservoir: April ((30)) 29 through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Black Lake (Lower Wheeler Reservoir): April ((30)) 29 through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): Kokanee catch limit - sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: Year around season. Juveniles only (under fifteen years old).

Chelan Lake: Trout - ((~~eat~~h)) daily limit - two, minimum length fifteen inches and kokanee - ((~~eat~~h)) daily limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout, minimum length eight inches, not more than two over fifteen inches and kokanee - ((~~eat~~h)) daily limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River: Year around season. Trout, minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: Selective fishery regulations.

Clear Lake (Chelan County): April ((30)) 29 through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): Trout - ((~~eat~~h)) daily limit - two, minimum length twelve inches. Kokanee ((~~eat~~h)) daily limit - sixteen. An angler may use one set

line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

Columbia Park Pond: Juveniles only (under fifteen years old).

Columbia River and impoundments and all connecting sloughs - see Columbia River regulations page . . .

Deep Creek (tributary to Bumping Lake): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808):
Closed waters.

Eightmile Lake: Trout - ((~~eat~~h)) daily limit - five, not more than two mackinaw.

North Elton Ponds: December 1 through March 31 season. Trout - ((~~eat~~h)) daily limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through November 30. Wild steelhead release.

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): Trout, no more than two over fifteen inches.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake): Closed waters.

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): Trout - ((~~eat~~h)) daily limit - two, minimum length twelve inches. Kokanee ((~~eat~~h)) daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): Trout - ((~~eat~~h)) daily limit - two, minimum length twelve inches. Kokanee ((~~eat~~h)) daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of

hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout, no more than two over twelve inches, fly fishing only.

Lilly Lake (Chelan County): April ~~((30))~~ 29 through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Mad River, from ~~((Pine Flat Campground))~~ mouth upstream to Jimmy Creek: ~~((Selective fishery regulations))~~ Closed waters.

McCabe Pond: Five fish ~~((catch))~~ daily limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - ~~((catch))~~ daily limit - five, no minimum length.

Merritt Lake: Trout - ~~((catch))~~ daily limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - ~~((catch))~~ daily limit - two. Selective fishery regulations.

Myron Lake: Trout - ~~((catch))~~ daily limit - two. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: Trout, minimum length twelve inches, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - ~~((catch))~~ daily limit - five, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): Kokanee - ~~((catch))~~ daily limit - sixteen. Feeding (chumming) permitted.

Roses Lake: December 1 through March 31 season.

Schaefer Lake: Trout - ~~((catch))~~ daily limit - sixteen.

Spectacle Lake (Kittitas County): Trout - ~~((catch))~~ daily limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout, minimum length fifteen inches; selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: Selective fishery regulations.

Taneum Creek: Selective fishery regulations.

Tieton River: Trout - ~~((catch))~~ daily limit - five, no minimum length. Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.

Tieton River, South Fork: From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Trapper Lake: Trout - ~~((catch))~~ daily limit - two.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: April ~~((30))~~ 29 through October 31 season. From August 1 through October 31 Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: Trout - ~~((catch))~~ daily limit - five, of which not more than two may be brown trout.

Wenatchee Lake: Trout, - daily limit - two, minimum length twelve inches. Kokanee ~~((catch))~~ daily limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee and under the jurisdiction of the department of wildlife while those sixteen inches and over will be considered sockeye salmon and under the jurisdiction of department of fisheries.

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

Wide Hollow Creek: Trout - ~~((catch))~~ daily limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - ~~((catch))~~ daily limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below Roza Dam: Year around season. Closed: April 1 through May 31 for trout. Trout, minimum length twelve inches; maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout: Catch-and-release, selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds: Juveniles only (under fifteen years old).

Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

~~((All state wide regulations apply to all Region IV waters unless specifically exempted or amended by Exceptions Region IV regulations (listed for separate waters and categories of waters:-))~~

Exceptions Region IV. Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American Lake: Feeding (chumming) permitted.

Armstrong Lake (Snohomish County): April ~~((30))~~ 29 through October 31 season.

Baker Lake: April ~~((30))~~ 29 through October 31 season. Feeding (chumming) permitted. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Barnaby Slough: Closed waters.

Bearpaw Lake (Whatcom County): April ~~((30))~~ 29 through October 31 season. Trout - catch and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Bosworth Lake (Snohomish County): April ~~((30))~~ 29 through October 31 season.

Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Cain Lake: April ~~((30))~~ 29 through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through February 28 season. Trout, minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout, minimum length fourteen inches. Additional February 1 through March 31 season: Trout, minimum length fourteen inches. Wild steelhead release.

Cascade Lake (San Juan County): April ~~((30))~~ 29 through October 31 season.

Cascade River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout ~~((catch))~~ limit, minimum length twenty inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is closed June 1 through September 30.

Cassidy Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

~~Cedar River (, from its mouth to the Landsburg diversion dam: June 1 through September 1 season. Trout, minimum length fourteen inches. Selective fishery regulations.~~

~~From its mouth to the Landsburg Highway Bridge: Additional December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Night fishing closure. Wild steelhead release.~~

~~From Landsburg diversion dam upstream to Chester Morse Reservoir~~): Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

Clear Lake (Pierce County): Feeding (chumming) permitted.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - (~~catch~~) daily limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: April (~~(30)~~) 29 through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Cottage Lake (King County): April (~~(30)~~) 29 through October 31 season.

County Line Ponds: Closed Waters.

Crabapple Lake (Snohomish County): April (~~(30)~~) 29 through October 31 season.

De Coursey Pond: April (~~(30)~~) 29 through October 31 season. Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Deer Lake (Island County): April (~~(30)~~) 29 through October 31 season.

Desire, Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - catch limit - one, minimum length eighteen inches.

Echo Glen Pond:

Note: No public access. (State corrections facility.)

Erie Lake (Skagit County): April (~~(30)~~) 29 through October 31 season.

Fazon Lake: Channel catfish - daily and possession limit - two. Bass - only bass less than twelve inches or over fifteen inches may be kept. Fishing from any floating device prohibited from first Friday in October through January 15.

Findley Lake: Closed waters.

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June

1 through October 31 season. Trout, minimum length fourteen inches.

Fishtrap Creek: From Koh Road to Bender Road: June 1 through October 31 season for juveniles only (under 15 years old).

Flowing Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Fortson Mill Pond #2: April (~~(30)~~) 29 through October 31 season. Juveniles only (under fifteen years old).

Geneva Lake (King County): April (~~(30)~~) 29 through October 31 season.

Gissberg Ponds: Closed to fishing for channel catfish.

Goodwin Lake: Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Goss Lake (Island County): April (~~(30)~~) 29 through October 31 season.

Granite Lakes (Skagit County - near Marblemount): Grayling - catch-and-release only.

Green (Duwamish) River, from its mouth to the First Avenue Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. It is unlawful to fish with more than one single hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait.

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited November 1 through February 28. Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.

Greenwater River, from mouth to Greenwater Lakes: Trout, minimum length twelve inches. Selective fishery regulations.

Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Heart Lake (Skagit County, near Anacortes): April (~~(30)~~) 29 through October 31 season.

Howard Lake (Snohomish County): April (~~(30)~~) 29 through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Issaquah Creek: Closed waters.

Jennings Park Pond: April ((30)) 29 through October 31 season. Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).

Kapowsin Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Kelsey Creek (tributary of Lake Washington): Closed waters.

Ki Lake (Snohomish County): April ((30)) 29 through October 31. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Kimball Creek (near Snoqualmie): April ((30)) 29 through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): April ((30)) 29 through October 31 season. Trout - ~~((catch))~~ daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Lake Washington Ship Canal: See Washington, Lake((~~Union, Lake, Portage Bay and Salmon Bay~~)), Ship Canal.

Langlois Lake (King County): April ((30)) 29 through October 31 season.

Little Bear Creek (tributary of Sammamish River): Closed waters.

Loma Lake (Snohomish County): April ((30)) 29 through October 31 season.

Lucas Slough: Closed waters.

Margaret Lake (King County): April ((30)) 29 through October 31 season.

Marine areas: (See page . . .).

Martha Lake ((~~AM~~)) (Snohomish County): April ((30)) 29 through October 31 season.

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): April ((30)) 29 through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): April ((30)) 29 through October 31 season. Juveniles only (under fifteen years old).

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

New Mire Creek (tributary of Lake Sawyer): April ((30)) 29 through October 31 season. Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

Nisqually River: See Region VI.

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 15.

South Fork, from its mouth to source: Trout, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

South Fork, from its mouth to Skookum Creek: Additional November 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

North Creek (tributary of Sammamish River): Closed waters.

North Lake (King County): April ((30)) 29 through October 31 season.

Northern State Hospital Pond: April ((30)) 29 through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Old Fishing Hole Pond (Kent): April ((30)) 29 through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: April ((30)) 29 through October 31 season. Internal combustion engines prohibited.

Pass Lake: Trout - catch limit - one, minimum length eighteen inches. Fly fishing only.

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishing regulations. Additional December 1 through February 28 season. Trout, minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited.

Pine Lake (King County): April ((30)) 29 through October 31 season.

Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: Closed waters.

Portage Bay: ~~((Feeding (chumming) permitted:))~~ See Washington, Lake, Ship Canal.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout, minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through February 28 season. Trout, minimum length fourteen inches.

Rapjohn Lake: April 30 through October 31 season. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Rattlesnake Lake: April ~~((30))~~ 29 through October 31 season. Selective fishery regulations, except electric motors allowed.

~~((Rattlesnake Lake (King County): April 30 through October 31 season:))~~

Ravensdale Lake: April ~~((30))~~ 29 through October 31 season. Trout - ~~((catch))~~ daily limit - two, minimum length twelve inches. Selective fishery regulations.

~~((Ravensdale Lake (King County): April 30 through October 31 season:))~~

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - ~~((catch))~~ daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Riley Lake (Snohomish County): April ~~((30))~~ 29 through October 31 season.

Rock Creek (below Landsburg): Closed waters.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - catch limit - three, possession limit - six, minimum length thirteen inches. Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one-quarter mile (see special Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Salmon Bay ~~((, all waters from the Chittenden Locks (in Ballard) upstream (east) to the Fremont Bridge: July 1 through February 28 season. Trout - no more than two over twenty inches. Wild steelhead release.~~

Salmon Bay, from the east end of the north wing wall of the Chittenden Locks to a line approximately one hundred seventy five feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure near the south shore: December 1 through February 28 season. Trout, minimum length fourteen inches. It is unlawful to fish with more than one hook on sinking

artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait. Fishing from any floating device prohibited. This area is closed March 1 through November 30. See also department of fisheries' regulations): See Washington, Lake, Ship Canal.

Samish, Lake: Feeding (chumming) permitted. Cutthroat - ~~((catch))~~ daily limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department of fisheries' rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department ~~((of fisheries'))~~ salmon rack.

Sammamish Lake: Trout - no more than two over fourteen inches. No retention of trout greater than twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Kokanee may not be kept.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: ~~((June 1 through August 31 and December 1 through February 28 seasons. Trout, minimum length twenty inches. Wild steelhead release. All tributaries are))~~ Closed waters. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ~~((catch))~~ limit, minimum length twenty inches. June 15 through October 31 wild steelhead release.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ~~((catch))~~ limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

Sawyer, Lake: Feeding (chumming) permitted.

Sequallitchew Lake: Contact Ft. Lewis for land use permit.

Serene Lake (Snohomish County): ~~((April 30 through October 31))~~ Year around season.

Shady Lake: June 1 through October 31 season. Trout, no more than one over fourteen inches.

Shannon, Lake: April ~~((30))~~ 29 through October 31 season. Feeding (chumming) permitted.

Shoecraft Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Silver Lake (Pierce County): April ~~((30))~~ 29 through October 31 season. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Silver Lake (Whatcom County): April ((30)) 29 through October 31 season.

Sixteen Lake (Skagit County): April ((30)) 29 through October 31 season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout, minimum length fourteen inches. Retaining steelhead is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((~~catch~~)) limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((~~catch~~)) limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((~~catch~~)) limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((~~catch~~)) limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((~~catch~~)) limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((~~catch~~)) limit, minimum length twenty inches. Fishing from any floating

device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to: Quartz Creek: Catch-and-release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishery regulations. Additional December 1 through February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) From Puget Sound to Highway 529: Year around season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((~~catch~~)) limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout, minimum length fourteen inches. June 1 through November 30 selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout, minimum length ten inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout, minimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): April (~~(30)~~) 29 through October 31 season. Trout - twelve inch minimum length. Selective fishery regulations(~~(- Internal combustion engines prohibited)) except use of electric motors allowed.~~ Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Squalicum Lake: Trout - catch limit - two. Fly fishing only.

Steel Lake (King County): April (~~(30)~~) 29 through October 31 season.

Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: Feeding (chumming) permitted. Bass - possession limit - one over eighteen inches.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily (~~(catch)~~) limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): April 30 through October 31 season.

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily (~~(catch)~~) limit, minimum length twenty inches.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily (~~(catch)~~) limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake: Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass - only bass less than twelve inches or over fifteen inches may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): April (~~(30)~~) 29 through October 31 season.

Tokol Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. This area is closed daily from 5:00 p.m. to 7:00 a.m. This area is closed to all fishing from April 1 through November 30.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.

Tolt River, from its mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through February 28 season. Trout, minimum length fourteen inches. June 1 through November 30 season. Selective fishery regulations.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout, minimum length ten inches. Selective fishery regulations.

Tradition Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Union, Lake: (~~Feeding (chumming) permitted.~~) See Washington, Lake, Ship Canal.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wagners Lake (Snohomish County): April (~~(30)~~) 29 through October 31 season.

Walker Lake (King County): April (~~(30)~~) 29 through October 31 season.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily (~~(eat)~~) limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily (~~(eat)~~) limit, minimum length twenty inches.

Wapato Lake: Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: Trout - no (~~(more than two)~~) retention of trout over twenty inches. (~~(Wild steelhead release December 1 through May 31. May)~~) March 1 through June 30 season: Trout - (~~(eat)~~) daily limit - eight, minimum length twelve inches. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under (~~(twenty)~~) fifteen inches (~~(will be considered)~~) are kokanee (~~(and under the jurisdiction of the department of wildlife)~~) while those (~~(twenty)~~) fifteen inches and over (~~(will be considered)~~) are sockeye salmon (~~(and under the jurisdiction of the department of fisheries)~~).

Washington, Lake, Ship Canal (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks - Closed waters; 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks to the Fremont Bridge - Open December 1 through February 28 only; Fremont Bridge to east boundary - Open year around. Species restrictions: Unlawful to retain trout over 20 inches in length in all waters. Trout, minimum length twelve inches from March 1 through June 30. Kokanee/sockeye less than fifteen inches in length are kokanee and greater

than fifteen inches in length are sockeye salmon. Special provisions: West of Fremont Bridge - Unlawful to fish from boats and nonbuoyant lures restricted to only one single hook measuring no more than 3/4 inch point to shank; chumming permitted east of Fremont Bridge.

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: April (~~(30)~~) 29 through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: April (~~(30)~~) 29 through October 31 season. Trout - no more than one over fourteen inches. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: June 1 through September 30 - Closed waters. October 1 through May 31 season: Trout, minimum length (~~(twelve)~~) fourteen inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout, minimum length (~~(twelve)~~) fourteen inches. Wild steelhead release.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish only.

Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily (~~(eat)~~) limit, minimum length twenty inches.

Wilderness Lake (King County): April (~~(30)~~) 29 through October 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Trout - (~~(eat)~~) daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Wiser Lake: Bass - only bass less than twelve inches or over fifteen inches may be kept.

Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

~~(All state wide regulations apply to all Region V waters unless specifically exempted or amended by Exceptions - Region V regulations (listed for separate waters and categories of waters).)~~

Exception - Region V regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: ~~((June))~~ November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Alder Creek: Closed waters.

Battle Ground Lake: April ~~((30))~~ 29 through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): Selective fishery regulations.

Big White Salmon River, from mouth to powerhouse: Year around season. From June 16 through March 15 barbless hooks required when fishing for trout and steelhead. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: ~~((Year around))~~ November 15 to June 15 season. Trout, minimum length fourteen inches. Wild steelhead release. From November 16 to March 15 barbless hooks required when fishing for trout and steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Bird Creek: Trout - ~~((catch))~~ daily limit - five.

Blockhouse Creek: Trout - ~~((catch))~~ daily limit - five.

Bloodgood Creek: Trout - ~~((catch))~~ daily limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): April ~~((30))~~ 29 through October 31 season. Catch-and-release only. Selective fishery regulations.

Boman Creek: Trout - ~~((catch))~~ daily limit - five.

Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.

Canyon Creek: Trout - ~~((catch))~~ daily limit - five.

Carlisle Lake: April ~~((30))~~ 29 through February 28 season. Internal combustion engines prohibited. Bass - minimum length fourteen inches.

Castle Lake: Trout - ~~((catch))~~ daily limit - one, minimum length sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release.

Chehalis River: See Region VI, page . . .

Chehalis River, South Fork from mouth to highway bridge at Boistfort: June 1 through March 31 season. Trout, minimum length fourteen inches.

Cispus River, North Fork: Trout, no more than one over twelve inches.

Clear Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Coldwater Lake: All inlet streams and outlet streams closed waters. Trout - ~~((catch))~~ daily limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

Columbia River and impoundments and all connecting sloughs - see regulations page . . .

Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Cowlitz Falls Reservoir: June 1 through February 28 season. Trout - catch limit five, minimum length eight inches.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - catch limit - five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release June 1 through May 31. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From ~~((Mill Creek to))~~ the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device or fish with nonbuoyant artificial lures having more than one single-pointed hook. Night closure April 1 through September 30.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.

Cowlitz River, Clear Fork and Muddy Fork: Trout - ~~((catch))~~ daily limit - five, no more than one over twelve inches.

Davis Lake: April ~~((30))~~ 29 through February 28 season.

Deep River: Year around season. Trout, minimum length fourteen inches.

Drano Lake: See Columbia River regulations, page . . .

Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout - ~~((catch))~~ daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

PROPOSED

~~((From Beaver Creek Road Bridge to two hundred feet below weir at Beaver Creek hatchery: Closed waters.))~~ The following waters of the Elochoman River are closed at all times: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the Department of Fish and Wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

From West Fork to source: Closed waters.

Fort Borst Park Lake: April ~~((30))~~ 29 through February 28 season. Juveniles only (under fifteen years old).

Franz Lake: Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): ~~((June))~~ November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Gobar Creek (tributary to Kalama River): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Grays River, from mouth to mouth of South Fork: ~~((June))~~ September 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout, minimum length fourteen inches. Selective fishery regulations.

Grays River, West Fork, downstream from hatchery trap site: June 1 - August 31 season.

Green River, from mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season. Trout - daily limit - two, and minimum length fourteen inches. Wild steelhead release. Selective fishery regulations.

Horseshoe Lake: April ~~((30))~~ 29 through February 28 season.

Horsethief Lake: April ~~((30))~~ 29 through February 28 season.

Icehouse Lake: April ~~((30))~~ 29 through February 28 season.

Indian Heaven Wilderness Lakes: Trout - ~~((catch))~~ daily limit - three.

Jewitt Creek: Trout - ~~((catch))~~ daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) night closure, April 1 through October 31; (3) September 1 through October 31 terminal gear limited to bait or lures with only one single hook measuring no more than 3/4 inch point to shank, except fly fishing only ~~((from September 1 through October 31))~~ from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (4) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (5) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

Kidney Lake: April ~~((30))~~ 29 through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout, minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the Yakima Indian Reservation boundary: June 1 through November 30 season. Trout, minimum length twelve inches. Additional December 1 through March 31 season for whitefish only. From boundary markers above Klickitat salmon hatchery to boundary markers below hatchery: Closed waters.

From the Yakima Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klinline Ponds: April 30 through February 28 season.

Kress Lake: April ~~((30))~~ 29 through February 28 season. Bass - only bass less than twelve inches or over eighteen inches may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

PROPOSED

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Lewis River, from mouth to forks: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork, from mouth to overhead powerlines below Merwin Dam: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31. September 1 through October 31 terminal gear limited to bait or lures with only one single hook measuring no more than 3/4 inch point to shank.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout, minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: April 30 through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls: Trout, minimum length twelve inches. Selective fishery regulations.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Night closure June 1 through October 31.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April (~~(15)~~) 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: April (~~(30)~~) 29 through February 28 season.

Little Klickitat River, within Goldendale city limits: April 30 through October 31 season. Trout - catch limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout, minimum length ten inches. Selective fishery regulations.

Little White Salmon River(~~(5)~~): Trout - catch limit - five. From fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

Love Lake: Closed waters.

Mayfield Lake (Reservoir): Tiger musky - (~~(catch)~~) daily limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - (~~(catch)~~) daily limit - two, maximum length twelve inches. Fly fishing only, except motors allowed.

Merwin (Lake) Reservoir: Trout - minimum length six inches.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): (~~(June)~~) November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mineral Creek (tributary to Nisqually River): Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Creek, North Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Lake: April (~~(30)~~) 29 through September 30 season.

Muddy River (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Upstream of mouth of North Fork closed to steelhead fishing. Wild steelhead release in mainstem downstream from mouth of North Fork.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout, minimum length fourteen inches. Upstream from Tauscher Road closed to steelhead fishing. Wild steelhead release downstream from Tauscher Road.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: April (~~(30)~~) 29 through February 28 season.

Ohanapecosh Creek (tributary to Cowlitz River): Trout, minimum length twelve inches. Selective fishery regulations.

Olequa Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Outlet Creek: Trout - (~~(catch)~~) daily limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. April (~~(30)~~) 29 through October 31 season. Trout - (~~(catch)~~) daily limit - five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: April ((30)) 29 through February 28 season.

Riffe (Lake) Reservoir: Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Rowland Lakes: April ((30)) 29 through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through ~~((March 15 season))~~ October 31 open to trout only. Release all steelhead and wild cutthroat release. Trout minimum length twelve inches. November 1 through March 15 open to trout and steelhead. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout, minimum length twelve inches. Selective fishery regulations.

Silver Lake: Bass - minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: ~~((June))~~ November 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - ~~((eat))~~ daily limit - five, no more than one over twelve inches.

Skookumchuck River: See Region VI.

Spearfish Lake: April ((30)) 29 through February 28 season.

Spring Creek: Trout - ~~((eat))~~ daily limit - five.

Swift Reservoir: April ((30)) 29 through October 31 season.

Swofford Pond: Bass - daily and possession limit - two. Only bass less than twelve inches or over eighteen inches may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - ~~((eat))~~ daily limit - five, no more than one over twelve inches.

Tilton River, South Fork and East Fork: Trout, minimum length ten inches. Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

From the mouth of the Green River to the posted deadline below the fish collection facility: Night closure and it is unlawful to fish with nonbuoyant artificial lures having more than one single-pointed hook.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

Toutle River, South Fork, mouth to source (note: All tributaries closed): June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.

Trout Creek (tributary to Wind River): Trout, minimum length fourteen inches. Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: April ((30)) 29 through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River draw-bridge near Vancouver downstream to Lewis River: Trout - catch limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. April ((30)) 29 through October 31 season. Trout, minimum length ten inches. Selective fishery regulations except motors allowed.

Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Night closure June 1 through October 31. September 1 through October 31 terminal gear limited to bait or lures with one single hook measuring no more than 3/4 inch point to shank.

Mouth to Mt. Norway Bridge: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North Fork), from mouth to the water intake at the department of wildlife hatchery: Closed waters.

From intake at department of wildlife hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: April ((30)) 29 through October 31 season. Trout - catch limit - two, minimum length fifteen inches. Selective fishery regulations.

Wind River, Burlington-Northern Railroad bridge to four hundred feet below Shipherd Falls (note: Waters south of the Burlington-Northern Railroad bridge are considered part of the Columbia River): June 1 through March ((3+)) 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout, minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Yale Reservoir: Kokanee - catch limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.

Yellowjacket Ponds: April ((30)) 29 through February 28 season. Trout, no more than one over twelve inches.

Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

~~((All state wide regulations apply to all Region VI waters unless specifically exempted or amended by Exceptions - Region VI regulations (listed for separate waters and categories of waters).))~~

Exceptions - Region VI regulations. State-wide regulations apply to all waters except where modified in special regulations below. For regulations within Olympic National Park, call (206) 452-4501.

Aberdeen Lake: April ((30)) 29 through October 31 season.

Aldrich Lake: April ((30)) 29 through October 31 season.

Aldwell Lake: April ((30)) 29 through October 31 season. Trout - ~~((catch))~~ daily limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. April ((30)) 29 through October 31 season.

From September 1 through October 31. Catch-and-release only. Selective fishery regulations.

Bay Lake: April ((30)) 29 through October 31 season.

Bear River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): April ((30)) 29 through October 31 season. Trout - no minimum length.

Benson Lake: April ((30)) 29 through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Black Lake (Pacific County): April ((30)) 29 through October 31 season.

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout, minimum length twelve inches. Selective fishery regulations.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches.

Buck Lake: April ((30)) 29 through October 31 season.

Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cady Lake: April ((30)) 29 through October 31 season. Trout - ~~((catch))~~ daily limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

South Fork from mouth to National Park boundary: June 1 through February 28 season. Trout, minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through July 31 season. Trout - catch limit - ~~((eight))~~ five, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. In accordance with WAC 236-16-020 ((Motorboats Prohibitions)), the operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - catch limit - two, minimum length fourteen inches.

Carney Lake: April ((30)) 29 through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: April ((30)) 29 through October 31 season.

Cases Pond: Juveniles only (under fifteen years old).

Cedar Creek (Jefferson County): June 1 through February 28 season: Trout, minimum length fourteen inches.

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to ~~((high bridge on Weyerhaeuser logging road #17 (approximately seven miles south of Pe Ell)))~~ mouth of Newaukum River: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release. Upstream from mouth of Newaukum River closed to steelhead fishing.

Chehalis River, south fork: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Closed to steelhead fishing.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): April ((30)) 29 through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout, minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout, minimum length fourteen inches.

Clallam River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Clara Lake: April ((30)) 29 through October 31 season.

Clear Lake: April ((30)) 29 through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cloquallam Creek, from mouth to second bridge on Cloquallam Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Columbia River and impoundments and all connecting sloughs—See regulations page . . .

Copalis River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Coulter Creek: Trout, minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

Curley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden Bull Trout.

Deep Creek: Closed to fishing for game fish.

Deep Lake: April ((30)) 29 through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: April ((30)) 29 through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout, minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: April ((30)) 29 through October 31 season.

Devil's Lake: April ((30)) 29 through October 31 season.

Dewatto River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dickey River (includes all forks): June 1 through April 30 season. Trout, minimum length fourteen inches.

Dosewallips River, from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Duckabush River, from mouth to the Olympic National Park Boundary: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through February 28 season. Trout, minimum length fourteen inches, maximum length twenty inches. ((Wild steelhead release.)) August 1 through October 15: Night closure; nonbuoyant lures restricted to only one single hook measuring no more than 3/4 inch point to shank.

From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.

East Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Elk River, from the Highway 105 Bridge upstream: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout, minimum length twelve inches; selective fishery regulations.

Failor Lake: April ((30)) 29 through October 31 season.

Goldsborough Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout, minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout, minimum length fourteen inches.

Grass Lake: April ((30)) 29 through October 31 season.

Grays River: See Region V.

Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations. August 1 through October 15: Night closure.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - catch limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: April 30 through October 31 season.

Haven Lake: April ((30)) 29 through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hicks Lake: April ((30)) 29 through October 31 season.

Hoh River, from mouth to ((National Park boundary and in)) mouth of South Fork ((outside National Park boundary)): June 1 through April 15 season. Trout, minimum length fourteen inches.

Hoko River: Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout, minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release and fly fishing only.

Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): April ((30)) 29 through October 31 season.

Horseshoe Lake (Kitsap County): April ((30)) 29 through October 31 season.

Howell Lake: April ((30)) 29 through October 31 season.

Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: June 1 through April 30 season. Trout, minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road ((#2302)) #2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout, minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout, minimum length twelve inches. Selective fishery regulations.

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Kennedy Creek Pond: April ((30)) 29 through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): April ((30)) 29 through October 31 season. Selective fishery regulations. Catch-and-release only.

Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Long Lake (Kitsap County): Bass - only bass less than twelve inches or over fifteen inches may be kept.

Long Lake (Thurston County): April ((30)) 29 through October 31 season.

Loomis Lake: April ((30)) 29 through October 31 season.

Lost Lake (Jefferson County): April ((30)) 29 through October 31 season. Trout - ((catch)) daily limit - two, minimum length fourteen inches.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches.

Remainder of river: Trout, minimum length twelve inches.

Maggie Lake: April 30 through October 31 season.

Marine Areas: See page . . .

McAllister Creek: Trout, minimum length fourteen inches.

McDonald Creek (Clallam County): Trout, minimum length fourteen inches.

McIntosh Lake: April ((30)) 29 through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.

McLane Creek Pond: April ((30)) 29 through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: April ((30)) 29 through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Clallam County): April ((30)) 29 through October 31 season. Juveniles only (under fifteen years old). Trout - no minimum length.

Mill Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout, minimum length fourteen inches. Area from department ((of fisheries)) intake dam downstream to mouth: Closed waters.

Mission Lake: April ((30)) 29 through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through February 28 season. Trout, minimum length fourteen inches.

Moose Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Mud Lake (Mason County): April ((30)) 29 through October 31 season.

Munn Lake: April ((30)) 29 through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout, minimum length fourteen inches.

Note: Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout, minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through February 28 season. Trout, minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through February 28 season. Trout, minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through March 31 season. Trout, minimum length fourteen inches.

North River, from Highway 105 Bridge upstream: Trout, minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offutt Lake: April ((30)) 29 through October 31 season.

Osborne Lake: April ((30)) 29 through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Palix River (includes all forks): June 1 through February 28 season. Trout, minimum length fourteen inches.

Panhandle Lake: April ((30)) 29 through October 31 season.

Panther Lake: April ((30)) 29 through October 31 season.

Pattison Lake: April ((30)) 29 through October 31 season.

Peabody Creek (Clallam County): April ((30)) 29 through October 31 season. Juveniles only (under fifteen years old):

Percival Creek: Trout, minimum length fourteen inches.

Pine Lake: April ((30)) 29 through October 31 season.

Pleasant Lake: Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: April ((30)) 29 through October 31 season. Selective fishery regulations, catch-and-release only.

Puget Sound: See marine area regulations, page . . .

Purdy Creek (Mason County): June 1 through August 15 season. Trout, minimum length fourteen inches.

Pysht River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to upper boundary of Falls View Campground: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout - ((catch)) daily limit - five, no minimum length.

Quillayute River: June 1 through April 30 season. Trout, minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout, minimum length fourteen inches.

Raft River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Robbins Lake: April ((30)) 29 through October 31 season.

Rose Lake: April ((30)) 29 through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek Naselle River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Salt Creek: Trout, minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Satsop Lake: April ((30)) 29 through October 31 season.

Satsop River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Sekiu River: Trout, minimum length fourteen inches.

From mouth to forks: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: Trout, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season.

Shoe Lake: April ((30)) 29 through October 31 season.

Siebert Creek: Trout, minimum length fourteen inches.

Silent Lake: April ((30)) 29 through October 31 season.

Skokomish River, mouth to forks: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth of Church Creek to headwaters: Trout, minimum length twelve inches. Selective fishery regulations.

Skokomish River, North Fork, mouth to lower dam: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout catch-and-release only. Selective fishery regulations.

Skookum Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Skookumchuck Reservoir: June 1 through October 31 season. Trout - (~~catch~~) daily limit - two, minimum length twelve inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/WDW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Smith Creek (Pacific County near North River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Snow Creek (includes all tributaries except Crocker Lake): Closed waters.

Soleduck River, from mouth to National Park boundary: Trout, minimum length fourteen inches.

From mouth to the concrete pump station at the Soleduck Hatchery: Additional November 1 through April 30 season. Trout, minimum length fourteen inches.

From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: Additional November 1 through April 30 season. Trout (-), minimum length fourteen inches. Wild steelhead release, selective fishery regulations.

South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).

Stevens Creek, mouth to Highway 101 Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches.

Steves Lake: April (~~(30)~~) 29 through October 31 season.

Stump Lake: April (~~(30)~~) 29 through October 31 season.

Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Summit Lake: April (~~(30)~~) 29 through October 31 season.

Sutherland Lake: Feeding (chumming) permitted.

Sylvia Lake: April (~~(30)~~) 29 through October 31 season.

Tahuya River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to the Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead and wild cutthroat release.

Tarboo Lake: April (~~(30)~~) 29 through October 31 season.

Tenas Lake: April (~~(30)~~) 29 through October 31 season.

Tiger Lake: April (~~(30)~~) 29 through October 31 season.

Twin Lake: April (~~(30)~~) 29 through October 31 season.

U Lake: April (~~(30)~~) 29 through October 31 season.

Uncle John Creek: Closed waters.

Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.

From mouth to watershed boundary: Trout, minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Valley Creek (Clallam County): April 30 through October 31 season. Juveniles only (under fifteen years old).

Vance Creek (Mason County): Trout, minimum length fourteen inches.

Vance Creek/Elma Ponds: April (~~(30)~~) 29 through October 31 season.

Waddell Creek: See Black River.

Ward Lake: April (~~(30)~~) 29 through October 31 season.

West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Wildberry Lake: April (~~(30)~~) 29 through October 31 season.

Wildcat Lake: April (~~(30)~~) 29 through October 31 season.

Willapa River (includes all forks) upstream from department of wildlife boat launch in South Bend: Trout, minimum length fourteen inches.

From department of wildlife boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through last day of February 28 season. Trout, minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Wishkah River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release. East and West forks: Closed waters.

Wood Lake: April ((30)) 29 through October 31 season.

Woodland Creek: Trout, minimum length fourteen inches.

Wooten Lake: April ((30)) 29 through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to ((~~road access approximately one quarter mile~~)) 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - catch limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

Note: The above described waters lying within the boundaries of Clallam, Jefferson, Grays Harbor, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island are administered from the Region VI office in Montesano, telephone (206) 249-6522. The above described waters lying within the boundaries of Island, King, Pierce, San Juan, Skagit, Snohomish, and Whatcom counties are administered from the Region IV office in Mill Creek, telephone (206) 775-1311.

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of fish and wildlife game fishing license is required to fish for game fish in marine waters.

((Note: The Washington state department of fisheries (WDF) requires persons taking Pacific salmon, food fish, shrimp, and razor clams to possess separate licenses for these species. See WDF regulations pamphlet.))

Permit requirements: A valid current steelhead ((fishing permit)) license is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead ((permit)) catch record card using the words Marine Area and followed by the appropriate marine area code number, see page . . .

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

MARINE WATERS REGULATIONS
CATCH AND MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout((*)) (Including steelhead)	Two, wild cutthroat release in Marine Areas 12- (Hood Canal) and 13- (South Puget Sound) Wild steelhead release in Marine Areas 1 through 13.	Fourteen inches
Dolly Varden	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	

((*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily catch limit whether kept or released. Steelhead may be caught and released while using bait until the daily catch limit is retained. Where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.))

Marine area codes and boundaries.

- ((1)) ~~Hwaco West of the Megler Astoria Bridge North to Leadbetter Point.~~
- ((2)) ~~Westport Ocean Shores From Leadbetter Point north to the Queets River.~~
- ((3)) ~~LaPush From the Queets River north to Cape Alava.~~
- ((4)) ~~Neah Bay From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.~~
- ((5)) ~~Sekiu and Pillar Point From mouth of the Sekiu River east to Low Point, mouth of the Lyre River.~~
- ((6)) ~~East Juan de Fuca Strait From Low Point east to the Partridge Point Point Wilson Line north to the line from Trial Island (near Victoria, B.C.) Navigation Buoy BW"R" Smith Island The most northeasterly of the Lawson Reef lighted buoys (RB1 QK F1 Bell) Northwest Island The Initiative 77 marker on Fidalgo Island.~~
- ((7)) ~~San Juan Islands All marine waters north of the Trial Island Line described under Area 6 to the United States Canadian boundary.~~
- ((8)) ~~Deception Pass, Hope, and Camano Islands A line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point Shipwreck Line.~~
- ((9)) ~~Admiralty Inlet All waters inside and south of the Partridge Point Point Wilson Line and a line projected from the southerly tip of Possession Point one hundred ten degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point Edwards Point Line.~~
- ((10)) ~~Seattle Bremerton area From the Apple Cove Point Edwards Point Line to the north tip of Vashon Island (east west).~~

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(11) Tacoma-Vashon Island—From the north tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Hood Canal—All waters south of the Hood Canal Bridge.

(13) South Puget Sound—All waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS))

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RBI QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

Catch, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily catch limits, and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Bass	Five—not more than three over fifteen inches	None
Dolly Varden/ Bull Trout	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	
Grass Carp	It is unlawful to fish for or retain grass carp	
Trout(♣) (Including kokanee and steelhead)	Two	Eight inches
Walleye	Five, not more than one over twenty-four inches.	Eighteen inches
Whitefish	Fifteen	None
All other game fish	No limit	None
Bullfrogs	Ten	None

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily catch limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

((*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily catch limit whether kept or released. Steelhead may be caught and released while using bait until the daily catch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily catch limit is retained. If any fish has swallowed

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~~the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.)~~

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River((~~7~~)) From a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through March 31 season. Wild steelhead release. Barbless hooks required when fishing for trout or salmon. Fishing from the north jetty is allowed during salmon season openings. From the Megler-Astoria Bridge to the I-5 Bridge: ((~~Year around~~)) May 16 to March 31 season for steelhead and trout, except closed September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Wild steelhead release and wild cutthroat release see page . . . Closed to fishing for steelhead April 1 through May 15. Barbless hooks required when fishing for trout or steelhead.

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake(~~(, 100: Year around season:))~~; Wild steelhead release. Closed to fishing for steelhead (~~(April 1)~~) March 16 through June 15. Barbless hooks required when fishing for trout or steelhead.

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one

hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

Reviser's note: The spelling 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 94-22-088
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 2, 1994, 11:24 a.m.]

Original Notice.

Title of Rule: Damage control hunting and removal rules.

Purpose: Amend damage control hunt rules.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.150, 77.12.240.

Summary: Amends damage control hunt rule to distinguish director-authorized black bear from commission-authorized deer and elk damage hunts.

Reasons Supporting Proposal: Different authority exists for different damage control measures.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Natural Resources Building, Olympia, Washington, 902-2930; Implementation: Dave Brittell, Natural Resources Building, Olympia, Washington, 902-2524; and Enforcement: Dayna Matthews, Natural Resources Building, Olympia, Washington, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Black bear removals, which are director-authorized under RCW 77.12.240 and for which no licensing is required, are distinguished from deer and elk special hunts for damage control, which are commission-authorized under

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RCW 77.12.150. Additional qualifications are needed for bear removal, since these may occur near populated areas. Bear stomachs and gall bladders are needed to determine the take of problem bears and to prevent trading in bear gall bladders. Hides are no longer used, and retention by the hunter is permissible. Use of the special hunt applicant list is consistent with deer and elk damage control hunts being special hunts. Defining field hunting offenses and distinguishing hunting offenses from reporting offenses emphasizes the former and provides notice of prohibited activity.

Proposal Changes the Following Existing Rules: Amends WAC 232-12-025 to distinguish between damage control hunts.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule does not affect ten percent of small businesses in any one four-digit industrial classification or twenty percent of all small businesses.

Hearing Location: Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA, on December 9, 1994, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Evan Jacoby by December 2, 1994, TDD (206) 902-2207, or (206) 902-2930.

Submit Written Comments to: Rules Coordinator, Washington Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98101, FAX (206) 902-2942, by December 2, 1994.

Date of Intended Adoption: December 9, 1994.

November 2, 1994

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 241, filed 2/1/85, effective 3/3/85)

WAC 232-12-025 ((Hunts)) Black bear removals authorized pursuant to RCW 77.12.240. ((Anyone participating in a director authorized damage control hunt must conduct themselves)) The director authorizes black bear damage control removal in designated areas (permit areas), by qualified participants (permittees) in accordance with the following rules:

(1) ~~Black bear~~

(a)) Black bear damage control removal permits for permittees using dogs will only be issued to hunters who have successfully completed Advanced Hunter Education, and who own dogs that have previously hunted bears. Persons meeting these qualifications must make application to the department by March first of each year to be eligible for a permit. A permittee may be accompanied by up to three additional hunters, provided that all hunters must have successfully completed Advanced Hunter Education. Neither the permittee nor the additional hunters are required to have a hunting license, bear transport tag, or hound stamp to participate in a black bear damage control removal. Permittees will be selected at random from eligible applicants within the region.

((b)) (2) While participating in a removal using dogs, no dogs are permitted out of the vehicle((-including)) or on a strikeboard, outside of the ((designated hunting)) permit area. If ((the)) a bear is ((started)) struck inside a permit

area, it may be pursued and killed outside of the permit area boundaries.

((b)) (3) A permittee may take more than one bear within the permit area. ((When a)) For each bear ((is)) taken, the permittee shall ((skin the entire bear, including head, leaving claws attached, and deliver the hide, together with)) remove the stomach, gall bladder, and one of the first ((tooth)) teeth behind the canine tooth ((on the lower jaw)), freeze the stomach and gall bladder and remit the entire tooth to the regional office in the envelope provided. ((All bear hides taken pursuant to a black bear damage permit shall be disposed of as prescribed in RCW 77.12.240.)) Within 72 hours of the expiration of the permit, the permittee shall notify the regional office of the location of the stomach and gall bladder and shall comply with department instructions for remitting the stomach and gall bladder to the department. Failure to comply with the requirements to remit bear parts will make the permittee ineligible for a permit during the ensuing three-year period.

((e)) (4) Within 5 days after expiration of a black bear permit, the permittee shall return to the respective region a completed and signed bear ((hunting)) removal report, the map of the damage unit, and, if successful, showing the strike and take points, and the windshield identification cards. Failure to comply with ((this provision shall constitute ineligibility for the next year's black bear damage permit drawings)) the reporting requirements will make the permittee ineligible for a permit during the ensuing three-year period.

((d)) (5) ((The permittee shall abide by all)) Failure to comply with the following field removal conditions ((as set forth on the black bear damage permit. Failure to comply with these hunting conditions)) shall constitute a violation of RCW 77.16.020(1) (Hunting bear during closed season):

(a) Failure to have hunter identification or failure to display windshield identification cards.

(b) Removal outside the permit area (except in pursuit of a strike made within the area)

(c) Removal outside the dates of the permit.

(6) Except as provided for in this section, all general laws and rules applying to bear hunting apply to permittees.

(7) If there are insufficient applications to conduct a random selection for a permittee, black bear damage control kill permits may be authorized under RCW 77.12.265 for taking of black bears using dogs to persons who have completed Advanced Hunter Education and who own dogs that have previously hunted bears, and may be authorized for any landowner, tenant, or agent of the landowner or tenant, for taking black bears without the use of dogs.

((2) Deer and elk.

(a) Only persons with a damage permit are allowed to hunt and take one deer or one elk as designated on their damage control permit.

(b) If a hunter takes an animal of the same species during an earlier hunt, that person will be ineligible for a damage hunt permit.

(c) Deer and elk damage control hunts will be antlerless only unless specified either sex on the damage permit.

(d) The April 1 to June 30 time period will be excluded from damage control hunts.

(e) Permittees may hunt only within the prescribed area and season dates as specified on their permit. If a deer or

~~elk is wounded inside the damage hunt area, it may be pursued and taken outside permit boundaries.~~

~~(f) Within five days after expiration of a deer or elk permit, the permittee shall return to the respective region a deer/elk hunting report. If an animal is taken, the permittee shall skin the entire animal and deliver the hide together with an incisor tooth to a regional game department office. All deer or elk hides taken pursuant to a damage permit shall be disposed of as prescribed in RCW 77.12.240. Failure to comply with this provision shall constitute ineligibility for the next year's damage permit drawings.)~~

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

Reviser's note: The typographical 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.

NEW SECTION

WAC 232-12-026 Deer and elk damage control hunts authorized pursuant to RCW 77.12.150. The commission recognizes the need for deer and elk damage control hunts to control localized populations, which damage control hunts cannot be adequately predicted in order to establish a special hunting season. The commission delegates to the director the authority to determine designated areas for deer or elk damage control hunts (damage control areas), and qualifications for participants (deer and elk damage control hunters). The following rules apply to director-authorized deer or elk damage control hunts.

(1) A valid hunting license and deer or elk tag are required to hunt during a deer or elk damage control hunt.

(2) Deer and elk damage control hunters will be selected at random from the current list of unsuccessful applicants for special deer and elk permits, and will be eligible for a deer or elk damage control hunt in the region for which the hunter made application for a special deer or elk permit.

(3) Within five days after the ending date of a director-authorized deer or elk damage control hunt, the deer and elk damage control hunter shall return to the respective region a completed and signed deer/elk hunting report. Failure to comply with the reporting requirement will make the hunter ineligible to participate in a deer or elk damage control hunt during the ensuing three-year period.

(4) Failure to comply with the following field hunting conditions shall constitute a violation of RCW 77.16.020(1) (hunting deer or elk during closed season):

(a) Unauthorized participation in a deer or elk damage control hunt.

(b) Hunting outside of the damage control area.

(c) Hunting outside the dates authorized for the damage control hunt.

(d) Violating antler restrictions established for the damage control hunt.

(5) Except as provided for in this section, all general laws and rules applying to deer and elk hunting apply to deer and elk damage control hunters.

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

**WSR 94-22-089
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-135—Filed November 2, 1994, 11:26 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

Purpose: To amend the boundary descriptions for game management units in region two, WAC 232-28-02202.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Boundary descriptions are amended to regulate hunting seasons by geographic area.

Reasons Supporting Proposal: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
Legal Counsel

PROPOSED

AMENDATORY SECTION [(Amending Order 640, filed 5/10/94)]**WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.**

GMU 200-TUNK (Okanogan and Ferry counties): Beginning at Tonasket and State Highway 20; then east on State Highway 20 to Republic and State Highway 21; then south on State Highway 21 to the north boundary of the Colville Indian Reservation; then west on the reservation boundary to the Okanogan River; then north along the Okanogan River to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-PASAYTEN (Okanogan and Whatcom counties): Beginning at the ~~((western boundary of the Pasayten Wilderness))~~ junction of the Pacific Crest Trail and the Washington-Canadian border, ~~((near Princess Creek;))~~ then east along the Canadian border to the eastern boundary of the Pasayten Wilderness near Goodenough Peak; then and south on the Pasayten Wilderness Boundary to Trail 341; then west and south on Trail 341 to ((the Iron Gate Road)) its junction with Trail 533 and Trail 343; then west on Trail 343 to Trail 342; then southwest on Trail 342 to the Pasayten Wilderness Boundary; then west on the wilderness boundary to the Hidden Lakes Trail 477; then west on Hidden Lakes Trail to Drake Creek; then southwest along Drake Creek to the Lost River Gorge; then southwest along the Lost River Gorge to the Pasayten Wilderness Boundary; then west on the Pasayten Wilderness Boundary to the Robinson Creek Trail 478; then north on the Robinson Creek Trail to the Ferguson Lake Trail; then west to Silver Lake and west to the West Fork of the Pasayten River; then west to Oregon Basin and ~~((the western boundary of the Pasayten Wilderness))~~ Jim Pass on the Pacific Crest Trail; then north on the ~~((wilderness boundary))~~ Pacific Crest Trail to the Washington-Canadian border ~~((near Princess Creek))~~ and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-BONAPARTE (Okanogan and Ferry counties): Beginning on the eastern shore of Osoyoos Lake and the Washington-Canadian border; then east on the border to the Kettle River near Ferry customs office; then south along the Kettle River to the mouth of Toroda Creek at Toroda; then west along Toroda Creek to the Toroda Creek Road (County Roads 502 and 9495); then west and south on the Toroda Creek Road to State Highway 20 at Wauconda; then west on State Highway 20 to the Okanogan River at Tonasket; then north along the Okanogan River and the eastern shore of Osoyoos Lake to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-WANNACUT (Okanogan County): Beginning at the Canadian border station near Nighthawk on the Washington-Canadian border; then east on the border to the west shore of Lake Osoyoos; then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket and County Road 7 (9400); then south on County Road 7 to the North Pine Creek-Aeneas Lake Road (9437) then southwest on the Pine Creek-Aeneas Lake Road to the Horse Springs Coulee Road ~~((4271))~~ (4371); then ~~((north-~~

~~west))~~ north on the Horse Springs Coulee Road to the Loomis-Oroville Highway (9425) near Spectacle Lake; then west on the Loomis-Oroville Highway to Loomis; then north on the Loomis-Oroville Highway past Palmer Lake to Nighthawk and the Allemandi Road; then north on the Allemandi Road to the Similkameen Road; then north on the Similkameen Road to the border station on the Washington-Canadian border and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-SINLAHEKIN (Okanogan County): Beginning at the eastern boundary of the Pasayten Wilderness and the Washington-Canadian border; then east on the border to the border station near Nighthawk and the Similkameen Road; then southeast on the Similkameen Road to the Allemandi Road; then south on the Allemandi Road to Nighthawk and the Loomis-Oroville Road (USFS Road 9425); then south on the Loomis-Oroville Road through Loomis to the Horse Springs Coulee Road (USFS Road 4371) near Spectacle Lake; then south on the Horse Springs Coulee Road to the Aeneas Lake-Pine Creek Road (USFS Road 9400); then northeast on the Aeneas Lake-Pine Creek Road to the Okanogan River; then south along the Okanogan River to the town of Riverside and U.S. Highway 97; then north on U.S. Highway 97 to the South Pine Creek-Fish Lake Road (USFS Road 9410); then west on the South Pine Creek-Fish Lake Road along the south shore of Fish Lake to the Conconully-Sinlahekin Road (USFS Road 4015); then southwest on the Conconully-Sinlahekin Road along the north shore of Conconully Lake to Conconully and the Salmon Creek North Fork Road (USFS Roads 2361, 38, and 2820); then north on the Salmon Creek North Fork Road over Lone Frank Pass to USFS Road 39; then north on USFS Road 39 to Long Swamp and the Middle Fork Toats Coulee Road; then east on the Middle Fork Toats Coulee Road (USFS Road 39) to Iron Gate Road (USFS Road 500); then northwest on Iron Gate Road to its end; then north and east on Trails 533 and 341 to the eastern boundary of the Pasayten Wilderness; then north on the wilderness boundary to the Washington-Canadian border and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-CHEWUCH (Okanogan County): Beginning at Oregon Basin and Jim Pass on the ~~((Okanogan-Whatcom County line))~~ Pacific Crest Trail; then ~~((southeast))~~ east to Silver Lake; then east to the Ferguson Lake Trail and the Middle Fork Trail 478; then south on the Trail 478 to the Pasayten Wilderness Boundary; then east on the wilderness boundary to Lost River; then northeast along Lost River and Drake Creek to Hidden Lake Trail 477; then east on the Hidden Lake Trail 477 to the Pasayten Wilderness Boundary at Eightmile Pass; then northeast on the wilderness boundary to Trail 342 near Hicky Hump; then north on Trail 342 to Trail 343 at Two Bear camp; then east on Trail 343 to the Iron Gate Road (USFS Road 500); then south on the Iron Gate Road to the Middle Fork Toats Coulee Creek (USFS Road 39); then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (USFS Road 37); then southwest on Boulder Creek Road to the East Chewuch River Road (USFS Road 9137); then south on the East Chewuch River Road to Winthrop and State Highway 20; then northwest on State Highway 20 to the ~~((Okanogan County line; then northwest on the~~

~~Okanogan County line through Harts Pass to the Oregon Basin)) Pacific Crest Trail crossing on Highway 20; then north on the Pacific Crest Trail to Jim Pass and the point of beginning. (See Okanogan National Forest Travel Plan)~~

GMU 224-PEARRYGIN (Okanogan County): Beginning at the North Fork Boulder Creek Road (USFS Road 39) and USFS Road 3820; then south on Road 3820 through Lone Frank Pass to the North Fork Salmon Creek Road (USFS Road 38); then southeast on the North Fork Salmon Creek Road to the County Road 2361; then southeast on County Road 2361 to County Road 2017 at Conconully; then southwest on County Road 2017 to the North Summit Road (USFS Road 42); then southwest on the North Summit Road to State Highway 20 at Loup Loup Summit; then west on State Highway 20 through Twisp to the East Chewuch River Road at Winthrop; then north on the East Chewuch River Road to the Boulder Creek Road (USFS Road 37); then northeast on the Boulder Creek Road to the Middle Fork Boulder Creek Road (USFS Road 39); then northeast on the Middle Fork Boulder Creek Road to USFS Road 3820 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-GARDNER (Okanogan County): Beginning ~~((at the Okanogan County line and the North Cascade Highway (State Highway 20)))~~ where the Pacific Crest Trail crosses State Highway 20; then ~~((northeast))~~ south and east on ~~((the North Cascade))~~ State Highway 20~~((?))~~; south through the Methow Valley, south through Winthrop to the Twisp River Road at Twisp; then east on the Twisp River Road to North Fork Twisp River Trail 432; then north on Trail 432 to Trail 426; then north and west on Trail 426 to the ~~((Okanogan County line at Copper Pass))~~ Pacific Crest Trail; then north on the ~~((county line))~~ Pacific Crest Trail to ~~((the North Cascade))~~ State Highway 20 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 233-POGUE (Okanogan County): Beginning at the town of Conconully; then north on the Sinlahekin Road (USFS Road 4015) to the Fish Lake Road; then east on the Fish Lake Road along the south end of Fish Lake to the South Pine Creek Road (USFS Road 9410); then east on the South Pine Creek Road to U.S. Highway 97; then south on U.S. Highway 97 to the town of Riverside and the Okanogan River; then south along the Okanogan River through Omak to the town of Okanogan and State Highway 20; then west on State Highway 20 near Loup Loup Summit and the North Summit Road (USFS Road 42); then north on the North Summit Road to County Road 2017; then north on County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 239-CHILIWIST (Okanogan County): Beginning at the intersection of State Highway 153 and State Highway 20 south of the town of Twisp; then east on State Highway 20 past Loup Loup Summit to the town of Okanogan and the Okanogan River; then south along the Okanogan River to the Columbia River and the Okanogan County south boundary; then west along the Columbia River to Pateros and State Highway 153; then north on State Highway 153 to State Highway 20 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 242-ALTA (Okanogan County): Beginning at ~~((Copper Pass on the Okanogan-Chelan County line))~~ the junction of the Pacific Crest Trail and ~~((the North Fork Twisp River))~~ Trail 426; then east and south along Trail 426~~((; then southeast along the North Fork Twisp River Trail to Roads End Campground and))~~ to Trail 432; then east on Trail 432 to Roads End Campground and the Twisp River Road (County Road 9114 and USFS Road 4440); then east on the Twisp River Road to Twisp and State Highway 153; then south on State Highway 153 to Pateros and the Columbia River; then south along Lake Pateros to Wells Dam and U.S. Highway 97; then south on U.S. Highway 97 to Apple Acres Road (USFS Road 8140); then west on Apple Acres Road to Antoine Creek Road (USFS Road 8140); then northwest on the Antoine Creek Road to USFS Road 8020; then north on the USFS Road 8020 to its junction with the South Navarre Road and the South Fork Gold Creek Road (USFS Road 8200 and 4330); then north on the South Fork Gold Creek Road to the Okanogan-Chelan County line; then northwest on the Okanogan-Chelan County line to ~~((Copper Pass))~~ the intersection of Trail 426 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 248-BIG BEND (Douglas and Grant counties): Beginning on State Highway 17 at the Chalk Hills Road (Road K N.E.); then north on the Chalk Hills Road (K & L N.E.) for 4 miles to the east line of Range 26 East; then north on the east line of Range 26 to the Columbia River; then east along the Columbia River to Grand Coulee Dam and the Feeder Canal; then southwest along the Feeder Canal to Banks Lake; then south along the west shore of Banks Lake to a point due east from Mold Road (Road 9 N.E.); then west from that point on Mold Road through Mold to State Highway 17; then north along State Highway 17 to Sim's Corner and State Highway 172; then west on State Highway 172 through Mansfield to Mathieson Road (Road B N.E.); then north on the Mathieson Road and the West Foster Creek Road (Bridgeport Hill Road) to State Highway 17; then east on State Highway 17 to the Chalk Hills Road (Road K N.E.) and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 254-SAINT ANDREWS (Douglas and Grant counties): Beginning at Mansfield on State Highway 172; then east on State Highway 172 to Sim's Corner and State Highway 17; then south on State Highway 17 to Buckeye Road (Road 9 N.E.); then east on the Buckeye Road to Mold and the Mold Road; then east on the Mold Road and continuing due east to the west shore of Banks Lake; then south along the west shore of Banks Lake to U.S. Highway 2; then west on U.S. Highway 2 to Farmer and State Highway 172; then north and east on State Highway 172 to Mansfield and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 260-FOSTER CREEK (Douglas County): Beginning at Brewster and the Douglas-Okanogan County line; then east on the county line (Columbia River) past Bridgeport to the east line of Range 26 East; then south on the east line of Range 26 East to Road L N.E.; then south on Road L N.E. to the Chalk Hills Road (K & L N.E.); then southwest on the Chalk Hills Road to State Highway 17; then west on State Highway 17 to the Bridgeport Hill Road; then

south on the Bridgeport Hill Road to the Dyer Hill Road; then north on the Dyer Hill Road to Dyer and the Bonita Flat Road; then west on the Bonita Flat Road to the Columbia River (opposite the Okanogan-Chelan County line); then north along the river to Brewster and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 262-WITHROW (Douglas County): Beginning at Dyer and the Dyer Hill Road; then south on the Dyer Hill Road to the Bridgeport Hill Road; then south 3/4 mile on the Bridgeport Hill Road to Road 18 N.E.; then east on Road 18 N.E. to the Mathieson Road (B N.E.); then south on the Mathieson Road to State Highway 172; then west and south on State Highway 172 to Farmer and U.S. Highway 2; then west on U.S. Highway 2 through Waterville to Orondo and the Douglas-Chelan County line; then north on the county line (Columbia River) past the Wells Dam to the Bonita Flat Road (opposite the Okanogan-Chelan County line); then east on the Bonita Flat Road to Dyer and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 266-BADGER (Douglas County): Beginning at Orondo and U.S. Highway 2; then east on U.S. Highway 2 through Waterville and Douglas to the Westerman Road (K S.W.); then south on the Westerman Road to Alston and the Alston Road; then west on the Alston Road to the Titchenal Canyon Road; then southwest on the Titchenal Canyon Road to the Sheehan Road; then south on the Sheehan Road to the Rock Island Grade Road; then southwest on the Rock Island Grade Road to the Rock Island Dam and the Douglas-Chelan County line (Columbia River); then north on the county line through Wenatchee to Orondo and the point of beginning, (includes Turtle Rock Island). (See Washington Atlas & Gazetteer)

GMU 269-MOSES COULEE (Douglas and Grant counties): Beginning on U.S. Highway 2 and the Westerman Road (K S.W.); then east on U.S. Highway 2 to the Moses Coulee Road; then south on the Moses Coulee Road to the Grant-Douglas County line and the Sagebrush Flat Road; then south on the Sagebrush Flat Road to J N.W. Road; then south on J N.W. to 20 N.W. Road; then west on 20 N.W. Road to the Overen Road; then southwest on the Overen Road to the Baird Springs Road; then southwest on the Baird Springs Road across State Highway 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Douglas-Kittitas County line (Columbia River); then north on the county line to the Rock Island Dam and the Rock Island Grade Road; then north on Rock Island Grade Road to the Sheehan Road; then north on the Sheehan Road to the Titchenal Canyon Road; then north on the Titchenal Road Canyon Road to the Alston Road; then east on the Alston Road through Alston to the Westerman Road (K S.W.); then north on the Westerman Road to U.S. Highway 2 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 272-BEEZLEY (Grant and Douglas counties): Beginning at the junction of Grant, Lincoln and Okanogan County lines near the town of Grand Coulee; then south on the Grant County line to Interstate 90; then west on Interstate 90 to the Grant-Kittitas County line (Columbia River); then north on the county line to the Crescent Bar Road; then northeast on the Crescent Bar Road to the Baird Springs

Road near Trinidad; then northeast on the Baird Springs Road across State Highway 28 to the Overen Road; then northeast on the Overen Road to the 20 N.W. Road; then east on the 20 N.W. Road to the J N.W. Road; then north on the J N.W. Road to the Sagebrush Flats Road; then north on the Sagebrush Flats Road to the Grant-Douglas County line and the Moses Coulee Road; then north on the Moses Coulee Road to U.S. Highway 2; then east on U.S. Highway 2 to the west shore of Banks Lake; then north along the west shore of Banks Lake to the feeder canal and to Grand Coulee Dam; then up river to the Grant-Lincoln County line and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 278-WAHLUKE (Grant and Adams counties): Beginning at the Vantage Bridge on Interstate 90 and the Grant-Kittitas County line (Columbia River); then northeast and east on Interstate 90 to the Grant-Adams County line; then south and west along the Grant-Adams County line to State Highway 17; then south on State Highway 17 to State Highway 26; then west on State Highway 26 to State Highway 24; then south and west on State Highway 24 to the Vernita Bridge and the Columbia River (Grant County line); then west and north along the Columbia River to the Vantage Bridge on Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281-RINGOLD (Franklin, Adams and Grant counties): Beginning at the Vernita Bridge on the west shore of the Columbia River and State Highway 24; then north and east on State Highway 24 to State Highway 26 at Othello; then east on State Highway 26 to State Highway 17; then south on State Highway 17 to U.S. Highway 395; then south on U.S. Highway 395 through Pasco and the west shore of the Columbia River (Franklin-Benton County line); then north along the Columbia River (including all islands) to the Vernita Bridge and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284-KAHLLOTUS (Adams and Franklin counties): Beginning on State Highway 17 and the Adams-Grant County line (12 S.E. Road); then east on the county line (12 S.E. Road) and north (X S.E. Road); then east on the Adams-Lincoln County line (Davis Road) to the Whitman County line; then south on the Adams-Whitman County line (Palouse River); then south on the Franklin-Whitman County line (Palouse River) to the Franklin-Columbia-Walla Walla County line (Snake River); then west on the Franklin-Walla Walla County line (Snake River) to the Walla Walla-Benton County line (Columbia River); then northwest on the county line to the U.S. Highway 395 bridge between Pasco and Kennewick; then north on U.S. Highway 395 to State Highway 17; then north on State Highway 17 to the Adams-Grant County line (12 S.E. Road) and the point of beginning. (See Washington Atlas & Gazetteer)

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

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

WSR 94-22-090
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-136—Filed November 2, 1994, 11:28 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

Purpose: To amend the boundary descriptions for game management units in region three, WAC 232-28-02203.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Boundary descriptions are amended to regulate hunting seasons by geographic area.

Reasons Supporting Proposal: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
 Legal Counsel

AMENDATORY SECTION [(Amending Order 641, filed 5/10/94)]

WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

GMU 300-MANSON (Chelan County): Beginning at the town of Chelan to Lake Chelan; then northwest along the north shore of Lake Chelan to the Stehekin River; then

northwest along the Stehekin River to the ridge between Rainbow Creek and Boulder Creek; then north on the ridge to McAlester Mountain on the ~~((Chelan-Okanogan County line; then southeast on the county line))~~ Lake Chelan Wilderness Boundary then southeast on the Wilderness Boundary along the Sawtooth Ridge separating the Chelan and Methow-Twisp River drainages to Fox Peak and USFS Road 8020; then southeast on USFS Road 8020 to the Anatoine Creek Road (USFS Road 8140); then southeast on the Anatoine Creek Road to Apple Acres Road; then northeast on Apple Acres Road to U.S. Highway 97; then northeast on U.S. Highway 97 to Wells Dam and the Columbia River; then southwest along the Columbia River (Chelan-Douglas County line) to the Chelan River; then northwest along the Chelan River to the town of Chelan and the point of beginning. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 301-CLARK (Chelan County): Beginning where the Stehekin River flows into Lake Chelan; then southeast along the south shore of Lake Chelan to the south boundary of the Chelan National Recreation Area Boundary (south of Riddle Creek); then southwest on the Recreation Area Boundary to the Glacier Peak Wilderness Boundary; then ~~((southwest))~~ south, west, and north on the wilderness boundary to the Pacific Crest Trail at Kodak Peak; then north on the Pacific Crest Trail to North Cascades National Park; then north and east on the North Cascades National Park boundary to Hock Mountain; then south along the Lake Chelan Wilderness Boundary to McAlester Mountain; then southwest on the ridge between Rainbow Creek and Boulder Creek to the Stehekin River and the point of beginning. ~~((White Pass and the Chelan-Snohomish County line; then north on the county line to Hurry-up Peak near Trapper Lake and the Glacier Peak Wilderness Boundary; then east on the wilderness boundary to Agnes Creek and the Lake Chelan National Recreation Area Boundary; then northeast on the recreation boundary to Hock Mountain and the Chelan-Okanogan County line; then southeast on the county line to McAlester Mountain and the ridge between Rainbow Creek and Boulder Creek; then southwest on the ridge to the Stehekin River and the point of beginning.))~~ (See Wenatchee National Forest map and the Glacier Peak Wilderness Forest map)

GMU 302-ALPINE (Kittitas and Chelan counties): Beginning on the Pacific Crest Trail and the Alpine Lakes Wilderness Boundary near Josephine Lake (south of Stevens Pass); then east, south and west on the wilderness boundary to the Pacific Crest Trail near Kendall Peak; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary and the point of beginning. (See Wenatchee National Forest map and the Alpine Lakes Wilderness map)

GMU 304-CHIWAHA (Chelan County): Beginning on the Pacific Crest Trail and the Glacier Peak Wilderness Boundary at Kodak Peak; then southeast and north on the wilderness boundary to the Entiat River; then southeast along the Entiat River to Ardenvoir and the Mad River Road (USFS Road 5700); then northwest on the Mad River Road to the USFS Road 5800; then southwest on USFS Road 5800 at French Corral and Eagle Creek Road (USFS Road 7520); then southwest on the Eagle Creek Road to State Highway 209 north of Leavenworth; then north on State

Highway 209 to State Highway 207 near Lake Wenatchee; then south on State Highway 207 to U.S. Highway 2 at Coles Corner; then west on U.S. Highway 2 to the Pacific Crest Trail at Stevens Pass; then north on the Pacific Crest Trail to Kodak Peak and the point of beginning. (See Wenatchee National Forest map)

GMU 306-SLIDE RIDGE (Chelan County): Beginning at the Lake Chelan National Recreation Boundary on the south shore of Lake Chelan near Riddle Creek; then southeast along the south shore of Lake Chelan to Twenty-five Mile Creek; then southwest along Twenty-five Mile Creek to the Slide Ridge Road (USFS Road 8410); then south on the Slide Ridge Road to Stormy Mountain and Trail 1448; then northwest on Trail 1448 to Fourmile Ridge Trail 1445; then west on the Fourmile Ridge Trail to Fox Creek; then southwest along Fox Creek to the Entiat River; then northwest along the Entiat River to the Glacier Peak Wilderness Boundary; then north on the wilderness boundary to Lake Chelan, the Lake Chelan National Recreation Boundary and the point of beginning. (See Wenatchee National Forest map)

GMU 308-ENTIAT (Chelan County): Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; then southeast along Lake Chelan and the Chelan River to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River; then northwest along the Entiat River to Fox Creek; then northeast along Fox Creek to the Fourmile Ridge Trail 1445; then east on the Fourmile Ridge Trail to Trail 1448; then southeast on Trail 1448 to Stormy Mountain and the Slide Ridge Road (USFS Road 8410); then north on the Slide Ridge Road to Twenty-five Mile Creek; then north along Twenty-five Mile Creek to Lake Chelan and the point of beginning. (See Wenatchee National Forest map)

GMU 314-MISSION (Kittitas and Chelan counties): Beginning at the Black Pine Creek Horse Camp near the Alpine Lakes Wilderness Boundary and Icicle Creek; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek; then west along Colockum Creek and the Colockum Pass Road (~~(WDW)~~ WDFW Road 10) to the Naneum Ridge Road (~~(WDW)~~ WDFW Road 9); then northwest on the Naneum Ridge Road to Wenatchee Mountain; then northwest along the ridge past Mission Peak to the Liberty-Beehive Road (USFS Road 9712); then northwest on the Liberty-Beehive Road to USFS Road 9716; then north on USFS Road 9716 to U.S. Highway 97 at Swank Pass; then northwest on the Kittitas-Chelan County line and Trail 1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then north on the Alpine Lakes Wilderness Boundary to Icicle Creek and the point of beginning. (See Wenatchee National Forest map and Department of Fish and Wildlife Naneum Green Dot map)

GMU 316-SWAKANE (Chelan County): Beginning at Stevens Pass on U.S. Highway 2; then east on U.S. Highway 2 to Coles Corner and State Highway 207; then north on State Highway 207 to State Highway 209 near Lake Wenatchee; then southeast on State Highway 209 to the Eagle Creek Road (USFS Road 7520); then northeast on Eagle Creek Road to French Corral and USFS Road 5800;

then northeast on USFS Road 5800 to the Mad River Road (USFS Road 5700); then southeast on the Mad River Road to Ardenvoir and the Entiat River; then southeast along the Entiat River to the Columbia River; south along the Columbia River to the Wenatchee River; then northwest along the Wenatchee River to Leavenworth and Icicle Creek; then south and northwest along Icicle Creek to the Alpine Lakes Wilderness Boundary; then north on the Alpine Lakes Wilderness Boundary to the Pacific Crest Trail near Josephine Lake; then north on the Pacific Crest Trail to Stevens Pass and the point of beginning. (See Wenatchee National Forest map)

GMU 328-NANEUM (Kittitas and Chelan counties): Beginning at Swauk Pass on U.S. Highway 97 and USFS Road 9716; then east on USFS Road 9716 to the Liberty-Beehive Road (USFS 9712); then east on the Liberty-Beehive Road to the west boundary of Section 22 (T21N, R19E); then southeast along the ridge past Mission Peak to Wenatchee Mountain and Naneum Ridge Road (~~(WDW)~~ WDFW Road 9); then southeast on the Naneum Ridge Road to the Colockum Pass Road (~~(WDW)~~ WDFW Road 10); then south on the Colockum Pass Road to the East Highline Canal; then northwest along the East Highline Canal to the Lower Green Canyon Road; then south on the Lower Green Canyon Road to U.S. Highway 97; then north on U.S. Highway 97 to Swauk Pass and the point of beginning. (See Wenatchee National Forest map and Department of Fish and Wildlife Naneum Green Dot map)

GMU 329-QUILOMENE (Kittitas and Chelan counties): Beginning on the Columbia River at the mouth of Colockum Creek; then south along the Columbia River to Davies Canyon; then west along Davies Canyon to Road 14; then south and west on Road 14 to the boundary sign in the northwest quarter of Section 17 (T20N, R22E); then south to the boundary sign on Road 14 along the section lines between Sections 17, 18, 19 and 20; then east on Road 14 to Road 14.14; then east on Road 14.14 and north along the stock fence to the northern point of Cape Horn; then south along the top of the cliff and southeast to Road 14.14; then south on Roads 14.14, 14.17 and 14 to Tekison Creek; then south along Tekison Creek to the Columbia River; then south along the Columbia River to Vantage and Interstate Highway 90; then west on Interstate Highway 90 to the East Highline Canal; then north on the East Highline Canal to the Colockum Pass Road (Road 10); then north on the Colockum Pass Road to Colockum Creek; then northeast along Colockum Creek to the Columbia River and the point of beginning. (See Department of Fish and Wildlife Naneum Green Dot map)

GMU 330-WEST BAR (Kittitas County): Beginning on the Columbia River and Davies Canyon; then southeast along the Columbia River to the mouth of the Tekison Creek; then northwest along Tekison Creek to Road 14; then north on Road 14, 14.17, and 14.14 to the top of the Cape Horn Cliffs; then north along the top of the cliff to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road 14.14 to Road 14 to the boundary sign between Sections 19 and 20 (T20N, R22S); then north on a line between Sections 19, 20 and 17, 18 to the boundary sign on Road 14 in the northwest quarter of

Section 17; then east and north along Road 14 to Davies Canyon; then east along Davies Canyon to the Columbia River and the point of beginning. (See Department of Fish and Wildlife Naneum Green Dot map)

GMU 334-ELLENSBURG (Kittitas County): Beginning on U.S. Highway 97 and the Lower Green Canyon Road; then north on the Lower Green Canyon Road to the East Highline Canal; then east and south along the canal past Interstate 90 to the pump station; then south and west along the north branch of the canal to State Highway 821 and the Yakima River; then north along the Yakima River to the Damon Road; then south on Damon Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to the Bradshaw Road; then west along Bradshaw Road to the elk fence; then west and north along the elk fence to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the Yakima River to the Thorp Highway; then east on the Thorp Highway and State Highway 10 to U.S. Highway 97; then north along U.S. Highway 97 to the Lower Green Canyon Road and the point of beginning. (See Wenatchee National Forest map and the Department of Fish and Wildlife map) (This is a Kittitas County Closure area for highpower rifle hunting of both deer and elk. Contact Kittitas County for more details.)

GMU 335-TEANAWAY (Kittitas County): Beginning at Snoqualmie Pass on the Pacific Crest Trail; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary; then east on the Alpine Wilderness Boundary to the Chelan-Kittitas County line; then southeast on the county line and Trail 1226 to Swauk Pass and U.S. Highway 97; then south on U.S. Highway 97 to State Highway 10; then northwest on State Highways 10, 970, 903 to Cle Elum and Interstate 90; then west on Interstate 90 to Snoqualmie Pass and the Pacific Crest Trail and the point of beginning. (See Wenatchee National Forest map)

GMU 336-TANEUM (Kittitas County): Beginning at the Pacific Crest Trail and Interstate 90 at Snoqualmie Pass; then east on Interstate 90 to Cle Elum and State Highway 903; then east on State Highways 903, 970 and 10 to the Thorp Highway; then southeast on the Thorp Highway to the Thorp Highway Bridge and the Yakima River; then southwest along the Yakima River (upstream) to Taneum Creek; then west along Taneum Creek to the South Fork Taneum Creek; then west along the South Fork Taneum Creek to Trail 1367; then west on Trail 1367 to Trail 1363; then south on Trail 1363 and south along Peaches Ridge to Trail 1388; then west on Trail 1388 to Blowout Mountain on the Pacific Crest Trail; then north on the Pacific Crest Trail to Snoqualmie Pass and the point of beginning. (See Wenatchee National Forest map)

GMU 340-MANASTASH (Kittitas County): Beginning at Quartz Mountain and Peaches Ridge (Trail 1363); then north and east on Trail 1363 to Trail 1367; then southeast on Trail 1367 to the South Fork Taneum Creek; then east along the South Fork Taneum Creek to Taneum Creek; then east along Taneum Creek to the elk fence; then southeast along the elk fence to Bradshaw Road; then east on Bradshaw Road to the South Branch Highline Canal; then southeast along the South Branch Highline Canal to the Wenas-Ellensburg Road (at Shushuskin Canyon); then north on the Wenas-Ellensburg

Road to the Damon Road; then north on the Damon Road to the Yakima River; then south along the Yakima River to Umtanum Creek; then west along Umtanum Creek to the Wenas-Ellensburg Road; then west on the Wenas-Ellensburg Road to Ellensburg Pass and the Observatory Road (Section 6, T16N, R17E); then north on the Observatory Road to Manastash Ridge (Section 20, T17N, R17E, W.M.); then northwest along the Manastash Ridge to Trail 1388; then northwest on Trail 1388 to Quartz Mountain and Peaches Ridge Trail and the point of beginning. (See Wenatchee National Forest map)

GMU 342-UMTANUM (Kittitas and Yakima counties): Beginning at Manastash Ridge (~~on USFS Trail 1388~~) at the junction of Forest Road 1701; then east along the Manastash Ridge to the Observatory Road in Section 20, T17N, R17E, W.M.; then south on the Observatory Road to the Wenas-Ellensburg Road near Ellensburg Pass (Section 6, T16N, R17E, W.M.); then east on the Wenas-Ellensburg Road to Umtanum Creek; then east along the Umtanum Creek to the Yakima River; then south along the Yakima River to Yakima and U.S. Highway 12; then northwest on U.S. Highway 12 to State Highway 410; then northwest on State Highway 410 to USFS Road 1701; then north on USFS Road 1701 to (~~USFS Trail 1388 to~~) the point of beginning. (See Wenatchee National Forest map and Washington State Atlas & Gazetteer)

GMU 346-LITTLE NACHES (Yakima and Kittitas counties): Beginning at Blowout Mountain and the USFS Road 1388; then east on USFS Road 1388 to USFS Road 1701 near the USFS fence; then south on USFS Road 1701 to State Highway 410; then northwest and southwest on State Highway 410 to the Pacific Crest Trail near Chinook Pass; then north on the Pacific Crest Trail to Blowout Mountain and the point of beginning. (See Wenatchee National Forest map)

GMU 352-NILE (Yakima County): Beginning on the Bumping Lake Road and State Highway 410; then east and south on State Highway 410 to Nile and USFS Road 1500; then west on USFS Road 1500 to the McDaniel Lake Road (USFS Road 1502); then west on the McDaniel Lake Road to the North Fork and the South Fork of Rattlesnake Creek; then along the North Fork Rattlesnake Creek to the USFS Richmond Mine Trail 973; then north on the Richmond Mine Trail 973 to the Bumping Lake Road; then north on the Bumping Lake Road to State Highway 410 and the point of beginning. (See Wenatchee National Forest map)

GMU 356-BUMPING (Yakima County): Beginning on the Pacific Crest Trail and State Highway 410 at Chinook Pass; then northeast on State Highway 410 to the Bumping Lake Road; then southwest on the Bumping Lake Road to the USFS Richmond Mine Trail 973; then southeast on the Richmond Mine Trail 973 to the North Fork Rattlesnake Creek; then southeast along the North Fork Rattlesnake Creek to the McDaniel Lake Road (USFS Road 1502); then southeast on the McDaniel Lake Road to USFS Road 1500; then south on USFS Road 1500 to State Highway 12; then west on Highway 12 to the Pacific Crest Trail at White Pass; then north on the Pacific Crest Trail to Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not

open to hunting.) (See Wenatchee National Forest Recreation map)

GMU 360-BETHEL (Yakima County): Beginning on USFS 1500 and Highway 410 at Nile; then southeast on Highway 410 to Highway 12; then southwest on Highway 12 to USFS 1500; then north and east on USFS 1500 to Nile and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364-RIMROCK (Yakima County): Beginning on the Pacific Crest Trail and Highway 12 at White Pass; then east on Highway 12 to Windy Point and the Jump Off Road (USFS 1302); then southwest on Jump Off Road to Divide Ridge Jeep Trail 1127 at Jump Off Lookout; then southeast on Divide Ridge Jeep Trail to DNR Road 1020 near Strobach Springs; then west on DNR Road 1020 to Blue Slide Lookout; then south on the jeep trail to Blue Lake; then south on the jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west on the Yakima Indian Reservation boundary to the Pacific Crest Trail; then north on the Pacific Crest Trail to Highway 12 at White Pass and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366-RIMROCK-COWICHE (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche). (See Wenatchee National Forest Recreation map)

GMU 368-COWICHE (Yakima County): Beginning on Highway 12 and Jump Off Road near Windy Point; then northeast and southeast on Highway 12 to the Yakima River; then south along the Yakima River to the Yakima Indian Reservation boundary south of Union Gap; then west on the reservation boundary to Darland Mountain; then north on the jeep trail past Blue Lake to Blue Slide Lookout; then northeast on DNR Road 1020 to Divide Ridge Trail 1127 near Strobach Springs; then northeast on the Divide Ridge Trail 1127 to the Jump Off Lookout and the Jump Off Road (USFS Road 1302); then northeast on the Jump Off Road to Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

~~((GMU 370-PRIEST RAPIDS (Kittitas, Yakima and Benton counties): Beginning one mile south of Thrall and Highway 821 at the Yakima River and the East High Canal; then east along the East High Canal to Interstate Highway 90; then east on Interstate Highway 90 to Vantage and the Columbia River; then south along the Columbia River (Kittitas, Yakima and Grant County line) to the west boundary of the Hanford Nuclear Reservation; then south and east on the boundary of the Hanford Nuclear Reservation to the Columbia River north of Richland; then south and west along the Columbia River (Benton, Walla Walla County line) to Alderdale; then north on the Alderdale Road to the Klickitat-Yakima County line; then west on the county line to the Yakima Indian Reservation boundary; then northeast on the reservation boundary to the Mabton-Sunnyside Road; then north on the Mabton-Sunnyside Road to the Yakima River; then northwest along the Yakima River to the East High Canal and the point of beginning. The Hanford Nuclear Reservation is closed to all unauthorized public entry. (See Washington Atlas & Gazetteer)))~~

GMU 371 ALKALI (Kittitas and Yakima counties): Beginning one mile south of Thrall and Highway 821 at the Yakima River and the East High Canal; then east and north along the East High Canal to Interstate Highway 90; then east on Interstate Highway 90 to Vantage and the Columbia River; then south along the Columbia River to Highway 24 (Vernita Bridge); then south and west along Highway 24 to the Yakima River; then north along the Yakima River to the East High Canal and the point of beginning. (See Washington Atlas and Gazetteer)

GMU 372 KIONA (Benton and Yakima counties): Beginning on Highway 24 and the Columbia River at the Vernita Bridge; then east and south along the Columbia River (Yakima, Grant, Benton, and Walla Walla County line) to the Alderdale Road; then north on the Alderdale Road to the Klickitat-Yakima County line; then west on the county line to the Yakima Indian Reservation boundary; then northeast on the reservation boundary to the Mabton-Sunnyside Road; then north on the Mabton-Sunnyside Road to the Yakima River; then northwest along the Yakima River to Highway 24; then east along Highway 24 to the Vernita Bridge and the point of beginning. The Hanford Nuclear Reservation is closed to all unauthorized public entry. (See Washington Atlas & Gazetteer)

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

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

**WSR 94-22-091
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-137—Filed November 2, 1994, 11:29 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

Purpose: To amend the boundary descriptions for game management units in region four, WAC 232-28-02204.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Boundary descriptions are amended to regulate hunting seasons by geographic area.

Reasons Supporting Proposal: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
Legal Counsel

AMENDATORY SECTION [(Amending Order 642, filed 5/10/94)]

WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

GMU 405-CHUCKANUT (Whatcom and Skagit counties): Beginning at the northwest corner of Whatcom County and the Canadian border; then east on the Canadian border to the Silver Lake Road; then south on the Silver Lake Road to the Mount Baker Highway 542; then southwest on the Mount Baker Highway 542 to the Mosquito Lake Road; then south on the Mosquito Lake Road to Valley Highway 9; then south on Valley Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then west along the Stillaguamish River through Stanwood and West Pass to Skagit Bay (Snohomish, Skagit, Island County line); then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay near Edison; then north along the shoreline to the Whatcom County line; then north on the county line to the Canadian border and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 410-ISLANDS (San Juan and Island counties): Beginning at the north corner of San Juan-Whatcom County line; then southeast on the county line to the Skagit-Whatcom County line; then east on the county line to the shore of Samish Bay; then south on the shoreline near Edison; then west through Samish Bay and south through Bellingham Channel to the Skagit-San Juan County line; then south through Rosario Strait on the San Juan-Skagit County line to the Island County line; then east on the Skagit-Island County line through Deception Pass and south through Skagit Bay; then southeast on the Island-Snohomish County line through Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap County line; then northwest on

the Island-Kitsap-Jefferson County line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; then west on the San Juan-Jefferson-Clallam County lines to the Canadian border; then north on the Canadian border through Middle Bank, Haro Strait, and Boundary Pass to the north corner of San Juan-Whatcom County line and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 417-BALD MOUNTAIN (Whatcom and Skagit counties): Beginning at the intersection of the Mosquito Lake Road and the Middle Fork Nooksack River Road (Section 11, T38N, R05E); then east on the Middle Fork Nooksack River Road to Clearwater Creek; then north and east up Clearwater Creek to the end of USFS 36 Road (Section 8, T38N, R07E); then north and east on USFS 36 Road to USFS 39 Road; then north along USFS 39 Road to SR 542 Road; then east and south along SR 542 Road to its southernmost point (Section 30, T39N, R09E); then approximately 0.5 miles along a straight line to Swift Creek; then south down Swift Creek to Baker Lake; then south along the west shoreline of Baker Lake and Lake Shannon to the lower Baker Dam; then south down the Baker River to SR 20; then west along SR 20 to Burpee Hill Road; then north along Burpee Hill Road to Baker Lake Road; then west along the Baker Lake Road to SW-HO-2400 Road; then north and west along the SW-HO-2400 Road, SW-HO-2000 Road, SW-HO-2800 Road, and SW-HO-2900 Road (Josephine Truck Trail) to the intersection with the Crown Pacific 100 Road (Hamilton Mainline); then north along the Crown Pacific 100 Road (approximately .25 miles) to the intersection with Crown Pacific 110 Road; then continue west and north along the Crown Pacific 110 Road to the Crown Pacific 130 Road; then continue north and west along the Crown Pacific 130 Road to the Crown Pacific 170 Road; then continue west along the Crown Pacific 170 Road to the Crown Pacific 171 Road; then continue west along the Crown Pacific 171 Road to the Crown Pacific 172 Road; then north to the end of the Crown Pacific 172 Road (Section 10, T36N, R05E); then north to the end of the Crown Pacific 175 Road (DNR Radio Repeater); then north along a straight line to the end of John Hancock Road No. 1; then north and east along John Hancock Road No. 1 to Christie Creek*; then east down Christie Creek to the South Fork Nooksack River; then down the South Fork Nooksack River to the mouth of Hutchinson Creek; then north up Hutchinson Creek to the Mosquito Lake Road; then continue north along Mosquito Lake Road to the Middle Fork Nooksack Road and the point of beginning. (See Washington Atlas & Gazetteer) *Map of this portion of GMU 417 available upon request at the Mill Creek regional office.

GMU 418-NOOKSACK (Whatcom and Skagit counties): Beginning at the Silver Lake Road and the Canadian border; then east on the Canadian border to the North Cascades National Park Boundary; then south on the North Cascades National Park Boundary to the range line between Range 9 and 10 East; then south on this range line to Jackman Creek; then south along Jackman Creek to the Skagit River; then west along the main channel of the Skagit River to Highway 9; then north along Highway 9 to its intersection with Highway 20 (West Sedro Woolley); then east along Highway 20 to its intersection with Valley Highway 9 (East Sedro Woolley); then north along Valley Highway 9 to Mosquito

Lake Road; then north on the Mosquito Lake Road to Mount Baker Highway 542; then north on Mount Baker Highway 542 to the Silver Lake Road; then north on the Silver Lake Road and the Canadian border to the point of beginning except GMU 417 (Bald Mountain) which is within GMU 418 (Nooksack). (See Washington Atlas & Gazetteer)

GMU 426-DIABLO (Skagit and Whatcom counties): Beginning at the Canadian border and the west boundary of the Ross Lake National Recreation Area; then south, on the Ross Lake National Recreation Boundary across the Skagit River and the North Cascades Highway; then north on the Ross Lake National Recreation Boundary to two miles east of Panther Creek; then south on the North Cascades National Park Boundary to Fisher Point; then east on the Skagit-Chelan County line across State Highway 2 to the Pacific Crest Trail; then north on the Pacific Crest Trail to Jims Pass, Oregon Basin and the Mt. Baker-Snoqualmie National Forest; then west on the Mt. Baker-Snoqualmie National Forest Boundary to the Ross Lake National Recreation Boundary; then north on the east boundary of the Ross Lake National Recreation Area to the Canadian border; then west on the Canadian border to the west boundary of the Ross Lake National Recreation Area and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 433-CAVANAUGH (Skagit and Snohomish counties): Beginning at the intersection of State Highway 9 and the Skagit River (south of Sedro Woolley); then east along the main channel of the Skagit River to the Sauk Valley Road (SR 530) near Rockport; then south on the Sauk Valley Road (SR 530) to Darrington; then west on the Arlington-Darrington Highway (SR 530) to State Highway 9 (at Arlington); then north on State Highway 9 to the Skagit River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 440-SUIATTLE (Skagit and Snohomish counties): Beginning at State Highway 20 and Jackman Creek east of Concrete; then northeast along Jackman Creek to the range line between Range 9 and 10 East; then north on the range line to the boundary of the North Cascades National Park; then north and east on the North Cascades National Park Boundary to the Ross Lake National Recreation Area Boundary; then south on the Ross Lake National Recreation Area Boundary across the North Cascade Highway 20 and the Skagit River and east along the Ross Lake National Recreation Area to the North Cascades National Park Boundary near Big Devil Peak; then southeast on the North Cascades National Park Boundary to the Cascade River Road; then south on the Cascade River Road to USFS Road 1590 (USFS Road 1590); then south on USFS Road 1590 to the north boundary of Glacier Peak Wilderness Area; then west and south on Glacier Peak Wilderness Area Boundary to the Suiattle River; then west along the Suiattle River to State Highway 530 (Sauk Valley Road); then north on State Highway 530 to Rockport and State Highway 20; then west on State Highway 20 to Jackman Creek and the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker-Snoqualmie National Forest map)

GMU 442-TULALIP (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River near

Stanwood; then east along the Stillaguamish River to Arlington and State Highway 530; then northeast on State Highway 530 to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest on the transmission line to the Jordan Road in Section 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls and the Menzel Lake Road; then south on the Menzel Lake Road past Lake Roesiger to the Woods Creek Road; then south on the Woods Creek Road to Monroe and Highway 203; then south on Highway 203 to the Snoqualmie River at Duvall; then north along the Snoqualmie River to the Snohomish River; then west along the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River near Stanwood and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties): Beginning at Trafton on the Highway 530 (Arlington-Darrington Highway); then northeast on Highway 530 to Darrington; then north on Highway 530 (Sauk Valley Road - Bennets Store Road) to the Suiattle River; then east along the Suiattle River to the Glacier Peak Wilderness Area Boundary; then south on the Glacier Peak Wilderness Area Boundary to June Mountain and USFS Trail 650; then west on the USFS Trail 650 on the crest between Sloan Creek and the North Fork Skykomish River Drainages to Curry Gap and the Quartz Creek Trail 1050; then south on the Quartz Creek Trail 1050 and 1054 to West Cady Creek; then south along West Cady Creek through Section 36, T28N, R12E to Meadow Creek; then south along Meadow Creek to Rapid River; then east along Rapid River to Lake Janus and the Pacific Crest Trail; then south on the Pacific Crest Trail to Stevens Pass and Highway 2; then west on Highway 2 to Monroe and the Woods Creek Road; then north on the Woods Creek Road past Lake Roesiger to the Menzel Lake Road; then north on the Menzel Lake Road to Granite Falls and the Jordan Road; then northwest on the Jordan Road through Jordan to the City of Seattle power transmission lines; then northeast on the transmission lines to the Jim Creek-Trafton Road (242nd St. N.E.); then west on the Jim Creek-Trafton Road to Trafton and the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker-Snoqualmie National Forest map)

GMU 450-CASCADE (Skagit and Snohomish counties): Beginning on the Glacier Peak Wilderness Boundary one mile north of Jordan Lakes on the township line between T34 & 35N; then east on the Wilderness Boundary to USFS Road 1590 (USFS Road 1590); then north on USFS Road 1590 to the Cascade River Road; then north on Cascade River Road to the North Cascades National Park Boundary; then east on the North Cascades National Park Boundary to the Pacific Crest Trail Boundary; then south on the Pacific Crest Trail to Lake Janus and the Rapid River; then northwest along the Rapid River to Meadow Creek; then north along Meadow Creek to West Cady Creek; then northwest along West Cady Creek near Excelsior Mountain and USFS Trail 1054; then north on USFS Trail 1054 and the Quartz Creek Trail (USFS 1050) to Curry Gap and USFS Trail 650; then east on USFS Trail 650 to June Mountain and the Glacier Peak Wilderness Boundary; then north on the Glacier Peak Wilderness Boundary across the Suiattle River to

Jordan Lakes on township line between T34 & 35N and the point of beginning. (See Mt. Baker-Snoqualmie National Forest and Wenatchee National Forest maps)

GMU 454-ISSAQUAH (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast along the Snohomish River to the Snoqualmie River; then southeast along the Snoqualmie River to Duvall and State Highway 203; then south on State Highway 203 through Fall City to Preston and Interstate Highway 90; then east on Interstate Highway 90 to State Highway 18; then south on State Highway 18 to the Raging River; then southeast along the Raging River to the City of Seattle Cedar River Watershed; then west, south and east on the Cedar River Watershed to the City of Tacoma Green River Watershed; then south on the Green River Watershed to USFS Road 7110 near Lynn Lake; then southwest on USFS Road 7110 to U.S. Highway 410; then west on U.S. Highway 410 to Enumclaw and State Highway 164; then west on State Highway 164 to Auburn and State Highway 18; then west on State Highway 18 to U.S. Highway 99; then north on U.S. Highway 99 to Redondo Beach; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker-Snoqualmie National Forest map)

GMU 460-SNOQUALMIE (King and Snohomish counties): Beginning at Monroe on State Highway 203 and U.S. Highway 2; then east on U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south on the Pacific Crest Trail to the City of Seattle Cedar River Watershed; then west on the Cedar River Watershed to the Raging River; then north along the Raging River to State Highway 18; then north on State Highway 18 to Interstate Highway 90; then west on Interstate Highway 90 to the Preston-Fall City Road; then north on the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to Monroe and the point of beginning. (See Mt. Baker-Snoqualmie National Forest map)

GMU 466-STAMPEDE (King County): Beginning on the Pacific Crest Trail (USFS Trail 2000) and the east boundary of the City of Seattle Cedar River Watershed; then south on the Pacific Crest Trail past Blowout Mountain to Pyramid Peak, at Windy Gap; then northwest on USFS Roads 7036 and 7030 to USFS Trail 1172; then northwest on USFS Trail 1172 to the Champion Creek Road (USFS Road 7012); north on Champion Creek Road to the City of Tacoma Green River Watershed Boundary; then north on the Green River Watershed Boundary to the Pacific Crest Trail and the point of beginning. (See White River Ranger District map and North Bend Ranger District map of the Mt. Baker-Snoqualmie National Forest)

GMU 472-WHITE RIVER (King and Pierce counties): Beginning at the lookout at Grass Mountain mainline (USFS Road 7110) and the City of Tacoma Green River Watershed Boundary; then east on the Green River Watershed Boundary and USFS Trail 1172 to USFS Road 7032; then east along USFS Road 7032 to USFS Road 7030; then southeast along USFS Road 7030 and USFS Road 7036 to the Pacific Crest Trail north of Pyramid Peak; then south on the Pacific Crest Trail to the Mount Rainier National Park Boundary at

Chinook Pass; then north and west on the park boundary to the Carbon River; then northwest along the Carbon River to Bonneville Power Transmission Line; then northeast along the transmission line to South Prairie Creek; then north along South Prairie Creek to intersection with Champion ownership line (Section 14, T19N, R6E); then east and north along Champion ownership line to the White River (along west line of Section 6, T19N, R7E); then southeast along the White River to the Bonneville Power Line on the north side of the river near Mud Mountain Dam Road; then northeast on the transmission lines to State Highway 410; then east on State Highway 410 to USFS Road 7110; then north on USFS Road 7110 to the City of Tacoma Green River Watershed and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion). (See Washington Atlas & Gazetteer, U.S. Forest Service White River-Norse Peak Wilderness map, and Champion Timberlands Visitors Recreation map)

GMU 478-MASHEL (Pierce County): Beginning at the Bonneville Power Transmission Line at the Puyallup River bridge on the Orville Road East; then northeast on the Bonneville Power Transmission Line to the Fisk Road; then southeast on the Fisk Road to Champion's 12 Road; then northeast on Champion's 12 Road to the Carbonado-Electron powerline; then northeast on the powerline to the Carbon River; then southeast along the Carbon River to the west boundary of Mt. Rainier National Park; then south on the park boundary to the Nisqually River; then west on the Nisqually River (Pierce-Lewis County line) to Weyerhaeuser 1000 (Main Line); then northeast on the Weyerhaeuser 1000 to Highway 161 (Eatonville-LaGrande Road); then northeast on Highway 161 through Eatonville to Orville Road East (Kapowsin-Eatonville Road); then north on the Orville Road East to the Puyallup River bridge and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion). (See Washington Atlas & Gazetteer, Mt. Baker-Snoqualmie National Forest map, and Champion Timberlands Visitors Recreation map)

GMU 480-SOUTH ISLANDS (Pierce County): All of Anderson, Ketron, McNeil, Gertrude, and Pitt Islands. "Special firearm restrictions for these islands." Hunting is closed on Gertrude, Pitt and McNeil Islands. (See Washington Atlas & Gazetteer)

GMU 484-PUYALLUP (Pierce and King counties): Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way South; then southeast on Redondo Way South to Pacific Highway South (Old Highway 99); then south on the Pacific Highway South to Auburn and State Highway 18; then east on State Highway 18 to State Highway 164; then southeast on State Highway 164 to Enumclaw and State Highway 410 (Chinook Pass Highway); then east on State Highway 410 to the second set of Bonneville Power Transmission Lines near the Mud Mountain Dam Road; then southwest on the transmission lines to the White River; then northwest along the White River to the Champion ownership line (along west line of Section 6, T19N, R7E); then west and south along the Champion ownership line to South Prairie Creek (Section 14, T19N, R6E); then south along South Prairie Creek to the intersection with the Bonneville Power Line; then southwest on this

transmission line to the Carbon River; then southeast on the Carbon River to the Carbonado/Electron powerline; then southwest on the powerline to the Champion 12 Road; then southwest on the Champion Road to Fisk Road; then northwest on the Fisk Road to the Bonneville Power Transmission Line; then southwest on this transmission line to the Puyallup River bridge and the Orville Road East; then south on the Orville Road East to State Highway 161; then south on the Weyerhaeuser 1000 line to the Nisqually River (Pierce-Thurston County line); then northwest along the Nisqually River to Puget Sound; then north along the shore of Puget Sound to Redondo and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion). (See Washington Atlas & Gazetteer, Mt. Baker-Snoqualmie National Forest map, and Champion Timberlands Visitors Recreation map)

GMU 485-GREEN RIVER (King County): Beginning at the northwest corner of the Green River Watershed; then east on the boundary between the Green River Watershed and the Cedar River Watershed to the USFS Road 5060; then south on the USFS Road 5060 to the posted boundary of the Green River Watershed; then along the southern boundary of the Green River Watershed over Huckleberry Mountain and Grass Mountain and across the Green River to the northwest corner of the Green River Watershed and the point of beginning. (See White River Ranger District map, and North Bend Ranger District map of the Mt. Baker-Snoqualmie National Forest)

GMU 490-CEDAR RIVER (King County): Beginning at the Cedar River and the west boundary of the City of Seattle Cedar River Watershed; then north and east on the watershed boundary to the Pacific Crest Trail; then south on the Pacific Crest Trail past Yakima Pass to the boundary of the Cedar River Watershed; then west and north on the Cedar River Watershed Boundary to the Cedar River and the point of beginning. (See Mt. Baker-Snoqualmie National Forest map)

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

**WSR 94-22-092
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-138—Filed November 2, 1994, 11:30 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

Purpose: To amend the boundary descriptions for game management units in region five, WAC 232-28-02205.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Boundary descriptions are amended to regulate hunting seasons by geographic area.

Reasons Supporting Proposal: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby

Legal Counsel

AMENDATORY SECTION [(Amending Order 643, filed 5/10/94)]

WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6; then west on State Highway 6 to the Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12; then east on U.S. Highway 12 to Interstate 5; then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504-STELLA (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River; then west down the Columbia to the mouth of Germany Creek; then north up Germany Creek to State Highway 4; then east on Highway 4 to Germany Creek Road; then north on Germany Creek Road to International Paper 1000 Road; then north on International Paper 1000 to the International Paper 1050 Road; then east on International Paper 1050 Road to the 2200 Road; then east and south to the 2000 Road; then south

on the 2000 Road to the Delameter Road (Woodside Road); then east on Delameter Road to State Highway 411; then north on Highway 411 to PH 10 Road (Four Corners); then east to Cowlitz River; then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505-MOSSYROCK (Lewis County): Beginning on Interstate 5 and the Cowlitz River; then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge; then east on U.S. Highway 12 to Winston Creek Road; then south and east to Longbell Road and Perkins Road; then northeast on Perkins Road to Swofford Road; then north on Swofford Road to Ajlune Road; then east on Ajlune Road to Riffe Lake; then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge; then south and east to the C Line Road; then east to the Bennet Road; then east to U.S. Highway 12; then west on Highway 12 to State Highway 7 (Morton); then north on State Highway 7 to State Highway 508; then west on Highway 508 to Centralia/Alpha Road; then west and north on Centralia/Alpha Road to Salzer Valley Road; then west to Summa Street and Kresky Road; then north on Kresky Road to Tower Street; then on Tower Street to State Highway 507; then west on Highway 507 Cherry, Alder and Mellen Streets to Interstate 5; then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties): Beginning at Pe Ell and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407 (Elochoman Valley Road); then south on ~~((State Highway 407 (Elochoman Valley Road) to State Highway 4; then east on State Highway 4 to State Highway 409; then south on State Highway 409 to the Columbia River/Puget Island Bridge;))~~ the Elochoman Valley Road (old SR 407) to the Elochoman River; then downstream along the Elochoman River to the Foster Road; then north on Foster Road to Risk Road; then west and north along Risk Road to SR 4; then west on SR 4 to Skamokawa Creek; then downstream along Skamokawa Creek to the confluence with the Columbia River; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the Town of Pe Ell and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection map "Willapa Hills")

GMU 510-STORMKING (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then northwest on the USFS 85 Road to Catt Creek; then north on Catt Creek to the Nisqually River; then west down the Nisqually

River to State Highway 7; then south on Highway 7 to U.S. Highway 12 (Morton); then east on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512-SAWTOOTH (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then north on USFS 85 Road to Catt Creek; then northwest down Catt Creek to the Nisqually River; then east up the Nisqually River to Horse Creek; then east up Horse Creek to USFS 52 Road (Skate Creek Road); then southeast on USFS 52 Road to the Cowlitz River; then southwest down the Cowlitz River to Smith Creek; then up Smith Creek to U.S. Highway 12; then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-TATOOSH (Lewis County): Beginning at USFS 52 Road (Skate Creek) and the Cowlitz River (at Packwood); then northwest on USFS 52 Road to Horse Creek; then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park; then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail; then south along the Cascade Crest Trail to U.S. Highway 12; then northwest and southwest on U.S. Highway 12 to USFS 1270 Road; then north on USFS 1270 Road to the Cowlitz River; then southwest down the Cowlitz River to the USFS 52 Road and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-PACKWOOD (Lewis and Skamania counties): Beginning at the mouth of Cispus River; then east up the Cispus River to the USFS 56 Road (Midway G.S. Road); then east on the USFS 56 Road to the USFS 5603 Road; then east on the USFS 5603 Road to the Yakima Indian Reservation Boundary and the Cascade Crest; then north along the reservation boundary to Cispus Pass and the Cascade Crest Trail; then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass); then northwest and southwest on U.S. Highway 12 to USFS 1270 Road (Section 31, T14N, R10E); then north on USFS 1270 Road to the Cowlitz River; then southwest down the Cowlitz River to the mouth of Smith Creek; then south up Smith Creek to U.S. Highway 12; then southwest down U.S. Highway 12 to Bennet Road; then west on the Bennet Road to the C Line Road; then west to the USFS 23 Road (Cispus Road); then west and north to the Cowlitz River; then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River; then south down the Cowlitz River to the Toutle River; then east up the Toutle River to the North Fork Toutle River; then up the North Fork Toutle River to the Green River; then east up the Green River to USFS 2612 Road; then east on USFS 2612 Road to USFS 26 Road (Ryan Lake Road); then north on USFS 26 Road to the

Cispus River; then west down the Cispus to the Cowlitz River; then west down the Cowlitz River to Riffe Lake; then west along the south shore to Ajlune Road; then west to Swofford Road; then south on Swofford Road to Perkins Road; then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road; then northwest on Winston Creek Road to U.S. Highway 12; then west on U.S. Highway 12 to the Mayfield Lake bridge; then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522-LOO-WIT (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Road; then southeast along the 3001, 3000, and 3090 Roads to the headwaters of the South Fork Castle Creek; then due south to the South Fork Toutle River; then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon; then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then north along USFS 99 Road to USFS 26 Road; then north to Strawberry Lake Creek; then west down Strawberry Lake Creek to the Green River; then across the Green River to Grizzly Creek; then up Grizzly Creek to Grizzly Lake; then west up the western inlet to its headwaters; then west to the headwaters of Coldwater Creek; then west down Coldwater Creek to Coldwater Lake; then southwest along the northwest shore to the old Weyerhaeuser 3500 Road; then west along the 3500, 3530, 3540, 3130, and 3120 Roads to the intersection with Hoffstadt Creek; then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River; then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek; then up Hoffstadt Creek to the 3120 Road; then east along the 3120, 3130, 3540, 3530 and 3500 Roads to Coldwater Lake; then northeast along the northwest shoreline to Coldwater Creek; then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake; then east down the west inlet creek to Grizzly Lake; then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek; then up Strawberry Lake Creek to the USFS 26 Road (Ryan Lake Road); then north on the USFS 26 Road to the USFS 2612 Road; then west on USFS 2612 Road to the Green River; then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties): Beginning south of the Town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the International Paper 1050 Road; then

west on the International Paper 1050 Road to the International Paper 1000 Road; then south on the International Paper 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407 (Elochoman Valley Road); then northwest on State Highway 407 (Elochoman Valley Road) to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the International Paper 1000 Road; then north on the International Paper 1000 Road to the Muller Road; then north on Muller Road to Pe Ell and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection map "Willapa Hills")

GMU 550-COWEEMAN (Cowlitz County): Beginning at the mouth of the Cowlitz River; then north to the Toutle River; then east along the Toutle River to the South Fork Toutle River; then up the South Fork Toutle to the 4950 Road; then south and east on the 4950 Road to the 235 Road; then south on the 235, 200, 245, 134, 133, 130 and 1680 Roads to the 1600 Road; then southeast along the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south along the 1420 Road to the 1425 Road; then southwest along the 1425 Road to the 6400 Road; then southwest down the 6400 Road to the 6000 Road; then east to the 6450 Road; then southeast approximately one mile on the 6450 Road to the Arnold Creek Road; then southeast on Arnold Creek Road to Dubois Road; then to State Highway 503; then west on State Highway 503 to Cape Horn Creek; then down Cape Horn Creek to Merwin Reservoir and the Lewis River; then down the Lewis River to the Columbia River; then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554-YALE (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek; then east on State Highway 503 to 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to Dog Creek; then down Dog Creek to Yale Reservoir; then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek; then up Cape Horn Creek to State Highway 503 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 556-TOUTLE (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road (Merril Lake Road) intersection; then north on USFS 81 Road to Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Section 1, T8N, R4E); then north to the headwaters of South Fork Castle Creek;

then down South Fork Castle Creek to Weyerhaeuser 3092 Road; then west on the 3092 Road to 3090 Road; then northwest on the 3090, 3000 and 3001 Roads to the North Fork Toutle River; then down the North Fork Toutle River to the South Fork Toutle River; then southeast up the South Fork Toutle River to the 4950 Road; then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 Roads to the 1600 Road; then southeast on the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south on the 1420 Road to the 1425 Road; then southwest along the 1425 Road to the 6400 Road; then southwest on the 6400 Road to the 6000 Road; then east up the 6000 Road to the 6450 Road; then southwest on the 6450 Road approximately one mile to the Arnold Creek Road; then southeast on Arnold Creek and Dubois Roads to State Highway 503; then east on State Highway 503 to the 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to the West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to USFS 81 Road and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558-MARBLE (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road intersection; then north on USFS 81 Road to Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon; then east down Ape Canyon Creek to USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then northeast on USFS 99 Road to USFS 25 Road; then south on USFS 25 Road to the Muddy River; then south down the Muddy River to the North Fork Lewis River; then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek; then north up Dog Creek to State Highway 503; then southwest to USFS 81 Road and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Road; then north to USFS 17 Road (Mt. Adams Recreational Road); then northeast to USFS 82 Road; then northeast on the USFS 82 Road to the Yakima Indian Reservation Boundary (Section 16, T7N, R11E); then north along reservation boundary (Cascade Crest) to USFS 5603 Road; then west to the USFS 56 Road; then west to the Cispus River; then northwest down the Cispus River to the USFS 26 Road (Ryan Lake Road); then west and south on the USFS 26 Road to USFS 99 Road; then northeast to the USFS 25 Road; then south to Muddy River; then south down the Muddy River to the North Fork Lewis River; then west to the USFS 90 Road bridge (Eagle Cliff); then east on USFS 90 Road to USFS 51 Road; then southeast to USFS 30 Road; then northeast on the USFS 30 Road to USFS 24 Road; then southeast to the State Highway 141; then northeast on State Highway 141 to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-BATTLE GROUND (Clark and Skamania counties): Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis

River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to the County Road 20; then southeast on County Road 20 to the Pup Creek Road; then southeast on Pup Creek Road to County Road 16; then southeast on County Road 16 through Yacolt to County Road 12; then southeast on County Road 12 to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412th Avenue; then south on N.E. 412th Avenue to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection map "St. Helens West")

GMU 568-WASHOUGAL (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz-Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest Boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Avenue; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to County Road 12; then northwest on County Road 12 to Moulton and County Road 16; then northwest on County Road 16 through Yacolt and Amboy to the Pup Creek Road; then northwest on the Pup Creek Road to County Road 20; then north on County Road 20 to the transmission line; then north on the transmission line to Merwin Dam on the Lewis River and the point of beginning. (See Gifford Pinchot National Forest map and Washington Atlas & Gazetteer)

GMU 572-SIOUXON (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 Road (Curly Creek Road); then southeast on USFS Road 51

to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning. (See Gifford Pinchot National Forest map, and Forest Protection map "St. Helens West")

GMU 574-WIND RIVER (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to Old State Road; then east to the USFS Road 60 (Carson-Guler Road); then northeast on USFS Road 60 to USFS Road 24 and State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; then northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning. (See Washington Atlas & Gazetteer, Gifford Pinchot National Forest map)

GMU 576-WHITE SALMON (Klickitat, Yakima and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge; then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road; then west to the B-Z Corners-Glenwood Road; then southwest to State Highway 141 (B-Z Corners); then north to Trout Lake; then west on State Highway 141 to USFS 86 Road; then south to the USFS 1840 Road; then south on the USFS 1840 Road to the USFS 18 Road (Oklahoma Road); then south on the USFS 18 Road to Willard and the Little White Salmon River; then south down the Little White Salmon River to the Columbia River; then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580-SIXPRONG (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale; then east to the Goldendale-Goodnoe Hills Road; then northwest along Goldendale-Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale-Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Colum-

bia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584-GOODNOE (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill); then north on U.S. Highway 97 to Satus Pass and the Yakima Indian Reservation; then east along south reservation boundary to the Yakima County line; then east to Goldendale/Bickleton Road; then southwest to Cleveland and Dot Road; then south to Goldendale/Goodnoe Hills Road; then southeast to State Highway 14; then west to Sundale and mouth of Chapman Creek; then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586-GLENWOOD (Klickitat County): Beginning at B-Z Corners and State Highway 141; then north on State Highway 141 to Trout Lake and the USFS 80 Road; then north to the USFS 17 Road; then northeast to USFS 82 Road; then northeast on USFS 82 Road, to the Yakima Indian Reservation Boundary (Section 16, T7N, R11E); then south along the reservation boundary to King Mountain and the southwest corner of the reservation (Section 27, T7N, R11E); then east along boundary (approximately one mile) to the end of King Mountain Road; then north to the northern boundary of the reservation at Section 2, T7N, R11E; then east to the northeastern corner of Section 4, T7N, R12E; then southeast along boundary to Summit Creek Primary Road; then south to the Glenwood/Goldendale Road; then northwest on the Glenwood/Goldendale Road to the Gravel Pit Road; then south on the Lakeside Road to the B-Z Corners/Glenwood Road; then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer and DNR Mt. Adams Quadrangle map)

GMU 588-GRAYBACK (Klickitat County): Beginning at U.S. Highway 97 bridge across Columbia River (Maryhill); then west down the Columbia River to Lyle and the mouth of the Klickitat River; then up the Klickitat River to the Fisher Hill Bridge; then north along the Fisher Hill Road (P-2000) to the Lakeside Road; then north on the Lakeside Road to the Gravel Pit Road; then northwest to the Glenwood/Goldendale Road; then east and southeast on the Glenwood/Goldendale Road to the Summit Creek Primary Road; then northeast to the Yakima Indian Reservation Boundary; then east along the southern boundary of the reservation to U.S. Highway 97 (Satus Pass Highway); then south on U.S. Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

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

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

WSR 94-22-093
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-139—Filed November 2, 1994, 11:31 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

Purpose: To amend the boundary descriptions for game management units in region six, WAC 232-28-02206.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Boundary descriptions are amended to regulate hunting seasons by geographic area.

Reasons Supporting Proposal: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed boundary descriptions are amended to reflect current road and trail names, as well as, provide more understandable boundaries.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
 Legal Counsel

AMENDATORY SECTION [(Amending Order 644, filed 5/10/94)]

WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

GMU 601-HOKO (Clallam County): Beginning on the Makah Indian Reservation Boundary and the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River; then south along

the Hoko River to State Highway 112; then southeast on State Highway 112 to the Hoko-Ozette Road; then southwest on the Hoko-Ozette Road to the Olympic National Park Boundary near Ozette; then north on the Olympic National Park Boundary to the Makah Indian Reservation Boundary; then east and north on the Makah Indian Reservation Boundary to the Strait of Juan de Fuca and the point of beginning. (See Olympic National Forest, Olympic National Park maps and Washington Atlas & Gazetteer)

GMU 602-DICKEY (Clallam County): Beginning at the mouth of the Hoko River and the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River; then south along the Clallam River to State Highway 112; then south on State Highway 112 to the Burnt Mountain Road; then south on the Burnt Mountain Road to Sappho and U.S. Highway 101; then southwest on U.S. Highway 101 to the LaPush Road; then southwest on the LaPush Road to the Olympic National Park Boundary; then north on the Olympic National Park Boundary to the Hoko-Ozette Road; then northeast on the Hoko-Ozette Road to the Strait of Juan de Fuca and the point of beginning. (See Olympic National Forest, Olympic National Park maps and Washington Atlas & Gazetteer)

GMU 603-PYSHT (Clallam County): Beginning at the mouth of the Clallam River and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; then south along the Elwha River to the Olympic National Park Boundary; then west on the Olympic National Park Boundary to one mile west of Lake Crescent; then south on the Olympic National Park Boundary to U.S. Highway 101; then west on U.S. Highway 101 to the Burnt Mountain Road; then north on the Burnt Mountain Road to State Highway 112; then north on State Highway 112 to the Clallam River; then north along the Clallam River to its mouth and the point of beginning, EXCEPT that part of the lower Elwha Indian Reservation within this boundary. (See Olympic National Forest, Olympic National Park maps and Washington Atlas & Gazetteer)

GMU 607-SOLEDUCK (Clallam County): Beginning at Sappho and U.S. Highway 101; then east on U.S. Highway 101 to the Olympic National Park Boundary; then south and west on the Olympic National Park Boundary to the Bogachiel River; then west along the Bogachiel River to U.S. Highway 101; then north on U.S. Highway 101 through Forks to Sappho and the point of beginning. (See Olympic National Forest, Olympic National Park maps and Washington Atlas & Gazetteer)

GMU 612-GOODMAN (Jefferson and Clallam counties): Beginning two miles east of LaPush on the Olympic National Park Boundary and the LaPush Road; then northeast on the LaPush Road to U.S. Highway 101 at Forks; then south on U.S. Highway 101 across the Hoh River and west to Olympic National Park Boundary; then north on the Olympic National Park Boundary to the LaPush Road and the point of beginning. (See Olympic National Forest, Olympic National Park maps and Washington Atlas & Gazetteer)

GMU 615-CLEARWATER (Jefferson County): Beginning on U.S. Highway 101 and the Bogachiel River; then east along the Bogachiel River to the Olympic National Park

Boundary; then southeast and west on the Olympic National Park Boundary to the Quinault Indian Reservation Boundary; then west on the Quinault Indian Reservation Boundary to the Olympic National Park Boundary; then north along the Olympic National Park Boundary to U.S. Highway 101; then east, north, and west on U.S. Highway 101 to the Bogachiel River and the point of beginning. (See Olympic National Forest, Olympic National Park maps and Washington Atlas & Gazetteer)

GMU 618-MATHENY (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinault Rivers that are outside Olympic National Park and outside the Quinault Indian Reservation. (See the Olympic National Forest map)

GMU 621-OLYMPIC (Jefferson, Clallam and Mason counties): Beginning at the Olympic National Park Boundary and the Elwha River; then north along the Elwha River to U.S. Highway 101; then east on U.S. Highway 101 through Port Angeles, and Sequim to Quilcene and the Chimacum Center Road; then north on the Chimacum Center Road to the East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the shore of Quilcene Bay to Dabob Bay; then south along the shore of Dabob Bay to Hood Canal; then southwest along the shore of Hood Canal to U.S. Highway 101 at Hoodspport; then west across U.S. Highway 101 to the Lake Cushman Road; then northwest on the Power Dam Road; then west on Power Dam Road to Upper Cushman Dam and the shore of Lake Cushman; then northwest on the west shore of Lake Cushman to the North Fork Skokomish River; then north along the North Fork Skokomish River to the Olympic National Park Boundary; then north and west on the Olympic National Park Boundary to the Elwha River and the point of beginning. (See Olympic National Forest, Olympic National Park map and Washington Atlas & Gazetteer)

GMU 624-COYLE (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River and the Strait of Juan de Fuca; then east along the shore including islands and spits to Admiralty Inlet and Puget Sound; then south along the shore of Admiralty Inlet and Puget Sound to Hood Canal; (including Marrowstone Island and excluding Indian Island) then southwest along the shore of Hood Canal to Dabob Bay; then north along the shore of Dabob Bay and Quilcene Bay to East Quilcene Road; then west on the East Quilcene Road to the Chimacum Center Road; then south on the Chimacum Center Road to U.S. Highway 101; then north and west on U.S. Highway 101 through Sequim and Port Angeles to the Elwha River; then north along the Elwha River to its mouth and the Strait of Juan de Fuca and the point of beginning. (See Olympic National Forest, Olympic National Park map and Washington Atlas & Gazetteer)

GMU 627-KITSAP (Kitsap, Mason, Pierce and King counties): Beginning at the Hood Canal Bridge; then north along the shore of Hood Canal to Admiralty Inlet, and Puget Sound; then south along the shore of Puget Sound, including Bainbridge Island, Blake Island, Vashon Island, and Murry Island to Dalco Passage; then south along the shore of Carr Inlet; including Fox Island; through Pitt Passage and Drayton Passage to Nisqually Reach (Pierce-Thurston County line); then northwest along the Nisqually Reach and the Pierce

County line to North Bay; then along the east shore of North Bay to the town of Allyn and State Highway 3; then north on State Highway 3 to Belfair; then north on the Old Belfair Highway to the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to the Dewatto Road West; then north along the Dewatto Road to its intersection with the Albert Pfundt Road; then north on the Albert Pfundt Road to the easternmost point of Anderson Cove; then north from Anderson Cove along the east shore of Hood Canal to the Hood Canal Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 633-MASON (Mason and Kitsap counties): Beginning at the easternmost point of Anderson Cove and south on the Albert Pfundt Road to the West Dewatto Road; then south on the West Dewatto Road to the Bear Creek-Dewatto Road; then east along the Bear Creek-Dewatto Road to the Old Belfair Highway; then south on the Old Belfair Highway to Belfair; then south on State Highway 3 to Allyn and North Bay; then south along the west shore of North Bay including Reach and Stretch Islands, to Case Inlet and the Mason-Pierce-Thurston County line intersection; then west through Dana Passage to Squaxin Passage; then northwest through Squaxin Passage including Hope and Squaxin Islands following the Mason County line; then southwest through Totten Inlet to Oyster Bay and U.S. Highway 101; then north on U.S. Highway 101 to Hoodspport; then east across Hood Canal to Cougar Spit; then north along the east shore of Hood Canal to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 636-SKOKOMISH (Grays Harbor and Mason counties): Beginning on the Olympic Park Boundary and the North Fork Skokomish River; then south along the North Fork Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam and the Power Dam Road; then east on the Power Dam Road to Lake Cushman Road; then southeast on Lake Cushman Road to U.S. Highway 101 at Hoodspport; then south on U.S. Highway 101 to Shelton and the Shelton-Matlock Road (County Road 9010); then west on to the Shelton-Matlock Road to Matlock and the Deckerville Road; then west on the Deckerville Road to the Middle Satsop Road; then west and south on the Middle Satsop Road to the ~~((Cougar Smith Road; then west on the Cougar Smith Road to the))~~ Kelly Road; then north on the Kelly Road to USFS Road 2153 (old 600 line); then west on USFS 2153 to Wynoochee Road (USFS 22 Road); then northwest and southwest on USFS 22 Road to ((the USFS 2204 Road (refers to USFS map, DeLorme lists as Fire Road 2302); then north on the 2204 and 2204-200 Road to Olympic National Park)) Big Creek; then up Big Creek and the east fork of Big Creek to the range line separating R8W and R7W, then north on that range line to Olympic National Park Boundary; then east on the Olympic National Park Boundary to the point of beginning. (See Washington Atlas & Gazetteer and Olympic National Forest map)

GMU 638-QUINAULT RIDGE (Grays Harbor and Jefferson counties): Beginning on the Olympic National Park Boundary at the northwest corner of Lake ~~((Quinault))~~ Quinault; then northeast on the Olympic National Park Boundary along the Quinault River; then south and northeast

on the Olympic National Park Boundary to the range line separating R7W and R8W near Spur Road 2204-200 Spur Road and USFS 2204 Road (DeLorme Road 2302); then ((southwest)) south on this range line on ((USFS 2204 Road)) the East Fork of Big Creek, then down Big Creek to USFS 22 Road (Donkey Creek Road); then west on the Donkey Creek Road to U.S. Highway 101; then north on U.S. Highway 101 to the Quinault Indian Reservation Boundary; then northeast on the reservation boundary to Lake Quinault; then northeast along the south shore of Lake Quinault to the Olympic National Park Boundary and the point of beginning. (See Olympic National Forest map)

GMU 642-COPALIS (Grays Harbor County): Beginning at the Quinault Indian Reservation and U.S. Highway 101; then south on U.S. Highway 101 to the Hoquiam River; then south along the Hoquiam River to the City of Hoquiam and Grays Harbor; then west along the north shore of Grays Harbor to the Pacific Ocean; then north along the shore of the Pacific Ocean to the Quinault Indian Reservation Boundary; then east and northeast along the Quinault Indian Reservation to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-WYNOOCHEE (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (USFS Road 22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (USFS Road 22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (USFS Road 22) to ((the Cougar Smith Road; then east on the)) USFS Road 2153 (old 600 line); then east on USFS 2153 to Kelly Road; then south on Kelly Road to Middle Satsop Road; then south on Middle Satsop Road to Cougar Smith Road; then west on Cougar Smith Road to the West Fork of the Satsop River; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road (USFS Road 22) and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-SATSOP (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 bridge on the Satsop River; then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop River to the Cougar Smith Road; then east on the Cougar Smith Road to the Middle Satsop Road; then north and east on the Middle Satsop and Matlock-Deckerville Roads to the Town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route 8; then west on State Route 8 to its junction with U.S. Highway 12; then west along U.S. Highway 12 to the Satsop River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-NORTH RIVER (Grays Harbor and Pacific counties): Beginning at the Pacific Ocean and the south shore of Grays Harbor; then east along the south shore of Grays Harbor to Aberdeen and the mouth of the Chehalis River including Rennie Island; then east along the Chehalis

River to the U.S. Highway 101 bridge and U.S. Highway 101; then south on U.S. Highway 101 to Raymond and the Willapa River; then west along the Willapa River to Willapa Bay; then west along Willapa Bay to the Pacific Ocean; then north along the Pacific Ocean to the south shore of Grays Harbor and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

GMU 660-MINOT PEAK (Grays Harbor and Pacific counties): Beginning at Aberdeen on U.S. Highway 12; then east and south on U.S. Highway 12 to Oakville and the Chehalis Indian Reservation Road; then south on the Reservation Road to the South Bank Road; then southeast on the South Bank Road to the Garrard Creek Road; then southwest on the Garrard Creek Road to the Oakville Brook Road; then west on the Oakville Brook Road to the North River Valley Road; then west on the North River Valley Road to the Smith Creek Road; then west on the Smith Creek Road to U.S. Highway 101; then north on U.S. Highway 101 to Aberdeen and U.S. Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

GMU 663-CAPITOL PEAK (Grays Harbor and Thurston counties): Beginning at Elma on State Highway 8; then east on State Highway 8 to U.S. Highway 101; then east on U.S. Highway 101 to the Delphi Road S.W.; then south on the Delphi Road S.W. to Waddell Creek Road S.W.; then south on the Waddell Creek Road S.W. to Littlerock and the Gate Mima Road S.W.; southwest on the Gate Mima Road S.W. to Gate and Moon Road S.W.; then south on Moon Road S.W. to U.S. Highway 12; then northwest on U.S. Highway 12 to Elma and State Highway 8 and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

GMU 666-DESCHUTES (Thurston County): Beginning on U.S. Highway 101 at the Mason-Thurston County line near Oyster Bay; then following the Thurston County line to the mouth of the Nisqually River; then south on the Nisqually River to the Old Pacific Highway; then southwest on the Old Pacific Highway (Mounts Road) to State Highway 510; then southeast on State Highway 510 to the Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway S.E. (Old Highway 99); then north on Pacific Highway S.E. (Old Highway 99) to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on the Littlerock Road to 110th Avenue; then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on U.S. Highway 101 to the Mason-Thurston County line at Oyster Bay and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection map "Willapa Hills")

GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties): Beginning on the Old Pacific Highway (Mounts Road) Bridge on the Nisqually River; then southeast along

the Nisqually River to Alder Lake; then southeast along the north shore of Alder Lake to Elbe and State Highway 7; then south on State Highway 7 to Morton and State Highway 508; then west on State Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road to Pearl Street; then north on Pearl Street to State Highway 507; then northwest on State Highway 507 to Interstate 5; then north on Interstate 5 to U.S. Highway 12; then west on U.S. Highway 12 to Moon Road; then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road; then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to the Littlerock Road; then south on the Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on the McCorkle Road to the Pacific Highway S.E. (Old Highway 99); then south on Pacific Highway to Waldrick Road; then east on Waldrick Road to the Stedman Road; then north and east on the Stedman Road to the Rainier Road; then southeast on the Rainier Road to the Spurgeon Creek Road; then north on the Spurgeon Creek Road to the Yelm Highway; then east and northeast on the Yelm Highway to State Highway 510; then northwest on State Highway 510 to Pacific Highway (Mounts Road); then northeast on Pacific Highway S.E. (Mounts Road) to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669-PALIX (Pacific County): Beginning at Willapa Bay and the mouth of the Willapa River; then southeast along the Willapa River to Raymond and State Highway 6; then southeast on State Highway 6 to the Bonneville Powerline Road; then southwest on the Bonneville Powerline Road to Trap Creek A Line; then west on Trap Creek A Line to C2000 Line; then west on the C2000 Line to the Williams Creek A Line; then southwest on the Williams Creek A Line to the North Nemah A Line; then west on the North Nemah A Line to Williams Creek; then southwest along Williams Creek to North Nemah River; then west along North Nemah River to Willapa Bay; then north along the east shore of Willapa Bay to the mouth of the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

GMU 672-FALL RIVER (Pacific, Lewis and Grays Harbor counties): Beginning at Raymond and U.S. Highway 101; then north on U.S. Highway 101 to Smith Creek Road; then northeast on the Smith Creek Road to the North River Valley Road; then east on the North River Valley Road to the Oakville-Brook Road; then east on the Oakville-Brook Road to the Garrard Creek Road; then south on the Garrard Creek Road to the 720 Road; then southwest on the 720 Road to the 7800 Road; then west on the 7800 Road to the 7000 Road; then south on the 7000 Road to the Elk Creek Road; then east on the Elk Creek Road to the Stevens Road (Doty Road); then east on the Stevens Road to State Highway 6; then south, west and northwest on State Highway 6 to Raymond, U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer and Weyerhaeuser McDonald Tree Farm Hunting Map)

GMU 678-NEMAH (Pacific and Wahkiakum counties): Beginning at Nemah and the mouth of the Nemah River; then east along the Nemah River to Williams Creek; then northeast along Williams Creek to the North Nemah A Line; then east on the North Nemah A Line to the Williams Creek A Line; then east on the Williams Creek A Line to the C2000 Line; then east on the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line to the Bonneville Powerline Road; then south on the Powerline Road to the Salmon Creek Road; then southwest on the Salmon Creek Road to State Highway 4; then west on State Highway 4 to U.S. Highway 101 at Johnson's Landing; then west on U.S. Highway 101 to the Naselle River Bridge and the Naselle River; then west along the Naselle River to Willapa Bay; then north along the east shore of Willapa Bay to the mouth of the Nemah River and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

GMU 681-BEAR RIVER (Pacific and Wahkiakum counties): Beginning at Willapa Bay and the mouth of the Naselle River; then southeast along the Naselle River to U.S. Highway 101 Bridge; then east on U.S. Highway 101 to State Highway 4; then southeast on State Highway 4 to Deep River Bridge; then south along the Deep River to the Columbia River; then west along the shore of the Columbia River to the mouth of the Wallacut River; then north along the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway 101 to alternative U.S. Highway 101; then north and west on alternative U.S. Highway 101 to Bear River; then west along Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

GMU 684-LONG BEACH (Pacific County): All of the Long Beach Peninsula west of the mouth of Bear River; then south along Bear River to U.S. Highway 101; then southwest on U.S. Highway 101 to Alternate U.S. Highway 101; then south and west on U.S. Highway 101 to the Wallacut River; then south along the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

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

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

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

**WSR 94-22-094
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-140—Filed November 2, 1994, 11:32 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02210 Game management units (GMUs)—Special game areas—Boundary descriptions—Deer area descriptions.

Purpose: To amend the boundary descriptions of special deer areas, WAC 232-28-02210.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Boundary descriptions are amended to regulate hunting seasons by geographic area.

Reasons Supporting Proposal: The boundary descriptions are added or deleted to reflect current deer management needs.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The boundary descriptions are added or deleted to reflect current deer management needs.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby

Legal Counsel

AMENDATORY SECTION [(Amending Order 645, filed 5/10/94)]

WAC 232-28-02210 Game management units (GMUs)—Special game areas—Boundary descriptions—Deer area descriptions.

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway 165; then south and east along State Highway 165 to where it intersects the Mt. Rainier National Park Boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles

south of Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles northeast of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road (T16N, R6E, Section 19, S.W. 1/2 of S.W. 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to northwest corner of Section 31, T17N, R5E; then east on section line between Sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road; then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of Trail 1433 and Butte Trail 1440; then northwest along Butte Trail 1440 to South Pyramid Trail 1439; then southwest to intersection of Trail 1437; then due west to Trail 1434; then northwest to Trail 1435; then south to Trail 1400; then southeast to Garland Creek; then west to Garland Peak; then north along Trail 1408 to Trail 1515; then south to Trail 1530; then west to Trail 1509; then south to Trail 1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness Boundary to beginning. (See Wenatchee National Forest map)

~~((Deer Area No. 030 Squaw Creek (Benton, Kittitas and Yakima counties): That portion of GMU 370 north of State Highway 24. (See Washington Atlas & Gazetteer)))~~

Deer Area No. 031 Patterson (Benton and Klickitat counties): Beginning at the junction of Highway 14 at Patterson; then west on Highway 14 to Alderdale Road; then north on Alderdale Road (including Section 22 of Township

5N, R23E) to Smith Road; then east on Smith Road to McKinley Springs Road; then northeast on McKinley Springs Road to Horrigan Road; then east on Horrigan Road to Highway 221; then south on Highway 221 to Highway 14 and point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area Boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area Boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to Ridge Lake; then in a northwest direction approximately one-half mile to Gravel Lake; then down the Gravel Lake tributary to Goat Creek; then down Goat Creek to its intersection with Alpine Lakes Wilderness Area Boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 041 Pilchuck (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along Highway 530 to a point in Section 10, T32N, R7E where it intersects with the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the divide between Jim Creek and the North Fork of Canyon Creek (Section 11, T31N, R7E); then down the North Fork of Canyon Creek and Canyon Creek to the South Fork Stillaguamish River; then down the Stillaguamish River to Jordan Road; then along Jordan Road to Granite Falls, then south along Menzel Lake Road to the Pilchuck River Road (P-5000); then east on P-5000 Road to Culmbach Dam (Spada Lake); then southeast on Culmbach Dam Road to Sultan Basin Road at Olney Pass; then south on Sultan Basin Road to Kellogg Lake Road to U.S. Highway 2 east of Sultan; then west on U.S. Highway 2 to Monroe; then south on Highway 203 to Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mount Baker/Snoqualmie National Forest map)

Deer Area No. 042 Tolt (King and Snohomish counties): Beginning at intersection of Highway 202 and the Tokul Creek Road S.E. (near Snoqualmie Falls); then north on Tokul Creek Road S.E. and onto S.E. 53rd Way then onto the S.E. 53rd Road; then along S.E. 53rd Road to its junction with the Weyerhaeuser mainline; then north on Weyerhaeuser mainline road through Gate 4 onto the Weyerhaeuser mainline truck road; then north on Weyerhaeuser mainline truck road (approximately 23 miles) to its junction with Proctor Creek Road; then north on Proctor Creek Road to its junction with Highway 2; then west on U.S. Highway 2 to its junction with Highway 203 at Monroe; then south on Highway 203 to its junction with

Highway 202; then east along Highway 202 to the point of beginning. (See Washington Atlas & Gazetteer or Weyerhaeuser Recreational map and Thomas Brothers Guide)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas & Gazetteer)

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 94-22-095
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-141—Filed November 2, 1994, 11:34 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions—Cougar areas.

Purpose: To amend cougar game management unit areas, WAC 232-28-02280.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The cougar hunting areas are amended by dropping GMU 157 (Watershed) and splitting the Wenatchee Cougar Unit in two. The north half (GMUs 301-335) is now Chelan; and the south half (GMUs 336-372) is now Yakima.

Reasons Supporting Proposal: To manage the cougar population more accurately. The Walla Walla watershed rules prohibit cougar hunting in the watershed so the unit was dropped. Splitting the Wenatchee Unit allows the department to shift hunting pressure in proportion to cougar abundance in this area.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Cougar hunting units are designed to harvest cougar in proportion to their abundance. This system allows greater hunting pressure on areas with high cougar numbers and restricting hunting on low cougar populations.

Proposal does not change existing rules.

PROPOSED

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.
November 1, 1994
Evan Jacoby
Legal Counsel

AMENDATORY SECTION [(Amending Order 652, filed 5/10/94)]

WAC 232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions. Cougar areas.

COUGAR PERMIT AREA DESCRIPTIONS

Unit	Description
1	Pend Oreille—GMU 113
2	Colville—GMUs 108, 111, 118, and 119
3	Republic—GMUs 100, 103, 105, 200, and 206
4	Spokane—GMUs 121 and 124
5	Blue Mountains—GMUs (145-168) <u>145-154, 160-166 and (170-185) 172-185</u>
6	Wenaha—GMU 169
7	Okanogan—GMUs 203, 209-242, and 300
8	(Wenatchee GMUs 301-368) <u>Chelan—GMUs 301-335</u>
9	<u>Yakima—GMUs 336-372</u>
(9) <u>10</u>	Nooksack—GMUs 417, 418
(10) <u>11</u>	Skagit—GMUs 426, 433, 440-448, and 450
(11) <u>12</u>	Snoqualmie—GMUs 454, 460, 466, 472, and 490
(12) <u>13</u>	North Olympic Peninsula—GMUs 601-615, that portion of GMU 621 north of the Dosewallips River, and GMU 624
(13) <u>14</u>	South Olympic Peninsula—GMUs 618, 636, 638, 642, 648, and that portion of GMU 621 south of the Dosewallips River
(14) <u>15</u>	Rainier—GMUs 478, 484, 505, 510, 512, 514, 516 and 667
(15) <u>16</u>	South Puget Sound—GMUs 627, 633, 651, 663, and 666
(16) <u>17</u>	Cowlitz—GMUs 520, 550, 556, and 558
(17) <u>18</u>	Skamania—GMUs 560, 568, 572, 574, (and) <u>and 576</u>
(18) <u>19</u>	Pacific—GMUs 658, 660, 669, 672, 678, 681, and 684 (Unit Description)

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 94-22-096
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-142—Filed November 2, 1994, 11:35 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations.

Purpose: To amend the 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations, WAC 232-28-240.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Deer and black bear hunting seasons are amended to reflect population abundance, firearm restrictions, bear baiting rules and hound hunting for bear.

Reasons Supporting Proposal: Deer and black bear hunting seasons are amended to reflect population abundance, firearm restrictions, bear baiting rules and hound hunting for bear.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Hunting seasons for deer and black bear are designed to harvest available surplus, help reduce damage and establish hunting seasons that are socially acceptable.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

PROPOSED

November 1, 1994
 Evan Jacoby
 Legal Counsel

AMENDATORY SECTION [(Amending Orders 94-76 and 94-131, filed 10/17/94)]

WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations

DEER

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in

these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, 185, 203, 231, 306, and 450.

Modern Firearm Deer Seasons

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

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

High Buck Hunt

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

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

General Modern Firearm Deer Seasons

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

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
Northeastern				
100-124 (See late buck for extended whitetail season).	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only
Southeastern				
127-185 Except closed in 157	Oct. 15-23	Oct. 14-22	Oct. 12-20	3 pt. min.
Okanogan & Chelan				
200-242	Oct. 15-31	Oct. 14- (31) 27	Oct. 12-31	Buck only except 3 pt. min. in GMUs 203 and 231.
300-316	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except 3 pt. min. in GMU 306
Columbia Basin				
248-278, 284	Oct. 15-21	Oct. 14-20	Oct. 12-18	Buck only
281	Oct. 15-23	Oct. 14-22	Oct. 12-20	Either sex

PROPOSED

Colockum and Central

328-334	Oct. 15-25	Oct. 14-25	Oct. 12-25	Buck only
335-((370))372	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only
Western				
405-572, 580, 601-684. Closed in GMU 522. Permit only in GMU 485.	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, 558, 636, and 681; and 3 pt. min. in GMU 450.
574, 576, 584, 586, 588	Oct. 15-Nov. 6	Oct. 14-Nov. 14	Oct. 12-Nov. 6	2 pt. min.

Late Buck Season

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

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
105-124	Nov. 1-20	Nov. 1-19	Nov. 1-24	Whitetail buck only
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588	Nov. 17-20	Nov. 16-19	Nov. 21-24	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410 and 564

Archery Deer Seasons

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

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Early Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
100-118, 121, 124, 215, 233, 300, 316	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
127, 130 133	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
136-154, 160-169, 175-185, 231, 306	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
200, 206, 218, 224, 239, 248-284, 308, 335-340, 352, 356, 364, ((370;)) 371, 372, 405-426, 440, 442, 454-472, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554, 556, 560, 568, 572, 580,	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex

PROPOSED

PROPOSED

601, 602, 607, 615,
618, 621, 627*, 633,
638, 642-658, 663,
667, 669, 678

433, 478, 558, 574,
576, 584, 586, 588,
681

328-334, 480

203, 301, 302, 450

172

119, 242, 304, 360,
448, 484, 564, 603,
612, 624, 666, 672,
684

636

660

501, 506

Deer Areas 010,
040, 060

Bow Area 802

Late Archery

GMUs

Sept. 1-14
Sept. 15-30

Sept. 1-14
Sept. 15-30

Sept. 15-30

Sept. 1-14
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1994 Dates

Sept. 1-14
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Sept. 15-30

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Sept. 1-14
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1995 Dates

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Sept. 15-30

Sept. 15-30

Sept. 1-14
Sept. 15-30

1996 Dates

2 pt. min.
2 pt. min. or
antlerless

Buck only
Either sex

3 pt. min. or
antlerless

3 pt. min.
3 pt. min. or
antlerless

Buck only
Either sex

2 pt. min.
2 pt. min. or
antlerless

2 pt. min.
2 pt. min. or
antlerless

Buck only
Either sex

3 pt. min. or
antlerless

Buck only
Either sex

Legal Deer

103

Nov. 14-Dec. 15

Nov. 14-Dec. 15

Nov. 14-Dec. 15

Whitetail only,
either sex

118, 121, 124

Nov. 23-Dec. 15

Nov. 22-Dec. 15

Nov. 27-Dec. 15

Whitetail only;
either sex

127, 166, 178

Nov. 23-Dec. 15

Nov. 22-Dec. 15

Nov. 27-Dec. 15

3 pt. min. or
antlerless

209, 215, 233, 242,
272, 300, 304, 316,
346, 352, 364

Nov. 23-Dec. 8

Nov. 22-Dec. 8

Nov. 27-Dec. 8

Either sex

558, 584, 588, 636,
681

Nov. 23-Dec. 15

Nov. 22-Dec. 15

Nov. 27-Dec. 15

2 pt. min or
antlerless

417, 418, 426, 440,
448, 460, 466, 480,
510, 512, 514, 516,
520, 524, 530, 556,
560, 572, 601, 607,
612, 615, 618, 638,
648, 669, 678

Nov. 23-Dec. 15

Nov. 22-Dec. 15

Nov. 27-Dec. 15

Either sex

450

Nov. 23-Dec. 15

Nov. 22-Dec. 15

Nov. 27-Dec. 15

3 pt. min

Bow Areas	1994 Dates	1995 Dates	1996 Dates	Legal Deer
802	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
806, 807	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. ((24)) 27-Dec. 8	Either sex
820	Dec. 24-Jan. 8, 1995	Dec. 24-Jan. 8, 1996	Dec. 24-Jan. 8, 1997	Either sex

Extended Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
405, 410, 442, 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 666, 667, 672, and Deer Areas 041 and 042	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
433	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	2 pt. min. or antlerless

* Submarine Base Bangor within GMU 627 is (~~antlerless only~~) open for handicapped archers by permit. For information on this hunting opportunity call Tom James at (206) 396-5097. Applicants must be U.S. citizens and hunting is open weekends only.

Muzzleloader Deer Seasons

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

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

High Buck Hunt

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

Early Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
119, 242, 564, 666	Oct. 1-12	Oct. 1-11	Oct. 1-9	Either sex
506	Oct. 6-12	Oct. 5-11	Oct. 3-9	Buck only
209	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Either sex
302, 368	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Buck only
304, 360, 484, 603, 612, 624, 672	Oct. 1-12	Oct 1-11	Oct. 1-9	Buck only

Late Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
113	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Whitetail only, either sex
130, 133, 136, 139, 181	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	3 pt. min. or antlerless
304	Nov. 12-20	Nov. 11-19	Nov. 10-18	Buck only
410	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex

478	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min. or antlerless
501, 504, 550	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
580	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Buck only
576, 586	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min.
602, 633, 651, 684	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
666	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
Muzzleloader Area				
925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only
926	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Either sex

Firearm Restricted Deer Hunts Open To All Deer Hunters

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

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	1994 Dates	1995 Dates	1996 Dates	Legal Deer
410 & 480	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 17-Dec. 31	Nov. 16-Dec. 31	Nov. 21-Dec. 31	Either sex
627*	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex

*Only that portion of GMU 627 (Kitsap) on Vashon(~~Maury and Heron Islands~~) and Maury Islands.

Private Lands Wildlife Management Opportunities

Kapowsin Tree Farm (PLWMA 401 - Champion)

Hunting Method	1994 Open Season	1995 Open Season	1996 Open Season	Special Restrictions
Archery	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
Modern Firearm				
General	Oct. 15-31	Oct. 14-31	Oct. 12-31	2 pt. min.
Late Buck	Nov. 17-20	Nov. 16-19	Nov. 21-24	2 pt. min.
Muzzleloader	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Antlerless or 2 pt. min.

BLACK BEAR

Bag Limit: Fall General - One (1) black bear.

Tag Sale Deadline: Bear tags must be purchased by midnight of the day preceding modern firearm deer season opener. Actual dates are: Oct. 14, 1994; Oct. 13, 1995; Oct. 11, 1996.

PURSUIT ONLY SEASON

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured. Hunters participating in a pursuit only

season for black bear must have a valid hound stamp, and hunting license. A bear tag is not required to pursue black bear during the pursuit only season.

Aug. 1-31, 1994, 1995, and 1996, in GMUs 100-111, GMU 113 outside of Selkirk Grizzly Bear Recovery Zone*, GMUs 118-124 and GMUs 200 and 206.

The following regulations apply to the practice of HUNTING BLACK BEAR WITH BAIT.

Definition of Bait: A bait shall be defined as any substance placed with the intent of attracting bear.

Bait Types: (~~The following materials are legal baits for hunting and pursuing black bear: Unprocessed~~) It is unlawful to hunt bear with the aid of any bait other than unprocessed plant and plant parts including fruit, inedible parts of legally obtained food fish, game fish, and game animals(♂); carcasses of legally trapped furbearing animals (hide removed)(♂); carcasses of ((food fish,)) unclassified fish and unclassified wildlife, and parts of domestic livestock carcasses.

Baits may not contain paper, cardboard, plastic, glass, aluminum, tin, steel, or styrofoam, or other packaging materials.

All other baits are illegal.

PROPOSED

Placement of Bait: Baits for black bear may not be placed in an area until five days prior to the start of that area's established bear harvest season.

A bait may not be placed within fifty yards of any body of water (lake, pond, reservoir, stream, river, and spring), and not within two hundred yards of any publicly maintained trail and/or open road.

A bait may not be placed within one-half mile of any publicly designated administrative site, campground, picnic area, landfill or dump site, and not within one-quarter mile of any permanent residence or seasonal dwelling (except that private landowners may bait on their property within one-quarter mile of their own residence or seasonal dwelling when such baiting does not violate any of the aforementioned distance requirements with adjacent landholders).

Bait Containers: Bait must be contained within an excavated pit, or within a confine constructed of materials located at the site. Such containment structures might include, but not be restricted to, log cubbies, rock piles and stumps. Containers may also be used to hold bait, but if used, must be securely fastened (to tree, ground, post, etc.).

Any items used to contain or to fasten bait containment materials such as metal drums, nails, screws, bolts, rope, reinforcing rod, and spikes shall be removed from the area within 48 hours of the close of the bear harvest season. Excavated pits shall be filled(;) and the area ((shall be)) returned to pre-baiting condition. ((Materials)) Tree stands and materials used to construct and erect tree stands ((overlooking the bait)) shall be removed within the same 48-hour period (except that tree stands may be left on private property with landowner's permission).

All hunters who hunt bear with bait shall affix their bear tag number at their bear baiting sites in such a manner that it remains conspicuous and legible for the duration of the bear season.

OPEN SEASON

(Bear may be killed.)

Eastern Washington*

Sept. 7-Oct. 31, 1994, Sept. 6-Oct. 31, 1995, Sept. 4-Oct. 31, 1996 ((throughout eastern Washington except CLOSED to hunting with hounds outside federal lands in GMUs 203, 218, 224, 231, 239, and 242)).

Sept. 7-Nov. 6, 1994; Sept. 6-Nov. 5, 1995; Sept. 4-Nov. 10, 1996 in GMUs 145-185, except in Walla Walla and Columbia counties, bear season outside of Umatilla National Forest is open to boot hunters only (no hounds or bait may be used to hunt bear).

* Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Selkirk Grizzly Bear Recovery Zone**.

**Selkirk Grizzly Bear Recovery Zone: (Pend Oreille County): Beginning at the junction of the Canadian-Washington border and State Route 31 by Boundary Lake; then east along the Canadian border to the Idaho border; then south along the Idaho-Washington border to the ridge top between Bath Creek and Lamb Creek at Section 1, Township 35 North, Range 45 East; then west along said ridge top to

USFS Road 310; then west along USFS Road 310 to the peak of Gleason Mountain; then west along USFS Trail 162 to Hungry Mountain; then south and west along the ridge top between Fourth of July Creek and Middle Creek to the mouth of LeClerc Creek; then north along the ridge top between the Pend Oreille River and the West Branch LeClerc Creek (Dry Canyon Ridge) to Sullivan Lake Road; then north and east along Sullivan Lake Road to Sullivan Lake; then north along the east shoreline of Sullivan Lake to Sullivan Lake Road; then north and west along Sullivan Lake Road ((to the city limits of Metaline Falls; then north along the city limits of Metaline Falls)) to State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

(Draft) North Cascades Grizzly Bear Recovery Zone (D)NCGBRZ - Special Regulations

((Note: A boundary description of the North Cascades Grizzly Bear Recovery Zone will appear in the hunting season pamphlet.

~~Hunting black bear with the use or aid of bait is prohibited in the (D) NCGBRZ within the recommended Situation 1 areas, which include all wilderness areas of the National Forests and of the North Cascades National Park Complex.~~

~~During the 1994 season, hunters may bait for black bear outside of wilderness areas of the (D)NCGBRZ. Educational information and baiting permits will be available on a voluntary basis during the 1994 season, and hunters are encouraged to participate. Beginning in 1995, hunters wishing to use bait within the NCGBRZ but outside of designated Situation 1 areas will be required to be an Advanced Hunter Education graduate (AHE), or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.))~~

Hunting black bear with the use or aid of bait is prohibited in wilderness areas of the North Cascades National Park Complex, and in the following National Forest wilderness areas: Mount Baker, Pasayten, Noisy Diobsud, Glacier Peak, Lake Chelan-Sawtooth, Boulder River, Henry M. Jackson, and Alpine Lakes.

Hunters using bait north of Interstate 90, and west of U.S. Highway 97 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests, and on all lands outside these National Forests within GMUs 215-242, 417, 418, 433, 440, and 448 are required to be an Advanced Hunter Education graduate (AHE), or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

Western Washington

Aug. 1-Oct. 31, 1994; Aug. 1-Oct. 31, 1995; Aug. 1-Oct. 31, 1996, EXCEPT Sept. 1-Oct. 31, 1994, Sept. 1-Oct. 31, 1995, and Sept. 1-Oct. 31, 1996, in Bow Area 802. CLOSED in GMUs 485 and 522.

HOUD HUNTING CLOSURES

Use of hounds is prohibited in GMU 684, and Bow Area 802.

November 1, 1994

Evan Jacoby
Legal Counsel**TOOTH SUBMITTAL**

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Fish and Wildlife regional offices.

REPORT CARDS

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within ten days after taking a deer or bear.

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

WSR 94-22-097
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-143—Filed November 2, 1994, 11:37 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-241 1994-95, 1995-96, 1996-97 Official hunting hours and small game seasons.

Purpose: To amend WAC 232-28-241 Official hunting hours and small game seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Calendar date adjustments are proposed for small game seasons and 1995 and 1996 hunting hours are proposed.

Reasons Supporting Proposal: To regulate hunting by time, place, and manner.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To regulate hunting by time, place, and manner.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

PROPOSED

AMENDATORY SECTION [(Amending Order 655, filed 5/10/94)]

WAC 232-28-241 1994-95, 1995-96, and 1996-97 Official hunting hours and small game seasons

1994-95 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS*

September 1, 1994 to January 31, 1995

Dates (Inclusive)	West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)	
	A.M. to	P.M.	A.M. to	P.M.
Daylight Savings Time				
Thurs. Sept. 1 - Sun. Sept. 4	6:00	7:45	6:10	8:00
Mon. Sept. 5 - Sun. Sept. 11	6:05	7:35	6:15	7:45
Mon. Sept. 12 - Sun. Sept. 18	6:15	7:20	6:25	7:30
Mon. Sept. 19 - Sun. Sept. 25	6:25	7:10	6:35	7:20
Mon. Sept. 26 - Sun. Oct. 2	6:35	6:55	6:45	7:05
Mon. Oct. 3 - Sun. Oct. 9	6:45	6:40	6:55	6:50
Mon. Oct. 10 - Fri. Oct. 14	6:55	6:25	7:05	6:35
Opening Weekend** Sat. Oct. 15	7:00	6:20	7:10	6:30
Sun. Oct. 16	7:00	6:20	7:10	6:30
Mon. Oct. 17 - Sun. Oct. 23	7:05	6:10	7:15	6:20
Mon. Oct. 24 - Sat. Oct. 29	7:15	6:00	7:25	6:10
Pacific Standard Time				
Sun. Oct. 30	6:20	4:55	6:30	5:00
Mon. Oct. 31 - Sun. Nov. 6	6:25	4:50	6:40	4:55
Mon. Nov. 7 - Sun. Nov. 13	6:35	4:40	6:50	4:45
Mon. Nov. 14 - Sun. Nov. 20	6:45	4:30	7:00	4:40
Mon. Nov. 21 - Sun. Nov. 27	6:55	4:25	7:10	4:30
Mon. Nov. 28 - Sun. Dec. 4	7:05	4:20	7:20	4:25
Mon. Dec. 5 - Sun. Dec. 11	7:15	4:20	7:25	4:25
Mon. Dec. 12 - Sun. Dec. 18	7:20	4:20	7:35	4:25
Mon. Dec. 19 - Sun. Dec. 25	7:25	4:20	7:40	4:25
Mon. Dec. 26 - Sun. Jan. 1	7:25	4:25	7:40	4:30
Mon. Jan. 2 - Sun. Jan. 8	7:25	4:30	7:40	4:40
Mon. Jan. 9 - Sun. Jan. 15	7:25	4:40	7:35	4:45
Mon. Jan. 16 - Sun. Jan. 22	7:20	4:50	7:30	4:55
Mon. Jan. 23 - Sun. Jan. 29	7:15	5:00	7:25	5:10
Mon. Jan. 30 - Tues. Jan. 31	7:10	5:05	7:20	5:15

Dates (Inclusive)	East Slope Zone (Yakima times)		Far East Zone (Spokane times)	
	A.M. to	P.M.	A.M. to	P.M.
Daylight Savings Time				
Thurs. Sept. 1 - Sun. Sept. 4	5:55	7:40	5:40	7:30
Mon. Sept. 5 - Sun. Sept. 11	6:00	7:30	5:50	7:15
Mon. Sept. 12 - Sun. Sept. 18	6:10	7:15	5:55	7:05
Mon. Sept. 19 - Sun. Sept. 25	6:20	7:00	6:05	6:50
Mon. Sept. 26 - Sun. Oct. 2	6:30	6:45	6:15	6:35
Mon. Oct. 3 - Sun. Oct. 9	6:35	6:30	6:25	6:20
Mon. Oct. 10 - Fri. Oct. 14	6:45	6:20	6:35	6:05
Opening Weekend** Sat. Oct. 15	6:50	6:15	6:40	6:00
Sun. Oct. 16	6:50	6:15	6:40	6:00
Mon. Oct. 17 - Sun. Oct. 23	6:55	6:05	6:45	5:55
Mon. Oct. 24 - Sat. Oct. 29	7:05	5:55	7:55	5:40
Pacific Standard Time				
Sun. Oct. 30	6:10	4:50	6:00	4:35
Mon. Oct. 31 - Sun. Nov. 6	6:15	4:45	6:05	4:30
Mon. Nov. 7 - Sun. Nov. 13	6:25	4:35	6:15	4:20
Mon. Nov. 14 - Sun. Nov. 20	6:35	4:25	6:30	4:10
Mon. Nov. 21 - Sun. Nov. 27	6:45	4:20	6:40	4:05
Mon. Nov. 28 - Sun. Dec. 4	6:55	4:15	6:45	4:00
Mon. Dec. 5 - Sun. Dec. 11	7:00	4:15	6:55	4:00
Mon. Dec. 12 - Sun. Dec. 18	7:10	4:15	7:00	4:00

PROPOSED

Mon.	Dec. 19	-	Sun.	Dec. 25	7:15	4:20	7:05	4:00
Mon.	Dec. 26	-	Sun.	Jan. 1	7:15	4:20	7:10	4:05
Mon.	Jan. 2	-	Sun.	Jan. 8	7:15	4:30	7:10	4:15
Mon.	Jan. 9	-	Sun.	Jan. 15	7:15	4:40	7:05	4:20
Mon.	Jan. 16	-	Sun.	Jan. 22	7:10	4:45	7:00	4:30
Mon.	Jan. 23	-	Sun.	Jan. 29	7:00	4:55	6:55	4:40
Mon.	Jan. 30	-	Tues.	Jan. 31	7:00	5:05	6:50	4:50

West Slope Zone: East from I-5 to the ((Caseade)) Pacific Crest Trail.

Coastal Zone: From the west coast of Washington, east to I-5.

East Slope Zone: East from the Cascade Crest Trail to Highway 21 where it intersects with the Canadian border, south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.

Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

* Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after sunset. For these species, hunters can use the Hunting Hour table for AM time and just add 30 minutes for PM time.

** Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe ((and waterfowl)) seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe ((and waterfowl)) seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Bobcat and raccoons are exempt from hunting hour restrictions during established bobcat and raccoon season except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

Bobcat

Bag and Possession Limits: No limit.

Bobcat may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill bobcat with use of hounds during early archery seasons.

Bobcat may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively.

Muzzleloaders may not kill bobcat with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Sept. 1-30, Nov. 23-Dec. 14, 1994 and Jan. 16-31, 1995; Sept. 1-30, Nov. 22-Dec. 14, 1995 and Jan. 16-31, 1996; Sept. 1-30, Nov. 27-Dec. 14, 1996 and Jan. 16-31, 1997; except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 14, 1994; Sept. 1-Oct. 13, 1995; and Sept. 1-Oct. 11, 1996.

OPEN SEASON

(Bobcat may be killed)

Oct. 15-31, 1994 and Dec. 15, 1994-Jan. 15, 1995; Oct. 14-31, 1995 and Dec. 15, 1995-Jan. 15, 1996; Oct. 12-31, 1996 and Dec. 15, 1996-Jan. 15, 1997.

Western Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Aug. 1-Oct. 14, 1994; Aug. 1-Oct. 13, 1995; Aug. 1-Oct. 11, 1996; except CLOSED in GMU 522.

OPEN SEASON

(Bobcat may be killed.)

Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997; except CLOSED in GMU 522.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season EXCEPT for the following areas and dates. (This does not permit the hunting of deer or elk with the use of hounds.)

Eastern Washington

	<u>1994</u>	<u>1995</u>	<u>1996</u>
GMUs 100-124.	Oct. 5-12	Oct. 4-11	Oct. 2-9
GMUs 127-185.	Nov. 10-17	Nov. 9-16	Nov. 14-21
Yakima County within two (2) miles of the Yakima River below Union Gap.	Oct. 5-Nov. 1	Oct. 14-31	Oct. 12-29
Whitman and Lincoln counties.	Oct. 29- Nov. 13	Oct. 28- Nov. 12	Oct. 26- Nov. 10

Western Washington

Oct. 15-Nov. 20, 1994; Oct. 14-Nov. 19, 1995; Oct. 12-Nov. 24, 1996; in GMU 405 (west of Highway 9), GMUs 454, 627, 633, and the Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows:

PROPOSED

beginning at the Longview/Columbia River Bridge, then north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

RACCOON

Bag and Possession Limits: No Limit.

Raccoon may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill raccoon with use of hounds during early archery seasons.

Raccoon may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill raccoon with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Sept. 1-Oct. 14, 1994; Sept. 1-Oct. 13, 1995; Sept. 1-Oct. 11, 1996; except CLOSED to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest.

OPEN SEASON

(Raccoon may be killed)

Oct. 15, 1994-Jan. 15, 1995; Oct. 14, 1995-Jan. 15, 1996; Oct. 12, 1996-Jan. 15, 1997.

Western Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Aug. 1-Oct. 14, 1994; Aug. 1-Oct. 13, 1995; Aug. 1-Oct. 11, 1996; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

OPEN SEASON

(Raccoon may be killed).

Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

FOX

Bag and Possession Limits: No limits.

Statewide: Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997, except CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

COYOTE

Coyote may be taken year around EXCEPT that coyote may only be killed and/or pursued with hounds during the following periods:

Eastern Washington

Sept. 1-Jan. 31, 1994-95; Sept. 1-Jan. 31, 1995-96; Sept. 1-Jan. 31, 1996-97; except year around in Grant, Adams, Benton, and Franklin counties.

Western Washington

Aug. 1-Mar. 15, 1994-95; Aug. 1-Mar. 15, 1995-96; Aug. 1-Mar. 15, 1996-97.

Coyote may not be taken by any means from September 15 to November 30 in the following closed areas: Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within external boundaries of the Mount Baker-Snoqualmie, Okanogan and Wenatchee national forests.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

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

Statewide: Sept. 1-Dec. 31 during 1994, 1995, and 1996; except CLOSED in GMU 522.

PTARMIGAN

Season closed statewide.

UPLAND BIRDS

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Noon Oct. 15-Dec. 31, 1994; Noon Oct. 14-Dec. 31, 1995; Noon Oct. 12-Dec. 31, 1996.

Chukar Partridge

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

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 24-Oct. 14, 1994; Sept. 22-Oct. 13, 1995; Sept. 21-Oct. 11, 1996.

Regular Season: Noon Oct. 15, 1994 - Jan. 15, 1995; Noon Oct. 14, 1995 - Jan. 7, 1996; Noon Oct. 12, 1996 - Jan. 12, 1997.

Gray (Hungarian) Partridge

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

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 24-Oct. 14, 1994; Sept. 22-Oct. 13, 1995; Sept. 21-Oct. 11, 1996.

Regular Season: Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

Yakama Indian Reservation: The 1994-95 Upland Bird Season within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western Washington

Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites, with a total of fifteen (15) pheasants in possession at any time.

Early season: Sept. 24-30, 1994; Sept. 23-29, 1995; and Sept. 21-27, 1996 for juvenile hunters under 15 and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Oct. 1-Nov. 30, 1994; Sept. 30-Nov. 30, 1995; and Sept. 28-Nov. 30, 1996; 8 a.m. to 4 p.m.; except Voice of America site (Clallam County) starting Oct. 15, 1994; Oct. 14, 1995; Oct. 12, 1996; except CLOSED in GMU 522.

A Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge in western Washington, in addition to a current hunting license. Pheasant kills only must be recorded. Upon taking a pheasant, the holder of a Western Washington Upland Bird Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available for the 1994, 1995, 1996 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) Juvenile (under 15): Allows the harvest of six (6) pheasants.
- (3) 2-Day Option: Allows the harvest of four (4) pheasants during two consecutive days.

Every person possessing a Western Washington Upland Bird Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per person is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Upland Bird Permit.

Special Restriction: Steelshot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Hunting is restricted on weekend mornings at Lake Terrell (all units including ARCO and INTELCO), Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) Wildlife Areas. Only hunters with western

Washington upland bird permits marked "odd" may hunt these sites from 8:00 a.m. until 12:00 noon on odd numbered weekend days. Only hunters with Western Washington Upland Bird Permits marked "even" may hunt these sites from 8:00 a.m. until 12:00 noon on even numbered weekend days. Hunters that select the two day option and juvenile hunters 14 years of age or younger may hunt during either weekend day morning. Juvenile hunters must be accompanied by an adult with an appropriately marked upland bird permit.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 15-Nov. 30, 1994; Oct. 14-Nov. 30, 1995; Oct. 12-Nov. 30, 1996; except CLOSED in GMU 522.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 15-Nov. 30, 1994; Oct. 14-Nov. 30, 1995; Oct. 12-Nov. 30, 1996; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1995; April 15-May 15, 1996; April 15-May 15, 1997.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 18-22, 1994; Nov. 17-21, 1995; Nov. 22-26, 1996.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 18-22, 1994; Nov. 17-21, 1995; Nov. 22-26, 1996. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per calendar year for 1994. One turkey per day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in 1995 and 1996. Subspecies are defined by county of kill.

Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.

Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.

Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.

Tag Sale Cutoff: To purchase multiple turkey tags, hunters shall send the appropriate tag fee (resident or non-resident) for each additional tag and their original 1995, 1996, or 1997 turkey tag to: Upland Bird Program, Washington Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091. All multiple tag requests must be received by March 31, each year; a single statewide tag may be purchased at any time.

Hunting Hours: One-half hour before sunrise to one-half hour after sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

Sage and Sharp-tailed Grouse

Season Closed Statewide, 1994, 1995, 1996.

BIRD DOG TRAINING SEASON Aug. 1, 1994-Mar. 15, 1995; Aug. 1, 1995-Mar. 15, 1996; and Aug. 1, 1996-Mar. 15, 1997, except from Oct. 1-Nov. 30, 1994, Sept. 30-Nov. 30, 1995, and Sept. 28-Nov. 30, 1996, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E1/2 of Sec. 16); Region Two - Wahluke Wildlife Area north of Highway 24; Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Vancouver Wildlife Area; Region Six - Scatter Creek Wildlife Area.

CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for portions of Clark, Cowlitz, Pacific, and Wahkiakum counties.

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Sept. 1-12, 1994; Sept. 1-12, 1995; Sept. 1-12, 1996.

Open Area: Those portions of Clark, Cowlitz, Pacific, and Wahkiakum counties within the following boundary: Beginning at the Washington-Oregon border on the Interstate 5 bridge near Vancouver, Washington, north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to Highway 101 at the Astoria/Megler Bridge, then west on SR 101 to the city of Ilwaco, then west on Gray Drive to Canby Road, then southwest on Canby Road to the north jetty, then southwest on the north jetty to its end, then southeast to the Washington-Oregon state line, then upstream along the Washington/Oregon border to the point of origin.

Steel Shot Requirement: No person shall hunt Canada geese in the open area of the September Canada goose season

while using or possessing shotshells loaded with metal other than steel.

BAND-TAILED PIGEON

Closed Season Statewide, 1994, 1995, 1996.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15 1994; Sept. 1-15, 1995; and Sept. 1-15, 1996; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and White-tailed Jackrabbit.

Bag and Possession Limits: Ten (10) rabbits or hares per day, with a total of thirty (30) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1994-Mar. 15, 1995; Sept. 1, 1995-Mar. 15, 1996; Sept. 1, 1996-Mar. 15, 1997; except CLOSED in GMU 522.

Black-tailed Jackrabbit

Bag and Possession Limits: Ten (10) Black-tailed jackrabbits per day, with a total of thirty (30) in possession at any time.

Statewide: Year-around.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 1994-Mar. 15, 1995; Sept. 1, 1995-Mar. 15, 1996; Sept. 1, 1996-Mar. 15, 1997.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ~~((and waterfowl))~~ ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec 31, 1994; Sept. 1-15 and Oct. 1-Dec. 31, 1995; Sept. 1-15 and Oct. 1-Dec. 31, 1996.

Rabbit and Hare - Falconry

Daily bag: Ten (10) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1994-Mar. 15, 1995; Aug. 1, 1995-Mar. 15, 1996; Aug. 1, 1996-Mar. 15, 1997, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

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

**WSR 94-22-098
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-144—Filed November 2, 1994, 11:38 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-242 1994-95, 1995-96, 1996-97 Elk hunting seasons and regulations.

Purpose: To amend WAC 232-28-242 1994-95, 1995-96, 1996-97 Elk hunting seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed amendments edit 1995 and 1996 hunting season dates and modify the elk tag designations.

Reasons Supporting Proposal: The proposed amendments will simplify elk hunting rules and provide hunting season dates for elk hunting on PLWMA 401 (Champion).

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and **Enforcement:** Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change will enable hunters purchasing the early bull tag to apply for branched bull permits. In addition, 1995 and 1996 elk seasons on PLWMA 401 (Champion) are proposed.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
Legal Counsel

AMENDATORY SECTION [(Amending Order 94-55, filed 8/31/94)]

WAC 232-28-242 1994-95, 1995-96, 1996-97 Elk hunting seasons and regulations

ELK SEASONS

Bag Limit: One (1) elk per hunter during the annual (July 1-March 31) hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Tag Required: Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area.

Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Definition: Visible Antler is defined as a horn-like growth projecting above the hairline.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 160-185, 314-329, 335-368, and 472.

Branched Antler Restriction GMUs: Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points may include eye guards but antler points on the lower half of either main beam must be at least four (4) inches long, measured from tip to nearest edge of beam. All other antler points must be at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: 418, 460, 466, 478, 490, 506, 512, 524, 530, 556, 558, 572, 601, 602, 607, 636, 638, 681; and GMUs 157 and 485 by permit only.

Special Permits: ~~((Modern firearm late season elk tag holders along with muzzleloader tag holders may apply to be drawn in special elk permit seasons.))~~ Only hunters with elk tags identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Modern Firearm Elk Information

Modern firearm elk hunters have early and late hunts in all elk areas. Those who ~~((choose))~~ buy the ~~((early))~~ B tag have the first opportunity to hunt bulls and apply for bull permits. ~~((but only))~~ Only those who ~~((choose))~~ buy the ~~((late))~~ (C) tag are able to apply for special antlerless elk permits ~~((except as outlined above for bull permits)).~~

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

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Modern Firearm Elk Seasons

Legal Elk: Male elk with visible antlers are legal throughout the state except in GMUs 145-154, 160-185, 314-329, 335-368, and 472 spike bull restrictions apply and in branched antler areas branched antler restrictions apply.

Blue Mountains - Open Area: 100 series GMUs; GMUs 127, 130, and 157 limited to permit hunters only. GMUs 145-154, 160-185 are spike bull only, except by permit.

BA - Blue Mountains Archery Tag

~~((BE))~~BB - Blue Mountains (~~(Early)~~) Bull Tag

~~((BL))~~BC - Blue Mountains (~~(Late)~~) Antlerless Applicant Tag

~~((BA - Blue Mountains Archery Tag))~~

BM - Blue Mountains Muzzleloader Tag

Colockum - Open Area: Chelan County portion of GMU 302 and GMUs 300, 301, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334). GMUs 302, 314-329 are spike bull only, except by permit.

CA - Colockum Archery Tag

~~((CE))~~CB - Colockum (~~(Early)~~) Bull Tag

~~((CL))~~CC - Colockum (~~(Late)~~) Antlerless Applicant Tag

~~((CA - Colockum Archery Tag))~~

CM - Colockum Muzzleloader Tag

Yakima - Open Area: Kittitas County portion of GMU 302 and GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364,

366, 368, (~~and 370~~) 371, and 372. GMUs 302, 335-368 are spike bull only, except by permit.

YA - Yakima Archery Tag

~~((YE))~~YB - Yakima (~~(Early)~~) Bull Tag

~~((YL))~~YC - Yakima (~~(Late)~~) Antlerless Applicant Tag

~~((YA - Yakima Archery Tag))~~

YM - Yakima Muzzleloader Tag

Western Washington - Open Area: All 400, 500, and 600 GMUs except closed in GMU 417, 522, 621 and modern firearm restrictions in portion of GMU 660. GMUs 417 (Bald Mountain) and 621 (Olympic) are closed to all elk hunting as a Conservation Closure. Permit only in GMUs 485, 524, 554, and 556(~~and 602~~). GMU 472 is spike bull only, except by permit.

WA - Western Washington Archery Tag

~~((WE))~~WB - Western Washington (~~(Early)~~) Bull Tag

~~((WL))~~WC - Western Washington (~~(Late)~~) Antlerless Applicant Tag

~~((WA - Western Washington Archery Tag))~~

WM - Western Washington Muzzleloader Tag

	<u>1994</u>	<u>1995</u>	<u>1996</u>
Blue Mountains			
((BE)) BB - Blue Mountains ((Early)) Bull Elk Tag	Oct. 26-Nov. 6	Oct. 25-Nov. 5	Oct. 30-Nov. 10
((BL)) BC - Blue Mountains ((Late)) Antlerless Applicant Elk Tag	Oct. 29-Nov. 6	Oct. 28-Nov. 5	Nov. 2-10
Colockum			
((CE)) CB - Colockum ((Early)) Bull Elk Tag	Oct. 26-Nov. 3	Oct. 26-Nov. 3	Oct. 26-Nov. 3
((CL)) CC - Colockum ((Late)) Antlerless Applicant Elk Tag	Oct. 29-Nov. 3	Oct. 29-Nov. 3	Oct. 29-Nov. 3
Yakima			
((YE)) YB - Yakima ((Early)) Bull Elk Tag	Nov. 5-15	Nov. 5-15	Nov. 5-15
((YL)) YC - Yakima ((Late)) Antlerless Applicant Elk Tag	Nov. 8-15	Nov. 8-15	Nov. 8-15
Western Washington			
((WE)) WB - Western Washington ((Early)) Bull Elk Tag	Nov. 2-13	Nov. 1-13	Nov. 6-17
((WL)) WC - Western Washington ((Late)) Antlerless Applicant Elk Tag	Nov. 5-13	Nov. 4-13	Nov. 9-17

Archery Elk Seasons

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

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can hunt only during archery seasons. Only archery elk hunters with tags identified in the Special Permits tables may apply for special bull permits. Please see permit table for tag eligibility. If drawn, archers must hunt with archery equipment (~~and hunt~~) for branched bulls during the permit archery season.

Early Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted: Blue Mountains (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
100- ((418)) 119, 121- 142, 178	BA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex

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145-154, 160-169, 175, 181-185	BA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike or antlerless
300, 306, 308, 316	CA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
328, 329, 330	CA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike or antlerless
((370)) 371, 372	YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
335, ((356,)) 336, 340, 352, 356, 364	YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike or antlerless
405-410, 426-454, 504, 505, 510, 514, 516, 520, 550, 554, 560, 568, 574, 576, 586, 588, 615, 618, 642-658, 660, 663, 667, 669, 678	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
460, 466, 478, 490, 512, 530, 558, 572, 601, 607, 638, 681	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
472	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike or antlerless
484	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
418	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min.
607	WA	No Season	Sept. 1-14	No Season	3 pt. min.
612	WA	Sept. 1-14	No Season	Sept. 1-14	Either sex
((660	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex))
Bow Area 802	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex

Late Archery Elk Seasons

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

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
103, 118, 121, 124, 127, 178	BA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
166	BA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Antlerless only
328	CA	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Spike or antlerless
335, 336, 346, 352	YA	Nov. 23-Dec 8	Nov. 22-Dec. 8	Nov. 21-Dec 8	Spike or antlerless
405, 433, 454, 484, 505, 520, 564, 588, 603, 612, 615, 648, 672	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
506, 530, 638, 681*	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min. or antlerless

636	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min.
Bow Areas					
802	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
806, 807	YA	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Spike or antlerless
841	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex

* Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallicut River.

Muzzleloader Elk Seasons

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

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Early Muzzleloader Elk Seasons

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

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
172	BM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull only
302	CM, YM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Bull only
314*	CM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull only
342	YM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Antlerless only
368	YM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull <u>only</u>
603	WM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Bull only
607	WM	Oct. 6-12	No Season	Oct. 3-9	3 pt. min.
612	WM	No Season	Oct. 5-11	No Season	Bull only
460, 506, 636	WM	Oct. 6-12	Oct. 5-11	Oct. 3-9	3 pt. min.
484, 501, 564, 684	WM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Either sex
<u>Muzzleloader</u>					
Area 910	YM	Oct. 1-12	Oct. 1-11	Oct. 1-9	Spike bull or antlerless

* The portion of GMU 314 bordered by the Colockum Pass Road (Road 10), Naneum Ridge Road (Road 9), and Ingersol Road (Road 1) is closed. See Naneum Green Dot Map.

Late Muzzleloader Elk Seasons

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

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
130, 133, 136, 139	BM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
184	BM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Antlerless only
346	YM	Nov. 16-19	Nov. 16-19	Nov. 16-19	Spike bull or antlerless
484	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
501, 568, 574, 576, 586	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex

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505	WM	Nov. 15-20	Nov. 14-19	Nov. 19-24	Either sex
504, 550	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Bull only
601	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. bull min.
684	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
Muzzleloader Areas					
910	YM	Nov. 16-Dec. 8	Nov. 16-Dec. 8	Nov. 16-Dec. 8	Spike bull or antlerless
944	YM	Nov. 16-19	Nov. 16-19	Nov. 16-19	Spike bull or antlerless

Special Elk Hunts Open to Specified Tag Holders

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Antlerless or Either Sex Elk Hunts

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
100, 103, 105, 108, 121, 124 west of SR 395, 133, 136, 139	((BE, BL)) <u>BB, BC</u>	Oct. 29-Nov. 6	Oct. 28-Nov. 5	Nov. 2-10	Either sex
178	((BE, BL)) <u>BB, BC</u>	Nov. 5-6	Nov. 4-5	Nov. 9-10	Either sex
((370)) <u>371, 372</u>	CM, ((YE, YL)) , <u>YB, YC, YM</u>	Nov. 5-13	Nov. 5- ((13)) <u>15</u>	Nov. 5- ((13)) <u>15</u>	Either sex
564*	WA, WM, ((WE, WL)) <u>WB, WC</u>	Nov. 2-13	Nov. 1-13	Nov. 6-17	Either sex
501, 568, 574, 576, 586, 588	((WE, WL)) <u>WB, WC</u>	Nov. 2-13	Nov. 1-13	Nov. 6-17	Either sex
300, 304, 306, 308, 316 east of Highway 2	((CE, CL)) <u>CB, CC, CM</u>	Dec. 9-18	Dec. 9-17	Dec. 9-16	Either sex
Elk Area 001	Any Elk Tag	Nov. 1-15	Nov. 1-15	Nov. 1-15	Either sex

* Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use primitive weapons.

Private Lands Wildlife Management Opportunities

Kapowsin Tree Farm (PLWMA 401 - Champion)

Hunting Method	Elk Tag	((1994)) <u>1995 Open Season</u>	<u>1996 Open Season</u>	Special Restrictions
Archery	WA	Sept. 1-14	<u>Sept. 1-14</u>	Spike Bull or Antlerless
Modern Firearm	((WE)) <u>WB</u>	Nov. ((2)) <u>1-13</u>	<u>Nov. 6-17</u>	Spike Bull Only
	((WL)) <u>WC</u>	Nov. ((5)) <u>4-13</u>	<u>Nov. 9-17</u>	Spike Bull Only
Muzzleloader	WM	Nov. ((23)) <u>22-Dec. 5</u>	<u>Nov. 27-Dec. 5</u>	Spike Bull Only

Report Cards

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within 10 days after taking an elk.

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

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.

WSR 94-22-099
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-145—Filed November 2, 1994, 11:39 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-131 Permits for special hunting and trapping seasons.

Purpose: To amend WAC 232-12-131 Permits for special hunting and trapping seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed amendment will clarify the intent of the rule and avoid misunderstanding of the WAC. The only section amended is the waiting period for elk permit hunters. The amended rule retains the two year waiting period for those receiving an elk permit except those drawing elk permits for hunts designated for disabled or blind/visually handicapped and muzzleloader are exempt from the two year waiting period.

Reasons Supporting Proposal: The proposed amendment will clarify the rule and help prevent misunderstanding by hunters.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment will clarify the intent of the rule and avoid misunderstanding of the WAC. The only section amended is the waiting period for elk permit hunters. The amended rule retains the two year waiting period for those receiving an elk permit except those drawing elk permits for hunts designated for disabled or blind/visually handicapped and muzzleloader permits are exempt from the two year waiting period.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small

business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby

Legal Counsel

AMENDATORY SECTION [(Amending Order 638, filed 5/10/94)]

WAC 232-12-131 Permits for special hunting and trapping seasons. (1) Holders of valid hunting licenses may apply for permits for special hunting seasons as prescribed by the commission.

(2) Holders of valid trapping licenses may apply for permits for special trapping seasons as prescribed by the commission.

(3) It is unlawful for a person receiving a special ~~((modern firearm or archery))~~ hunting season elk permit to apply for an elk permit for the next two years. Those hunters drawing special hunting season elk permits for hunts designated for Disabled, ((-Holders of disabled hunter permits,)) or blind/visually Impaired ((handicapped hunter permits)), and muzzleloader only ((hunters)) are exempt from the two year waiting period.

(4) It is unlawful for a person receiving a special hunting season cougar permit to apply for such a permit for the next two years. A person applying for a cougar permit during that period will be made ineligible for that year's drawing.

(5) It is unlawful for a person receiving a special hunting season goat permit to apply for such a permit for the next five years. A person applying for a goat permit during that period will be made ineligible for that year's drawing.

(6) It is unlawful for a person receiving a special hunting season permit for mountain sheep to apply for another permit for that species if they are successful in taking a mountain sheep. A person who receives a special permit for mountain sheep and is unsuccessful in taking a sheep may reapply after waiting for five years. A person applying for a sheep permit during that period will be made ineligible for that year's drawing.

(7) It is unlawful for a person receiving a moose permit to apply for another permit for that species.

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

PROPOSED

**WSR 94-22-100
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-146—Filed November 2, 1994, 11:40 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-227 Hunter education training program requirements.

Purpose: Amend WAC 232-12-227 Hunter education training program requirements.

Statutory Authority for Adoption: RCW 77.32.155.

Statute Being Implemented: RCW 77.32.155.

Summary: This amendment updates the administrative regulation to reflect changes in the enabling legislation, which becomes effective January 1, 1995. The amendment will extend hunter education training requirements to all first-time hunters born after January 1, 1972, instead of the current regulation limited to juveniles under the age of 18.

Reasons Supporting Proposal: The change is necessary to have the WAC conform to RCW 77.32.155, enabling legislation establishing the hunter education training program.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment extends hunter education training to all first-time hunters born after January 1, 1972. Historically, the hunter education training program requirement was limited to juvenile hunters under eighteen years of age. The amendment will help avoid confusion by insuring uniformity between the current WAC (232-12-227) and the changes which take effect in enabling legislation on January 1, 1995.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Hunter Education Division, Mik Mikitik, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
Legal Counsel

AMENDATORY SECTION [(Amending Order 458, filed 9/18/90)]

WAC 232-12-227 Hunter education training program requirements. (1) The director may designate a state coordinator for the purpose of administering the hunter education program. The state coordinator shall be responsible for the certification of volunteer instructors and the development of instructional materials, training aids, operating policies and procedures necessary to comply with the provisions of this section and RCW 77.32.155.

(2) It is unlawful for any person (~~under the age of eighteen~~) born after January 1, 1972, to obtain a hunting license in the state of Washington without having completed a department-approved course involving at least ten hours of instruction in conservation, safety and sportsmanship.

(3) Upon satisfactory completion of these requirements, each student shall be issued a certificate of accreditation signed by an authorized instructor or the state coordinator.

(4) It is unlawful for a license dealer to issue a hunting license for a person (~~under eighteen years of age~~) born after January 1, 1972, unless a hunter education certificate or a Washington hunting license for the preceding year containing the hunter education certificate number issued to said person is presented at the time of purchase.

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

**WSR 94-22-101
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-147—Filed November 2, 1994, 11:41 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-24102 1995-96 and 1996-97 Official hunting hours for migratory game birds and 1995-96 and 1996-97 Official hunting hours for other game species.

Purpose: To adopt 1995-96 and 1996-97 Official hunting hours for migratory game birds and 1995-96 and 1996-97 Official hunting hours for other game species.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Hunting hour tables are proposed to regulate hunting times.

Reasons Supporting Proposal: The hunting hour tables are proposed to prevent hunting at night and provide a convenient guide to hunters desiring to know when to hunt.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The hunting hour tables are proposed to prevent

hunting at night and provide a convenient guide to hunters desiring to know when to hunt.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby

Legal Counsel

NEW SECTION

WAC 232-28-24102 1995-96 and 1996-97 Official hunting hours for migratory game birds and 1995-96 and 1996-97 Official hunting hours for other game species

1995-96 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS*

September 1, 1995 to January 31, 1996

Dates (Inclusive)				West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)	
				1/2 hr before sunrise A.M. to	sunset P.M.	1/2 hr before sunrise A.M. to	sunset P.M.
Daylight Savings Time							
Fri.	Sept. 1	-	Sun. Sept. 3	5:57	7:48	6:07	7:59
Mon.	Sept. 4	-	Sun. Sept. 10	6:04	7:38	6:13	7:48
Mon.	Sept. 11	-	Sun. Sept. 17	6:14	7:24	6:23	7:34
Mon.	Sept. 18	-	Sun. Sept. 24	6:23	7:09	6:33	7:19
Mon.	Sept. 25	-	Sun. Oct. 1	6:33	6:55	6:43	7:04
Mon.	Oct. 2	-	Sun. Oct. 8	6:42	6:41	6:53	6:50
Mon.	Oct. 9	-	Fri. Oct. 13	6:51	6:29	7:01	6:38
Opening			Sat. Oct. 14	8:00	6:23	8:00	6:32
Weekend**			Sun. Oct. 15	6:57	6:21	7:07	6:30
Mon.	Oct. 16	-	Sun. Oct. 22	7:02	6:14	7:14	6:22
Mon.	Oct. 23	-	Sat. Oct. 28	7:12	6:02	7:24	6:11
Pacific Standard Time							
			Sun. Oct. 29	6:17	4:57	6:29	5:05
Mon.	Oct. 30	-	Sun. Nov. 5	6:23	4:50	6:35	4:58
Mon.	Nov. 6	-	Sun. Nov. 12	6:34	4:40	6:46	4:48
Mon.	Nov. 13	-	Sun. Nov. 19	6:45	4:32	6:57	4:39
Mon.	Nov. 20	-	Sun. Nov. 26	6:55	4:25	7:07	4:32
Mon.	Nov. 27	-	Sun. Dec. 3	7:04	4:20	7:15	4:27
Mon.	Dec. 4	-	Sun. Dec. 10	7:12	4:18	7:25	4:24
Mon.	Dec. 11	-	Sun. Dec. 17	7:18	4:18	7:32	4:24
Mon.	Dec. 18	-	Sun. Dec. 24	7:23	4:19	7:37	4:26
Mon.	Dec. 25	-	Sun. Dec. 31	7:26	4:24	7:39	4:31
Mon.	Jan. 1	-	Sun. Jan. 7	7:26	4:31	7:39	4:38
Mon.	Jan. 8	-	Sun. Jan. 14	7:24	4:39	7:37	4:46
Mon.	Jan. 15	-	Sun. Jan. 21	7:20	4:48	7:33	4:56
Mon.	Jan. 22	-	Sun. Jan. 28	7:13	4:58	7:26	5:06
Mon.	Jan. 29	-	Wed. Jan. 31	7:08	5:06	7:20	5:14

PROPOSED

PROPOSED

				East Slope Zone (Yakima times) 1/2 hour before sunrise		Far East Zone (Spokane times) 1/2 hour before sunrise		
Dates (Inclusive)				A.M. to	P.M.	A.M. to	P.M.	
Daylight Savings Time								
Fri.	Sept. 1	-	Sun.	Sept. 3	5:52	7:40	5:39	7:29
Mon.	Sept. 4	-	Sun.	Sept. 10	5:59	7:30	5:45	7:19
Mon.	Sept. 11	-	Sun.	Sept. 17	6:08	7:16	5:55	7:05
Mon.	Sept. 18	-	Sun.	Sept. 24	6:17	7:02	6:04	6:50
Mon.	Sept. 25	-	Sun.	Oct. 1	6:26	6:48	6:14	6:36
Mon.	Oct. 2	-	Sun.	Oct. 8	6:35	6:34	6:23	6:22
Mon.	Oct. 9	-	Fri.	Oct. 13	6:43	6:23	6:32	6:10
Opening			Sat.	Oct. 14	12:00	6:18	12:00	6:04
				noon		noon		
Weekend**			Sun.	Oct. 15	6:48	6:16	6:38	6:02
Mon.	Oct. 16	-	Sun.	Oct. 22	6:54	6:08	6:44	5:55
Mon.	Oct. 23	-	Sat.	Oct. 28	7:03	5:57	6:53	5:43
Pacific Standard Time								
			Sun.	Oct. 29	6:08	4:52	5:58	4:38
Mon.	Oct. 30	-	Sun.	Nov. 5	6:14	4:45	6:05	4:31
Mon.	Nov. 6	-	Sun.	Nov. 12	6:25	4:36	6:15	4:22
Mon.	Nov. 13	-	Sun.	Nov. 19	6:35	4:28	6:26	4:15
Mon.	Nov. 20	-	Sun.	Nov. 26	6:44	4:21	6:36	4:08
Mon.	Nov. 27	-	Sun.	Dec. 3	6:53	4:17	6:45	4:01
Mon.	Dec. 4	-	Sun.	Dec. 10	7:01	4:15	6:53	3:59
Mon.	Dec. 11	-	Sun.	Dec. 17	7:08	4:15	7:00	3:58
Mon.	Dec. 18	-	Sun.	Dec. 24	7:13	4:17	7:05	4:01
Mon.	Dec. 25	-	Sun.	Dec. 31	7:15	4:21	7:07	4:05
Mon.	Jan. 1	-	Sun.	Jan. 7	7:15	4:28	7:07	4:12
Mon.	Jan. 8	-	Sun.	Jan. 14	7:13	4:36	7:05	4:20
Mon.	Jan. 15	-	Sun.	Jan. 21	7:09	4:45	7:01	4:29
Mon.	Jan. 22	-	Sun.	Jan. 28	7:03	4:55	6:54	4:40
Mon.	Jan. 29	-	Wed.	Jan. 31	6:58	5:02	6:49	4:47

West Slope Zone: East from I-5 to the Pacific Crest Trail.

Coastal Zone: From the west coast of Washington, east to I-5.

East Slope Zone: East from the Pacific Crest Trail to Highway 21 where it intersects with the Canadian border, south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.

Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

*Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after sunset. For these species, hunters can use the Hunting Hour table for AM time and just add 30 minutes for PM time.

**Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Bobcat and raccoons are exempt from hunting hour restrictions during established bobcat and raccoon season except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1996-97 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS*

September 1, 1996 to January 31, 1997

Dates (Inclusive)				West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)		
				1/2 hour before sunrise		1/2 hour before sunrise		
				A.M. to	P.M.	A.M. to	P.M.	
				Daylight Savings Time				
		-	Sun.	Sept. 1	5:56	7:50	6:05	8:01
Mon.	Sept. 2	-	Sun.	Sept. 8	6:01	7:42	6:11	7:53
Mon.	Sept. 9	-	Sun.	Sept. 15	6:11	7:28	6:20	7:38
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:14	6:30	7:23
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	6:59	6:40	7:09
Mon.	Sept. 30	-	Sun.	Oct. 6	6:39	6:45	6:50	6:54
Mon.	Oct. 7	-	Fri.	Oct. 11	6:48	6:33	6:59	6:42
Opening			Sat.	Oct. 12	8:00	6:27	8:00	6:36
Weekend**			Sun.	Oct. 13	6:54	6:25	7:04	6:34
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:17	7:11	6:26
Mon.	Oct. 21	-	Sat.	Oct. 26	7:09	6:06	7:20	6:14
				Pacific Standard Time				
			Sun.	Oct. 27	6:14	5:00	6:26	5:08
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20	4:53	6:32	5:01
Mon.	Nov. 4	-	Sun.	Nov. 10	6:31	4:43	6:43	4:50
Mon.	Nov. 11	-	Sun.	Nov. 17	6:42	4:34	6:54	4:41
Mon.	Nov. 18	-	Sun.	Nov. 24	6:52	4:27	7:05	4:34
Mon.	Nov. 25	-	Sun.	Dec. 1	7:01	4:21	7:13	4:28
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:18	7:23	4:25
Mon.	Dec. 9	-	Sun.	Dec. 15	7:17	4:18	7:30	4:24
Mon.	Dec. 16	-	Sun.	Dec. 22	7:22	4:19	7:36	4:25
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:23	7:39	4:29
Mon.	Dec. 30	-	Sun.	Jan. 5	7:26	4:29	7:40	4:36
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	4:37	7:38	4:43
Mon.	Jan. 13	-	Sun.	Jan. 19	7:21	4:46	7:34	4:53
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	4:56	7:28	5:03
Mon.	Jan. 27	-	Fri.	Jan. 31	7:09	5:04	7:21	5:13

Dates (Inclusive)				East Slope Zone (Yakima times)		Far East Zone (Spokane times)		
				1/2 hour before sunrise		1/2 hour before sunrise		
				A.M. to	P.M.	A.M. to	P.M.	
				Daylight Savings Time				
			Sun.	Sept. 1	5:51	7:42	5:37	7:31
Mon.	Sept. 2	-	Sun.	Sept. 8	5:56	7:34	5:43	7:23
Mon.	Sept. 9	-	Sun.	Sept. 15	6:05	7:20	5:52	7:09
Mon.	Sept. 16	-	Sun.	Sept. 22	6:14	7:06	6:02	6:54
Mon.	Sept. 23	-	Sun.	Sept. 29	6:23	6:52	6:11	6:40
Mon.	Sept. 30	-	Sun.	Oct. 6	6:32	6:38	6:21	6:26
Mon.	Oct. 7	-	Fri.	Oct. 11	6:40	6:27	6:29	6:14
Opening			Sat.	Oct. 12	12:00	6:21	12:00	6:08
					noon		noon	
Weekend**			Sun.	Oct. 13	6:46	6:20	6:35	6:06
Mon.	Oct. 14	-	Sun.	Oct. 20	6:51	6:12	6:41	5:58
Mon.	Oct. 21	-	Sat.	Oct. 26	7:01	6:00	6:50	5:47
				Pacific Standard Time				
			Sun.	Oct. 27	6:05	4:55	5:55	4:41
Mon.	Oct. 28	-	Sun.	Nov. 3	6:12	4:48	6:02	4:34
Mon.	Nov. 4	-	Sun.	Nov. 10	6:22	4:38	6:12	4:24

PROPOSED

Mon.	Nov. 11	-	Sun.	Nov. 17	6:32	4:30	6:23	4:17
Mon.	Nov. 18	-	Sun.	Nov. 24	6:42	4:23	6:33	4:10
Mon.	Nov. 25	-	Sun.	Dec. 1	6:51	4:18	6:43	4:03
Mon.	Dec. 2	-	Sun.	Dec. 8	6:59	4:15	6:51	3:59
Mon.	Dec. 9	-	Sun.	Dec. 15	7:06	4:15	6:58	3:58
Mon.	Dec. 16	-	Sun.	Dec. 22	7:11	4:16	7:04	4:00
Mon.	Dec. 23	-	Sun.	Dec. 29	7:15	4:20	7:07	4:04
Mon.	Dec. 30	-	Sun.	Jan. 5	7:15	4:26	7:07	4:10
Mon.	Jan. 6	-	Sun.	Jan. 12	7:14	4:34	7:06	4:17
Mon.	Jan. 13	-	Sun.	Jan. 19	7:11	4:42	7:03	4:27
Mon.	Jan. 20	-	Sun.	Jan. 26	7:05	4:52	6:56	4:37
Mon.	Jan. 27	-	Fri.	Jan. 31	6:59	5:01	6:50	4:46

West Slope Zone: East from I-5 to the Pacific Crest Trail.

Coastal Zone: From the west coast of Washington, east to I-5.

East Slope Zone: East from the Pacific Crest Trail to Highway 21 where it intersects with the Canadian border, south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.

Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

*Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after sunset. For these species, hunters can use the Hunting Hour table for AM time and just add 30 minutes for PM time.

**Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

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- 4) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1995-96 OFFICIAL HUNTING HOURS FOR ALL GAME ANIMALS AND BIRDS EXCEPT MIGRATORY GAME BIRDS*

September 1, 1995 to January 31, 1996

Dates (Inclusive)	West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)	
	1/2 hr before sunrise A.M. to	1/2 hr after sunset P.M.	1/2 hr before sunrise A.M. to	1/2 hr after sunset P.M.
	Daylight Savings Time			
Fri. Sept. 1 - Sun. Sept. 3	5:57	8:18	6:07	8:29
Mon. Sept. 4 - Sun. Sept. 10	6:04	8:08	6:13	8:18
Mon. Sept. 11 - Sun. Sept. 17	6:14	7:54	6:23	8:04
Mon. Sept. 18 - Sun. Sept. 24	6:23	7:39	6:33	7:49
Mon. Sept. 25 - Sun. Oct. 1	6:33	7:25	6:43	7:34
Mon. Oct. 2 - Sun. Oct. 8	6:42	7:11	6:53	7:20
Mon. Oct. 9 - Fri. Oct. 13	6:51	6:59	7:01	7:08
Opening Weekend**	Sat. Oct. 14	6:56	6:53	7:06
	Sun. Oct. 15	6:57	6:51	7:07
Mon. Oct. 16 - Sun. Oct. 22	7:02	6:44	7:14	6:52
Mon. Oct. 23 - Sat. Oct. 28	7:12	6:32	7:24	6:41
	Pacific Standard Time			

PROPOSED

Mon.	Oct. 30	-	Sun.	Oct. 29	6:17	5:27	6:29	5:35
Mon.	Nov. 6	-	Sun.	Nov. 5	6:23	5:20	6:35	5:28
Mon.	Nov. 13	-	Sun.	Nov. 12	6:34	5:10	6:46	5:18
Mon.	Nov. 20	-	Sun.	Nov. 19	6:45	5:02	6:57	5:09
Mon.	Nov. 27	-	Sun.	Nov. 26	6:55	4:55	7:07	5:02
Mon.	Dec. 4	-	Sun.	Dec. 3	7:04	4:50	7:15	4:57
Mon.	Dec. 11	-	Sun.	Dec. 10	7:12	4:48	7:25	4:54
Mon.	Dec. 18	-	Sun.	Dec. 17	7:18	4:48	7:32	4:54
Mon.	Dec. 25	-	Sun.	Dec. 24	7:23	4:49	7:37	4:56
Mon.	Jan. 1	-	Sun.	Dec. 31	7:26	4:54	7:39	5:01
Mon.	Jan. 8	-	Sun.	Jan. 7	7:26	5:01	7:39	5:08
Mon.	Jan. 15	-	Sun.	Jan. 14	7:24	5:09	7:37	5:16
Mon.	Jan. 22	-	Sun.	Jan. 21	7:20	5:18	7:33	5:26
Mon.	Jan. 29	-	Sun.	Jan. 28	7:13	5:28	7:26	5:36
			Wed.	Jan. 31	7:08	5:36	7:20	5:44

Dates (Inclusive)	East Slope Zone (Yakima times)				Far East Zone (Spokane times)			
	1/2 hr before sunrise		1/2 hr after sunset		1/2 hr before sunrise		1/2 hr after sunset	
	A.M. to		P.M.		A.M. to		P.M.	
Daylight Savings Time								
Fri.	Sept. 1	-	Sun.	Sept. 3	5:52	8:10	5:39	7:59
Mon.	Sept. 4	-	Sun.	Sept. 10	5:59	8:00	5:45	7:49
Mon.	Sept. 11	-	Sun.	Sept. 17	6:08	7:46	5:55	7:35
Mon.	Sept. 18	-	Sun.	Sept. 24	6:17	7:32	6:04	7:20
Mon.	Sept. 25	-	Sun.	Oct. 1	6:26	7:18	6:14	7:06
Mon.	Oct. 2	-	Sun.	Oct. 8	6:35	7:04	6:23	6:52
Mon.	Oct. 9	-	Fri.	Oct. 13	6:43	6:53	6:32	6:40
Opening Weekend**			Sat.	Oct. 14	6:47	6:48	6:37	6:34
			Sun.	Oct. 15	6:48	6:46	6:38	6:32
Mon.	Oct. 16	-	Sun.	Oct. 22	6:54	6:38	6:44	6:25
Mon.	Oct. 23	-	Sat.	Oct. 28	7:03	6:27	6:53	6:13
Pacific Standard Time								
Mon.	Oct. 30	-	Sun.	Oct. 29	6:08	5:22	5:58	5:08
Mon.	Nov. 6	-	Sun.	Nov. 5	6:14	5:15	6:05	5:01
Mon.	Nov. 13	-	Sun.	Nov. 12	6:25	5:06	6:15	4:52
Mon.	Nov. 20	-	Sun.	Nov. 19	6:35	4:58	6:26	4:45
Mon.	Nov. 27	-	Sun.	Nov. 26	6:44	4:51	6:36	4:38
Mon.	Dec. 4	-	Sun.	Dec. 3	6:53	4:47	6:45	4:31
Mon.	Dec. 11	-	Sun.	Dec. 10	7:01	4:45	6:53	4:29
Mon.	Dec. 18	-	Sun.	Dec. 17	7:08	4:45	7:00	4:28
Mon.	Dec. 25	-	Sun.	Dec. 24	7:13	4:47	7:05	4:31
Mon.	Jan. 1	-	Sun.	Dec. 31	7:15	4:51	7:07	4:35
Mon.	Jan. 8	-	Sun.	Jan. 7	7:15	4:58	7:07	4:42
Mon.	Jan. 15	-	Sun.	Jan. 14	7:13	5:06	7:05	4:50
Mon.	Jan. 22	-	Sun.	Jan. 21	7:09	5:15	7:01	4:59
Mon.	Jan. 29	-	Sun.	Jan. 28	7:03	5:25	6:54	5:10
			Wed.	Jan. 31	6:58	5:32	6:49	5:17

West Slope Zone: East from I-5 to the Pacific Crest Trail.

Coastal Zone: From the west coast of Washington, east to I-5.

East Slope Zone: East from the Pacific Crest Trail to Highway 21 where it intersects with the Canadian border, south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.

Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

PROPOSED

*Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after sunset. For migratory game birds, hunters can use the Hunting Hour table for AM time and just subtract 30 minutes for PM time.

**Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
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1996-97 OFFICIAL HUNTING HOURS FOR ALL GAME ANIMALS AND BIRDS EXCEPT MIGRATORY GAME BIRDS*

September 1, 1996 to January 31, 1997

Dates (Inclusive)	West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)		
	1/2 hr before sunrise A.M. to	1/2 hr after sunset P.M.	1/2 hr before sunrise A.M. to	1/2 hr after sunset P.M.	
Daylight Savings Time					
Mon. Sept. 2	- Sun. Sept. 1	5:56	8:20	6:05	8:31
Mon. Sept. 9	- Sun. Sept. 8	6:01	8:12	6:11	8:23
Mon. Sept. 16	- Sun. Sept. 15	6:11	7:58	6:20	8:08
Mon. Sept. 23	- Sun. Sept. 22	6:20	7:44	6:30	7:53
Mon. Sept. 30	- Sun. Sept. 29	6:30	7:29	6:40	7:39
Mon. Oct. 7	- Fri. Oct. 6	6:39	7:15	6:50	7:24
Opening	Sat. Oct. 11	6:48	7:03	6:59	7:12
Weekend**	Sun. Oct. 12	6:53	6:57	7:03	7:06
Mon. Oct. 14	- Sun. Oct. 13	6:54	6:55	7:04	7:04
Mon. Oct. 21	- Sat. Oct. 20	7:00	6:47	7:11	6:56
	- Sat. Oct. 26	7:09	6:36	7:20	6:44
Pacific Standard Time					
Mon. Oct. 28	- Sun. Oct. 27	6:14	5:30	6:26	5:38
Mon. Nov. 4	- Sun. Nov. 3	6:20	5:23	6:32	5:31
Mon. Nov. 11	- Sun. Nov. 10	6:31	5:13	6:43	5:20
Mon. Nov. 18	- Sun. Nov. 17	6:42	5:04	6:54	5:11
Mon. Nov. 25	- Sun. Nov. 24	6:52	4:57	7:05	5:04
Mon. Dec. 2	- Sun. Dec. 1	7:01	4:51	7:13	4:58
Mon. Dec. 9	- Sun. Dec. 8	7:10	4:48	7:23	4:55
Mon. Dec. 16	- Sun. Dec. 15	7:17	4:48	7:30	4:54
Mon. Dec. 23	- Sun. Dec. 22	7:22	4:49	7:36	4:55
Mon. Dec. 30	- Sun. Dec. 29	7:25	4:53	7:39	4:59
Mon. Jan. 6	- Sun. Jan. 5	7:26	4:59	7:40	5:06
Mon. Jan. 13	- Sun. Jan. 12	7:25	5:07	7:38	5:13
Mon. Jan. 20	- Sun. Jan. 19	7:21	5:16	7:34	5:23
Mon. Jan. 27	- Sun. Jan. 26	7:15	5:26	7:28	5:33
	- Fri. Jan. 31	7:09	5:34	7:21	5:43

PROPOSED

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Mon.	Sept. 9	-	Sun.	Sept. 15	6:05	7:50	5:52	7:39
Mon.	Sept. 16	-	Sun.	Sept. 22	6:14	7:36	6:02	7:24
Mon.	Sept. 23	-	Sun.	Sept. 29	6:23	7:22	6:11	7:10
Mon.	Sept. 30	-	Sun.	Oct. 6	6:32	7:08	6:21	6:56
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Opening			Sat.	Oct. 12	6:45	6:51	6:34	6:38
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Mon.	Oct. 21	-	Sat.	Oct. 26	7:01	6:30	6:50	6:17
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			Sun.	Oct. 27	6:05	5:25	5:55	5:11
Mon.	Oct. 28	-	Sun.	Nov. 3	6:12	5:18	6:02	5:04
Mon.	Nov. 4	-	Sun.	Nov. 10	6:22	5:08	6:12	4:54
Mon.	Nov. 11	-	Sun.	Nov. 17	6:32	5:00	6:23	4:47
Mon.	Nov. 18	-	Sun.	Nov. 24	6:42	4:53	6:33	4:40
Mon.	Nov. 25	-	Sun.	Dec. 1	6:51	4:48	6:43	4:33
Mon.	Dec. 2	-	Sun.	Dec. 8	6:59	4:45	6:51	4:29
Mon.	Dec. 9	-	Sun.	Dec. 15	7:06	4:45	6:58	4:28
Mon.	Dec. 16	-	Sun.	Dec. 22	7:11	4:46	7:04	4:30
Mon.	Dec. 23	-	Sun.	Dec. 29	7:15	4:50	7:07	4:34
Mon.	Dec. 30	-	Sun.	Jan. 5	7:15	4:56	7:07	4:40
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Mon.	Jan. 13	-	Sun.	Jan. 19	7:11	5:12	7:03	4:57
Mon.	Jan. 20	-	Sun.	Jan. 26	7:05	5:22	6:56	5:07
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PROPOSED

WSR 94-22-102
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-148—Filed November 2, 1994, 11:43 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-246 1995-96 Deer and elk permit hunting seasons.

Purpose: To adopt deer and elk permit hunting seasons for the 1995-96 hunting season, WAC 232-28-246.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Permit seasons are adopted each year to take surplus animals. Changes are made each year in hunt areas, dates, and other restrictions in hunting method.

Reasons Supporting Proposal: To maintain deer and elk populations within management objectives.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Permit only seasons are adopted to harvest specific age or sex of game animal in specific geographic areas. The purpose is to maintain game abundance within carrying capacity. The anticipated effect will be to provide hunting opportunity, reduce damage potential and regulate game abundance.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
 Legal Counsel

NEW SECTION

WAC 232-28-246 1995-96 Deer and elk permit hunting seasons

Application Instructions

NOTE: Hunt numbers and GMU numbers are not the same.

A permit gives a hunter additional opportunity but it does not give him/her an extra deer or elk.

To apply for Special Deer Permit: You must have a valid 1995 Washington hunting license and a modern firearm or muzzleloader deer tag. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for Special Hunts for Disabled, Blind or Visually Handicapped. You may submit one (only one) special deer permit application for 1995. A permit hunter can take only one deer unless otherwise specified by the permit hunt.

If you were drawn for a Blue Mountains Foothills A or B deer permit in 1994, you may not submit a deer permit application in 1995 or 1996 for the Blue Mountains Foothills A or Blue Mountains Foothills B hunts.

To apply for Special Elk Permit: You must have a valid 1995 Washington hunting license and a valid modern firearm, muzzleloader, or archery elk tag. Each hunter must have the proper tag (identified in the tables) to apply for an elk permit. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for the Special Hunts for Disabled, Blind or Visually Handicapped. You may submit one (only one) special permit application for elk. You may not submit an elk permit application if you were drawn for an elk permit during 1993 or 1994. Those hunters drawing a special hunting season elk tag for hunts designated for disabled, blind/visually handicapped, and muzzleloader only are exempt from the two-year waiting period. Permit hunters may hunt only with a weapon in compliance with their tag.

Application Deadline: To qualify for the drawing all applications must be postmarked no later than March 31, 1995 or received no later than 5:00 p.m. on March 31, 1995 at the Department of Fish and Wildlife headquarters in Olympia or at any of the regional Department of Fish and Wildlife offices.

- Permits will be drawn by random computer selection.
- There are no refunds or exchanges for deer or elk tags for persons applying for special permits.

Special Hunting Season Permits

You MUST have a valid hunting license and tag to apply for any special hunting season set by the Fish and Wildlife Commission. (Special hunting seasons do not include hunts open to all hunters.)

SPECIAL DEER PERMIT HUNTING SEASONS
 (Open to Permit Holders Only)

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application. Only modern firearm deer tag holders and muzzleloader deer tag holders may apply for the following permit hunts.

PERMIT QUOTAS

1995 Permit quotas are unknown at this time. Permit quotas may be greater or less than permits authorized in 1994 depending on winter survival. Please do not call Department offices for permit quotas. Quotas will be established at the April Fish and Wildlife Commission meeting.

MODERN FIREARM PERMIT HUNTS (Muzzleloaders may apply.)

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1001	Curlew	Oct. 7-13	Whitetail, Antlerless Only	GMU 100
1002	Boulder	Oct. 7-13	Whitetail, Antlerless Only	GMU 103
1003	Kelly Hill	Oct. 7-13	Whitetail, Antlerless Only	GMU 105
1004	Douglas	Oct. 7-13	Whitetail, Antlerless Only	GMU 108
1005	Aladdin A	Oct. 7-13	Whitetail, Antlerless Only	GMU 111
1006	Aladdin B	Nov. 22-26	Whitetail, Either Sex	GMU 111
1007	Selkirk	Oct. 7-13	Whitetail, Antlerless Only	GMU 113
1008	Chewelah	Oct. 7-13	Whitetail, Antlerless Only	GMU 118
1009	Boyer A	Oct. 7-13	Whitetail, Antlerless Only	GMU 119
1010	Boyer B	Nov. 22-26	Whitetail, Either Sex	GMU 119
1011	Huckleberry	Oct. 7-13	Whitetail, Antlerless Only	GMU 121
1012	Mt. Spokane	Oct. 7-13	Whitetail, Antlerless Only	GMU 124
1013	Cheney	Oct. 7-13	Antlerless Only	GMU 130
1014	Roosevelt	Oct. 7-13	Antlerless Only	GMU 133
1015	Harrington	Nov. 8-19	Antlerless Only	GMU 136
1016	Steptoe	Nov. 8-19	Antlerless Only	GMU 139
1017	Almota	Nov. 8-19	Antlerless Only	GMU 142
1018	Mayview A	Nov. 8-19	Antlerless Only	GMU 145
1019	Mayview B	Nov. 8-19	Whitetail, Antlerless Only	GMU 145
1020	Starbuck	Nov. 8-19	Antlerless Only	GMU 148
1021	Eureka	Nov. 8-19	Antlerless Only	GMU 151
1022	Blue Creek	Nov. 8-19	Whitetail, Antlerless Only	GMU 154
1023	Touchet	Nov. 8-19	Whitetail, Antlerless Only	GMU 160
1024	Eckler	Nov. 8-19	Whitetail, Antlerless Only	GMU 161
1025	Marengo A	Nov. 8-19	Whitetail, Antlerless Only	GMU 163
1026	Marengo B	Nov. 8-19	Antlerless Only	GMU 163
1027	Peola	Nov. 8-19	Antlerless Only	GMU 178
1028	Couse A	Nov. 8-19	Whitetail, Antlerless Only	GMU 181
1029	Blue Mtns. Foothills A	Nov. 8-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1030	Blue Mtns. Foothills B	Nov. 8-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181
1031	East Okanogan	Dec. 6-13	Whitetail, Either Sex	GMUs 200, 206
1032	West Okanogan	Dec. 6-13	Whitetail, Either Sex	GMUs 209, 218, 224, 231, 233
1033	Wannacut A	Oct. 30- Nov. 5	Antlerless Only	GMU 209
1034	Sinlahekin A	Oct. 30- Nov. 5	Whitetail, Antlerless Only	GMU 215
1035	Sinlahekin B	Dec. 6-13	Whitetail, Either Sex	GMU 215
1036	Chewuch	Oct. 30- Nov. 5	Antlerless Only	GMU 218
1037	Pearygin	Oct. 30- Nov. 5	Antlerless Only	GMU 224
1038	Gardner	Oct. 30- Nov. 5	Antlerless Only	GMU 231
1039	Pogue	Oct. 30- Nov. 5	Antlerless Only	GMU 233
1040	Big Bend A	Oct. 16-22	Antlerless Only	GMU 248
1041	Badger	Oct. 16-22	Antlerless Only	GMU 266
1042	Moses Coulee A	Oct. 16-22	Antlerless Only	GMU 269
1043	Beezley	Oct. 16-22	Antlerless Only	GMU 272
1044	Wenatchee	Nov. 1-15	Antlerless Only	Portion of GMU 314*
1045	Green River A	Oct. 21-27	Either Sex	GMU 485

1046	Green River B	Oct. 21-27	Antlerless Only	GMU 485
1047	Lincoln	Oct. 21-31	Either Sex	GMU 501
1048	Mossyrock	Oct. 21-31	Either Sex	GMU 505
1049	Willapa Hills	Oct. 21-31	Either Sex	GMU 506
1050	Stormking	Oct. 21-31	Either Sex	GMU 510
1051	Sawtooth	Oct. 21-31	Either Sex	GMU 512
1052	Packwood	Oct. 21-31	Either Sex	GMU 516
1053	Ryderwood	Oct. 21-31	Either Sex	GMU 530
1054	Coweeman	Oct. 21-31	Either Sex	GMU 550
1055	Lewis River	Oct. 21-31	Either Sex	GMU 560
1056	Siouxon	Oct. 21-31	Either Sex	GMU 572
1057	Hoko	Oct. 21-31	Either Sex	GMU 601
1058	Pysht	Oct. 21-31	Either Sex	GMU 603
1059	Soleduck	Oct. 21-31	Either Sex	GMU 607
1060	Goodman	Oct. 21-31	Either Sex	GMU 612
1061	Clearwater	Oct. 21-31	Either Sex	GMU 615
1062	Olympic	Oct. 21-31	Either Sex	GMU 621
1063	Coyle	Oct. 21-31	Either Sex	GMU 624
1064	Mason Lake	Oct. 21-31	Either Sex	GMU 633
1065	Skokomish	Oct. 21-31	2 Pt. Min. or Antlerless	GMU 636
1066	Wynoochee	Oct. 21-31	Either Sex	GMU 648
1067	North River	Oct. 21-31	Either Sex	GMU 658
1068	Minot Peak	Oct. 21-31	Either Sex	GMU 660
1069	Capitol Peak	Oct. 21-31	Either Sex	GMU 663
1070	Deschutes	Oct. 21-31	Either Sex	GMU 666
1071	Skookumchuck	Oct. 21-31	Either Sex	GMU 667
1072	Palix	Oct. 21-31	Either Sex	GMU 669
1073	Fall River	Oct. 21-31	Either Sex	GMU 672
1074	Nemah	Oct. 21-31	Either Sex	GMU 678

*Successful applicants will be mailed a map of the hunt boundary.

DEER MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader deer tag prior to submitting an application for a muzzleloader permit hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1075	Blue Creek B	Nov. 22- Dec. 3	Whitetail, 3 Pt. Min. or Antlerless	GMU 154
1076	Wannacut B	Nov. 11-19	Mule Deer, Antlerless Only Whitetail, Either Sex	GMU 209
1077	Chiliwist	Nov. 11-19	Mule Deer, Antlerless Only Whitetail, Either Sex	GMU 239
1078	Alta	Nov. 11-19	Mule Deer, Antlerless Only Whitetail, Either Sex	GMU 242
1079	Moses Coulee B	Nov. 25- Dec. 17	Antlerless Only	GMU 269
1080	Manson	Nov. 11-19	Either Sex	GMU 300
1081	Chiwawa	Nov. 11-19	Either Sex	GMU 304
1082	Pilchuck	Dec. 2-6	Antlerless Only	Deer Area 041
1083	Yale	Nov. 22- Dec. 12	Either Sex	GMU 554

YOUTH HUNTER OPPORTUNITY

Applicants must be 16 years old or younger on opening day of the permit season. Juvenile hunters must be accompanied by an adult during the hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1084	Northeast A	Oct. 14-31	Whitetail Only, Either Sex	GMUs 100-124
1085	Mica, Cheney	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 127, 130
1086	Lincoln	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 133, 136
1087	Whitman	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 139, 142

1088	Big Bend B	Oct. 14-22	Antlerless Only	GMU 248
1089	Blue Mtns. Foothills C	Oct. 14-22	Either Sex	GMUs 148, 151, 154, 160, 161, 163, 166
1090	Blue Mtns. Foothills D	Oct. 14-22	Either Sex	GMUs 145, 172, 175, 178, 181
1091	Toutle	Oct. 14-29	Either Sex	GMU 556
1092	Wind River	Oct. 21- Nov. 5	2 Pt. Min. or Antlerless	GMU 574
1093	Satsop	Oct. 21-31	Either Sex	GMU 651
1094	Skookumchuck	Oct. 21-31	Either Sex	GMU 667

SENIOR HUNTER OPPORTUNITY

Applicants must be 65 years of age or older on opening day of the permit season.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1095	Northeast B	Oct. 14-31	Whitetail Only, Either Sex	GMUs 100-124
1096	Southcentral	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 127-142
1097	Blue Mtns. Foothills E	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1098	Blue Mtns. Foothills F	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

Only hunters who have successfully completed the Department of Fish and Wildlife's Advanced Hunter Education (AHE) Program will be eligible to hunt deer in these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1099	Roosevelt A	Nov. 22-26	Whitetail, 3 Pt. Min. or Antlerless	GMU 133
1100	Almota	Nov. 22-26	Whitetail, 3 Pt. Min. or Antlerless	GMU 142
1101	Wenatchee	Nov. 15-29	Either Sex	Portion of GMU 314*
1102	Mt. Adams	Oct. 1-12	2-Pt. Min. or Antlerless	Elk Area 059

In addition, other AHE permits are available on Private Lands Wildlife Management hunts.

*Successful applicants will be mailed a map of the hunt boundary.

SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED

Hunters must purchase a hunting license and modern firearm or muzzleloader deer tag prior to purchase of a special hunting season permit application. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for these permits.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1103	Blue Mtn. Foothills G	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1104	Douglas	Nov. 22-26	Whitetail, Either Sex	GMU 108
1105	Big Bend C	Oct. 19-24	Antlerless Only	GMU 248
1106	Entiat	Nov. 1-15	Antlerless Only	GMU 308
1107	Green River	Oct. 21-27	Antlerless Only	GMU 485
1108	Margaret	Oct. 14-31	Antlerless Only	GMU 524
1109	Bear River	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 681

In addition, special permits for disabled, blind or visually handicapped are available on Private Lands Wildlife Management hunts.

DEER PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

Wilson Creek Area

Only hunters possessing modern firearm deer tags and meeting the special restrictions noted for each hunt are eligible for permits on PLWMA 201. There will be approximately 20 hunters (Wilson A below) authorized to participate in a special hunt for which an access fee will be charged. You may apply for buck permits (Wilson A) by contacting the landowner at (509) 345-0121. Other applications for Wilson Creek Area must be made through the normal application process. Access for Hunts C, D, and E are for one day, scheduled by the landowner. There are no access fees for hunts B, C, D, or E, but the landowner or his representative will accompany all deer hunters on these hunts. All hunters must have a valid hunting license, deer tag, and written authorization from the landowner to participate in these hunts. All other hunting regulations apply.

PROPOSED

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
*	Wilson A	Oct. 1- Dec. 31	Buck Only	PLWMA 201
1110	Wilson B	Oct. 1- Dec. 31	Buck Only, Young Hunters Only**	PLWMA 201
1111	Wilson C	Oct. 1- Dec. 31	Antlerless Only, Young Hunters Only**	PLWMA 201
1112	Wilson D	Oct. 1- Dec. 31	Antlerless Only, Disabled or Blind/Visually Handicapped Hunters Only	PLWMA 201
1113	Wilson E	Oct. 1- Dec. 31	Antlerless Only, AHE Hunters Only	PLWMA 201

* No hunt number because hunter must contact landowner, David Stevens, for access.

**Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

Champion's Kapowsin Tree Farm

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1114	Kapowsin North	Dec. 8-12	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401A North
1115	Kapowsin Central	Dec. 8-12	Antlerless Only	PLWMA 401B Central
1116	Kapowsin South	Dec. 9, 10, 16, 17	Antlerless Only, Young or Disabled or Blind/Visually Handicapped Hunters Only	PLWMA 401C South

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Hunters must purchase a hunting license and elk tag prior to purchase of a permit application. Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see Elk Tag Prefix required to apply for each hunt). Hunters drawing a permit for a hunt after the first of the year can use their 1995 license and tag during the hunt.

MODERN FIREARM PERMIT HUNTS (Muzzleloaders may apply.)

1995 Permit quotas are unknown at this time. Permit quotas may be greater or less than permits authorized in 1994 depending on winter survival. Please do not call Department offices for permit quotas. Quotas will be established at the April Fish and Wildlife Commission meeting.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2001	Aladdin	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 111
2002	Selkirk	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 113
2003	Mount Spokane	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 124
2004	Mica, Cheney	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMUs 127, 130
2005	Blue Creek A	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 154
2006	Blue Creek B	Oct. 25-Nov. 5	Any Bull	BB	GMU 154
2007	Watershed A	Oct. 28-Nov. 5	3 Pt. Min.	BB or BM	GMU 157

2008	Watershed B	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 157
2009	Touchet	Oct. 25-Nov. 5	Any Bull	BB	GMU 160
2010	Eckler	Oct. 25-Nov. 5	Any Bull	BB	GMU 161
2011	Touchet, Marengo	Dec. 15- Jan. 15, 1996	Antlerless Only	BC or BM	GMUs 160*, 161*
2012	Tucannon	Oct. 25-Nov. 5	Any Bull	BB	GMU 166
2013	Wenaha A	Oct. 1-10	Any Bull	BB	GMU 169
2014	Wenaha B	Oct. 25-Nov. 5	Any Bull	BB	GMU 169
2015	Mountain View A	Dec. 15- Jan. 15, 1996	Antlerless Only	BC or BM	GMU 172
2016	Mountain View B	Oct. 25-Nov. 5	Any Bull	BB	GMU 172
2017	Couse A	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 181
2018	Couse B	Oct. 25-Nov. 5	Any Bull	BB	GMU 181
2019	Joseph/Black Butte	Oct. 25-Nov. 5	Any Bull	BB	GMUs 184- 185
2020	Chelan A	Oct. 15-Nov. 1	Antlerless Only	CC or CM	GMUs 300, 301, 304, 306, 308, 316
2021	Chelan B	Oct. 15-Nov. 1	Any Bull	BB or BM	GMUs 300, 301, 306, 308, 316
2022	Naneum A	Oct. 23-25	Antlerless Only	CC or CM	GMU 328
2023	Naneum B	Oct. 26-Nov. 1	Any Bull	CB or CM	GMU 328
2024	Malaga A	Sept. 1-Oct. 6	Antlerless Only	CC or CM	Elk Area 032
2025	Malaga B	Nov. 2- Jan. 15, 1996	Antlerless Only	CC or CM	Elk Area 032
2026	Peshastin A	Sept. 1-Oct. 6	Antlerless Only	CC or CM	Elk Area 033
2027	Peshastin B	Nov. 2- Jan. 15, 1996	Antlerless Only	CC or CM	Elk Area 033
2028	Quilomene A	Oct. 23-25	Antlerless Only	CC or CM	GMU 329
2029	Quilomene B	Oct. 26-Nov. 1	Any Bull	CB or CM	GMU 329
2030	West Bar A	Oct. 23	Antlerless Only	CC or CM	GMU 330
2031	West Bar B	Oct. 24	Antlerless Only	CC or CM	GMU 330
2032	West Bar C	Oct. 25	Antlerless Only	CC or CM	GMU 330
2033	Swauk	Oct. 25- Nov. 13	Any Bull	CB or CM YB or YM	GMUs 302, 335
2034	Taneum	Nov. 1-4	Antlerless Only	YC or YM	GMU 336
2035	Manastash	Nov. 1-4	Antlerless Only	YC or YM	GMU 340
2036	Shushuskin	Nov. 23- Dec. 15	Antlerless Only	YC or YM	Elk Area 031
2037	Umtanum A	Nov. 1-4	Antlerless Only	YC or YM	GMU 342
2038	Peaches Ridge	Oct. 25- Nov. 13	Any Bull	YB or YM	GMUs 336, 346
2039	Little Naches A	Nov. 1-4	Antlerless Only	YC or YM	GMU 346
2040	Little Naches B	Oct. 1-Nov. 13	Any Bull	YB or YM	GMU 346
2041	Observatory	Nov. 5-13	Any Bull	YB or YM	GMUs 340, 342
2042	Douglas	Oct. 25- Nov. 13	Any Bull	YB or YM	GMUs 352, 356
2043	Nile	Nov. 1-4	Antlerless Only	YC or YM	GMU 352
2044	Bumping	Nov. 1-4	Antlerless Only	YC or YM	GMU 356
2045	Bethel A	Nov. 1-4	Antlerless Only	YC or YM	GMU 360
2046	Bethel B	Nov. 5-13	Any Bull	YB or YM	GMU 360
2047	Rimrock A	Nov. 1-4	Antlerless Only	YC or YM	GMU 364
2048	Rimrock B	Oct. 25- Nov. 13	Any Bull	YB or YM	GMU 364
2049	Cowiche A	Nov. 1-4	Antlerless Only	YC or YM	GMU 368
2050	Cowiche B	Nov. 5-13	Any Bull	YB or YM	GMU 368

2051	White River A	Nov. 1-13	Any Bull	WB or WM	GMU 472
2052	Green River Cow A	Nov. 11-15	Antlerless Only	WC or WM	GMU 485
2053	Green River Bull	Nov. 11-15	3 Pt. Bull Min.	WB or WM	GMU 485
2054	Green River Spike	Nov. 11-15	Spike Bull Only	WB or WM	GMU 485
2055	Lincoln	Nov. 14-19	Antlerless Only	WC or WM	GMU 501
2056	Willapa Hills	Nov. 14-19	Antlerless Only	WC or WM	GMU 506
2057	Packwood	Nov. 14-19	Antlerless Only	WC or WM	GMU 516
2058	Margaret Cow	Nov. 14-19	Antlerless Only	WC or WM	GMU 524
2059	Margaret Bull	Nov. 1-13	3 Pt. Bull Min.	WB or WM	GMU 524
2060	Ryderwood	Nov. 14-19	Antlerless Only	WC or WM	GMU 530
2061	Toutle Cow	Nov. 14-19	Antlerless Only	WC or WM	GMU 556
2062	Toutle Bull	Nov. 1-13	3 Pt. Bull Min.	WB or WM	GMU 556
2063	Marble	Nov. 14-19	Antlerless Only	WC or WM	GMU 558
2064	Lewis River	Nov. 14-19	Antlerless Only	WC or WM	GMU 560
2065	Siouxon	Nov. 14-19	Antlerless Only	WC or WM	GMU 572
2066	Goodman	Nov. 14-19	Antlerless Only	WC or WM	GMU 612
2067	Matheny	Nov. 14-19	Antlerless Only	WC or WM	GMU 618
2068	Quinault Ridge	Oct. 1-13	3 Pt. Bull Min.	WB or WM	GMU 638
2069	Wynoochee	Nov. 14-19	Antlerless Only	WC or WM	GMU 648
2070	South Elma	Oct. 1-13	Antlerless Only	WC or WM	Elk Area 063
2071	Palix	Nov. 14-19	Antlerless Only	WC or WM	GMU 669
2072	Nemah	Nov. 14-19	Antlerless Only	WC or WM	GMU 678
2073	Backbone A	Nov. 23- Dec. 13	Antlerless Only	WC or WM	Elk Area 025
2074	Backbone B	Nov. 23- Dec. 13	Bull Only	WB or WM	Elk Area 025
2075	Curtis	Dec. 20-31	Antlerless Only	WC or WM	Elk Area 050
2076	Boistfort A	Jan. 1-15, 1996	Antlerless Only	WC or WM	Elk Area 054
2077	East Valley	Jan. 1-15, 1996	Antlerless Only	WC or WM	Elk Area 055
2078	Carlton	Oct. 1-13	3 Pt. Bull Min.	WB or WM	Elk Area 057
2079	West Goat Rocks	Oct. 1-13	3 Pt. Bull Min.	WB or WM	Elk Area 058
2080	Mt. Adams	Oct. 1-13	3 Pt. Bull Min.	WB or WM	Elk Area 059
2081	South Willapa	Jan. 1-15, 1996	Antlerless Only	WC or WM	Elk Area 067

*Outside of Umatilla National Forest.

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

Only hunters who have successfully completed the Department of Fish and Wildlife's Advanced Hunter Education (AHE) Program will be eligible to hunt elk in these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons. Hunters with any elk tag are eligible to apply for these hunts.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
2082	South Spokane	Oct. 20-Nov. 20	Either Sex	Elk Area 010
2083	Shushuskin	Dec. 16-30	Antlerless Only	Elk Area 031
2084	Margaret	Oct. 1-12	3 Pt. Min. or Antlerless Only	GMU 524
2085	Skookumchuck	Oct. 7-12	Either Sex	GMU 667
2086	South Bank A	Sept. 16-20	Antlerless Only	Elk Area 062

2087	South Bank B	Sept. 23-27	Antlerless Only	Elk Area 062
2088	South Bank C	Dec. 16-20	Antlerless Only	Elk Area 062
2089	South Bank D	Jan. 6-10	Antlerless Only	Elk Area 062
2090	South Bank E	Jan. 20-24	Antlerless Only	Elk Area 062

ARCHERY ONLY

Hunters must purchase a hunting license and archery elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2091	Blue Mountains West	Sept. 1-14	Either Sex	BA	GMUs 154, 160, 161, 166, 169
2092	Blue Mountains East	Sept. 1-14	Either Sex	BA	GMUs 178, 181, 184, 185
2093	Colockum	Sept. 1-14	Either Sex	CA	GMUs 328, 329
2094	Robinson	Sept. 1-14	Either Sex	YA	GMUs 336, 340
2095	Taneum	Nov. 23-Dec. 8	Either Sex	YA	GMU 336
2096	Douglas	Sept. 1-14	Either Sex	YA	GMUs 352, 356
2097	Divide	Nov. 23-Dec. 8	Either Sex	YA	Bow Area 806, 807
2098	Cottonwood	Sept. 1-14	Either Sex	YA	GMUs 364, 366, 368
2099	White River	Sept. 1-14	Either Sex	WA	GMU 472

PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

Champion's Kapowsin Tree Farm

Muzzleloader Elk Permits

Hunters must purchase a hunting license and Western Washington Muzzleloader Elk Tag prior to purchase of a special hunting season permit application for these hunts.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
2100	Kapowsin North	Nov. 22-Dec. 4	Spike Bull or Antlerless only	PLWMA 401A North
2101	Kapowsin Central	Nov. 22-Dec. 4	Spike Bull or Antlerless only	PLWMA 401B Central
2102	Kapowsin South	Nov. 22-Dec. 4	Spike Bull or Antlerless only	PLWMA 401C South

SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED

Hunters must purchase a hunting license and modern firearm or muzzleloader elk tag prior to purchase of a special hunting season permit application. Note elk tag required. Only those hunters with a Washington Disabled Hunter Permit or a Washington Blind or Visually Handicapped Hunter Permit may apply.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
3001	Touchet, Eckler	Dec. 15- Jan. 15, 1996	Antlerless Only	BC or BM	GMU 160, 161*
3002	Naches D	Oct. 1-13	Antlerless Only	YC or YM	GMU 346
3003	Quilomene	Nov. 1-13	Antlerless Only	CC or CM	GMU 329
3004	Manastash	Nov. 1-13	Antlerless Only	YC or YM	GMU 340
3005	Green River Cow B	Nov. 11-15	Antlerless Only	WC or WM	GMU 485
3006	Centralia Mine A	Nov. 18-19	Antlerless Only	Any Elk Tag	Portion of GMU 667**

3007	Centralia Mine B	Nov. 25-26	Antlerless Only	Any Elk Tag	Portion of GMU 667**
3008	Centralia Mine C	Dec. 2-3	Either Sex	Any Elk Tag	Portion of GMU 667**

* Outside of Umatilla National Forest

**Successful applicants will be mailed a map of the hunt boundary.

MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
4001	Blue Creek C	Dec. 1- Jan. 31, 1996	Antlerless Only	BM	GMU 154
4002	Mountain View C	Oct. 5-11	Spike Bull or Antlerless	BM	GMU 172
4003	Mountain View D	Oct. 5-11	Any Bull	BM	GMU 172
4004	Mission	Oct. 5-11	Any Bull	CM	GMU 314
4005	Cle Elum A	Oct. 1-12	Either Sex	YM	ML Area 910
4006	Cle Elum B	Nov. 16- Dec. 8	Either Sex	YM	ML Area 910
4007	Umtanum B	Oct. 8-12	Either Sex	YM	GMU 342
4008	Cowiche C	Oct. 8-12	Either Sex	YM	GMU 368
4009	Stella	Nov. 22- Dec. 12	Either Sex	WM	GMU 504
4010	Boistfort B	Jan. 16- 31, 1996	Antlerless Only	WM	Elk Area 054
4011	Yale	Nov. 22- Dec. 12	Either Sex	WM	GMU 554
4012	Toledo	Jan. 2-16, 1996	Antlerless Only	WM	Elk Area 029
4013	Chinook	Jan. 16- Feb. 15, 1996	Antlerless Only	WM	Elk Area 069
4014	North River	Nov. 18- Dec. 6	Antlerless Only	WM	GMU 658
4015	Elwha A	Dec. 15- Jan. 15, 1996	Antlerless Only	WM	ML Area 962

**WSR 94-22-103
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-149—Filed November 2, 1994, 11:44 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-247 1995 Bighorn sheep auction permit.

Purpose: To adopt new WAC 232-28-247 1995 Bighorn sheep auction permit.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will authorize one bighorn sheep for auction in 1995.

Reasons Supporting Proposal: Last year the bighorn auction permit brought \$90,000 to the state's bighorn management program. A similar income will likely be realized in 1995.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: We anticipate the permit will be auctioned for 90,000-100,000 dollars. For that revenue one bighorn will be harvested by the permit hunter.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.
November 1, 1994
Evan Jacoby
Legal Counsel

NEW SECTION

WAC 232-28-247 1995 Bighorn sheep auction permit

AUCTIONING OF PERMIT

The Director will select a conservation organization to conduct the 1995 bighorn auction. Selection of the conservation organization will be based on criteria developed by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name and address of the successful bidder within ten days of the auction.

AUCTION PERMIT HUNT

SPECIES - MOUNTAIN SHEEP (BIGHORN SHEEP)

Hunting Season Dates: September 1 - October 31, 1995.

Hunt Area: Anywhere in eastern Washington.

Bag Limit: 1 Bighorn Ram

AUCTION HUNT PERMITTEE RULES

(1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the Department, the permittee is required to accompany Department officials to the site of the kill.

(5) The permittee will present the head and carcass of the bighorn sheep killed to any Department office within 72 hours of date of kill.

**WSR 94-22-104
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-150—Filed November 2, 1994, 11:45 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-248 1995-96 Special closures and firearm restriction areas.

Purpose: To adopt 1995-96 Special closures and firearm restriction areas, WAC 232-28-248.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The existing closures and firearm restriction areas are amended for 1995 by expanding the Cathlamet big game closure and the Grays Harbor County firearm restriction areas.

Reasons Supporting Proposal: Conflicts between hunters and landowners have resulted in the need for expanding the closure and firearm restriction areas.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing closures and firearm restriction areas are amended for 1995 by expanding the Cathlamet big game closure and Grays Harbor County firearm restriction areas.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.
November 1, 1994
Evan Jacoby
Legal Counsel

NEW SECTION

WAC 232-28-248 1995-96 Special closures and firearm restriction areas

SPECIAL CLOSURES

HUNTING PROHIBITED AREAS

IT IS UNLAWFUL TO HUNT WILD ANIMALS (INCLUDING WILD BIRDS) IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31, 1995. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 to the intersection with Road 2.0 in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

PROPOSED

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons during September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds EXCEPT during the period Aug. 1-Sept. 30, 1995. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 480) is closed to the hunting of all wild animals (including wild birds) year around.
6. As posted on Bailey Youth Ranch, Franklin County, hunting is closed on Mondays, Tuesdays, Thursdays, and Fridays.
7. As posted, hunting is closed on Department owned land on the Sunnyside Wildlife Area in Yakima County.

BIG GAME CLOSURES

1. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This closure is established to protect the Columbian Whitetail Deer.

2. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
3. Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles.
5. Colockum elk hunting restrictions: No entry in GMU 330 (West Bar) except permit holders, October 23-25, 1995. Closed to entry (no trespassing) October 26-November 7, 1995.
6. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.
7. Baleville: Closed to hunting of all big game animals on those lands between State Highway 105 and the Willapa River west of Raymond.

UPLAND BIRD CLOSURES

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

1. 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.)
2. 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.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

HORSE RESTRICTIONS

Colockum horse restrictions: GMU 330 (West Bar)—It is unlawful to ride horses, mules, or other livestock during any open elk season in GMU 330 PROVIDED, however, that livestock may be used for transporting camp gear and elk carcasses. GMU 329 (Quilomene)—It is unlawful to allow a horse to enter the Brushy and Cape Horn agricultural fields prior to 9 a.m. from October 23-November 3, 1995.

HUNTING FIREARM RESTRICTION AREAS

In firearm restriction areas, handguns, centerfire and rimfire rifles are not legal for hunting except as provided below. Hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin, Grant, Adams	Those portions of GMU 281 (Ringold) and GMU 278 (Wahluke) known as the Wahluke Slope Wildlife Area.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning. The South Bank restriction applies only during elk seasons: (South Bank) - That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on South Bank Road to the Delezene Road; then south on the Delezene Road to a point one mile from the South Bank Road; then southeast along a

Island

Jefferson

King

Kitsap

Kittitas

Mason

Pacific

Pierce

line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

That portion of GMU 410 (Island) located on Camano and Whidbey islands.

Indian and Marrowstone islands.

The area west of Highway 203 (Monroe-Fall City-Preston) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.

The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)

East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to North Lake Way, north of North Lake Way and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.

GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.

GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.

GMU 684 (Long Beach) west of Sand Ridge Road.

GMU 480 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader shotgun. McNeil Island closed to hunting.

See GMU 484 restriction area outlined for King County.

PROPOSED

	GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
Skagit	Guemes Island and March Point north of State Highway 20.
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Point Roberts.

WSR 94-22-105
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-151—Filed November 2, 1994, 11:46 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-249 1995-96 Special species hunting seasons and regulations.

Purpose: To adopt 1995-96 Special species hunting seasons and regulations, WAC 232-28-249.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Proposed hunting seasons for moose, bighorn sheep, mountain goat, and cougar are recommended for 1995.

Reasons Supporting Proposal: The Fish and Wildlife Commission has the responsibility to provide recreation opportunity while preserving, perpetuating, and protecting the resource.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and **Enforcement:** Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will maintain existing hunting seasons on a limited entry basis.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
 Legal Counsel

NEW SECTION

WAC 232-28-249 1995-96 Special species hunting seasons and regulations

PERMIT APPLICATION INSTRUCTIONS

You must have a valid 1995 Washington hunting license to apply for any special hunting season permit.

Application Deadline: Applications must be postmarked no later than March 31, 1995, or received not later than 5:00 p.m., March 31, 1995, at the Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, or any Department of Fish and Wildlife regional office.

Computer Drawing: Drawings for goat, bighorn sheep, moose, and cougar will be done by computer selection. All applicants will be notified by May 31, 1995.

Disqualification: Anyone who submits more than one application for each species will be disqualified for drawings for that species.

Incomplete Applications: To be eligible for the permit drawing, applications must contain hunt number and hunt name, date of birth, and hunting license number. Applicant's complete name and address including zip code must be included.

Permit Hunting Report: A hunter questionnaire report will be sent to each permittee. This questionnaire must be returned to the Department of Fish and Wildlife within ten days after the close of the hunting season.

PERMIT QUOTAS: 1995 Permit quotas are unknown at this time. Permit quotas for 1995 may be greater or less than last year depending on winter survival. Please do not call Department offices for permit quotas; they will be established at the April Commission meeting.

MOOSE

Permit Season: Oct. 1 to Nov. 30, 1995, both dates inclusive.

Who May Apply: Anyone with a valid 1995 Washington hunting license. Only one moose permit will be issued during an individual's lifetime.

Bag Limit: One moose of either sex.

Moose Unit 1
 GMU 113

Moose Unit 2
 GMU 124

Moose Unit 3

GMU 118

Moose Unit 4
GMU 119

Moose Unit 5
GMU 111

MOUNTAIN SHEEP (BIGHORN)

Permit Seasons: Separate seasons are indicated for each bighorn sheep hunt.

Who May Apply: Anyone with a valid 1995 Washington hunting license; EXCEPT those who drew a bighorn permit during 1990, 1991, 1992, 1993, or 1994, or have been successful in taking a bighorn in Washington State.

Bag Limit For Permit Holders: One bighorn ram.

Any Legal Weapon

Sheep Unit 2
Vulcan Mountain

Permit Season: Sept. 15-Oct. 13, both dates inclusive.

Sheep Unit 3
Tucannon River

Permit Season: Sept. 15-Oct. 13, both dates inclusive.

Sheep Unit 5
Umtanum

Permit Season: Sept. 15-Oct. 13, both dates inclusive.

Sheep Unit 8
Mountainview

Permit Season: Sept. 15-Oct. 13, both dates inclusive.

Sheep Unit 9
Blackbutte

Permit Season: Sept. 15-Oct. 13, both dates inclusive.

Sheep Unit 10
Mt. Hull

Permit Season: Sept. 15-Oct. 13, both dates inclusive.

Sheep Unit 11
Wenaha Wilderness

Permit Season: Sept. 15-Oct. 13, both dates inclusive.

MOUNTAIN GOAT:

Permit Season: Sept. 16-Oct. 31, 1995, both dates inclusive, in all goat hunts.

Who May Apply: Anyone with a valid 1995 Washington hunting license; EXCEPT those who drew goat permits in 1990, 1991, 1992, 1993, or 1994.

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. The Department of Fish and Wildlife urges hunters to refrain from shooting nannies with kids.

Any Legal Weapon

Goat Unit 2-1
Mount Chopaka

Goat Unit 2-2
Methow

Goat Unit 3-2
North Wenatchee Mountains

Goat Unit 3-4
Snoqualmie

Goat Unit 3-6
Naches Pass

Goat Unit 3-7
Bumping River

Goat Unit 3-9
Tieton River

Goat Unit 4-1
Ruth Creek

Goat Unit 4-3
Chowder Ridge

Goat Unit 4-4
Lincoln Peak

Goat Unit 4-7
Avalanche Gorge

Goat Unit 4-8
East Ross Lake

Goat Unit 4-9
Jack Mountain

Goat Unit 4-32
Foss River

Goat Unit 4-34
Pratt River

Goat Unit 5-2
Tatoosh

Goat Unit 5-4
Goat Rocks

Muzzleloading Goat Hunts

Goat Unit 3-5
Cle Elum

Goat Unit 3-8
Bumping River

Goat Unit 4-24
Sloan Peak

Archery Goat Hunts

Goat Unit 3-3
Goat and Davis Mountains

Goat Unit 4-21
Liberty Mountain

Goat Unit 4-38
Corral Pass

Goat Unit 5-3
Smith Creek

Goat Unit 6-2
Quilcene River

Goat Unit 6-3
Hamma Hamma River

NATIVE CATS

A valid hunting license is required to hunt (including pursuit seasons) native cats. A hound stamp is required for all hunters if dogs are used to hunt any native cats.

COUGAR

Pursuit-Only Season (Cougar may not be killed or injured.): Sept. 1-30 and Nov. 22, 1995-Jan. 31, 1996, in the cougar units listed below, EXCEPT closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 13, 1995.

Early Permit Season (Permit required. Permit holders may not kill cougar with the use of hounds during the early cougar permit season.): Oct. 14-Nov. 21.

General Permit Season (Permit required. Cougar may be killed by permit holders only.): Nov. 22, 1995-Jan. 31, 1996, EXCEPT Nov. 22, 1995-Feb. 28, 1996 in Cougar Unit 5.

Who May Apply: Anyone with a valid 1995 Washington hunting license may submit one special permit application for cougar; EXCEPT those who drew a cougar permit in 1994. Successful cougar applicants must purchase a cougar tag by October 1, 1995. Special permits assigned to those hunters failing to purchase a cougar tag by the deadline will be voided and cougar permits will be issued to other applicants. Cougar permit applicants successfully drawing a 1995-96 cougar permit will be ineligible to apply for a cougar permit until the 1998-99 season.

Bag Limit: One (1) cougar during the 1995-96 hunting season except that it is unlawful to kill or possess spotted cougar kittens or adult cougar accompanied by spotted kittens.

Hunt No.	Unit	Description
9001	1	Pend Oreille
9002	2	Colville
9003	3	Republic
9004	4	Spokane
9005	5	Blue Mountains
9006	6	Wenaha
9007	7	Okanogan
9008	8	Chelan
9009	9	Yakima
9010	10	Nooksack
9011	11	Skagit
9012	12	Snoqualmie
9013	13	North Olympic Peninsula
9014	14	South Olympic Peninsula
9015	15	Rainier
9016	16	South Puget Sound
9017	17	Cowlitz
9018	18	Skamania
9019	19	Pacific

Boot hunting opportunity for cougar: Hunters have to specifically apply (by hunt number) for either an early permit season tag or a general permit season tag. The early permit season is a boot only opportunity.

Hunt No.	Unit	Description
9020	1	Pend Oreille
9021	2	Colville
9022	3	Republic
9023	4	Spokane
9024	5	Blue Mountains
9025	6	Wenaha
9026	7	Okanogan
9027	8	Chelan
9028	9	Yakima
9029	10	Nooksack
9030	11	Skagit
9031	12	Snoqualmie
9032	13	North Olympic Peninsula
9033	14	South Olympic Peninsula
9034	15	Rainier
9035	16	South Puget Sound
9036	17	Cowlitz
9037	18	Skamania
9038	19	Pacific

LYNX

Season closed statewide.

**WSR 94-22-106
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-155—Filed November 2, 1994, 11:47 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Purpose: To amend elk area descriptions, WAC 232-28-02220.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Two new elk areas are proposed for 1995 elk seasons.

Reasons Supporting Proposal: Growing elk populations and safety concerns prompt the need for those elk areas to limit weapon types.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (206) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (206) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These units will enable the commission to adopt hunting seasons to crop surplus animals and yet limit hunting equipment.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small

PROPOSED

business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Tumwater, WA, on December 9-10, 1994, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 2, 1994, TDD (206) 902-2207, or (206) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Wildlife Management Program, Game Division, George Tsukamoto, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (206) 664-3290, by December 2, 1994.

Date of Intended Adoption: December 9-10, 1994.

November 1, 1994

Evan Jacoby
Legal Counsel

AMENDATORY SECTION [(Amending Order 646, filed 5/10/94)]

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Elk Area No. 001 Trinidad (Grant, Douglas, Okanogan, Adams and Franklin counties): All of Douglas, Grant, Okanogan, Adams, and Franklin counties except closed in the corridor described as follows: Beginning at East Wenatchee and Highway 28 and proceeding along Highway 28 to Road "U" N.W. in Grant County; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Section 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia River; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate 90; then west along Interstate 90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Fish and Wildlife map)

Elk Area No. 003 Kingsbury (Chelan and Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion

of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 010 South Spokane (Spokane County) the following portion of game management units 127 and 130: Beginning at Tyler near the junction of Tyler Road (State Highway 904) and I-90; then northeast along I-90 to the Idaho state line; then south along the Washington-Idaho line to Elder Road; then west along Elder Road to Hangman Creek; then north along Hangman Creek to State Highway 195 at Hatch Road; then south along State Highway 195 to the Cheney Spangle Road; then west along the Cheney Spangle Road to Cheney; then west along Tyler Road (State Highway 904) to the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Section 1, T13N, R9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest Boundary in the N.E. corner of Section 1, T13N, R9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Section 9, T13N, R9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis and Cowlitz counties): Beginning at Interstate 5 and State Highway 505 junction; then east along State Highway 505 through the City of Toledo to the Layton Road; then north along the Layton Road to the Evans Road; then east along the Evans Road to the Weyerhaeuser 1800 line to the Weyerhaeuser 1890 line to State Highway 504; then west along State Highway 504 to the Tower Road; then west on Tower Road to the junction of Tower Road and State Highway 504; then west on State Highway 504 to Interstate 5; then north on Interstate 5 to the junction with State Highway 505 and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road to Umtanum

Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jump Off Road; then south and west on Jump Off Road to Shaller Road; then north and west on Shaller Road to Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); then west on USFS 7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS 7104 Road (Sand Creek); then west on USFS 7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; then north along USFS 7200 Road to U.S. Highway 97; then north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); then north on the USFS 7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning. (See Department of Fish and Wildlife map)

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone). (See Gifford Pinchot National Forest map)

Elk Area No. 050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; then west to the Mauerman Road; then west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; then south and east on the Pe Ell/McDonald Road to the Lost Valley Road; then south and southeast on the Lost Valley Road to the Boistfort Road; then east and north along the Boistfort Road to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the Town of Adna; then west on Highway 6 to Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road; then south on Manners Road to Lincoln Creek Road; then east along Lincoln Creek Road to Ingalls Road; then south and east on Ingalls and Bunker Creek Roads to the Town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the Town of Randle; then east along Highway 12 to the Bennett Road approximately one mile east of Cora Bridge; then west on Bennett and Cline Roads to the Cispus Road; then north on said road to the Town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the Town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the Town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction

of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of GMU 514 (Tatoosh) lying east of Highway 123 and north of Highway 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness. (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest map and Washington Atlas & Gazetteer)

Elk Area No. 062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to the Delezene Road; then south on the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning. (Contact Montesano Office for map of the area.)

Elk Area No. 063 South Elma (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to Delezene Road; then south on the Delezene Road to a point one mile from the South Bank Road; then southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning. (Contact Montesano Office for map of area.)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the easternmost junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam-Wishkaw Cutoff Road in Section 21, T19N, R9 W.W.M.;

then east on the East Hoquiam-Wishkaw Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Section 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkery A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between T20N and R19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen; then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Weyerhaeuser Clemons Tree Farm Hunting map)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, T13N, R8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Forest Protection map "Willapa Hills")

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallacut River; then north along the Wallacut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

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

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

WSR 94-22-107
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed November 2, 1994, 11:49 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods.

Purpose: The proposed amendment to the rule would authorize a taper allowance for lodgepole pine harvested in Eastern Washington that is in accordance with industry practice and the United States Forest Service log scaling rule. The amendment also provides a definition of Eastern Washington.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The proposed amendment would define Eastern Washington and conform the lodgepole pine taper allowance to the United States Forest Service rule.

Name of Agency Personnel Responsible for Drafting: Jim Winterstein, 2735 Harrison N.W., Building 4, Olympia, (206) 586-4283; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, (206) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines Eastern Washington for purposes of authorizing a lodgepole pine taper allowance that conforms to the United States Forest Service log scaling rules for the same geographical area. It will allow the forestry industry in Eastern Washington to use the same scaling rule used by the United States Forest Service.

Proposal Changes the Following Existing Rules: Adds a definition for Eastern Washington and allows a one inch taper factor allowance per log segment for lodgepole pine harvested in Eastern Washington.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Legislation and Policy Division, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4281, or FAX (206) 664-0693.

Hearing Location: Olympia Area, Department of Revenue Conference Room, Target Place Building #4, 2735 Harrison Avenue N.W., Olympia, WA, on December 8, 1994, at 10:00 a.m.; and in the Spokane Area, Spokane Community College, Student Activities Center, The Lair, 1810 North Greene Street, Spokane, WA, on December 6, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by November 29, 1994, TDD (800) 451-7985, or (206) 753-3217.

Submit Written Comments to: Gary O'Neil, Department of Revenue, P.O. Box 47472, Olympia, WA 98504-7472, FAX (206) 664-8438, by December 8, 1994.

Date of Intended Adoption: December 30, 1994.

November 2, 1994
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods. (1) For purposes of this rule, Western Washington means that

portion of the state lying west of a line beginning at the boundary line between the United States and Canada and the eastern boundary of Whatcom county and extending south along the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania counties. Eastern Washington means that portion of the state lying east of that line.

~~((+))~~ (2) Acceptable log scaling and grading rules—Western Washington: The acceptable log scaling and grading rule shall be the Scribner Decimal C log rule as described in the most current edition of the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group. These are the official rules for the following log scaling and grading bureaus: Columbia River, Grays Harbor, Northern California, Puget Sound, Southern Oregon, and Yamhill.

~~((2))~~ (3) Acceptable log scaling rule—Eastern Washington: For Eastern Washington, the acceptable log scaling rule shall be the Scribner Decimal C log rule described in the most current edition of the "National Forest Log Scaling Handbook" (FSH 24099.11) as published by the United States Forest Service. Provided, the maximum scaling length is twenty feet and maximum trim allowance shall be six inches for logs eight to twenty feet in length; and provided further, that lodgepole pine shall be scaled using a one inch taper allowance per log segment on timber harvested in Eastern Washington north of Interstate 90.

~~((3))~~ (4) Utility grade defined: For both Western and Eastern Washington, utility grade is defined as logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the handbook published by the Northwest Log Rules Advisory Group, but are suitable for the production of firm usable pulp chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

Minimum gross diameter—six inches.

Minimum gross length—twelve feet.

Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable pulp chips.

~~((4))~~ (5) Special services scaling: Special services scaling as described in the Northwest Log Rules Advisory Group handbook shall not be used for tax reporting purposes without prior written approval of the department; and all measurements and grades must be converted to standard Scribner Decimal C log rules as they are described in the handbook.

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 94-22-108
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed November 2, 1994, 11:50 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-40-540 Property tax, forest land—Forest land values.

Purpose: To establish the forest land values for each grade of bare forest land on the basis of its use only for growing and harvesting timber.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 84.33.120.

Summary: RCW 84.33.120 sets out the procedure for determining the per acre value of forest land annually.

Reasons Supporting Proposal: RCW 84.33.120(2) requires forest land values to be annually adjusted by the department by rule on or before December 31 of each year.

Name of Agency Personnel Responsible for Drafting: Bill Derkland, 2735 Harrison N.W., Building 4, Olympia, (206) 753-1359; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, (206) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is necessary to update forest land values that are used by all counties to value designated and classified forest land. It enables county assessors to properly value forest land for purposes of property taxation.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Legislation and Policy Division, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4281, or FAX (206) 664-0693.

Hearing Location: Olympia Area, Department of Revenue Conference Room, Target Place Building #4, 2735 Harrison Avenue N.W., Olympia, WA, on December 8, 1994, at 10:00 a.m.; and in the Spokane Area, Spokane Community College, Student Activities Center, The Lair, 1810 North Greene Street, Spokane, WA, on December 6, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by November 29, 1994, TDD (800) 451-7985, or (206) 753-3217.

Submit Written Comments to: Bill Derkland, Department of Revenue, P.O. Box 47472, Olympia, WA 98504-7472, FAX (206) 664-8438, by December 8, 1994.

Date of Intended Adoption: December 30, 1994.

November 1, 1994

Russell W. Brubaker

Assistant Director

AMENDATORY SECTION (Amending WSR 94-02-046, filed 12/30/93, effective 1/1/94)

WAC 458-40-540 Property tax, forest land—Forest land values—((1994)) 1995. The true and fair values, per acre, for each grade of forest land for the ((1994)) 1995 assessment year are determined to be as follows:

((1994)) 1995 WASHINGTON FOREST LAND VALUES		
LAND GRADE	OPERABILITY CLASS	VALUE PER ACRE
1	1	((\$183)) <u>\$201</u>
	2	((178)) <u>196</u>
	3	((169)) <u>186</u>
	4	((123)) <u>135</u>
2	1	((154)) <u>170</u>
	2	((148)) <u>163</u>
	3	((142)) <u>156</u>
	4	((103)) <u>113</u>
3	1	((120)) <u>132</u>
	2	((117)) <u>129</u>
	3	((115)) <u>127</u>
	4	((88)) <u>97</u>
4	1	((91)) <u>100</u>
	2	((89)) <u>98</u>
	3	((88)) <u>97</u>
	4	((67)) <u>74</u>
5	1	((66)) <u>73</u>
	2	((62)) <u>68</u>
	3	((61)) <u>67</u>
	4	((40)) <u>44</u>
6	1	((34)) <u>37</u>
	2	((31)) <u>34</u>
	3	((31)) <u>34</u>
	4	((29)) <u>32</u>
7	1	((16)) <u>18</u>
	2	((16)) <u>18</u>
	3	((15)) <u>17</u>
	4	((15)) <u>17</u>
8		1

WSR 94-22-110
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed November 2, 1994, 11:53 a.m.]

Original Notice.

Title of Rule: New section WAC 458-16A-010 Non-profit homes for the aging.

Purpose: To implement and administer 1993 legislative changes made to RCW 84.36.041.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Statute Being Implemented: RCW 84.36.041.

Summary: Rule implements the amendments made to RCW 84.36.041 during the 1993 legislative session and establishes administrative procedures necessary to implement the statutory amendments.

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Reasons Supporting Proposal: Section 1, chapter 151, Laws of 1993.

Name of Agency Personnel Responsible for Drafting: Kim Qually, 711 Capitol Way South, #303, Olympia, 664-0086; Implementation and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains the ways in which a home for the aging may receive a total or partial exemption from property tax. It explains how eligibility for exemption will be determined. It also establishes the requirements and set-asides needed to receive a total exemption if tax exempt bond financing has been received.

Proposal Changes the Following Existing Rules: WAC 458-16-265 Nonprofit homes for the aging, was rendered obsolete by the passage of the 1993 legislative changes to RCW 84.36.041. WAC 458-16-265 will be repealed when WAC 458-16A-010 Nonprofit homes for the aging and 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal, are adopted.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Legislation and Policy Division, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4281, or FAX (206) 664-0693.

Hearing Location: General Administration Building, 1st Floor Auditorium, 210 11th and Columbia Street, Olympia, WA, on December 9, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by November 31, 1994, TDD (800) 451-7985, or (206) 753-3217.

Submit Written Comments to: Kim Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (206) 664-0693, by December 9, 1994.

Date of Intended Adoption: January 10, 1995.

November 1, 1994

Linda L. Lethlean

Deputy Assistant Director

NEW SECTION

WAC 458-16A-010 Nonprofit homes for the aging.

(1) **Introduction.** Under RCW 84.36.041, a nonprofit home for the aging or continuing care retirement community may be totally or partially exempt from property tax. This section explains the two types of exemptions allowed and the criteria that must be met in order to receive an exemption under this statute.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Acquisition" means that an existing home for the aging (or home) or continuing care retirement community (or CCRC) currently in operation is acquired by a nonprofit organization and the ownership of the facility will change as a result of a purchase, gift, foreclosure, or other method. The acquisition of the facility will not provide any additional

residential dwelling units for elderly and disabled individuals.

(b) "Assistance with activities of daily living" means the home or CCRC provides auxiliary services to residents, such as meal and housekeeping service, transportation, ambulatory service, and attendant care including, but not limited to, bathing and other acts related to personal hygiene, dressing, shopping, food preparation, monitoring of medication, and laundry services.

(c) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(d) "Complete and separate dwelling units" means that the individual units of a home or CCRC contain complete facilities for living, sleeping, cooking, and sanitation.

(e) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(f) "Continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related or personal care services, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, or the payment of periodic charges in consideration for the care and services provided. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(g) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(h) "Disposable income" means adjusted gross income as defined in the federal Internal Revenue Code, as amended prior to January 1, 1994, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal Internal Revenue Code, or gain excluded from income under section 121 of the federal Internal Revenue

Code to the extent it is reinvested in a new principal residence;

- (ii) Amounts deducted for loss;
- (iii) Amounts deducted for depreciation;
- (iv) Pension and annuity receipts;
- (v) Military pay and benefits other than attendant-care and medical-aid payments;
- (vi) Veterans benefits other than attendant-care and medical-aid payments;
- (vii) Federal Social Security Act and railroad retirement benefits;

- (viii) Dividend receipts; and
 - (ix) Interest received on state and municipal bonds.
- (i) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as a principal place of residence as of January 1st of the year in which the claim for exemption is filed. The exemption will not be nullified if the eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by HUD for the county in which the person resides and in effect as of January 1 of the year the application for exemption is submitted.

(j) "Home for the aging" or "home" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(k) "HUD" means the federal Department of Housing and Urban Development.

(l) "Local median income" means the median income adjusted for family size as most recently determined by HUD for the county in which the home or CCRC is located and in effect on January 1st of the year the application for exemption is submitted.

(m) "Low income" means that the combined disposable income of a resident is eighty percent or less of the median income adjusted for family size as most recently determined by HUD for the county in which the home or CCRC is located and in effect as of January 1st of the year the application for exemption is submitted.

(n) "New construction" means the actual construction or building of all or a portion of a home or CCRC that did not exist prior to the new construction. The new construction

will create additional residential dwelling units for elderly and disabled individuals.

(o) "Occupied dwelling unit" means a living unit which is occupied on January 1st of the year in which the claim for exemption is filed.

(p) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home or CCRC; and

(ii) The use of which is restricted to residents, guests, or employees of a home or CCRC.

(q) "Refinancing" means the discharge of an existing debt with funds obtained through the creation of new debt. For purposes of this section, even if the application for tax exempt bond financing to refinance existing debt is treated by the financing agent as something other than refinancing, an application for refinancing will be treated as refinancing and the set-asides specific to refinancing will be applied. The refinancing will not provide any additional residential dwelling units for elderly and disabled individuals.

(r) "Rehabilitation" means that an existing building or structure, not currently used as a home or CCRC, will be modified, improved, restored, extended, or enlarged so that it will be used as a home or CCRC and will provide additional housing for elderly and disabled individuals. A project will be considered a rehabilitation if the costs of rehabilitation exceed \$5,000.

(s) "Remodeling" means that a facility currently being operated as a home or CCRC will be modified, altered, or reconstructed in some manner, but no additional dwelling units for elderly and disabled individuals will be created.

(t) "Set-aside(s)" means the percentage of dwelling units reserved for low-income residents when new construction, rehabilitation, acquisition, or refinancing of a home or CCRC is financed under a financing program using tax exempt bonds.

(u) "Shared dwelling units" or "shared units" means individual dwelling units of a home that do not contain complete facilities for living, eating, cooking, and sanitation.

(v) "Taxable value" means the value of the home or CCRC upon which the tax rate is applied in order to determine the amount of property taxes due.

(w) "Total amount financed" means the total amount of financing required by the home or CCRC to fund new construction, acquisition, rehabilitation, or refinancing. Seventy-five percent of this amount must be supplied by tax exempt bonds to receive the total exemption from property tax available under the tax exempt bond financing provision of RCW 84.36.041.

(3) **General requirements.** To be exempt under this section, a home for the aging or CCRC must be:

(a) Exclusively used for the purposes for which exemption is granted, except as provided in RCW 84.36.805;

(b) Operated by an organization that is exempt from income tax under section 501(c) of the federal Internal Revenue Code; and

(c) The benefit of the exemption must inure to the home or CCRC.

(4) **Total exemption.** There are three ways in which a home or CCRC may be totally exempt from property tax. All real and personal property used by a nonprofit home or CCRC that is reasonably necessary for the purposes of the

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home or CCRC is exempt if it meets the general requirements listed in subsection (3) of this section and:

(a) At least fifty percent of the occupied dwelling units in the home or CCRC are occupied by an eligible resident;

(b) The home or CCRC is subsidized under a HUD program; or

(c) The construction, rehabilitation, acquisition, or refinancing of a home or CCRC is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses tax exempt bonds and the financing program requires the home or CCRC to reserve or set-aside a percentage of all dwelling units so financed for low-income residents. See subsections (5), (6), and (7) of this section for tax exempt bond requirements and the percentage of units that must be set-aside for low-income residents in order for the home or CCRC to be totally exempt.

(5) Homes or CCRCs financed by tax exempt bonds—Generally. All real and personal property used by a nonprofit home or CCRC may be totally exempt from property tax if at least seventy-five percent of the total amount financed for construction, rehabilitation, acquisition, or refinancing uses tax exempt bonds and the financing program requires the home or CCRC to reserve or set-aside a percentage of all dwelling units so financed for low-income residents.

(a) The percentage of set-aside units required will vary depending on whether the facility is a home or a CCRC, the purpose for which the tax exempt bond financing was obtained, the type of dwelling unit, and the receipt of Medicaid funds.

(b) The exemption will be granted in direct correlation between the total amount financed by tax exempt bonds and the portion of the home or CCRC that is constructed, acquired, rehabilitated, or refinanced by tax exempt bonds.

(c) If tax exempt bonds are used to refinance existing debt, the set-aside requirements set forth in subsections (6) and (7) below will be applied to the actual area or portion of the home or CCRC to which the bonds correspond.

(i) Example 1. A CCRC (that accepts Medicaid funds) is composed of a multi-story building, six duplexes, and two independent homes and the CCRC has secured tax exempt bonds to satisfy an existing mortgage on the multi-story building. Only the multi-story building will be considered eligible for a total exemption from property tax because of tax exempt bond financing. To receive the exemption, at least twenty percent of the dwelling units of the multi-story building must be set-aside for residents at or below fifty percent of the local median income or at least forty percent of the dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(ii) Example 2. A home obtains tax exempt bonds to satisfy an existing mortgage on a portion of the home and to fund new construction. The department will separately consider the area of the home that corresponds to the purpose for which the tax exempt bonds were obtained. The set-aside requirements related to refinancing will be applied to the portion of the home that corresponds to the mortgage being refinanced and the set-aside requirements related to new construction will be applied to the area of the home to be newly constructed. The department will determine the

eligibility for partial exemption of the remainder of the home that is not being refinanced or constructed.

(d) If a total exemption is granted under the tax exempt bond financing provision, the total exemption will remain in effect as long as:

(i) The home or CCRC remains in compliance with the requirements under which it received the tax exempt bonds;

(ii) The tax exempt bonds are outstanding; and

(iii) The set-aside requirements are met.

(e) If a home or CCRC has obtained tax exempt financing to remodel its existing facility and the project does not meet the definition of rehabilitation contained in subsection (2) of this section, the project will be considered a remodelling and the set-aside requirements related to refinancing or acquisition will be applied in determining eligibility for a total exemption.

(f) When a home or CCRC no longer meets the criteria for exemption under the tax exempt bond financing portion of the statute, eligibility for exemption under RCW 84.34.041 will be determined by the other provisions of the statute.

(6) Set-aside requirements related to homes and tax exempt bond financing. A specified number of dwelling units within a home must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for homes will be determined according to the type of dwelling units contained in the home and the purpose for which the tax exempt bond financing was obtained.

(a) Complete and separate dwelling units - new construction or rehabilitation. If financing was obtained for the new construction or rehabilitation of a home with any complete and separate units, the following set-asides will apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Ten percent of the total dwelling units must be set-aside for residents at or below fifty percent of the local median income.

(b) Complete and separate dwelling units - acquisition or refinancing. If financing was obtained to acquire or refinance a home with any complete and separate units, the following set-asides will apply:

(i) Twenty percent of the total dwelling units financed must be set-aside for residents with incomes at or below fifty percent of the local median income; or

(ii) Forty percent of the total dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(c) Shared dwelling units - new construction, rehabilitation, acquisition, or refinancing. If financing was obtained for the new construction, rehabilitation, acquisition, or refinancing of a home with only shared units, the following set-asides apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Ten percent of the total dwelling units must be set-aside for residents at or below fifty percent of the local median income.

(7) **Set-aside requirements related to CCRCs and tax exempt bond financing.** A specified number of dwelling units of a CCRC must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for CCRCs will be determined by whether the CCRC does or does not have Medicaid contracts for CCRC residents and the purpose for which the tax exempt bond financing was obtained.

(a) The continuing care contract between the resident and the CCRC must provide continuing care to residents for life regardless of the resident's financial ability to pay.

(b) A CCRC without Medicaid contracts for CCRC residents may not receive Medicaid funds from Washington state or the federal government during the term that the bonds are outstanding, except during the initial transition period as allowed by state law or if the regulatory agreement with the tax exempt bond financier exempts the CCRC from compliance with this requirement.

(c) CCRCs not receiving Medicaid funds - new construction or rehabilitation. If financing was obtained for the new construction or rehabilitation of a CCRC without Medicaid contracts for CCRC residents, the following set-asides apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Fifteen percent of the total dwelling units must be set-aside for residents at or below one hundred percent of the local median income.

(d) CCRCs not receiving Medicaid funds - acquisition or refinancing. If financing was obtained to acquire a CCRC or to refinance existing debt of a CCRC without Medicaid contracts for CCRC residents, the following set-asides apply:

(i) Twenty percent of the total dwelling units financed must be set-aside for residents with incomes at or below fifty percent of the local median income; or

(ii) Forty percent of the total dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(e) CCRCs receiving Medicaid funds - new construction or rehabilitation. If financing was obtained for the new construction or rehabilitation of a CCRC with Medicaid contracts for CCRC residents, the following set-asides apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Ten percent of the total dwelling units must be set-aside for residents at or below fifty percent of the local median income.

(f) CCRCs receiving Medicaid funds - acquisition or refinancing. If financing was obtained to acquire a CCRC or to refinance existing debt of a CCRC with Medicaid contracts for CCRC residents, the following set-asides apply:

(i) Twenty percent of the total dwelling units financed must be set-aside for residents with incomes at or below fifty percent of the local median income; or

(ii) Forty percent of the total dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(8) **Partial exemption.** If a home or CCRC does not qualify for a total exemption from property tax, the home or

CCRC may receive a partial exemption for its real property on a unit by unit basis and a total exemption for its personal property.

(a) **Real property exemption.** If the real property of a home or CCRC is used in the following ways, the portion of the real property so used will be exempt and the home may receive a partial exemption for:

(i) Each dwelling unit occupied by a resident requiring assistance with activities of daily living;

(ii) Each dwelling unit occupied by an eligible resident; and

(iii) Common or shared areas of the home or CCRC that are jointly used for two or more purposes that are exempt from property tax under chapter 84.36 RCW.

(b) **Assistance with activities of daily living.** A home or CCRC may receive a partial exemption for each dwelling unit that is occupied by a resident who requires significant assistance with the activities of daily living and the home or CCRC provides this assistance. A resident requiring assistance with the activities of daily living must be a resident who requires significant assistance with at least three of the nonexclusive list of activities set forth below and who, unless he or she receives the assistance, would be at risk of being placed in a nursing home. Activities of daily living include, but are not limited to:

(i) Shopping;

(ii) Meal and/or food preparation;

(iii) Housekeeping;

(iv) Transportation;

(v) Dressing;

(vi) Bathing;

(vii) General personal hygiene;

(viii) Monitoring of medication;

(ix) Ambulatory services;

(x) Laundry services;

(xi) Incontinence management; and

(xii) Cuing for the cognitively impaired.

(c) **Examples of assistance with the activities of daily living:**

(i) If the resident of a home requires someone to assist him or her with daily dressing, bathing, and personal hygiene, weekly housekeeping chores, and daily meal preparation, he or she is a resident requiring significant assistance with activities of daily living and the home may receive a partial exemption for the dwelling unit in which he or she resides.

(ii) If the resident of a CCRC only requires someone to clean his or her house weekly and to do the laundry weekly, the resident does not require significant assistance with activities of daily living and the CCRC may not receive a partial exemption for the dwelling unit.

(d) **Common or shared areas.** Areas of a home or CCRC that are jointly used for two or more purposes exempt from property tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a partial property tax exemption may be granted.

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(ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(e) Amount of partial exemption. The amount of partial exemption will be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home or CCRC, minus/less the assessed value of any common or shared areas, by a fraction. The numerator of the fraction is the number of the dwelling units occupied on January 1st of the assessment year by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of January 1st of the assessment year. Example:

Assessed value of home:	\$500,000
Less assessed value of common area:	- 80,000
<hr/> Total	<hr/> \$420,000

$$\frac{\text{Number of units occupied on 1/1 by eligible residents and people requiring assistance with daily living activities}}{\text{Total of occupied units on 1/1}} = \frac{6}{40} \text{ or } .15$$

$$\begin{aligned} \$420,000 \times .15 &= \$63,000 \\ \text{Amount of partial exemption} \\ \$420,000 - \$63,000 &= \$357,000 \\ \text{Taxable value of home} \end{aligned}$$

(f) Valuation of the home or CCRC. The assessor will value a home or CCRC that receives a partial exemption by considering only the current use of the property during the period in which the partial exemption is received and will not consider any potential use of the property.

(9) **Income verification required from some residents.** If a home or CCRC seeks a total property tax exemption because at least fifty percent of the occupied dwelling units are occupied by eligible residents or seeks to receive a partial exemption based upon the number of units occupied by eligible residents, the residents must submit income verification forms.

(a) The income verification forms must be submitted to the assessor of the county in which the home or CCRC is located by July 1st of the assessment year in which the application for exemption is made.

(b) The income verification form will be prescribed and furnished by the department of revenue.

(c) If an eligible resident filed an income verification form for a previous year, he or she is not required to submit a new form unless there is a change in status affecting the resident's eligibility, such as a significant increase or decrease in disposable income, or the assessor or the department requests a new income verification form to be submitted.

(10) **Three-year phase in for a home with increased taxable value.** If the taxable value of a home or CCRC is increased because of the change in the method of calculating the amount of partial exemption, the increased taxable value will be phased in over a period of three years.

(a) Eligibility requirements for phase in. If the home or CCRC meets the following conditions the increased taxable value may be phased in:

(i) The home or CCRC was exempt or partially exempt for taxes levied in 1993 for collection in 1994;

(ii) The home or CCRC is partially exempt for taxes levied in 1994 for collection in 1995; and

(iii) The taxable value of the home or CCRC increased for taxes levied in 1994 for collection in 1995 due to the change prescribed by chapter 151, Laws of 1993 with respect to the numerator of the fraction used to determine the amount of partial exemption.

(b) Method of phase in. The increase in taxable value will be phased in as follows:

(i) For taxes levied in 1994 for collection in 1995, the home or CCRC will pay taxes based on the taxable value in 1993 plus one-third of the increase in the taxable value from 1993 to the taxable value calculated under subsection (8)(d) of this section.

(ii) For taxes levied in 1995 for collection in 1996, the home or CCRC will pay taxes based on the taxable value in 1994 plus one-half of the increase in the taxable value from 1994 to the taxable value calculated under subsection (8)(d) of this section.

(iii) For taxes levied in 1996 for collection in 1997 and for taxes levied thereafter, this subsection does not apply and the home or CCRC will pay taxes on the taxable value without reference to this subsection.

(c) Example: Assume, for the purposes of this example, in 1993 the assessed value of a home was \$475,000, the value of the shared area was \$80,000, and twenty-six percent of the units were exempt. Therefore, the assessed value minus the value of the shared area or \$395,000 multiplied by .74 = a taxable value of \$292,300.

Column 1 Year	Column 2 Value after partial exemption	Column 3 Increase in Value (Col. 2 minus TV from Prior Year)	Column 4 Annual % of Increase to be Paid	Column 5 Amount of Increase to be Paid (Col. 3 x Col. 4)	Column 6 Taxable Value (TV) (Col. 5 + TV from Prior Year)
1993	\$292,300	--	--	--	\$292,300
1994	\$357,000*	\$64,700	33.00%	\$21,351	\$313,651
1995	\$336,000**	\$22,349	50.00%	\$11,175	\$324,826
1996	\$325,500	\$674	100.00%	\$674	\$325,500
1997	\$367,500	--	--	--	\$367,500

* This value is a continuation of the example in subsection (8)(d) of this section.

** For the purposes of this example, we are assuming that the home is located in a county on a four year revaluation cycle and that value of this home after the partial exemption will fluctuate each year because the number of eligible residents and residents who require assistance with the activities of daily living will change each year. In this example, the number of units exempt from property tax within the home used in the example in subsection (8)(d) are as follows: eight in 1995, nine in 1996, and five in 1997.

(11) **Additional requirements.** Any nonprofit home for the aging or continuing care retirement community that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-020 and 458-16-165. WAC 458-16A-020 contains information regarding the initial application and renewal procedures relating to the exemption discussed in this section. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

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 94-22-111
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed November 2, 1994, 11:54 a.m.]

Original Notice.

Title of Rule: New section WAC 458-16A-020 Non-profit homes for the aging—Initial application and annual renewal; and repealing WAC 458-16-265 Nonprofit homes for the aging.

Purpose: To implement and administer 1993 legislative changes made to RCW 84.36.041. To repeal WAC 458-16-265 that was made obsolete by 1993 legislative changes to RCW 84.36.041.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Statute Being Implemented: RCW 84.36.041.

Summary: New section implements the amendments made to RCW 84.36.041 during the 1993 legislative session

and establishes the administrative procedures necessary to administer the statutory amendments. Repeal section made obsolete by 1993 amendments to RCW 84.36.041.

Reasons Supporting Proposal: Section 1, chapter 151, Laws of 1993.

Name of Agency Personnel Responsible for Drafting: Kim Qually, 711 Capitol Way South, #303, Olympia, (206) 664-0086; **Implementation and Enforcement:** William Rice, 6004 Capital Boulevard, Tumwater, (206) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains the initial application procedure and the annual renewal process a nonprofit home for the aging must follow to obtain and retain the property tax exemption authorized by RCW 84.36.041. To provide all information necessary about the application and renewal process related to the property tax exemption available to homes for the aging.

Proposal Changes the Following Existing Rules: WAC 458-16-265 Nonprofit homes for the aging, was rendered obsolete by the passage of the 1993 legislative changes to RCW 84.36.041. WAC 458-16-265 will be repealed when WAC 458-16A-010 Nonprofit homes for the aging and 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal, are adopted.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Legislation and Policy Division, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4281, or FAX (206) 664-0693.

Hearing Location: General Administration Building, 1st Floor Auditorium, 210 11th and Columbia Street, Olympia, WA, on December 9, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by November 31, 1994, TDD (800) 451-7985, or (206) 753-3217.

Submit Written Comments to: Kim Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (206) 664-0693, by December 9, 1994.

Date of Intended Adoption: January 10, 1995.

November 1, 1994
 Linda L. Lethlean
 Deputy Assistant Director

PROPOSED

NEW SECTION

WAC 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal. (1) **Introduction.** This section explains the initial application process that must be followed for a home for the aging or continuing care retirement community to obtain a property tax exemption under RCW 84.36.041. This section also describes the annual renewal requirements that a home or continuing care retirement community must follow to retain its exempt status, as well as the role of the assessor's office and the department of revenue in administering this exemption.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Assessor" means the county assessor or any agency or person who is duly authorized to act on behalf of the assessor.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(c) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(d) "Continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related or personal care services, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, or the payment of periodic charges in consideration for the care and services provided. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(e) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(f) "Department" means the department of revenue.

(g) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as his or her principal place of residence as of January 1st of the year in which the claim for exemption is filed. The exemption will not be

nullified if the eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by HUD for the county in which the person resides.

(h) "Homes for the aging" or "home(s)" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(i) "HUD" means the federal Department of Housing and Urban Development.

(j) "Occupied dwelling unit" means a living unit that is occupied on January 1st of the year in which the claim for exemption is filed.

(k) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home; and

(ii) The use of which is restricted to residents, guests, or employees of a home.

(3) **Application for exemption.** The tax exemption authorized by RCW 84.36.041 is claimed by and benefits a nonprofit home for the aging or continuing care retirement community, not the residents of a home or CCRC. Therefore, the claim for this exemption is submitted by a home or CCRC to the department.

(a) If a claim for exemption is filed on behalf of a home or CCRC under RCW 84.36.041 and the exemption is granted, no resident of that home or CCRC may receive a personal exemption under RCW 84.36.381.

(b) A listing of the varying levels of care and supervision provided or coordinated by the home or CCRC must accompany all initial applications submitted for exemption. Examples of the varying levels of care and supervision include, but are not limited to, the following:

(i) Conducting routine room checks;

(ii) Arranging for or providing transportation;

(iii) Arranging for or providing meals;

(iv) On site medical personnel;

(v) Monitoring of medication; or

(vi) Housekeeping services.

(c) Homes or CCRCs having real property that is used for purposes other than as a home or CCRC (for example, property used by a facility for a pharmacy) must provide the

department with a floor plan identifying the square footage devoted to each different exempt and nonexempt use.

(d) At the time an application for exemption is submitted, the home or CCRC must submit proof that it is recognized by the Internal Revenue Service as a 501(c) organization.

(e) Homes or CCRCs that apply for a total exemption because of tax exempt bond financing must submit a copy of the regulatory agreement between the home or CCRC and the entity that issues the bonds. When only a portion of the home or CCRC is financed by a program using tax exempt bonds, the home or CCRC must submit a site plan of the home or CCRC indicating the areas so financed.

(4) **Segregation.** A nonprofit organization that provides shelter and services to elderly and disabled individuals may use the facility for more than one purpose that is exempt from property tax under chapter 84.36 RCW. Property that is used for more than one exempt purpose and that qualifies for exemption under a statute other than RCW 84.36.041 will be segregated and exempted pursuant to the applicable statute.

(a) If a home or CCRC includes a nursing home, the department will segregate the home or CCRC and the part of the facility that is used as a nursing home. The department will separately determine the eligibility of the home or CCRC under RCW 84.36.041 and the nursing home under RCW 84.36.040 for the property tax exemption available under each statute.

(b) Dwelling units that are occupied by residents who do not meet the age or disability requirements of RCW 84.36.041 will be segregated and taxed.

(c) Common or shared areas. Areas of a home or CCRC that are jointly used for two or more purposes exempt from property tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a property tax exemption may be granted.

(ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(5) **Homes or CCRCs subsidized by HUD.** Homes or CCRCs that are subsidized by a HUD program must initially and each March 31st thereafter provide the department with a letter of certification from HUD of continued HUD subsidy and a list of the name, age, and/or disability of all residents.

(6) **Homes or CCRCs that are not subsidized by HUD.** If a home or CCRC is not subsidized by HUD or does not meet the requirements of tax exempt bond financing, it may receive a total or partial exemption from property tax. The extent of the exemption will be determined by the number of dwelling units occupied by eligible residents. If

more than fifty percent of the dwelling units are occupied by eligible residents, the home or CCRC may receive a total exemption. Alternatively, if less than fifty percent of the dwelling units are occupied by eligible residents, the home or CCRC may receive partial exemption for its real property on a unit by unit basis and a total exemption for its personal property. An income verification form, Form REV 64-0043, will be used to determine if a resident of a home or CCRC meets the criteria of "eligible resident."

(a) Between January 1st and July 1st of the year preceding the year in which the tax is due, residents must file Form REV 64-0043 with the assessor of the county in which the home or CCRC is located.

(b) If two or more residents occupy one unit, only one cotenant is required to file verification of combined disposable income, as defined in subsection (2) of this section, with the assessor.

(c) Form REV 64-0043 will not be accepted by the assessor if it is submitted or postmarked after July 1st.

(d) At any time after the initial application for exemption is approved, assessors and/or the department may:

(i) Request residents to complete Form REV 64-0043, the verification of income form;

(ii) Conduct audits; and

(iii) Request other relevant information to ensure continued eligibility.

(e) If a home or CCRC not subsidized by HUD wishes to retain its exempt property tax status, the home or CCRC must by March 31st of each year file with the department a list of the total number of dwelling units in their complex, the number of occupied dwelling units in their complex as of January 1st, the number of previously qualified dwelling units in their complex that are no longer occupied by the same eligible residents, and a list of the name, age, and/or disability of all residents and the date upon which they moved into or occupied the home or CCRC.

(7) **Homes or CCRCs financed by tax exempt bonds.** Homes or CCRCs that receive a total property tax exemption because of tax exempt bond financing must initially and each March 31st thereafter provide the department with a letter of certification from the agency or organization monitoring compliance with the bond requirements. The letter of certification must verify that the home or CCRC is in full compliance with all requirements and set-asides of the underlying regulatory agreement. The home or CCRC must also annually submit a list of the name, age, and/or disability of all residents.

(8) **Assessor's responsibilities.** Assessors will determine the age or disability and income eligibility of all residents who file Form REV 64-0043, the income verification form. By July 15th each year, the assessor will forward a copy of Form REV 64-0043 to the department for each resident who meets the eligibility requirements.

(9) **Department of revenue responsibilities.** The department will make its determination by August 31st, or within thirty days of the date all required information is submitted to the department, of the exempt status of a home or CCRC that applies for this exemption.

(10) **Appeals.** An applicant who is determined not to be an "eligible resident" by the assessor and a home or CCRC that is denied a property tax exemption by the department each have the right to appeal. Appeals must be

filed within thirty days of the date the notice of ineligibility or denial was mailed by the assessor or the department.

(a) If the assessor determines that an applicant does not meet the criteria to be an eligible resident of a home or CCRC, the resident may appeal this decision to the board of equalization of the county in which the home is located.

(b) If the department denies, in whole or in part, an application for exemption, the home or CCRC may appeal this denial to the state board of tax appeals.

(11) **Additional requirements.** Any nonprofit home for the aging or continuing care retirement community that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-010 and 458-16-165. WAC 458-16A-010 contains information regarding the basic eligibility requirements to receive a total or partial exemption under RCW 84.36.041. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

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

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 458-16-265 Nonprofit homes for the aging.

**WSR 94-22-112
PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed November 2, 1994, 11:55 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-40-640 Timber excise tax—Stumpage value area (map), 458-40-660 Timber excise tax—Stumpage value tables, and 458-40-670 Timber excise tax—Stumpage value adjustments.

Purpose: To establish stumpage values and stumpage value adjustments, including hauling zone changes, for reporting and paying of timber excise tax for the period from January 1, 1995, through June 30, 1995.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: These rules establish the stumpage values of timber and stumpage value adjustments within the state for the calculation of timber excise tax by harvesters.

Name of Agency Personnel Responsible for Drafting: Robert Smith, 2735 Harrison N.W., Building 4, Olympia, (206) 753-1385; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, (206) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules establish the stumpage value of timber,

including adjustments and hauling zone changes for the state. These values, adjustments, and hauling zone changes are used by harvesters to determine their taxable stumpage value when calculating their timber tax liability.

Proposal Changes the Following Existing Rules: These rules change the stumpage values of timber throughout the state, including changes to hauling zones and changes in adjustments of values.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Legislation and Policy Division, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 586-4281, or FAX (206) 664-0693.

Hearing Location: Olympia Area, Department of Revenue Conference Room, Target Place Building #4, 2735 Harrison Avenue N.W., Olympia, WA, on December 8, 1994, at 10:00 a.m.; and in the Spokane Area, Spokane Community College, Student Activities Center, The Lair, 1810 North Greene Street, Spokane, WA, on December 6, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by November 29, 1994, TDD (800) 451-7985, or (206) 753-3217.

Submit Written Comments to: Gary O'Neil, Department of Revenue, P.O. Box 47472, Olympia, WA 98504-7472, FAX (206) 664-8438, by December 8, 1994.

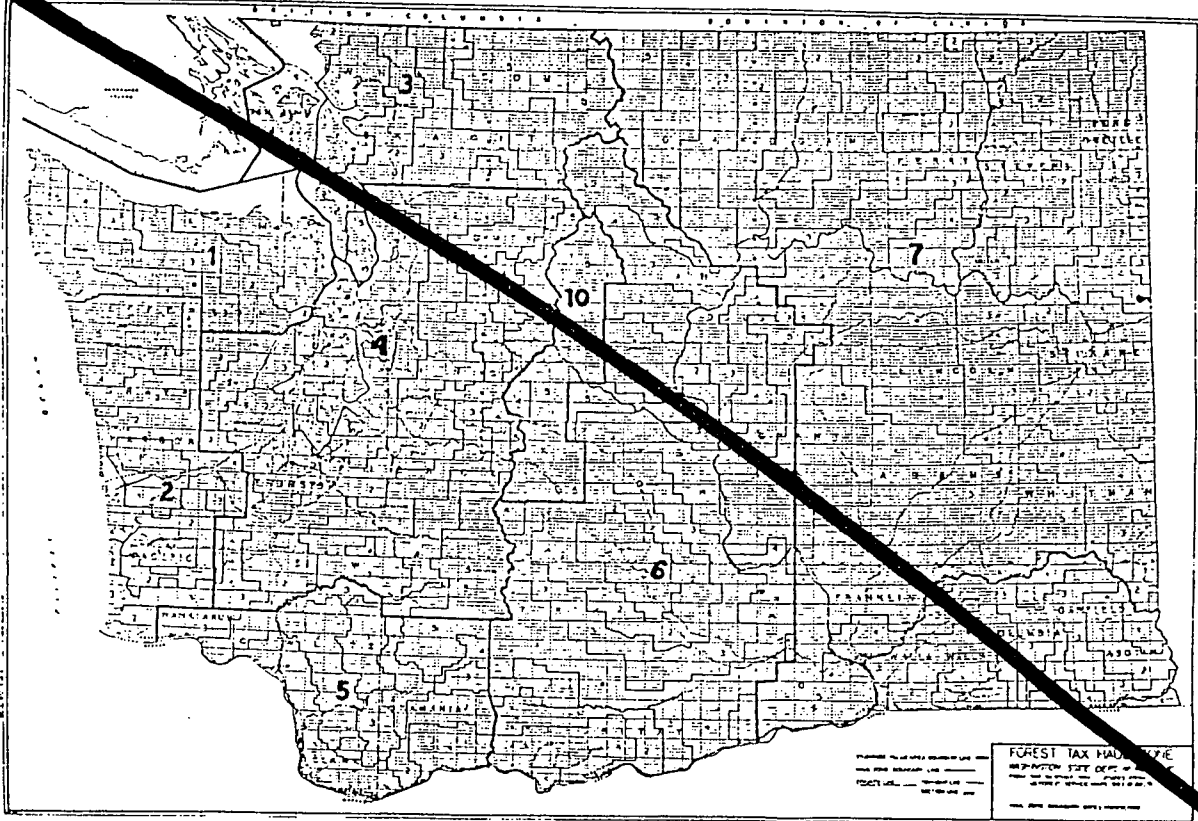
Date of Intended Adoption: December 30, 1994.

November 2, 1994
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 90-14-033, filed 6/29/90, effective 7/30/90)

WAC 458-40-640 Timber excise tax—Stumpage value area (map). The stumpage value area and hauling distance zone map contained in this section shall be used to determine the proper stumpage value table and haul zone to be used in calculating the taxable stumpage value of timber harvested from private land.

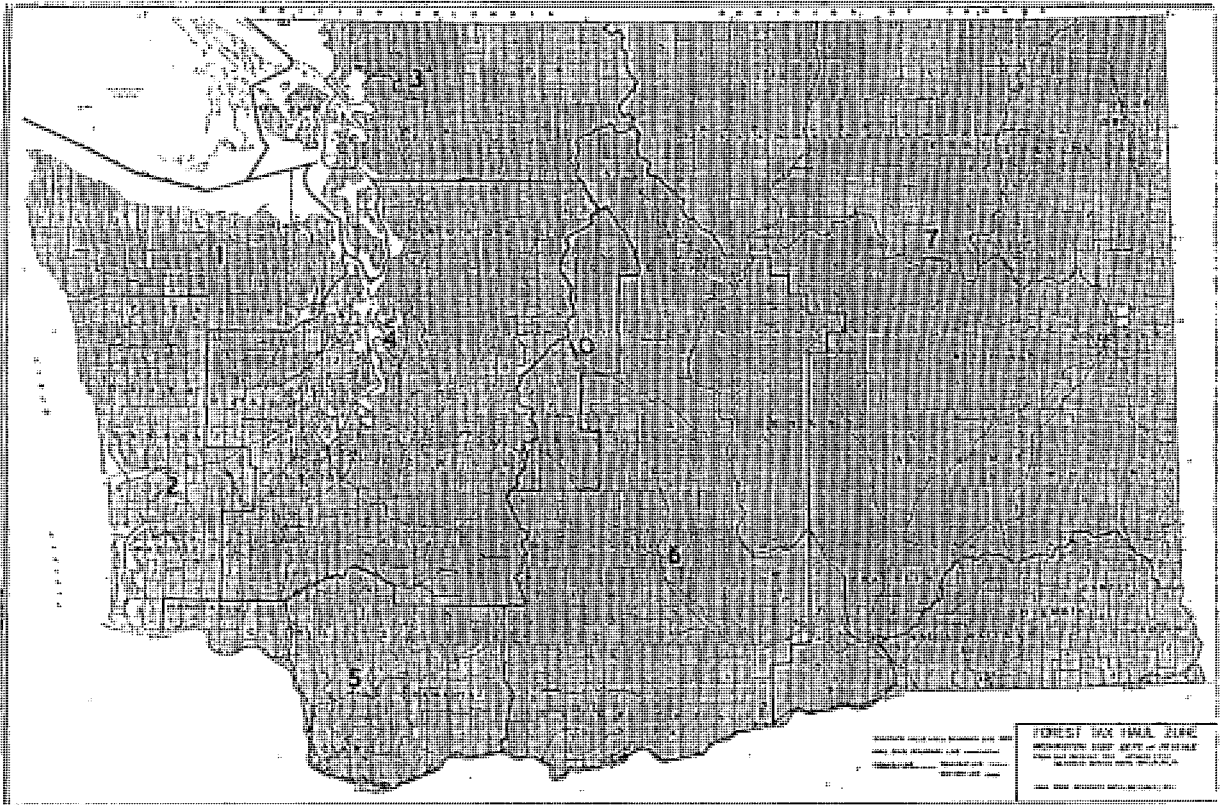
458-40-640. STUMPAGE VALUE AREA AND HAULING DISTANCE ZONE--MAP. Harvesters may obtain a larger scale map by writing to the Washington State Department of Revenue, Forest Tax Section, Mail Stop AX-02, Olympia, WA 98504; or by calling (206) 753-7086.



PROPOSED

WAC 458-40-660 STUMPAGE VALUE AREA AND HAULING ZONE -- MAP

Harvesters may obtain a larger scale map by writing to the Washington State Department of Revenue, Special Programs Division, Forest Tax Section, Post Office Box 47472, Olympia, WA. 98504-7472; or by calling (206) 753-7086.



AMENDATORY SECTION (Amending WSR 94-14-048, filed 6/30/94, effective 7/1/94)

WAC 458-40-660 Timber excise tax—Stumpage value tables. The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((July)) January 1 through ((December 31, 1994)) June 30, 1995:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Quality Code	Hauling Distance Zone-Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$975	\$968	\$961	\$954	\$947
		2	868	861	854	847	840
		3	739	732	725	718	711
		4	600	593	586	579	572
Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1324	1317	1310	1303	1296
		3	637	630	623	616	609
		4	607	600	593	586	579

Western Hemlock ²	WH	1	601	594	587	580	573
		2	566	559	552	545	538
		3	566	559	552	545	538
		4	374	367	360	353	346
Other Conifer	OC	1	601	594	587	580	573
		2	566	559	552	545	538
		3	566	559	552	545	538
		4	374	367	360	353	346
Red Alder	RA	1	158	151	144	137	130
		2	140	133	126	119	112
		3	94	87	80	73	66
Black Cottonwood	BC	1	198	191	184	177	170
		2	139	132	125	118	111
		3	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
		2	107	100	93	86	79
		3	94	87	80	73	66
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per 8 lineal feet or portion thereof.
- ⁵ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$928	\$921	\$914	\$907	\$900
		2	821	814	807	800	793
		3	692	685	678	671	664
		4	541	534	527	520	513
Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1265	1258	1251	1244	1237
		3	673	666	659	652	645
		4	326	319	312	305	298
Western Hemlock ³	WH	1	613	606	599	592	585
		2	573	566	559	552	545
		3	573	566	559	552	545
		4	293	286	279	272	265
Other Conifer	OC	1	613	606	599	592	585
		2	573	566	559	552	545
		3	573	566	559	552	545
		4	293	286	279	272	265
Red Alder	RA	1	158	151	144	137	130
		2	140	133	126	119	112
		3	94	87	80	73	66
Black Cottonwood	BC	1	198	191	184	177	170
		2	139	132	125	118	111
		3	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
		2	107	100	93	86	79
		3	94	87	80	73	66
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per 8 lineal feet or portion thereof.
- ⁵ Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$1005	\$998	\$991	\$984	\$977
		2	1005	998	991	984	977
		3	674	667	660	653	646
		4	561	554	547	540	533
Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1265	1258	1251	1244	1237
		3	595	588	581	574	567
		4	569	562	555	548	541
Western Hemlock ³	WH	1	632	625	618	611	604
		2	556	549	542	535	528
		3	488	481	474	467	460
		4	363	356	349	342	335
Other Conifer	OC	1	632	625	618	611	604
		2	556	549	542	535	528
		3	488	481	474	467	460
		4	363	356	349	342	335
Red Alder	RA	1	158	151	144	137	130
		2	140	133	126	119	112
		3	94	87	80	73	66
Black Cottonwood	BC	1	198	191	184	177	170
		2	139	132	125	118	111
		3	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
		2	107	100	93	86	79
		3	94	87	80	73	66
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per 8 lineal feet or portion thereof.
- ⁵ Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$1050	\$1052	\$1045	\$1038	\$1031
		2	851	844	837	830	823
		3	741	734	727	720	713
		4	575	568	561	554	547
Lodgepole Pine	LP	1	417	410	403	396	389

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Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1054	1047	1040	1033	1026
		3	581	574	567	560	553
		4	429	422	415	408	401
Western Hemlock ⁴	WH	1	627	620	613	606	599
		2	556	549	542	535	528
		3	552	545	538	531	524
		4	377	370	363	356	349
Other Conifer	OC	1	627	620	613	606	599
		2	556	549	542	535	528
		3	552	545	538	531	524
		4	377	370	363	356	349
Red Alder	RA	1	158	151	144	137	130
		2	140	133	126	119	112
		3	94	87	80	73	66
Black Cottonwood	BC	1	198	191	184	177	170
		2	139	132	125	118	111
		3	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
		2	107	100	93	86	79
		3	94	87	80	73	66
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$1059	\$1052	\$1045	\$1038	\$1031
		2	847	840	833	826	819
		3	692	685	678	671	664
		4	600	593	586	579	572
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1097	1090	1083	1076	1069
		3	604	597	590	583	576
		4	365	358	351	344	337
Western Hemlock ⁴	WH	1	525	518	511	504	497
		2	525	518	511	504	497
		3	525	518	511	504	497
		4	390	383	376	369	362

Other Conifer	OC	1	525	518	511	504	497
		2	525	518	511	504	497
		3	525	518	511	504	497
		4	390	383	376	369	362
Red Alder	RA	1	158	151	144	137	130
		2	140	133	126	119	112
		3	94	87	80	73	66
Black Cottonwood	BC	1	198	191	184	177	170
		2	139	132	125	118	111
		3	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
		2	107	100	93	86	79
		3	94	87	80	73	66
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$750	\$743	\$736	\$729	\$722
Engelmann Spruce	ES	1	403	396	389	382	375
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ²	RC	1	564	557	550	543	536
True Firs ⁴	WH	1	438	431	424	417	410
Western White Pine	WP	1	582	575	568	561	554
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	64	57	50	43	36
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.

- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$434	\$427	\$420	\$413	\$406
Engelmann Spruce	ES	1	403	396	389	382	375
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ³	RC	1	564	557	550	543	536
True Firs ⁴	WH	1	403	396	389	382	375
Western White Pine	WP	1	582	575	568	561	554
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	64	57	50	43	36
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$1045	\$1038	\$1031	\$1024	\$1017
		2	837	830	823	816	809
		3	727	720	713	706	699
		4	561	554	547	540	533
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492

Western Redcedar ²	RC	1	1374	1367	1360	1353	1346
		2	1040	1033	1026	1019	1012
		3	567	560	553	546	539
		4	415	408	401	394	387
Western Hemlock ⁴	WH	1	613	606	599	592	585
		2	542	535	528	521	514
		3	538	531	524	517	510
		4	363	356	349	342	335
Other Conifer	OC	1	613	606	599	592	585
		2	542	535	528	521	514
		3	538	531	524	517	510
		4	363	356	349	342	335
Red Alder	RA	1	144	137	130	123	116
		2	126	119	112	105	98
		3	80	73	66	59	52
Black Cottonwood	BC	1	184	177	170	163	156
		2	125	118	111	104	97
		3	80	73	66	59	52
Other Hardwood	OH	1	210	203	196	189	182
		2	93	86	79	72	65
		3	80	73	66	59	52
Conifer Utility	CU	1	75	68	61	54	47
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$933	\$926	\$919	\$912	\$905
		2	878	871	864	857	850
		3	730	723	716	709	702
		4	617	610	603	596	589
Western Redcedar ²	RC	1	1078	1071	1064	1057	1050
		2	976	969	962	955	948
		3	966	959	952	945	938
		4	448	441	434	427	420
Western Hemlock ³	WH	1	566	559	552	545	538
		2	480	473	466	459	452
		3	458	451	444	437	430
		4	343	336	329	322	315
Other Conifer	OC	1	566	559	552	545	538
		2	480	473	466	459	452
		3	458	451	444	437	430
		4	343	336	329	322	315
Red Alder	RA	1	199	192	185	178	171
		2	194	187	180	173	166
		3	54	47	40	33	26

Black Cottonwood	BC	1 2 3	206 206 54	199 199 47	192 192 40	185 185 33	178 178 26
Other Hardwood	OH	1 2 3	212 186 54	205 179 47	198 172 40	191 165 33	184 158 26
Chipwood ⁴	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska-Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$864	\$857	\$850	\$843	\$836
		2	797	790	783	776	769
		3	651	644	637	630	623
		4	535	528	521	514	507
Western Redcedar ²	RC	1	1078	1071	1064	1057	1050
		2	1052	1045	1038	1031	1024
		3	642	635	628	621	614
		4	354	347	340	333	326
Western Hemlock ³	WH	1	571	564	557	550	543
		2	507	500	493	486	479
		3	482	475	468	461	454
		4	403	396	389	382	375
Other Conifer	OC	1	571	564	557	550	543
		2	507	500	493	486	479
		3	482	475	468	461	454
		4	403	396	389	382	375
Red Alder	RA	1	199	192	185	178	171
		2	194	187	180	173	166
		3	54	47	40	33	26
Black Cottonwood	BC	1	206	199	192	185	178
		2	206	199	192	185	178
		3	54	47	40	33	26
Other Hardwood	OH	1	212	205	198	191	184
		2	186	179	172	165	158
		3	54	47	40	33	26
Chipwood ⁴	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska-Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$852	\$845	\$838	\$831	\$824
		2	820	813	806	799	792
		3	664	657	650	643	636
		4	608	601	594	587	580
Western Redcedar ²	RC	1	1078	1071	1064	1057	1050
		2	1005	998	991	984	977
		3	756	749	742	735	728
		4	469	462	455	448	441
Western Hemlock ³	WH	1	549	542	535	528	521
		2	498	491	484	477	470
		3	492	485	478	471	464
		4	390	383	376	369	362
Other Conifer	OC	1	549	542	535	528	521
		2	498	491	484	477	470
		3	492	485	478	471	464
		4	390	383	376	369	362
Red Alder	RA	1	199	192	185	178	171
		2	194	187	180	173	166
		3	54	47	40	33	26
Black Cottonwood	BC	1	206	199	192	185	178
		2	206	199	192	185	178
		3	54	47	40	33	26
Other Hardwood	OH	1	212	205	198	191	184
		2	186	179	172	165	158
		3	54	47	40	33	26
Chipwood ⁴	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska-Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

PROPOSED

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$995	\$988	\$981	\$974	\$967
		2	794	787	780	773	766
		3	662	655	648	641	634
		4	536	529	522	515	508
Lodgepole Pine	LP	1	362	355	348	341	334
Ponderosa Pine	PP	1	541	534	527	520	513
		2	434	427	420	413	406
Western Redcedar ³	RC	1	1078	1071	1064	1057	1050
		2	892	885	878	871	864
		3	802	795	788	781	774
		4	335	328	321	314	307
Western Hemlock ⁴	WH	1	549	542	535	528	521
		2	530	523	516	509	502
		3	517	510	503	496	489
		4	361	354	347	340	333
Other Conifer	OC	1	549	542	535	528	521
		2	530	523	516	509	502
		3	517	510	503	496	489
		4	361	354	347	340	333
Red Alder	RA	1	199	192	185	178	171
		2	194	187	180	173	166
		3	54	47	40	33	26
Black Cottonwood	BC	1	206	199	192	185	178
		2	206	199	192	185	178
		3	54	47	40	33	26
Other Hardwood	OH	1	212	205	198	191	184
		2	186	179	172	165	158
		3	54	47	40	33	26
Chipwood ⁵	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$891	\$884	\$877	\$870	\$863
		2	816	809	802	795	788
		3	505	498	491	484	477
		4	504	497	490	483	476
Lodgepole Pine	LP	1	362	355	348	341	334
Ponderosa Pine	PP	1	541	534	527	520	513
		2	434	427	420	413	406
Western Redcedar ³	RC	1	1078	1071	1064	1057	1050
		2	1004	997	990	983	976
		3	549	542	535	528	521
		4	548	541	534	527	520
Western Hemlock ⁴	WH	1	549	542	535	528	521
		2	498	491	484	477	470
		3	473	466	459	452	445
		4	417	410	403	396	389
Other Conifer	OC	1	549	542	535	528	521
		2	498	491	484	477	470
		3	473	466	459	452	445
		4	417	410	403	396	389
Red Alder	RA	1	199	192	185	178	171
		2	194	187	180	173	166
		3	54	47	40	33	26
Black Cottonwood	BC	1	206	199	192	185	178
		2	206	199	192	185	178
		3	54	47	40	33	26
Other Hardwood	OH	1	212	205	198	191	184
		2	186	179	172	165	158
		3	54	47	40	33	26
Chipwood ⁵	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

PROPOSED

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$424	\$417	\$410	\$403	\$396
Engelmann Spruce	ES	1	362	355	348	341	334
Lodgepole Pine	LP	1	362	355	348	341	334
Ponderosa Pine	PP	1	541	534	527	520	513
		2	434	427	420	413	406
Western Redcedar ³	RC	1	362	355	348	341	334
True Firs ⁴	WH	1	362	355	348	341	334
Western White Pine	WP	1	571	564	557	550	543
Hardwoods	OH	1	29	22	15	8	1
Chipwood ⁵	CHW	1	11	10	9	8	7
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁸ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$354	\$347	\$340	\$333	\$326
Engelmann Spruce	ES	1	268	261	254	247	240
Lodgepole Pine	LP	1	310	303	296	289	282
Ponderosa Pine	PP	1	541	534	527	520	513
		2	385	378	371	364	357
Western Redcedar ³	RC	1	571	564	557	550	543
True Firs ⁴	WH	1	305	298	291	284	277
Western White Pine	WP	1	571	564	557	550	543
Hardwoods	OH	1	29	22	15	8	1
Chipwood ⁵	CHW	1	11	10	9	8	7

RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁸ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$981	\$974	\$967	\$960	\$953
		2	780	773	766	759	752
		3	648	641	634	627	620
		4	522	515	508	501	494
Lodgepole Pine	LP	1	362	355	348	341	334
Ponderosa Pine	PP	1	541	534	527	520	513
		2	449	442	435	428	421
Western Redcedar ³	RC	1	1064	1057	1050	1043	1036
		2	878	871	864	857	850
		3	788	781	774	767	760
		4	321	314	307	300	293
Western Hemlock ⁴	WH	1	535	528	521	514	507
		2	516	509	502	495	488
		3	503	496	489	482	475
		4	347	340	333	326	319
Other Conifer	OC	1	535	528	521	514	507
		2	516	509	502	495	488
		3	503	496	489	482	475
		4	347	340	333	326	319
Red Alder	RA	1	185	178	171	164	157
		2	180	173	166	159	152
		3	40	33	26	19	12
Black Cottonwood	BC	1	192	185	178	171	164
		2	192	185	178	171	164
		3	40	33	26	19	12
Other Hardwood	OH	1	210	203	196	189	182
		2	172	165	158	151	144
		3	40	33	26	19	12
Chipwood ⁵	CHW	1	12	11	10	9	8
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

PROPOSED

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending WSR 94-14-048, filed 6/30/94, effective 7/1/94)

WAC 458-40-670 Timber excise tax—Chipwood destinations and stumpage value adjustments. Logs delivered for the purpose of chipping to the log yards listed below which primarily produce chip products shall be reported as chipwood:

- Boise Cascade (Umatilla, OR)
- Brady Chip (Shelton)
- Bullfrog (Cle Elum)
- Columbia Fiber (Kalama)
- DaPaul (Tumwater)
- Diashowa (Port Angeles)
- D K Truck (Beaver, Hoquiam, Montesano, Quinault, Shelton)
- Georgia Pacific (Bellingham)
- Mountain Fir Chip Co. (Clarkston, The Dalles, OR)
- North Mason Fiber (Belfair)
- Northwest Forest Fiber (Morton, North Bend, Tacoma)
- Local Manufacturing (Aberdeen)
- Oakville Forest Products (Oakville)
- Olympic Fiber (Aberdeen)
- Pacific Fiber (Longview)
- Ponderay Valley Fiber (Usk)
- Port Townsend Paper or Evergreen Fiber (Irondale)
- Resource Recovery (Clarkston)
- Scott Paper (Everett)
- Solo Leasing (Longview)
- Wauna (Knappa, OR)

For chip log processors not listed contact the department for approval. Logs chipped in the woods shall also be reported as chipwood.

Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications shall contain a map with the legal descriptions of the area, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. Such applications must be received by the department before the harvest commences. Upon receipt of such

application, the department will determine the amount of adjustment allowed and notify the harvester. In the event the extent of the damage or additional costs is not known at the time the application is filed, the harvester may provide relevant information to the department for a period not exceeding ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((July))~~ January 1 through ~~((December 31, 1994))~~ June 30, 1995:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
~~((July))~~ January 1 through ~~((December 31, 1994))~~ June 30, 1995

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
((Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	\$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	\$25.00)
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products. ((-\$69.00))	\$105.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

PROPOSED

IV. Thinning (see WAC 458-40-610(20))

~~((Class 1 — Average log volume of 50 board feet or more. ————— \$25.00~~

~~Class 2 — Average log volume of less than 50 board feet. ————— \$125.00))~~

Class 1 A minimum of 100 undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof, have to remain. - \$25.00

Class 2 A minimum of 150 undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof, have to remain. - \$35.00

**TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6 and 7**

~~((July))~~ January 1 through ((December 31, 1994)) June 30, 1995

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	\$20.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	\$30.00))
<u>Class 1</u>	<u>Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.</u>	<u>\$0.00</u>
<u>Class 2</u>	<u>Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.</u>	<u>- \$20.00</u>
<u>Class 3</u>	<u>Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.</u>	<u>- \$30.00</u>
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products. ((-\$69.00))	<u>-\$105.00</u>
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 3—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private timber

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

PROPOSED

WSR 94-22-017
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 94-24—Filed October 21, 1994, 4:45 p.m.]

Date of Adoption: October 20, 1994.

Purpose: To adopt an amendment to the city of Seattle shoreline master program.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2521.

Statutory Authority for Adoption: Chapter 90.58 RCW. Pursuant to notice filed as WSR 94-17-168 on August 24, 1994.

Effective Date of Rule: Thirty-one days after filing.
 October 20, 1994
 Mary Riveland
 Director

AMENDATORY SECTION (Amending WSR 93-12-011, filed 5/20/93, effective 6/20/93)

WAC 173-19-2521 Seattle, city of. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981. Revision approved January 5, 1982. Revision approved February 24, 1983. Revision approved June 7, 1983. Revision approved July 12, 1983. Revision approved October 13, 1983. Revision approved October 1, 1985. Revision approved October 20, 1986. Revision approved February 11, 1987. Revision approved November 10, 1987. Revision approved October 2, 1990. Revision approved September 16, 1992. Revision approved February 2, 1993. Revision approved May 18, 1993. Revision approved October 20, 1994.

WSR 94-22-029
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3802—Filed October 26, 1994, 8:51 a.m., effective January 1, 1995]

Date of Adoption: October 26, 1994.

Purpose: Clarifies that adult and child governmental foster care payments received by households with foster care individuals, who are considered boarders, are excluded income.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-470 Income—Exclusions.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9 (c)(16).

Pursuant to notice filed as WSR 94-19-038 on September 15, 1994.

Effective Date of Rule: January 1, 1995.
 October 26, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3766, filed 7/29/94, effective 9/1/94)

WAC 388-49-470 Income—Exclusions. (1) The department shall exclude the following income:

(a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of household members who are:
 (i) Twenty-one years of age or under; and
 (ii) Attending elementary or secondary school at least half time.

(d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:

(i) Cannot be reasonably anticipated as available; and
 (ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

(f) Nonrecurring lump sum payments;
 (g) Income used for the cost of producing self-employment income;

(h) Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;

(i) Educational (~~expenses~~) assistance to the extent such assistance is earmarked by the school or actually paid by the student for the following educational expenses:

(i) Tuition;
 (ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;
 (iii) Books;
 (iv) Supplies;
 (v) Transportation; and
 (vi) Miscellaneous personal expenses.

(j) Reimbursements for past or future expenses to the extent the reimbursements do not:

(i) Exceed the actual expense; and
 (ii) Represent a gain or benefit to the household.
 (k) Any gain or benefit not in money;
 (l) Vendor payments as defined in WAC 388-49-020;
 (m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

(n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

(o) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86

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4	102
5	117
6	133
7	154
8 or more	170

WSR 94-22-030
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3803—Filed October 26, 1994, 8:54 a.m.]

(p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

(q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

(r) Payments from the individual and family grant program;

(s) Public assistance payments:

(i) Over and above the regular warrant amount;

(ii) Not normally a part of the regular warrant; and

(iii) Paid directly to a third party on behalf of the household.

(t) From Jobs Training Partnership Act programs:

(i) Allowances; and

(ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

(u) Cash donations based on need:

(i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and

(iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(v) Earned income credit;

(w) Governmental foster care payments received by households with foster care individuals who are considered to be boarders under WAC 388-49-020(10).

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) The lesser of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

Date of Adoption: October 26, 1994.

Purpose: Implements provisions of the Mickey Leland Childhood Hunger Relief Act (Public Law 103-66). Allows the household or the department to designate a nonexempt household member who will represent the household for purposes of employment and training (E&T) and voluntary quit provisions.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-360 Work registration and employment and training (E&T) program services; and 388-49-380 Voluntary quit.

Statutory Authority for Adoption: RCW 74.01.510 and 74.04.510.

Other Authority: 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922, and Administrative Notice 92-34.

Pursuant to notice filed as WSR 94-19-074 on September 20, 1994.

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

October 26, 1994

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 2870, filed 9/12/89, effective 10/13/89)

WAC 388-49-360 Work registration and employment and training (E&T) program services. (1) Unless exempt, the department shall register each individual between eighteen and sixty years of age, for employment at certification and once every twelve months thereafter. The department shall register a child reaching eighteen years of age during a certification period for work during the next recertification process.

(2) The department shall register sixteen and seventeen-year-old heads of households for employment unless the individuals are:

(a) Attending school; or

(b) Enrolled in an E&T program at least half time.

(3) The department shall exempt from work registration a person:

(a) Physically or mentally unfit for employment;

(b) Responsible for the care of a dependent child under six years of age or of an incapacitated person.

If a child's sixth birthday falls within a certification period, apply the exemption until the next recertification;

(c) Applying for or receiving unemployment compensation (UC);

(d) Subject to and participating in any work program under Titles IV-A and IV-C of the Social Security Act, as amended, or other E&T program;

(e) Employed or self-employed thirty hours or more per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty;

(f) Enrolled as a student half time or more in any recognized school, training program, or institution of higher

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education provided the students enrolled in higher education meet the eligibility conditions under WAC 388-49-020;

(g) Regularly participating in a drug addiction or alcoholic treatment and rehabilitation program;

(h) Complying with work requirements imposed as a participant in any refugee program; or

(i) Under contract or agreement with an employer as a migrant or seasonal farmworker.

(4) The department shall ~~((provide work registration forms for))~~ register each household member required to ~~((register))~~ be work registered. ~~((Department receipt of a completed work registration form constitutes registration.))~~

(5) The department shall accept an applicant's statement concerning the employability of each member of the household unless the information is questionable. The department shall verify any claim for exemption the department determines questionable.

(6) The department shall:

(a) Refer persons ~~((required to register for work))~~ to E&T program services, unless the person is exempted by subsection (9) of this section; and

(b) Provide E&T program services to assigned applicants or recipients ~~((not otherwise exempt))~~, either directly or through a contracted service provider, as specified in the state plan.

(7) Persons subject to E&T services shall participate in an E&T program service for:

(a) A minimum level of participation comparable to spending approximately twelve hours a month for two months during:

(i) An eight-week or two four-week period or periods, each time an applicant/recipient enters into the food stamp program; or

(ii) Each twelve months of continuous participation, whichever occurs sooner.

(b) A maximum level of participation not to exceed one hundred twenty hours. In any month, hours of participation may include a combination of:

(i) An E&T program; and

(ii) Workfare program; and

(iii) Hours worked for compensation.

(8) The department shall require persons subject to E&T to:

(a) Report at a prescheduled time to the department or service provider and participate in an initial assessment interview. The department or service provider shall provide written information regarding:

(i) An E&T plan developed jointly between the department or service provider and the participant;

(ii) The grounds for noncompliance;

(iii) The sanctions for noncompliance without good cause; and

(iv) Provisions for ending noncompliance.

(b) Provide supplemental information regarding employment status or availability for work as requested;

(c) Report when referred to an employer, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment;

(e) Complete reports as scheduled on the results of individual participation in all E&T services; and

(f) Appear for follow-up interviews.

(9) The department shall exempt from referral for E&T program services applicants or recipients who:

(a) Reside in an exempt county as specified in the state plan;

(b) Reside one hour or more travel distance from the service provider;

(c) Have no mailing address or message telephone; or

(d) Have a temporary incapacity expected to have a sixty-day or more duration.

(10) The department shall reimburse participants for expenses incurred in fulfilling E&T requirements as follows:

(a) An allowance of twenty-five dollars per participant month for transportation or other costs reasonably necessary and directly related to participation in the E&T program; and

(b) ~~((Effective July 1, 1989,))~~ Dependent care costs directly related to participation in the E&T program, up to ~~((one hundred sixty dollars per month, per dependent))~~ standards as set forth for the food stamp E&T program.

(i) A participant who is part of an AFDC household and resides in an area with work programs under Titles IV-A and IV-C of the Social Security Act, as amended, is not eligible for dependent care reimbursement under the E&T program.

(ii) An individual's participation in E&T activities shall be deferred if dependent care costs would exceed ~~((one hundred sixty dollars per dependent per month))~~ the published standards for E&T dependent care. Deferral shall continue until:

(A) A suitable component is available; or

(B) Circumstances change and monthly dependent care costs no longer exceed the limit.

(iii) Any portion of child care costs reimbursed may not be claimed as an expense and used in calculating the child care deduction.

(11) If a household member fails to comply with work registration or E&T program requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the ~~((head of))~~ household employment representative; or

(b) Disqualify the noncompliant person if ~~((the noncompliant member))~~ that person is not the ~~((head of))~~ household employment representative. The department shall treat the disqualified member as an ineligible household member.

(12) The department shall determine whether or not good cause ~~((existed))~~ exists before initiating sanction for refusal or failure to register for work or participate in E&T program services. The following circumstances shall constitute good cause for failure to register for work or participate in E&T program services. The following circumstances are not inclusive:

(a) Illness of the participant;

(b) Illness of another household member requiring the presence of the member;

(c) A household emergency;

(d) The unavailability of transportation; and

(e) Lack of adequate child care for children who reached six years of age, but are under twelve years of age.

(13) Within ten days of a determination of failure to comply the department shall determine whether good cause exists and, if not, provide notice to the household that contains:

- (a) The particular act of noncompliance;
- (b) The proposed period of disqualification;
- (c) Notification that the individual or household may re-apply at the end of the disqualification period; and
- (d) Information describing the action the individual or household may take to end or avoid the sanction.

(14) The disqualification period for noncompliance shall be for two months or until the noncompliant member moves from the household, becomes exempt for reasons other than subsection (3)(c) and (d) of this section, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household, the household may resume participation.

(b) If the noncompliant member moves from the household and joins another household:

(i) As ~~((head of))~~ the household employment representative, the entire new household is ineligible for the remainder of the disqualification ~~((and the original household may resume participation))~~ period; or

(ii) As ~~((not the head of))~~ other than the household employment representative, the department shall consider the noncompliant individual as an ineligible household member of the new household for the remainder of the disqualification period.

~~((b))~~ (c) If a new person, who has not committed a violation~~(s)~~, joins a sanctioned household:

(i) As ~~((head of))~~ the household~~(s)~~ employment representative, the period of ineligibility ~~((for the household))~~ ends; or

(ii) As other than the household employment representative, the disqualification continues.

(15) The department shall consider a household member subject to work requirements of Titles IV-A or IV-C of the Social Security Act, as amended, or UC work registration and participation requirements, who fails to comply with such requirements, the same as under E&T program service requirements if the requirements were comparable. If a comparable E&T program service requirement does not exist, the household member shall lose exemption status as referenced under subsection (3)(d) of this section and shall register for work.

(16) At the end of the two-month disqualification period, a household may apply to re-establish eligibility. The individual may re-establish eligibility during the disqualification period if the reason for disqualification is corrected.

(17) Persons subject to reporting requirements who lose exemption status due to any reportable change of circumstance shall ~~((register for work. Persons shall complete the work registration report form and return the form within ten calendar days of the date the department hands or mails the form to the household member reporting the change. If the person fails to return the form, the department shall issue a notice of adverse action stating:~~

(a) ~~A participant or, if the individual is the head of the household, the household is terminated and the reason why; but~~

~~(b) The termination may be avoided by returning the form))~~ be work registered by the department when the case is processed.

(18) Persons ~~((not subject to reporting requirements who lose exemption status during a certification period shall~~

~~register for employment at the household's))~~ who lose their exemption status due to a nonreportable change in circumstance shall be work registered at their next recertification.

(19) A registrant moving out of the jurisdiction of the department's local office where the registrant is registered shall reregister at the department local office in the new location.

(20) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

(21) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to:

(a) A determination of nonexempt status; or

(b) Failure to comply with work registration and employment and training program requirements; or

(c) Determination of noncompliance with a comparable work program under Titles IV-A and IV-C of the Social Security Act, as amended, or UC requirement.

(22) ~~((DSHS))~~ The department of social and health services shall administer the program and may contract E&T services through other agencies.

AMENDATORY SECTION (Amending Order 2870, filed 9/12/89, effective 10/13/89)

WAC 388-49-380 Voluntary quit. (1) A household where the ~~((head of))~~ household employment representative voluntarily quit his or her most recent job without good cause shall be ineligible if:

(a) The employment involved twenty hours or more per week or provided weekly earnings equivalent to twenty times the minimum wage;

(b) The quit occurred within sixty days prior to application or any time thereafter; and

(c) The ~~((head of))~~ household ~~((is))~~ employment representative was, at the time of the voluntary quit, required to register for work as provided under WAC 388-49-360.

(2) Good cause for voluntarily quitting employment includes the following:

(a) Circumstances included under WAC 388-49-360(12);

(b) The employment is unsuitable as defined under WAC 388-49-370;

(c) Discrimination by an employer based on age, race, sex, color, handicap, religious belief, national origin, or political belief;

(d) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(e) Acceptance by the ~~((head of))~~ household employment representative of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions under WAC 388-49-330, requiring the ~~((head of))~~ household employment representative to leave employment;

(f) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the ~~((head of))~~ household employment representative to leave employment;

(g) Resignations by persons under sixty years of age recognized by the employer as retirement;

(h) Acceptance of a bona fide offer of employment of twenty hours or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the ~~((head of))~~ household employment representative, subsequently either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(i) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work.

(3) A household where the ~~((head of))~~ household employment representative voluntarily quit ~~((the head of household's))~~ their most recent job shall not be ineligible if the circumstances of the employment involve:

(a) Changes in employment status resulting from ~~((reducing))~~ reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(4) An employee of the federal government or of a state or local government who participates in a strike against the government and is subsequently dismissed because of participation in the strike, shall be considered to have voluntarily quit a job without good cause.

(5) If a quit was without good cause, the department shall:

(a) Deny a household's application for a period of ninety days beginning with the day of quit; or

(b) For participating households, disqualify the household for three months. The disqualification shall start the first of the month following the adverse action period.

~~(6) ((If a noncompliant head of household leaves the household, the remaining household members shall no longer be sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction shall be imposed on the new household. If the violator joins a new household and is not the household head, the sanction ends. If a new person who has not committed a violation joins the household as its head, the period of ineligibility ends.~~

~~(7))~~ The household shall have primary responsibility for providing verification. If the household and the department are unable to obtain verification, the department shall not deny the household access to the program.

~~((8))~~ (7) The household may re-establish eligibility during the disqualification, if otherwise eligible, and the person who caused the disqualification:

(a) Secures new employment:

(i) Comparable in monthly salary to the job the person quit; or

(ii) ~~((if at))~~ Of a lesser monthly salary, that is expected to improve the person's future employment prospects.

(b) Leaves the household;

(c) Becomes exempt from work registration for reasons other than under WAC 388-49-360 (3)(c) and (d); or

(d) Complies with requirements to correct the disqualification.

(8) If the noncompliant member moves from the household and joins another household:

(a) As the household employment representative, the entire new household is ineligible for the remainder of the disqualification period; or

(b) As other than the household employment representative, the department shall consider the noncompliant individual as an ineligible household member of the new household for the remainder of the disqualification period.

(9) If a new person who has not committed a violation joins a sanctioned household:

(a) As the household employment representative the period of ineligibility ends; or

(b) As other than the household employment representative, the disqualification continues.

WSR 94-22-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3799—Filed October 26, 1994, 8:57 a.m.]

Date of Adoption: October 26, 1994.

Purpose: Adds new cross-reference for exception to rule that children in foster care cannot be included in AFDC assistance units. Changes agency reference from "office of support enforcement" to "division of child support." Adds "child not living with relative" to situations where persons may be excluded from assistance units.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1620 Assistance unit—Persons excluded due to factors not related to need.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-19-099 on September 21, 1994.

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

October 26, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-215-1620 Assistance unit—Persons excluded due to factors not related to need. The department shall exclude from the assistance unit those persons ineligible due to factors not related to need. Exclusions include, but are not limited to:

(1) A recipient of SSI benefits;

(2) A child who is not deprived of parental support or care as defined under WAC 388-215-1300 through 388-215-1390;

(3) An alien not meeting the citizenship and alienage requirements (see WAC 388-215-1200);

(4) Adopted children receiving Title IV-E, state or local adoption assistance if inclusion of such children and their income will result in a decrease in benefits to the assistance unit;

(5) Children who receive Title IV-E, state and local foster care maintenance payments except as provided for under WAC 388-215-1100 and 388-215-1120;

(6) A person under sanction for noncooperation with:

(a) The job opportunities and basic skills training (JOBS) program (see WAC 388-215-1520); or

(b) The department's ~~((office))~~ division of child support ~~((enforcement))~~ (see WAC 388-215-1400).

(7) A child who does not live with a relative of specified degree as defined under WAC 388-215-1060 and 388-215-1080.

WSR 94-22-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3800—Filed October 26, 1994, 8:58 a.m., effective January 1, 1995]

Date of Adoption: October 26, 1994.

Purpose: Food and nutrition service now considers student fellowships as earned income when such fellowships have a work requirement. Current rules consider all fellowships as unearned income. The rule change will allow a 20% earned income deduction when computing food stamp benefits. This amendment clarifies adult and child governmental foster care payments are not counted as income.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-450 Income—Earned.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9 (b)(1)(vi) and (c)(16).

Pursuant to notice filed as WSR 94-19-040 on September 15, 1994.

Effective Date of Rule: January 1, 1995.

October 26, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3614, filed 8/11/93, effective 9/11/93)

WAC 388-49-450 Income—Earned. (1) The department shall consider the following as earned income:

(a) Wages and salaries;

(b) Gross income from self-employment, including total gain from the sale of any capital goods or equipment related to the business, and excluding the cost of doing business. Self-employment income includes:

(i) Income from rental property if a household member is managing the property an average of twenty hours or more a week; and

(ii) Payments from a roomer; and

(iii) Payments from a boarder except for adult or child governmental foster care payments.

(c) Training allowances from vocational and rehabilitative programs:

(i) Recognized by federal, state, or local governments; and

(ii) Are not a reimbursement.

(d) Payments under Title I of the Domestic Volunteer Service Act;

(e) Advance on wages;

(f) Earnings by persons nineteen years of age and older from on-the-job training programs under JTPA;

(g) Money from the sale of blood or blood plasma; ~~((and))~~

(h) Military basic allowance for quarters and basic allowance for subsistence in lieu of provided housing and/or food; and

(i) Fellowships with work requirements.

(2) The department shall verify gross nonexempt earned income except for expedited service households:

(a) Prior to initial certification;

(b) At reapplication if amount has changed more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting.

WSR 94-22-033
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3801—Filed October 26, 1994, 9:00 a.m., effective January 1, 1995]

Date of Adoption: October 26, 1994.

Purpose: Clarifies student fellowships as unearned income when such fellowships do not have a work requirement (7 CFR 273.9 (b)(i) and (vi)). Clarifies foster care payments (for both adults or children) are counted as unearned income when the foster care person is a food stamp household member.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-460 Income—Unearned.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.9 (b)(2)(ii) and (iv).

Pursuant to notice filed as WSR 94-19-039 on September 15, 1994.

Effective Date of Rule: January 1, 1995.

October 26, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3761, filed 7/27/94, effective 9/1/94)

WAC 388-49-460 Income—Unearned. (1) The department shall consider unearned income to include, but not be limited to:

(a) An annuity, pension, or retirement;

(b) Veteran or disability benefits;

(c) Workmen or unemployment compensation;

(d) Old-age, survivors, or social security benefits;

(e) Strike benefits;

(f) Payment from federally aided assistance programs based on need;

(g) Support and alimony payments made directly to the household from a person residing outside the household;

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(h) Child support refund payments received by AFDC recipients from office of support enforcement;

(i) Adult ~~((foster care payments;~~

~~(+))~~ and child governmental foster care payments, provided the foster ~~((child))~~ care recipient is a food stamp household member;

~~((+))~~ (j) Educational benefits less excluded amounts (see income exclusions in WAC 388-49-470);

(i) Scholarships;

(ii) Educational grants including loans where repayment is deferred;

(iii) Fellowships without work requirements; and

(iv) Veteran benefits.

~~((+))~~ (k) Payments from government-sponsored programs;

~~((+))~~ (l) Cash prizes, awards, lottery winnings, or gifts;

~~((+))~~ (m) Dividends, interest, or royalties;

~~((+))~~ (n) Gross income minus the cost of doing business from rental property if a household member is not managing the property at least twenty hours a week;

~~((+))~~ (o) Money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

~~((+))~~ (p) Direct money payments, such as interest, dividends, and royalties which are a gain or benefit;

~~((+))~~ (q) Money legally obligated and otherwise payable to the household, but diverted by the provider of the payment to a third party, for a household expense; and

~~((+))~~ (r) Deemed income from an alien's sponsor.

(2) The department shall disregard the following as unearned income:

(a) Money from any source voluntarily returned by a household member to repay a prior overpayment from the same source;

(b) Child support payments assigned to office of support enforcement received by AFDC recipients.

(3) The department shall verify gross nonexempt unearned income except for expedited service households:

(a) Before initial certification;

(b) At recertification if amount changes more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting if the income changes.

WSR 94-22-041
PERMANENT RULES
NORTHWEST AIR
POLLUTION AUTHORITY
[Filed October 28, 1994, 8:48 a.m.]

Date of Adoption: October 13, 1994.

Purpose: To amend, add, and delete sections of the Northwest Air Pollution Authority regulations that reflect changes in the Washington Clean Air Act, Washington Administrative Codes, new source performance standards, national emission standards for hazardous air pollutants and to raise fees that reflect the added costs of performing these duties.

Citation of Existing Rules Affected by this Order: Amending Sections 104, 132, 133, 200, 300, 301, 302, 322, 324, 340, 451, 462, 501, 570, and 580.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 94-17-014 on August 9, 1994.

Changes Other than Editing from Proposed to Adopted Version: Section 104.1, this section deletes chapter 173-402 WAC which has been repealed; Section 132.1, this section was reworded to make the intent clearer for criminal penalties; Section 133.1, this section was reworded to make the intent clearer for civil penalties; Section 324.225, dry cleaners were omitted from paying an annual registration fee; Section 324.228, public hearing fees were clarified to specify when the hearing is for orders of approval of notice of construction applications; Section 324.229, a fee for a voluntary emission reduction order as allowed in WAC 173-400-091 was added; Section 501.41, the wording was clarified for outdoor fires containing prohibited materials; and Section 501.771, additional section added that further clarifies the restrictions on transporting materials from a burn ban zone to another site to be burned.

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

October 27, 1994

Terryl L. Nyman

Air Pollution Control Officer

Reviser's note: The material contained in this filing will appear in the 94-24 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 94-22-042
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION

[Order 94-152—Filed October 28, 1994, 11:56 a.m., effective November 1, 1994, 12:01 a.m.]

Date of Adoption: October 8, 1994.

Purpose: To close Horsethief Lake to fishing after October 31, 1994, which is consistent with the closure of the state park located on Horsethief Lake. The state park is the only public access to the lake.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 94-17-037 on August 10, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: A special finding is needed for this proposed regulation. The closure of the lake needs to be in place 12:01 a.m., November 1, 1994, which is prior to the thirty days after the normal filing requirement.

Effective Date of Rule: November 1, 1994, 12:01 a.m.

October 25, 1994

John C. McGlenn

Chair

NEW SECTION

WAC 232-28-61957 1994-95 Washington game fish seasons and catch limits—Horsethief Lake (Klickitat Co.). Notwithstanding the provisions of WAC 232-28-619, the following game fish regulations apply to Horsethief Lake (Klickitat Co.).

Horsethief Lake (Klickitat Co.): April 30 - October 31, 1994

All other provisions of WAC 232-12-619 and 232-28-619 relating to the above water remain in effect and unchanged.

**WSR 94-22-043
PERMANENT RULES**

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 28, 1994, 2:08 p.m.]

Date of Adoption: October 28, 1994.

Purpose: Housekeeping changes, to update regulations to comply with current statutory language.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-10-320; and amending WAC 192-12-030, 192-12-150, 192-16-036, 192-16-040, 192-16-042, 192-16-045, and 192-16-047.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 94-18-124 on September 7, 1994.

Effective Date of Rule: Thirty-one days after filing.
October 28, 1994
Vernon E. Stoner
Commissioner

AMENDATORY SECTION [(Amending Order 1-78, filed 8/14/78)]

WAC 192-12-030 Reports required of persons or entities for whom personal services are performed as provided by RCW 50.12.070 and 50.20.150. ((RCW 50.12.070 provides:

~~"* * * The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he deems necessary for the effective administration of this act. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers and such other information as the commissioner may by regulation prescribe."~~

RCW 50.20.150 provides:

~~"The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If during the benefit year, the applicant becomes unemployed after having accepted subsequent work, and files a claim for waiting period credit or benefits, a similar notice shall be given~~

~~promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes."~~

~~RCW 50.32.020 provides:~~

~~"The applicant or claimant, his most recent employing unit or any interested party which the commissioner by regulation prescribes, may file an appeal from any determination or redetermination with the appeal tribunal within ten days after the date of notification or mailing, whichever is earlier, of such determination or redetermination to his last known address: * * *"~~ RCW 50.12.010 provides:

~~"It shall be the duty of the commissioner to administer this act. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, * * * as he deems necessary or suitable to that end. * * *"~~

~~The commissioner accordingly prescribes:))~~

(1) **Employer's status report.** Every person or entity which has or subsequent to January 1, 1936, had one or more individuals performing services for it in the state of Washington shall have on file with the commissioner immediately after the effective date of this regulation an employer's status report in ~~((accordance with the form therefor furnished))~~ a format prescribed by the commissioner.

(2) **Contribution and wage reports:**

(a) **Contribution report.** Each employer shall not later than the last day of the month following the expiration of any calendar quarter file with the commissioner, ~~((on forms))~~ in a format which the commissioner shall ~~((furnish))~~ prescribe, a report with respect to such quarter setting forth the wages paid for employment to individuals in ~~((his))~~ its employ. Calendar quarters shall be deemed to end March 31, June 30, September 30 and December 31 respectively of each year.

(b) **Wage report.** Each employer shall not later than the last day of the month following the expiration of such calendar quarter file with the commissioner, on forms which the commissioner shall furnish, a report with respect to such calendar quarter setting forth the wages paid during such calendar quarter for employment to individuals in ~~((his))~~ its employ, the number of hours worked by each individual, the names of such individuals and their social security account numbers. Exceptions to the foregoing provisions (2)(a) and (b) relative to the time and manner of reporting shall be allowed only after application has been made requesting exceptions and the application has been approved by the commissioner.

(c) **Termination of business.** Each employer who ceases business or for any reason causes ~~((his))~~ its account to be closed by the department shall immediately file:

(i) A contribution report with respect to the current calendar quarter which report shall cover contributions due to the date such account is closed;

(ii) A quarterly wage report with respect to the current calendar quarter as provided in section (2)(b) of this regulation which report shall include all wages paid to the date such account is closed.

(d) Reports for maritime service.

(i) **Maritime contribution reports.** Contribution reports with respect to wages, including advances, allotments, slops, and payment in kind, such as board and lodging, earned in any pay period shall be submitted as of the calendar quarter

PERMANENT

in which any such wages in cash were actually paid or such wages in kind were furnished, except that any of such items which are unknown to the reporting office will be considered paid in the calendar quarter in which the voyage is terminated.

(ii) Maritime wage reports. Individual wage detail reports on wages falling within the purview of this regulation need not be filed prior to the time when reports regarding wages paid at the termination of such period must be filed; except, however, supplemental quarterly wage detail reports shall be filed whenever wages involved were actually paid in a previous calendar quarter. Such supplemental report shall be filed along with the related contribution report.

(iii) Maritime special reports. The employer shall, upon request of the commissioner, promptly furnish a statement of the wages of a seaman, whenever such statement is necessary in order to determine such seaman's eligibility for and rate of benefits. Such statements shall be prepared and submitted in such a manner as the commissioner may in each case prescribe.

(3) **Report of circumstances of applicant's separation from employment.** Whenever an individual files an application for an initial determination or thereafter lapses his or her reporting at the local office and later renews such reporting following intervening employment, a notice of such filing or renewal shall be mailed to the applicant's most recent employing unit as stated by the applicant. Any employing unit receiving such a notice and having knowledge of any factors which might render the applicant ineligible for waiting period credit or benefits shall report such factors to the employment security department at the address indicated on the notice within ten days of the date of mailing of such notice. The absence of the receipt of the employing unit's report within the ten day period shall be deemed to justify allowances to the applicant of waiting period credit and the payment of benefits, provided the applicant is in all respects eligible.

In the event that information reported by an employing unit, in response to either of the notices required herein, is claimed by the employing unit to require disqualification from allowance of waiting period credit or payment of benefits, a determination of benefit rights will be made and a copy of such determination mailed to the employing unit.

(4) **Low earnings report.** When requested to do so by an authorized representative of the commissioner any person or entity for whom personal services are performed by individuals working less than full time during a "week" as defined in WAC 192-12-020 with resulting loss of earnings, to wit: Less than the maximum weekly benefit amount established by law, shall thereafter file with the nearest employment office, ~~((upon forms furnished))~~ in a format prescribed by the commissioner, a report of low earnings with respect to such individuals for all weeks designated in the request.

(5) **Labor dispute report.** When any person or entity for whom personal services are performed has substantially curtailed or stopped operation by reason of a labor dispute or should such person or entity have reason to believe that such substantial curtailment or stoppage is due to a labor dispute, it shall advise the nearest employment office in writing of the date of the commencement of such substantial curtailment or stoppage of operations and upon the demand

of the commissioner shall furnish, upon forms furnished by the commissioner, a report setting out the conditions under which such substantial curtailment or stoppage of operations occurred, together with the names, social security account numbers and job classifications of the individuals involved. Changes in the condition under which the labor dispute arose or in the status of any such individuals, occurring during the course of the dispute, shall be reported in the same manner.

Subsequent to the termination of the labor dispute, such person or entity shall advise the nearest employment service office in writing of the date of the termination of the labor dispute.

(6) **Vacation reports.** Each employer temporarily ceasing or substantially curtailing operations in order to allow a vacation period for individuals in its employ pursuant to an employment contract shall seven days prior to cessation or substantial curtailment of operations file with the nearest employment office a report giving the date of commencement and duration of the vacation period and shall further, upon the demand of the commissioner, furnish a report setting forth (a) the name of each individual ceasing work by reason of such cessation or curtailment of operations; (b) ~~((his))~~ each individual's Social Security account number; (c) the amount of wages or remuneration, if any, paid or payable to each individual for the vacation period; and (d) the identity of such individuals who have been or will be granted vacations during some other period.

(7) **Report form instructions.** All instructions ~~((contained on any report form))~~ issued by the employment security department for the preparation of forms or formats shall have the same force and effect as if such instructions had been incorporated into and made a part of this regulation.

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

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

AMENDATORY SECTION [(Amending Order 1-78, filed 8/14/78)]

WAC 192-12-150 Payment of benefits to partially unemployed persons and stand-by workers as provided by RCW 50.04.310, 50.20.010, and 50.20.130. ~~((RCW 50.20.130 provides: "... Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less seventy five percent of that part of the remuneration (if any) payable to him with respect to such week which is in excess of five dollars. ..."))~~

~~RCW 50.20.010 provides: "An unemployed individual shall be eligible to receive waiting period credit or benefits with respect to any week only if the commissioner finds that~~ "(1) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds

that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title; . . ."

~~RCW 50.04.310 provides: "An individual shall be deemed to be 'unemployed' in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full time work, if the remuneration payable to him with respect to such week is less than his weekly benefit amount. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary."~~

~~RCW 50.12.010 provides: "The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, . . . as he deems necessary or suitable to that end. . . ."~~

~~The commissioner accordingly prescribes:))~~

(1) Definitions.

(a) The term "employer" as used in this regulation shall mean any person or entity for whom personal services are performed for wages.

(b) A partially unemployed individual is one who during a particular week earned some remuneration but less than his or her weekly benefit amount, was employed by his or her regular employer and worked less than his or her normal customary full hours for such regular employer because of lack of full-time work.

(c) With respect to a partially unemployed individual whose remuneration is paid on a calendar week basis, a week of partial unemployment shall consist of the calendar week.

(d) With respect to partially unemployed individuals whose pay periods do not coincide with calendar weeks, remuneration earned during such pay periods may, if not allocated by the employer, be allocated by a representative of the commissioner directly from the employer's payroll records or from certified earnings reports from the employer to each calendar week during which such remuneration was earned.

(e) A "stand-by" worker is an individual who is totally unemployed, but who expects to resume work with his or her regular employer within a reasonable time and whose best interests and those of ~~((his))~~ the individual's regular employer are served, in the judgment of the commissioner, by ~~((his))~~ the individual remaining in readiness to resume such work.

(2) Employer responsibility in the initiation of first claim for partial benefits in a new spell of partial unemployment.

(a) Immediately after the termination of any week beginning a new spell of partial unemployment in which an employer has furnished any individual in ~~((his))~~ its employ less than such individual's customary full time hours of work and earnings of less than the maximum weekly benefit amount established by law, or, if weekly benefit amount is known, earnings less than such weekly benefit amount, such employer shall either

(i) Advise the worker that he or she may be entitled to partial benefits by handing ~~((him))~~ the worker a weekly low earnings report or a substitute device for presentation at an employment office, or

(ii) Notify the local employment office nearest the establishment and await and abide by the instructions of that office concerning the taking of claims.

(3) Weekly low earnings report or substitute device. After the employer has given notice to individuals in ~~((his))~~ its employment and/or the employment office, as required above, ~~((he))~~ the employer shall, throughout the continuance of the spell of partial unemployment, after the termination of each pay period within such spell, issue to each affected individual a weekly low earnings report showing the actual earnings of each such individual for each week of partial unemployment occurring within such pay period or shall furnish such individual with a payroll by-product. Such weekly low earnings reports or payroll by-products shall be issued by the employer not more than thirty days after the end of the week of partial unemployment to which they pertain. The payroll by-product must show in ink or typewriting:

(a) The name and official unemployment compensation code number of the employer;

(b) The name and social security account number of the individual in employment;

(c) The beginning or ending date of such week;

(d) The amount of remuneration earned in such week;

(e) The following certification: "I certify that the above amount represents reduced earnings in a week of less than full-time work because of lack of work."

(f) A signature (actual or facsimile) by the employer to the above certification, or other positive identification of the authority supplying the evidence.

In the event the local employment office furnishes a representative at the employer's establishment for the purpose of taking the claims and obtaining from the employer verification of earnings and affirmative evidence that all available work with such employer was taken by each claimant, no such low earnings report or substitute thereof shall be required.

Utilization of the payroll by-product is permissible only in the event the pay period for partial unemployment coincides with the calendar week.

(4) Registration and filing of claims for partial unemployment. An individual attached to a regular job may file a claim with respect to any calendar week during the next succeeding four calendar weeks following the receipt from the employer of information as to his or her earnings in any such week: *Provided*, That if the commissioner finds that the failure of any individual to file a claim for partial unemployment benefits within such four weeks was due to failure on the part of the employer to comply with any of the provisions of subsection (b) and (c) above of this regulation, or to coercion or to intimidation exercised by the employer to prevent the prompt filing of such claim, or to failure by the employment security department to discharge its responsibilities promptly in connection with such partial unemployment, the commissioner shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of his or her potential rights to benefits and his or her earnings during the period of such partial unemployment.

A partially unemployed applicant for benefits who is attached to a regular job shall not be required to register for

work in any week with respect to which ~~(he)~~ the applicant is partially unemployed, and prior registration shall not be a condition precedent to the filing of a claim for benefits for partial unemployment. Registration for work, initial applications, and claims for waiting period credit and benefits may be filed by mail on forms furnished by the employment security department, and given the same effect as though filed in person at an established employment security office whenever, in the judgment of the commissioner, the personal reporting of such claimant is or becomes impracticable.

(5) **Registration and filing of claims by "stand-by" workers.** The commissioner may waive the requirement of registration for work by a "stand-by" worker during the first four weeks of such worker's unemployment, and in such event prior registration shall not be a condition precedent to filing a claim for benefits for such four weeks. Such worker shall, however, during any calendar week for which benefits are claimed report in person, and in the next succeeding period of two calendar weeks shall make a certification with respect to the week for which benefits are claimed: *Provided*, That registration for work, initial applications, and claims for waiting period credit and benefits may be filed by mail on forms furnished by the employment security department, and given the same effect as though filed in person at an established employment security office whenever, in the judgment of the commissioner, the personal reporting of such claimant is or becomes impracticable; and *Provided further*, That whenever failure to comply with this regulation is for reasons which, in the judgment of the commissioner, constitute good cause, the commissioner may make such exceptions to this regulation as he deems necessary.

Whether or not any claimant shall be determined by the commissioner to be in a "stand-by" status shall depend upon the length of the prospective period of unemployment, the availability of other suitable work, the temporary or permanent nature of the new prospective employment, the effect upon the employer and the worker of acceptance of new employment, the nature of the contract to be entered into by the worker in prospective new employment, and such other factors as the commissioner deems pertinent.

(6) **Employer records in connection with partial unemployment.** Each employer shall maintain its payroll records in such form that it will be possible from an inspection thereof by the employment security department to determine with respect to each individual in its employ who may be eligible for partial benefits: (a) Remuneration earned, by weeks, in such manner as to make possible and practical the allocating to calendar weeks of remuneration earned if the pay period does not coincide with calendar weeks; (b) whether any week was in fact a week of less than full-time work; and (c) time lost, if any, by each such worker, due to his or her unavailability for work.

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

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

AMENDATORY SECTION [(Amending Order 6-82, filed 8/17/82)]

WAC 192-16-036 Interpretive regulation—Requalification for regular shareable, extended, or additional benefits under RCW 50.20.050(4). ~~((RCW 50.22.020(7) provides that individuals cannot requalify for regular shareable or extended benefits unless such requalification is based upon employment subsequent to the date of the disqualifying separation.~~

~~RCW 50.22.100(3) provides that eligibility for additional benefits shall be determined and paid under the same terms and conditions as extended benefits.)~~

An individual disqualified under RCW 50.20.050(4) who has requalified on the basis of reporting for ten weeks will not be eligible for regular shareable, extended, or additional benefits unless such an individual has, subsequent to the disqualifying separation, ~~((performed))~~ obtained work ((in each of five weeks earning not less than)) and earned wages equal to five times his or her suspended weekly benefit amount ((in each of such weeks)). This requirement shall not apply to weeks of unemployment exempted by RCW 50.22.020.

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

AMENDATORY SECTION [(Amending Order 6-82, filed 8/17/82)]

WAC 192-16-040 Interpretive regulation—Good prospects of obtaining work within a reasonably short period of time under RCW 50.22.020(3)—Shareable, extended, or additional benefits. As provided in ((For the purpose of) RCW 50.22.020((3))), an individual shall be deemed to have a good prospect for work within a reasonably short period of time if said individual has (1) a definite recall or hire date, within five weeks, or (2) a probable recall or hire date within five weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience. This provision shall not apply to any week of unemployment specifically exempted by the statute.

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

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

AMENDATORY SECTION [(Amending Order 6-82, filed 8/17/82)]

WAC 192-16-042 Interpretive regulation—Failure to apply for or accept work under RCW 50.22.020 (4)(b)—Shareable, extended, or additional benefits. ~~((RCW 50.22.020(4) provides, in part:~~

~~"Extended compensation shall not be denied under subsection (1)(a) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if: . . . (b) The position was not offered to such individual in writing and was not listed with the employment security department";~~

~~This section means that))~~ As provided in RCW 50.22.020, a person will be disqualified from receiving extended, shareable, or additional benefits for failure to accept or apply for suitable work ~~((, as defined in RCW 50.22.020(3),))~~ if the job at issue was either offered to the person in writing or was listed with the employment security department and the other requirements of ~~((that subsection))~~ the statute have been met. This regulation shall not apply to any week of unemployment exempted by the statute.

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

AMENDATORY SECTION [(Amending Order 6-82, filed 8/17/82)]

WAC 192-16-045 Interpretive regulation—Disqualification for failing to accept an offer of or to apply for suitable work—Shareable, extended, or additional benefits. (1) If, during a week for which an individual has claimed regular shareable, extended, or additional benefits, he or she fails to accept any offer of work or fails to apply for any work to which he or she was referred by the employment security department:

(a) Such individual will be disqualified from benefits under the terms of RCW 50.20.080 if the work was "suitable" under the provisions of RCW 50.20.100 and RCW 50.20.110 and if the individual's failure was without "good cause";

(b) Such individual, if disqualified from benefits under RCW 50.20.080 as provided in subparagraph (a) above, will further be disqualified from regular shareable, extended, and additional benefits ~~((under))~~ as provided by RCW 50.22.020 ~~((1)(a) and (2) unless this additional disqualification is precluded by RCW 50.22.020(4))~~;

(c) Such individual may be disqualified from ~~((regular shareable or extended))~~ benefits under only the provisions of RCW 50.22.020 ~~((1)(a) and (2))~~ if ~~((the work was not "suitable" under))~~ the provisions of RCW 50.20.100 and RCW 50.20.080 have been met ~~((or if the individual had "good cause" in refusing the work))~~.

(2) This regulation shall not apply to any week of unemployment exempted by RCW 50.22.020.

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

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

AMENDATORY SECTION [(Amending Order 6-82, filed 6/17/82)]

WAC 192-16-047 Interpretive regulation— Interpretation of requirements of RCW 50.22.020(5)— Tangible evidence of a systematic and sustained effort to obtain work—Shareable, extended, or additional benefits. Work search efforts for individuals claiming shareable and extended benefits must be of a quality and frequency that would clearly indicate that the individual is making sincere efforts to immediately return to gainful employment.

The completed work search section of the continued claim form which includes the date of work seeking contact, the name of the employer or union involved, and the type of work sought will be considered as tangible but not conclusive evidence of a systematic and sustained effort to obtain work.

An individual engaged in a training program approved by the commissioner in accordance with the requirements of 26 U.S.C. § 3304 (a)(8), WAC 192-12-182, and 192-12-184 will be deemed to meet the requirements of RCW 50.22.020(5).

This regulation shall not apply to any week of unemployment exempted by RCW 50.22.020.

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

AMENDATORY SECTION [(Amending Order 4-84, filed 6/18/84)]

WAC 192-23-320 Failure to respond to a request for documentation of a systematic and sustained work search. As provided in RCW 50.22.020: (1) If a claimant is receiving shareable or extended benefits and fails to report a systematic and sustained work search and fails to respond to a request to provide work search information, the claimant shall be presumed to have failed to actively engage in seeking work and be subject to denial of benefits ~~((pursuant to RCW 50.22.020 (1) and (2)))~~.

(2) The denial of benefits under this section is indefinite in nature and shall continue until the requalifying provisions ~~((of RCW 50.22.020(2)))~~ are met.

(3) This regulation shall not apply to any week of unemployment exempted by the statute.

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

REPEAL

WAC 192-10-320.

WSR 94-22-050
PERMANENT RULES
DEPARTMENT OF
VETERANS AFFAIRS
[Filed October 31, 1994, 2:20 p.m.]

Date of Adoption: August 30, 1994.

Purpose: Define rule changes for Medicaid certified programs at the two state veterans homes and clarify when

appropriate differences between rules for Medicaid certified units and rules for noncertified units.

Citation of Existing Rules Affected by this Order:
Repealing WAC 484-20-050, 484-20-075 and 484-20-110;
amending WAC 484-20-010, 484-20-015, 484-20-020, 484-20-023, 484-20-025, 484-20-030, 484-20-040, 484-20-045, 484-20-055, 484-20-060, 484-20-068, 484-20-070, 484-20-080, 484-20-087, 484-20-089, 484-20-090, 484-20-100, 484-20-105, 484-20-115, 484-20-120, 484-20-135, 484-20-140,

484-20-145 and 484-20-150; and new sections WAC 484-20-024, 484-20-061, 484-20-062, 484-20-063, 484-20-086, 484-20-088, 484-20-103, 484-20-111, 484-20-116, and 484-20-117.

Statutory Authority for Adoption: RCW 43.60A.070 and chapter 72.36 RCW.

Pursuant to notice filed as WSR 94-14-037 on June 29, 1994.

Changes Other than Editing from Proposed to Adopted Version:

WAC SECTION	CHANGE	REASON
010(2)	Add RCW reference.	Editing. Clarify source of definition.
010(3)	Change "facility" to "state veterans home".	Editing. Clarify scope.
010(4)	Delete "/services" and Add clarifying language.	Technical change. Accurately reflect federal requirements for Medicaid certified sections.
010(5)	Add new definition	Editing. Clarify definitions of terms related to cost of care.
010(8)	Add new definition	Editing. Clarify terms related to types of care/services provided at the state veterans homes.
010(9)	Change definition.	Technical. Clarify "facility" does not include Medicaid certified nursing facility units.
010(10)	Change definition.	Editing. Clarify "furlough" applies to facility residents but not to Medicaid recipients.
010(12)	Change definition.	Technical change. Clarify residents may request appropriate individuals, other than social service staff, to investigate grievances.
010(14)	Add new definition.	Technical. Clarify terms related to types of care/services provided at the state veterans homes.
010(17)	Add new definition.	Editing. Define rehabilitation plan.
010(20)	Add RCW reference	Editing. Show source of definition.
010(21)	Change definition.	Editing. Clarify "social leave" only applies to Medicaid certified nursing facility residents.

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WAC SECTION	CHANGE	REASON
015(3)(b)	Add clarifying language.	Technical. Clarify federal requirements and add (state WAC references) for preadmission screenings for admission to Medicaid certified nursing facility.
023(1) & (2)	Add clarifying language.	Editing. Clarify applicants are placed on waiting lists and admitted from waiting lists in order of application approval.
023(6)	Add clarifying language.	Editing. Clarify that applicant's financial status must "change substantially" to require submission of updated financial information.
024	Change and add clarifying language.	Editing. Clarify terms related to cost of care payments. Will not require a payment agreement, but will give residents information about their monthly contribution toward cost of care.
030	Delete and change language.	Editing. Clarify admission priorities.
040	Delete, change and add clarifying language.	Editing. Clarify "definition" of indigency and conditions for admission if indigency eligibility requirements are not met.
045	Delete, change and add clarifying language.	Technical. Differentiate between Medicaid certified nursing facility care and nursing care other than Medicaid certified nursing facility care. Clarify that continuing eligibility, with a rehabilitation plan, is based on progress or refusal to meet goals vs. ability to meet goals.
060	Add clarifying language.	Editing. Clarify that at least one of a married couple must be a veteran.
061	Delete and add clarifying language.	Technical change. Necessary to clearly reflect federal requirements for Medicaid certified nursing facility sections.
062	Change language	Technical. Reflect changes made in definitions of "facility" and "state veterans home."

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WAC SECTION	CHANGE	REASON
063	Change language.	Editing. To clearly reflect federal requirements for Medicaid certified nursing facility sections and differentiate from facility sections.
068	Change and add clarifying language.	Technical change. Reflect state and federal requirements for the state veterans homes to have resident councils. State law (RCW 72.36) requires a resident council, but federal requirements say resident council participation by residents of a Medicaid certified nursing facilities is optional. Reflect community standards -- long term care facilities do not dictate governance of an existing resident council.
070(3)	Add clarifying language.	Editing. Clarify that even though participation in resident council activities of optional for Medicaid certified nursing facility residents, the resident council must ensure that Medicaid certified nursing facility residents are represented in resident council activities related to the benefit fund.
070(6)	Change.	Editing. Change benefit fund reports from "quarterly" to benefit "monthly".
080(6)	Change.	Technical. Clarify over or under payment is related to the resident's contribution.
085	Repeal.	Technical change. Requirements for giving information related to resident rights are given in section 087.
086 (new section)	Add new section.	Technical change. Necessary to clearly reflect federal requirements for Medicaid certified nursing facility sections. "New section" is language which was previously part of section 087.
087	Change, add and delete language.	Technical change. Necessary to clearly reflect federal requirements for Medicaid certified nursing facility sections.

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WAC SECTION	CHANGE	REASON
088 (new section)	Add new section.	Technical change. Necessary to clearly reflect federal requirements for Medicaid certified nursing facility sections. "New section" is language which was previously part of section 087.
090	Change language.	Technical. Changes made in title, (1)(d), (1)(g), (2)(c) and (2)(f) to clearly reflect federal requirements.
095	Change language.	Technical. Changes made to reflect changes in definitions of "facility" and "state veterans home".
100	Change and add language.	Technical change. Clarify all alleged violations of rules must be substantiated. In section (4) "failed" changed to "refused".
103	Add clarifying language.	Technical. Necessary to clearly reflect federal requirements for Medicaid certified nursing facility sections.
105	Change language.	Technical. Clarify reviews are routed to and done by the superintendent. Clarify appeal process for residents of Medicaid certified nursing facility residents.
111	Add and change language.	Editing. Clarify grievance filing process. Technical change. Clearly reflect federal requirements for Medicaid certified nursing facility sections.
115	Change language.	Editing. Clarify facility residents do not need physician approval for furlough, but should coordinate with their physician to receive instructions on how to continue any prescribed care, treatment or medications during any furlough.
116	Change language.	Technical change. Necessary to clearly reflect federal requirements for Medicaid certified nursing facility sections.

WAC SECTION	CHANGE	REASON
120	Change and add language	Technical change. Necessary to clearly reflect federal requirements for Medicaid certified nursing facility sections and to differentiate between Medicaid certified nursing facility rules and facility rules.
135	Add clarifying language	Editing. Add language to the title to clarify these are transfers between the two state veterans homes.
145	Change language.	Editing. To clarify.

Effective Date of Rule: Thirty-one days after filing.
 October 28, 1994
 Beau Bergeron
 Director

Chapter 484-20 WAC
~~((WASHINGTON SOLDIERS' HOME AND COLONY—WASHINGTON VETERANS))~~
STATE VETERANS HOMES

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-010 Definitions. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

- (1) ~~((Allowable income—See personal needs allowance. (2)))~~ Admission team - A team consisting of a designated veterans benefit specialist and designated medical or nursing staff.
- (2) Adjudicative proceeding - In accordance with RCW 34.05.010(1), an adjudicative proceeding is a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an action by the agency.
- (3) Administrative action - An act (as defined in RCW 34.05.010(3)) taken by the agency or state veterans home which implements or enforces a statute, applies an agency rule or order, or imposes sanctions or withholds benefits.
- (4) Comprehensive care plan - A plan which outlines details of health care for Medicaid certified nursing facility residents.
- (5) Cost of care.
 - (a) Daily rate - The maximum daily cost (rate) to provide care and services to a Medicaid recipient. The daily rate is set annually by the department of social and health services and applies to all Medicaid certified nursing facility residents. A different daily rate is established for the Washington veterans homes and the Washington soldiers home.
 - (b) Private rate - The daily cost (rate) to provide services to state veterans home residents who have resource levels exceeding standards in WAC 484-20-040. There is a

different private rate for nursing care and domiciliary care. The private rate is based on actual operating costs.

(c) Resident contribution - The monthly amount a resident pays to the state veterans home as partial payment of the cost of care. If the resident is a Medicaid recipient, the resident contribution is determined by the appropriate community service office. If the resident is not a Medicaid recipient, the resident contribution is determined by the facility. The resident contribution is recalculated with any change in the resident's monthly income.

(6) Department - The department of veterans affairs ((“(WDVA)”)).

~~((3))~~ (7) Director - The director of the department of veterans affairs or his/her designee.

~~((4))~~ (8) Domiciliary care - Is the provision of a home, with necessary ambulant medical care. To be entitled to domiciliary care, the applicant must consistently have a disability, disease or injury which is chronic in nature and produces disablement of such a degree and probable persistency as will incapacitate from earning a living for a prospective period.

(9) Facility - ((A synonym for)) Refers to either the Washington veterans~~((2))~~ home or the Washington soldiers~~((2))~~ home, but does not include the Medicaid certified nursing facility.

~~((5))~~ Gross misconduct - Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.

(6) Income - Money or other gain received by a resident, or a resident and his/her spouse, on any incremental basis (e.g., yearly, semi-annually, monthly, weekly, or daily) from sources such as but not limited to: Veterans' benefits, Social Security, civil service annuities, retirement benefits, royalties, interest on bonds, savings accounts, certificates of deposit or similar instruments, and/or earnings. Nonincremental such as but not limited to, distributions derived from interest payments, unanticipated payments on stock held by a resident, and royalties paid for creative endeavors are also considered income for purposes of this section.

(7) Member - See "resident" below.

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(8)) (10) Furlough - An approved absence for facility residents.

(11) Grievance - An oral or written statement of any difficulty, disagreement, or dispute relating in any way to a facility, a resident or facility staff.

(12) Grievance investigator - State veterans home social service staff or another appropriate person requested by the resident who investigates a grievance.

(13) Income - The receipt by an individual of any property or service which he/she can apply either directly, by sale, or conversion to meet his/her basic needs for food, clothing, and shelter.

(a) Earned income - Gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis.

(b) Unearned income - All other income.

(14) Medicaid certified nursing facility - Refers to those nursing care units of each state veterans home that are Medicaid certified as described under WAC 388-97-005(20).

(15) Personal needs allowance - In accordance with chapter 72.36 RCW the amount which a resident may retain from his/her income.

(16) Rehabilitation leave - A period of time granted to permit a resident to attempt to reestablish independent living or other care arrangements in a community of his/her choice while retaining the right to return to the facility without reapplying for admission.

(17) Rehabilitation plan - Describes individualized goals for professional treatment, counseling and/or guidance necessary to restore to the maximum extent possible the physical, mental and psychological functioning of an ill or disabled person.

(18) Resources - Cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

(a) When an individual can reduce a liquid asset to cash, it is a resource.

(b) If an individual cannot reduce an asset to cash, it is not considered an available resource.

(c) Liquid - Assets that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

(d) Nonliquid - All other property both real and personal shall be evaluated according to the price that can reasonably be expected to sell for on the open market in the particular geographical area involved.

(19) Resident - An individual ((admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans')) who resides at a state veterans home.

((9) Personal needs allowance - The minimum amount (as defined in RCW 72.36.120 and 72.36.130) which a resident may retain from his/her income.

(10) Rehabilitation furlough - A period of time granted by a superintendent or designee, permitting a resident to attempt to reestablish independent living or other care arrangements in a community of his/her choice while retaining the right to return to the soldiers'/veterans' home without reapplying for admission.

(11) Patient care plan - A plan which outlines details of health care which the resident needs and receives. Those residents who do not meet admission criteria for age and/or permanent disability must have specific rehabilitation goals included in their patient care plan.

(12)) (20) Resident council - A ((duly constituted body)) group of residents elected in accordance with RCW 72.36.150 by ((the)) facility residents ((in accordance with RCW 72.36.120 and 72.36.130. The resident council when serving in a capacity other than that specified in RCW 72.36.120 and 72.36.130, acts in an advisory capacity to the facility's administration in those cases where the RCWs and WACs so specify)).

((13) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.))

(21) Social leave - An approved absence for residents of Medicaid certified nursing facility units.

(22) State veterans home - Refers to either the Washington soldiers home and colony in Orting or the Washington veterans home in Retsil, or both.

(23) Staff - Any individual hired or contracted to provide care and services at the state veterans homes.

(24) Superintendent - The licensed nursing home administrator appointed by the director to administer the day-to-day operations of a state veterans home.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-015 Application for admission. (1) ((An)) Applications for admission to ((membership in the Washington veterans' home, the Washington soldiers' home or the Washington soldiers' home colony)) a state veterans home shall be made ((to the department on)) using forms prescribed by the ((agency)) department. ((Applications may be made for an indefinite or for a specified period of time.))

(2) ((An applicant)) All applications shall ((submit)) include either a copy of ((his or her)) the applicant's military discharge or a statement from the applicable military service denoting the dates and character of service ((with the application)). An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's military service.

(3) ((Designated agency staff shall review the application and all supporting documents and recommend approval or disapproval for admission. The applicant will receive written notice of the decision. If an applicant is denied admission, the written notice shall include a statement of the reason and authority for denial. The letter will be signed by the agency staff responsible for recommending disapproval for admission.

(4) An applicant denied admission may, within thirty days of mailing of a written notification of denial, submit a written request for reconsideration to the agency staff person(s) responsible for the application denial.

(5) If the applicant disagrees with the decision of the agency staff designated in subsection (4) of this section, (s)he may submit a written request for review to the director. Within thirty days of receipt of the written request for review, the director, or designee, shall make a written reply to the applicant.

~~(6) Subject to the bed availability in the appropriate level of care and the ability of the home(s) to provide the required care, individuals shall be admitted in the order in which their applications are approved. If the needs of the applicant are of such a nature that current care programs at the facility(ies) cannot meet his/her needs, the superintendent may disapprove the application.)) An admissions team shall:~~

(a) Review each application to ensure inclusion of all information and documents necessary to determine eligibility for admission;

(b) For admission to a Medicaid certified nursing facility, ensure a preadmission screening (in accordance with state regulations at WAC 388-97-240) and if necessary a preadmission screening and annual resident review (PASARR) (in accordance with state regulations at WAC 388-97-245) have been conducted; and

(c) Recommend to the director that the application be approved or denied. The applicant shall receive written notice of the decision in accordance with WAC 484-20-103.

(4) Applications are reviewed and approved or denied in the order of receipt.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-020 Conditions of eligibility for admission. An applicant shall be eligible for admission only if (s)he meets the requirements of chapter 72.36 RCW and ~~((the rules of WAC 484-20-025 through 484-20-060))~~ this chapter.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-023 Admission to ~~((department of veterans' affairs health care facilities))~~ a state veterans home. ~~(1) ((Consideration for admission to a DVA care facility shall be on the basis that each facility has the ability to provide the appropriate care services to meet the needs of the applicant. Veterans will be given preference over nonveterans for admission purposes if budgeting and/or bed limit constraints require.~~

~~(2) Admissions to each of the respective WDVA facilities shall be in the chronological order that applications are approved.~~

~~(3) A waiting list will be maintained at each facility for all established levels of service. As applicants are approved and levels of service established, applicants names shall be added in chronological order to established waiting lists.~~

~~(4) An applicant may be denied admission, or have his/her position on a specific service waiting list changed to another service waiting list, when:~~

(a) In the interim between application and scheduled admission, the applicant's needs have changed which will require different degrees of services to meet his/her needs;)) Each state veterans home maintains several waiting lists, one for each program or service offered. The names of applicants approved for admission shall be placed on the waiting list for the program or service which the admission team has determined shall be most appropriate based on their health care/service needs. Applicants shall be listed in order of approval.

(2) Applicants are admitted from the waiting lists in the order in which their applications are approved; subject to bed availability in the program or service area for which admission has been approved.

(3) An applicant may be denied admission, or be moved from one waiting list to another when in the interim between application approval and scheduled admission:

(a) The applicant's health care needs have changed to the extent that the program or service for which he/she was originally approved can no longer meet his/her health care needs; or

(b) The applicant's service needs have changed to such ~~((a degree))~~ an extent that the facility can no longer meet the applicant's health care/service needs. ~~((Prior to scheduling admission, any person whose application is over one hundred eighty days old is required to have his/her physician update the medical data.))~~

(4) Any applicant whose name has been on a waiting list over ninety days is required to submit an up-to-date medical information form completed by his/her physician prior to being given an admission date.

(5) If an applicant declines a scheduled admission, (s)he will be placed at the bottom of the appropriate service waiting list. The next person on the waiting list will be invited for admission.

(6) If the applicant's financial status ~~((has changed during the period))~~ changes substantially in the interim between application approval and scheduled ~~((date for))~~ admission, or additional financial information becomes available, ~~((a new financial assessment shall be required. The applicant's eligibility will be reassessed))~~ the applicant must submit an updated financial information form. If the ~~((revised))~~ change in financial status makes the applicant ineligible, due to excess resources, the ~~((director, for good cause, may approve admission))~~ applicant may be admitted under the provisions of WAC 484-20-040.

~~((7) Prior to admission, the applicant shall be required to sign a payment agreement which will stipulate the method and time of payments to the home; the amount required in payment each month; and penalties for nonpayment. Further, the applicant shall be required, upon admission, to submit changes of address directing benefit checks and other sources of income to be routed to the home's business office where they may be opened by the resident in the presence of authorized staff.))~~

NEW SECTION

WAC 484-20-024 Resident payment information. Prior to or shortly following admission, all residents receive information which states the resident contribution toward cost of care, the due date for monthly payments, the source of funds from which payment is to be made and the consequences of nonpayment.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-025 Eligibility—State residency. An applicant shall be a resident of the state of Washington at the time of application and at the time ~~((when the applicant is to be admitted))~~ of admission to the state veterans home. An

applicant shall be considered a Washington state resident if (s)he:

(1) Is living in the state at the time of application and has established residence either by declaring an intent to remain in the state or has an unbroken period of physical residence in the state;

(2) Is not living in this state at the time of application, but has demonstrated intent of remaining a resident of this state by maintaining a domicile or voting registration in this state or similar evidence (~~(s of nonrelinquishment)~~) of Washington state (~~(residence)~~) residency;

(3) Is not living in this state (~~(by reason of)~~) due to hospitalization or provision of similar care needs in another state resulting from transfer from a Washington state or federal health care or social service agency as long as the applicant has taken steps to maintain Washington state (~~(citizenship)~~) residency similar to subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-030 Eligibility—Military service. (1) An applicant must have served on active duty in:

(a) ~~((In))~~ The armed forces of the United States government ((in any of its wars for a minimum of ninety days, some portion of which falls within the dates of WAC 484-20-030(2) below for which the applicant)) and must have received a discharge under honorable conditions((?); or

~~((b) In the armed forces of the United States government in any of its wars with less than ninety days, some portion of which falls within the dates in WAC 484-20-030(2) below during which the applicant received a service-connected disability, and was discharged under honorable conditions, or~~

~~((c) As a member of)) (b) The state militia (Washington national guard), and have been disabled in line of duty ((without regard to wartime service, and)) or have received a discharge under honorable conditions((?); or~~

~~((d) As a member of)) (c) The Coast Guard, Merchant ((Marines)) Mariners, or other ((typically)) nonmilitary organization((s)) when such service was recognized by the United States government as equivalent to service in the armed forces and ((upon discharge, the veteran)) have received a discharge under honorable conditions as evidenced by possession of a DD214, or similar document((s)) in accordance with WAC 484-20-015(2).~~

(2) ~~((The current inclusive dates referred to in subsection (1)(a) are~~

~~(a) World War I—April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918;~~

~~(b) World War II—December 7, 1941, to December 31, 1946;~~

~~(c) Korean War—June 27, 1950, to January 31, 1955;~~

~~(d) Viet Nam—August 5, 1964, to May 7, 1975.~~

~~(e) Such other or additional conflicts as recognized by the federal Department of Veterans' Affairs as wartime~~

~~service.)) Admission priorities are granted in the following order:~~

(a) Veterans who meet all eligibility requirements of this chapter;

(b) Veterans who meet all eligibility requirements except indigency and who will become indigent through purchase of necessary health care;

(c) Spouses of veterans as described in WAC 484-20-055; and

(d) Veterans who meet all eligibility requirements except indigency and agree to pay at the private rate.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-035 Eligibility—Transfer of ((property)) resources. ((Transfer or assignment of real, or personal property of high intrinsic value within two years of the date of application without having received adequate consideration shall create the presumption that such assignment or transfer was for the purpose of rendering him/herself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant. The director may waive this requirement for good cause. Personal property, irrespective of value, which has great sentimental value to the applicant shall not be subject to the provisions of this section.)) Eligibility for admission as related to transfer of resources is determined by application of medical assistance eligibility rules as defined in chapter 388-95 WAC.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-040 Eligibility—((Assets)) Indigency. ((1) Applicants for admission may retain any liquid assets up to a value of two thousand dollars, as of September 1, 1992. After that date, asset limits shall be computed at the beginning of the calendar year at a rate in accordance with advances in the Consumer Price Index established on annualized basis for the previous twelve months. If the applicant has assets in excess of established limits, (s)he may be admitted to a veterans' home provided:

~~(a) His/her assets and total expected annual income for the year following admission, less the established limit, and divided by twelve, would not exceed actual monthly cost of care in the home;~~

~~(b) The applicant agrees to deposit such liquid assets in a safekeeping account held jointly by the home and the resident, such account to be held at the home of admission; and~~

~~(c) The applicant agrees to pay actual cost of care until such assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).~~

~~(2) Applicants with real property in excess of the limits set forth in subsection (1) of this section may be admitted to the homes provided that:~~

~~(a) A good faith effort is made to sell the property at current market value;~~

~~(b) The proceeds of the sale of the property are deposited into a safekeeping account held jointly by the home and resident;~~

(c) The resident agrees to retroactive payment from the safekeeping account for actual cost of care from the time of admission to the time the funds are deposited into the safekeeping account;

(d) The resident agrees to allow withdrawal from the safekeeping account an amount equivalent to the difference between monthly income and actual cost of care until his/her assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).

(3) In the event of admission under conditions in subsections (1) and (2) of this section where the applicant is discharged or dies, the provisions of WAC 484-20-065(8) apply.

(4) For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.

(5) An applicant for membership in the colony of the state soldiers' home may not hold liquid assets in excess of that established in RCW 72.36.040. They are permitted to own real property provided such property is the domicile of the colony resident and is located within the school district of Orting.

(6) An applicant for admission to either home may own real property in excess of established limits provided such property is the domicile of the spouse and/or dependent children of the applicant.

(7) Real property owned by a couple where one is a resident of a state veterans' home and the other lives in the community shall, upon sale of the property, be subject to a division of the net proceeds whereby fifty percent is kept by the spouse living in the community and fifty percent by the spouse living in the home. Any resultant amount of assets held by the resident will be subject to the provisions of WAC 484-20-065(8). Exceptions to this distribution is allowed when the spouse living in the community purchases another residence of equal or greater value than the net proceeds of the sale in which (s)he expects to live. Where the spouse purchases a home of lesser value than the net proceeds from the sale of the first residence, the assets will be divided in accordance with the '50-50' stipulation above will apply: (1) An applicant shall be considered indigent if:

(a) His/her assets and total annual income for the year following admission, less resources and income retained pursuant to WAC 484-20-065 and divided by twelve, does not exceed the private rate for the section/unit for which he/she is making application; or

(b) He/she is found eligible to receive Medicaid.

(2) If an applicant does not meet the requirements of subsection (1) of this section, he/she may be eligible for admission if:

(a) He/she will become indigent through purchase of necessary long term care; or

(b) He/she agrees to make reasonable efforts to sell any nonliquid resources considered nonexempt under chapter 388-95 WAC, and pay at the private rate.

(3) An applicant for residency in the colony of the Washington soldiers home may not have income in excess of the federal poverty level. Colony residents may own real property provided such property is the domicile of the colony resident and is located in the Orting school district.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-045 Eligibility—Inability to support self/need for care. (1) To be eligible for admission an applicant must ~~((provide evidence of inability to support himself or herself. An applicant, age sixty five or older, provided his/her income and assets fall within limitations set forth in this chapter, is not required to provide further evidence of inability to support him/herself. If an applicant is less than age sixty five, (s)he))~~ be indigent as defined in WAC 484-20-040 and be in need of:

(a) Medicaid certified nursing facility care as described in WAC 388-97-235; or

(b) Nursing care other than Medicaid certified nursing facility care; or

(c) Domiciliary care.

~~((must have a long term disability necessitating care, as determined by the applicant's physician, for an indeterminate period of such duration that it can reasonably be assumed that the applicant's condition will not allow him/her return to independent living.))~~ (2) Applicants ~~((under age sixty five who do not have a permanent disability))~~ who are not in need of care as described in subsection (1) of this section are eligible for admission only if their application ~~((contains specific))~~ includes a rehabilitation ~~((goals))~~ plan. Such applicants ~~((may))~~ shall be admitted for a specific period ~~((of time))~~ as defined by the rehabilitation plan. Any reductions or extensions of the ~~((admission))~~ period of residency are made ~~((at the discretion of the superintendent))~~ upon recommendation of the interdisciplinary patient care team and are based on the resident's progress toward meeting or refusal to meet goals outlined in the rehabilitation plan.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-055 Eligibility—Surviving spouse of veteran. The surviving spouse of a veteran may be admitted to ~~((the veterans'/soldiers'))~~ a state veterans home provided:

(1) The veteran was a state resident at the time of death ~~((or))~~ and would have been eligible for admission except for his/her income or resources; and

(2) The spouse:

(a) Meets the provisions of WAC 484-20-045; and

(b) Has not remarried a person who is not a state resident or who is not eligible for admission.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-060 Eligibility—Married couple. A married couple may be admitted to ~~((the homes))~~ a state veterans home provided:

(1) They both meet the requirements of WAC 484-20-045.

(2) They are legally married, and if not living together, are separated because of different health care needs.

(3) They have been married at least three years prior to application, or the spouse is personally eligible for admission.

(4) At least one meets the requirement of WAC 484-20-030.

NEW SECTION

WAC 484-20-061 Resident assessment and care plan. (1) In accordance with federal regulations at 42 CFR § 483.20, the Medicaid certified nursing facilities shall provide resident care based on a systematic, comprehensive, interdisciplinary assessment, and care planning process in which the resident actively participates.

(2) The Medicaid certified nursing facility shall:

(a) Conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity;

(b) At the time each resident is admitted, have physician orders for the resident's immediate care; and

(c) Ensure that the comprehensive assessment of a resident's needs describes the resident's capability to perform daily life functions and significant impairments in the functional capacity.

(3) The comprehensive assessment shall include at least the following information:

(a) Medically defined conditions and prior medical history;

(b) Medical status measurement;

(c) Physical and mental functional status;

(d) Sensory and physical impairments;

(e) Nutritional status and requirements;

(f) Special treatments or procedures;

(g) Mental and psychosocial status;

(h) Discharge potential;

(i) Dental condition;

(j) Activities potential;

(k) Rehabilitation potential;

(l) Cognitive status; and

(m) Drug therapy.

(4) The Medicaid certified nursing facility shall conduct comprehensive assessments:

(a) No later than fourteen days after the date of admission;

(b) Promptly after any significant change in the resident's physical or mental condition; and

(c) In no case less often than once every twelve months.

(5) The Medicaid certified nursing facility shall ensure:

(a) Each resident is examined no less than once every three months, and as appropriate, the resident's assessment is revised to assure the continued accuracy of the assessment; and

(b) The results of the assessment are used to develop, review and revise the resident's comprehensive plan or care under subsection (6) of this section.

(6) Comprehensive care planning. The Medicaid certified nursing facility in compliance with federal regulations at 42 CFR § 483.20 shall develop a comprehensive care plan for each resident that includes measurable objective and timetables to meet a resident's medical, nursing and mental and psychosocial needs that are identified in the comprehensive assessment. The comprehensive care plan shall:

(a) Describe the services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being;

(b) Describe any services that would otherwise be required, but are not provided due to the resident's exercise of rights, including the right to refuse treatment;

(c) Be developed within seven days after completion of the comprehensive assessment;

(d) Be prepared by an interdisciplinary team that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the resident's needs; and

(e) Include the participation of the resident, the resident's family or the resident's legal representative.

(7) The Medicaid certified nursing facility shall follow the informed consent process as specified in WAC 388-97-060 regarding the interdisciplinary team's care plan recommendations. The resident care plan shall contain the resident's statement of consent to or refusal of care and service goals. Consent or refusal may be provided by the resident's legal representative when allowed by state law.

NEW SECTION

WAC 484-20-062 Vocational rehabilitation programs—Eligibility, admission and discharge. The facility may implement and manage vocational rehabilitation programs designed to meet special health care/service needs of veterans.

(1) An applicant is eligible for admission to vocational rehabilitation programs **only** if he/she meets the requirements of chapter 72.36 RCW, WAC 484-20-025 through 484-20-060 and other admission criteria as defined in the specific vocational rehabilitation program.

(2) Program participation shall be defined by means of an individualized rehabilitation plan made between the prospective resident and the state or federal entity funding the rehabilitation program.

(3) Residents who refuse to comply with participation goals as defined in the rehabilitation plan may be subject to discharge from both the rehabilitation program and the facility. Residents who are being discharged for noncompliance with participation goals shall receive written notice in accordance with WAC 484-20-103.

(4) If a resident is discharged from a rehabilitation program his/her initial application shall be screened by the agency or state veterans home admission team to determine eligibility for transfer to a nonrehabilitation section/program as described in chapter 72.36 RCW and this chapter.

NEW SECTION

WAC 484-20-063 Bed hold. (1) All Medicaid certified nursing facility residents shall receive written notice of the bed hold policy in accordance with federal regulations at 42 CFR § 486.12.

(2) Other facility residents shall pay the full resident contribution to hold a bed during periods of absence from the facility, unless an exception is made under the provisions of WAC 484-20-117.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-068 ((Duly constituted body.)) Resident council. (1) Each ((home)) facility shall have resident council consisting of ((the)) representatives elected by ((the home)) facility residents. ~~((The council is established to approve revolving fund disbursements and to communicate to the home's administration member needs and concerns.))~~ Elections shall be held annually.

~~((2) The resident council shall be composed of representatives from domiciliary, nursing care and, in the case of the soldiers' home, the colony.~~

~~(3) Representatives from the living units shall be elected by residents of that living unit or by all residents of the home.~~

~~(4) In the event of a vacancy on the resident council the resident council and the superintendent shall submit names to fill such vacancy subject to confirmation by a majority of the remaining elected representatives.~~

~~(5) The resident council and the superintendent or designee shall meet on a regularly scheduled basis. Agenda items may be submitted by the resident council, any home member, or the administration.~~

~~(6) The resident council may meet on its own at any time without notice to the administration.~~

~~(7) General meetings of the home residents will be held on a regular basis. Locations, times, and dates of such meetings will be published in advance to insure maximum attendance from the general resident population.))~~

(2) The council shall annually elect a chair from among its members. The chair shall call and preside at council meetings.

(3) The resident council shall serve in an advisory capacity to the respective superintendents and to the director in all matters related to policy and operational decisions affecting resident care and life in the facility, to include, but not be limited to, input into the biennial budget making process and facility supplementary policies and procedures. The superintendent shall give due and proper consideration to such input.

(4) Each resident council shall:

(a) Actively participate in development of choices regarding activities, food, living arrangements, personal care and other aspects of resident life; and

(b) When so requested by a resident, serve as an advocate in resolving grievances and ensuring resident rights are observed.

(5) Benefit fund.

(a) The resident council for each state veterans home shall annually review the proposed expenditures from the benefit fund. The resident council approves expenditures from the state veterans home benefit fund.

(b) Disbursements from the benefit fund shall be authorized by the superintendent after approval by the state veterans home resident council.

(6) Governance of the resident council.

(a) Bylaws, approved by the majority vote of the residents, shall define resident council operations.

(b) Bylaws shall be reviewed annually and amended as deemed appropriate by a majority vote of the residents.

(c) Bylaws shall include, but not be limited to definitions of mechanisms for:

(i) Annual elections of council members and chair;

(ii) Make up and responsibilities of any council committees;

(iii) Meeting schedules;

(iv) Determining the number of council members; and

(v) To ensure provisions for participation and representation from the Medicaid certified nursing facility sections, should those residents choose to participate in resident council activities. When considering benefit fund related issues/expenditures in accordance with chapter 72.36 RCW and WAC 484-20-070, state veterans home benefit fund, the resident council shall ensure representation from the Medicaid certified nursing facility sections.

(d) The superintendent at each facility shall review and sign the bylaws, indicating agreement with and support of the bylaws.

(7) The resident council shall meet with the superintendent monthly and with the department director three times annually.

(8) Each resident council shall be provided the following:

(a) Meeting space;

(b) Appropriate equipment and supplies; and

(c) Clerical support for minutes of all resident council meetings as requested.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-070 State veterans⁽²⁾ home ((or soldiers' home revolving)) benefit fund. ~~((1) The superintendent shall deposit all funds received from residents in accordance with provisions of WAC 484-20-065 into a revolving fund.~~

~~((2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.~~

~~((3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative.~~

~~((4) A proposed budget shall be prepared for each fiscal year by the superintendent or a duly authorized representative, and the WDVA assistant director for administrative services, which shall delineate income by sources and allocations by category. This budget shall be presented to the resident council for modification and approval. Approval of the budget shall constitute authority for the superintendent or his duly authorized representative(s) to make disbursements from the revolving fund in accordance with the approved budget. Should the resident council and superintendent disagree over budget items, the resident council or superintendent may request a review by the agency director. In all such reviews, the decision of the director is final.~~

~~((5) Expenditure of the revolving funds shall be subject to the provisions of state law and state personnel merit system rules and any applicable provisions with organizations representing staff. The revolving fund budget must continue funding for existing civil service positions until such time as the director or his/her designee, either individually or pursuant to a good faith request from the majority of the resident council, reduces full-time funding of a position~~

~~or positions from the revolving fund, approves, termination of position(s) through a reduction in force and all appeal rights of affected civil service employees have been exhausted.~~

~~(6) A quarterly report of the revolving fund activity shall be available for public inspection.))~~ (1) Each veterans home shall maintain a benefit fund into which all private donations, bequeaths, and gifts to the facility shall be deposited.

(2) The resident council shall participate in the identification of resident and facility needs for benefit fund solicitations.

(3) The resident council shall develop proposals for expenditures from the benefit fund. The minutes of the resident council meetings shall reflect the council's discussion and decision-making process related to proposed benefit fund expenditures. Facility fiscal staff may assist the resident council in the development of expenditure proposals as requested. The resident council shall ensure all areas of the state veterans home, including the Medicaid certified nursing facility, are represented during the council's discussion and decision-making process related to proposed benefit fund expenditures.

(4) Expenditures from the benefit fund shall be made as approved by the resident council and authorized by the superintendent. Whenever individuals or groups have made a donation, bequeath or gift to a state veterans home and have designated a specific purpose for such donation, bequeath or gift, the resident council and the superintendent shall take such designated purpose into account when approving expenditure of the funds. Should the resident council and the superintendent disagree over an expenditure approved by the resident council, the resident council or the superintendent may request a review by the director.

(5) Disbursements from the benefit fund shall be for the benefit and welfare of the residents of the respective state veterans home.

(6) The resident council shall receive monthly reports of income to and expenditures from the benefit fund.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-080 Annual declaration of income and ~~((assets))~~ resources. ~~((Each member will provide the superintendent with an annual statement reflecting all income and assets on a form prescribed by the department. When the member is authorized to contribute to the support of his/her dependents under WAC 484-20-065(4), the dependent will also be required to complete a statement of income and assets.))~~ (1) Each resident shall promptly provide the superintendent with a statement reflecting all income and resources:

(a) Annually, at such time as determined by department policy;

(b) Within fourteen days of any change in income;

(c) Within fourteen days of receipt of any lump sum/back-award payment of benefits. The department shall provide forms for reporting of income and resources; and

(d) If the resident is able to demonstrate good cause, exceptions may be made to the reporting deadlines in (b) and (c) of this subsection.

(2) Each resident shall comply with any reporting requirements necessary to initiate/continue any benefits and/or pensions to which he/she is entitled.

(3) Reports shall be made at intervals and on forms prescribed by the entity paying the benefits and/or pension. Copies shall be submitted to the facility's administration for filing in the resident's administrative file:

(a) U.S. Department of Veterans Affairs benefits — as prescribed by the U.S. Department of Veterans Affairs.

(b) Social Security benefits — as prescribed by the Social Security Administration.

(c) Medicaid benefits — as prescribed by the department of social and health services.

(d) Other pensions and benefits — as prescribed by the entity paying the pension/benefit.

(4) When a resident is authorized to contribute to the support of a dependent under WAC 484-20-065, the dependent shall also be required to comply with any required reporting intervals, using the prescribed form(s).

(5) The veterans benefit specialist and business office staff at each facility shall be available to assist residents to complete and submit appropriate reports in a timely manner and to resolve any underpayment or overpayment of benefits.

(6) Failure to comply with all income and resource reporting requirements may result in overpayment or underpayment of the resident contribution. Underpayment of the resident contribution may be grounds to begin discharge proceedings in accordance with WAC 484-20-120. Notice of such administrative action shall be given in accordance with WAC 484-20-103.

NEW SECTION

WAC 484-20-086 Restraints/prevention of abuse— Medicaid certified nursing facility. (1) Restraints. In accordance with federal regulations at 42 CFR § 483.13, the resident has the right to be free from any physical or chemical restraints imposed for purposes of:

(a) Discipline or convenience, and not required to treat the resident's medical symptoms; or

(b) Preventing or limiting independent mobility or activity, except that a restraint may be used in a bona fide emergency situation when necessary to prevent a person from inflicting injury upon self or others. The Medicaid nursing facility shall obtain within seventy-two hours a physician's order for proper treatment resolving the emergency situation and eliminating the cause for the restraint.

(2) Abuse. The resident has the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.

(a) The Medicaid certified nursing facility shall develop and implement written policies and procedures that prohibit mistreatment, neglect and abuse of residents and misappropriation of resident property.

(b) The Medicaid certified nursing facility shall:

(i) Not use verbal, mental, sexual, or physical abuse, corporal punishment or involuntary seclusion; and

(ii) Not employ persons who have been:

(A) Found guilty of abusing, neglecting or mistreating residents; by a court of law; or

(B) Have had a finding entered into the state nurse aide registry concerning abuse, neglect, mistreatment of residents, and misappropriation of their property; and

(iii) Report any knowledge it has of actions by court of law against an employee, which would indicate unfitness for services as a nurse aide or other medicaid certified nursing facility staff to the state nurse aid registry or licensing authorities.

(c) The Medicaid certified nursing facility shall ensure that all alleged violations involving mistreatment, neglect or abuse including injuries of unknown source, and misappropriation of resident property are reported immediately to the superintendent of the Medicaid certified nursing facility and to other officials in accordance with state law through established procedures (including the state survey and certification agency).

(d) The Medicaid certified nursing facility shall:

(i) Have evidence that all alleged violations are thoroughly investigated; and

(ii) Prevent further potential abuse while the investigation is in progress.

(e) The results of all investigations shall be reported to the superintendent or his/her designated representative and to other officials in accordance with state law (including to the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified, appropriate corrective action must be taken.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-087 Resident rights. ~~((1) Prior to or at the time of admission and annually thereafter, each resident shall be fully informed of his/her rights orally and in writing.~~

~~(2) The resident will be informed in a language (s)he understands regarding all rules and regulations covering resident conduct and responsibilities.~~

~~(3) Acknowledgement of receipt of these rights will be placed in the resident's medical and/or administrative record.~~

~~(4) The resident has a right to a dignified existence, self determination and communication with and access to persons and services inside and outside the facility. The department of veterans' affairs, and such facilities under the control of the department of veterans' affairs, will protect and promote the right of each resident. Each resident shall have the right to:~~

~~(a) Exercise his/her rights as a citizen of the United States;~~

~~(b) Be free of interference, coercion, discrimination, or reprisal in the exercise of his/her rights;~~

~~(c) Inspect and purchase photocopies of all records pertaining to the resident upon written request and forty-eight hours notice (excluding week ends) to the resident's facility;~~

~~(d) Be fully informed in language (s)he can understand of his/her total health status, including but not limited to, his/her medical condition;~~

~~(e) Refuse treatment and to refuse to participate in experimental research, provided that the resident is informed of therapeutic alternatives, and the consequences of refusing such nonexperimental treatment, including the option of discharge from the home when it is determined that the~~

~~resident's or other resident's welfare cannot be guaranteed without such treatment(s).~~

~~(f) Know what services and goods which will be provided by the facility and which services and goods the resident must provide for him/herself.~~

~~(g) Manage his/her financial affairs without the requirement that (s)he deposit his/her personal funds with the home.~~

~~(h) Fully informed in advance about care and treatment and of treatment that may affect the resident's well being and, unless adjudged incompetent under the laws of the state, participate in planning care and treatment.~~

~~(i) Personal privacy and confidentiality of his/her personal and clinical records, which shall include but not necessarily be limited to: Accommodations; medical treatment; written and telephone communications; personal care; visits; meetings of family and resident groups.~~

~~(j) Voice grievances with respect to treatment or care that is, or fails to be furnished, without discrimination or reprisal.~~

~~(k) Prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents;~~

~~(l) Refuse to perform services for the facility, and if (s)he chooses to perform work, the home must document the need or desire to work in the care plan, specify the nature of the services performed, and whether services are voluntary or compensated by stipends established by the superintendent for the work therapy program. The resident must agree to the work arrangements described in the care plan.~~

~~(m) To privacy in written communications, including: The right to send and receive mail promptly that is unopened; and access to stationery, postage, and writing instruments at the resident's expense.~~

~~(n) Immediate access to the resident by any representative of the Secretary of HEW; the federal Department of Veterans' Affairs; any representative of a state licensing agency; the resident's individual physician; the state long-term ombudsman.~~

~~(o) Regular access to the private use of a telephone, provided that the costs entailed from such use shall be borne by the resident.~~

~~(p) Retain and use personal possessions including appropriate clothing and some furnishings, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.~~

~~(q) Self administer drugs unless the home's patient care team has determined that this practice is unsafe.~~

~~(r) Examine the results of any federal or state inspection of the facility, along with any plan(s) for correction.~~

~~(5) In the event that a resident is judged financially incompetent under federal laws or mentally incompetent under the laws of the state by a court of competent jurisdiction, his/her rights may be exercised by a representative appointed under federal law or a guardian appointed under state law.~~

~~(6) Each resident shall receive a written description of resident rights to include a description of the manner of protecting personal funds and procedures established to resolve resident grievances or to initiate investigation of any reports of resident abuse, neglect, or misappropriation of resident property in the facility.~~

(7) The facility will inform each resident of the name, specialty, and way of contacting his/her attending physician.

(8) Except in a medical emergency or when the resident is incompetent, the facility will consult with the resident and notify the resident's physician, legal representative, or interested family member within twenty-four hours when there is:

- (a) An accident resulting in injury to the resident;
- (b) A significant change in the resident's physical, mental, or psychosocial status;
- (c) A need to significantly alter treatment;
- (d) A decision to transfer or discharge the resident from the facility.

(9) The facility will also promptly notify the resident, appointed representative/guardian, or designated family member when there is:

- (a) A change in room or roommate assignment;
- (b) A change in the resident's rights under federal or state law or regulations.

(10) The facility records and periodically updates the address and phone number of the resident's appointed representative or interested family member.

(11) The facility will establish and maintain a system that assures a full, complete, and separate accounting, according to generally accepted accounting principals, of each resident's personal funds entrusted to the home on the resident's behalf. The system must preclude any commingling of resident funds with facility funds or with the funds of any other resident. Individual financial records must be available on request by the resident or his/her appointed representative.

(12) The facility will provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(13) The facility will allow representatives of the state ombudsman to examine the resident's records with the written permission of the resident or the resident's appointed representative/guardian, so long as such access is consistent with state law.)) In compliance with federal requirements at 42 CFR § 483.10, residents of a state veterans home have the right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the state veterans home. The state veterans homes shall protect and promote the rights of each resident, including those with limited cognition or other barriers that limit the exercise of rights:

(1) Exercise of rights.

(a) The resident has the right to exercise his or her rights as a resident of the state veterans home and as a citizen or resident of the United States.

(b) The resident has the right to be free of interference, coercion, discrimination, and reprisal from the state veterans home in exercising his or her rights.

(c) In the case of a resident adjudged incompetent under the laws of the state by a court of competent jurisdiction, the rights of the resident are exercised by the person appointed under state law to act on the resident's behalf.

(d) In the case of a resident who has not been adjudged incompetent by the state court, any legal-surrogate designated in accordance with state law may exercise the resident's rights to the extent provided by state law.

(e) The state veterans home shall not require the resident to sign any contract or agreement that purports to waive any right of the resident.

(2) Notice of rights and services.

(a) The state veterans home shall inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the state veterans home. Such notification must be made prior to or upon admission and during the resident's stay. Receipt of such information, and any amendments to it shall be acknowledged in writing.

(b) The resident or his or her surrogate decision maker has the right:

(i) Upon an oral or written request, to access all records pertaining to the resident including clinical records within twenty-four hours for Medicaid certified nursing facility residents and according to chapter 7.02 RCW, for other facility residents; and

(ii) After receipt of his or her records for inspection, to purchase at a cost not to exceed the community standard, photocopies of the records or any portions of them upon request and two working days advance notice to the state veterans home.

(c) The resident has the right to be fully informed in language that he or she can understand of his or her total health status, including but not limited to, his or her medical condition.

(d) The resident has the right to refuse treatment, and to refuse to participate in experimental research; and

(e) The state veterans home shall according to federal regulations at 42 CFR § 483.10 (c)(8):

(i) Inform each resident who is entitled to Medicaid benefits, in writing, at the time of admission to the Medicaid certified nursing facility or, when the resident becomes eligible for Medicaid of:

(A) The items and services that are included in Medicaid certified nursing facility services under the state plan and for which the resident may not be charged;

(B) Those other items and services that the state veterans home offers and for which the resident may be charged, and the amount of charges for those services; and

(ii) Inform each resident when changes are made to the items and services specified in (e)(i)(A) and (B) of this subsection.

(f) The state veterans home shall inform each resident before, or at the time of admission, and periodically during the resident's stay, of services available in the state veterans home and of charges for those services, including any charges for services not covered under Medicaid or the Medicaid certified nursing facility daily rate.

(g) Disclosure of fees. Prior to admission, the state veterans home shall provide the applicant information on the amount which will be due upon admission.

(h) The state veterans home shall furnish a written description of legal rights which includes:

(i) A description of the manner of protecting personal funds, under subsection (3) of this section;

(ii) In the case of a Medicaid certified nursing facility resident, a description of the requirements and procedures for establishing eligibility for Medicaid, including the right to request an assessment which determines the extent of a

couple's nonexempt resources at the time of admission and attributes to the community spouse an equitable share of resources which cannot be considered available for payment toward the cost of the resident's medical care in his or her process of spending down to Medicaid eligibility levels;

(iii) A posting of names, addresses, and telephone numbers of all pertinent state client advocacy groups such as the state survey and certification agency and the state ombudsman program, the protection and advocacy network, and the Medicaid fraud control unit; and

(iv) A statement that the resident may file a complaint with the state survey and certification agency concerning resident abuse, neglect, and misappropriation of resident property in the state veterans home.

(i) The state veterans home shall inform each resident of the name, specialty, and way of contacting the physician responsible for his or her care.

(j) The Medicaid certified nursing facility shall prominently display in the Medicaid certified nursing facility written information and provide to residents and applicants for admission oral and written information about how to apply for and use of Medicare and Medicaid benefits, and how to receive refunds for previous payments covered by such benefits.

(k) Notification of changes.

(i) The state veterans home must immediately inform the resident; consult with the resident's physician; and if known, notify the resident's surrogate decision maker and when appropriate, with the resident's consent, an interested family member when there is:

(A) An accident involving the resident which results in injury and has the potential for requiring physician intervention;

(B) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychosocial status in either life-threatening conditions or clinical complications);

(C) A need to alter treatment significantly (i.e., a need to discontinue an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or

(D) A decision to transfer or discharge the resident from the state veterans home.

(ii) The state veterans home shall also promptly notify the resident and, if known, the resident's surrogate decision maker and when appropriate, with the resident's consent an interested family member when there is:

(A) A change in room or roommate assignment; or

(B) A change in resident rights under federal or state law or regulations.

(iii) The facility must record and periodically update the address and phone number of the resident's surrogate decision maker and interested family member.

(3) Protection of resident funds.

(a) The resident has the right to manage his or her financial affairs, and the state veterans home may not require residents to deposit their personal funds with the state veterans home.

(b) Management of personal funds. Upon written authorization of a resident, the state veterans home shall hold, safeguard, manage, and account for the personal funds of the resident deposited with the state veterans home.

(c) Accounting and records. The state veterans home must establish and maintain a system that assures a full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf.

(i) The system must preclude any commingling of resident funds with state veterans home funds or with the funds of any person other than another resident.

(ii) The individual financial records must be available through quarterly statements on request to the resident or his or her legal representative.

(d) Notice of certain balances. The state veterans home shall notify each resident that receives Medicaid benefits:

(i) When the amount in the resident's account reaches two hundred dollars less than the SSI limit for one person; and

(ii) That, if the amount in the account, in addition to the value of the resident's other nonexempt resources, reaches the SSI limit for one person, the resident may lose eligibility for Medicaid or SSI.

(e) Conveyance upon death. Upon the death of a resident with a personal fund deposited with the state veterans home, the state veterans home must convey within thirty days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate.

(f) Assurance of financial security. The state veterans homes are self-insured and assure the security of personal funds of residents deposited with the state veterans home.

(g) Limitation on charges to personal funds. The state veterans home may not impose a charge against the personal funds of a resident for any item or service for which payment is made under Medicaid, Medicare or the U.S. Department of Veterans Affairs.

(h) The state veterans home shall:

(i) Not charge a resident (or the resident's representative) for any item or service not requested by the resident;

(ii) Not require a resident (or the resident's representative) to request any item or service as a condition of admission or continued stay; and

(iii) Inform the resident (or the resident's representative) requesting an item or services for which a charge will be made that there will be a charge for the item or service and what the charge will be.

(4) Free choice. The resident has the right to:

(a) Choose a personal attending physician;

(b) Be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being; and

(c) Unless adjudged incompetent or otherwise found to be incapacitated under the laws of the state, participate in planning care and treatment or changes in care and treatment.

(5) Privacy and confidentiality. The resident has the right to personal privacy and confidentiality of his or her personal and clinical records.

(a) Personal privacy includes accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups, but this does not require the state veterans home to provide a private room for each resident;

(b) Except as provided in (c) of this subsection, the resident may approve or refuse the release of personal and clinical records to any individual outside the state veterans home;

(c) The resident's right to refuse release of personal and clinical records does not apply when:

(i) The resident is transferred to another health care institution; or

(ii) Record release is required by law.

(6) Grievances. A resident has the right to:

(a) Voice grievance without discrimination or reprisal. Such grievances include those with respect to treatment which has been furnished as well as that which has not been furnished; and

(b) Prompt efforts by the state veterans home to resolve grievances the resident may have, including those with respect to the behavior of other residents.

(7) Examination of survey results. A resident has the right to:

(a) Examine the results of the most recent survey or complaint investigation of the Medicaid certified nursing facility conducted by federal or state surveyors or inspectors and any plan of correction in effect with respect to the Medicaid certified nursing facility. The Medicaid certified nursing facility shall:

(i) Publicly post a copy of the most recent survey and complaint investigation until the violation is corrected to the satisfaction of the department of social and health services, up to a maximum of one hundred twenty days;

(ii) Make a copy of the survey results available for examination in a place readily accessible to residents;

(iii) Post a notice that the results of the survey or investigation are available and the location of the surveys when not posted; and

(iv) Post surveys and notices in a place or places in plain view of the residents in the Medicaid certified nursing facility, persons visiting those residents, and persons who inquire about placement in the Medicaid certified nursing facility; and

(b) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

(8) Work. The resident has the right to:

(a) Refuse to perform services for the state veterans home;

(b) Perform services for the state veterans home, if he or she chooses, when:

(i) The state veterans home has documented the need or desire for work in the plan of care;

(ii) The plan specifies the nature of the services performed and whether the services are voluntary or paid; and

(iii) The resident agrees to the work arrangement described in the plan of care.

(9) Mail. The resident has the right to privacy in written communications, including the right to:

(a) Send and promptly receive mail that is unopened; and

(b) Have access to stationery, postage, and writing implements at the resident's own expense.

(10) Access and visitation rights.

(a) The resident has the right and the state veterans home shall provide immediate access to any resident by the following:

(i) Any representative from the federal or state agency administering Medicaid or U.S. Department of Veterans Affairs health care programs;

(ii) The resident's individual physician;

(iii) Any representative of the state long term care ombudsman (established under section 307 (a)(12) of the Older American's Act of 1965);

(iv) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

(v) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with consent of the resident.

(b) The state veterans home shall provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(c) The state veterans home shall allow representatives of the state ombudsman, described in (a)(iii) of this subsection, to examine a resident's clinical records with the written permission of the resident or the resident's surrogate decision maker, and consistent with state law.

(11) Telephone. The resident has the right to have twenty-four-hour access to a telephone which:

(a) Provides auditory privacy; and

(b) Is accessible to a person with a disability and accommodates a person with sensory impairment.

(12) Personal property. The resident has the right to retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(a) No Medicaid certified nursing facility shall require residents to sign waivers of potential liability for losses of personal property.

(b) The state veterans home shall have a system in place to safeguard personal property within the state veterans home.

(13) Roommates rooms.

(a) A resident shall have the right to share a room with his or her spouse when married residents live in the same state veterans home and both spouses consent to the arrangement.

(b) A resident shall have the right to receive three days notice of change in room or roommate except where the move is at the resident's request, a longer or shorter notice is required to protect the health or safety of the person or other resident, or an admission is necessary.

(c) The Medicaid certified nursing facility shall make reasonable efforts to accommodate residents wanting to share the same room.

(14) Self-administration of drugs. An individual resident may self-administer drugs if the interdisciplinary care team has determined that this practice is safe.

(15) Refusal of certain transfers.

(a) An individual has the right to refuse a transfer to another room within the state veterans home, if the purpose of the transfer is to relocate a resident from a distinct part of

the state veterans home that is a Medicaid certified nursing facility to a part of the state veterans home that is not a Medicaid certified nursing facility.

(b) A resident's exercise of the right to refuse transfer under (a) of this subsection does not affect the individual's eligibility or entitlement to Medicare or Medicaid benefits.

NEW SECTION

WAC 484-20-088 Quality of life—Medicaid certified nursing facility. In accordance with federal requirements at 42 CFR § 483.15, the Medicaid certified nursing facility shall care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.

(1) Dignity.

(a) The Medicaid certified nursing facility shall promote care for residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.

(b) The Medicaid certified nursing facility shall provide treatment and care of each resident's personal care needs in a private area free from exposure to persons not involved in providing that care.

(2) Self-determination and participation. The resident has the right to:

(a) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plans of care;

(b) Interact with members of the community both inside and outside the state veterans home; and

(c) Make choices about aspects of his or her life in the state veterans home that are significant to the resident.

(3) Participation in resident and family groups.

(a) A resident has the right to organize and participate in resident groups in the state veterans home;

(b) A resident's family has the right to meet in the state veterans home with the families of other residents in the state veterans home;

(c) The Medicaid certified nursing facility shall provide a resident or family group, if one exists, with private space;

(d) Staff or visitors may attend meetings at the group's invitation;

(e) The Medicaid certified nursing facility shall provide a designated staff person responsible for providing assistance and responding to written requests that result from group meetings; and

(f) When a resident or family group exists, the Medicaid certified nursing facility shall listen to the views and act upon the grievance and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the Medicaid certified nursing facility.

(4) Participation in other activities. A resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the state veterans home.

(5) Accommodation of needs. A resident has the right to reside and receive services in the Medicaid certified nursing facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered.

(6) Activities. The Medicaid certified nursing facility shall:

(a) Provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental, and psychosocial well-being of each resident.

(b) Provide activities meaningful to the residents seven days a week at various times throughout the day and evening based on individual resident's need and preference;

(c) The activities program must be directed by a qualified professional who:

(i) Is a qualified therapeutic recreation specialist or an activities professional who:

(A) Is licensed or registered, if applicable, by the state; and

(B) Is eligible for certification as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body on or after October 1, 1990; or

(ii) Has two years of experience in a social or recreational program within the last five years, one or which was full-time in a patient activities program in a health care setting; or

(iii) Has completed a training course approved by the state.

(7) Social services.

(a) The state veterans home shall provide medically related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.

(b) A Medicaid certified nursing facility with more than one hundred twenty beds shall employ a qualified social worker on a full-time basis.

(c) A qualified social worker is an individual with:

(i) A bachelor's degree in social work or a bachelor's degree in a human services field including but not limited to sociology, special education, rehabilitation counseling, and psychology; and

(ii) One year of supervised social work experience in a health care setting working directly with individuals.

(8) Environment. The state veterans home shall:

(a) Provide a safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

(b) Provide housekeeping and maintenance service necessary to maintain a sanitary, orderly, and comfortable interior;

(c) Maintain comfortable sound levels, to include:

(i) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(ii) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time.

(9) Pets. Each resident shall have a reasonable opportunity to have regular contact with animals.

(a) The state veterans home shall consider the recommendations of residents, resident councils, and staff, and shall:

(i) Determine the method or methods of providing residents access to animals;

(ii) Determine the type and number of animals available in the state veterans home. Such animals may include those

customarily considered domestic pets. Wild or exotic animals prohibited as pets under state law are not allowed;

(iii) Ensure the rights, preferences, and medical needs of the individual resident is not compromised by the presence of the animal; and

(iv) Ensure any animal visiting or living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, staff or visitors.

(b) Animals living on the state veterans home premises shall:

(i) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and

(ii) Be veterinarian certified to be free of diseases transmittable to humans.

(c) Pets shall be restricted from areas where food is prepared, treatments are being performed, or when residents object to the presence of pets.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-089 Washington Soldiers⁽²⁾ Home Colony—Rights and responsibilities. (1) Individuals eligible for the colony program, hereinafter called "colony residents," shall have access to the following programs available to ~~((on grounds))~~ residents of the Washington soldiers⁽²⁾ home and subject to certain restrictions as noted:

(a) Participation in the ~~((home's on grounds))~~ facility's activities programs. Participation in off-grounds activities ~~((is also permitted except that))~~ may require a co-payment ~~((may be established by the superintendent))~~ to defray a portion of the costs of the activity.

(b) Transportation to medical appointments, provided that such transportation does not exceed those transportation services provided to ~~((on grounds))~~ residents of the Washington soldiers⁽²⁾ home. ~~((In the event that public transportation becomes available,))~~ The superintendent may require a co-payment for ((home)) transportation ((purposes not to exceed fifty percent of the prevailing public transportation costs)) provided by the facility.

(c) Distribution of medications from the ~~((home's))~~ facility's pharmacy to the extent that colony residents cannot obtain such medications through private, state and/or federal medical insurance programs for which the colony ~~((member))~~ resident is eligible. In the event that the colony ~~((member))~~ resident is ineligible for such medical insurance programs, the superintendent may require that a ~~((co-charge))~~ co-payment be paid by the colony ~~((member))~~ resident.

(d) In-patient nursing care when authorized by ~~((home))~~ facility medical staff and when such care is not otherwise available through private, state, or federal government medical insurance programs for which the colony resident is eligible. When admitted to a ~~((home))~~ facility nursing care unit and the in-patient stays exceed fourteen calendar days per year, the superintendent may require that the colony resident make a co-payment for nursing care services. Such co-payments shall be a set per diem amount as determined by ~~((WDVA))~~ department policy except as waived by the director.

(e) Admission to ~~((the soldiers' or))~~ a state veterans⁽²⁾ home as a long-term resident. Colony residents are required to complete a standard application for admission ~~((except that))~~. They shall be placed at the top of any existing waiting list for the type of care they require unless the date of their admission to the colony is later than another applicant on the same waiting list. In such cases, the colony resident's place on the waiting list shall be preceded only by ((the application or applications for admission)) any applicant(s) whose application was approved on a date preceding the colony ((member's)) resident's.

(f) Cash stipends for food allowances and clothing, as determined by the director and allocated by the legislature.

(g) ~~((Burial in the Washington soldiers' home cemetery in such a manner as determined prudent by the superintendent and established by department policy.))~~ If a resident has stated he/she wishes to be buried in the state veterans home cemetery, burial will be in accordance with WAC 484-20-145.

(2) Colony residents ~~((are required to))~~ shall:

(a) Promptly provide the superintendent with ((an annual)) a statement reflecting all income and ((assets at such a time as determined by department policy and on a form prescribed by the department.

~~((b) Report any changes in income or assets within a reasonable period, not to exceed thirty days, after such changes:~~

~~((e))~~ resources:

(i) Annually, at such time as determined by department policy;

(ii) Within fourteen days of any change in income or resources;

(b) Comply with rules of conduct as outlined in WAC 484-20-090 ((except for those which reasonably apply exclusively to on grounds residents of the soldiers' home)) when participating in programs ((on the grounds of)) sponsored by the Washington soldiers⁽²⁾ home.

(d) Maximize all benefits and entitlements for which they are eligible, utilizing services, and/or obtaining goods available through such local, state, or federal programs prior to utilizing services or obtaining goods through the Washington soldiers⁽²⁾ home.

(e) Failure to comply with any subsection of WAC 484-20-089 may result in denial of benefits received under this section. Notice of such denial will be given in accordance with WAC 484-20-103.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-090 ((Rules of conduct.)) State veterans home rules. Residents of the state veterans homes are ~~((required))~~ expected to comply with the following facility rules ((of conduct)). ((The following)) Facility rules ((of conduct)) apply to all residents ((of the homes.)):

(1) Health and safety rules.

(a) Emergency evacuation. Any time a fire or alarm is sounded, domiciliary residents must immediately evacuate the building and report to the designated evacuation area. Residents may not enter the evacuated building until designated staff indicate all is clear. Nursing care unit residents must follow the instructions of the nursing staff.

(b) Community living skills. ~~((Resident personal hygiene and community living skills))~~ The condition of residents living quarters must meet ((established)) existing fire, safety and health-sanitation codes. ((Each)) Residents shall accomplish and/or assist with maintaining their ((personal hygiene and)) living quarters as defined in their ((patient)) comprehensive care plan. Vacated rooms shall be left in a clean condition.

(c) Electrical appliances. Only low wattage household type electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, small refrigerators rated at not more than 1.5 amps and approved by the facility electrician, radios, audio and/or video recorders (VCRs), and disc playing machines may be used in resident's rooms. Use of any other ((electrie)) electrical equipment requires the written approval of the superintendent.

(d) Repair of rooms. Residents shall not alter or repair their living quarters or other common use areas. This includes but is not limited to walls (e.g., for hanging pictures), other flat surfaces, electrical systems, television/cable hook-ups, phone hook-ups, heating systems, and plumbing. ~~((All such alterations/repairs shall be accomplished by home staff.))~~ State veterans home staff shall assist residents in personalizing their rooms, including but not limited to hanging personal pictures and checking electrical appliances as authorized in (c) of this subsection. Requests for alterations((#) and/or repairs shall be made ((through staff designated by the superintendent or his/her alternate)) to the state veterans home plant manager.

(e) Alcohol - drugs. Possession or use of intoxicating beverages, narcotics, or controlled substances on the grounds of ~~((the Washington))~~ a state veterans((-)) home((-s)) or during off-grounds activities sponsored by the state veterans home((-s)), without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the resident to whom they were issued, shall be turned in to the state veterans home pharmacy.

(f) Weapons. Possession of firearms, ammunition, explosives or dangerous weapons is prohibited.

(g) Animals. Unauthorized possession or feeding of animals on ((home grounds)) state veterans home property is prohibited except when specifically sanctioned by the superintendent.

(h) Smoking. Residents may not smoke in bed or in any area in the state veterans home where no smoking signs are posted.

(2) General facility rules ~~((of conduct))~~.

(a) Visiting hours. Normal visiting hours for guests are 8:00 a.m. to 10:00 p.m.

(b) Program listening. Radios, TVs, and tape recording-playing devices such as video tape recorders (VCRs) and cassette players may be used in resident's rooms. Volume levels of such equipment must be kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones~~((, while not required,))~~ is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. Pursuant to U.S. Department of Veterans Affairs census reporting requirements, residents leaving the grounds for any purpose must sign out at designated locations ((in such a manner as prescribed by the home administration)). Upon returning, the resident must sign in again. After returning from overnight pass ((of)), furlough or social leave, the resident must ((stay in his/her room)) remain on the grounds overnight before permission to go on an additional overnight pass ((of)), furlough or social leave can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from overnight pass ((of)), furlough or social leave at the prescribed time without obtaining permission for an extension, ((makes the resident absent without official leave)) may result in the resident being discharged in accordance with WAC 484-20-120. Residents being admitted to the ((home)) facility must remain ((in their rooms)) on the grounds overnight before overnight pass or leave privileges may be exercised unless an exception is granted by the ((administration)) superintendent.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity or the state of Washington without permission is also prohibited. Residents are required to reimburse the state veterans home for theft and intentional or negligent injury to state property.

(e) Vehicle registration. Vehicles kept on ~~((home grounds))~~ state veterans home property must be registered at least annually with the state veterans home administration ((of the home)). Residents who drive on the ((home grounds)) state veterans home property must: Possess a valid Washington state driver's license; provide proof of ownership and/or registration; and, show proof of at least minimal insurance as required by Washington state financial responsibility law. The requirement to register applies to vehicles owned by residents, owned by another and registered in the name of the resident, and/or any vehicle regardless of ownership that is regularly in the possession of the resident. Vehicles must have current license tags and they must display the state veterans home identification sticker. All traffic and parking control signs must be obeyed. ((Residents must comply with the provisions of the Washington state financial responsibility law.))

(f) Personal conduct between residents and ~~((staff))~~ others. Residents ((will conduct themselves in an orderly, courteous, and cooperative manner at all times.)) are expected to refrain from obscene, sexually or racially demeaning, threatening language, or behavior, or physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a state veterans home-sponsored activity, will be considered a violation of this rule. ((Residents will obey all valid instructions directed at them by staff acting in an official capacity.

~~((g) Attire of home residents. Residents must dress in a manner so as not to reasonably offend the sensitivity of others.))~~

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-095 Supplementary policies and procedures. The superintendent of each state veterans home shall establish supplementary policies and procedures consistent with the substance and intent of the rules in this chapter and ~~((existing))~~ applicable federal and state statutes and standards. ~~((The resident council shall be afforded the opportunity for input into such supplementary policies and procedures. The superintendent will give due and proper consideration to such input.))~~

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-100 Violation—Investigation. (1) Reports of possible ~~((rule))~~ violations of state veterans home rules shall be investigated by the superintendent or his/her designee.

(2) The superintendent charging a violation of the rules or other misconduct by a resident shall have the burden of establishing the violation by clear, cogent and convincing evidence.

(3) Investigations of all substantiated violations of the rules shall include a referral to the patient care planning team to rule out health related causes. The patient care planning team shall document actions taken to review the rules violations with the resident and any resulting modifications to the care plan.

(4) Should the investigation reveal that the resident has violated state veterans home rules on several occasions and has refused to follow through with recommended treatment, counseling, and/or corrective actions, as documented in the clinical record, the investigation shall be forwarded to the superintendent for review and determination of appropriate administrative action. Any administrative action proposed pursuant to this section shall be given in accordance with WAC 484-20-103.

NEW SECTION

WAC 484-20-103 Administrative action, notice of.

(1) The state veterans home shall give notice to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's legal representative of any proposed administrative action, as defined in RCW 34.05.010(3) and this chapter; except as indicated in subsection (4) of this section.

(2) Timing of the notice. All notices shall be given in writing at least thirty days before the effective date of the proposed action, except notice may be given less than thirty days in advance but as soon as practicable before transfer or discharge when:

- (a) The safety of individuals in the state veterans home would be endangered;
- (b) The health of individuals in the state veterans home would be endangered;
- (c) The resident's health improves sufficiently to allow a more immediate transfer or discharge; or
- (d) When a facility resident is discharged pursuant to WAC 484-20-120 (2)(e).

(3) Contents of the notice. All written notices shall state:

- (a) The proposed action;
- (b) The reason for the action, to include a summary of the relevant facts and RCW and/or WAC authority for the proposed action;
- (c) The effective date of the proposed action;
- (d) A statement that the resident has the right to appeal the proposed action, including information on how to file for an appeal and how to contact client advocacy groups such as the state survey and certification agency or the state ombudsman program; and
- (e) A statement that the proposed action shall be deferred pending resolution of the appeal, when the appeal is received by the superintendent on or before the date of the proposed action.

(4) For Medicaid certified nursing facility residents notice of transfer or discharge is governed by WAC 388-97-270.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-105 ~~((Penalties))~~ Dispute settlement. ~~((The superintendent may impose penalties for the violation of rules of conduct, for gross misconduct or for willful failure to comply with any responsibility placed upon them by WAC 484-20-065; such penalties may include:~~

~~(1) Restricting the resident to the home grounds for a maximum of sixty days when determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction;~~

~~(2) An enforced furlough to a maximum of sixty days;~~

~~(3) A combination of penalties in subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;~~

~~(4) Transfer to another DVA home or colony;~~

~~(5) Discharge from a home pursuant to WAC 484-20-120.)~~ Residents have two avenues to appeal an administrative action.

Exception: Transfer and/or discharge of a Medicaid certified nursing facility resident is governed by WAC 388-97-270.

(1) Informal settlement. Informal settlement of matters that may make more elaborate proceedings unnecessary under this chapter is strongly encouraged. Use of the informal settlement process does not preclude a resident from requesting an adjudicative proceeding at any time during the informal settlement process.

(a) An informal settlement to review an administrative action by the department may be requested by forwarding a written request to the superintendent, not later than twenty-one days following receipt of the written notice of an administrative action by the state veterans home.

(b) Within fourteen days of receipt of the request for review, the superintendent or his/her designee shall review the administrative action and shall inform the resident of his/her decision to uphold, modify or reverse the administrative action. Notification of the superintendent's decision will be given in writing and in all cases the superintendent's decision shall be final except in the case of a request to continue the matter through an adjudicative proceeding.

(2) Adjudicative proceeding. An adjudicative proceeding is a formal appeal of an administrative action.

(a) An adjudicative proceeding may be requested by forwarding a written request to the superintendent not later than twenty-one days from the date the resident receives the notice of an administrative action or a final decision under the informal settlement provisions of this section.

(b) All such requests shall include a statement of whether the resident is represented and, if so, the name and address of the representative and be signed by the resident or his/her legal representative.

(c) The department shall immediately forward the request to the office of administrative hearings for scheduling of an administrative hearing pursuant to chapters 34.05 and 34.12 RCW and chapter 10-08 WAC.

(d) Any administrative action imposed pursuant to this chapter shall be deferred until the outcome of the administrative hearing except in cases of discharge under WAC 484-20-120 (2)(e).

(e) Administrative hearings pursuant to this subsection shall be conducted in the state veterans home in which the client resides except that in cases of discharge under WAC 484-20-120(5), the hearing shall be conducted in a location which is jointly agreed upon by both parties.

(f) Initial orders issued by the administrative law judge shall become final twenty-one days following issuance, unless the complaining party or the state veterans home requests a review of the order. In the case of such a review, the director or his/her designee, serving as the department's reviewing officer, shall conduct a review pursuant to chapter 34.05 RCW and issue a final order in the matter under consideration.

NEW SECTION

WAC 484-20-111 Grievance procedure. (1) Department grievance procedures shall consist of an optional informal discussion process and a formal process.

(a) Any resident, his or her appointed representative, family member or advocate may file a grievance related in any way to the state veterans home, another resident or a state veterans home staff.

(i) Filing. Grievance may be filed either orally or in writing to designated social work staff. Any oral grievance shall be reduced to writing by the staff receiving the grievance.

(ii) Grievances must be filed within fourteen days of the event or discovery of the event being grieved. This deadline may be extended for good cause at the discretion of the designated social work staff.

(iii) Grievance forms are available and located in easily accessed locations throughout the state veterans home. Completed grievance forms must be signed by the resident or individual filing the grievance on behalf of the resident and forwarded to designated social work staff for investigation.

(b) A resident shall not be subject to discipline or retaliation for participating in any manner in the state veterans home's grievance process.

(c) Residents are not prohibited from requesting an adjudicative proceeding or from filing a grievance with any state client advocacy group such as the state survey and

certifications agency or the state ombudsman program at any time during the grievance resolution process.

(2) Informal discussion process. Residents are encouraged to attempt to resolve grievances through an informal discussion with individuals who are involved. A grievance investigator shall facilitate such a discussion upon request.

(3) Formal grievance process.

(a) Investigation. Designated social work staff shall investigate all grievances received.

(i) In accordance with federal regulations at 42 CFR § 483.13, the Medicaid certified nursing facility shall:

(A) Ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, and misappropriation of resident property are reported immediately to the superintendent and to other officials in accordance with state law through established procedures (including the state survey and certification agency);

(B) Have evidence that all alleged violations are thoroughly investigated; and

(C) Prevent further potential abuse while the investigation is in progress.

(ii) The results of all investigations shall be reported to the superintendent or his/her designated representative and to other officials in accordance with state law (including to the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified, appropriate corrective action must be taken.

(b) At any point in the grievance process, a resident may choose to have another individual (including the resident council grievance committee, if one exists) to advocate on his/her behalf and/or accompany him/her to any investigative interviews.

(c) The grievance investigation shall be completed within seven days of receipt of the written grievance by the designated social work staff.

(d) The resident and/or person filing the grievance on behalf of the resident shall be informed in writing of the results of the investigation and the actions that will be taken to correct any identified problems.

(e) The grievance investigation shall be conducted in such a manner as to maintain the confidentiality of the resident. Should the resident request assistance of an outside resident advocate, access to the resident's clinical or personal files shall be granted only with the written authorization from the resident.

(4) Should the resident not be satisfied with the results of the investigation or the recommended actions, he/she may request a review by the superintendent.

(a) Such a request shall be made in writing and submitted within seven days of receipt of the notice of the results of the grievance investigation.

(b) The superintendent shall consider all available information related to the grievance and issue a written decision on the matter within fourteen days of receipt of the review request.

(c) The superintendent's decision is final except when the resident chooses to access the dispute settlement process allowed in WAC 484-20-105.

(5) Upon admission, each resident or his/her appointed representative shall receive oral and written information related to the state veterans home's grievance procedure.

Posters informing residents of the state veterans home's grievance procedure and listing names and phone numbers of state veterans home staff and outside resident advocates who are available to assist with grievance resolution shall be placed in locations within each state veterans home where they are easily visible to residents.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-115 Furlough—Residents other than Medicaid certified nursing facility residents. (1) ~~Furlough time will be earned by the resident at the rate of two days per month of residence.~~

~~(2) The superintendent may grant a furlough~~

~~(a) At the request of the resident.~~

The)) Residents are encouraged to coordinate with their attending physician and receive instructions on how to continue any prescribed care, treatment or medication during any furlough.

(2) Authorized absences of ninety-six hours or less are not considered furloughs.

(3) A furlough may not exceed ((thirty)) fifteen days at any one time except in the case of an emergency or extenuating circumstances.

~~((b) As a disciplinary measure as provided in WAC 484-20-105.~~

~~(3) Authorized absences of ninety-six hours or less shall not be considered furloughs.))~~

(4) ((The superintendent or his designee may authorize furlough in advance of accrual only in the case of emergency or extenuating circumstances.)) Furlough time may not exceed thirty days in any twelve-month period without a review for continued need for care and services.

NEW SECTION

WAC 484-20-116 Social leave—Medicaid funded program residents. (1) Medicaid certified nursing facility residents and staff shall comply with state regulations related to social leave under WAC 388-97-280.

(2) Medicaid certified nursing facility staff shall assist residents in obtaining CSO approval for social leave.

NEW SECTION

WAC 484-20-117 Rehabilitation leave. Rehabilitation leave is granted for the sole purpose of permitting a resident the opportunity to reestablish residency in a community setting.

(1) Rehabilitation leave is granted in thirty-day increments not to exceed a total of ninety days. At the conclusion of each thirty-day increment, the resident shall contact the facility and request a discharge, extend the rehabilitation leave for an additional thirty days, or make arrangements to return to the facility.

(2) To be eligible for rehabilitation leave, the resident shall comply with all of the following:

(a) Participate in counseling with social work and/or vocational rehabilitation staff and rehabilitation leave planning.

(b) Participate in counseling with family members if the resident shall be residing with family.

(c) Show proof of having established residency in the community through a rental agreement, a receipt showing prepayment for living quarters or evidence of other appropriate living arrangements.

(d) Demonstrate ability to manage financial resources and meet living expenses.

(e) Sign an agreement stipulating a payment schedule for any existing debts to the facility.

(f) Have written recommendations from the attending physician and social services staff; evaluating the potential success of the rehabilitation leave plan.

(3) A resident on rehabilitation leave may return at any time during the leave period; however immediate return shall be dependent upon the availability of a bed in the appropriate level of care. If a bed is not immediately available, the resident shall be placed at the top of the appropriate waiting list and shall be readmitted as soon as a bed is available.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-120 Transfer and discharge of state veterans home residents and denial of colony benefits. ~~((1) A resident may receive an honorable discharge from the home when:~~

~~(a) The member so requests and has liquidated all outstanding indebtedness to the home;~~

~~(b) The resident has sufficient financial resources to support community living;~~

~~(c) The resident no longer needs the care and services of the home, regardless of financial ability;~~

~~(d) The care requirements of the resident cannot be provided by the home;~~

~~(2) A resident may receive a disciplinary discharge:~~

~~(a) For failure to comply with the provisions of WAC 484-20-065, Use of resident's income and assets;~~

~~(b) For conviction of a felony or gross misdemeanor;~~

~~(c) For repeated violation of the general rules of conduct, WAC 484-20-090;~~

~~(d) For gross misconduct when such conduct poses an immediate danger to the safety of other residents and/or staff~~

~~(e) When a resident has been absent without leave for a period in excess of fifteen days;~~

~~(f) As the result of the director's final decision following a fair hearing which upholds the original findings and penalties imposed upon a resident in accordance with the provisions of WAC 484-20-100 and 484-20-105.~~

~~(3) A provisional honorable discharge may be given by a home superintendent to a resident with outstanding indebtedness to the home who agrees to liquidate the outstanding amount within a mutually agreed upon time period. Such provisional discharges shall be changed by the superintendent to a disciplinary discharge upon the resident's failure to fulfill the requirements of the agreement to liquidate indebtedness.~~

~~(4) Any discharge from the home shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action. All discharges shall be subject to the provisions of WAC 484-20-110.))~~

(1) Transfer and discharge — Medicaid certified nursing facility residents. Transfer and/or discharge of Medicaid certified nursing facility residents is governed by WAC 388-97-270.

(2) Transfer and discharge — Facility residents. Residents of the facility may be transferred or discharged:

(a) At their own request;

(b) When the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(c) When the transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;

(d) The safety of individuals in the state veterans home is endangered;

(e) The health of individuals in the state veterans home would otherwise be endangered;

(f) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility;

(g) When an initial order issued pursuant to WAC 484-20-105 becomes final;

(h) When a resident has been absent "against medical advice" for a period in excess of fourteen days; or

(i) If a facility resident strikes, threatens another person with bodily harm, or is found in possession of a dangerous weapon or illegal drugs. Confirmation of such actions may be cause for immediate discharge from the facility in accordance with RCW 34.05:479. In such circumstances notice pursuant to WAC 484-20-103 shall be given as soon as practicable.

(3) Denial of benefits — Colony residents. Colony residents may be denied colony program benefits for any reason listed in subsection (2)(a) through (i) of this section as may be caused by refusal to comply with provisions of WAC 484-20-089.

(4) Notice of transfer, discharge or denial of colony benefits. Notice of any transfer, discharge or denial of colony benefits given pursuant to this section shall be given in accordance with WAC 484-20-103 and shall be subject to the provisions of WAC 484-20-105.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-135 Transfer from one state veterans home to another. (1) A resident may apply for transfer to either state veterans home or the colony located at Orting. ((Transfer shall be approved upon recommendation of the appropriate superintendent(s)).

(2) A resident may be transferred from one veterans' home to another upon recommendation of the transferring and the receiving superintendents and authorization by the director when such transfer is for medical reasons.)) Requests for transfer are to be forwarded to the admissions team.

(2) All such requests shall be reviewed by the admissions team, using the admissions criteria.

(3) In addition, the admission team shall contact the superintendent of each state veterans home to obtain other information which may be pertinent to the transfer request.

(4) The admission team shall make a recommendation to approve or deny the transfer.

(5) The names of residents who are approved for transfer shall be placed on the waiting list for the program or service which the admission team has determined shall be

most appropriate for their health care needs. The position on the waiting list shall be determined by the date on which the transfer was approved.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-140 Readmission. ((A former resident who requested voluntary discharge and received an honorable discharge may not apply for readmission until three months after discharge.

A former resident who received a disciplinary discharge may not apply for readmission until twelve months after discharge.

The superintendent may approve exceptions on a case-by-case basis, following review of the circumstances of the discharge.)) Former residents may apply for readmission to the state veterans home by submitting an application in accordance with WAC 484-20-015.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-145 Burial in the state veterans home cemetery. ((The superintendent may authorize burial in home cemeteries for:

(1) A deceased resident for whom other arrangements have not been made;

(2) The deceased spouse of a former resident who is buried in the home cemetery, unless the spouse shall have remarried; or

(3) Cremated remains of a spouse, or other family member of a spouse who has not remarried since the death of a resident who is buried in the home cemetery, so long as burial will be in the same gravesite. All costs of burial shall be the responsibility of the next of kin.)) (1) To the extent practicable the remains of individuals who die at a state veterans home shall be disposed of in accordance with instructions given prior to death.

(2) An individual or his/her survivors (in the line of succession as designated in RCW 68.50.160) may request burial in the state veterans home cemetery when the deceased is a resident of the state veterans home at the time of death.

(3) A nonresident spouse of a former resident who is buried in the facility's cemetery may request burial in the state veterans home cemetery, unless the spouse has remarried. If the spouse wishes to be buried in the facility's cemetery, he/she makes such a request with the knowledge that his/her remains will be cremated and buried in the same gravesite as the former resident.

(4) Funeral arrangements and all burial costs shall be the responsibility of the deceased individual's estate or his/her survivors (or the county if there are no survivors) in accordance with RCW 68.50.160.

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

WAC 484-20-150 Population level. The superintendents shall keep the population of the state veterans homes as close to full capacity as possible provided; such population approximates the population ((for which budgeted by the

legislature. Residents will be assigned to a level of care consistent with their health care needs)) submitted and approved in the department's budget.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 484-20-050 Eligibility—Income.
- WAC 484-20-075 Aid and attendance account.
- WAC 484-20-110 Fair hearing.

**WSR 94-22-055
PERMANENT RULES
DEPARTMENT OF HEALTH**

[Filed November 1, 1994, 8:40 a.m., effective January 1, 1995]

Date of Adoption: October 18, 1994.

Purpose: Reduce surplus revenue; comply with legislative mandates; eliminate unnecessary fees.

Citation of Existing Rules Affected by this Order: Amending WAC 246-853-900, 246-922-990, and 246-847-990.

Statutory Authority for Adoption: RCW 43.70.250, chapters 18.57, 18.57A, 18.22, 18.59 RCW.

Pursuant to notice filed as WSR 94-18-100 on September 6, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-802-990 Acupuncture fees are not being filed for adoption but will be filed in a supplemental for further review.

Effective Date of Rule: January 1, 1995.

October 31, 1994

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-847-990 Occupational therapy fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Occupational therapist:	
Application fee (nonrefundable)	\$ 90.00
Initial license	80.00
License renewal	125.00
Limited permit fee	40.00
Late renewal fee	60.00
Duplicate	15.00
Certification	25.00
Occupational therapy assistant:	
Application fee (nonrefundable)	90.00
Initial license	80.00
License renewal	((+125.00)) 95.00
Late renewal fee	60.00
Limited permit fee	40.00
Duplicate	15.00
Certification	25.00

AMENDATORY SECTION (Amending Order 281, filed 6/25/92, effective 7/26/92)

WAC 246-853-990 Osteopathic fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Osteopath:	
Renewal	(((\$410.00)) \$360.00
((Duplicate	15.00))
Certification	25.00
Osteopathic physician:	
Endorsement application	500.00
License renewal	(((\$410.00)) 360.00
Inactive license renewal	(((\$270.00)) 250.00
Late renewal penalty	50.00
((Flex exam/state exam application	600.00))
Inactive license reinstatement	360.00
Endorsement/state exam application	500.00
((Retake flex I	300.00))
Retake flex II	350.00))
Reexam	100.00
((Duplicate license	15.00))
Certification	25.00
Limited license application	250.00
Limited license renewal	205.00
Temporary permit application	50.00
Impaired program surcharge	15.00
Osteopathic physician assistant:	
Application	150.00
Renewal	50.00
((Duplicate license	15.00))
Certification	25.00
Practice plan	50.00
Impaired program surcharge	15.00

AMENDATORY SECTION (Amending Order 280, filed 6/25/92, effective 7/26/92)

WAC 246-922-990 Podiatry fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	(((\$650.00)) 625.00
Inactive license renewal	135.00
Late renewal penalty	100.00
Duplicate license	15.00
Certification	25.00
Retired active status	150.00
Temporary practice permit	50.00
Limited license application	150.00
Limited license renewal	200.00
Impaired program surcharge	25.00

PERMANENT

WSR 94-22-056
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed November 1, 1994, 10:25 a.m.]

Date of Adoption: October 31, 1994.

Purpose: To expand surplus property disposal priorities to include tax-exempt nonprofit organizations, to clarify that state surplus property is intended for reuse by the purchaser and not for immediate resale, and to provide for action against accounts in arrears.

Citation of Existing Rules Affected by this Order: Amending WAC 236-48-190.

Statutory Authority for Adoption: RCW 43.19.1919.

Pursuant to notice filed as WSR 94-16-034 on July 26, 1994.

Effective Date of Rule: Thirty-one days after filing.
 October 31, 1994
 John Franklin
 Director

AMENDATORY SECTION (Amending WSR 92-09-016, filed 4/3/92, effective 5/4/92)

WAC 236-48-190 Surplus property disposal priorities. Excess and/or surplus property will be offered for sale, transfer, or donation as designated below and according to the following priorities:

(1) Sale or transfer to state agencies (including state universities and colleges);

(2) Sale or transfer to other tax-supported educational agencies;

(3) Sale or transfer to tax-supported agencies, municipalities or political subdivisions within the state of Washington;

(4) Sale or transfer to tax-exempt nonprofits;

(5) Donation of surplus, tangible personal property to qualified shelters as described in and in accordance with RCW 43.19.1920.

~~((5))~~ (6) Sale to the general public including by auction, sealed bid and negotiation;

~~((6))~~ (7) Other action as needed, such as destruction where it has been determined that the item has no sale value.

NEW SECTION

WAC 236-48-1902 Surplus property—intent of state surplus priorities. Surplus property purchased, transferred or donated pursuant to the priorities of WAC 236-48-190 (1) through (5) is intended for the sole use of the purchaser, transferee or donee. Entities with priority under WAC 236-48-190 (1) through (5) shall not profit from the immediate resale of surplus property.

The director of general administration may take action against accounts in arrears or priority buyers who do not comply with the intent of this section. An account is in arrears when it is sixty days past due or ninety days past issuance of invoice. Such action includes, but is not limited to, cancellation or suspension of shopping privileges, cancellation or suspension of priority shopping status.

WSR 94-22-072
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed November 2, 1994, 8:47 a.m.]

Date of Adoption: October 28, 1994.

Title of Rule: WAC 246-818-142 Temporary practice permit—Issuance and 246-818-143 Temporary practice permit—Eligibility and duration.

Purpose: Rules to provide for issuance of temporary practice permits to dentists applying for full dental licensure within Washington state.

Statutory Authority for Adoption: RCW 18.32.0365, RCW 18.130.075 Uniform Disciplinary Act.

Pursuant to notice filed as WSR 94-19-093 on September 21, 1994.

Effective Date of Rule: Thirty-one days after filing.
 October 28, 1994

John R. Winters, DDS, Chairman
 Dental Quality Assurance Commission

NEW SECTION

WAC 246-818-142 Temporary practice permits - Eligibility (1) A temporary practice permit, as defined in RCW 18.130.075, shall be issued at the written request of an applicant:

(a) licensed in another state, with licensing standards substantially equivalent to Washington, who applies for the dental examination and meets the eligibility criteria for the examination as outlined in WAC 246-818-020; or

(b) currently licensed and practicing clinical dentistry in another state, who applies for dental licensure without examination and meets the eligibility criteria for the licensure without examination program as outlined in WAC 246-818-120 (1-7).

(2) In addition to the requirements outlined in (1)(a) and (b) above, the conditions of WAC 246-818-090 shall also be met for applicants who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

NEW SECTION

WAC 246-818-143 Temporary practice permits - Issuance and duration. (1) Unless there is a basis for denial of the license or for issuance of a conditional license, the applicant shall be issued a temporary practice permit by the Commission, upon:

(a) receipt of a completed application form on which a request for a temporary practice permit is indicated;

(b) payment of the applicable application fee;

(c) receipt of written verification of all dental licenses, whether active or not, attesting that the applicant has a dental license in good standing and is not the subject of any disciplinary action for unprofessional conduct or impairment;

(d) receipt of disciplinary data bank reports

(2) The temporary practice permit shall expire:

(a) immediately upon issuance of a full, unrestricted dental license by the Commission;

(b) upon notice of failure of the dental examination;

(c) upon issuance of a Statement of Intent to Deny; or

(d) within a maximum of 120 days.

(3) A temporary practice permit shall not be renewed, reissued or extended.

PERMANENT

WSR 94-22-015
EMERGENCY RULES
HEALTH CARE AUTHORITY
 [Filed October 21, 1994, 1:28 p.m.]

Date of Adoption: October 21, 1994.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Citation of Existing Rules Affected by this Order: Amending WAC 55-01-010, 55-01-020, 55-01-030, 55-01-040, 55-01-050, 55-01-060, and 55-01-070.

Statutory Authority for Adoption: RCW 70.47.050.

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: Changes were made to accommodate revisions in the provisions for Medicaid/Basic Health Plan eligibility coordination in the Health Services Act, E2SSB 5304.

Effective Date of Rule: Immediately.

October 21, 1994
 Elin Meyer
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-14-088, filed 6/30/92, effective 7/31/92)

WAC 55-01-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the ~~((Washington basic health plan))~~ administrator of the Washington state health care authority (HCA) or designee.

~~((2))~~ "Certificate of coverage" means a written document issued by the plan to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. ~~The certificate of coverage issued to a subscriber shall pertain to the subscriber and family dependents.~~

(2) "Appeal procedure" means a written procedure for resolution of problems or concerns raised by enrollees.

(3) "Basic health plan" (BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the HCA administrator through managed health care systems, created by chapter 70.47 RCW. The Washington state basic health plan is a program within the Washington state health care authority.

~~((3))~~ (4) "Copayment" means a payment indicated in the schedule of benefits which is made by an enrollee to a managed health care system. ~~((or health care provider, or to the plan, when specifically instructed to do so by the plan, for covered services provided to the enrollee.))~~

~~((4))~~ (5) "Covered services" means those services and benefits to which an enrollee is entitled, under the ~~((certificate of coverage))~~ benefit booklet issued by the ~~((plan))~~ HCA to the enrollee (or to a subscriber on behalf of the enrollee), in exchange for payment of premium and applicable copayments.

~~((5))~~ "Dependent child" means an individual's unmarried natural child, stepchild, or legally adopted child, who is either (a) younger than age nineteen, or (b) younger than age twenty three and (i) is a full time student at an educational

~~organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (ii) is pursuing a full-time course of institutional on farm training under the supervision of an educational organization described in WAC 55-01-010 (5)(b)(i).))~~

(6) "Effective date of enrollment" means the first date, as established by the ~~((plan))~~ HCA, on which an enrollee is entitled to receive covered services from the enrollee's respective participating managed health care system.

(7) "Eligible dependents." The following are eligible as dependents under the BHP:

(a) Lawful spouse of the subscriber, if not legally separated, who resides in the same residence.

(b) Dependent child who is an unmarried child and who is:

(i) Younger than age nineteen and is a natural child, stepchild or legally adopted child.

(ii) Younger than age twenty-three who is a registered student in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the subscriber is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(iii) Legal dependent of any age who is incapable of self-support due to developmental disability or physical handicap.

(8) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

~~((7))~~ (9) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in the ~~((plan))~~ BHP, and for whom applicable premium payments have been made.

~~((8))~~ (10) "Family" means an individual or an individual and the individual's ~~((spouse, if not legally separated, and the individual's dependent children))~~ eligible dependents. For purposes of eligibility determination and enrollment in the ~~((plan))~~ BHP, an individual, or dependent cannot be a member of more than one family.

~~((9))~~ "Family dependent" means a subscriber's legal spouse, if not legally separated, or the subscriber's dependent child, who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.

(11) "Financial sponsor" means a person, employer or other entity that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any family dependents.

~~((10))~~ "Grievance procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Grievance" means a problem or concern presented for resolution through a grievance procedure.)

~~((11))~~ (12) "Gross family income" means ~~((the total income of all members of an enrollee's family, regardless of whether those family members enroll in the plan.~~

~~(a) For purposes of this definition, for applications for enrollment which are received by the plan on or before March 31, 1989, "income" includes but is not limited to wages and salaries, net income from rentals or self-employment, tips, interest income, dividends, royalties, public or private pensions, and Social Security benefits.~~

~~(b) For purposes of this definition, for applications for enrollment which are received by the plan on or after April 1, 1989 and for premium payments which are made for coverage on or after June 1, 1989, "income" means)) total cash receipts of the subscriber and eligible dependents before taxes from all sources, with the exceptions noted below.~~

~~((+)) (a) Income includes: (i) money wages and salaries before any deductions regardless of whether those eligible dependents enroll in BHP; (ii) net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); (iii) net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); (iv) regular payments from Social Security, child support, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance ((including aid to families with dependent children, supplemental security income, emergency assistance money payments, and non-federally-funded general assistance or general relief money payments), and training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions)) (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash; (v) work study; and (vi) dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.~~

~~(b) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level.~~

~~((+)) (c) Income does not include the following types of money received: (i) Capital gains; (ii) any assets drawn down as withdrawals from a bank, the sale of property, a house or a car; (iii) tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation)((-Also excluded are)); (iv) noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance(-); (v) ((e) "Income" shall not include) income earned by dependent children except for regular~~

payments from Social Security, nor shall it include income of a family member who resides in another household when such income is not available to ((those family members)) the subscriber and eligible dependents seeking enrollment in the ((plan)) BHP; and (vi) university scholarships, grants, fellowships and assistantships if not convertible to cash.

~~((d) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level. (For example, if an applicant receives quarterly interest payments in January, April, July, and October, and applies for coverage by the plan in September, the July payment will be divided by three to obtain a monthly income amount.))~~

~~((+)) (13) "Managed health care system" (or "MHCS") means any health care organization who has entered into a contract with the HCA to provide the BHP to enrollees, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to ((a defined patient population enrolled in the plan and in the managed health care system)) enrollees. On and after July 1, 1995, "MHCS" means a certified health plan as defined in RCW 43-72-010.~~

~~(14) "Medicaid" means the Title XIX Medicaid program. This medical care program is administered by the Medical Assistance Administration to the "categorically needy" as defined in chapters 388-82 and 388-92 WAC and to those defined as "medically needy" under WAC 388-80-005(45).~~

~~((+)) (15) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."~~

~~(16) "Benefit booklet" means a written document issued by the HCA to a subscriber which describes the covered services, premiums, appeal procedures and other rights and responsibilities of enrollees. The benefit booklet represents the enrollee's certificate of coverage. The benefit booklet issued to a subscriber shall apply to the subscriber and enrolled dependents.~~

~~(17) "Nonsubsidized enrollee" means an enrollee who pays, or on whose behalf is paid (excluding Medicaid recipients or those enrollees who are eligible to receive Medicaid benefits), the full costs for participation in BHP, including administrative costs, without any subsidy from BHP.~~

~~((+)) (18) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their ((membership)) enrollment from one participating managed health care system to another. ((There shall be at least one open enrollment period of at least twenty consecutive days, at least once annually, in each site served by the plan.))~~

~~((+)) "Participating," when referring to a managed health care system, means one that has entered into a~~

contract with the plan to provide covered services to enrollees. When referring to a health care provider, "participating" means one who is employed by or has entered into a contract with a participating managed health care system to provide covered services to enrollees.

~~((16))~~ (19) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which a subscriber or financial sponsor makes to the ~~((plan))~~ HCA on behalf of the subscriber and ~~((family))~~ eligible dependents in consideration for enrollment in the ~~((plan))~~ BHP.

~~((17))~~ "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.)

~~((18))~~ (20) "Rate" means the per capita amount, including any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a ~~((participating))~~ managed health care system, ~~((that is based upon the enrollment of enrollees in the plan and in that MHCS))~~ to provide the schedule of benefits described in the benefit booklet to enrollees.

(21) "Residence" means the one principal physical location at which an individual lives.

~~((19))~~ "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which enrollees shall be entitled to receive from participating managed health care systems.)

~~((20))~~ (22) "Service area" means the geographic area served by a ~~((participating))~~ managed health care system as defined in its contract with the ~~((plan))~~ HCA.

~~((21))~~ (23) "Site" means a geographic area designated by the ~~((plan))~~ HCA in which one or more ~~((participating))~~ managed health care systems are offered to enrollees for selection.

~~((22))~~ (24) "Subscriber" is a person who meets all applicable eligibility requirements, is enrolled in the BHP, and for whom the monthly premium has been paid. Notices (with the exception of disenrollment notices) to a subscriber, or if applicable to a financial sponsor, shall be considered notice to the subscriber and his/her enrolled dependents. Disenrollment notices will be sent to the subscriber, or the parent or legal guardian of an enrolled dependent child. ~~((means an enrollee, or the parent or legal guardian of an enrolled dependent child, who has been designated by the plan as the individual to whom the plan and the managed health care system will issue all notices, information requests and premium bills on behalf of all enrolled family members. For purposes of chapter 55-01 WAC, notice to a subscriber shall be considered notice to all enrolled members of the subscriber's family as well.~~

~~((23))~~ "Subsidy" means the difference between the rate paid by the administrator to a managed health care system on behalf of an enrollee and the enrollee's premium responsibility.

(25) "Subsidized enrollee" means an enrollee whose gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, for whom funds are available to provide a partial subsidy of the premium according to a premium schedule adopted by the administrator. Medicaid recipients who are

enrolled in managed health care systems through the BHP are also considered by the HCA and the department of social and health services to be "subsidized" enrollees.

(26) "Subsidy" means the difference between the premium responsibility of a subsidized enrollee, who is not a Medicaid recipient, and the costs incurred by the HCA in providing coverage to that subsidized enrollee. The costs incurred include both the rate paid by the HCA to a managed health care system on behalf of the enrollee and that portion of the administrative cost of providing the BHP allocated by the administrator to that enrollee.

~~((24))~~ "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by chapter 70.47 RCW.)

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

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

AMENDATORY SECTION (Amending WSR 92-14-097, filed 6/30/92, effective 7/31/92)

WAC 55-01-020 Schedule of benefits. (1) The administrator shall design and from time to time may revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, prescription drugs and medications, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to the ~~((plan))~~ HCA and payment of required copayments. The schedule of benefits is subject to copayments, limitations and exclusions detailed in the benefit booklet. ~~((However, for the period beginning July 1, 1992, and ending June 30, 1993, the schedule of benefits shall not include prenatal or postnatal services for enrollees who are eligible for coverage under the medical assistance program under chapter 74.09 RCW, except to the extent that such services are necessary over not more than a one month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan.~~

(2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.)

~~((3))~~ (2) Prior to enrolling in the ~~((plan))~~ BHP, each applicant will be given a complete written description of

covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.

~~((4))~~ (3) Subscribers will be given written notice by the ~~((plan))~~ HCA of any ~~((planned revisions to the benefit package and the accompanying premiums;))~~ changes in the amount and scope of benefits provided under the BHP. Such notice ~~((t))~~ will be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. ~~((For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.))~~

AMENDATORY SECTION (Amending WSR 92-14-088, filed 6/30/92, effective 7/31/92)

WAC 55-01-030 Premiums and copayments. (1) ~~((Each))~~ Subscribers shall be responsible for paying a monthly premium to the ~~((plan))~~ HCA, on behalf of the subscriber and all ~~((family))~~ enrolled dependents ~~((according to a premium schedule to be provided by the plan at the time the subscriber is enrolled by the plan)).~~ A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of any enrollee.

(2) Any co-payments required will be established initially in the contract between the HCA and the MHCS and will be detailed in the benefit booklet. Premiums are based on the subscriber's gross family income, the total number of people in the family, and the age of each enrollee. The benefit booklet shall specify the terms of payment and notice requirement for changes in the premium. ((The amount of premium payable by any subscriber will be based upon the subscriber's gross family income and rates payable to participating managed health care systems, and may vary with the number and ages of individuals enrolled from a given family. A third party may, with the approval of the administrator and through a mechanism acceptable to the administrator, pay the premium on behalf of any enrollee. Premium amounts payable shall be a monthly dollar payment or a percentage of the total rate payable by the plan. A statement of the monthly amount due will be mailed to the subscriber upon determination of eligibility for the plan.

(2) Based on the information provided by an enrollee on the application for enrollment, and any other information obtained by the plan, the enrollee will be informed of the premium amount due. The plan will notify subscribers in writing of any revisions to the premium schedule or to the premium amounts payable to the plan, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect, except that retroactive enrollment of a newborn or newly adopted child (as provided in WAC 55-01-050(6)) may result in a corresponding retroactive increase in premium payable to the plan. For purposes of this

~~provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan.~~

~~(3) Once the plan has determined that a subscriber and members of the subscriber's family (if any) are eligible for enrollment, the plan will bill the subscriber for the family's first month's premium. The subscriber and family members will not be eligible to receive covered services on the effective date of enrollment specified by the plan unless the premium bill is paid in full by the due date specified on the bill. Thereafter, the plan will bill each subscriber monthly, and the subscriber shall be responsible for payment of the billed amount in full by the date specified on the bill.~~

(4) Premium bills must be paid in full by the date specified on the bill. Payment may be made in person at the plan's administrative office in Olympia, Washington, or by mail to the address specified on the bill. If the plan does not receive payment in full of a premium bill by 5:00 p.m. on the date specified on the bill, the plan shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with the plan, requiring payment in full by a date not less than ten days from the date of the notice. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received by the plan. Partial payment of premiums due will be regarded as nonpayment. The plan may disenroll a subscriber and enrolled family members in the event that the subscriber receives more than two delinquency notices in a twelve-month period.

~~((5))~~ (3) Enrollees shall be responsible for paying any required copayment ~~((directly to the provider of a covered service, unless the enrollee has been instructed by his or her managed health care system or the plan to make payment to another party. Copayments must be paid in full by the enrollee at the time of service.))~~ Failure to pay a required copayment in full at the time of service may result in the denial or rescheduling of that service by the managed health care system. Repeated failure to pay copayments in full on a timely basis may result in disenrollment, as provided in WAC 55-01-060(2).

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

AMENDATORY SECTION (Amending Order 88-001, filed 12/2/88)

WAC 55-01-040 Eligibility. (1) To be eligible for enrollment in the plan, an individual must:

(a) ~~((Be under age sixty-five;~~

~~((b) Not be eligible for medicare;))~~ Not be eligible for medicare;

(b) At the time of enrollment, not have or not have voluntarily relinquished health insurance more comprehensive than that offered by the BHP based upon a determination by the administrator. Factors which may be considered in determining whether insurance is more comprehensive include, but are not limited to, enrollee's current benefit plan

and the associated co-pays, co-insurance, deductibles and benefit exclusions;

(c) Reside within the service area of a ~~((participating))~~ managed health care system; and

(d) ~~((Have a gross family income at the time of enrollment that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the Federal Department of Health and Human Services.))~~ If subsidized and if requested by the administrator, provide proof that a Medicaid eligibility determination has been completed within the last thirty days, including the results of that determination.

Persons not meeting all of these criteria (with the exception of (b)), at the time of initial application, as evidenced by information submitted on the application for enrollment or otherwise obtained by the ~~((plan))~~ HCA, will not be enrolled. Criterion (b) must be met at the time of enrollment. An enrollee who subsequently fails to meet all of the criteria, or is later determined to have failed to meet all of the criteria at the time of enrollment, will be disenrolled from the ~~((plan))~~ BHP as provided in WAC 55-01-060(~~—except that an enrollee whose gross family income exceeds twice the federal poverty level may continue as an enrollee for up to six months, provided all other criteria are met and provided that the enrollee pays a monthly premium equal to the rate stated in the contract between the plan and the participating managed health care system selected by the enrollee~~)).

(2) To be eligible for subsidized enrollment in the BHP, an individual must have a gross family income that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services.

The administrator may require enrollees or prospective enrollees to complete the following eligibility determination process, as further defined under chapter 74.09 RCW (pertaining to eligibility for the Medicaid program), prior to enrollment or continued participation in the BHP.

(a) A prospective or current enrollee shall comply with an HCA request to provide evidence to the administrator that a Medicaid eligibility determination has been completed within the past thirty days and the results of this determination.

(b) The administrator shall ensure that all prospective or current BHP enrollees who are determined to be eligible for Medicaid receive complete information regarding the benefits available through the Medicaid program compared to the benefits they would receive (or are currently receiving) under the BHP.

(c) Failure or refusal on the part of a prospective or current enrollee to comply with a request to complete the Medicaid eligibility determination process may preclude enrollment and may affect continued participation in the BHP subsidy.

~~((2))~~ (3) An individual otherwise eligible for enrollment in the ~~((plan))~~ BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment in a given service area would exceed limits established by the legislature(~~—would jeopardize the orderly development of the plan in that service area, or would result in an overexpenditure of plan funds~~) or additional enrollment in a given MHCS would exceed established contract

limits, or would result in an overexpenditure of BHP funds, or would jeopardize the orderly development of BHP. In the event that the administrator closes enrollment in a given service area, the ~~((plan))~~ HCA will continue to accept applications for enrollment, but will not process those applications for determination of eligibility. The ~~((plan))~~ HCA will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants. In the event that enrollment is reopened by the administrator, applicants whose names appear on the waiting list will be notified by the ~~((plan))~~ HCA of the opportunity to enroll; provided that the ~~((plan))~~ HCA may require new application forms and documentation from applicants on the waiting list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

(4) The HCA will accept applications for group enrollment in the BHP from business owners on behalf of themselves and their employees, spouses and dependent children if:

(a) The BHP is the only health plan offered by the business to its eligible employees;

(b) The business owner pays at least fifty percent of the unsubsidized premium cost of the BHP on behalf of each employee enrolled in the plan; and

(c) The employee is not eligible for medicare.

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

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

AMENDATORY SECTION (Amending WSR 92-14-097, filed 6/30/92, effective 7/31/92)

WAC 55-01-050 Enrollment in the plan. (1) Any individual applying for enrollment in the ~~((plan))~~ BHP must complete, sign and submit ~~((the plan's))~~ a BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible ~~((by the plan))~~ for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the benefit booklet.

(2) Each applicant shall ~~((complete and sign the application for enrollment,))~~ list ~~((ing))~~ those family members to be enrolled and supply ~~((ing))~~ such other information as required by the ~~((plan))~~ HCA.

(a) Documentation will be required, showing the amount and sources of ~~((applicants'))~~ applicant's income for the most recent complete calendar month as of the date of application. Applicants will also be required to submit a signed copy of their most recent federal income tax form. Income documentation shall be required for all ~~((income-earning))~~ family members, including those not applying for enrollment, except for family members who reside in another

household and whose income is not available to the family seeking enrollment, and dependent children.

(b) Documentation of the applicant's name and physical residence shall also be required. ~~((displaying the applicant's name and address.))~~

(c) The ~~((plan))~~ HCA may request additional information from applicants for purposes of establishing or verifying eligibility, including Medicaid eligibility in chapter 74.09 RCW, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the ~~((plan))~~ BHP. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a ~~((participating))~~ managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system (except in cases where a subscriber, who is paying child support for his/her dependents, lives in another covered services area). No applicant will be enrolled for whom designation of a ~~((participating))~~ managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040~~((2))~~ (3), applications for enrollment will be reviewed by the ~~((plan))~~ HCA within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled in the ~~((plan))~~ BHP in the order in which their completed applications, including all required documentation, have been received by the ~~((plan))~~ HCA, provided that the applicant also remits full payment of the first premium bill to the ~~((plan))~~ HCA by the due date specified by the ~~((plan))~~ HCA.

(6) Not all family members are required to apply for enrollment in the ~~((plan))~~ BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member, unless that family member loses other health coverage. Eligible newborn and newly adopted children may be enrolled effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to the ~~((plan))~~ HCA within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the ~~((plan))~~ HCA, will be enrolled on the first of a month following completion of the enrollment process by the ~~((plan))~~ HCA, provided that the addition of the spouse

does not otherwise render the family ineligible for coverage by the ~~((plan))~~ HCA.

(7) ~~((Any e))~~ Enrollees who disenroll(s) from the ~~((plan for reasons other than ((a) ineligibility due to an increase in gross family income or (b)))~~ coverage by another health care benefits program may not reenroll in the plan for a period of ~~twelve months from the effective date of disenrollment.~~ ~~((An enrollee who disenrolls because of ineligibility due to an increase in gross family income may reenroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility.))~~ ~~An enrollee who disenrolls because of coverage by another health care benefits program may reenroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be reenrolled in the plan, that person must))~~ BHP due to loss of eligibility may re-enroll provided they complete a new application for enrollment and ~~((must be))~~ are determined by the ~~((plan))~~ HCA to be otherwise eligible for enrollment as of the date of application. Enrollees who are disenrolled from BHP in accordance with WAC 55-01-060(2), except for loss of eligibility, and who do not maintain continuous coverage may not re-enroll for a period of twelve months from the effective date of disenrollment. Continuous coverage will be defined as coverage with no lapse greater than 90 days.

(8) The ~~((plan))~~ HCA may require any enrollee or applicant for enrollment in the ~~((plan))~~ BHP who appears to meet eligibility requirements for medical care under chapter 74.09 RCW to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the ~~((plan))~~ BHP.

(9) Once every six months, the ~~((plan))~~ HCA will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. For good cause, the HCA may recertify on a more frequent basis. At recertification, enrollees will be required to report their gross family income for the ~~((most recent complete))~~ preceding calendar month, ~~((as of the recertification date specified by the plan, and to provide the same documentation of such income as required of applicants. ((The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from the plan.))~~ Failure to respond within the time designated ~~((in any second request for information))~~ may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the ~~((plan))~~ HCA within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of the eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee failed to inform the HCA of such increase in income, the administra-

tor may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

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 (Amending WSR 92-14-097, filed 6/30/92, effective 7/31/92)

WAC 55-01-060 Disenrollment from the ((plan)) BHP. (1) An enrollee may disenroll effective the first day of any month by giving the ((plan)) HCA at least ten days prior written notice of the intention to disenroll. Reenrollment in the ((plan)) BHP shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee or financial sponsor, including employer group, shall be considered an indication of the enrollee's or group's intention to disenroll from the ((plan)) BHP.

(2) The ((plan)) HCA may disenroll any enrollee from the ((plan)) BHP for good cause, which shall include: (a) Failure to meet the eligibility requirements set forth in WAC 55-01-040; ((loss of eligibility)); (b) nonpayment of premium; (c) repeated failure to pay copayments in full on a timely basis; ((failure to provide eligibility information necessary to determine whether the enrollee may be eligible for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan; failure to apply when such application is required by the plan to the department of social and health services for determination of eligibility for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan;)) (d) knowingly providing false information; (e) fraud or abuse ((including but not limited to serious misconduct)); (f) intentional misconduct; and (g) refusal to accept or follow procedures or medical treatment determined by a ((participating provider)) MHCS to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of the ((plan)) HCA that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system. The ((plan)) HCA shall provide the enrollee or legal guardian/parent of a child with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 55-01-070. Prior to the effective date specified, if the enrollee submits an ((grievance)) appeal to the ((plan)) HCA contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of the ((plan)) HCA's ((grievance)) appeal procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not pose a threat of nonconsensual violent, aggressive or sexually aggressive

behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any ((applicant for enrollment)) enrollee ((in the plan)) who ((knowingly)) provides false information to the ((plan)) HCA or to a ((participating)) managed health care system may ((be disenrolled by the plan and may)) be held financially responsible for any covered services obtained ((from)) through the ((plan)) BHP. The administrator may apply other available remedies as well.

AMENDATORY SECTION (Amending Order 88-001, filed 12/2/88)

WAC 55-01-070 ((Hearings and grievances. The plan will develop procedures for the expeditious resolution of enrollees' grievances, and will require participating managed health care systems to do the same.

(1) If an enrollee has a grievance pertaining to a managed health care system, the enrollee shall exhaust the managed health care system's grievance procedure prior to requesting consideration of the grievance by the plan. The managed health care system's grievance procedure shall provide for expeditious resolution by managed health care system personnel with authority to require corrective action. There shall be a written reply from the managed health care system stating either the decision and its basis, or the reasons for failure to reach a decision, within thirty days of receipt of the written grievance. An enrollee has the right to request consideration of the grievance by the administrator if the final decision is adverse or if the written reply is not received within thirty days from the date the managed health care system received the written grievance.

(2) If an enrollee has a grievance pertaining to actions of the plan, the enrollee may submit the grievance to the plan for resolution by the plan's grievance procedure. A written description of the plan's grievance procedure will be provided to the enrollee upon enrollment, or at any time upon request. The plan's grievance procedure shall provide for resolution of the grievance within thirty days of receipt of complete information describing the grievance and its basis.

(3) An enrollee who is involuntarily disenrolled by the plan may contest the disenrollment by submitting a grievance to the plan, within ten days of the notice of disenrollment, for resolution by the plan's grievance procedure. The plan shall issue and mail a written decision within thirty days of receiving the grievance.

(4) An individual whose application for enrollment in the plan is denied may contest the denial of enrollment by submitting a grievance to the plan, within ten days of the notice by the plan of such denial, for resolution by the plan's grievance procedure. The plan shall issue and mail a written decision within thirty days of receiving the grievance.

(5) If the plan's decision resulting from its grievance procedure is adverse to an enrollee or applicant, he or she may, within fifteen days of receiving notice of the grievance decision, request a hearing under chapters 34.04 and 34.12 RCW in order to contest the plan's decision.) **Appeals and**

Mediation of grievances. (1) The following decisions by the BHP may be appealed pursuant to this section:

(a) A determination that an applicant for enrollment as a subsidized enrollee is ineligible pursuant to WAC 55-01-040;

(b) A decision to disenroll an enrollee pursuant to WAC 55-01-060.

(2) Appeals under subsection (1) shall be conducted as brief adjudicative proceedings pursuant to RCW 34.05.482 through 34.05.494 and WAC 182-16-060.

(3) Disputes arising between enrollees and the managed health care system in which they are enrolled are considered to be contractual disputes between those parties. The HCA offers a mediation service aimed at resolving those disputes as quickly, efficiently and fairly as possible. Both enrollees and managed health care systems are expected, as a condition of participation in the BHP, to participate fully and cooperatively in this mediation process once invoked by either party to such dispute. In the event the dispute cannot be resolved by mediation, and both enrollee and the managed health care system agree, the HCA will designate a person to act as binding arbitrator of the dispute.

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 94-22-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-132—Filed October 21, 1994, 4:47 p.m., effective October 23, 1994, 12:01 a.m.]

Date of Adoption: October 21, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-519.

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: Opening in Areas 7 and 7A provides opportunity to harvest the nontreaty share of Canadian-origin chum salmon. Coho and chinook release requirements necessary to reduce nontreaty impact on stocks of concern. Federal regulations prohibit fishing for, taking and retaining, or possessing sockeye salmon taken in the course of commercial fishing with net gear in Areas 7 and 7A. Opening in Area 7B provides opportunity to harvest the nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Opening in Area 9A provides opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho according to the preseason schedule. Opening in Areas 10 and 11 provides opportunity to harvest the nontreaty share of south Puget Sound-origin chum according to the preseason

schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: October 23, 1994, 12:01 a.m.

October 21, 1994

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-520 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 23rd, 1994 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 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily until further notice. It is unlawful to retain coho and chinook salmon taken with reef net gear.
- * **AREA 7B** - Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday October 29.
- * **AREA 9A** - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday October 24 to 4:00 p.m. Friday October 28.
- * **AREAS 10 AND 11** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. Monday October 24. Gill nets using 6-inch minimum mesh may fish from 5:00 p.m. Monday October 24 to 8:00 a.m. Tuesday October 25. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of a line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 10A, 10C, 10D, 10E, 10F, 10G, 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 effective 12:01 a.m. October 23, 1994:

WAC 220-47-519 Puget Sound all-citizen commercial salmon fishery. (94-120)

**WSR 94-22-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-133—Filed October 21, 1994, 4:51 p.m.]

Date of Adoption: October 21, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-57-33500I and 220-57-51000K.

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: River levels have risen sufficiently to allow migration of salmon stocks into spawning grounds and hatcheries permitting recreational fishing.

Effective Date of Rule: Immediately.

October 21, 1994
Judith Freeman
Deputy
for Robert Turner
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-57-33500I Naselle River. (94-128)
- WAC 220-57-51000K Willapa River. (94-128)

**WSR 94-22-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-134—Filed October 27, 1994, 12:56 p.m., effective November 1, 1994]

Date of Adoption: October 27, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-57-415.

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 hatchery coho salmon are available in these waters.

Effective Date of Rule: November 1, 1994.

October 27, 1994
E. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-57-41500A Satsop River. Notwithstanding the provisions of WAC 220-57-415, effective November 1, 1994 through January 31, 1995, for the waters of the Satsop River:

(1) 100 feet downstream from the mouth of the west fork downstream to the boundary marker approximately 50 yards upstream of the mouth (this new boundary is identified by a sign posted on the west bank of the river and a fluorescent green stripe painted on the east bank.) Bag Limit A, except that chum salmon must be released immediately.

(2) From the bridge at Schafer State Park on the east fork downstream to a point 100 feet downstream of the mouth of the west fork, Bag Limit A, except that chinook and chum salmon must be released immediately.

(3) It is unlawful to use barbed hooks while angling in the waters of the Satsop River.

**WSR 94-22-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3804—Filed October 28, 1994, 3:48 p.m., effective November 1, 1994, 12:01 a.m.]

Date of Adoption: October 28, 1994.

Purpose: Conform with federal standards for standard deduction and homeless shelter deduction (7 CFR 273.9 (d)(1) and (5)(i)).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-500 Income—Deductions.

Statutory Authority for Adoption: RCW 74.04.500.

Other Authority: 7 CFR 273.9 (d)(1) and (5)(i).

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: Conform with federal standards for standard deduction and homeless shelter deduction (7 CFR 273.9 (d)(1) and (5)(i)).

Effective Date of Rule: November 1, 1994, 12:01 a.m.

October 28, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3786, filed 9/28/94, effective 10/29/94)

WAC 388-49-500 Income—Deductions. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred (~~thirty-one~~) thirty-four dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed two hundred dollars for each dependent age one year old or younger and one hundred seventy-

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five dollars for each other dependent when care is necessary for a household member to:

- (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;

(e) A deduction for legally obligated child support paid for a person who is not a member of the household;

(f) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, child support, and dependent care deductions. The shelter deduction shall not exceed two hundred thirty-one dollars;

(g) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) A household's shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

- (i) Household intends to return to the home;
- (ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

- (i) Has not yet received a billing for utilities;
- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or
- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

- (i) Not entitled to the standard utility allowance; or
- (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(e) A shelter amount of one hundred (~~thirty-seven~~) thirty-nine dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

- (i) Monthly shelter costs no greater than one hundred (~~thirty-seven~~) thirty-nine dollars; or
- (ii) Unverified shelter costs exceeding one hundred (~~thirty-seven~~) thirty-nine dollars.

(3) A household may switch between actual utility costs and the standard utility allowance:

- (a) At each recertification; and
- (b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

- (a) Reimbursement; or
- (b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

(6) The department shall verify:

(a) Dependent care costs including changes, except in prospective budgeting; (~~and~~)

(b) Incurred and anticipated medical expenses and the reimbursement amounts resulting in a deduction only at application, recertification, and when the household reports a change in medical expenses(~~(-)~~); and

(c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(e) of this section.

(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction.

**WSR 94-22-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-153—Filed October 28, 1994, 4:45 p.m., effective October 29, 1994, 11:59 p.m.]

Date of Adoption: October 28, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-520.

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: Opening in Areas 7 and 7A provides opportunity to harvest the nontreaty share of Canadian-origin chum salmon. Federal regulations prohibit fishing for, taking and retaining, or possessing sockeye salmon taken in the course of commercial fishing with net gear in Areas 7 and 7A. Openings in Areas 7B, 8A, 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Nooksack-Samish, Stillaguamish-Snohomish and south Puget Sound regions of origin per preseason schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks. Opening in Area 8D provides opportunity to harvest surplus

coho salmon originating from the Tulalip hatchery per the preseason schedule. Opening in Areas 8, 12 and 12B provides opportunity to harvest the nontreaty share of chum salmon destined for the Skagit and Hood Canal regions of origin per preseason schedule. Area and gear restrictions and requirement that purse seines release coho necessary per preseason agreements to provide additional protection to coho salmon. Opening in Area 9A provides opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho according to the preseason schedule. Opening in Areas 10 and 11 provides opportunity to harvest the nontreaty share of south Puget Sound-origin chum according to the preseason schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: October 29, 1994, 11:59 p.m.
October 28, 1994
Robert Turner
Director

NEW SECTION

WAC 220-47-521 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 11:59 p.m. Saturday October 29th, 1994 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 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily through Saturday November 5. Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly Monday and Tuesday, October 31 and November 1. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily Tuesday and Wednesday November 1 and 2.
- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday November 12.
- * **AREAS 8A, 10 AND 11** - Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. Monday October 31 to 8:00 a.m. Tuesday November 1. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 1. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of a line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.
- * **AREA 8D** - Gill nets using 5-inch minimum mesh may fish from 4:00 p.m. Monday October 31 to 8:00 a.m. Tuesday November 1. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 1.
- * **AREAS 8, 12 AND 12B** - Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Monday October 31 to 8:00 a.m. Tuesday November 1. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 1. Purse seines are required to release all coho. In addition to the exclusion

zones described in WAC 220-47-307, Areas 12 and 12B are closed in those waters within 1,000 feet of the eastern shoreline.

- * **AREA 9A** - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday October 31 to 4:00 p.m. Friday November 4.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 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 11:59 p.m. October 29, 1994:

WAC 220-47-520 Puget Sound all-citizen commercial salmon fishery. (94-132)

WSR 94-22-047 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 94-154—Filed October 28, 1994, 4:48 p.m.]

Date of Adoption: October 28, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-19100G.

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: Permanent rules have taken effect and emergency regulations are no longer necessary.

Effective Date of Rule: Immediately.

October 28, 1994

Robert Turner
Director

REPEALER

WAC 220-56-19100G Puget Sound salmon—
Saltwater seasons and bag
limits. (94-72)

WSR 94-22-051 EMERGENCY RULES FISH AND WILDLIFE COMMISSION

[Order 94-82B—Filed October 31, 1994, 3:21 p.m.]

Date of Adoption: August 23, 1994.

Purpose: To adopt WAC 232-28-41801 1994-95 Migratory waterfowl seasons and regulations—Falconry seasons.

Statutory Authority for Adoption: RCW 77.12.040.

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: WAC 232-28-418. 1994-95 Migratory waterfowl seasons and regulations, was adopted by the Washington Fish and Wildlife Commission on August 13, 1994, and filed as a permanent regulation on August 18, 1994, it will not become effective until September 17, 1994. This emergency regulation will supersede information contained in WAC 232-28-418. Under federal guidelines the maximum hunting season length for any migratory bird species, considering all hunting methods, is one hundred seven days. At the August 13 meeting the general duck season was extended by ten days without a corresponding decrease in the falconry season. Therefore, the falconry season set at the meeting exceeded one hundred seven days. The falconry season needs to be reduced to be in compliance with federal rules specifying the maximum number of season days allowed for duck and coot hunting.

Effective Date of Rule: Immediately.

August 23, 1994

Patricia McLain

Senior Assistant Director

for John C. McGlenn

Chairman

NEW SECTION

WAC 232-28-41801 1994-95 Migratory waterfowl seasons and regulations—Falconry seasons

Ducks and Coots

(Bag limits include geese, snipe, and mourning doves.)

Notwithstanding the provisions of WAC 232-28-418, after October 1994 it is unlawful to hunt ducks and coots with raptors except as provided for in this section:

Western Washington

Nov. 12, 1994 - Feb. 17, 1995.

Daily bag limit: 3, straight or mixed bag with geese, snipe and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe and mourning doves during established seasons.

Eastern Washington

Nov. 5, 1994 - Jan. 10, 1995; Feb. 8 until the end of the season as provided for by permanent rule.

Daily bag limit: 3, straight or mixed bag with geese, snipe and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe and mourning doves during established seasons.

**WSR 94-22-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-155—Filed October 31, 1994, 3:24 p.m., effective October 31, 1994, 4:00 p.m.]

Date of Adoption: October 31, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-521.

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: Opening in Areas 7 and 7A provides opportunity to harvest the nontreaty share of Canadian-origin chum salmon. Additional night of gillnet fishing agreed to with the Lummi, Suquamish, Swinomish, and Tulalip tribes and the Point No Point Treaty Council to provide opportunity that may have been lost due to inclement weather. Openings in Areas 7B, 8A, 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Nooksack-Samish, Stillaguamish-Snohomish and south Puget Sound regions of origin per preseason schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks. Opening in Area 8D provides opportunity to harvest surplus coho salmon originating from the Tulalip hatchery per the preseason schedule. Opening in Areas 8, 12 and 12B provides opportunity to harvest the nontreaty share of chum salmon destined for the Skagit and Hood Canal regions of origin per preseason schedule. Area and gear restrictions and requirement that purse seines release coho necessary per preseason agreements to provide additional protection to coho salmon. Opening in Area 9A provides opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: October 31, 1994, 4:00 p.m.

October 31, 1994

Judith Freeman, Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-522 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 4:00 p.m. Monday October 31st, 1994 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 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily through Saturday November 5.

Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly Monday, Tuesday and Wednesday, October 31, November 1 and 2. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily Tuesday and Wednesday November 1 and 2.

- * **AREA 7B** - Gill nets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday November 12.
- * **AREAS 8A, 10 AND 11** - Gill nets using 6-inch minimum mesh may fish from 4:00 p.m. Monday October 31 to 8:00 a.m. Tuesday November 1. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 1. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of a line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.
- * **AREA 8D** - Gill nets using 5-inch minimum mesh may fish from 4:00 p.m. Monday October 31 to 8:00 a.m. Tuesday November 1. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 1.
- * **AREAS 8, 12 AND 12B** - Gill nets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Monday October 31 to 8:00 a.m. Tuesday November 1. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday November 1. Purse seines are required to release all coho. In addition to the exclusion zones described in WAC 220-47-307, Areas 12 and 12B are closed in those waters within 1,000 feet of the eastern shoreline.
- * **AREA 9A** - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday October 31 to 4:00 p.m. Friday November 4.
- * **Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 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 4:00 p.m. October 31, 1994:

WAC 220-47-521 Puget Sound all-citizen commercial salmon fishery. (94-153)

WSR 94-22-066
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3805—Filed November 1, 1994, 3:56 p.m.]

Date of Adoption: November 1, 1994.

Purpose: To comply with federal requirements, the department shall consider veteran's aid and attendance

allowance as unavailable income during both the eligibility and post-eligibility process.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1330 Institutional—Available income, 388-513-1340 Institutional—Exempt income, and 388-513-1345 Institutional—Disregarded income.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Title XIX State Agency Letter 94-33.

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: Ensure compliance with a change in federal rules.

Effective Date of Rule: Immediately.

November 1, 1994

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1330 Institutional—Available income.

(1) Income is defined under chapter 388-511 WAC for a SSI-related client and under WAC 388-22-030 for an AFDC-related client.

(2) The methodology and standards for determining and evaluating income are defined under WAC 388-513-1315 and 388-513-1375.

(3) The department shall consider the following income(~~(, less veteran's aid and attendance allowance,)~~) available to an institutionalized person when determining income eligibility unless the criteria in subsection (4) of this section is met:

(a) Income the institutionalized spouse receives in the institutionalized spouse's name;

(b) Income paid on the behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;

(c) One-half of the income the community and institutionalized spouses receive in both names; and

(d) Income from a trust as provided by the trust.

(4) The department shall consider income(~~(, less veteran's aid and attendance allowance,)~~) as available to an institutionalized person when:

(a) Both spouses are institutionalized; or

(b) An institutionalized person has a community spouse and income in excess of three hundred percent of the SSI federal benefit rate (FBR). For the determination of eligibility only:

(i) Use community property law in determining ownership of income for purposes of Medicaid eligibility;

(ii) Presume all income received after marriage by husband or wife to be community income;

(iii) Divide the total of the community income, by two assigning one-half of the total to each person; and

(iv) Consider if the community income received in the name of the nonapplying spouse exceeds the community income received in the name of the applying spouse, the applicant's interest in that excess shall be unavailable to the applicant.

(5) The department shall consider income the community spouse receives in the community spouse's name as unavailable to the institutionalized spouse.

(6) The department shall consider an agreement between spouses transferring or assigning rights to future income from one spouse to the other as invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.

(7) The department shall consider income produced by transferred or assigned resources as separate income.

(8) When an institutionalized spouse establishes the unavailability of income by a preponderance of evidence through a fair hearing, subsection (3) of this section shall not apply.

(9) See WAC 388-511-1130 for treatment of advance dated checks, electronically transferred funds, and garnished income.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1340 Institutional—Exempt income. The department shall consider a client's income exemptions as unavailable income when determining initial institutional eligibility or post-eligibility. The department shall exempt sequentially from income:

(1) Any public agency's refund of taxes paid on real property or on food;

(2) Supplemental security income (SSI) and state public assistance based on financial need;

(3) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;

(4) Child support received by a parent from an absent parent, for a minor child who is not institutionalized;

(5) Tax exempt payments received by Alaska natives under the Alaska Native Claims Act;

(6) Tax rebates or special payments excluded by other statutes;

(7) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, The Domestic Volunteer Service Act of 1973;

(8) Veteran's benefits designated for the veteran's:

(a) Dependent; or

(b) Unusual medical expense allowance;

(9) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, for example, chore services;

(10) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(11) 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;

(12) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

(13) Payments under sections 500 through 506 of the Austrian General Social Insurance Act. The department

shall consider the earned interest from such payments as countable income;

(14) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(15) Restitution payment, and interest earned on such payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383;

(16) The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(17) The amount of blindness-related work expenses of a blind client;

(18) Interest earned on excluded burial funds and any appreciation in the value of an exempt burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(19) Earned income tax credit (EITC); ~~((and))~~

(20) Victim's compensation; and

(21) The veteran's aid and attendance/house-bound allowance.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1345 Institutional—Disregarded income. The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-513-1380 for post-eligibility treatment of income. The department shall disregard sequentially from income:

(1) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

(a) Twenty dollars per month if unearned; or

(b) Ten dollars per month if earned.

(2) 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.

~~(3) ((The veteran's aid and attendance/house-bound allowance.~~

~~(4))~~ For an SSI-related person, the first sixty-five dollars per month of earned income not exempted under WAC 388-513-1340, plus one-half of the remainder.

~~((5))~~ (4) For an AFDC-related person, the first ninety dollars of earned income.

~~((6))~~ (5) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration for the recovery of an SSI overpayment; and

~~((7))~~ (6) A fee charged by a guardian as reimbursement for provided services, when such guardianship services are a requirement for the client to receive payment of the income.

WSR 94-20-127
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed October 5, 1994, 11:40 a.m.]

In the matter of adopting administrative rules relating to land use ordinances.

HEARING AND ADOPTION OF RULES: The Columbia River Gorge Commission proposes to amend rules relating to land use ordinances, 350-80, at its regularly scheduled meeting on December 13, 1993 [1994], at 10:30 a.m., Rock Creek Center, Rock Creek Drive, Stevenson, Washington.

The chair of the commission will preside over and conduct the hearing.

Amend: Rule 350-80, 350-80-020, 350-80-025 (new section), 350-80-040, 350-80-070, 350-80-080, 350-80-100, 350-80-110, 350-80-120, 350-80-130, 350-80-150, 350-80-160, 350-80-190, 350-80-200, 350-80-230, 350-80-270, 350-80-280, 350-80-335 (new section), 350-80-340, 350-80-370, 350-80-380, 350-80-420, 350-80-430, 350-80-520, 350-80-530, 350-80-540, 350-80-550, 350-80-560, 350-80-570, 350-80-600, and 350-80-620. The commission is the proponent of the proposed amendments.

No prior notice given.

SUMMARY OF RULES: The proposed amendments clarify specific sections of the commission's land use ordinance.

STATEMENT OF NEED: 1. The National Scenic Area Act requires the gorge commission to adopt land use ordinances for those counties who do not adopt ordinances implementing the management plan. 2. The proposed amendments clarify language in the commission's land use ordinance.

STATUTORY AUTHORITY: Authority to adopt the rules as proposed derives from the Scenic Area Act (16 U.S.C. § 544 et. seq. and the Columbia River Compact, Article I, Section a(4)(g), at ORS 196.150 and RCW 43.97.015. The proposed rule is necessary as a result of federal law, 16 U.S.C. § 544 et. seq. as well as state law.

DOCUMENTS RELIED UPON: The proposed rule is based on the Columbia River Gorge National Scenic Area Management Plan and the National Scenic Area Act (16 U.S.C. § 544 et. seq.). Copies of these documents are available at the Columbia River Gorge Commission office.

STATEMENT OF ANTICIPATED EFFECTS: The proposed amendments clarify the commission's land use ordinance.

FISCAL IMPACT STATEMENT: The proposed amendments will not have an adverse fiscal impact on the public or local government.

ADVISORY COMMITTEE - PUBLIC INVOLVEMENT: A specific advisory committee was not used to review the proposed amendments. The commission held several public workshops and allowed public and written comment on the issue. The proposed language is the product of discussions with interested parties.

AVAILABILITY OF RULE: The proposed rule is available on request from: Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

PUBLIC COMMENT: Interested persons may comment orally or in writing at the hearing. Written comment received at the commission's office by December 2, 1994, will also be considered. Comment may be made to: Jan Brending, Rules Coordinator, Columbia River Gorge

Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

COLUMBIA RIVER GORGE COMMISSION

Chapter 350

Division 80

[Klickitat County] Land Use Ordinance

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

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, Clark County, Washington, and 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 350-80 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.]

Those portions of Commission Rule 350-80 pertaining to the General Management Area shall no longer be effective in a county which has adopted and put into effect, a land use ordinance which has been found to be consistent by the Columbia River Gorge Commission.

Those portions of Commission Rule 350-80 pertaining to the Special Management Area shall no longer be effective in a county which has adopted and put into effect, a land use ordinance which has been found to be consistent by the Columbia River Gorge Commission and concurred on by the Secretary of Agriculture.

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.

350-80-025. Maps.

The Land Use Designations, Landscape Setting, and Recreation Intensity Classes maps adopted by the Columbia River Gorge Commission as part of the Management Plan for the Columbia River Gorge National Scenic Area are hereby incorporated by reference into this land use ordinance.

350-80-030. Review and Approval Required.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in Commission Rule 350-80, when considered under the applicable procedural and substantive guidelines of this Rule.

350-80-040. Definitions.

As used in Commission Rule 350-80, unless otherwise noted, the following words and their derivations shall have the following meanings:

(1) **Accepted agricultural practice:** A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

(2) **Accessory building:** A building or structure whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use.

(3) **Active wildlife site:** A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

(4) **Agency official:** The federal, state, or local agency head or designee who has authority over a proposed project.

(5) **Agricultural structure:** A structure located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

(6) **Agricultural use:** The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any agriculture-related government program.

(b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.

(c) Land planted in orchards or other perennials prior to maturity.

(d) Land under buildings supporting accepted agricultural practices.

Agricultural use does not include livestock feedlots.

(7) **Anadromous fish:** Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

(8) **Anaerobic:** A condition in which molecular oxygen is absent (or effectively so) from the environment.

(9) **Aquaculture:** The cultivation, maintenance, and harvesting of aquatic species.

(10) **Aquatic area:** The water area of a stream, pond, or lake measured at the ordinary high water mark.

(11) **Archaeological resources:** See cultural resource.

(12) **Archival research:** Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.

(13) **Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.

(14) **Best management practices:** Conservation techniques and management measures that

(a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;

(b) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and

(c) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

(15) **Biodiversity (SMA):** A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

(16) **Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.

(17) **Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

(18) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

(19) **Camping or recreational vehicle:** A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit and subject to review for consistency with Commission Rule 350-80 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 and is not part of a legally operating designated campground.

(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-kind replacement:** A development or land use which is the same as or smaller than an existing or destroyed use or structure. An in-kind building or structure may be shorter in height, smaller mass, and contained entirely within the existing footprint of the existing use or destroyed use or structure.

(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.

(7[2]3) **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).

(7[3]4) **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.

(7[4]5) **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.

(7[5]6) **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.

(7[6]7) **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.

(7[7]8) **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. Key viewing areas include the entire feature, road, or place within the boundary of the National Scenic Area, including those portions of the feature, road, or place located in urban areas. Consideration of General Management Area viewsheds from urban areas does not constitute review of development located within urban areas. 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

(7[8]9) **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.

(7[9]80) **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.

(8[0]1) **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.

(8[1]2) **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.

(8[2]3) **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.

(8[3]4) **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.

(8[4]5) **Multifamily dwelling:** A dwelling constructed or modified into two or more single-family units.

(8[5]6) **Native species:** Species that naturally inhabit an area.

(8[6]7) **Natural resources:** Naturally occurring features including land, water, air, plants, animals (including fish), plant and animal habitat, and scenery.

(8[7]8) **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.

(8[8]9) **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]90) **Nonprofit organization:** An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.

(9[0]1) **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.

(9[1]2) **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.

(9[2]3) **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.

(9[3]4) **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.

(9[4]5) **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.

(9[5]6) **Practicable:** Able to be done, considering technology and cost.

(9[6]7) **Preexisting:** Existing prior to the adoption of the Columbia River Gorge National Scenic Area Management Plan.

(9[7]8) **Primarily:** A clear majority as measured by volume, weight, or value.

(9[8]9) **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]100) **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.

(10[0]1) **Rare plant species:** Used in a generic sense to refer to various categories of sensitive plants cited in federal and state programs.

(10[1]2) **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.

(10[2]3) **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.

(10[3]4) **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.

(10[4]5) **Recreation resources:** Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semiprimitive areas with few facilities and developed sites.

(10[5]6) **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.

(10[6]7) **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.

(10[7]8) **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.

(10[8]9) **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.

(11[09]10) **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.

(11[0]1) **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.

(11[1]2) **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.

(11[2]3) **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.

(11[3]4) **Scenic Area:** The Columbia River Gorge National Scenic Area.

(11[4]5) **Scenic travel corridor:** In the General Management Area, 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.

In addition to those Scenic Travel Corridors listed above, in the Special Management Area, those portions of the Larch Mountain Road, the Wyeth Bench Road, and Klickitat County Road 1230 which are located in the Special Management Area are scenic travel corridors.

(11[5]6) **Secretary:** The Secretary of Agriculture.

(11[6]7) **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.

(11[7]8) **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.

(11[8]9) **Service station:** A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

(11[9]20) **Serviceable:** Presently useable.

(12[0]1) **Shall:** Action is mandatory.

(12[1]2) **Should:** Action is encouraged.

(12[2]3) **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.)

(12[3]4) **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.

(12[4]5) **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].)

(12[5]6) **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.

(12[6]7) **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.

(12[7]8) **Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

(12[8]9) **Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.

(1[29]30) **Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.

(13[0]1) **Story:** A single floor level of a structure, as defined by the Uniform Building Code.

(13[1]2) **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.

(13[2]3) **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.

(13[3]4) **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.

(13[4]5) **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.

(13[5]6) **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.

(13[6]7) **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.

(13[7]8) **Tributary fish habitat:** Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

(13[8]9) **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)].

(1[39]40) **Unimproved lands:** Lands that generally do not have developments such as buildings or structures.

(14[0]1) **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.

(14[1]2) **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.

(14[2]3) **Utility facility:** Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

(14[3]4) **Viewshed:** A landscape unit seen from a key viewing area.

(14[4]5) **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.

(14[5]6) **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.

(14[6]7) **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.

(14[7]8) **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.

(14[8]9) **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.

(1[49]50) **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.

(15[0]1) **Woody plant:** A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

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

350-80-050. Exempt Land Uses and Activities.

Commission Rule 350-80 shall not apply to:

- (1) Any treaty or other rights of any Indian tribes.
- (2) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 100-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
- (3) Rights to surface or ground water.
- (4) Water transportation activities on the Columbia River or its tributaries. The term "activities" includes those facilities necessary for navigation.
- (5) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.
- (6) Laws, rules or regulations pertaining to hunting or fishing.
- (7) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material.
- (8) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Washington and Oregon Forest Practices Acts, or under county regulations that supersede those acts.

350-80-060.

Prohibited Land Uses and Activities.

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area:

- (1) Solid waste disposal sites or sanitary landfills within the Special Management Area.
- (2) New industrial development in the Scenic Area outside of the Urban Areas.
- (3) Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:
 - (a) Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening soil.
 - (b) Removal or clearing of native grasses, shrubs, and trees.
 - (c) Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.
 - (d) Barns, silos, and other agricultural buildings.
 - (e) Irrigation systems.
 - (f) Exploration, development, and production of mineral 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 application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such replacement 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, except sections .170 through .510.

The applicant shall be responsible for providing necessary information to demonstrate that the replacement structure is in-kind as defined by guideline .040(71). This may include photos and building plans.

- (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] 140 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 350-80-600(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[,] and 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)[,] and 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)d] Large-scale uses as defined by guideline 350-80-540 (1)(c)(C) shall include reconnaissance or historic survey reports, pursuant to 350-80-540 (1)(a) and (b) and 350-80-540 (1)(c)(F), [and] (G) and (H).

[(f)e] Regardless of scale, 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)f] 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)g] 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)(a) and (b).

[(i)h] 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)(a) and (b).

[(j)i] 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)j] 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)k] In the General Management Area, on lands designated Large-Woodland, a single-family dwelling, pursuant to Commission Rule 350-80-270 (1)(a)(B), (C), and (F) [, (c), and (l)].

[(p)l] In the Special Management Area, on lands designated Forest, a single-family dwelling, pursuant to Commission Rule 350-80-270 (2)(j)(B), (C), and (F)).

[(q)m] In the Special Management Area, on lands designated Forest, forest practices, pursuant to Commission Rule 350-80-270 (2)(b).

[(r)n] In the Special Management Area, on lands designated Open Space, any new use or development, pursuant to Commission Rule 350-80-340 [(11)12].

[(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)o] 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)p] 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.

(q) In-kind replacement structures, pursuant to Commission Rule 350-80-070(2).

[(z)r] Other uses as deemed necessary by the Development Review Officer.

(5) No application shall be accepted unless accompanied by a list of names and addresses of the adjacent property owners within a distance of the perimeter 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.

[(5)6] Completed application forms shall be submitted directly to the office of the Columbia River Gorge Commission.

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.

350-80-090. 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.]

(3) No application shall be accepted for a use or development on a parcel that is the subject of an appeal before the Columbia River Gorge Commission or any litigation involving the Columbia River Gorge Commission, its staff, or any decision of the staff or Columbia River Gorge Commission.

[(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.]

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.

350-80-110. 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 or which the Development Review Officer determines should be notified.

[(4)5] 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)6] For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.

[(6)7] A copy of the notice shall be filed in the records of the Commission.

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.

350-80-120. 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 Rule[s] 350-80-580(6), or a rare plant protection and rehabilitation plan pursuant to Commission Rule[s] 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 applicable State Historic Preservation Officer[s], 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 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.

350-80-130. 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 [3]e 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 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.

350-80-140. 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) In cases where a land division is requested on a parcel which is split by land use designation boundaries, the resulting parcels shall conform to the specified minimum parcel sizes of each land use designation.

[(c)d] 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)e] 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)f] 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)g] 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]h) 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]i) 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]j) 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]k) In the General Management Area, at least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.

([k]l) 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	Type of Buffer (size in feet)		8-foot Berm or Terrain Barrier
	Open or Fenced	Natural or Created Vegetation Barrier	
<u>Agriculture</u>			
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

(b) Earth berms may be used to satisfy, in part, 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.

MISCELLANEOUS

(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.

(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 in the General Management Area

(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) Indian Tribal Treaty Rights and Consultation in the Special Management Area

For new development and uses in the Special Management Area, the Forest Service shall determine effects on treaty rights and shall notify the Development Review Officer of the determination.

(9)10 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)11 Section 8(o) of the National Scenic Act, (16 USC § 544 f(o)), is hereby incorporated by reference.

(12) In the Special Management Area, new development and land uses shall not displace existing recreational use.

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.

350-80-160. Signs.

(1) Signs may be allowed [pursuant] in all land use designations in the General Management Area pursuant 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.

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.

350-80-170. **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-[2]80-520 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 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.

350-80-200. Review Uses with Additional Approval Criteria — Large-Scale or Small-Scale Agriculture and Agriculture-Special 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 350-80-6[2]10).

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.

**350-80-210. 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 Agri-
culture.**

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)]200(2)].

(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 contribut[e]ing to the current agricultural use of a farm pursuant to Commission Rule 350-80-190 (1)(e). The siting of the dwelling shall comply with Commission Rule 350-80-300.

(d) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when the particular forest practice for which it was approved has concluded.

(e) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

(f) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(g) Structures associated with hunting and fishing operations

(h) Towers and fire stations for forest fire protection.

(i) New agricultural structures subject to Commission Rule 350-80-300.

(j) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-80-150(3), 350-80-300 and 350-80-310.

(k) Accessory building(s) greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peak; subject to Commission Rule 350-80-300 and 350-80-310.

(1) A second single-family dwelling for a farm operator's relative, subject to Commission Rule 350-80-190 (1)(h), 350-80-300 and 350-80-310.

(m) Private roads serving a residence, subject to Commission Rule 350-80-300 and 350-80-310.

(n) Recreation development, subject to Commission Rule 350-80-610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).

(o) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.

(p) Agricultural labor housing upon a showing that:

(A) The proposed housing is necessary and accessory to a current agricultural use.

(B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.

(C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural 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)r] 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.

(u) On parcels in Small Woodland, 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-Forest subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620). The use or development will be sited to minimize the loss of land suitable for the production of forest products:

(a) Any use listed in Commission Rule 350-80-190(2).

(b) Forest practices in accordance with a site plan for forest practices approved by the Oregon Department of Forestry or Washington Department of Natural Resources, or other designated forest practices review agency, including the following:

(A) The following information, in addition to the site plan requirements of Commission Rule 350-80-080, shall be included on the site plan:

(i) Boundary of proposed commercial forest practice.

(ii) Location of proposed rock or aggregate sources.

(iii) Timber types.

(iv) Harvest units.

(v) Silvicultural prescriptions.

(vi) Road and structure construction and/or reconstruction design.

(vii) Major skid trails, landings, and yarding corridors.

(viii) Commercial firewood cutting areas.

(ix) Existing and proposed rock pit development plans.

(x) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(B) A discussion of slash disposal methods.

(C) A reforestation plan as reviewed by the appropriate state forest practices agency.

(c) Railroad and road construction or reconstruction.

(d) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products in the Special Management Area.

(e) Silvicultural nurseries.

(f) Utility facilities for public service upon a finding that:

(A) There is no alternative location with less adverse effect on Forest Land, and

(B) The size is the minimum necessary to provide the service.

(g) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

(h) Fish hatcheries and aquaculture facilities.

(i) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with Commission Rule 350-80-620.

(j) One dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling is necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

(A) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.

(B) The subject parcel has been enrolled in the state's forest assessment program.

(C) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the Development Review Officer. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

(D) There are no other dwellings on the parcel that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(E) The dwelling complies with all applicable building code and fire protection guidelines.

(F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

(k) Accessory structures over 60 square feet.

(l) Home occupations and cottage industries pursuant to Commission Rule 350-80-150(4).

(m) Temporary portable facility for the processing of forest products.

(n) Towers and fire stations for forest fire protection.

(o) Community facilities and nonprofit facilities related to forest resource management.

(p) Expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

(q) Signs as specified in Commission Rule 350-80-160(2).

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

350-80-280. Review Uses with Additional Approval Criteria — Commercial Forest Land, or Large or Small Woodland Designations.

The following uses may be allowed on lands designated Commercial Forest Land, or Large or Small Woodland, subject to compliance with the appropriate scenic, cultural, natural, or recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620) and Commission Rule 350-80-290:

(1) Utility facilities and railroads necessary for public service upon a showing that (a) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and 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.

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.

350-80-290. 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.

350-80-335. Uses Allowed Outright - Open Space.

The following uses may be allowed on lands designated GMA-Open Space without review:

(1) Operation of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(2) Emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities including removal of fallen timber, rock, or other materials from road surfaces, railroads lines, and utility structures. The term "repair and maintenance" is defined in 350-80-040(107).

(3) Non-emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities provided that:

(a) ground disturbing activities only occur on sites that have been previously disturbed by human activities and do not exceed the depth and extent of existing ground disturbance;

(b) clearing of vegetation, including tree removal, only occurs on sites that have been regularly cleared for maintaining utility facilities.

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.] Non-emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities that involve new

ground disturbing activities or those which differ in depth and extent from past ground disturbance.

(d) [Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.] Improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(e) 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]3) 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 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.

350-80-350. 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]

If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture or 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) and 350-80-190 (1)(n)(E) for agriculture designations or Commission Rule 350-80-310(1) and 350-80-290(1) for forest land designations.

(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-~~6~~560 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(2).

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

350-80-380. 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) and 350-80-150 (4)(j) if applicable.

350-80-390. Approval Criteria for Specified Review Uses on Lands Designated Residential.

The uses identified in Commission Rule 350-80-3[9]80 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.

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.

350-80-400. 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.

(1[8]1) 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] through 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 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.

350-80-430. Commercial Land.

Commission Rule 350-80-430 through 350-80-[3]460 shall apply to those areas designated Commercial on the Scenic Area Land Use Designation Map.

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.

350-80-440. 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 designations, consistent with the guidelines established for the recreation intensity classes Commission Rule 350-80-620.

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.

(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 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 350-80-520 (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] by 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] by 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] by 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] by 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 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 350-80-520 (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.

(k) Developed Settings and Visual Subordination Policies

(A) New development in areas listed in subsections (i) through (vi) shall be compatible with the setting, but not necessarily visually subordinate.

New uses and developments in these particular areas are subject to only the following guidelines for scenic resources: 350-80-520 (1)(a) through (e); 350-80-520 (2)(d), (e), (t), and (u); depending upon which setting the subject parcel is located in: 350-80-520 (3)(e)(A), (B) and (D), 350-80-520 (3)(g)(A) and (C), or 350-80-520 (3)(h)(A) through (L); and 350-80-520 (4)(a), (d), (e), and (f).

(i) Corbett Rural Center (Village)

(ii) Skamania Rural Center (Village)

(iii) West of Hood River Urban Area, east of Country Club Road (Rural Residential)

(iv) Murray's Addition Subdivision, The Dalles (Residential)

(v) Two small areas south of The Dalles in Sections 9 and 10, Township 1N, Range 13E (Rural Residential and Residential)

(vi) Portion of Underwood Heights along Cooper Avenue, south of Cook Underwood Road (Rural Residential/Residential)

(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 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.

350-80-530. 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 [n]National [r]Register of [h]Historic [p]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 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.

350-80-540.

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 reconnaissance surveys conducted by the

Gorge Commission, the Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It shall be refined and revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

(B) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

(C) The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

For Commission Rule 350-80-540, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(D) Reconnaissance Surveys for Small-Scale Uses.

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

(i) A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.

(ii) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.

(E) Reconnaissance Survey Reports for Small-Scale Uses

The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

(i) A description of the fieldwork methodology used to 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, and no substantiated concerns regarding the reconnaissance survey were voiced by the State Historic Preservation Officer or Indian tribal governments during the 30-day comment period required in subsection 2(b)(B) above.

(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 incorpo-

rate 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 recon-

naissance 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 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.

350-80-550. 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

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 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.

350-80-560. 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 closer 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 Manage-

ment 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-[6]570 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] streams, ponds, lakes and riparian areas 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 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.

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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 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.

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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.

MISCELLANEOUS

(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] 350-80-600 (5)(b)(G). 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 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.

350-80-610.

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)a] Only natural resource-based recreation shall be allowed.

[(c)b] 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)c] New pedestrian or equestrian trails shall not have motorized uses, except for emergency services and motorized wheelchairs.

[(e)d] Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

[(f)e] 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)f] New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.

[(h)g] 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)h] 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 one time 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. 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 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 94-22-008
MARINE EMPLOYEES' COMMISSION

[Filed October 20, 1994, 1:38 p.m.]

Pursuant to the requirement of Executive Order 94-07, the Marine Employees' Commission hereby declares that it currently has no rules scheduled for revision during fiscal year 1994-1995.

Janis Lien
 Rules Coordinator

WSR 94-22-013
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—October 21, 1994]

Board of Trustees Meeting
 October 26, 1994
 Sno-King Room 103
 (3:30 - 6:35)

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 94-22-014
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION

[Memorandum—October 19, 1994]

The Conservation Commission holds regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington (WAC 135-04-020).

The Conservation Commission's last meeting for 1994 will be December 1, 1994, at the Ridpath Hotel, University Room, Spokane, Washington. Please contact Shirley Casebier, Conservation Commission, Olympia, Washington 98504-7721, phone 407-6202, for further information.

Dates and places for other forthcoming meetings are yet to be determined.

WSR 94-22-016
RULES COORDINATOR
DEPARTMENT OF
INFORMATION SERVICES

[Filed October 21, 1994, 2:40 p.m.]

I have appointed Susan Hettinger as the Department of Information Service's rules coordinator.

Ms. Hettinger will have decision-making authority and signature authority. Her mailing address is 1110 Jefferson Street S.E., P.O. Box 42441, Olympia, 98504-2441, her telephone number is (206) 902-3535.

George Lindamood
 Director

WSR 94-22-020
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—October 24, 1994]

Board of Trustees
 October 28, 1994, 9:00 a.m.
 Spokane Center, Second Floor Mall

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in Room 222 on the Second Floor of the Spokane Center.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

WSR 94-22-021
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 18

[October 19, 1994]

INDUSTRIAL INSURANCE—WORKERS COMPENSATION—PHYSICIAN AND PATIENT—RECORDING OFFICIAL PROCEEDINGS—Authority of Department of Labor and Industries to prohibit recording of medical examinations

The Department of Labor and Industries has authority in prescribing the conduct of medical examinations conducted pursuant to the state's industrial insurance program (RCW 51.32.110) to prohibit the patient and third parties from recording such examinations, and such action is not inconsistent with RCW 9.73.030 or other Washington law.

Requested by:

Honorable Linda Smith
 State Senator, District 18
 205 Institutions Building, MS 40418
 Olympia, WA 98504-0418

WSR 94-22-022
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)
 [Memorandum—October 21, 1994]

Please publish notice of cancellation of the November 17, 1994, [meeting] Capitol Campus Design Advisory Committee (CCDAC).

WSR 94-22-025
RULES COORDINATOR
WASHINGTON STATE LIBRARY
 [Filed October 25, 1994, 4:19 p.m.]

I would like to inform you that I am the designated rules coordinator for the Washington State Library.

Gail Lincoln
 Rules Coordinator
 Washington State Library
 Mailstop 2464
 Olympia, Washington 98504-2464

If you have questions, please call me at (206) 753-2914.

Gail L. Lincoln
 Washington State Library

WSR 94-22-026
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—October 20, 1994]

The Public Information Access Policy Taskforce will meet on Tuesday, November 29, 1994, 9:00 a.m., in Senate Conference Rooms A, B, and C, John A. Cherberg Building, Capitol Campus, Olympia, Washington.

WSR 94-22-027
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—October 20, 1994]

Thursday, November 10, 1994, at 4:00 p.m., the Public Information Access Policy Taskforce will hold a videoconference/meeting at video sites (location directions shown below) throughout Washington.

Site contacts and addresses:

Lacey, Kathy Marshall, (206) 407-0077, FAX (206) 438-7996, WIT Central Office, 710 Sleater-Kinney Road, Suite Q, Lacey, WA 98503-2451; Mount Vernon, Caroline Graves, (206) 424-9573, FAX (206) 424-9180, WIT Videoconference Center, ESD #189, 205 Stewart Road, Mt. Vernon, WA 98273; Seattle, Jamie Alls, (206) 720-3050, FAX (206) 720-3056, WIT Videoconference Center, Seattle Central Community College, District Office, 1500 Harvard Street, Seattle, WA 98122; Spokane, Rhonda Polidori, (509) 533-2530, FAX (509) 536-2199, WIT Videoconference Center, ESD #101, 4022 East Broadway, Spokane, WA 99202; Vancouver, Laura Anderson, (206) 750-7500 x. 207, FAX (206) 750-9706, WIT Videoconference Center, ESD #112, 2500 N.E. 65th Avenue, Vancouver, WA 98661-6812; and Yakima, Marion Whipple, (509) 575-2885, FAX (509) 575-2918, WIT Videoconference Center, ESD #105, 33 South 2nd Avenue, Yakima, WA 98902.

WSR 94-22-028
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 [Memorandum—October 19, 1994]

Those who attended the August 30, 1994, meeting should have received a copy of the minutes. Extra copies will be available on November 8, 1994.

I have invited two speakers to be our guests: Kermit Robinson of the Washington State Building Code Council and Andrew Anshell of the Washington Survey and Rating Bureau. They will address some of the concerns that were voiced at our last meeting.

Please be thinking about the possibility of developing a strategic plan for the Region One Codes Council.

REGION #1 CODES COUNCIL MEETING
 (Clallam, East Jefferson, Kitsap, Mason)

Poulsbo Fire Department, FD#18
 911 Liberty Lane
 Poulsbo, WA

Tuesday, November 8, 1994
 10:00 a.m. - 12:00 noon

WSR 94-22-034
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 [Memorandum—November 1, 1994]

SCHEDULE OF BOARD OF NATURAL RESOURCES REGULAR MEETINGS FOR 1995

- January 3, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- February 7, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- March 7, 1995, 9:00, Room 172, Natural Resources Building, Olympia, Washington
- April 4, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- May 2, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- June 6, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- July 5, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- No August Meeting
- September 5, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- October 3, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington
- November 7, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington

December 5, 1995, 9:00 a.m., Room 172, Natural Resources Building, Olympia, Washington

WSR 94-22-035
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION

[Memorandum—October 21, 1994]

The November 1994 Washington State Transportation Commission meetings will be held at 11:00 a.m. on Wednesday, November 16, and 9:00 a.m. on Thursday, November 17, 1994, in the Shaw/Lopez Room, WestCoast Everett Pacific Hotel, 3105 Pine Street, Everett, WA. There will be committee meetings at 9:00 a.m., Wednesday, November 16, in the Whidbey/Camano and Bainbridge/Vashon Rooms at the WestCoast Everett Pacific Hotel.

The December 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, December 14, and 9:00 a.m. on Thursday, December 15, 1994, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, December 14, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

WSR 94-22-036
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—October 24, 1994]

WASHINGTON STATE LIBRARY COMMISSION QUARTERLY MEETING

On Thursday, December 8, 1994, at 6:30 p.m., the Washington State Library Commission will meet for a briefing at the Market Cafe, in the Westin Hotel, 1900 5th Street, Seattle, WA.

On Friday, December 9, 1994, at 10:00 a.m., the Washington State Library Commission will hold its regular business meeting at Seattle Public Library for the Blind, 821 Lenora Street, Seattle, WA.

WSR 94-22-037
DEPARTMENT OF HEALTH
 [Filed October 26, 1994, 2:36 p.m.]

The Joint Administrative Rules Review Committee (JARRC) of the Washington State Legislature, pursuant to RCW 34.05.630(3), recently directed the Board of Optometry to review certain policy statements and guidelines promulgated by the board.

The Board of Optometry has completed that review process.

FINDINGS OF BOARD OF OPTOMETRY
REVIEW OF COMMITTEE'S FINDING

The Washington State Board of Optometry has completed its review of the finding by the Joint Administrative Rules Review Committee that policy statements and guidelines

promulgated by the board appear to be outside the scope of the board's authority. As directed by the committee, the board's review included pre- and post-operative care, permitting removal of imbedded objects from the eye, allowing the designation of "optometric physicians", and approving the insertion of lacrimal plugs.

The board carefully considered all oral and written testimony submitted at the January 7, 1994, and May 17, 1994, Joint Administrative Rules Review Committee hearings as well as public hearings held by the Optometry Board on September 9, 1994, and October 21, 1994.

The board found no facts or arguments that demonstrated the board had acted outside its authority to clarify scope of practice and that the board's actions were consistent with legislative intent.

WSR 94-22-038
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—October 24, 1994]

WASHINGTON STATE
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

MEETING NO. 31
NOVEMBER 16, 1994

AEROSPACE MACHINIST DISTRICT LODGE 751
9125 15TH PLACE SOUTH
HALL B
SEATTLE, WA

On November 16, 1994, Hall B, at 8:00 a.m. - 5:00 p.m., the Workforce Training and Education Coordinating Board (WTECB) will hold its regular business meeting on Wednesday, November 16, beginning at 8:00 a.m. The meeting will be held in Hall B, Aerospace Machinist District Lodge 751, in Seattle.

Agenda items will include: A report by the State Board for Community and Technical Colleges (SBCTC) on the Workforce Training Act (ESHB 1988); presentations on school-to-work transition including TECH PREP; and a presentation by Dr. Robert Sheets on performance management and continuous quality improvement. The board will also discuss the feasibility study report required by ESHB 1988.

Action will be taken by the board on agency budget recommendations; and on Carl Perkins and JSP policy.

In addition, board members as part of the Policy Committee for the National Governors' Association Performance Management Project will take preliminary action on the project's framework and policy outcomes.

People needing special accommodations, please call Anne Townsend at least ten days in advance at (206) 753-5677 or SCAN 234-5677.

MISCELLANEOUS

WSR 94-22-039
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—October 27, 1994]

Board of Trustees Meeting

October 26, 1994
 Sno-King Room 103
 (3:30 - 6:35)

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 94-22-048
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—October 27, 1994]

The Seattle Community College District board of trustees will hold their regularly scheduled meeting on November 1, 1994, at 6:00 p.m., at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The trustees will meet at 5:15 p.m. for a tour of the new computer labs and P.E. facility on the north campus.

WSR 94-22-063
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—October 31, 1994]

The Washington State Human Rights Commission will hold its December regular commission meeting by telephone conference call on December 15, 1994, beginning at 10:00 a.m. The telephone conference call will originate at the office of the Washington State Human Rights Commission, 711 South Capitol Way, Suite 402, Olympia, WA 98504-2490, (206) 753-4876. The conference call is being held to close cases and to conduct a brief business meeting. An executive session will be convened if necessary.

WSR 94-22-070
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Dental Hygiene Examining Committee)
 [Memorandum—November 1, 1994]

The Washington State Dental Hygiene Examining Committee will meet in December 1994 and in 1995 on the following dates at the WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188:

1994

December 16-17, 1994 (this meeting date was originally scheduled on December 2-3, 1994)

1995

January 13-14

February 10-11

March 10-11

April 7-8

May 19-20

June 11-17 Exam dates tentatively - to be confirmed (held at the University of Washington)

August 25-26

September 18-20 Exam dates tentatively - to be confirmed (held at the University of Washington)

October 27-28

December 8-9

WSR 94-22-077
DEPARTMENT OF ECOLOGY
 [Filed November 2, 1994, 10:10 a.m.]

The Washington State Department of Ecology will be conducting a joint public hearing with the Puget Sound Air Pollution Control Agency (PSAPCA) on December 8, 1994, at 110 Union Street, Suite 500, Seattle, WA, at 9:00 a.m. The department is conducting the hearing to solicit comment on proposed revisions to the state implementation plans (SIPs) for the Seattle Duwamish and Tacoma tideflats particulate matter (PM-10) nonattainment areas.

Federally enforceable emission limits for certain industrial facilities and demonstrations of attainment of the PM-10 standard are being adopted into the SIPs. These measures will then be submitted to the United States Environmental Protection Agency (EPA) to fulfill conditions for approval of the SIPs. Also, a proposed PSAPCA rule is being included in the SIPs as a contingency measure. The rule prohibits the use of uncertified woodstoves if EPA determines that woodstoves contribute to a violation of the PM-10 standard. EPA would specify the area in which uncertified woodstoves are prohibited.

Interested persons may provide oral comments at the hearings. For Ecology's purposes, comments must be limited to the inclusion of the proposed revisions into the state implementation plan. Written comments are encouraged and will be considered if postmarked no later than December 9, 1994, and should be sent to Doug Schneider, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (206) 407-6874.

For information on the SIP submittal, or for a copy of the draft document prior to the hearings, please contact Doug Schneider at (206) 407-6874.

* Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Blalock, (206) 407-6860 (voice) or (206) 407-6006 (TDD only).

WSR 94-22-078**DEPARTMENT OF ECOLOGY**

[Filed November 2, 1994, 10:11 a.m.]

The Washington State Department of Ecology will be conducting a public hearing on behalf of the Yakima County Clean Air Authority (YCCAA) on December 14, 1994, at the Yakima Courthouse, 128 North 2nd Street, Room 420, Yakima, WA, at 2:30 p.m. The department is conducting the public hearing to solicit comment on inclusion of general and specific regulations governing the control of air contaminant emissions in Yakima County into the Washington state implementation plan (SIP). The regulation will be submitted to the Environmental Protection Agency for inclusion into the Washington SIP.

Interested persons will be allowed to provide oral comments at the hearings. For ecology's purposes, comments must be limited to the inclusion of the amended regulations into the state implementation plan. Written comments are encouraged and will be considered if postmarked no later than December 16, 1994, and should be sent to Lydia L. Blalock, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (206) 407-6860.

For more information on the content of the draft regulations prior to the hearing, please contact Tom Silva, Control Officer, Yakima County Clean Air Authority, (509) 575-4116. For information on the SIP submittal, or for a copy of the draft document prior to the hearings, please contact Lydia Blalock at (206) 407-6860.

* Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, call (206) 407-6860 (voice) or (206) 407-6006 (TDD).

WSR 94-22-113**ATTORNEY GENERAL'S OFFICE**

[Filed November 2, 1994, 11:57 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you would like additional information about the Attorney General's Opinions process or any opinion request summarized in the register, call the Attorney General's Office at (206) 753-4114, or write to the Solicitor General, Office of the Attorney General, 905 Plum Street, P.O. Box 40100, Olympia, WA 98504-0100.

During the period covered by this request there are no opinion requests for which the Attorney General's Office seeks public input.

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.

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1-21-170	AMD	94-12-075	16-54-145	PREP	94-19-079	16-219-015	REP-P	94-21-085
4-25-020	REP-P	94-13-060	16-54-145	PREP	94-19-080	16-219-016	NEW-P	94-21-086
4-25-030	REP-P	94-13-060	16-54-145	NEW-P	94-20-107	16-219-017	NEW-P	94-05-092
4-25-080	REP-P	94-13-060	16-59-010	PREP	94-19-081	16-219-017	NEW	94-09-028
4-25-185	REP	94-02-070	16-59-010	AMD-P	94-20-105	16-219-017	AMD-E	94-15-050
4-25-186	REP	94-02-070	16-59-030	PREP	94-19-081	16-219-017	REP-P	94-21-085
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4-25-522	NEW	94-02-068	16-103-010	NEW-W	94-14-060	16-219-022	REP-P	94-21-085
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4-25-810	NEW	94-02-072	16-103-020	NEW-W	94-14-060	16-219-027	NEW	94-09-028
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4-25-820	NEW	94-02-071	16-108-010	AMD-W	94-07-038	16-219-029	NEW	94-09-028
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4-25-920	NEW	94-02-069	16-147-010	NEW-P	94-22-068	16-219-030	REP-P	94-05-092
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Table of WAC Sections Affected

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16-228-235	REP	94-13-195	16-432-040	REP	94-03-025	16-678-001	REP	94-03-022
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16-400-210	AMD-P	94-13-041	16-620-380	AMD	94-13-070	50-60-085	NEW-E	94-17-054
16-400-210	AMD	94-16-060	16-620-400	NEW-P	94-10-075	50-60-085	NEW-P	94-20-128
16-403-145	AMD-P	94-05-050	16-620-400	NEW	94-13-070	50-60-090	NEW	94-03-009
16-403-145	AMD	94-07-133	16-620-410	NEW-P	94-10-075	50-60-100	NEW	94-03-009
16-403-150	AMD-P	94-05-050	16-620-410	NEW	94-13-070	50-60-110	NEW	94-03-009
16-403-150	AMD	94-07-133	16-675-010	AMD-P	94-09-054	50-60-120	NEW	94-03-009
16-403-290	AMD-P	94-05-050	16-675-010	AMD	94-12-035	50-60-130	NEW	94-03-009
16-403-290	AMD	94-07-133	16-675-029	NEW-P	94-09-054	50-60-140	NEW	94-03-009
16-415-010	REP	94-03-026	16-675-029	NEW	94-12-035	50-60-150	NEW	94-03-009

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50-60-170	NEW	94-03-009	51-30-0207	NEW-P	94-16-143
50-60-170	AMD-E	94-17-054	51-30-0217	NEW-P	94-16-143
50-60-170	AMD-P	94-20-128	51-30-0220	NEW-P	94-16-143
50-60-180	NEW	94-03-009	51-30-0300	NEW-P	94-16-143
51-04-015	AMD	94-05-058	51-30-0302	NEW-P	94-16-143
51-04-018	AMD	94-05-058	51-30-0304	NEW-P	94-16-143
51-04-020	AMD	94-05-058	51-30-0305	NEW-P	94-16-143
51-04-025	AMD	94-05-058	51-30-0307	NEW-P	94-16-143
51-04-030	AMD-W	94-05-102	51-30-0310	NEW-P	94-16-143
51-04-030	PREP	94-12-015	51-30-0311	NEW-P	94-16-143
51-04-030	AMD-P	94-16-114	51-30-0313	NEW-P	94-16-143
51-04-060	AMD	94-05-058	51-30-0400	NEW-P	94-16-143
51-11	PREP	94-12-017	51-30-0403	NEW-P	94-16-143
51-11-0105	AMD-P	94-16-116	51-30-0405	NEW-P	94-16-143
51-11-0108	AMD-P	94-16-116	51-30-0417	NEW-P	94-16-143
51-11-0201	AMD	94-05-059	51-30-0500	NEW-P	94-16-143
51-11-0402	AMD	94-05-059	51-30-0502	NEW-P	94-16-143
51-11-0502	AMD-E	94-05-007	51-30-0510	NEW-P	94-16-143
51-11-0502	AMD	94-05-059	51-30-0600	NEW-P	94-16-143
51-11-0502	AMD-P	94-16-116	51-30-0601	NEW-P	94-16-143
51-11-0525	AMD	94-05-059	51-30-0800	NEW-P	94-16-143
51-11-0527	AMD	94-05-059	51-30-0804	NEW-P	94-16-143
51-11-0530	AMD-P	94-16-116	51-30-0900	NEW-P	94-16-143
51-11-0601	AMD	94-05-059	51-30-0902	NEW-P	94-16-143
51-11-0602	AMD	94-05-059	51-30-0904	NEW-P	94-16-143
51-11-0603	AMD	94-05-059	51-30-1000	NEW-P	94-16-143
51-11-0625	AMD	94-05-059	51-30-1001	NEW-P	94-16-143
51-11-0625	AMD-P	94-16-116	51-30-1004	NEW-P	94-16-143
51-11-0626	AMD	94-05-059	51-30-1005	NEW-P	94-16-143
51-11-0626	AMD-P	94-16-116	51-30-1006	NEW-P	94-16-143
51-11-0627	AMD	94-05-059	51-30-1007	NEW-P	94-16-143
51-11-0627	AMD-P	94-16-116	51-30-1009	NEW-P	94-16-143
51-11-0628	AMD	94-05-059	51-30-1014	NEW-P	94-16-143
51-11-0628	AMD-P	94-16-116	51-30-1019	NEW-P	94-16-143
51-11-0629	AMD	94-05-059	51-30-1030	NEW-P	94-16-143
51-11-0629	AMD-P	94-16-116	51-30-1100	NEW-P	94-16-143
51-11-0630	AMD	94-05-059	51-30-1100	NEW-S	94-18-094
51-11-0630	AMD-P	94-16-116	51-30-1101	NEW-P	94-16-143
51-11-0900	AMD-P	94-16-116	51-30-1101	NEW-S	94-18-094
51-11-1006	AMD-E	94-05-007	51-30-1102	NEW-P	94-16-143
51-11-1006	AMD	94-05-059	51-30-1102	NEW-S	94-18-094
51-11-1011	NEW-E	94-05-007	51-30-1103	NEW-P	94-16-143
51-11-1143	AMD-P	94-16-116	51-30-1103	NEW-S	94-18-094
51-13	PREP	94-12-016	51-30-1104	NEW-P	94-16-143
51-13-106	AMD-P	94-16-117	51-30-1104	NEW-S	94-18-094
51-13-201	AMD-P	94-16-117	51-30-1105	NEW-P	94-16-143
51-13-302	AMD-P	94-16-117	51-30-1105	NEW-S	94-18-094
51-13-304	AMD-P	94-16-117	51-30-1106	NEW-P	94-16-143
51-13-402	AMD-P	94-16-117	51-30-1106	NEW-S	94-18-094
51-13-501	AMD-P	94-16-117	51-30-1107	NEW-P	94-16-143
51-13-502	AMD-P	94-16-117	51-30-1107	NEW-S	94-18-094
51-26-0909	NEW-P	94-16-115	51-30-1108	NEW-P	94-16-143
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51-26-1803	AMD-P	94-16-115	51-30-1110	NEW-S	94-18-094
51-26-1810	AMD-P	94-16-115	51-30-1111	NEW-P	94-16-143
51-26-1820	AMD-P	94-16-115	51-30-1111	NEW-S	94-18-094
51-26-1830	AMD-P	94-16-115	51-30-1112	NEW-P	94-16-143
51-26-2200	AMD-P	94-16-115	51-30-1112	NEW-S	94-18-094
51-30-001	NEW-P	94-16-143	51-30-1113	NEW-P	94-16-143
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51-30-003	NEW-P	94-16-143	51-30-1114	NEW-P	94-16-143
51-30-004	NEW-P	94-16-143	51-30-1114	NEW-S	94-18-094
51-30-005	NEW-P	94-16-143	51-30-1115	NEW-P	94-16-143
51-30-007	NEW-P	94-16-143	51-30-1120	NEW-P	94-16-143
51-30-008	NEW-P	94-16-143	51-30-1120	NEW-S	94-18-094
51-30-009	NEW-P	94-16-143	51-30-1121	NEW-P	94-16-143
51-30-0100	NEW-P	94-16-143	51-30-1121	NEW-S	94-18-094
			51-30-1122	NEW-P	94-16-143
			51-30-1122	NEW-S	94-18-094
			51-30-1123	NEW-P	94-16-143
			51-30-1123	NEW-S	94-18-094
			51-30-1124	NEW-P	94-16-143
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			51-32-1300	NEW-P	94-16-118
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			51-32-1313	NEW-P	94-16-118
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			51-34-001	NEW-P	94-16-113
			51-34-002	NEW-P	94-16-113
			51-34-003	NEW-P	94-16-113
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			51-34-008	NEW-P	94-16-113
			51-34-0200	NEW-P	94-16-113
			51-34-0206	NEW-P	94-16-113
			51-34-0216	NEW-P	94-16-113
			51-34-0219	NEW-P	94-16-113
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			51-34-0900	NEW-P	94-16-113
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51-34-2500	NEW-P	94-16-113	55-01-060	AMD-W	94-07-075	106-08-450	AMD	94-20-062
51-34-2501	NEW-P	94-16-113	55-01-060	AMD-E	94-14-017	106-08-460	AMD-P	94-17-074
51-34-5200	NEW-P	94-16-113	55-01-060	AMD-E	94-22-015	106-08-460	AMD-E	94-17-075
51-34-5201	NEW-P	94-16-113	55-01-070	AMD-E	94-06-032	106-08-460	AMD	94-20-062
51-34-5204	NEW-P	94-16-113	55-01-070	AMD-W	94-07-075	106-20	PREP	94-15-080
51-34-6100	NEW-P	94-16-113	55-01-070	AMD-E	94-14-017	106-20-100	AMD-P	94-17-074
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51-34-6104	NEW-P	94-16-113	55-01-080	AMD-W	94-07-075	106-20-100	AMD	94-20-062
51-34-6105	NEW-P	94-16-113	67-25	PREP	94-16-146	106-50	PREP	94-15-080
51-34-6106	NEW-P	94-16-113	67-35-030	AMD-P	94-07-067	106-50-100	AMD-P	94-17-074
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51-34-7800	NEW-P	94-16-113	67-35-051	PREP	94-17-001	106-50-100	AMD	94-20-062
51-34-7802	NEW-P	94-16-113	67-35-051	NEW-P	94-20-032	106-72	PREP	94-15-080
51-34-7900	NEW-P	94-16-113	67-35-070	PREP	94-17-001	106-72-005	AMD-P	94-17-074
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51-34-7902	NEW-P	94-16-113	67-35-072	PREP	94-17-001	106-72-005	AMD	94-20-062
51-34-7904	NEW-P	94-16-113	67-35-072	AMD-P	94-20-032	106-72-015	AMD-P	94-17-074
51-34-8000	NEW-P	94-16-113	67-35-230	AMD-P	94-07-067	106-72-015	AMD-E	94-17-075
51-34-8001	NEW-P	94-16-113	67-35-230	AMD-W	94-11-053	106-72-015	AMD	94-20-062
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51-34-9100	NEW-P	94-16-113	67-35-230	AMD	94-15-052	106-72-025	AMD-E	94-17-075
51-34-9101	NEW-P	94-16-113	67-35-910	PREP	94-17-001	106-72-025	AMD	94-20-062
51-34-9102	NEW-P	94-16-113	67-35-910	AMD-P	94-20-032	106-72-200	AMD-P	94-17-074
51-34-9103	NEW-P	94-16-113	82-50-021	AMD-P	94-10-055	106-72-200	AMD-E	94-17-075
51-34-9104	NEW-P	94-16-113	82-50-021	AMD	94-13-097	106-72-200	AMD	94-20-062
51-34-9105	NEW-P	94-16-113	106-08	PREP	94-15-080	106-72-400	AMD-P	94-17-074
51-34-9106	NEW-P	94-16-113	106-08-001	AMD-P	94-17-074	106-72-400	AMD-E	94-17-075
51-34-9107	NEW-P	94-16-113	106-08-001	AMD-E	94-17-075	106-72-400	AMD	94-20-062
51-34-9108	NEW-P	94-16-113	106-08-001	AMD	94-20-062	106-72-410	AMD-P	94-17-074
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51-35-002	NEW-P	94-16-113	106-08-002	AMD	94-20-062	106-72-440	AMD-P	94-17-074
51-35-003	NEW-P	94-16-113	106-08-040	AMD-P	94-17-074	106-72-440	AMD-E	94-17-075
51-35-007	NEW-P	94-16-113	106-08-040	AMD-E	94-17-075	106-72-440	AMD	94-20-062
51-35-008	NEW-P	94-16-113	106-08-040	AMD	94-20-062	106-72-510	AMD-P	94-17-074
51-35-09000	NEW-P	94-16-113	106-08-110	AMD-P	94-17-074	106-72-510	AMD-E	94-17-075
51-35-52000	NEW-P	94-16-113	106-08-110	AMD-E	94-17-075	106-72-510	AMD	94-20-062
51-35-52400	NEW-P	94-16-113	106-08-110	AMD	94-20-062	106-72-540	AMD-P	94-17-074
51-35-52404	NEW-P	94-16-113	106-08-230	AMD-P	94-17-074	106-72-540	AMD-E	94-17-075
51-35-52411	NEW-P	94-16-113	106-08-230	AMD-E	94-17-075	106-72-540	AMD	94-20-062
51-35-52417	NEW-P	94-16-113	106-08-230	AMD	94-20-062	106-72-580	AMD-P	94-17-074
51-35-52500	NEW-P	94-16-113	106-08-260	AMD-P	94-17-074	106-72-580	AMD-E	94-17-075
51-35-52501	NEW-P	94-16-113	106-08-260	AMD-E	94-17-075	106-72-580	AMD	94-20-062
51-35-52502	NEW-P	94-16-113	106-08-260	AMD	94-20-062	106-72-600	AMD-P	94-17-074
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51-35-52507	NEW-P	94-16-113	106-08-300	AMD-E	94-17-075	106-72-610	AMD	94-20-062
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51-35-52509	NEW-P	94-16-113	106-08-310	AMD-P	94-17-074	106-116-011	AMD-E	94-07-091
51-35-52600	NEW-P	94-16-113	106-08-310	AMD-E	94-17-075	106-116-011	AMD	94-10-049
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55-01-020	AMD-W	94-07-075	106-08-350	AMD-E	94-17-075	106-116-042	AMD	94-10-049
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55-01-030	AMD-W	94-07-075	106-08-400	AMD	94-20-062	106-116-10401	AMD-P	94-07-090
55-01-030	AMD-E	94-14-017	106-08-410	AMD-P	94-17-074	106-116-10401	AMD-E	94-07-091
55-01-030	AMD-E	94-22-015	106-08-410	AMD-E	94-17-075	106-116-10401	AMD	94-10-049
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106-116-205	AMD-E	94-07-091	106-116-701	AMD-E	94-07-091	106-140-035	AMD-E	94-17-077
106-116-205	AMD	94-10-049	106-116-701	AMD	94-10-049	106-140-035	AMD	94-20-075
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106-116-207	AMD-E	94-07-091	106-116-702	AMD-E	94-07-091	106-140-040	AMD-E	94-17-077
106-116-207	AMD	94-10-049	106-116-702	AMD	94-10-049	106-140-040	AMD	94-20-075
106-116-208	AMD-P	94-07-090	106-116-702	AMD-E	94-07-091	106-140-050	AMD-P	94-17-076
106-116-208	AMD-E	94-07-091	106-116-702	AMD-E	94-07-091	106-140-050	AMD-E	94-17-077
106-116-208	AMD	94-10-049	106-116-702	AMD	94-10-049	106-140-050	AMD	94-20-075
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106-116-305	AMD-E	94-07-091	106-120-027	AMD-E	94-17-152	106-140-112	AMD-E	94-17-077
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106-116-308	AMD	94-10-049	106-120-132	AMD-E	94-17-152	106-140-130	AMD-E	94-17-076
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106-116-311	AMD-E	94-07-091	106-120-143	AMD-E	94-17-152	106-140-133	AMD-E	94-17-077
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106-116-410	AMD	94-10-049	106-124	AMD	94-17-151	106-140-160	AMD	94-20-075
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106-116-513	AMD-E	94-07-091	106-124-011	AMD-E	94-17-152	106-140-600	AMD-E	94-17-077
106-116-513	AMD	94-10-049	106-124-011	AMD	94-21-048	106-140-600	AMD	94-20-075
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106-116-514	AMD-E	94-07-091	106-124-700	AMD-E	94-17-152	106-140-605	AMD-E	94-17-077
106-116-514	AMD	94-10-049	106-124-700	AMD	94-21-048	106-140-605	AMD	94-20-075
106-116-515	AMD-P	94-07-090	106-124-801	AMD-P	94-17-151	106-140-632	AMD-P	94-17-076
106-116-515	AMD-E	94-07-091	106-124-801	AMD-E	94-17-152	106-140-632	AMD-E	94-17-077
106-116-515	AMD	94-10-049	106-124-801	AMD	94-21-048	106-140-632	AMD	94-20-075
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106-116-601	AMD-P	94-07-090	106-140-010	AMD	94-20-075	106-140-670	AMD-P	94-17-076
106-116-601	AMD-E	94-07-091	106-140-010	AMD-E	94-17-076	106-140-670	AMD-E	94-17-077
106-116-601	AMD	94-10-049	106-140-011	AMD-P	94-17-077	106-140-670	AMD	94-20-075
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106-160-005	REP-E	94-17-154	106-160-080	NEW	94-21-008	106-168	PREP	94-15-083
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106-160-010	REP-E	94-17-154	106-160-090	NEW	94-21-008	106-168-009	AMD	94-21-008
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106-160-016	REP-E	94-17-154	106-160-110	NEW	94-21-008	106-168-097	AMD	94-21-008
106-160-016	REP	94-21-008	106-160-120	NEW-P	94-17-153	106-172	PREP	94-15-081
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106-160-017	REP	94-21-008	106-160-130	NEW-P	94-17-153	106-172-711	AMD	94-21-048
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106-160-021	REP-E	94-17-154	106-160-140	NEW	94-21-008	106-172-731	AMD-E	94-17-152
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106-160-022	REP-E	94-17-154	106-160-150	NEW	94-21-008	106-172-735	AMD-E	94-17-152
106-160-022	REP	94-21-008	106-160-160	NEW-P	94-17-153	106-172-735	AMD	94-21-048
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106-160-023	REP-E	94-17-154	106-160-160	NEW	94-21-008	106-172-750	AMD-E	94-17-152
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106-160-024	REP	94-21-008	106-160-180	NEW-P	94-17-153	106-172-761	AMD	94-21-048
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106-160-026	REP	94-21-008	106-160-190	NEW-P	94-17-153	106-172-763	AMD	94-21-048
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106-160-031	REP-E	94-17-154	106-160-220	NEW	94-21-008	106-276-010	AMD-P	94-17-076
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106-160-032	REP-E	94-17-154	106-160-230	NEW	94-21-008	106-276-030	AMD-P	94-17-076
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106-160-034	REP-P	94-17-153	106-160-250	NEW-E	94-17-154	106-276-040	AMD	94-20-075
106-160-034	REP-E	94-17-154	106-160-250	NEW	94-21-008	106-276-060	AMD-P	94-17-076
106-160-034	REP	94-21-008	106-160-260	NEW-P	94-17-153	106-276-060	AMD-E	94-17-077
106-160-035	REP-P	94-17-153	106-160-260	NEW-E	94-17-154	106-276-060	AMD	94-20-075
106-160-035	REP-E	94-17-154	106-160-260	NEW	94-21-008	106-276-070	AMD-P	94-17-076
106-160-035	REP	94-21-008	106-160-270	NEW-P	94-17-153	106-276-070	AMD-E	94-17-077
106-160-040	REP-P	94-17-153	106-160-270	NEW-E	94-17-154	106-276-070	AMD	94-20-075
106-160-040	REP-E	94-17-154	106-160-270	NEW	94-21-008	106-276-080	AMD-P	94-17-076
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106-276-100	AMD-P	94-17-076	132F-08-250	REP-P	94-05-097A	132F-108-110	NEW	94-18-070
106-276-100	AMD-E	94-17-077	132F-08-250	REP	94-18-070	132F-108-120	NEW-P	94-05-097A
106-276-100	AMD	94-20-075	132F-08-260	REP-P	94-05-097A	132F-108-120	NEW	94-18-070
106-276-110	AMD-P	94-17-076	132F-08-260	REP	94-18-070	132F-108-130	NEW-P	94-05-097A
106-276-110	AMD-E	94-17-077	132F-08-270	REP-P	94-05-097A	132F-108-130	NEW	94-18-070
106-276-110	AMD	94-20-075	132F-08-270	REP	94-18-070	132F-108-140	NEW-P	94-05-097A
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131-46-025	AMD	94-04-120	132F-08-290	REP-P	94-05-097A	132H-160-050	REP	94-04-098
131-46-027	NEW	94-04-120	132F-08-290	REP	94-18-070	132H-160-056	REP	94-04-098
131-46-029	NEW	94-04-120	132F-08-300	REP-P	94-05-097A	132H-160-059	REP	94-04-098
131-46-030	AMD	94-04-120	132F-08-300	REP	94-18-070	132H-160-070	REP	94-04-098
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131-46-045	AMD	94-04-120	132F-08-320	REP-P	94-05-097A	132H-160-140	REP	94-04-098
131-46-050	AMD	94-04-120	132F-08-320	REP	94-18-070	132H-160-150	REP	94-04-098
131-46-055	AMD	94-04-120	132F-08-330	REP-P	94-05-097A	132H-160-260	REP	94-04-098
131-46-060	AMD	94-04-120	132F-08-330	REP	94-18-070	132H-160-320	REP	94-04-098
131-46-065	AMD	94-04-120	132F-08-340	REP-P	94-05-097A	132H-160-330	REP	94-04-098
131-46-070	AMD	94-04-120	132F-08-340	REP	94-18-070	132H-160-350	REP	94-04-098
131-46-075	AMD	94-04-120	132F-08-350	REP-P	94-05-097A	132H-160-390	REP	94-04-098
131-46-077	NEW	94-04-120	132F-08-350	REP	94-18-070	132H-160-400	REP	94-04-098
131-46-080	AMD	94-04-120	132F-08-360	REP-P	94-05-097A	132H-160-430	REP	94-04-098
131-46-085	AMD	94-04-120	132F-08-360	REP	94-18-070	132H-160-440	REP	94-04-098
131-46-090	AMD	94-04-120	132F-08-400	REP-P	94-05-097A	132H-160-492	REP	94-04-098
131-46-095	AMD	94-04-120	132F-08-400	REP	94-18-070	132H-160-520	REP	94-04-098
131-46-100	AMD	94-04-120	132F-08-410	REP-P	94-05-097A	132H-160-600	REP	94-04-098
131-46-105	AMD	94-04-120	132F-08-410	REP	94-18-070	132H-160-610	REP	94-04-098
131-46-110	AMD	94-04-120	132F-08-420	REP-P	94-05-097A	132H-160-620	REP	94-04-098
131-46-115	AMD	94-04-120	132F-08-420	REP	94-18-070	132H-160-630	REP	94-04-098
131-46-120	AMD	94-04-120	132F-08-430	REP-P	94-05-097A	132H-160-640	REP	94-04-098
131-46-125	NEW	94-04-120	132F-08-430	REP	94-18-070	132H-160-650	REP	94-04-098
131-46-130	NEW	94-04-120	132F-08-440	REP-P	94-05-097A	132H-160-660	REP	94-04-098
132B-300	AMD-P	94-16-090	132F-08-440	REP	94-18-070	132H-160-670	REP	94-04-098
132B-300	AMD	94-20-072	132F-08-450	REP-P	94-05-097A	132H-160-680	REP	94-04-098
132B-300-010	AMD-P	94-16-090	132F-08-450	REP	94-18-070	132H-160-690	REP	94-04-098
132B-300-010	AMD	94-20-072	132F-08-460	REP-P	94-05-097A	132J-108-050	AMD	94-04-051
132B-300-020	AMD-P	94-16-090	132F-08-460	REP	94-18-070	132J-116-010	AMD	94-04-052
132B-300-020	AMD	94-20-072	132F-08-470	REP-P	94-05-097A	132J-116-020	REP	94-04-052
132B-310-010	NEW-P	94-16-091	132F-08-470	REP	94-18-070	132J-116-021	NEW	94-04-052
132B-310-010	NEW	94-20-073	132F-08-480	REP-P	94-05-097A	132J-116-040	AMD	94-04-052
132B-310-020	NEW-P	94-16-091	132F-08-480	REP	94-18-070	132J-116-050	AMD	94-04-052
132B-310-020	NEW	94-20-073	132F-104-030	AMD-P	94-05-097A	132J-116-060	AMD	94-04-052
132B-310-030	NEW-P	94-16-091	132F-104-030	AMD	94-18-070	132J-116-070	REP	94-04-052
132B-310-030	NEW	94-20-073	132F-104-811	AMD-P	94-05-097A	132J-116-080	AMD	94-04-052
132B-310-040	NEW-P	94-16-091	132F-104-811	AMD	94-18-070	132J-116-090	AMD	94-04-052
132B-310-040	NEW	94-20-073	132F-104-813	AMD-P	94-05-097A	132J-116-100	AMD	94-04-052
132B-310-050	NEW-P	94-16-091	132F-104-813	AMD	94-18-070	132J-116-110	AMD	94-04-052
132B-310-050	NEW	94-20-073	132F-104-815	AMD-P	94-05-097A	132J-116-120	AMD	94-04-052
132F-08-001	REP-P	94-05-097A	132F-104-815	AMD	94-18-070	132J-116-130	AMD	94-04-052
132F-08-001	REP	94-18-070	132F-104-819	AMD-P	94-05-097A	132J-116-140	AMD	94-04-052
132F-08-005	REP-P	94-05-097A	132F-104-819	AMD	94-18-070	132J-116-150	AMD	94-04-052
132F-08-005	REP	94-18-070	132F-108-010	NEW-P	94-05-097A	132J-116-160	AMD	94-04-052
132F-08-010	REP-P	94-05-097A	132F-108-010	NEW	94-18-070	132J-116-170	AMD	94-04-052
132F-08-010	REP	94-18-070	132F-108-020	NEW-P	94-05-097A	132J-116-180	AMD	94-04-052
132F-08-080	REP-P	94-05-097A	132F-108-020	NEW	94-18-070	132J-116-190	AMD	94-04-052
132F-08-080	REP	94-18-070	132F-108-030	NEW-P	94-05-097A	132J-116-200	REP	94-04-052
132F-08-090	REP-P	94-05-097A	132F-108-030	NEW	94-18-070	132J-116-210	AMD	94-04-052
132F-08-090	REP	94-18-070	132F-108-040	NEW-P	94-05-097A	132J-116-220	AMD	94-04-052
132F-08-100	REP-P	94-05-097A	132F-108-040	NEW	94-18-070	132J-116-240	AMD	94-04-052
132F-08-100	REP	94-18-070	132F-108-050	NEW-P	94-05-097A	132J-128-010	REP	94-04-053
132F-08-110	REP-P	94-05-097A	132F-108-050	NEW	94-18-070	132J-128-020	REP	94-04-053
132F-08-110	REP	94-18-070	132F-108-060	NEW-P	94-05-097A	132J-128-030	REP	94-04-053
132F-08-120	REP-P	94-05-097A	132F-108-060	NEW	94-18-070	132J-128-040	REP	94-04-053
132F-08-120	REP	94-18-070	132F-108-070	NEW-P	94-05-097A	132J-128-050	REP	94-04-053
132F-08-130	REP-P	94-05-097A	132F-108-070	NEW	94-18-070	132J-128-060	REP	94-04-053
132F-08-130	REP	94-18-070	132F-108-080	NEW-P	94-05-097A	132J-128-070	REP	94-04-053
132F-08-140	REP-P	94-05-097A	132F-108-080	NEW	94-18-070	132J-128-080	REP	94-04-053
132F-08-140	REP	94-18-070	132F-108-090	NEW-P	94-05-097A	132J-128-090	REP	94-04-053
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132J-128-120	REP	94-04-053	136-161-090	NEW	94-16-111	148-120-230	NEW-P	94-08-066
132J-128-130	REP	94-04-053	136-161-100	NEW-P	94-13-182	148-120-230	NEW	94-13-058
132J-128-140	REP	94-04-053	136-161-100	NEW	94-16-111	148-120-234	NEW-P	94-08-066
132J-128-200	NEW	94-04-053	136-165-010	NEW-P	94-13-184	148-120-234	NEW	94-13-058
132J-128-210	NEW	94-04-053	136-165-010	NEW	94-16-109	148-120-236	NEW-P	94-08-066
132J-136-020	REP	94-04-054	136-165-020	NEW-P	94-13-184	148-120-236	NEW	94-13-058
132J-136-025	REP	94-04-054	136-165-020	NEW	94-16-109	162-12-100	AMD-W	94-04-087
132J-136-030	REP	94-04-054	136-165-030	NEW-P	94-13-184	162-12-110	REP-W	94-04-087
132J-136-040	REP	94-04-054	136-165-030	NEW	94-16-109	162-12-120	AMD-W	94-04-087
132J-136-050	REP	94-04-054	136-165-040	NEW-P	94-13-184	162-12-130	AMD-W	94-04-087
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132Q-04-061	NEW-P	94-18-087	136-165-050	NEW	94-16-109	162-12-150	AMD-W	94-04-087
132Q-04-081	NEW-P	94-18-092	136-167-010	NEW-P	94-13-183	162-12-160	AMD-W	94-04-087
132Q-04-082	NEW-P	94-18-091	136-167-010	NEW	94-16-110	162-12-170	AMD-W	94-04-087
132Q-04-083	NEW-P	94-18-090	136-167-020	NEW-P	94-13-183	162-12-180	AMD-W	94-04-087
132Q-04-094	NEW-P	94-18-089	136-167-020	NEW	94-16-110	162-18-010	REP-W	94-04-087
132Q-04-097	NEW-P	94-18-088	136-167-030	NEW-P	94-13-183	162-18-020	REP-W	94-04-087
132R-190-010	AMD	94-07-019	136-167-030	NEW	94-16-110	162-18-030	REP-W	94-04-087
132R-190-020	AMD	94-07-019	136-167-040	NEW-P	94-13-183	162-18-040	REP-W	94-04-087
132R-190-030	AMD	94-07-019	136-167-040	NEW	94-16-110	162-18-050	REP-W	94-04-087
132R-190-035	AMD	94-07-019	136-170-010	AMD-P	94-13-185	162-18-060	REP-W	94-04-087
132R-190-040	AMD	94-07-019	136-170-010	AMD	94-16-112	162-18-070	REP-W	94-04-087
132R-190-050	AMD	94-07-019	136-170-030	AMD-P	94-13-185	162-18-080	REP-W	94-04-087
132R-190-060	AMD	94-07-019	136-170-030	AMD	94-16-112	162-18-090	REP-W	94-04-087
132R-190-070	AMD	94-07-019	136-170-040	NEW-P	94-13-185	162-18-100	REP-W	94-04-087
132R-190-080	AMD	94-07-019	136-170-040	NEW	94-16-112	162-22-010	AMD-W	94-04-087
132R-190-090	AMD	94-07-019	136-180-040	AMD-P	94-06-031	162-22-020	AMD-W	94-04-087
132R-190-100	AMD	94-07-019	136-180-040	AMD	94-10-021	162-22-030	REP-W	94-04-087
132R-190-110	AMD	94-07-019	137-56-010	AMD	94-07-065	162-22-040	REP-W	94-04-087
132V-300-020	AMD-W	94-03-082	137-56-015	AMD	94-07-065	162-22-050	AMD-W	94-04-087
132Y-125-004	AMD	94-03-010	137-56-030	AMD	94-07-065	162-22-060	AMD-W	94-04-087
136-130-040	AMD-P	94-06-028	137-56-040	AMD	94-07-065	162-22-070	AMD-W	94-04-087
136-130-040	AMD	94-10-022	137-56-050	AMD	94-07-065	162-22-080	AMD-W	94-04-087
136-130-060	AMD-P	94-06-029	137-56-060	AMD	94-07-065	162-22-090	AMD-W	94-04-087
136-130-060	AMD	94-10-020	137-56-070	AMD	94-07-065	162-22-100	AMD-W	94-04-087
136-160-010	REP-P	94-13-182	137-56-080	AMD	94-07-065	162-26-010	AMD-W	94-04-087
136-160-010	REP	94-16-111	137-56-090	AMD	94-07-065	162-26-020	AMD-W	94-04-087
136-160-020	REP-P	94-13-182	137-56-095	AMD	94-07-065	162-26-030	AMD-W	94-04-087
136-160-020	REP	94-16-111	137-56-100	AMD	94-07-065	162-26-040	AMD-W	94-04-087
136-160-024	REP-P	94-13-182	137-56-110	AMD	94-07-065	162-26-050	AMD-W	94-04-087
136-160-024	REP	94-16-111	137-56-120	AMD	94-07-065	162-26-060	AMD-W	94-04-087
136-160-030	REP-P	94-13-182	137-56-140	AMD	94-07-065	162-26-070	AMD-W	94-04-087
136-160-030	REP	94-16-111	137-56-150	AMD	94-07-065	162-26-080	AMD-W	94-04-087
136-160-040	REP-P	94-13-182	137-56-160	AMD	94-07-065	162-26-090	AMD-W	94-04-087
136-160-040	REP	94-16-111	137-56-170	AMD	94-07-065	162-26-100	AMD-W	94-04-087
136-160-050	AMD-P	94-06-028	137-56-175	NEW	94-07-065	162-26-110	AMD-W	94-04-087
136-160-050	AMD	94-10-022	137-56-180	AMD	94-07-065	162-26-120	AMD-W	94-04-087
136-160-050	REP-P	94-13-182	137-56-190	REP	94-07-065	162-26-130	AMD-W	94-04-087
136-160-050	REP	94-16-111	137-56-200	AMD	94-07-065	162-26-140	AMD-W	94-04-087
136-160-060	AMD-P	94-06-030	137-56-210	AMD	94-07-065	162-30-010	AMD-W	94-04-087
136-160-060	AMD	94-10-023	137-56-220	AMD	94-07-065	162-30-020	AMD-W	94-04-087
136-160-060	REP-P	94-13-182	137-56-230	AMD	94-07-065	162-30-030	NEW-W	94-04-087
136-160-060	REP	94-16-111	137-56-240	AMD	94-07-065	162-30-035	NEW-W	94-04-087
136-160-065	REP-P	94-13-182	137-56-250	AMD	94-07-065	162-30-040	NEW-W	94-04-087
136-160-065	REP	94-16-111	148-120-010	NEW-P	94-08-066	162-30-050	NEW-W	94-04-087
136-161-010	NEW-P	94-13-182	148-120-010	NEW	94-13-058	162-30-060	NEW-W	94-04-087
136-161-010	NEW	94-16-111	148-120-015	NEW-P	94-08-066	162-30-070	NEW-W	94-04-087
136-161-020	NEW-P	94-13-182	148-120-015	NEW	94-13-058	162-30-080	NEW-W	94-04-087
136-161-020	NEW	94-16-111	148-120-100	NEW-P	94-08-066	162-30-090	NEW-W	94-04-087
136-161-030	NEW-P	94-13-182	148-120-100	NEW	94-13-058	162-30-100	NEW-W	94-04-087
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136-161-040	NEW-P	94-13-182	148-120-120	NEW	94-13-058	173-19-100	AMD	94-16-085
136-161-040	NEW	94-16-111	148-120-200	NEW-P	94-08-066	173-19-120	AMD-P	94-03-092
136-161-050	NEW-P	94-13-182	148-120-200	NEW	94-13-058	173-19-120	AMD	94-10-081
136-161-050	NEW	94-16-111	148-120-205	NEW-P	94-08-066	173-19-2401	AMD-C	94-05-038
136-161-060	NEW-P	94-13-182	148-120-205	NEW	94-13-058	173-19-2401	AMD	94-07-013
136-161-060	NEW	94-16-111	148-120-210	NEW-P	94-08-066	173-19-2520	AMD-P	94-14-086
136-161-070	NEW-P	94-13-182	148-120-210	NEW	94-13-058	173-19-2521	AMD-P	94-17-168
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136-161-080	NEW-P	94-13-182	148-120-220	NEW	94-13-058	173-19-2602	AMD-P	94-04-107
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173-19-3303	AMD	94-13-046	173-95-100	REP	94-04-030	173-320-060	REP	94-07-078
173-19-3506	AMD-W	94-07-074	173-95-110	REP	94-04-030	173-320-070	REP-P	94-03-071
173-19-3506	AMD-P	94-10-040	173-95-120	REP	94-04-030	173-320-070	REP	94-07-078
173-19-3506	AMD	94-14-029	173-95-130	REP	94-04-030	173-320-080	REP-P	94-03-071
173-19-3507	AMD-P	94-17-126	173-95-140	REP	94-04-030	173-320-080	REP	94-07-078
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173-19-360	AMD	94-14-030	173-95-160	REP	94-04-030	173-335-010	REP	94-07-078
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173-19-390	AMD	94-03-095	173-180A-020	NEW	94-10-084	173-335-020	REP	94-07-078
173-19-410	PREP	94-18-096	173-180A-030	NEW	94-10-084	173-335-030	REP-P	94-03-071
173-19-420	PREP	94-20-087	173-180A-040	NEW	94-10-084	173-335-030	REP	94-07-078
173-19-4203	AMD-P	94-07-119	173-180A-050	NEW	94-10-084	173-335-040	REP-P	94-03-071
173-19-4203	AMD	94-13-047	173-180A-060	NEW	94-10-084	173-335-040	REP	94-07-078
173-19-4205	AMD-P	94-03-094	173-180A-070	NEW	94-10-084	173-335-050	REP-P	94-03-071
173-19-4205	AMD	94-10-080	173-180A-080	NEW	94-10-084	173-335-050	REP	94-07-078
173-19-4205	PREP	94-20-087	173-180A-090	NEW	94-10-084	173-354	PREP	94-21-040
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173-34-010	REP	94-07-078	173-180A-110	NEW	94-10-084	173-360-110	AMD-P	94-19-084
173-34-020	REP-P	94-03-071	173-180A-120	NEW	94-10-084	173-360-120	AMD-P	94-19-084
173-34-020	REP	94-07-078	173-180A-130	NEW	94-10-084	173-360-130	AMD-P	94-19-084
173-34-030	REP-P	94-03-071	173-180A-140	NEW	94-10-084	173-360-190	AMD-P	94-19-084
173-34-030	REP	94-07-078	173-180A-150	NEW	94-10-084	173-360-200	AMD-P	94-19-084
173-34-040	REP-P	94-03-071	173-180B-010	NEW	94-10-083	173-360-210	AMD-P	94-19-084
173-34-040	REP	94-07-078	173-180B-020	NEW	94-10-083	173-360-305	AMD-P	94-19-084
173-34-050	REP-P	94-03-071	173-180B-030	NEW	94-10-083	173-360-310	AMD-P	94-19-084
173-34-050	REP	94-07-078	173-180B-040	NEW	94-10-083	173-360-320	AMD-P	94-19-084
173-58-010	AMD-P	94-05-037	173-180B-050	NEW	94-10-083	173-360-325	AMD-P	94-19-084
173-58-010	AMD	94-12-001	173-180B-060	NEW	94-10-083	173-360-330	AMD-P	94-19-084
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173-58-020	AMD	94-12-001	173-180B-080	NEW	94-10-083	173-360-340	AMD-P	94-19-084
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173-58-090	AMD	94-12-001	173-180B-100	NEW	94-10-083	173-360-350	AMD-P	94-19-084
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173-60-070	AMD-P	94-05-037	173-202-020	AMD-E	94-12-054	173-360-630	AMD-P	94-19-084
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173-70-030	REP-P	94-05-037	173-224-020	AMD	94-10-027	173-360-690	REP-P	94-19-084
173-70-030	REP	94-12-001	173-224-030	AMD-P	94-02-080	173-360-695	REP-P	94-19-084
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173-430-050	AMD-P	94-16-096	180-40-235	AMD	94-03-102	180-82-006	NEW-W	94-18-068
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173-430-070	AMD-P	94-16-096	180-50-120	AMD	94-03-104	180-82-007	NEW-W	94-18-068
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173-440-040	REP-P	94-10-078	180-75-061	AMD-P	94-16-129	180-82-020	NEW-W	94-18-068
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173-440-100	REP-P	94-10-078	180-75-065	AMD-W	94-18-068	180-82-030	NEW-W	94-18-068
173-440-100	REP	94-14-067	180-75-085	AMD-P	94-16-132	180-82-040	NEW-P	94-16-132
173-440-900	REP-P	94-10-078	180-75-085	AMD-W	94-18-068	180-82-040	NEW-W	94-18-068
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246-930-040	AMD-P	94-09-027	246-937-990	NEW	94-19-098	248-14-150	REP-E	94-21-034
246-930-040	AMD	94-13-179	247-04-010	NEW-P	94-12-021	248-14-150	REP	94-21-037
246-930-050	AMD-P	94-09-027	247-04-010	NEW	94-15-053	248-14-152	REP-P	94-18-012
246-930-050	AMD	94-13-179	247-04-020	NEW-P	94-12-021	248-14-152	REP-E	94-21-034
246-930-060	AMD-P	94-09-027	247-04-020	NEW	94-15-053	248-14-152	REP	94-21-037
246-930-060	AMD	94-13-179	247-04-030	NEW-P	94-12-021	248-14-155	REP-P	94-18-012
246-930-070	AMD-P	94-09-027	247-04-030	NEW	94-15-053	248-14-155	REP-E	94-21-034
246-930-070	AMD	94-13-179	247-04-040	NEW-P	94-12-021	248-14-155	REP	94-21-037
246-930-075	AMD-P	94-09-027	247-04-040	NEW	94-15-053	248-14-160	REP-P	94-18-012
246-930-075	AMD	94-13-179	247-06-010	NEW-P	94-12-022	248-14-160	REP-E	94-21-034
246-930-200	AMD-P	94-09-027	247-06-010	NEW	94-15-054	248-14-160	REP	94-21-037
246-930-200	AMD	94-13-179	247-06-020	NEW-P	94-12-022	248-14-170	REP-P	94-18-012
246-930-210	AMD-P	94-09-027	247-06-020	NEW	94-15-054	248-14-170	REP-E	94-21-034
246-930-210	AMD	94-13-179	247-06-020	NEW	94-15-054	248-14-170	REP	94-21-037
246-930-210	AMD	94-13-179	247-06-030	NEW-P	94-12-022	248-14-170	REP	94-21-037
246-930-220	AMD-P	94-09-027	247-06-030	NEW-P	94-12-022	248-14-180	REP-P	94-18-012
246-930-220	AMD	94-13-179	247-06-030	NEW	94-15-054	248-14-180	REP-P	94-18-012
246-930-300	AMD-P	94-09-027	248-14-001	REP-P	94-18-012	248-14-180	REP-E	94-21-034
246-930-300	AMD	94-13-179	248-14-001	REP-E	94-21-034	248-14-180	REP	94-21-037
246-930-301	AMD-P	94-09-027	248-14-001	REP	94-21-037	248-14-180	REP	94-21-037
246-930-301	AMD	94-13-179	248-14-010	REP-P	94-18-012	248-14-200	REP-P	94-18-012
246-930-310	AMD-P	94-09-027	248-14-010	REP-E	94-21-034	248-14-200	REP-E	94-21-034
246-930-310	AMD	94-13-179	248-14-010	REP	94-21-037	248-14-200	REP	94-21-037
246-930-320	AMD-P	94-09-027	248-14-020	REP-P	94-18-012	248-14-211	REP-P	94-18-012
246-930-320	AMD	94-13-179	248-14-020	REP-E	94-21-034	248-14-211	REP-E	94-21-034
246-930-330	AMD-P	94-09-027	248-14-020	REP	94-21-037	248-14-211	REP	94-21-037
246-930-330	AMD	94-13-179	248-14-030	REP-P	94-18-012	248-14-230	REP-P	94-18-012
246-930-340	AMD-P	94-09-027	248-14-030	REP-P	94-18-012	248-14-230	REP-E	94-21-034
246-930-340	AMD	94-13-179	248-14-030	REP-E	94-21-034	248-14-230	REP	94-21-037
246-930-410	AMD-P	94-09-027	248-14-040	REP	94-21-037	248-14-235	REP-P	94-18-012
246-930-410	AMD	94-13-179	248-14-040	REP-E	94-21-034	248-14-235	REP-E	94-21-034
246-930-420	NEW-P	94-09-027	248-14-040	REP	94-21-037	248-14-235	REP	94-21-037
246-930-420	NEW	94-13-179	248-14-040	REP-P	94-18-012	248-14-240	REP-P	94-18-012
246-930-430	NEW-P	94-09-027	248-14-060	REP-E	94-21-034	248-14-240	REP-E	94-21-034
246-930-430	NEW	94-13-179	248-14-060	REP	94-21-037	248-14-240	REP	94-21-037
246-930-490	NEW-P	94-09-027	248-14-065	REP-P	94-18-012	248-14-245	REP-P	94-18-012
246-930-490	NEW	94-13-179	248-14-065	REP-E	94-21-034	248-14-245	REP-E	94-21-034
246-930-990	AMD-P	94-09-027	248-14-065	REP	94-21-037	248-14-245	REP	94-21-037
246-930-990	AMD	94-13-179	248-14-070	REP-P	94-18-012	248-14-247	REP-P	94-18-012
246-937-010	NEW-S	94-19-095	248-14-070	REP-E	94-21-034	248-14-247	REP-E	94-21-034
246-937-010	NEW-E	94-19-096	248-14-070	REP	94-21-037	248-14-247	REP	94-21-037
246-937-020	NEW-E	94-08-051	248-14-071	REP-P	94-18-012	248-14-249	REP-P	94-18-012
246-937-020	NEW-P	94-08-052	248-14-071	REP-E	94-21-034	248-14-249	REP-E	94-21-034
246-937-020	NEW-S	94-19-095	248-14-071	REP	94-21-037	248-14-249	REP	94-21-037
246-937-020	NEW-E	94-19-096	248-14-080	REP-P	94-18-012	248-14-250	REP-P	94-18-012
246-937-030	NEW-E	94-08-051	248-14-080	REP-E	94-21-034	248-14-250	REP-E	94-21-034
246-937-030	NEW-P	94-08-052	248-14-080	REP	94-21-037	248-14-250	REP	94-21-037
246-937-030	NEW-S	94-19-095	248-14-090	REP-P	94-18-012	248-14-260	REP-P	94-18-012
246-937-030	NEW-E	94-19-096	248-14-090	REP-E	94-21-034	248-14-260	REP-E	94-21-034
246-937-040	NEW-E	94-19-096	248-14-090	REP	94-21-037	248-14-260	REP	94-21-037
246-937-040	NEW-E	94-08-051	248-14-090	REP-P	94-18-012	248-14-260	REP-P	94-18-012
246-937-040	NEW-P	94-08-052	248-14-100	REP-E	94-21-034	248-14-264	REP-E	94-21-034
246-937-040	NEW-S	94-19-095	248-14-100	REP	94-21-037	248-14-264	REP	94-21-037
246-937-040	NEW-E	94-19-096	248-14-100	REP-P	94-18-012	248-14-264	REP	94-21-037
246-937-050	NEW-S	94-19-095	248-14-110	REP	94-21-037	248-14-266	REP-P	94-18-012
246-937-050	NEW-E	94-19-096	248-14-110	REP-P	94-18-012	248-14-266	REP-E	94-21-034
246-937-060	NEW-S	94-19-095	248-14-110	REP-E	94-21-034	248-14-266	REP	94-21-037
246-937-060	NEW-E	94-19-096	248-14-110	REP	94-21-037	248-14-268	REP-P	94-18-012
246-937-070	NEW-E	94-08-051	248-14-114	REP-P	94-18-012	248-14-268	REP-E	94-21-034
246-937-070	NEW-P	94-08-052	248-14-114	REP-E	94-21-034	248-14-268	REP	94-21-037
246-937-070	NEW-S	94-19-095	248-14-114	REP	94-21-037	248-14-270	REP-P	94-18-012
246-937-070	NEW-E	94-19-096	248-14-120	REP-P	94-18-012	248-14-270	REP-E	94-21-034
246-937-080	NEW-E	94-08-051	248-14-120	REP-P	94-21-034	248-14-270	REP	94-21-037
246-937-080	NEW-P	94-08-052	248-14-120	REP-E	94-21-037	248-14-285	REP-P	94-18-012
			248-14-125	REP-P	94-18-012	248-14-285	REP-E	94-21-034
			248-14-125	REP-E	94-21-034	248-14-285	REP	94-21-037

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-14-290	REP-P	94-18-012	250-61-160	AMD-P	94-17-166	260-24-010	AMD-W	94-09-003
248-14-290	REP-E	94-21-034	250-61-170	AMD-P	94-17-166	260-24-080	AMD-W	94-09-003
248-14-290	REP	94-21-037	250-61-180	AMD-P	94-17-166	260-24-110	AMD-W	94-09-003
248-14-295	REP-P	94-18-012	250-61-190	AMD-P	94-17-166	260-24-120	AMD-W	94-09-003
248-14-295	REP-E	94-21-034	250-61-200	NEW-P	94-17-166	260-24-140	AMD-W	94-09-003
248-14-295	REP	94-21-037	250-61-210	NEW-P	94-17-166	260-24-150	AMD-W	94-09-003
248-14-296	REP-P	94-18-012	250-61-220	NEW-P	94-17-166	260-24-170	AMD-W	94-09-003
248-14-296	REP-E	94-21-034	250-62-010	NEW-W	94-06-018	260-24-180	AMD-W	94-09-003
248-14-296	REP	94-21-037	250-62-020	NEW-W	94-06-018	260-24-200	AMD-W	94-09-003
248-14-298	REP-P	94-18-012	250-62-030	NEW-W	94-06-018	260-24-210	AMD-W	94-09-003
248-14-298	REP-E	94-21-034	250-62-040	NEW-W	94-06-018	260-24-285	AMD-W	94-09-003
248-14-298	REP	94-21-037	250-62-050	NEW-W	94-06-018	260-24-290	AMD-W	94-09-003
248-14-300	REP-P	94-18-012	250-62-060	NEW-W	94-06-018	260-24-315	AMD-W	94-09-003
248-14-300	REP-E	94-21-034	250-62-070	NEW-W	94-06-018	260-24-440	AMD-W	94-09-003
248-14-300	REP	94-21-037	250-62-080	NEW-W	94-06-018	260-24-460	AMD-W	94-09-003
248-14-510	REP-P	94-18-012	250-62-090	NEW-W	94-06-018	260-24-470	AMD-W	94-09-003
248-14-510	REP-E	94-21-034	250-62-100	NEW-W	94-06-018	260-24-500	AMD-W	94-09-003
248-14-510	REP	94-21-037	250-62-110	NEW-W	94-06-018	260-24-510	AMD-W	94-09-003
248-14-520	REP-P	94-18-012	250-62-120	NEW-W	94-06-018	260-24-520	AMD-W	94-09-003
248-14-520	REP-E	94-21-034	250-62-130	NEW-W	94-06-018	260-34-030	AMD-W	94-09-003
248-14-520	REP	94-21-037	250-62-140	NEW-W	94-06-018	260-36-080	AMD	94-04-002
248-14-530	REP-P	94-18-012	250-62-150	NEW-W	94-06-018	260-48-322	AMD-P	94-05-077
248-14-530	REP-E	94-21-034	250-62-160	NEW-W	94-06-018	260-48-322	AMD-W	94-17-072
248-14-530	REP	94-21-037	250-62-170	NEW-W	94-06-018	260-48-324	AMD-P	94-05-076
248-14-540	REP-P	94-18-012	250-62-180	NEW-W	94-06-018	260-48-324	AMD-W	94-17-072
248-14-540	REP-E	94-21-034	250-62-190	NEW-W	94-06-018	260-48-328	AMD-P	94-05-075
248-14-540	REP	94-21-037	250-62-200	NEW-W	94-06-018	260-48-328	AMD-W	94-17-072
248-14-550	REP-P	94-18-012	250-62-210	NEW-W	94-06-018	260-70-010	AMD-W	94-09-003
248-14-550	REP-E	94-21-034	250-66-030	AMD-P	94-09-060	260-70-026	PREP	94-15-097
248-14-550	REP	94-21-037	250-66-030	AMD	94-14-007	260-70-026	AMD-P	94-17-143
248-14-560	REP-P	94-18-012	250-78-010	AMD-P	94-09-061	260-70-026	AMD	94-20-070
248-14-560	REP-E	94-21-034	250-78-010	AMD	94-14-008	260-70-040	AMD	94-04-002
248-14-560	REP	94-21-037	250-78-020	AMD-P	94-09-061	260-72-020	AMD	94-04-003
248-14-570	REP-P	94-18-012	250-78-020	AMD	94-14-008	263-12-015	PREP	94-21-093
248-14-570	REP-E	94-21-034	250-78-030	AMD-P	94-09-061	263-12-015	PREP	94-21-095
248-14-570	REP	94-21-037	250-78-030	AMD	94-14-008	263-12-080	PREP	94-21-095
250-14-020	NEW-P	94-16-125	250-78-040	AMD-P	94-09-061	263-12-140	PREP	94-21-095
250-14-030	NEW-P	94-16-125	250-78-040	AMD	94-14-008	263-12-155	PREP	94-21-095
250-14-040	NEW-P	94-16-125	250-78-050	AMD-P	94-09-061	263-12-165	PREP	94-21-094
250-14-050	NEW-P	94-16-125	250-78-050	AMD	94-14-008	263-12-165	PREP	94-21-095
250-14-060	NEW-P	94-16-125	250-78-060	AMD-P	94-09-061	263-12-190	PREP	94-21-095
250-14-070	NEW-P	94-16-125	250-78-060	AMD	94-14-008	275-16-030	AMD-P	94-13-051
250-14-080	NEW-P	94-16-125	250-79-010	NEW-C	94-04-093	275-16-030	AMD-E	94-14-005
250-40	AMD-P	94-09-058	250-79-010	NEW	94-14-064	275-16-030	AMD	94-16-048
250-40	AMD	94-14-006	251-04-040	AMD	94-16-049	275-27-220	AMD	94-04-092
250-40-020	AMD-P	94-09-058	251-04-105	AMD-P	94-12-057	275-27-221	NEW	94-04-092
250-40-020	AMD	94-14-006	251-04-105	AMD-C	94-16-052	275-27-223	AMD	94-04-092
250-40-040	AMD-P	94-09-058	251-04-105	AMD	94-20-025	275-30-020	AMD-P	94-12-026
250-40-040	AMD	94-14-006	251-06-020	AMD-P	94-12-058	275-30-020	AMD	94-15-002
250-40-050	AMD-P	94-09-058	251-06-020	AMD-C	94-16-053	275-35-030	AMD-P	94-08-007
250-40-050	AMD	94-14-006	251-06-020	AMD-C	94-20-023	275-35-030	AMD	94-11-065
250-40-070	AMD-P	94-09-058	251-06-020	AMD-C	94-21-091	275-35-060	AMD-P	94-08-007
250-40-070	AMD	94-14-006	251-08-112	AMD-P	94-12-058	275-35-060	AMD	94-11-065
250-44	AMD-C	94-15-033	251-08-112	AMD-C	94-16-053	275-35-070	AMD-P	94-08-007
250-44	AMD-C	94-22-064	251-08-112	AMD-C	94-20-023	275-35-070	AMD	94-11-065
250-44-050	AMD-P	94-10-001	251-08-112	AMD-C	94-21-091	275-35-080	AMD-P	94-08-007
250-44-110	AMD-P	94-10-001	251-23-010	REP-W	94-04-010	275-35-080	AMD	94-11-065
250-44-130	AMD-P	94-10-001	251-23-015	REP-W	94-04-010	275-47-010	NEW-P	94-12-066
250-61-010	AMD-P	94-17-166	251-23-020	REP-W	94-04-010	275-47-010	NEW	94-15-009
250-61-020	AMD-P	94-17-166	251-23-030	REP-W	94-04-010	275-47-020	NEW-P	94-12-066
250-61-030	AMD-P	94-17-166	251-23-040	REP-W	94-04-010	275-47-020	NEW	94-15-009
250-61-040	AMD-P	94-17-166	251-23-050	REP-W	94-04-010	275-47-030	NEW-P	94-12-066
250-61-050	AMD-P	94-17-166	251-23-060	REP-W	94-04-010	275-47-030	NEW	94-15-009
250-61-060	AMD-P	94-17-166	253-02-040	AMD-P	94-12-092	275-47-040	NEW-P	94-12-066
250-61-070	AMD-P	94-17-166	253-02-040	AMD-C	94-17-013	275-47-040	NEW	94-15-009
250-61-080	AMD-P	94-17-166	253-16-090	AMD-P	94-12-092	275-55-221	NEW-E	94-03-004
250-61-090	AMD-P	94-17-166	253-16-090	AMD-C	94-17-013	275-55-221	NEW-P	94-03-005
250-61-100	AMD-P	94-17-166	259-04-060	AMD-E	94-07-059	275-55-221	NEW	94-06-025
250-61-110	AMD-P	94-17-166	259-04-060	AMD-P	94-07-096	275-56	REP-C	94-16-072
250-61-120	AMD-P	94-17-166	259-04-060	AMD	94-12-029	275-56-005	REP-P	94-12-005
250-61-130	AMD-P	94-17-166	260-12-010	AMD-W	94-09-003	275-56-005	REP-S	94-17-118
250-61-140	AMD-P	94-17-166	260-12-090	REP-W	94-09-003	275-56-005	REP	94-20-033
250-61-150	AMD-P	94-17-166	260-12-250	PREP	94-20-069	275-56-010	REP-P	94-12-005

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275-56-010	REP	94-20-033	275-56-105	REP	94-20-033	275-56-300	REP-P	94-12-005
275-56-015	AMD	94-07-020	275-56-110	REP-P	94-12-005	275-56-300	REP-S	94-17-118
275-56-015	REP-P	94-12-005	275-56-110	REP-S	94-17-118	275-56-300	REP	94-20-033
275-56-015	REP-S	94-17-118	275-56-110	REP	94-20-033	275-56-305	REP-P	94-12-005
275-56-015	REP	94-20-033	275-56-115	REP-P	94-12-005	275-56-305	REP-S	94-17-118
275-56-016	REP-P	94-12-005	275-56-115	REP-S	94-17-118	275-56-305	REP	94-20-033
275-56-016	REP-S	94-17-118	275-56-115	REP	94-20-033	275-56-335	REP-P	94-12-005
275-56-016	REP	94-20-033	275-56-135	REP-P	94-12-005	275-56-335	REP-S	94-17-118
275-56-017	REP-P	94-12-005	275-56-135	REP-S	94-17-118	275-56-335	REP	94-20-033
275-56-017	REP-S	94-17-118	275-56-135	REP	94-20-033	275-56-340	REP-P	94-12-005
275-56-017	REP	94-20-033	275-56-150	REP-P	94-12-005	275-56-340	REP-S	94-17-118
275-56-020	REP-P	94-12-005	275-56-150	REP-S	94-17-118	275-56-340	REP	94-20-033
275-56-020	REP-S	94-17-118	275-56-150	REP	94-20-033	275-56-355	REP-P	94-12-005
275-56-020	REP	94-20-033	275-56-170	REP-P	94-12-005	275-56-355	REP-S	94-17-118
275-56-025	REP-P	94-12-005	275-56-170	REP-S	94-17-118	275-56-355	REP	94-20-033
275-56-025	REP-S	94-17-118	275-56-170	REP	94-20-033	275-56-365	REP-P	94-12-005
275-56-025	REP	94-20-033	275-56-175	REP-P	94-12-005	275-56-365	REP-S	94-17-118
275-56-035	REP-P	94-12-005	275-56-175	REP-S	94-17-118	275-56-365	REP	94-20-033
275-56-035	REP-S	94-17-118	275-56-175	REP	94-20-033	275-56-385	REP-P	94-12-005
275-56-035	REP	94-20-033	275-56-180	REP-P	94-12-005	275-56-385	REP-S	94-17-118
275-56-040	REP-P	94-12-005	275-56-180	REP-S	94-17-118	275-56-385	REP	94-20-033
275-56-040	REP-S	94-17-118	275-56-180	REP	94-20-033	275-56-400	REP-P	94-12-005
275-56-040	REP	94-20-033	275-56-185	REP-P	94-12-005	275-56-400	REP-S	94-17-118
275-56-042	REP-P	94-12-005	275-56-185	REP-S	94-17-118	275-56-400	REP	94-20-033
275-56-042	REP-S	94-17-118	275-56-185	REP	94-20-033	275-56-425	REP-P	94-12-005
275-56-042	REP	94-20-033	275-56-195	REP-P	94-12-005	275-56-425	REP-S	94-17-118
275-56-043	REP-P	94-12-005	275-56-195	REP-S	94-17-118	275-56-425	REP	94-20-033
275-56-043	REP-S	94-17-118	275-56-195	REP	94-20-033	275-56-445	REP-P	94-12-005
275-56-043	REP	94-20-033	275-56-200	REP-P	94-12-005	275-56-445	REP-S	94-17-118
275-56-050	REP-P	94-12-005	275-56-200	REP-S	94-17-118	275-56-445	REP	94-20-033
275-56-050	REP-S	94-17-118	275-56-200	REP	94-20-033	275-56-447	REP-P	94-12-005
275-56-050	REP	94-20-033	275-56-205	REP-P	94-12-005	275-56-447	REP-S	94-17-118
275-56-055	REP-P	94-12-005	275-56-205	REP-S	94-17-118	275-56-447	REP	94-20-033
275-56-055	REP-S	94-17-118	275-56-205	REP	94-20-033	275-56-465	REP-P	94-12-005
275-56-055	REP	94-20-033	275-56-210	REP-P	94-12-005	275-56-465	REP-S	94-17-118
275-56-060	REP-P	94-12-005	275-56-210	REP-S	94-17-118	275-56-465	REP	94-20-033
275-56-060	REP-S	94-17-118	275-56-210	REP	94-20-033	275-56-475	REP-P	94-12-005
275-56-060	REP	94-20-033	275-56-215	REP-P	94-12-005	275-56-475	REP-S	94-17-118
275-56-065	REP-P	94-12-005	275-56-215	REP-S	94-17-118	275-56-475	REP	94-20-033
275-56-065	REP-S	94-17-118	275-56-215	REP	94-20-033	275-56-485	REP-P	94-12-005
275-56-065	REP	94-20-033	275-56-220	REP-P	94-12-005	275-56-485	REP-S	94-17-118
275-56-070	REP-P	94-12-005	275-56-220	REP-S	94-17-118	275-56-485	REP	94-20-033
275-56-070	REP-S	94-17-118	275-56-220	REP	94-20-033	275-56-495	REP-P	94-12-005
275-56-070	REP	94-20-033	275-56-225	REP-P	94-12-005	275-56-495	REP-S	94-17-118
275-56-075	REP-P	94-12-005	275-56-225	REP-S	94-17-118	275-56-495	REP	94-20-033
275-56-075	REP-S	94-17-118	275-56-225	REP	94-20-033	275-56-505	REP-P	94-12-005
275-56-075	REP	94-20-033	275-56-230	REP-P	94-12-005	275-56-505	REP-S	94-17-118
275-56-080	REP-P	94-12-005	275-56-230	REP-S	94-17-118	275-56-505	REP	94-20-033
275-56-080	REP-S	94-17-118	275-56-230	REP	94-20-033	275-56-515	REP-P	94-12-005
275-56-080	REP	94-20-033	275-56-235	REP-P	94-12-005	275-56-515	REP-S	94-17-118
275-56-085	REP-P	94-12-005	275-56-235	REP-S	94-17-118	275-56-515	REP	94-20-033
275-56-085	REP-S	94-17-118	275-56-235	REP	94-20-033	275-56-600	NEW	94-07-020
275-56-085	REP	94-20-033	275-56-240	REP-P	94-12-005	275-56-600	REP-P	94-12-005
275-56-087	REP-P	94-12-005	275-56-240	REP-S	94-17-118	275-56-600	REP-S	94-17-118
275-56-087	REP-S	94-17-118	275-56-240	REP	94-20-033	275-56-600	REP	94-20-033
275-56-087	REP	94-20-033	275-56-245	REP-P	94-12-005	275-56-610	NEW	94-07-020
275-56-088	REP-P	94-12-005	275-56-245	REP-S	94-17-118	275-56-610	REP-P	94-12-005
275-56-088	REP-S	94-17-118	275-56-245	REP	94-20-033	275-56-610	REP-S	94-17-118
275-56-088	REP	94-20-033	275-56-260	REP-P	94-12-005	275-56-610	REP	94-20-033
275-56-089	REP-P	94-12-005	275-56-260	REP-S	94-17-118	275-56-630	NEW	94-07-020
275-56-089	REP-S	94-17-118	275-56-260	REP	94-20-033	275-56-630	REP-P	94-12-005
275-56-089	REP	94-20-033	275-56-275	REP-P	94-12-005	275-56-630	REP-S	94-17-118
275-56-090	REP-P	94-12-005	275-56-275	REP-S	94-17-118	275-56-630	REP	94-20-033
275-56-090	REP-S	94-17-118	275-56-275	REP	94-20-033	275-56-640	NEW	94-07-020
275-56-090	REP	94-20-033	275-56-285	REP-P	94-12-005	275-56-640	REP-P	94-12-005
275-56-095	REP-P	94-12-005	275-56-285	REP-S	94-17-118	275-56-640	REP-S	94-17-118
275-56-095	REP-S	94-17-118	275-56-285	REP	94-20-033	275-56-640	REP	94-20-033
275-56-095	REP	94-20-033	275-56-290	REP-P	94-12-005	275-56-650	NEW	94-07-020
275-56-100	REP-P	94-12-005	275-56-290	REP-S	94-17-118	275-56-650	REP-P	94-12-005
275-56-100	REP-S	94-17-118	275-56-290	REP	94-20-033	275-56-650	REP-S	94-17-118
275-56-100	REP	94-20-033	275-56-295	REP-P	94-12-005	275-56-650	REP	94-20-033
275-56-105	REP-P	94-12-005	275-56-295	REP-S	94-17-118	275-56-660	NEW	94-07-020

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-56-660	REP-P	94-12-005	275-57-160	NEW-P	94-12-005	275-57-400	NEW-S	94-17-118
275-56-660	REP-S	94-17-118	275-57-160	NEW-S	94-17-118	275-57-400	NEW	94-20-033
275-56-660	REP	94-20-033	275-57-160	NEW	94-20-033	275-57-410	NEW-P	94-12-005
275-56-670	NEW	94-07-020	275-57-170	NEW-P	94-12-005	275-57-410	NEW-S	94-17-118
275-56-670	REP-P	94-12-005	275-57-170	NEW-S	94-17-118	275-57-410	NEW	94-20-033
275-56-670	REP-S	94-17-118	275-57-170	NEW	94-20-033	275-57-420	NEW-P	94-12-005
275-56-670	REP	94-20-033	275-57-180	NEW-P	94-12-005	275-57-420	NEW-S	94-17-118
275-56-680	NEW	94-07-020	275-57-180	NEW-S	94-17-118	275-57-420	NEW	94-20-033
275-56-680	REP-P	94-12-005	275-57-180	NEW	94-20-033	275-57-430	NEW-P	94-12-005
275-56-680	REP-S	94-17-118	275-57-190	NEW-P	94-12-005	275-57-430	NEW-S	94-17-118
275-56-680	REP	94-20-033	275-57-190	NEW-S	94-17-118	275-57-430	NEW	94-20-033
275-56-690	NEW	94-07-020	275-57-190	NEW	94-20-033	275-57-440	NEW-P	94-12-005
275-56-690	REP-P	94-12-005	275-57-200	NEW-P	94-12-005	275-57-440	NEW-S	94-17-118
275-56-690	REP-S	94-17-118	275-57-200	NEW-S	94-17-118	275-57-440	NEW	94-20-033
275-56-690	REP	94-20-033	275-57-200	NEW	94-20-033	275-57-450	NEW-P	94-12-005
275-56-700	NEW	94-07-020	275-57-210	NEW-P	94-12-005	275-57-450	NEW-S	94-17-118
275-56-700	REP-P	94-12-005	275-57-210	NEW-S	94-17-118	275-57-450	NEW	94-20-033
275-56-700	REP-S	94-17-118	275-57-210	NEW	94-20-033	275-57-460	NEW-P	94-12-005
275-56-700	REP	94-20-033	275-57-220	NEW-P	94-12-005	275-57-460	NEW-S	94-17-118
275-56-710	NEW	94-07-020	275-57-220	NEW-S	94-17-118	275-57-460	NEW	94-20-033
275-56-710	REP-P	94-12-005	275-57-220	NEW	94-20-033	275-57-470	NEW-P	94-12-005
275-56-710	REP-S	94-17-118	275-57-230	NEW-P	94-12-005	275-57-470	NEW-S	94-17-118
275-56-710	REP	94-20-033	275-57-230	NEW-S	94-17-118	275-57-470	NEW	94-20-033
275-56-720	NEW	94-07-020	275-57-230	NEW	94-20-033	275-59-072	NEW-E	94-03-004
275-56-720	REP-P	94-12-005	275-57-240	NEW-P	94-12-005	275-59-072	NEW-P	94-03-005
275-56-720	REP-S	94-17-118	275-57-240	NEW-S	94-17-118	275-59-072	NEW	94-06-025
275-56-720	REP	94-20-033	275-57-240	NEW	94-20-033	275-156-010	AMD-P	94-07-087
275-57	NEW-C	94-16-072	275-57-250	NEW-P	94-12-005	275-156-010	AMD	94-12-006
275-57-010	NEW-P	94-12-005	275-57-250	NEW-S	94-17-118	275-156-015	AMD-P	94-07-087
275-57-010	NEW-S	94-17-118	275-57-250	NEW	94-20-033	275-156-015	AMD	94-12-006
275-57-010	NEW	94-20-033	275-57-260	NEW-P	94-12-005	275-156-020	AMD-P	94-07-087
275-57-020	NEW-P	94-12-005	275-57-260	NEW-S	94-17-118	275-156-020	AMD	94-12-006
275-57-020	NEW-S	94-17-118	275-57-260	NEW	94-20-033	275-156-025	AMD-P	94-07-087
275-57-020	NEW	94-20-033	275-57-270	NEW-P	94-12-005	275-156-025	AMD	94-12-006
275-57-030	NEW-P	94-12-005	275-57-270	NEW-S	94-17-118	275-156-030	AMD-P	94-07-087
275-57-030	NEW-S	94-17-118	275-57-270	NEW	94-20-033	275-156-030	AMD	94-12-006
275-57-030	NEW	94-20-033	275-57-280	NEW-P	94-12-005	284-07-010	AMD-P	94-17-116
275-57-030	NEW-S	94-17-118	275-57-280	NEW-S	94-17-118	284-07-010	AMD	94-20-049
275-57-040	NEW-P	94-12-005	275-57-280	NEW	94-20-033	284-07-014	REP-P	94-17-116
275-57-040	NEW-S	94-17-118	275-57-280	NEW	94-12-005	284-07-014	REP	94-20-049
275-57-040	NEW	94-20-033	275-57-290	NEW-P	94-17-118	284-07-024	REP-P	94-17-116
275-57-050	NEW-P	94-12-005	275-57-290	NEW-S	94-20-033	284-07-024	REP	94-20-049
275-57-050	NEW-S	94-17-118	275-57-290	NEW	94-12-005	284-07-026	REP-P	94-17-116
275-57-050	NEW	94-20-033	275-57-300	NEW-P	94-17-118	284-07-026	REP	94-20-049
275-57-060	NEW-P	94-12-005	275-57-300	NEW-S	94-20-033	284-07-060	AMD	94-04-045
275-57-060	NEW-S	94-17-118	275-57-300	NEW	94-12-005	284-07-100	AMD	94-04-045
275-57-060	NEW	94-20-033	275-57-310	NEW-P	94-17-118	284-07-110	AMD	94-04-045
275-57-070	NEW-P	94-12-005	275-57-310	NEW-S	94-20-033	284-07-130	AMD	94-04-045
275-57-070	NEW-S	94-17-118	275-57-310	NEW	94-12-005	284-07-140	AMD	94-04-045
275-57-070	NEW	94-20-033	275-57-320	NEW-P	94-17-118	284-07-180	AMD	94-04-045
275-57-080	NEW-P	94-12-005	275-57-320	NEW-S	94-20-033	284-07-220	AMD	94-04-045
275-57-080	NEW-S	94-17-118	275-57-320	NEW	94-12-005	284-10	NEW-C	94-02-065
275-57-080	NEW	94-20-033	275-57-330	NEW-P	94-17-118	284-10	NEW-C	94-03-048
275-57-090	NEW-P	94-12-005	275-57-330	NEW-S	94-20-033	284-10	NEW-C	94-08-006
275-57-090	NEW-S	94-17-118	275-57-330	NEW	94-12-005	284-10-010	NEW-E	94-03-084
275-57-090	NEW	94-20-033	275-57-340	NEW-P	94-17-118	284-10-010	NEW-W	94-03-085
275-57-100	NEW-P	94-12-005	275-57-340	NEW-S	94-20-033	284-10-010	NEW-P	94-04-126
275-57-100	NEW-S	94-17-118	275-57-340	NEW	94-12-005	284-10-010	NEW	94-08-060
275-57-100	NEW	94-20-033	275-57-350	NEW-P	94-17-118	284-10-015	NEW-E	94-03-084
275-57-110	NEW-P	94-12-005	275-57-350	NEW-S	94-20-033	284-10-015	NEW-W	94-03-085
275-57-110	NEW-S	94-17-118	275-57-350	NEW	94-12-005	284-10-015	NEW-P	94-04-126
275-57-110	NEW	94-20-033	275-57-360	NEW-P	94-17-118	284-10-015	NEW	94-08-060
275-57-120	NEW-P	94-12-005	275-57-360	NEW-S	94-20-033	284-10-020	NEW-E	94-03-084
275-57-120	NEW-S	94-17-118	275-57-360	NEW	94-12-005	284-10-020	NEW-W	94-03-085
275-57-120	NEW	94-20-033	275-57-370	NEW-P	94-17-118	284-10-020	NEW-P	94-04-126
275-57-130	NEW-P	94-12-005	275-57-370	NEW-S	94-20-033	284-10-020	NEW	94-08-060
275-57-130	NEW-S	94-17-118	275-57-370	NEW	94-12-005	284-10-030	NEW-E	94-03-084
275-57-130	NEW	94-20-033	275-57-380	NEW-P	94-17-118	284-10-030	NEW-W	94-03-085
275-57-140	NEW-P	94-12-005	275-57-380	NEW-S	94-20-033	284-10-030	NEW-P	94-04-126
275-57-140	NEW-S	94-17-118	275-57-380	NEW	94-12-005	284-10-030	NEW	94-08-060
275-57-140	NEW	94-20-033	275-57-390	NEW-P	94-17-118	284-10-050	NEW-P	94-04-125
275-57-150	NEW-P	94-12-005	275-57-390	NEW-S	94-20-033	284-10-050	NEW	94-08-081
275-57-150	NEW-S	94-17-118	275-57-390	NEW	94-12-005	284-10-050	AMD-P	94-11-082
275-57-150	NEW	94-20-033	275-57-400	NEW-P	94-12-005			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-10-050	AMD	94-13-216	284-17-260	AMD-P	94-11-100	284-46-500	NEW-P	94-15-103
284-10-060	NEW-E	94-03-084	284-17-260	AMD	94-14-033	284-46-500	NEW-C	94-18-018
284-10-060	NEW-W	94-03-085	284-17-290	AMD-P	94-11-100	284-46-500	NEW-C	94-18-028
284-10-060	NEW-P	94-04-126	284-17-290	AMD	94-14-033	284-46-500	NEW	94-19-015
284-10-060	NEW	94-08-060	284-17-320	AMD-P	94-11-100	284-50-330	AMD-P	94-15-103
284-10-070	NEW-E	94-03-084	284-17-320	AMD	94-14-033	284-50-330	AMD-C	94-18-018
284-10-070	NEW-W	94-03-085	284-17-400	AMD-P	94-11-100	284-50-330	AMD-C	94-18-028
284-10-070	NEW-P	94-04-126	284-17-400	AMD	94-14-033	284-50-330	AMD	94-19-015
284-10-070	NEW	94-08-060	284-17-410	AMD-P	94-11-100	284-51-010	AMD-P	94-11-122
284-10-080	NEW-W	94-03-085	284-17-410	AMD	94-14-033	284-51-010	AMD	94-20-068
284-10-090	NEW-E	94-03-084	284-17-420	AMD-P	94-11-100	284-51-015	NEW-P	94-11-122
284-10-090	NEW-W	94-03-085	284-17-420	AMD	94-14-033	284-51-015	NEW	94-20-068
284-10-090	NEW-P	94-04-126	284-23	NEW-C	94-18-019	284-51-020	AMD-P	94-11-122
284-10-090	NEW	94-08-060	284-23-600	NEW-P	94-15-105	284-51-020	AMD	94-20-068
284-10-100	NEW-W	94-03-085	284-23-600	NEW	94-18-029	284-51-030	AMD-P	94-11-122
284-10-110	NEW-W	94-03-085	284-23-600	PREP	94-18-082	284-51-030	AMD	94-20-068
284-10-120	NEW-W	94-03-085	284-23-610	NEW-P	94-15-105	284-51-040	AMD-P	94-11-122
284-10-130	NEW-W	94-03-085	284-23-610	NEW	94-18-029	284-51-040	AMD	94-20-068
284-10-140	NEW-W	94-03-085	284-23-610	PREP	94-18-082	284-51-045	NEW-P	94-11-122
284-10-150	NEW-W	94-03-085	284-23-620	NEW-P	94-15-105	284-51-045	NEW	94-20-068
284-10-160	NEW-W	94-03-085	284-23-620	NEW	94-18-029	284-51-050	AMD-P	94-11-122
284-10-170	NEW-W	94-03-085	284-23-620	PREP	94-18-082	284-51-050	AMD	94-20-068
284-10-180	NEW-W	94-03-085	284-23-630	NEW-P	94-15-105	284-51-060	AMD-P	94-11-122
284-10-190	NEW-W	94-03-085	284-23-630	NEW	94-18-029	284-51-060	AMD	94-20-068
284-10-200	NEW-W	94-03-085	284-23-630	PREP	94-18-082	284-51-070	REP-P	94-11-122
284-12-090	AMD-P	94-11-100	284-23-640	NEW-P	94-15-105	284-51-070	REP	94-20-068
284-12-090	AMD	94-14-110	284-23-640	NEW	94-18-029	284-51-075	AMD-P	94-11-122
284-12-270	AMD-P	94-11-100	284-23-640	PREP	94-18-082	284-51-075	AMD	94-20-068
284-12-270	AMD	94-14-110	284-23-650	NEW-P	94-15-105	284-51-120	AMD-P	94-11-122
284-13-110	REP-P	94-05-089	284-23-650	NEW	94-18-029	284-51-120	AMD	94-20-068
284-13-110	REP-C	94-08-013	284-23-650	PREP	94-18-082	284-51-130	AMD-P	94-11-122
284-13-110	REP-C	94-10-024	284-23-650	AMD-P	94-22-082	284-51-130	AMD	94-20-068
284-13-110	REP-W	94-12-077	284-23-660	NEW-P	94-15-105	284-51-140	AMD-P	94-11-122
284-13-120	REP-P	94-05-089	284-23-660	NEW	94-18-029	284-51-140	AMD	94-20-068
284-13-120	REP-C	94-08-013	284-23-660	PREP	94-18-082	284-51-150	AMD-P	94-11-122
284-13-120	REP-C	94-10-024	284-23-670	NEW-P	94-15-105	284-51-150	AMD	94-20-068
284-13-120	REP-W	94-12-077	284-23-670	NEW	94-18-029	284-51-160	REP-P	94-11-122
284-13-130	REP-P	94-05-089	284-23-670	PREP	94-18-082	284-51-160	REP	94-20-068
284-13-130	REP-C	94-08-013	284-23-680	NEW-P	94-15-105	284-51-170	AMD-P	94-11-122
284-13-130	REP-C	94-10-024	284-23-680	NEW	94-18-029	284-51-170	AMD	94-20-068
284-13-130	REP-W	94-12-077	284-23-680	PREP	94-18-082	284-54	AMD-C	94-13-217
284-13-140	REP-P	94-05-089	284-23-690	NEW-P	94-15-105	284-54-020	AMD-P	94-09-050
284-13-140	REP-C	94-08-013	284-23-690	NEW	94-18-029	284-54-020	AMD-S	94-11-096
284-13-140	REP-C	94-10-024	284-23-690	PREP	94-18-082	284-54-020	AMD	94-14-100
284-13-140	REP-W	94-12-077	284-23-690	AMD-P	94-22-082	284-54-150	AMD-P	94-09-050
284-13-150	REP-P	94-05-089	284-23-700	NEW-P	94-15-105	284-54-150	AMD-S	94-11-096
284-13-150	REP-C	94-08-013	284-23-700	NEW	94-18-029	284-54-150	AMD	94-14-100
284-13-150	REP-C	94-10-024	284-23-700	PREP	94-18-082	284-54-200	NEW-P	94-09-050
284-13-150	REP-W	94-12-077	284-23-710	NEW-P	94-15-105	284-54-200	NEW-S	94-11-096
284-13-800	NEW-P	94-05-089	284-23-710	NEW	94-18-029	284-54-200	NEW	94-14-100
284-13-800	NEW-C	94-08-013	284-23-710	PREP	94-18-082	284-54-210	NEW-P	94-09-050
284-13-800	NEW-C	94-10-024	284-23-720	NEW-P	94-15-105	284-54-210	NEW-S	94-11-096
284-13-800	NEW-W	94-12-077	284-23-720	NEW	94-18-029	284-54-210	NEW	94-14-100
284-13-810	NEW-P	94-05-089	284-23-720	PREP	94-18-082	284-54-260	NEW-P	94-09-050
284-13-810	NEW-C	94-08-013	284-23-730	NEW-P	94-15-105	284-54-260	NEW-S	94-11-096
284-13-810	NEW-C	94-10-024	284-23-730	NEW	94-18-029	284-54-260	NEW	94-14-100
284-13-810	NEW-W	94-12-077	284-23-730	PREP	94-18-082	284-54-270	NEW-P	94-09-050
284-13-820	NEW-P	94-05-089	284-24-055	REP-P	94-17-176	284-54-270	NEW-S	94-11-096
284-13-820	NEW-C	94-08-013	284-24-055	REP	94-20-059	284-54-270	NEW	94-14-100
284-13-820	NEW-C	94-10-024	284-24-060	AMD-P	94-17-176	284-87-030	PREP	94-18-080
284-13-820	NEW-W	94-12-077	284-24-060	AMD	94-20-059	284-87-040	AMD-P	94-09-049
284-13-830	NEW-P	94-05-089	284-30	PREP	94-05-056	284-87-040	AMD	94-13-006
284-13-830	NEW-C	94-08-013	284-30-450	PREP	94-05-070	284-87-090	AMD-P	94-09-049
284-13-830	NEW-C	94-10-024	284-30-450	NEW-P	94-15-104	284-87-090	AMD	94-13-006
284-13-830	NEW-W	94-12-077	284-30-450	NEW-C	94-18-020	284-87-100	AMD-P	94-09-049
284-17-120	AMD-P	94-11-100	284-30-450	NEW	94-18-038	284-87-100	AMD	94-13-006
284-17-120	AMD	94-14-033	284-43-040	NEW-P	94-10-077	284-96-500	NEW-P	94-15-103
284-17-121	AMD-P	94-11-100	284-44	PREP	94-05-056	284-96-500	NEW-C	94-18-018
284-17-121	AMD	94-14-033	284-44-500	NEW-P	94-15-103	284-96-500	NEW-C	94-18-028
284-17-220	AMD-P	94-11-100	284-44-500	NEW-C	94-18-018	284-96-500	NEW	94-19-015
284-17-220	AMD	94-14-033	284-44-500	NEW-C	94-18-028	284-97-010	PREP	94-05-071
284-17-250	AMD-P	94-11-100	284-44-500	NEW	94-19-015	284-97-020	PREP	94-05-071
284-17-250	AMD	94-14-033	284-46	PREP	94-05-056	284-97-030	PREP	94-05-071

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-97-040	PREP	94-05-071	286-13-050	NEW	94-17-095	286-26-080	NEW-P	94-13-196
284-97-050	PREP	94-05-071	286-13-060	NEW-P	94-13-196	286-26-080	NEW	94-17-095
284-97-060	PREP	94-05-071	286-13-060	NEW	94-17-095	286-26-080	AMD-P	94-20-021
284-97-070	PREP	94-05-071	286-13-070	NEW-P	94-13-196	286-26-080	PREP	94-20-020
284-97-080	PREP	94-05-071	286-13-070	NEW	94-17-095	286-26-090	NEW-P	94-13-196
284-97-100	PREP	94-05-071	286-13-080	NEW-P	94-13-196	286-26-090	NEW	94-17-095
284-97-110	PREP	94-05-071	286-13-080	NEW	94-17-095	286-26-100	NEW-P	94-13-196
284-97-120	PREP	94-05-071	286-13-085	NEW-P	94-13-196	286-26-100	NEW	94-17-095
284-97-130	PREP	94-05-071	286-13-085	NEW	94-17-095	286-30-010	NEW-P	94-13-196
284-97-140	PREP	94-05-071	286-13-090	NEW-P	94-13-196	286-30-010	NEW	94-17-095
284-97-150	PREP	94-05-071	286-13-090	NEW	94-17-095	286-30-020	NEW-P	94-13-196
284-97-160	PREP	94-05-071	286-13-100	NEW-P	94-13-196	286-30-020	NEW	94-17-095
286-04-010	AMD-P	94-13-196	286-13-100	NEW	94-17-095	286-30-030	NEW-P	94-13-196
286-04-010	AMD	94-17-095	286-13-110	NEW-P	94-13-196	286-30-030	NEW	94-17-095
286-04-015	NEW-P	94-13-196	286-13-110	NEW	94-17-095	286-30-040	NEW-P	94-13-196
286-04-015	NEW	94-17-095	286-13-115	NEW-P	94-13-196	286-30-040	NEW	94-17-095
286-04-020	AMD-P	94-13-196	286-13-115	NEW	94-17-095	286-35-010	NEW-P	94-13-196
286-04-020	AMD	94-17-095	286-13-120	NEW-P	94-13-196	286-35-010	NEW	94-17-095
286-04-030	AMD-P	94-13-196	286-13-120	NEW	94-17-095	286-35-020	NEW-P	94-13-196
286-04-030	AMD	94-17-095	286-16-010	REP-P	94-13-196	286-35-020	NEW	94-17-095
286-04-050	AMD-P	94-13-196	286-16-010	REP	94-17-095	286-35-030	NEW-P	94-13-196
286-04-050	AMD	94-17-095	286-16-020	REP-P	94-13-196	286-35-030	NEW	94-17-095
286-04-060	AMD-P	94-13-196	286-16-020	REP	94-17-095	286-35-040	NEW-P	94-13-196
286-04-060	AMD	94-17-095	286-16-030	REP-P	94-13-196	286-35-040	NEW	94-17-095
286-04-065	NEW-P	94-13-196	286-16-030	REP	94-17-095	286-35-050	NEW-P	94-13-196
286-04-065	NEW	94-17-095	286-16-035	REP-P	94-13-196	286-35-050	NEW	94-17-095
286-04-070	AMD-P	94-13-196	286-16-035	REP	94-17-095	286-35-060	NEW-P	94-13-196
286-04-070	AMD	94-17-095	286-16-040	REP-P	94-13-196	286-35-060	NEW	94-17-095
286-04-085	NEW-P	94-13-196	286-16-040	REP	94-17-095	286-35-070	NEW-P	94-13-196
286-04-085	NEW	94-17-095	286-16-050	REP-P	94-13-196	286-35-070	NEW	94-17-095
286-04-090	NEW-P	94-13-196	286-16-050	REP	94-17-095	286-35-080	NEW-P	94-13-196
286-04-090	NEW	94-17-095	286-16-060	REP-P	94-13-196	286-35-080	NEW	94-17-095
286-06-010	REP-P	94-13-196	286-16-060	REP	94-17-095	286-35-090	NEW-P	94-13-196
286-06-010	REP	94-17-095	286-16-070	REP-P	94-13-196	286-35-090	NEW	94-17-095
286-06-030	REP-P	94-13-196	286-16-070	REP	94-17-095	286-40-010	NEW-P	94-13-196
286-06-030	REP	94-17-095	286-16-080	REP-P	94-13-196	286-40-010	NEW	94-17-095
286-06-040	REP-P	94-13-196	286-16-080	REP	94-17-095	286-40-020	NEW-P	94-13-196
286-06-040	REP	94-17-095	286-20-010	REP-P	94-13-196	286-40-020	NEW	94-17-095
286-06-050	AMD-P	94-13-196	286-20-010	REP	94-17-095	286-40-030	NEW-P	94-13-196
286-06-050	AMD	94-17-095	286-20-020	REP-P	94-13-196	286-40-030	NEW	94-17-095
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286-06-065	NEW-P	94-13-196	286-20-040	REP	94-17-095	286-40-050	NEW-P	94-13-196
286-06-065	NEW	94-17-095	286-20-060	REP-P	94-13-196	286-40-050	NEW	94-17-095
286-06-070	AMD-P	94-13-196	286-20-060	REP	94-17-095	286-40-060	NEW-P	94-13-196
286-06-070	AMD	94-17-095	286-24-010	REP-P	94-13-196	286-40-060	NEW	94-17-095
286-06-080	AMD-P	94-13-196	286-24-010	REP	94-17-095	292-06-001	PREP	94-15-039
286-06-080	AMD	94-17-095	286-24-015	REP-P	94-13-196	292-06-005	PREP	94-15-039
286-06-090	AMD-P	94-13-196	286-24-015	REP	94-17-095	292-06-010	PREP	94-15-039
286-06-090	AMD	94-17-095	286-24-020	REP-P	94-13-196	292-06-020	PREP	94-15-039
286-06-100	AMD-P	94-13-196	286-24-020	REP	94-17-095	292-06-030	PREP	94-15-039
286-06-100	AMD	94-17-095	286-24-040	REP-P	94-13-196	292-06-040	PREP	94-15-039
286-06-110	AMD-P	94-13-196	286-24-040	REP	94-17-095	292-06-050	PREP	94-15-039
286-06-110	AMD	94-17-095	286-24-050	REP-P	94-13-196	292-06-060	PREP	94-15-039
286-06-120	AMD-P	94-13-196	286-24-050	REP	94-17-095	292-06-070	PREP	94-15-039
286-06-120	AMD	94-17-095	286-24-060	REP-P	94-13-196	292-06-080	PREP	94-15-039
286-06-130	REP-P	94-13-196	286-24-060	REP	94-17-095	292-06-090	PREP	94-15-039
286-06-130	REP	94-17-095	286-24-070	REP-P	94-13-196	292-06-100	PREP	94-15-039
286-06-140	REP-P	94-13-196	286-24-070	REP	94-17-095	292-06-110	PREP	94-15-039
286-06-140	REP	94-17-095	286-26-010	AMD-P	94-13-196	292-06-130	PREP	94-15-039
286-06-150	REP-P	94-13-196	286-26-010	AMD	94-17-095	292-06-140	PREP	94-15-039
286-06-150	REP	94-17-095	286-26-020	AMD-P	94-13-196	292-06-160	PREP	94-15-039
286-06-990	REP-P	94-13-196	286-26-020	AMD	94-17-095	292-06-170	PREP	94-15-039
286-06-990	REP	94-17-095	286-26-030	AMD-P	94-13-196	292-06-190	PREP	94-15-039
286-13-010	NEW-P	94-13-196	286-26-030	AMD	94-17-095	292-06-200	PREP	94-15-039
286-13-010	NEW	94-17-095	286-26-040	REP-P	94-13-196	292-06-210	PREP	94-15-039
286-13-020	NEW-P	94-13-196	286-26-040	REP	94-17-095	292-06-220	PREP	94-15-039
286-13-020	NEW	94-17-095	286-26-055	REP-P	94-13-196	292-06-230	PREP	94-15-039
286-13-030	NEW-P	94-13-196	286-26-055	REP	94-17-095	292-06-240	PREP	94-15-039
286-13-030	NEW	94-17-095	286-26-060	REP-P	94-13-196	292-06-250	PREP	94-15-039
286-13-040	NEW-P	94-13-196	286-26-060	REP	94-17-095	292-06-270	PREP	94-15-039
286-13-040	NEW	94-17-095	286-26-070	REP-P	94-13-196	292-06-280	PREP	94-15-039
286-13-050	NEW-P	94-13-196	286-26-070	REP	94-17-095	292-08-010	PREP	94-15-039

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292-08-030	PREP	94-15-039	296-17-686	AMD-P	94-07-128	296-23-220	REP-W	94-20-095
292-08-040	PREP	94-15-039	296-17-686	AMD	94-12-063	296-23-220	PREP	94-21-046
292-08-050	PREP	94-15-039	296-17-704	AMD-P	94-07-128	296-23-225	REP-P	94-07-126
292-12-010	PREP	94-15-039	296-17-704	AMD	94-12-063	296-23-235	REP-W	94-20-095
292-12-020	PREP	94-15-039	296-17-706	AMD-P	94-07-128	296-23-230	REP-P	94-07-126
292-12-030	PREP	94-15-039	296-17-706	AMD	94-12-063	296-23-230	REP-W	94-20-095
292-12-040	PREP	94-15-039	296-17-727	AMD-P	94-18-126	296-23-230	PREP	94-21-046
292-12-050	PREP	94-15-039	296-17-73111	NEW-P	94-18-126	296-23-235	REP-P	94-07-126
292-12-060	PREP	94-15-039	296-17-779	AMD-P	94-07-128	296-23-235	REP-W	94-20-095
292-12-070	PREP	94-15-039	296-17-779	AMD	94-12-063	296-23-265	PREP	94-20-122
292-12-080	PREP	94-15-039	296-17-855	AMD-P	94-18-126	296-23-265	AMD-P	94-22-084
292-12-090	PREP	94-15-039	296-17-875	AMD-P	94-18-126	296-23A-400	AMD-P	94-07-126
292-12-110	PREP	94-15-039	296-17-880	AMD-P	94-18-126	296-23A-400	AMD-W	94-20-095
292-12-120	PREP	94-15-039	296-17-885	AMD-P	94-18-126	296-23A-400	PREP	94-21-046
292-12-130	PREP	94-15-039	296-17-890	AMD-P	94-18-126	296-24	PREP	94-15-093
292-12-140	PREP	94-15-039	296-17-895	AMD-P	94-06-055	296-24	PREP	94-17-195
292-12-150	PREP	94-15-039	296-17-895	AMD	94-12-051	296-24-001	AMD-P	94-10-010
292-12-160	PREP	94-15-039	296-17-895	AMD-P	94-18-126	296-24-001	AMD	94-15-096
292-12-170	PREP	94-15-039	296-17-919	AMD-P	94-18-126	296-24-006	AMD-P	94-10-010
292-12-180	PREP	94-15-039	296-17-920	AMD-P	94-18-126	296-24-006	AMD	94-15-096
296-15-020	AMD-C	94-03-006	296-17-925	NEW-P	94-18-126	296-24-007	AMD-P	94-15-095
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296-15-02601	AMD-P	94-12-096	296-20-010	AMD	94-14-044	296-24-010	AMD-P	94-10-010
296-15-02601	AMD	94-17-069	296-20-01002	PREP	94-20-125	296-24-010	AMD	94-15-096
296-15-02606	NEW-C	94-03-006	296-20-01505	NEW-P	94-07-126	296-24-012	AMD-P	94-10-010
296-15-02606	NEW	94-05-042	296-20-01505	NEW	94-14-044	296-24-012	AMD	94-15-096
296-15-030	AMD-C	94-03-006	296-20-110	AMD-P	94-07-126	296-24-015	AMD-P	94-10-010
296-15-030	AMD	94-05-042	296-20-110	AMD	94-14-044	296-24-015	AMD	94-15-096
296-15-060	AMD-P	94-12-096	296-20-132	PREP	94-21-046	296-24-020	AMD-P	94-10-010
296-15-060	AMD	94-17-069	296-20-135	AMD	94-03-008	296-24-020	AMD-P	94-15-095
296-15-070	AMD-P	94-12-096	296-20-135	PREP	94-21-046	296-24-020	AMD-W	94-16-015
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296-15-072	AMD-P	94-12-096	296-20-17003	PREP	94-03-073	296-24-020	AMD-P	94-10-010
296-15-072	AMD	94-17-069	296-20-370	AMD	94-03-073	296-24-040	AMD-P	94-10-010
296-15-160	AMD-P	94-12-096	296-20-380	AMD	94-03-073	296-24-040	AMD	94-15-096
296-15-160	AMD	94-17-069	296-20-385	NEW	94-03-073	296-24-045	AMD-P	94-10-010
296-15-170	AMD-C	94-03-006	296-20-680	AMD	94-03-073	296-24-045	AMD	94-15-096
296-15-170	AMD	94-05-042	296-21-015	REP-P	94-07-126	296-24-060	AMD-P	94-10-010
296-17-320	AMD-P	94-20-123	296-21-015	REP	94-14-044	296-24-060	AMD	94-15-096
296-17-350	AMD-P	94-07-127	296-21-025	REP-P	94-07-126	296-24-065	AMD-P	94-10-010
296-17-350	AMD	94-12-050	296-21-025	REP	94-14-044	296-24-065	AMD	94-15-096
296-17-350	AMD-P	94-20-123	296-21-026	REP-P	94-07-126	296-24-073	AMD-P	94-10-010
296-17-35201	NEW-P	94-20-123	296-21-026	REP	94-14-044	296-24-073	AMD	94-15-096
296-17-45004	AMD-P	94-18-127	296-21-027	REP-P	94-07-126	296-24-073	AMD-P	94-15-095
296-17-45005	NEW-P	94-06-055	296-21-027	REP	94-14-044	296-24-07501	AMD	94-20-057
296-17-45005	NEW	94-12-051	296-21-030	REP-P	94-07-126	296-24-07501	AMD-P	94-15-095
296-17-501	AMD-P	94-07-129	296-21-030	REP	94-14-044	296-24-07801	AMD	94-20-057
296-17-501	AMD	94-12-051	296-21-085	REP-P	94-07-126	296-24-084	AMD-P	94-15-095
296-17-506	REP-P	94-07-129	296-21-085	REP	94-14-044	296-24-084	AMD	94-20-057
296-17-506	REP	94-12-051	296-21-240	REP-P	94-07-126	296-24-088	AMD-P	94-10-010
296-17-50602	AMD-P	94-07-128	296-21-240	REP	94-14-044	296-24-088	AMD-P	94-15-095
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296-17-519	AMD-P	94-07-128	296-21-250	REP	94-14-044	296-24-088	AMD	94-20-057
296-17-519	AMD	94-12-063	296-21-260	REP-P	94-07-126	296-24-090	NEW-P	94-15-095
296-17-52104	AMD-P	94-07-128	296-21-260	REP	94-14-044	296-24-090	NEW	94-20-057
296-17-52104	AMD	94-12-063	296-21-270	REP-P	94-07-126	296-24-092	AMD-P	94-15-095
296-17-524	AMD-P	94-07-128	296-21-270	REP-W	94-20-095	296-24-092	AMD	94-20-057
296-17-524	AMD	94-12-063	296-21-280	REP-P	94-07-126	296-24-092	AMD	94-20-057
296-17-528	AMD-P	94-07-128	296-21-280	REP-W	94-20-095	296-24-096	NEW-P	94-15-095
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296-17-53504	AMD	94-12-063	296-21-290	REP-W	94-20-095	296-24-098	NEW	94-20-057
296-17-536	AMD-P	94-07-128	296-21-300	REP-P	94-07-126	296-24-11001	AMD	94-06-068
296-17-536	AMD	94-12-063	296-21-300	REP	94-14-044	296-24-12001	AMD	94-06-068
296-17-558	REP-P	94-07-128	296-21-310	REP-P	94-07-126	296-24-12511	AMD-P	94-10-010
296-17-558	REP	94-12-063	296-21-310	REP	94-14-044	296-24-12511	AMD	94-15-096
296-17-56101	AMD-P	94-07-128	296-21-320	REP-P	94-07-126	296-24-14009	AMD-P	94-10-010
296-17-56101	AMD	94-12-063	296-21-320	REP	94-14-044	296-24-14009	AMD	94-15-096
296-17-640	AMD-P	94-18-126	296-23-135	AMD-P	94-07-126	296-24-14011	AMD	94-06-068
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296-62-07337	AMD	94-15-096	296-62-3060	AMD	94-15-096	296-155	PREP	94-20-119
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296-62-07367	AMD-P	94-15-095	296-62-3170	AMD-P	94-22-086	296-155-010	AMD-P	94-10-010
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296-62-07540	AMD-P	94-10-010	296-78-525	AMD	94-20-057	296-155-100	AMD-P	94-10-010
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296-62-07542	AMD-P	94-10-010	296-78-670	AMD	94-20-057	296-155-100	AMD-P	94-17-164
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296-306-170	AMD-W	94-17-068	296-360-140	AMD	94-15-096	308-96A-175	AMD-P	94-13-123
296-306-170	AMD-W	94-18-066	304-12-030	AMD	94-11-023	308-96A-175	AMD	94-17-044
296-306-170	AMD-P	94-21-099	308-12-025	PREP	94-19-009	308-97-010	REP-P	94-13-028
296-306-175	AMD-E	94-06-044	308-12-025	AMD-P	94-22-024	308-97-060	REP-P	94-13-028
296-306-175	AMD-W	94-10-007	308-12-083	PREP	94-19-010	308-97-090	REP-P	94-13-028
296-306-175	AMD-P	94-12-095	308-12-083	REP-P	94-22-023	308-97-125	REP-P	94-13-028
296-306-175	AMD-E	94-14-027	308-13-150	AMD	94-04-044	308-97-175	REP-P	94-13-028
296-306-175	AMD	94-18-067	308-13-150	PREP	94-17-017	308-97-205	REP-P	94-13-028
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296-306-180	AMD-E	94-14-027	308-18-150	AMD-P	94-09-018	308-124-005	AMD-P	94-21-075
296-306-180	AMD	94-18-067	308-18-150	AMD-W	94-11-026	308-124A-025	PREP	94-17-157
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296-306-300	AMD-W	94-10-007	308-56A-420	AMD	94-21-055	308-124A-422	PREP	94-17-157
296-306-330	AMD-P	94-21-099	308-62-010	REP-P	94-04-017	308-124A-422	AMD-P	94-21-075
296-306-400	AMD	94-06-068	308-62-010	REP	94-08-025	308-124A-425	PREP	94-17-157
296-350-010	AMD-P	94-10-010	308-62-020	REP-P	94-04-017	308-124A-425	AMD-P	94-21-075
296-350-010	AMD	94-15-096	308-62-020	REP	94-08-025	308-124A-590	PREP	94-17-157
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296-350-030	AMD	94-15-096	308-62-030	REP	94-08-025	308-124A-600	PREP	94-17-157
296-350-040	AMD-P	94-10-010	308-65-040	AMD-P	94-07-037	308-124A-600	AMD-P	94-21-075
296-350-040	AMD	94-15-096	308-65-040	AMD	94-12-052	308-124H-011	PREP	94-17-157
296-350-050	AMD-P	94-10-010	308-65-070	AMD-P	94-07-037	308-124H-011	AMD-P	94-21-075
296-350-050	AMD	94-15-096	308-65-070	AMD	94-12-052	308-124H-025	PREP	94-17-157
296-350-070	AMD-P	94-10-010	308-65-160	AMD-P	94-07-037	308-124H-025	AMD-P	94-21-075
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296-350-200	AMD	94-15-096	308-66-190	AMD-W	94-17-045	308-124H-037	REP-P	94-21-075
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296-350-230	AMD-P	94-10-010	308-66-195	AMD-P	94-16-126	308-124H-061	AMD-P	94-21-075
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308-124H-570	AMD-P	94-21-075	314-25-040	NEW	94-08-032	315-11A-126	NEW-P	94-07-116
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308-128C-050	AMD	94-04-050	314-60-080	AMD	94-03-060	315-11A-130	NEW	94-15-049
308-128D-010	AMD	94-04-050	314-60-105	AMD	94-03-060	315-11A-130	AMD-P	93-19-059
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308-128D-070	AMD	94-04-050	314-64-060	REP	94-14-021	315-11A-132	NEW-P	94-16-121
308-128E-011	AMD	94-04-050	314-64-080	AMD-P	94-11-086	315-11A-132	NEW	94-19-063
308-128F-020	AMD	94-04-050	314-64-080	AMD	94-14-022	315-11A-133	NEW-P	93-19-059
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308-330-157	AMD-C	94-19-057	315-04-180	AMD-P	94-07-116	315-30-030	AMD	94-03-020
308-330-157	AMD-E	94-21-001	315-04-180	AMD	94-11-027	315-34-040	AMD-P	94-03-099
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308-330-300	AMD-P	94-14-041	315-04-210	AMD-P	94-07-116	317-20-025	REP-P	94-17-169
308-330-300	AMD-C	94-19-057	315-04-210	AMD	94-11-027	317-20-030	REP-P	94-17-169
308-330-300	AMD-E	94-21-001	315-06-035	AMD	94-03-020	317-20-040	REP-P	94-17-169
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308-330-307	AMD-C	94-19-057	315-06-120	AMD	94-19-062	317-20-060	REP-P	94-17-169
308-330-307	AMD-E	94-21-001	315-06-130	AMD-P	94-12-082	317-20-065	REP-P	94-17-169
308-330-320	AMD-E	94-14-040	315-06-130	AMD-C	94-16-122	317-20-066	REP-P	94-17-169
308-330-320	AMD-P	94-14-041	315-06-130	AMD	94-19-062	317-20-070	REP-P	94-17-169
308-330-320	AMD-C	94-19-057	315-06-140	REP	94-03-020	317-20-080	REP-P	94-17-169
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308-330-400	AMD-P	94-14-041	315-06-170	AMD	94-03-020	317-20-110	REP-P	94-17-169
308-330-400	AMD-C	94-19-057	315-06-180	REP	94-03-020	317-20-120	REP-P	94-17-169
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308-330-425	AMD-P	94-14-041	315-10-080	AMD	94-03-020	317-20-155	REP-P	94-17-169
308-330-425	AMD-C	94-19-057	315-11A-114	NEW	94-03-019	317-20-160	REP-P	94-17-169
308-330-425	AMD-E	94-21-001	315-11A-115	NEW	94-03-019	317-20-165	REP-P	94-17-169
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314-10-070	NEW-W	94-08-023	315-11A-117	NEW	94-03-019	317-20-180	REP-P	94-17-169
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314-12-170	PREP	94-15-076	315-11A-117	AMD	94-11-027	317-20-200	REP-P	94-17-169
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314-12-185	NEW-W	94-08-029	315-11A-118	NEW	94-07-029	317-20-220	REP-P	94-17-169
314-12-190	NEW-P	94-10-066	315-11A-118	AMD-P	94-12-082	317-20-230	REP-P	94-17-169
314-12-190	NEW-W	94-13-125	315-11A-118	AMD	94-15-049	317-20-240	REP-P	94-17-169
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314-16-150	AMD	94-08-030	315-11A-121	NEW	94-07-029	317-21-100	NEW-P	94-17-169
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314-16-199	NEW	94-13-127	315-11A-122	NEW	94-11-027	317-21-120	NEW-P	94-17-169
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317-21-270	NEW-P	94-17-169	326-40-060	AMD	94-07-064	332-26-901	REP-E	94-19-014
317-21-300	NEW-P	94-17-169	326-40-060	AMD-E	94-17-056	332-26-902	NEW-E	94-19-014
317-21-310	NEW-P	94-17-169	332-18	AMD-P	94-09-062	332-26-902	REP-E	94-19-021
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317-21-410	NEW-P	94-17-169	332-18-010	AMD-P	94-09-062	332-30-166	PREP	94-14-009
317-21-420	NEW-P	94-17-169	332-18-010	AMD	94-14-051	332-30-166	PREP	94-16-093
317-21-430	NEW-P	94-17-169	332-18-01001	NEW-P	94-09-062	332-30-166	AMD-E	94-18-123
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317-21-460	NEW-P	94-17-169	332-18-01002	NEW	94-14-051	332-120-020	AMD	94-06-034
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317-40	NEW-C	94-16-059	332-18-01004	NEW-P	94-09-062	332-120-050	AMD	94-06-034
317-40-010	NEW-P	94-12-093	332-18-01004	NEW	94-14-051	332-120-060	NEW	94-06-034
317-40-010	NEW	94-16-076	332-18-01005	NEW-P	94-09-062	332-120-070	NEW	94-06-034
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317-40-030	NEW	94-16-076	332-18-020	REP-P	94-09-062	352-28-005	AMD-P	94-06-049
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317-40-040	NEW	94-16-076	332-18-030	REP-P	94-09-062	352-28-010	AMD-P	94-06-049
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317-40-050	NEW	94-16-076	332-18-040	REP-P	94-09-062	352-32-010	AMD-P	94-03-097
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388-28-480	REP	94-10-065	388-29-160	REP-P	94-06-035	388-33-376	REP-P	94-07-114
388-28-481	REP-P	94-07-114	388-29-160	REP	94-09-001	388-33-376	REP	94-10-065
388-28-481	REP	94-10-065	388-29-180	REP-P	94-06-035	388-33-377	REP-P	94-07-114
388-28-482	REP-P	94-07-114	388-29-180	REP	94-09-001	388-33-377	REP	94-10-065
388-28-482	REP	94-10-065	388-29-200	REP-P	94-06-035	388-33-382	REP-P	94-07-114
388-28-483	REP-P	94-07-114	388-29-200	REP	94-09-001	388-33-382	REP	94-10-065
388-28-483	REP	94-10-065	388-29-210	REP-P	94-06-035	388-33-385	REP-P	94-07-114
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388-28-484	REP	94-10-065	388-29-230	REP-P	94-06-035	388-33-389	REP-P	94-07-114
388-28-485	REP-P	94-07-114	388-29-230	REP	94-09-001	388-33-389	REP	94-10-065
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388-28-515	REP-P	94-07-114	388-29-280	REP	94-09-001	388-33-420	REP	94-10-065
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388-28-520	REP-P	94-07-114	388-29-295	REP-P	94-06-035	388-33-425	REP	94-10-065
388-28-520	REP	94-10-065	388-29-295	REP	94-09-001	388-33-430	REP-P	94-07-114
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388-28-530	AMD	94-08-016	388-33-020	REP-P	94-07-114	388-33-440	REP	94-10-065
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388-28-560	REP	94-10-065	388-33-055	REP	94-10-065	388-33-449	REP-P	94-07-114
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388-28-578	REP	94-10-065	388-33-095	REP	94-10-065	388-33-457	REP-P	94-07-114
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388-28-580	REP	94-10-065	388-33-115	REP	94-10-065	388-33-458	REP-P	94-07-114
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388-28-590	REP	94-10-065	388-33-120	REP	94-10-065	388-33-459	REP-P	94-07-114
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388-38-225	REP	94-10-065	388-49-330	AMD	94-17-175	388-53-010	REP	94-04-036
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388-38-260	REP	94-10-065	388-49-380	AMD	94-22-030	388-59-050	REP	94-04-033
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388-38-270	REP	94-10-065	388-49-410	AMD-P	94-20-061	388-59-090	REP	94-04-033
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388-82-008	REP	94-10-065	388-83-046	REP-P	94-07-114	388-88-082	REP-E	94-21-034
388-82-010	REP-P	94-07-114	388-83-046	REP	94-10-065	388-88-082	REP	94-21-037
388-82-010	REP	94-10-065	388-83-130	REP-P	94-07-114	388-88-095	REP-P	94-18-012
388-82-115	REP-P	94-07-114	388-83-130	REP	94-10-065	388-88-095	REP-E	94-21-034
388-82-115	REP	94-10-065	388-83-200	REP-P	94-07-114	388-88-095	REP	94-21-037
388-82-126	REP-P	94-07-114	388-83-200	REP	94-10-065	388-88-096	REP-P	94-18-012
388-82-126	REP	94-10-065	388-83-210	REP-P	94-07-114	388-88-096	REP-E	94-21-034
388-82-130	REP-P	94-07-114	388-83-210	REP	94-10-065	388-88-096	REP	94-21-037
388-82-130	REP	94-10-065	388-83-220	REP-P	94-07-114	388-88-097	REP-P	94-18-012
388-82-135	REP-P	94-07-114	388-83-220	REP	94-10-065	388-88-097	REP-E	94-21-034
388-82-135	REP	94-10-065	388-84-105	REP-P	94-07-114	388-88-097	REP	94-21-037
388-82-140	REP-P	94-07-114	388-84-105	REP	94-10-065	388-88-098	REP-P	94-18-012
388-82-140	AMD-E	94-08-043	388-84-110	REP-P	94-07-114	388-88-098	REP-E	94-21-034
388-82-140	AMD-P	94-08-044	388-84-110	REP	94-10-065	388-88-098	REP	94-21-037
388-82-140	AMD	94-10-065	388-84-115	AMD-P	94-05-026	388-88-105	REP-P	94-18-012
388-82-140	REP-W	94-11-059	388-84-115	REP-P	94-07-114	388-88-105	REP-E	94-21-034
388-82-140	RESCIND	94-11-063	388-84-115	AMD	94-07-132	388-88-105	REP	94-21-037
388-82-150	REP-P	94-07-114	388-84-115	REP	94-10-065	388-88-110	REP-P	94-18-012
388-82-150	AMD-E	94-08-043	388-84-120	REP-P	94-07-114	388-88-110	REP-E	94-21-034
388-82-150	AMD-P	94-08-044	388-84-120	REP	94-10-065	388-88-110	REP	94-21-037
388-82-150	REP	94-10-065	388-85-105	REP-P	94-07-114	388-88-115	REP-P	94-18-012
388-82-150	AMD-W	94-11-059	388-85-105	REP	94-10-065	388-88-115	REP-E	94-21-034
388-82-150	RESCIND	94-11-063	388-85-110	REP-P	94-07-114	388-88-115	REP	94-21-037
388-82-160	REP-P	94-07-114	388-85-110	REP	94-10-065	388-88-119	REP-P	94-18-012
388-82-160	AMD-E	94-08-043	388-85-115	REP-P	94-07-114	388-88-119	REP-E	94-21-034
388-82-160	AMD-P	94-08-044	388-85-115	REP	94-10-065	388-88-119	REP	94-21-037
388-82-160	REP	94-10-065	388-86	PREP	94-18-024	388-88-125	REP-P	94-18-012
388-82-160	AMD-W	94-11-059	388-86-030	AMD-C	94-04-031	388-88-125	REP-E	94-21-034
388-82-160	RESCIND	94-11-063	388-86-030	AMD-C	94-05-044	388-88-125	REP	94-21-037
388-83-005	REP-P	94-07-114	388-86-030	AMD-C	94-07-021	388-88-135	REP-P	94-18-012
388-83-005	REP	94-10-065	388-86-030	AMD	94-07-122	388-88-135	REP-E	94-21-034
388-83-006	REP-P	94-07-114	388-86-030	PREP	94-16-098	388-88-135	REP	94-21-037
388-83-006	REP	94-10-065	388-86-040	REP-C	94-05-043	388-88-150	REP-P	94-18-012
388-83-010	REP-P	94-07-114	388-86-040	REP	94-07-022	388-88-150	REP-E	94-21-034
388-83-010	REP	94-10-065	388-86-04001	NEW-C	94-05-043	388-88-150	REP	94-21-037
388-83-012	REP-P	94-07-114	388-86-04001	NEW	94-07-022	388-88-155	REP-P	94-18-012
388-83-012	REP	94-10-065	388-86-04001	PREP	94-17-065	388-88-155	REP-E	94-21-034
388-83-013	REP-P	94-07-114	388-86-045	AMD	94-03-052	388-88-155	REP	94-21-037
388-83-013	REP	94-10-065	388-86-050	PREP	94-16-030	388-88-170	REP-P	94-18-012
388-83-014	REP-P	94-07-114	388-86-059	PREP	94-21-009	388-88-170	REP-E	94-21-034
388-83-014	REP	94-10-065	388-86-073	AMD-P	94-04-022	388-88-170	REP	94-21-037
388-83-015	REP-P	94-07-114	388-86-073	AMD-E	94-04-023	388-88-180	REP-P	94-18-012
388-83-015	REP	94-10-065	388-86-073	AMD	94-07-030	388-88-180	REP-E	94-21-034
388-83-017	REP-P	94-07-114	388-86-082	PREP	94-13-105	388-88-180	REP	94-21-037
388-83-017	REP	94-10-065	388-86-090	AMD-P	94-04-022	388-88-190	REP-P	94-18-012
388-83-020	REP-P	94-07-114	388-86-090	AMD-E	94-04-023	388-88-190	REP-E	94-21-034
388-83-020	REP	94-10-065	388-86-090	AMD	94-07-030	388-88-190	REP	94-21-037
388-83-025	REP-P	94-07-114	388-86-095	PREP	94-16-099	388-92-005	REP-P	94-07-114
388-83-025	REP	94-10-065	388-86-098	AMD-P	94-04-022	388-92-005	REP	94-10-065
388-83-026	REP-P	94-07-114	388-86-098	AMD-E	94-04-023	388-92-015	REP-P	94-07-114

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-92-015	REP	94-10-065	388-95-340	RESCIND	94-11-062	388-96-776	NEW	94-12-043
388-92-025	REP-P	94-07-114	388-95-360	REP-P	94-07-114	388-96-777	NEW-P	94-07-109
388-92-025	REP	94-10-065	388-95-360	AMD-E	94-08-043	388-96-777	NEW	94-12-043
388-92-027	REP-P	94-07-114	388-95-360	AMD-P	94-08-044	388-96-904	AMD-P	94-07-109
388-92-027	REP	94-10-065	388-95-360	REP	94-10-065	388-96-904	AMD	94-12-043
388-92-030	REP-P	94-07-114	388-95-360	AMD-W	94-11-059	388-97	NEW-C	94-18-010
388-92-030	REP	94-10-065	388-95-360	RESCIND	94-11-063	388-97-005	NEW-P	94-13-052
388-92-034	REP-P	94-07-114	388-95-380	REP-P	94-07-114	388-97-005	NEW	94-19-041
388-92-034	REP	94-10-065	388-95-380	REP	94-10-065	388-97-010	NEW-P	94-13-052
388-92-036	REP-P	94-07-114	388-95-390	REP-P	94-07-114	388-97-010	NEW	94-19-041
388-92-036	AMD-E	94-08-041	388-95-390	REP	94-10-065	388-97-015	NEW-P	94-13-052
388-92-036	AMD-P	94-08-042	388-95-395	REP-P	94-07-114	388-97-015	NEW	94-19-041
388-92-036	REP	94-10-065	388-95-395	REP	94-10-065	388-97-020	NEW-P	94-13-052
388-92-036	AMD-W	94-11-060	388-95-400	REP-P	94-07-114	388-97-020	NEW	94-19-041
388-92-036	RESCIND	94-11-062	388-95-400	REP	94-10-065	388-97-025	NEW-P	94-13-052
388-92-040	REP-P	94-07-114	388-96-010	AMD-P	94-07-109	388-97-025	NEW	94-19-041
388-92-040	REP	94-10-065	388-96-010	AMD	94-12-043	388-97-030	NEW-P	94-13-052
388-92-041	AMD-E	94-05-027	388-96-113	AMD-P	94-07-109	388-97-030	NEW	94-19-041
388-92-041	AMD-P	94-05-028	388-96-113	AMD	94-12-043	388-97-035	NEW-P	94-13-052
388-92-041	REP-P	94-07-114	388-96-134	AMD-P	94-07-109	388-97-035	NEW	94-19-041
388-92-041	AMD	94-07-131	388-96-134	AMD	94-12-043	388-97-040	NEW-P	94-13-052
388-92-041	REP	94-10-065	388-96-217	AMD-P	94-07-109	388-97-040	NEW	94-19-041
388-92-045	REP-P	94-07-114	388-96-217	AMD	94-12-043	388-97-045	NEW-P	94-13-052
388-92-045	REP	94-10-065	388-96-221	AMD-P	94-07-109	388-97-045	NEW	94-19-041
388-92-050	REP-P	94-07-114	388-96-221	AMD	94-12-043	388-97-050	NEW-P	94-13-052
388-92-050	REP	94-10-065	388-96-226	AMD-P	94-07-109	388-97-050	NEW	94-19-041
388-93-005	REP-P	94-07-114	388-96-226	AMD	94-12-043	388-97-055	NEW-P	94-13-052
388-93-005	REP	94-10-065	388-96-228	AMD-P	94-07-109	388-97-055	NEW	94-19-041
388-93-010	REP-P	94-07-114	388-96-228	AMD	94-12-043	388-97-060	NEW-P	94-13-052
388-93-010	REP	94-10-065	388-96-525	AMD-P	94-07-109	388-97-060	NEW	94-19-041
388-93-015	REP-P	94-07-114	388-96-525	AMD	94-12-043	388-97-065	NEW-P	94-13-052
388-93-015	REP	94-10-065	388-96-533	AMD-P	94-07-109	388-97-065	NEW	94-19-041
388-93-020	REP-P	94-07-114	388-96-533	AMD	94-12-043	388-97-070	NEW-P	94-13-052
388-93-020	REP	94-10-065	388-96-534	AMD-P	94-07-109	388-97-070	NEW	94-19-041
388-93-025	REP-P	94-07-114	388-96-534	AMD	94-12-043	388-97-075	NEW-P	94-13-052
388-93-025	REP	94-10-065	388-96-559	AMD-P	94-07-109	388-97-075	NEW	94-19-041
388-93-030	REP-P	94-07-114	388-96-559	AMD	94-12-043	388-97-080	NEW-P	94-13-052
388-93-030	REP	94-10-065	388-96-565	AMD-P	94-07-109	388-97-080	NEW	94-19-041
388-93-035	REP-P	94-07-114	388-96-565	AMD	94-12-043	388-97-085	NEW-P	94-13-052
388-93-035	REP	94-10-065	388-96-585	AMD-P	94-07-109	388-97-085	NEW	94-19-041
388-93-040	REP-P	94-07-114	388-96-585	AMD	94-12-043	388-97-090	NEW-P	94-13-052
388-93-040	REP	94-10-065	388-96-704	AMD-P	94-07-109	388-97-090	NEW	94-19-041
388-93-045	REP-P	94-07-114	388-96-704	AMD	94-12-043	388-97-095	NEW-P	94-13-052
388-93-045	REP	94-10-065	388-96-707	REP-P	94-07-109	388-97-095	NEW	94-19-041
388-93-050	REP-P	94-07-114	388-96-707	REP	94-12-043	388-97-100	NEW-P	94-13-052
388-93-050	REP	94-10-065	388-96-709	AMD-P	94-07-109	388-97-100	NEW	94-19-041
388-93-055	REP-P	94-07-114	388-96-709	AMD	94-12-043	388-97-105	NEW-P	94-13-052
388-93-055	REP	94-10-065	388-96-710	AMD-P	94-07-109	388-97-105	NEW	94-19-041
388-93-060	REP-P	94-07-114	388-96-710	AMD	94-12-043	388-97-110	NEW-P	94-13-052
388-93-060	REP	94-10-065	388-96-719	AMD-P	94-07-109	388-97-110	NEW	94-19-041
388-93-065	REP-P	94-07-114	388-96-719	AMD	94-12-043	388-97-115	NEW-P	94-13-052
388-93-065	REP	94-10-065	388-96-721	REP-P	94-07-109	388-97-115	NEW	94-19-041
388-93-075	REP-P	94-07-114	388-96-721	REP	94-12-043	388-97-120	NEW-P	94-13-052
388-93-075	REP	94-10-065	388-96-722	AMD-P	94-07-109	388-97-120	NEW	94-19-041
388-93-080	REP-P	94-07-114	388-96-722	AMD	94-12-043	388-97-125	NEW-P	94-13-052
388-93-080	REP	94-10-065	388-96-727	AMD-P	94-07-109	388-97-125	NEW	94-19-041
388-95-300	REP-P	94-07-114	388-96-727	AMD	94-12-043	388-97-130	NEW-P	94-13-052
388-95-300	REP	94-10-065	388-96-735	AMD-P	94-07-109	388-97-130	NEW	94-19-041
388-95-310	REP-P	94-07-114	388-96-735	AMD	94-12-043	388-97-135	NEW-P	94-13-052
388-95-310	REP	94-10-065	388-96-737	AMD-P	94-07-109	388-97-135	NEW	94-19-041
388-95-320	REP-P	94-07-114	388-96-737	AMD	94-12-043	388-97-140	NEW-P	94-13-052
388-95-320	REP	94-10-065	388-96-745	AMD-P	94-07-109	388-97-140	NEW	94-19-041
388-95-335	REP-P	94-07-114	388-96-745	AMD	94-12-043	388-97-145	NEW-P	94-13-052
388-95-335	REP	94-10-065	388-96-753	NEW-P	94-07-109	388-97-145	NEW	94-19-041
388-95-337	AMD-P	94-05-025	388-96-753	NEW	94-12-043	388-97-150	NEW-P	94-13-052
388-95-337	REP-P	94-07-114	388-96-754	AMD-P	94-07-109	388-97-150	NEW	94-19-041
388-95-337	AMD	94-07-130	388-96-754	AMD	94-12-043	388-97-155	NEW-P	94-13-052
388-95-337	REP	94-10-065	388-96-763	AMD-P	94-07-109	388-97-155	NEW	94-19-041
388-95-340	REP-P	94-07-114	388-96-763	AMD	94-12-043	388-97-160	NEW-P	94-13-052
388-95-340	AMD-E	94-08-041	388-96-774	AMD-P	94-07-109	388-97-160	NEW	94-19-041
388-95-340	AMD-P	94-08-042	388-96-774	AMD	94-12-043	388-97-165	NEW-P	94-13-052
388-95-340	REP	94-10-065	388-96-774	AMD	94-14-016	388-97-165	NEW	94-19-041
388-95-340	AMD-W	94-11-060	388-96-776	NEW-P	94-07-109	388-97-170	NEW-P	94-13-052

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388-97-170	NEW	94-19-041	388-97-360	NEW-P	94-13-052	388-99-060	REP	94-10-065
388-97-175	NEW-P	94-13-052	388-97-360	NEW	94-19-041	388-100-001	REP-P	94-07-114
388-97-175	NEW	94-19-041	388-97-365	NEW-P	94-13-052	388-100-001	REP	94-10-065
388-97-180	NEW-P	94-13-052	388-97-365	NEW	94-19-041	388-100-005	REP-P	94-07-114
388-97-180	NEW	94-19-041	388-97-370	NEW-P	94-13-052	388-100-005	REP	94-10-065
388-97-185	NEW-P	94-13-052	388-97-370	NEW	94-19-041	388-100-010	REP-P	94-07-114
388-97-185	NEW	94-19-041	388-97-375	NEW-P	94-13-052	388-100-010	REP	94-10-065
388-97-190	NEW-P	94-13-052	388-97-375	NEW	94-19-041	388-100-015	REP-P	94-07-114
388-97-190	NEW	94-19-041	388-97-380	NEW-P	94-13-052	388-100-015	REP	94-10-065
388-97-195	NEW-P	94-13-052	388-97-380	NEW	94-19-041	388-100-020	REP-P	94-07-114
388-97-195	NEW	94-19-041	388-97-385	NEW-P	94-13-052	388-100-020	REP	94-10-065
388-97-200	NEW	94-19-041	388-97-385	NEW	94-19-041	388-100-025	REP-P	94-07-114
388-97-205	NEW-P	94-13-052	388-97-390	NEW-P	94-13-052	388-100-025	REP	94-10-065
388-97-205	NEW	94-19-041	388-97-390	NEW	94-19-041	388-100-030	REP-P	94-07-114
388-97-210	NEW-P	94-13-052	388-97-395	NEW-P	94-13-052	388-100-030	REP	94-10-065
388-97-210	NEW	94-19-041	388-97-395	NEW	94-19-041	388-100-035	REP-P	94-07-114
388-97-215	NEW	94-19-041	388-97-400	NEW-P	94-13-052	388-100-035	REP	94-10-065
388-97-220	NEW-P	94-13-052	388-97-400	NEW	94-19-041	388-150-005	AMD-P	94-11-111
388-97-220	NEW	94-19-041	388-97-405	NEW-P	94-13-052	388-150-005	AMD	94-13-201
388-97-225	NEW-P	94-13-052	388-97-405	NEW	94-19-041	388-150-020	AMD-P	94-11-111
388-97-225	NEW	94-19-041	388-97-410	NEW-P	94-13-052	388-150-020	AMD	94-13-201
388-97-230	NEW-P	94-13-052	388-97-410	NEW	94-19-041	388-150-090	AMD-P	94-11-111
388-97-230	NEW	94-19-041	388-97-415	NEW-P	94-13-052	388-150-090	AMD	94-13-201
388-97-235	NEW-P	94-13-052	388-97-415	NEW	94-19-041	388-150-460	AMD-P	94-11-111
388-97-235	NEW	94-19-041	388-97-420	NEW-P	94-13-052	388-150-460	AMD	94-13-201
388-97-240	NEW-P	94-13-052	388-97-420	NEW	94-19-041	388-155	PREP	94-21-065
388-97-240	NEW	94-19-041	388-97-425	NEW-P	94-13-052	388-155-005	AMD-P	94-11-111
388-97-245	NEW-P	94-13-052	388-97-425	NEW	94-19-041	388-155-005	AMD	94-13-201
388-97-245	NEW	94-19-041	388-97-430	NEW-P	94-13-052	388-155-020	AMD-P	94-11-111
388-97-250	NEW-P	94-13-052	388-97-430	NEW	94-19-041	388-155-020	AMD	94-13-201
388-97-250	NEW	94-19-041	388-97-435	NEW-P	94-13-052	388-155-090	AMD-P	94-11-111
388-97-255	NEW-P	94-13-052	388-97-435	NEW	94-19-041	388-155-090	AMD	94-13-201
388-97-255	NEW	94-19-041	388-97-440	NEW-P	94-13-052	388-155-460	AMD-P	94-11-111
388-97-260	NEW-P	94-13-052	388-97-440	NEW	94-19-041	388-155-460	AMD	94-13-201
388-97-260	NEW	94-19-041	388-97-445	NEW-P	94-13-052	388-200-1050	NEW-P	94-07-114
388-97-265	NEW-P	94-13-052	388-97-445	NEW	94-19-041	388-200-1050	NEW	94-10-065
388-97-265	NEW	94-19-041	388-97-450	NEW-P	94-13-052	388-200-1050	PREP	94-21-018
388-97-270	NEW-P	94-13-052	388-97-450	NEW	94-19-041	388-200-1050	AMD-P	94-21-067
388-97-270	NEW	94-19-041	388-97-455	NEW-P	94-13-052	388-200-1100	NEW-P	94-07-114
388-97-275	NEW-P	94-13-052	388-97-455	NEW	94-19-041	388-200-1100	NEW	94-10-065
388-97-275	NEW	94-19-041	388-97-460	NEW-P	94-13-052	388-200-1125	PREP	94-18-035
388-97-280	NEW-P	94-13-052	388-97-460	NEW	94-19-041	388-200-1150	NEW-P	94-07-114
388-97-280	NEW	94-19-041	388-97-465	NEW-P	94-13-052	388-200-1150	NEW	94-10-065
388-97-285	NEW-P	94-13-052	388-97-465	NEW	94-19-041	388-200-1160	NEW-P	94-07-114
388-97-285	NEW-W	94-22-049	388-97-470	NEW-P	94-13-052	388-200-1160	NEW	94-10-065
388-97-290	NEW-P	94-13-052	388-97-470	NEW	94-19-041	388-200-1200	NEW-P	94-07-114
388-97-290	NEW-W	94-22-049	388-97-475	NEW-P	94-13-052	388-200-1200	NEW	94-10-065
388-97-295	NEW-P	94-13-052	388-97-475	NEW	94-19-041	388-200-1250	NEW-P	94-07-114
388-97-295	NEW	94-19-041	388-97-480	NEW-P	94-13-052	388-200-1250	NEW	94-10-065
388-97-300	NEW-P	94-13-052	388-97-480	NEW	94-19-041	388-210-1000	NEW-P	94-07-114
388-97-300	NEW	94-19-041	388-99-005	REP-P	94-07-114	388-210-1000	NEW	94-10-065
388-97-305	NEW-P	94-13-052	388-99-005	REP	94-10-065	388-210-1010	NEW-P	94-07-114
388-97-305	NEW	94-19-041	388-99-010	REP-P	94-07-114	388-210-1010	NEW	94-10-065
388-97-310	NEW-P	94-13-052	388-99-010	REP	94-10-065	388-210-1020	NEW-P	94-07-114
388-97-310	NEW	94-19-041	388-99-011	REP-P	94-07-114	388-210-1020	NEW	94-10-065
388-97-315	NEW-P	94-13-052	388-99-011	REP	94-10-065	388-210-1050	NEW-P	94-07-114
388-97-315	NEW	94-19-041	388-99-015	REP-P	94-07-114	388-210-1050	NEW	94-10-065
388-97-320	NEW-P	94-13-052	388-99-015	REP	94-10-065	388-210-1100	NEW-P	94-07-114
388-97-320	NEW	94-19-041	388-99-020	REP-P	94-07-114	388-210-1100	NEW	94-10-065
388-97-325	NEW-P	94-13-052	388-99-020	REP	94-10-065	388-210-1200	NEW-P	94-07-114
388-97-325	NEW	94-19-041	388-99-030	REP-P	94-07-114	388-210-1200	NEW	94-10-065
388-97-330	NEW-P	94-13-052	388-99-030	REP	94-10-065	388-210-1220	NEW-P	94-07-114
388-97-330	NEW	94-19-041	388-99-035	REP-P	94-07-114	388-210-1220	NEW	94-10-065
388-97-335	NEW-P	94-13-052	388-99-035	REP	94-10-065	388-210-1230	NEW-P	94-07-114
388-97-335	NEW	94-19-041	388-99-036	REP-P	94-07-114	388-210-1230	NEW	94-10-065
388-97-340	NEW-P	94-13-052	388-99-036	REP	94-10-065	388-210-1250	NEW-P	94-07-114
388-97-340	NEW	94-19-041	388-99-040	REP-P	94-07-114	388-210-1250	NEW	94-10-065
388-97-345	NEW-P	94-13-052	388-99-040	REP	94-10-065	388-210-1300	NEW-P	94-07-114
388-97-345	NEW	94-19-041	388-99-050	REP-P	94-07-114	388-210-1300	NEW	94-10-065
388-97-350	NEW-P	94-13-052	388-99-050	REP	94-10-065	388-210-1310	NEW-P	94-07-114
388-97-350	NEW	94-19-041	388-99-055	REP-P	94-07-114	388-210-1310	NEW	94-10-065
388-97-355	NEW-P	94-13-052	388-99-055	REP	94-10-065	388-210-1320	NEW-P	94-07-114
388-97-355	NEW	94-19-041	388-99-060	REP-P	94-07-114	388-210-1320	NEW	94-10-065

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-210-1330	NEW-P	94-07-114	388-215-1360	NEW	94-10-065	388-216-2450	NEW-P	94-07-114
388-210-1330	NEW	94-10-065	388-215-1365	NEW-P	94-07-114	388-216-2450	NEW	94-10-065
388-210-1340	NEW-P	94-07-114	388-215-1365	NEW	94-10-065	388-216-2500	NEW-P	94-07-114
388-210-1340	NEW	94-10-065	388-215-1370	NEW-P	94-07-114	388-216-2500	NEW	94-10-065
388-210-1350	NEW-P	94-07-114	388-215-1370	NEW	94-10-065	388-216-2550	NEW-P	94-07-114
388-210-1350	NEW	94-10-065	388-215-1375	NEW-P	94-07-114	388-216-2550	NEW	94-10-065
388-210-1400	NEW-P	94-07-114	388-215-1375	NEW	94-10-065	388-216-2560	NEW-P	94-07-114
388-210-1400	NEW	94-10-065	388-215-1380	NEW-P	94-07-114	388-216-2560	NEW	94-10-065
388-210-1410	NEW-P	94-07-114	388-215-1380	NEW	94-10-065	388-216-2570	NEW-P	94-07-114
388-210-1410	NEW	94-10-065	388-215-1385	NEW-P	94-07-114	388-216-2570	NEW	94-10-065
388-210-1420	NEW-P	94-07-114	388-215-1385	NEW	94-10-065	388-216-2580	NEW-P	94-07-114
388-210-1420	NEW	94-10-065	388-215-1390	NEW-P	94-07-114	388-216-2580	NEW	94-10-065
388-212-1000	NEW-P	94-07-114	388-215-1390	NEW	94-10-065	388-216-2590	NEW-P	94-07-114
388-212-1000	NEW	94-10-065	388-215-1400	NEW-P	94-07-114	388-216-2590	NEW	94-10-065
388-212-1050	NEW-P	94-07-114	388-215-1400	NEW	94-10-065	388-216-2600	NEW-P	94-07-114
388-212-1050	NEW	94-10-065	388-215-1410	NEW-P	94-07-114	388-216-2600	NEW	94-10-065
388-212-1100	NEW-P	94-07-114	388-215-1410	NEW	94-10-065	388-216-2600	NEW-P	94-07-114
388-212-1100	NEW	94-10-065	388-215-1420	NEW-P	94-07-114	388-216-2650	NEW	94-10-065
388-212-1140	NEW-P	94-07-114	388-215-1420	NEW	94-10-065	388-216-2650	NEW-P	94-07-114
388-212-1140	NEW	94-10-065	388-215-1430	NEW-P	94-07-114	388-216-2800	NEW-P	94-07-114
388-212-1150	NEW-P	94-07-114	388-215-1430	NEW	94-10-065	388-216-2800	NEW	94-10-065
388-212-1150	NEW	94-10-065	388-215-1440	NEW-P	94-07-114	388-216-2850	NEW-P	94-07-114
388-212-1200	NEW-P	94-07-114	388-215-1440	NEW	94-10-065	388-216-2850	NEW	94-10-065
388-212-1200	NEW	94-10-065	388-215-1440	NEW	94-10-065	388-216-2900	NEW-P	94-07-114
388-212-1250	NEW-P	94-07-114	388-215-1450	NEW-P	94-07-114	388-216-2900	NEW	94-10-065
388-212-1250	NEW	94-10-065	388-215-1450	NEW	94-10-065	388-217-3000	NEW	94-04-043
388-215-1000	NEW-P	94-07-114	388-215-1460	NEW-P	94-07-114	388-217-3050	NEW	94-04-043
388-215-1000	NEW	94-10-065	388-215-1460	NEW	94-10-065	388-217-3100	NEW	94-04-043
388-215-1025	NEW-P	94-07-114	388-215-1470	NEW-P	94-07-114	388-217-3150	NEW	94-04-043
388-215-1025	NEW	94-10-065	388-215-1470	NEW	94-10-065	388-217-3150	AMD-P	94-13-054
388-215-1050	NEW-P	94-07-114	388-215-1480	NEW-P	94-07-114	388-217-3150	AMD-E	94-13-055
388-215-1050	NEW	94-10-065	388-215-1480	NEW	94-10-065	388-217-3150	AMD	94-16-046
388-215-1060	NEW-P	94-07-114	388-215-1490	NEW-P	94-07-114	388-217-3200	NEW	94-04-043
388-215-1060	NEW	94-10-065	388-215-1490	NEW	94-10-065	388-217-3250	NEW	94-04-043
388-215-1070	NEW-P	94-07-114	388-215-1500	NEW-P	94-07-114	388-217-3300	NEW	94-04-043
388-215-1070	NEW	94-10-065	388-215-1500	NEW	94-10-065	388-217-3350	NEW	94-04-043
388-215-1080	NEW-P	94-07-114	388-215-1520	NEW-P	94-07-114	388-218-1010	NEW-P	94-07-114
388-215-1080	NEW	94-10-065	388-215-1520	NEW	94-10-065	388-218-1010	NEW	94-10-065
388-215-1100	NEW-P	94-07-114	388-215-1540	NEW-P	94-07-114	388-218-1010	AMD-P	94-13-008
388-215-1100	NEW	94-10-065	388-215-1540	NEW	94-10-065	388-218-1010	AMD-E	94-13-009
388-215-1100	PREP	94-15-031	388-215-1560	NEW-P	94-07-114	388-218-1010	AMD	94-16-044
388-215-1100	AMD-P	94-21-045	388-215-1560	NEW	94-10-065	388-218-1050	NEW-P	94-07-114
388-215-1110	NEW-P	94-07-114	388-215-1600	NEW-P	94-07-114	388-218-1050	NEW	94-10-065
388-215-1110	NEW	94-10-065	388-215-1600	NEW	94-10-065	388-218-1050	AMD-P	94-13-008
388-215-1120	NEW-P	94-07-114	388-215-1610	NEW-P	94-07-114	388-218-1050	AMD-E	94-13-009
388-215-1120	NEW	94-10-065	388-215-1610	NEW	94-10-065	388-218-1050	AMD	94-16-044
388-215-1200	NEW-P	94-07-114	388-215-1610	PREP	94-17-159	388-218-1100	NEW-P	94-07-114
388-215-1200	NEW	94-10-065	388-215-1610	AMD-E	94-20-088	388-218-1100	NEW	94-10-065
388-215-1225	NEW-P	94-07-114	388-215-1610	AMD-P	94-20-091	388-218-1110	NEW-P	94-07-114
388-215-1225	NEW	94-10-065	388-215-1620	NEW-P	94-07-114	388-218-1110	NEW	94-10-065
388-215-1230	NEW-P	94-07-114	388-215-1620	NEW	94-10-065	388-218-1120	NEW-P	94-07-114
388-215-1230	NEW	94-10-065	388-215-1620	PREP	94-17-158	388-218-1120	NEW	94-10-065
388-215-1245	NEW-P	94-07-114	388-215-1620	AMD-P	94-19-099	388-218-1130	NEW-P	94-07-114
388-215-1245	NEW	94-10-065	388-215-1620	AMD	94-22-031	388-218-1130	NEW	94-10-065
388-215-1300	NEW-P	94-07-114	388-215-1650	NEW-P	94-07-114	388-218-1130	AMD-P	94-13-008
388-215-1300	NEW	94-10-065	388-215-1650	NEW	94-10-065	388-218-1130	AMD-E	94-13-009
388-215-1320	NEW-P	94-07-114	388-216-2000	NEW-P	94-07-114	388-218-1130	AMD	94-16-044
388-215-1320	NEW	94-10-065	388-216-2000	NEW	94-10-065	388-218-1140	NEW-P	94-07-114
388-215-1325	NEW-P	94-07-114	388-216-2050	NEW-P	94-07-114	388-218-1140	NEW	94-10-065
388-215-1325	NEW	94-10-065	388-216-2050	NEW	94-10-065	388-218-1200	NEW-P	94-07-114
388-215-1330	NEW-P	94-07-114	388-216-2075	NEW-P	94-07-114	388-218-1200	NEW	94-10-065
388-215-1330	NEW	94-10-065	388-216-2075	NEW	94-10-065	388-218-1200	AMD-P	94-13-008
388-215-1335	NEW-P	94-07-114	388-216-2100	NEW-P	94-07-114	388-218-1200	AMD-E	94-13-009
388-215-1335	NEW	94-10-065	388-216-2100	NEW	94-10-065	388-218-1200	AMD	94-16-044
388-215-1340	NEW-P	94-07-114	388-216-2150	NEW-P	94-07-114	388-218-1210	NEW-P	94-07-114
388-215-1340	NEW	94-10-065	388-216-2150	NEW	94-10-065	388-218-1210	NEW	94-10-065
388-215-1345	NEW-P	94-07-114	388-216-2200	NEW-P	94-07-114	388-218-1210	AMD-P	94-13-008
388-215-1345	NEW	94-10-065	388-216-2200	NEW	94-10-065	388-218-1210	AMD-E	94-13-009
388-215-1350	NEW-P	94-07-114	388-216-2250	NEW-P	94-07-114	388-218-1210	AMD	94-16-044
388-215-1350	NEW	94-10-065	388-216-2250	NEW	94-10-065	388-218-1220	NEW-P	94-07-114
388-215-1355	NEW-P	94-07-114	388-216-2300	NEW-P	94-07-114	388-218-1220	NEW	94-10-065
388-215-1355	NEW	94-10-065	388-216-2300	NEW	94-10-065	388-218-1220	AMD-P	94-13-008
388-215-1360	NEW-P	94-07-114	388-216-2350	NEW-P	94-07-114	388-218-1220	AMD-E	94-13-009
			388-216-2350	NEW	94-10-065	388-218-1220	AMD	94-16-044

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-218-1230	NEW-P	94-07-114	388-218-1700	NEW-P	94-07-114	388-225-0150	NEW	94-06-026
388-218-1230	NEW	94-10-065	388-218-1700	NEW	94-10-065	388-225-0160	NEW-P	94-03-051
388-218-1230	AMD-P	94-13-008	388-218-1710	NEW-P	94-07-114	388-225-0160	NEW	94-06-026
388-218-1230	AMD-E	94-13-009	388-218-1710	NEW	94-10-065	388-225-0170	NEW-P	94-03-051
388-218-1230	AMD	94-16-044	388-218-1720	NEW-P	94-07-114	388-225-0170	NEW	94-06-026
388-218-1300	NEW-P	94-07-114	388-218-1720	NEW	94-10-065	388-225-0180	NEW-P	94-03-051
388-218-1300	NEW	94-10-065	388-218-1730	NEW-P	94-07-114	388-225-0180	NEW	94-06-026
388-218-1310	NEW-P	94-07-114	388-218-1730	NEW	94-10-065	388-225-0190	NEW-P	94-03-051
388-218-1310	NEW	94-10-065	388-218-1740	NEW-P	94-07-114	388-225-0190	NEW	94-06-026
388-218-1320	NEW-P	94-07-114	388-218-1740	NEW	94-10-065	388-225-0300	NEW-P	94-03-051
388-218-1320	NEW	94-10-065	388-218-1800	NEW-P	94-07-114	388-225-0300	NEW	94-06-026
388-218-1330	NEW-P	94-07-114	388-218-1800	NEW	94-10-065	388-230-0090	AMD-P	94-13-008
388-218-1330	NEW	94-10-065	388-218-1810	NEW-P	94-07-114	388-230-0090	AMD-E	94-13-009
388-218-1340	NEW-P	94-07-114	388-218-1810	NEW	94-10-065	388-230-0090	AMD	94-16-044
388-218-1340	NEW	94-10-065	388-218-1820	NEW-P	94-07-114	388-233-0060	AMD-P	94-13-008
388-218-1350	NEW-P	94-07-114	388-218-1820	NEW	94-10-065	388-233-0060	AMD-E	94-13-009
388-218-1350	NEW	94-10-065	388-218-1830	NEW-P	94-07-114	388-233-0060	AMD	94-16-044
388-218-1360	NEW-P	94-07-114	388-218-1830	NEW	94-10-065	388-233-0070	AMD-P	94-13-008
388-218-1360	NEW	94-10-065	388-218-1900	NEW-P	94-07-114	388-233-0070	AMD-E	94-13-009
388-218-1400	NEW-P	94-07-114	388-218-1900	NEW	94-10-065	388-233-0070	AMD	94-16-044
388-218-1400	NEW	94-10-065	388-218-1910	NEW-P	94-07-114	388-235-0070	AMD-P	94-13-008
388-218-1410	NEW-P	94-07-114	388-218-1910	NEW	94-10-065	388-235-0070	AMD-E	94-13-009
388-218-1410	NEW	94-10-065	388-218-1920	NEW-P	94-07-114	388-235-0070	AMD	94-16-044
388-218-1420	NEW-P	94-07-114	388-218-1920	NEW	94-10-065	388-235-2000	AMD-P	94-13-008
388-218-1420	NEW	94-10-065	388-218-1930	NEW-P	94-07-114	388-235-2000	AMD-E	94-13-009
388-218-1430	NEW-P	94-07-114	388-218-1930	NEW	94-10-065	388-235-2000	AMD	94-16-044
388-218-1430	NEW	94-10-065	388-218-1940	NEW-P	94-07-114	388-235-3000	AMD-P	94-13-008
388-218-1440	NEW-P	94-07-114	388-218-1940	NEW	94-10-065	388-235-3000	AMD-E	94-13-009
388-218-1440	NEW	94-10-065	388-219-0100	NEW-P	94-07-114	388-235-3000	AMD	94-16-044
388-218-1450	NEW-P	94-07-114	388-219-0100	NEW	94-10-065	388-235-7300	AMD-P	94-11-024
388-218-1450	NEW	94-10-065	388-219-0200	NEW-P	94-07-114	388-235-7300	AMD	94-13-202
388-218-1460	NEW-P	94-07-114	388-219-0200	NEW	94-10-065	388-235-7400	NEW-P	94-11-024
388-218-1460	NEW	94-10-065	388-219-1000	NEW-P	94-07-114	388-235-7400	NEW	94-13-202
388-218-1470	NEW-P	94-07-114	388-219-1000	NEW	94-10-065	388-235-9000	PREP	94-16-025
388-218-1470	NEW	94-10-065	388-219-1100	NEW-P	94-07-114	388-245-1000	NEW-P	94-07-114
388-218-1480	NEW-P	94-07-114	388-219-1100	NEW	94-10-065	388-245-1000	NEW	94-10-065
388-218-1480	NEW	94-10-065	388-219-1500	NEW-P	94-07-114	388-245-1150	NEW-P	94-07-114
388-218-1500	NEW-P	94-07-114	388-219-1500	NEW	94-10-065	388-245-1150	NEW	94-10-065
388-218-1500	NEW	94-10-065	388-219-1600	NEW-P	94-07-114	388-245-1160	NEW-P	94-07-114
388-218-1510	NEW-P	94-07-114	388-219-1600	NEW	94-10-065	388-245-1160	NEW	94-10-065
388-218-1510	NEW	94-10-065	388-219-1700	NEW-P	94-07-114	388-245-1170	NEW-P	94-07-114
388-218-1515	NEW-P	94-07-114	388-219-1700	NEW	94-10-065	388-245-1170	NEW	94-10-065
388-218-1515	NEW	94-10-065	388-219-2000	NEW-P	94-07-114	388-245-1210	NEW-P	94-07-114
388-218-1520	NEW-P	94-07-114	388-219-2000	NEW	94-10-065	388-245-1210	NEW	94-10-065
388-218-1520	NEW	94-10-065	388-219-2000	AMD-P	94-10-086	388-245-1300	NEW-P	94-07-114
388-218-1530	NEW-P	94-07-114	388-219-2000	AMD	94-13-050	388-245-1300	NEW	94-10-065
388-218-1530	NEW	94-10-065	388-219-2500	NEW-P	94-07-114	388-245-1310	NEW-P	94-07-114
388-218-1540	NEW-P	94-07-114	388-219-2500	NEW	94-10-065	388-245-1310	NEW	94-10-065
388-218-1540	NEW	94-10-065	388-219-2600	NEW-P	94-07-114	388-245-1315	NEW-P	94-07-114
388-218-1540	NEW	94-10-065	388-219-2600	NEW	94-10-065	388-245-1315	NEW	94-10-065
388-218-1600	NEW-P	94-07-114	388-219-3000	NEW-P	94-07-114	388-245-1320	NEW-P	94-07-114
388-218-1600	NEW	94-10-065	388-219-3000	NEW	94-10-065	388-245-1320	NEW	94-10-065
388-218-1605	NEW-P	94-07-114	388-219-3500	NEW-P	94-07-114	388-245-1350	NEW-P	94-07-114
388-218-1605	NEW	94-10-065	388-219-3500	NEW	94-10-065	388-245-1350	NEW	94-10-065
388-218-1610	NEW-P	94-07-114	388-225-0010	NEW-P	94-03-051	388-245-1400	NEW-P	94-07-114
388-218-1610	NEW	94-10-065	388-225-0010	NEW	94-06-026	388-245-1400	NEW	94-10-065
388-218-1620	NEW-P	94-07-114	388-225-0020	NEW-P	94-03-051	388-245-1410	NEW-P	94-07-114
388-218-1620	NEW	94-10-065	388-225-0020	NEW	94-06-026	388-245-1410	NEW	94-10-065
388-218-1630	NEW-P	94-07-114	388-225-0050	NEW-P	94-03-051	388-245-1500	NEW-P	94-07-114
388-218-1630	NEW	94-10-065	388-225-0050	NEW	94-06-026	388-245-1500	NEW	94-10-065
388-218-1640	NEW-P	94-07-114	388-225-0060	NEW-P	94-03-051	388-245-1510	NEW-P	94-07-114
388-218-1640	NEW	94-10-065	388-225-0060	NEW	94-06-026	388-245-1510	NEW	94-10-065
388-218-1650	NEW-P	94-07-114	388-225-0070	NEW-P	94-03-051	388-245-1520	NEW-P	94-07-114
388-218-1650	NEW	94-10-065	388-225-0070	NEW	94-06-026	388-245-1520	NEW	94-10-065
388-218-1660	NEW-P	94-07-114	388-225-0080	NEW-P	94-03-051	388-245-1600	NEW-P	94-07-114
388-218-1660	NEW	94-10-065	388-225-0080	NEW	94-06-026	388-245-1600	NEW	94-10-065
388-218-1670	NEW-P	94-07-114	388-225-0090	NEW-P	94-03-051	388-245-1610	NEW-P	94-07-114
388-218-1670	NEW	94-10-065	388-225-0090	NEW	94-06-026	388-245-1610	NEW	94-10-065
388-218-1680	NEW-P	94-07-114	388-225-0100	NEW-P	94-03-051	388-245-1700	NEW-P	94-07-114
388-218-1680	NEW	94-10-065	388-225-0100	NEW	94-06-026	388-245-1700	NEW	94-10-065
388-218-1690	NEW-P	94-07-114	388-225-0120	NEW-P	94-03-051	388-245-1710	NEW-P	94-07-114
388-218-1690	NEW	94-10-065	388-225-0120	NEW	94-06-026	388-245-1710	NEW	94-10-065
388-218-1695	NEW-P	94-07-114	388-225-0150	NEW-P	94-03-051	388-245-1715	NEW-P	94-07-114
388-218-1695	NEW	94-10-065						

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-245-1715	NEW	94-10-065	388-255-1300	NEW	94-09-001	388-275-0060	AMD-E	94-13-009
388-245-1720	NEW-P	94-07-114	388-255-1350	NEW-P	94-06-035	388-275-0060	AMD	94-16-044
388-245-1720	NEW	94-10-065	388-255-1350	NEW	94-09-001	388-275-0070	NEW	94-04-033
388-245-1730	NEW-P	94-07-114	388-255-1400	NEW-P	94-06-035	388-275-0080	NEW	94-04-033
388-245-1730	NEW	94-10-065	388-255-1400	NEW	94-09-001	388-275-0090	NEW	94-04-033
388-245-1740	NEW-P	94-07-114	388-265	PREP	94-15-044	388-300	PREP	94-22-011
388-245-1740	NEW	94-10-065	388-265-1010	NEW-P	94-07-114	388-320-115	AMD-P	94-13-025
388-245-2010	NEW-P	94-07-114	388-265-1010	NEW	94-10-065	388-320-115	AMD	94-16-047
388-245-2010	NEW	94-10-065	388-265-1050	NEW-P	94-07-114	388-320-130	AMD-P	94-13-025
388-245-2020	NEW-P	94-07-114	388-265-1050	NEW	94-10-065	388-320-130	AMD	94-16-047
388-245-2020	NEW	94-10-065	388-265-1100	NEW-P	94-07-114	388-320-135	AMD-P	94-13-025
388-245-2030	NEW-P	94-07-114	388-265-1110	NEW	94-10-065	388-320-135	AMD	94-16-047
388-245-2030	NEW	94-10-065	388-265-1150	NEW-P	94-07-114	388-320-220	AMD-P	94-13-025
388-245-2040	NEW-P	94-07-114	388-265-1150	NEW	94-10-065	388-320-220	AMD	94-16-047
388-245-2040	NEW	94-10-065	388-265-1200	NEW-P	94-07-114	388-320-240	AMD-P	94-13-025
388-245-2050	NEW-P	94-07-114	388-265-1200	NEW	94-10-065	388-320-240	AMD	94-16-047
388-245-2050	NEW	94-10-065	388-265-1250	NEW-P	94-07-114	388-500-0005	NEW-P	94-07-114
388-250-1010	NEW-P	94-06-035	388-265-1250	NEW	94-10-065	388-500-0005	NEW	94-10-065
388-250-1010	NEW	94-09-001	388-265-1275	NEW-E	94-17-078	388-500-0005	PREP	94-16-081
388-250-1050	NEW-P	94-06-035	388-265-1275	NEW-P	94-17-078A	388-501-0105	NEW-P	94-07-114
388-250-1050	NEW	94-09-001	388-265-1275	NEW	94-20-040	388-501-0105	NEW	94-10-065
388-250-1100	NEW-P	94-06-035	388-265-1300	NEW-P	94-07-114	388-501-0110	NEW-P	94-07-114
388-250-1100	NEW	94-09-001	388-265-1300	NEW	94-10-065	388-501-0110	NEW	94-10-065
388-250-1150	NEW-P	94-06-035	388-265-1350	NEW-P	94-07-114	388-501-0125	NEW-P	94-07-114
388-250-1150	NEW	94-09-001	388-265-1350	NEW	94-10-065	388-501-0125	NEW	94-10-065
388-250-1200	NEW-P	94-06-035	388-265-1400	NEW-P	94-07-114	388-501-0130	NEW-P	94-07-114
388-250-1200	NEW	94-09-001	388-265-1400	NEW	94-10-065	388-501-0130	NEW	94-10-065
388-250-1250	NEW-P	94-06-035	388-265-1450	NEW-P	94-07-114	388-501-0135	NEW-P	94-07-114
388-250-1250	NEW	94-09-001	388-265-1450	NEW	94-10-065	388-501-0135	NEW	94-10-065
388-250-1250	PREP	94-16-073	388-265-1500	NEW-P	94-07-114	388-501-0135	NEW	94-10-065
388-250-1250	AMD-E	94-17-081	388-265-1500	NEW	94-10-065	388-501-0140	NEW-P	94-07-114
388-250-1250	AMD-P	94-17-082	388-265-1550	NEW-P	94-07-114	388-501-0140	NEW	94-10-065
388-250-1250	AMD	94-20-039	388-265-1550	NEW	94-10-065	388-501-0150	NEW-P	94-07-114
388-250-1300	NEW-P	94-06-035	388-265-1600	NEW-P	94-07-114	388-501-0150	NEW	94-10-065
388-250-1300	NEW	94-09-001	388-265-1600	NEW	94-10-065	388-501-0160	NEW-P	94-07-114
388-250-1300	PREP	94-17-132	388-265-1600	NEW	94-10-065	388-501-0160	NEW	94-10-065
388-250-1300	AMD-P	94-18-047	388-265-1650	NEW-P	94-07-114	388-501-0165	NEW-P	94-07-114
388-250-1300	AMD-E	94-18-050	388-265-1650	NEW	94-10-065	388-501-0165	NEW	94-10-065
388-250-1300	AMD	94-21-043	388-265-1700	NEW-P	94-07-114	388-501-0170	NEW-P	94-07-114
388-250-1350	NEW-P	94-06-035	388-265-1700	NEW	94-10-065	388-501-0170	NEW	94-10-065
388-250-1350	NEW	94-09-001	388-265-1750	NEW-P	94-07-114	388-501-0175	NEW-P	94-07-114
388-250-1400	NEW-P	94-06-035	388-265-1750	NEW	94-10-065	388-501-0175	NEW	94-10-065
388-250-1400	NEW	94-09-001	388-265-1800	NEW-P	94-07-114	388-501-0180	NEW-P	94-07-114
388-250-1450	NEW-P	94-06-035	388-265-1800	NEW	94-10-065	388-501-0180	NEW	94-10-065
388-250-1450	NEW	94-09-001	388-265-1850	NEW-P	94-07-114	388-501-0190	NEW-P	94-07-114
388-250-1500	NEW-P	94-06-035	388-265-1850	NEW	94-10-065	388-501-0190	NEW	94-10-065
388-250-1500	NEW	94-09-001	388-265-1900	NEW-P	94-07-114	388-501-0195	NEW-P	94-07-114
388-250-1550	NEW-P	94-06-035	388-265-1900	NEW	94-10-065	388-501-0195	NEW-W	94-20-094
388-250-1550	NEW	94-09-001	388-265-1950	NEW-P	94-07-114	388-502-0205	NEW-P	94-07-114
388-250-1600	NEW-P	94-06-035	388-265-1950	NEW	94-10-065	388-502-0205	NEW	94-10-065
388-250-1600	NEW	94-09-001	388-265-2000	NEW-P	94-07-114	388-502-0210	NEW-P	94-07-114
388-250-1650	NEW-P	94-06-035	388-265-2000	NEW	94-10-065	388-502-0210	NEW	94-10-065
388-250-1650	NEW	94-09-001	388-270-1005	NEW	94-05-045	388-502-0220	NEW-P	94-07-114
388-250-1700	NEW-P	94-06-035	388-270-1010	NEW	94-05-045	388-502-0220	NEW	94-10-065
388-250-1700	NEW	94-09-001	388-270-1025	NEW	94-05-045	388-502-0230	NEW-P	94-07-114
388-250-1700	AMD-P	94-12-004	388-270-1075	NEW	94-05-045	388-502-0230	NEW	94-10-065
388-250-1700	AMD-E	94-14-004	388-270-1100	NEW	94-05-045	388-502-0250	NEW-P	94-07-114
388-250-1700	AMD	94-15-003	388-270-1110	NEW	94-05-045	388-502-0250	NEW	94-10-065
388-250-1750	NEW-P	94-06-035	388-270-1125	NEW	94-05-045	388-503-0305	NEW-P	94-07-114
388-250-1750	NEW	94-09-001	388-270-1150	NEW	94-05-045	388-503-0305	NEW	94-10-065
388-255-1020	NEW-P	94-06-035	388-270-1200	NEW	94-05-045	388-503-0310	NEW-P	94-07-114
388-255-1020	NEW	94-09-001	388-270-1250	NEW	94-05-045	388-503-0310	NEW	94-10-065
388-255-1050	NEW-P	94-06-035	388-270-1300	NEW	94-05-045	388-503-0310	PREP	94-13-102
388-255-1050	NEW	94-09-001	388-270-1400	NEW	94-05-045	388-503-0310	AMD-E	94-14-053
388-255-1100	NEW-P	94-06-035	388-270-1500	NEW	94-05-045	388-503-0310	AMD-P	94-14-055
388-255-1100	NEW	94-09-001	388-270-1550	NEW	94-05-045	388-503-0310	AMD	94-17-036
388-255-1150	NEW-P	94-06-035	388-270-1600	NEW	94-05-045	388-503-0320	NEW-P	94-07-114
388-255-1150	NEW	94-09-001	388-275-0010	NEW	94-04-033	388-503-0320	NEW	94-10-065
388-255-1200	NEW-P	94-06-035	388-275-0020	NEW	94-04-033	388-503-0350	NEW-P	94-07-114
388-255-1200	NEW	94-09-001	388-275-0030	NEW	94-04-033	388-503-0350	NEW	94-10-065
388-255-1250	NEW-P	94-06-035	388-275-0040	NEW	94-04-033	388-503-0370	NEW-P	94-07-114
388-255-1250	NEW	94-09-001	388-275-0050	NEW	94-04-033	388-503-0370	NEW	94-10-065
388-255-1300	NEW-P	94-06-035	388-275-0060	NEW	94-04-033	388-504-0405	NEW-P	94-07-114
			388-275-0060	AMD-P	94-13-008	388-504-0405	NEW	94-10-065

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-504-0410	NEW-P	94-07-114	388-508-0840	NEW	94-10-065	388-512-1275	NEW-P	94-07-114
388-504-0410	NEW	94-10-065	388-509-0905	NEW-P	94-07-114	388-512-1275	NEW	94-10-065
388-504-0420	NEW-P	94-07-114	388-509-0905	NEW	94-10-065	388-512-1280	NEW-P	94-07-114
388-504-0420	NEW	94-10-065	388-509-0910	NEW-P	94-07-114	388-512-1280	NEW	94-10-065
388-504-0430	NEW-P	94-07-114	388-509-0910	NEW	94-10-065	388-513-1300	PREP	94-20-003
388-504-0430	NEW	94-10-065	388-509-0910	PREP	94-13-102	388-513-1305	NEW-P	94-07-114
388-504-0440	NEW-P	94-07-114	388-509-0910	AMD-E	94-14-053	388-513-1305	NEW	94-10-065
388-504-0440	NEW	94-10-065	388-509-0910	AMD-P	94-14-055	388-513-1310	NEW-P	94-07-114
388-504-0450	NEW-P	94-07-114	388-509-0910	AMD	94-17-036	388-513-1310	NEW	94-10-065
388-504-0450	NEW	94-10-065	388-509-0920	NEW-P	94-07-114	388-513-1315	NEW-P	94-07-114
388-504-0460	NEW-P	94-07-114	388-509-0920	NEW	94-10-065	388-513-1315	NEW	94-10-065
388-504-0460	NEW	94-10-065	388-509-0920	PREP	94-13-102	388-513-1320	NEW-P	94-07-114
388-504-0470	NEW-P	94-07-114	388-509-0920	AMD-E	94-14-053	388-513-1320	NEW	94-10-065
388-504-0470	NEW	94-10-065	388-509-0920	AMD-P	94-14-055	388-513-1320	PREP	94-20-003
388-504-0480	NEW-P	94-07-114	388-509-0920	AMD	94-17-036	388-513-1330	NEW-P	94-07-114
388-504-0480	NEW	94-10-065	388-509-0940	NEW-P	94-07-114	388-513-1330	NEW	94-10-065
388-504-0485	NEW-P	94-07-114	388-509-0940	NEW	94-10-065	388-513-1330	AMD-P	94-22-065
388-504-0485	NEW	94-10-065	388-509-0960	NEW-P	94-07-114	388-513-1330	AMD-E	94-22-066
388-505-0501	NEW-P	94-07-114	388-509-0960	NEW	94-10-065	388-513-1340	NEW-P	94-07-114
388-505-0501	NEW	94-10-065	388-509-0960	PREP	94-13-102	388-513-1340	NEW	94-10-065
388-505-0505	NEW-P	94-07-114	388-509-0960	AMD-E	94-14-053	388-513-1340	PREP	94-21-030
388-505-0505	NEW	94-10-065	388-509-0960	AMD-P	94-14-055	388-513-1340	AMD-P	94-22-065
388-505-0510	NEW-P	94-07-114	388-509-0960	AMD	94-17-036	388-513-1340	AMD-E	94-22-066
388-505-0510	NEW	94-10-065	388-509-0970	NEW-P	94-07-114	388-513-1345	NEW-P	94-07-114
388-505-0520	NEW-P	94-07-114	388-509-0970	NEW	94-10-065	388-513-1345	NEW	94-10-065
388-505-0520	NEW	94-10-065	388-510-1020	NEW-P	94-07-114	388-513-1345	PREP	94-21-030
388-505-0530	NEW-P	94-07-114	388-510-1020	NEW	94-10-065	388-513-1345	AMD-P	94-22-065
388-505-0530	NEW	94-10-065	388-510-1030	NEW-P	94-07-114	388-513-1345	AMD-E	94-22-066
388-505-0540	NEW-P	94-07-114	388-510-1030	NEW	94-10-065	388-513-1350	NEW-P	94-07-114
388-505-0540	NEW	94-10-065	388-511-1105	NEW-P	94-07-114	388-513-1350	NEW	94-10-065
388-505-0560	NEW-P	94-07-114	388-511-1105	NEW	94-10-065	388-513-1350	PREP	94-15-029
388-505-0560	NEW	94-10-065	388-511-1105	PREP	94-18-009	388-513-1350	AMD-P	94-21-033
388-505-0570	NEW-P	94-07-114	388-511-1110	NEW-P	94-07-114	388-513-1360	NEW-P	94-07-114
388-505-0570	NEW	94-10-065	388-511-1110	NEW	94-10-065	388-513-1360	NEW	94-10-065
388-505-0580	NEW-P	94-07-114	388-511-1115	NEW-P	94-07-114	388-513-1365	NEW-P	94-07-114
388-505-0580	NEW	94-10-065	388-511-1115	NEW	94-10-065	388-513-1365	NEW	94-10-065
388-505-0580	PREP	94-16-079	388-511-1130	NEW-P	94-07-114	388-513-1365	PREP	94-15-030
388-505-0590	NEW-P	94-07-114	388-511-1130	NEW	94-10-065	388-513-1380	NEW-P	94-07-114
388-505-0590	NEW	94-10-065	388-511-1140	NEW-P	94-07-114	388-513-1380	NEW	94-10-065
388-505-0590	PREP	94-20-005	388-511-1140	NEW	94-10-065	388-513-1380	PREP	94-17-128
388-505-0595	NEW-P	94-07-114	388-511-1140	PREP	94-18-009	388-513-1395	NEW-P	94-07-114
388-505-0595	NEW	94-10-065	388-511-1150	NEW-P	94-07-114	388-513-1395	NEW	94-10-065
388-506-0610	NEW-P	94-07-114	388-511-1150	NEW	94-10-065	388-513-1396	NEW-P	94-07-114
388-506-0610	NEW	94-10-065	388-511-1160	NEW-P	94-07-114	388-513-1396	NEW	94-10-065
388-506-0610	PREP	94-13-103	388-511-1160	NEW	94-10-065	388-515-1505	NEW-P	94-07-114
388-506-0610	AMD-E	94-14-054	388-511-1160	PREP	94-18-009	388-515-1505	NEW	94-10-065
388-506-0610	AMD-P	94-14-057	388-511-1170	NEW-P	94-07-114	388-515-1510	NEW-P	94-07-114
388-506-0610	AMD	94-17-034	388-511-1170	NEW	94-10-065	388-515-1510	NEW	94-10-065
388-506-0610	PREP	94-20-006	388-512-1210	NEW-P	94-07-114	388-515-1530	NEW-P	94-07-114
388-506-0620	NEW-P	94-07-114	388-512-1210	NEW	94-10-065	388-515-1530	NEW	94-10-065
388-506-0620	NEW	94-10-065	388-512-1215	NEW-P	94-07-114	388-515-1710	NEW-P	94-07-114
388-506-0630	NEW-P	94-07-114	388-512-1215	NEW	94-10-065	388-517-1710	NEW	94-10-065
388-506-0630	NEW	94-10-065	388-512-1220	NEW-P	94-07-114	388-517-1710	PREP	94-16-082
388-507-0710	NEW-P	94-07-114	388-512-1220	NEW	94-10-065	388-517-1715	NEW-P	94-07-114
388-507-0710	NEW	94-10-065	388-512-1225	NEW-P	94-07-114	388-517-1715	NEW	94-10-065
388-507-0720	NEW-P	94-07-114	388-512-1225	NEW	94-10-065	388-517-1715	PREP	94-16-082
388-507-0720	NEW	94-10-065	388-512-1225	PREP	94-16-080	388-517-1720	NEW-P	94-07-114
388-507-0730	NEW-P	94-07-114	388-512-1230	NEW-P	94-07-114	388-517-1720	NEW	94-10-065
388-507-0730	NEW	94-10-065	388-512-1230	NEW	94-10-065	388-517-1730	NEW-P	94-07-114
388-507-0740	NEW-P	94-07-114	388-512-1235	NEW-P	94-07-114	388-517-1730	NEW	94-10-065
388-507-0740	NEW	94-10-065	388-512-1235	NEW	94-10-065	388-517-1730	PREP	94-16-082
388-508-0805	NEW-P	94-07-114	388-512-1240	NEW-P	94-07-114	388-517-1740	NEW-P	94-07-114
388-508-0805	NEW	94-10-065	388-512-1240	NEW	94-10-065	388-517-1740	NEW	94-10-065
388-508-0810	NEW-P	94-07-114	388-512-1245	NEW-P	94-07-114	388-517-1750	NEW-P	94-07-114
388-508-0810	NEW	94-10-065	388-512-1245	NEW	94-10-065	388-517-1750	NEW	94-10-065
388-508-0820	NEW-P	94-07-114	388-512-1250	NEW-P	94-07-114	388-517-1760	NEW-P	94-07-114
388-508-0820	NEW	94-10-065	388-512-1250	NEW	94-10-065	388-517-1760	NEW	94-10-065
388-508-0820	PREP	94-20-004	388-512-1255	NEW-P	94-07-114	388-518-1805	NEW-P	94-07-114
388-508-0830	NEW-P	94-07-114	388-512-1255	NEW	94-10-065	388-518-1805	NEW	94-10-065
388-508-0830	NEW	94-10-065	388-512-1260	NEW-P	94-07-114	388-518-1805	PREP	94-20-007
388-508-0835	NEW-P	94-07-114	388-512-1260	NEW	94-10-065	388-518-1810	NEW-P	94-07-114
388-508-0835	NEW	94-10-065	388-512-1265	NEW-P	94-07-114	388-518-1810	NEW	94-10-065
388-508-0840	NEW-P	94-07-114	388-512-1265	NEW	94-10-065	388-518-1820	NEW-P	94-07-114

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-518-1820	NEW	94-10-065	388-529-2940	NEW	94-10-065	390-20-052	AMD	94-11-016
388-518-1830	NEW-P	94-07-114	388-529-2950	NEW-P	94-07-114	390-24-030	REP	94-05-010
388-518-1830	NEW	94-10-065	388-529-2950	NEW	94-10-065	390-24-031	REP	94-05-010
388-518-1840	NEW-P	94-07-114	388-529-2960	NEW-P	94-07-114	390-24-160	AMD	94-05-010
388-518-1840	NEW	94-10-065	388-529-2960	NEW	94-10-065	390-37-070	AMD	94-05-010
388-518-1850	NEW-P	94-07-114	388-538-100	PREP	94-22-002	390-37-105	AMD	94-05-010
388-518-1850	NEW	94-10-065	388-538-110	AMD	94-04-038	390-37-142	AMD	94-05-010
388-519-1905	NEW-P	94-07-114	390-05-190	AMD-E	94-18-060	392-109	PREP	94-15-012
388-519-1905	NEW	94-10-065	390-05-210	AMD-E	94-18-060	392-121	PREP	94-17-097
388-519-1910	NEW-P	94-07-114	390-05-210	PREP	94-19-052	392-121-106	AMD-P	94-18-015
388-519-1910	NEW	94-10-065	390-05-235	AMD-P	94-07-088	392-121-10601	NEW-P	94-18-015
388-519-1930	NEW-P	94-07-114	390-05-235	AMD	94-11-018	392-121-10602	NEW-P	94-18-015
388-519-1930	NEW	94-10-065	390-05-245	NEW-E	94-18-060	392-121-10603	NEW-P	94-18-015
388-519-1950	NEW-P	94-07-114	390-12-010	AMD	94-05-010	392-121-10604	NEW-P	94-18-015
388-519-1950	NEW	94-10-065	390-14-040	AMD	94-05-010	392-121-107	AMD-P	94-18-015
388-521-2105	NEW-P	94-07-114	390-16-011	AMD	94-05-011	392-121-108	AMD-P	94-18-015
388-521-2105	NEW	94-10-065	390-16-012	AMD	94-05-011	392-121-111	AMD-P	94-18-015
388-521-2110	NEW-P	94-07-114	390-16-031	AMD	94-05-011	392-121-122	AMD-P	94-18-015
388-521-2110	NEW	94-10-065	390-16-032	AMD	94-05-011	392-121-123	AMD-P	94-18-015
388-521-2120	NEW-P	94-07-114	390-16-033	AMD	94-05-011	392-121-136	AMD-P	94-18-015
388-521-2120	NEW	94-10-065	390-16-038	AMD-E	94-18-060	392-121-137	NEW-P	94-18-015
388-521-2130	NEW-P	94-07-114	390-16-041	AMD	94-05-011	392-121-138	NEW-P	94-18-015
388-521-2130	NEW	94-10-065	390-16-050	AMD	94-05-011	392-121-161	REP-P	94-18-015
388-521-2140	NEW-P	94-07-114	390-16-071	NEW-E	94-07-001	392-121-181	REP-P	94-18-015
388-521-2140	NEW	94-10-065	390-16-071	NEW-P	94-07-035	392-121-182	AMD-P	94-18-015
388-521-2150	NEW-P	94-07-114	390-16-071	NEW	94-11-016	392-121-183	AMD-P	94-18-015
388-521-2150	NEW	94-10-065	390-16-071	AMD-P	94-22-076	392-121-184	AMD-P	94-18-015
388-521-2155	NEW-P	94-07-114	390-16-207	AMD-P	94-07-035	392-121-187	NEW-P	94-13-107
388-521-2155	NEW	94-10-065	390-16-207	AMD	94-11-016	392-121-187	NEW	94-17-096
388-521-2160	NEW-P	94-07-114	390-16-238	NEW-P	94-05-097	392-121-188	NEW-P	94-18-015
388-521-2160	NEW	94-10-065	390-16-238	NEW	94-07-141	392-122	PREP	94-17-117
388-521-2170	NEW-P	94-07-114	390-16-245	NEW-P	94-05-097	392-127-700	REP	94-04-096
388-521-2170	NEW	94-10-065	390-16-245	NEW	94-07-141	392-127-703	REP	94-04-096
388-522-2205	NEW-P	94-07-114	390-16-300	AMD-P	94-05-097	392-127-703	REP	94-04-096
388-522-2205	NEW	94-10-065	390-16-308	AMD-P	94-07-035	392-127-705	REP	94-04-096
388-522-2210	NEW-P	94-07-114	390-16-308	AMD-P	94-07-088	392-127-710	REP	94-04-096
388-522-2210	NEW	94-10-065	390-16-308	AMD-P	94-07-088	392-127-715	REP	94-04-096
388-522-2210	NEW	94-10-065	390-16-308	AMD-W	94-07-089	392-127-715	REP	94-04-096
388-522-2230	NEW-P	94-07-114	390-16-308	AMD	94-11-016	392-127-720	REP	94-04-096
388-522-2230	NEW	94-10-065	390-16-308	AMD	94-11-016	392-127-725	REP	94-04-096
388-523-2305	NEW-P	94-07-114	390-16-309	NEW-E	94-07-001	392-127-730	REP	94-04-096
388-523-2305	NEW	94-10-065	390-16-309	NEW-P	94-07-035	392-127-735	REP	94-04-096
388-523-2305	NEW	94-10-065	390-16-309	NEW-W	94-08-080	392-127-740	REP	94-04-096
388-523-2320	NEW-P	94-07-114	390-16-309	NEW	94-11-016	392-127-745	REP	94-04-096
388-523-2320	NEW	94-10-065	390-16-310	AMD-P	94-07-035	392-127-750	REP	94-04-096
388-524-2405	NEW-P	94-07-114	390-16-310	AMD-P	94-07-088	392-127-755	REP	94-04-096
388-524-2405	NEW	94-10-065	390-16-310	AMD-W	94-07-089	392-127-760	REP	94-04-096
388-524-2420	NEW-P	94-07-114	390-16-310	AMD	94-11-016	392-127-765	REP	94-04-096
388-524-2420	NEW	94-10-065	390-16-311	NEW-P	94-07-142	392-127-770	REP	94-04-096
388-525-2505	NEW-P	94-07-114	390-16-311	NEW	94-11-017	392-127-775	REP	94-04-096
388-525-2505	NEW	94-10-065	390-16-313	NEW-E	94-18-060	392-127-780	REP	94-04-096
388-525-2520	NEW-P	94-07-114	390-16-313	NEW-E	94-18-060	392-127-785	REP	94-04-096
388-525-2520	NEW	94-10-065	390-16-315	NEW-E	94-18-060	392-127-790	REP	94-04-096
388-525-2570	NEW-P	94-07-114	390-16-315	AMD-P	94-05-097	392-127-795	REP	94-04-096
388-525-2570	NEW	94-10-065	390-16-324	NEW-P	94-03-087	392-127-795	REP	94-04-096
388-526-2610	NEW-P	94-07-114	390-16-324	NEW-W	94-04-121	392-127-800	REP	94-04-096
388-526-2610	NEW	94-10-065	390-17-050	REP-E	94-18-060	392-127-805	REP	94-04-096
388-527-2710	NEW-P	94-07-114	390-17-052	REP-E	94-18-060	392-127-815	REP	94-04-096
388-527-2710	NEW	94-10-065	390-17-071	NEW	94-05-010	392-127-820	REP	94-04-096
388-527-2710	PREP	94-13-104	390-17-300	AMD-P	94-03-087	392-127-825	REP	94-04-096
388-527-2710	AMD-E	94-14-052	390-17-300	AMD-W	94-04-121	392-127-830	REP	94-04-096
388-527-2710	AMD-P	94-14-056	390-17-300	AMD	94-07-141	392-139-685	AMD-P	94-18-041
388-527-2710	AMD	94-17-035	390-17-315	AMD-P	94-03-087	392-139-685	AMD	94-21-072
388-527-2710	PREP	94-21-010	390-17-315	AMD-W	94-04-121	392-140-190	REP-P	94-11-066
388-527-2720	NEW-P	94-07-114	390-17-315	AMD	94-07-141	392-140-190	REP	94-14-050
388-527-2720	NEW	94-10-065	390-17-320	NEW-P	94-07-035	392-140-191	REP-P	94-11-066
388-528-2810	NEW-P	94-07-114	390-17-320	NEW	94-11-016	392-140-191	REP	94-14-050
388-528-2810	NEW	94-10-065	390-17-405	NEW-P	94-07-142	392-140-192	REP-P	94-11-066
388-529-2910	NEW-P	94-07-114	390-17-405	NEW	94-11-017	392-140-192	REP	94-14-050
388-529-2910	NEW	94-10-065	390-18-030	AMD-P	94-22-076	392-140-193	REP-P	94-11-066
388-529-2920	NEW-P	94-07-114	390-20-027	AMD-P	94-22-076	392-140-193	REP	94-14-050
388-529-2920	NEW	94-10-065	390-20-107	REP-P	94-22-076	392-140-194	REP-P	94-11-066
388-529-2930	NEW-P	94-07-114	390-20-110	AMD-P	94-22-076	392-140-194	REP	94-14-050
388-529-2930	NEW	94-10-065	390-20-148	NEW-P	94-07-035	392-140-195	REP-P	94-11-066
388-529-2940	NEW-P	94-07-114	390-20-148	NEW	94-11-016	392-140-195	REP	94-14-050
			390-20-052	AMD-P	94-07-035	392-140-196	REP-P	94-11-066

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392-140-197	REP-P	94-11-066	392-140-545	NEW	94-17-131	392-169-010	NEW	94-04-095
392-140-197	REP	94-14-050	392-140-548	NEW-P	94-13-210	392-169-015	NEW	94-04-095
392-140-198	REP-P	94-11-066	392-140-548	NEW	94-17-131	392-169-020	NEW	94-04-095
392-140-198	REP	94-14-050	392-140-549	NEW-P	94-13-210	392-169-022	NEW	94-04-095
392-140-199	REP-P	94-11-066	392-140-549	NEW	94-17-131	392-169-023	NEW	94-04-095
392-140-199	REP	94-14-050	392-140-551	NEW-P	94-13-210	392-169-025	NEW	94-04-095
392-140-200	REP-P	94-11-066	392-140-551	NEW	94-17-131	392-169-030	NEW	94-04-095
392-140-200	REP	94-14-050	392-140-552	NEW-P	94-13-210	392-169-035	NEW	94-04-095
392-140-201	REP-P	94-11-066	392-140-552	NEW	94-17-131	392-169-040	NEW	94-04-095
392-140-201	REP	94-14-050	392-140-553	NEW-P	94-13-210	392-169-045	NEW	94-04-095
392-140-202	REP-P	94-11-066	392-140-553	NEW	94-17-131	392-169-050	NEW	94-04-095
392-140-202	REP	94-14-050	392-140-555	NEW-P	94-13-210	392-169-055	NEW	94-04-095
392-140-500	NEW-P	94-04-122	392-140-555	NEW	94-17-131	392-169-057	NEW	94-04-095
392-140-500	NEW	94-12-002	392-140-557	NEW-P	94-13-210	392-169-060	NEW	94-04-095
392-140-501	NEW-P	94-04-122	392-140-557	NEW	94-17-131	392-169-065	NEW	94-04-095
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392-140-503	NEW-P	94-04-122	392-140-559	NEW	94-17-131	392-169-075	NEW	94-04-095
392-140-503	NEW	94-12-002	392-141	PREP	94-14-076	392-169-080	NEW	94-04-095
392-140-504	NEW-P	94-04-122	392-141-160	AMD-P	94-14-093	392-169-085	NEW	94-04-095
392-140-504	NEW	94-12-002	392-141-160	AMD	94-17-058	392-169-090	NEW	94-04-095
392-140-505	NEW-P	94-04-122	392-141-175	AMD-P	94-14-093	392-169-095	NEW	94-04-095
392-140-505	NEW	94-12-002	392-141-175	AMD	94-17-058	392-169-100	NEW	94-04-095
392-140-506	NEW-P	94-04-122	392-157-005	NEW	94-04-097	392-169-105	NEW	94-04-095
392-140-506	NEW	94-12-002	392-157-010	NEW	94-04-097	392-169-110	NEW	94-04-095
392-140-507	NEW-P	94-04-122	392-157-015	NEW	94-04-097	392-169-115	NEW	94-04-095
392-140-507	NEW	94-12-002	392-157-020	NEW	94-04-097	392-169-120	NEW	94-04-095
392-140-508	NEW-P	94-04-122	392-157-025	NEW	94-04-097	392-169-125	NEW	94-04-095
392-140-508	NEW	94-12-002	392-157-030	NEW	94-04-097	392-185	PREP	94-21-036
392-140-509	NEW-P	94-04-122	392-157-035	NEW	94-04-097	392-190-056	NEW-P	94-18-040
392-140-509	NEW	94-12-002	392-157-040	NEW	94-04-097	392-190-057	NEW-P	94-18-040
392-140-510	NEW-P	94-04-122	392-157-045	NEW	94-04-097	392-190-058	NEW-P	94-18-040
392-140-510	NEW	94-12-002	392-157-050	NEW	94-04-097	392-196-011	AMD-P	94-11-120
392-140-511	NEW-P	94-04-122	392-157-055	NEW	94-04-097	392-196-015	REP-P	94-11-120
392-140-511	NEW	94-12-002	392-157-060	NEW	94-04-097	392-196-015	REP	94-16-019
392-140-512	NEW-P	94-04-122	392-157-065	NEW	94-04-097	392-196-020	AMD-P	94-11-120
392-140-512	NEW	94-12-002	392-157-070	NEW	94-04-097	392-196-020	AMD	94-16-019
392-140-516	NEW-P	94-04-122	392-157-075	NEW	94-04-097	392-196-025	REP-P	94-11-120
392-140-516	NEW	94-12-002	392-157-080	NEW	94-04-097	392-196-025	REP	94-16-019
392-140-517	NEW-P	94-04-122	392-157-085	NEW	94-04-097	392-196-030	REP-P	94-11-120
392-140-517	NEW	94-12-002	392-157-090	NEW	94-04-097	392-196-030	REP	94-16-019
392-140-518	NEW-P	94-04-122	392-157-095	NEW	94-04-097	392-196-035	REP-P	94-11-120
392-140-518	NEW	94-12-002	392-157-100	NEW	94-04-097	392-196-035	REP	94-16-019
392-140-519	NEW-P	94-04-122	392-157-105	NEW	94-04-097	392-196-037	REP-P	94-11-120
392-140-519	NEW	94-12-002	392-157-110	NEW	94-04-097	392-196-037	REP	94-16-019
392-140-525	NEW-P	94-11-066	392-157-115	NEW	94-04-097	392-196-040	REP-P	94-11-120
392-140-525	NEW	94-14-050	392-157-120	NEW	94-04-097	392-196-040	REP	94-16-019
392-140-527	NEW-P	94-11-066	392-157-125	NEW	94-04-097	392-196-045	REP-P	94-11-120
392-140-527	NEW	94-14-050	392-157-130	NEW	94-04-097	392-196-045	REP	94-16-019
392-140-529	NEW-P	94-11-066	392-157-135	NEW	94-04-097	392-196-050	REP-P	94-11-120
392-140-529	NEW	94-14-050	392-157-140	NEW	94-04-097	392-196-050	REP	94-16-019
392-140-530	NEW-P	94-11-066	392-157-145	NEW	94-04-097	392-196-055	AMD-P	94-11-120
392-140-530	NEW	94-14-050	392-157-150	NEW	94-04-097	392-196-055	AMD	94-16-019
392-140-531	NEW-P	94-11-066	392-157-155	NEW	94-04-097	392-196-060	AMD-P	94-11-120
392-140-531	NEW	94-14-050	392-157-160	NEW	94-04-097	392-196-060	AMD	94-16-019
392-140-533	NEW-P	94-11-066	392-157-165	NEW	94-04-097	392-196-066	REP-P	94-11-120
392-140-533	NEW	94-14-050	392-157-170	NEW	94-04-097	392-196-066	REP	94-16-019
392-140-535	NEW-P	94-11-066	392-157-175	NEW	94-04-097	392-196-077	NEW-P	94-11-120
392-140-535	NEW	94-14-050	392-157-180	NEW	94-04-097	392-196-077	NEW	94-16-019
392-140-536	NEW-P	94-11-066	392-160	PREP	94-19-007	392-196-080	REP-P	94-11-120
392-140-536	NEW	94-14-050	392-163-400	AMD-P	94-04-094	392-196-080	REP	94-16-019
392-140-537	NEW-P	94-11-066	392-163-400	AMD	94-07-103	392-196-085	REP-P	94-11-120
392-140-537	NEW	94-14-050	392-163-405	AMD-P	94-04-094	392-196-085	REP	94-16-019
392-140-538	NEW-P	94-11-066	392-163-405	AMD	94-07-103	392-196-086	NEW-P	94-11-120
392-140-538	NEW	94-14-050	392-163-440	AMD-P	94-04-094	392-196-086	NEW	94-16-019
392-140-540	NEW-P	94-13-210	392-163-440	AMD	94-07-103	392-196-089	NEW-P	94-11-120
392-140-540	NEW	94-17-131	392-163-445	AMD-P	94-04-094	392-196-089	NEW	94-16-019
392-140-542	NEW-P	94-13-210	392-163-445	AMD	94-07-103	392-196-095	REP-P	94-11-120
392-140-542	NEW	94-17-131	392-163-530	AMD-P	94-04-094	392-196-095	REP	94-16-019
392-140-543	NEW-P	94-13-210	392-163-530	AMD	94-07-103	392-196-100	AMD-P	94-11-120
392-140-543	NEW	94-17-131	392-163-580	AMD-P	94-04-094	392-196-100	AMD	94-16-019
392-140-544	NEW-P	94-13-210	392-163-580	AMD	94-07-103	392-196-105	REP-P	94-11-120
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392-202-110	AMD	94-20-008	415-108-570	NEW	94-12-014	434-60-215	NEW	94-07-018
392-202-120	AMD-P	94-16-022	415-108-580	NEW-P	94-05-013	434-60-220	NEW	94-07-018
392-202-120	AMD	94-20-008	415-108-580	NEW	94-09-040	434-60-230	NEW	94-07-018
392-320-005	NEW-P	94-04-025	415-112-015	AMD-P	94-07-144	434-60-240	NEW	94-07-018
392-320-005	NEW	94-07-102	415-112-015	AMD	94-11-009	434-60-250	NEW	94-07-018
392-320-010	NEW-P	94-04-025	415-112-409	NEW-P	94-13-048	434-60-260	NEW	94-07-018
392-320-010	NEW	94-07-102	415-112-415	AMD-P	94-07-144	434-60-270	NEW	94-07-018
392-320-015	NEW-P	94-04-025	415-112-415	AMD	94-11-009	434-60-280	NEW	94-07-018
392-320-015	NEW	94-07-102	415-112-415	PREP	94-16-018	434-60-290	NEW	94-07-018
392-320-020	NEW-P	94-04-025	415-112-415	AMD-P	94-18-101	434-60-300	NEW	94-07-018
392-320-020	NEW	94-07-102	415-112-840	NEW-P	94-05-013	434-60-310	NEW	94-07-018
392-320-025	NEW-P	94-04-025	415-112-840	NEW-P	94-07-144	434-60-320	NEW	94-07-018
392-320-025	NEW	94-07-102	415-112-840	NEW	94-09-040	434-60-330	NEW	94-07-018
392-320-030	NEW-P	94-04-025	415-112-850	NEW	94-11-009	434-60-340	NEW	94-07-018
392-320-030	NEW	94-07-102	415-113-010	REP-P	94-19-101	434-60-350	NEW	94-07-018
392-320-035	NEW-P	94-04-025	415-113-020	REP-P	94-19-101	434-110-010	AMD-P	94-16-149
392-320-035	NEW	94-07-102	415-113-030	AMD-P	94-19-101	434-110-010	AMD	94-19-004
392-320-040	NEW-P	94-04-025	415-113-035	NEW-P	94-19-101	434-110-060	AMD-P	94-16-149
392-320-040	NEW	94-07-102	415-113-040	REP-P	94-19-101	434-110-060	AMD	94-19-004
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392-320-045	NEW	94-07-102	415-113-050	REP-P	94-19-101	434-110-070	AMD-P	94-16-149
392-320-050	NEW-P	94-04-025	415-113-055	NEW-P	94-19-101	434-110-070	AMD	94-19-004
392-320-050	NEW	94-07-102	415-113-060	REP-P	94-19-101	434-110-075	AMD-E	94-12-086
392-320-055	NEW-P	94-04-025	415-113-065	NEW-P	94-19-101	434-110-075	AMD-P	94-16-149
392-320-055	NEW	94-07-102	415-113-070	NEW-P	94-19-101	434-110-075	AMD	94-19-004
392-320-060	NEW-P	94-04-025	415-113-080	NEW-P	94-19-101	434-110-120	AMD-P	94-16-149
392-320-060	NEW	94-07-102	415-113-090	NEW-P	94-19-101	434-110-120	AMD	94-19-004
392-330-010	NEW-P	94-08-074	415-113-100	NEW-P	94-19-101	434-120-100	PREP	94-22-012
392-330-010	NEW	94-12-019	419-70	AMD-C	94-18-107	434-120-105	PREP	94-22-012
392-330-020	NEW-P	94-08-074	419-70-010	AMD-P	94-13-043	434-120-120	NEW-W	94-10-054
392-330-020	NEW	94-12-019	419-70-020	AMD-P	94-13-043	434-120-125	PREP	94-22-012
392-330-030	NEW-P	94-08-074	419-70-040	AMD-P	94-13-043	434-120-130	PREP	94-22-012
392-330-030	NEW	94-12-019	419-72	AMD-C	94-18-106	434-120-145	PREP	94-22-012
392-330-040	NEW-P	94-08-074	419-72-010	AMD-P	94-13-044	434-120-215	PREP	94-22-012
392-330-040	NEW	94-12-019	419-72-015	AMD-P	94-13-044	434-120-255	PREP	94-22-012
392-330-050	NEW-P	94-08-074	419-72-020	AMD-P	94-13-044	434-120-300	PREP	94-22-012
392-330-050	NEW	94-12-019	419-72-025	AMD-P	94-13-044	434-120-310	PREP	94-22-012
392-330-060	NEW-P	94-08-074	419-72-030	AMD-P	94-13-044	434-120-320	PREP	94-22-012
392-330-060	NEW	94-12-019	419-72-035	AMD-P	94-13-044	434-130-010	NEW-P	94-16-147
392-330-070	NEW-P	94-08-074	419-72-040	AMD-P	94-13-044	434-130-010	NEW	94-19-005
392-330-070	NEW	94-12-019	419-72-045	AMD-P	94-13-044	434-130-020	NEW-P	94-16-147
392-330-080	NEW-P	94-08-074	419-72-050	AMD-P	94-13-044	434-130-020	NEW	94-19-005
392-330-080	NEW	94-12-019	419-72-055	AMD-P	94-13-044	434-130-030	NEW-P	94-16-147
399-10-010	PREP	94-21-059	419-72-060	AMD-P	94-13-044	434-130-030	NEW	94-19-005
399-20-020	PREP	94-21-059	419-72-065	AMD-P	94-13-044	434-130-040	NEW-P	94-16-147
399-30-040	PREP	94-21-059	419-72-068	NEW-P	94-13-044	434-130-040	NEW	94-19-005
415-02-030	AMD-P	94-05-012	419-72-070	AMD-P	94-13-044	434-130-050	NEW-P	94-16-147
415-02-030	AMD	94-09-039	419-72-075	AMD-P	94-13-044	434-130-050	NEW	94-19-005
415-02-110	NEW-P	94-05-012	419-72-080	AMD-P	94-13-044	434-130-060	NEW-P	94-16-147
415-02-110	NEW	94-09-039	419-72-090	REP-P	94-13-044	434-130-060	NEW	94-19-005
415-100-190	NEW-P	94-07-143	419-72-095	REP-P	94-13-044	434-130-070	NEW-P	94-16-147
415-100-190	NEW	94-11-008	434-55	PREP	94-12-085	434-130-070	NEW	94-19-005
415-104-111	NEW-P	94-05-013	434-55-015	AMD-P	94-16-148	434-130-080	NEW-P	94-16-147
415-104-111	NEW	94-09-040	434-55-015	AMD	94-19-003	434-130-080	NEW	94-19-005
415-108-010	AMD-P	94-07-144	434-55-016	AMD-P	94-16-148	434-130-090	NEW-P	94-16-147
415-108-010	AMD	94-11-009	434-55-016	AMD	94-19-003	434-130-090	NEW	94-19-005
415-108-461	NEW-P	94-13-048	434-55-030	REP-P	94-16-148	434-130-100	NEW-P	94-16-147
415-108-461	NEW-S	94-13-197	434-55-030	REP	94-19-003	434-130-100	NEW	94-19-005
415-108-461	NEW	94-16-086	434-55-040	AMD-P	94-16-148	434-615-030	AMD-P	94-15-072
415-108-462	NEW-P	94-13-048	434-55-040	AMD	94-19-003	434-615-030	AMD-C	94-19-033
415-108-462	NEW-S	94-13-197	434-55-055	AMD-P	94-16-148	434-615-030	AMD	94-21-089
415-108-462	NEW	94-16-086	434-55-055	AMD	94-19-003	434-663-001	NEW-W	94-03-081
415-108-510	AMD-P	94-07-144	434-55-060	AMD-P	94-16-148	434-663-005	NEW-W	94-03-081
415-108-510	AMD	94-11-009	434-55-060	AMD	94-19-003	434-663-020	NEW-W	94-03-081
415-108-530	NEW-P	94-07-144	434-55-065	AMD-P	94-16-148	434-663-030	NEW-W	94-03-081
415-108-530	NEW	94-11-009	434-55-065	AMD	94-19-003	434-663-050	NEW-W	94-03-081
415-108-540	NEW-P	94-07-144	434-55-066	AMD-P	94-16-148	434-663-060	NEW-W	94-03-081
415-108-540	NEW	94-11-009	434-55-066	AMD	94-19-003	434-663-070	NEW-W	94-03-081
415-108-550	NEW-P	94-08-087	434-55-070	NEW-P	94-16-148	434-663-100	NEW	94-04-102
415-108-550	NEW	94-12-014	434-55-070	NEW	94-19-003	434-663-200	NEW	94-04-102
415-108-560	NEW-P	94-08-087	434-55-080	NEW-P	94-16-148	434-663-210	NEW	94-04-102
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434-663-260	NEW	94-04-102	456-10-360	AMD	94-07-043	458-20-168	AMD-E	94-05-084
434-663-300	NEW	94-04-102	456-10-360	PREP	94-20-066	458-20-168	AMD	94-11-097
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434-663-440	NEW	94-04-102	458-16-100	AMD	94-07-008	458-20-185	AMD	94-10-061
434-663-450	NEW	94-04-102	458-16-110	AMD	94-07-008	458-20-186	AMD-P	94-07-026
434-663-460	NEW	94-04-102	458-16-111	AMD	94-07-008	458-20-186	AMD	94-10-062
434-663-470	NEW	94-04-102	458-16-130	AMD	94-07-008	458-20-209	AMD-P	94-03-036
434-663-480	NEW	94-04-102	458-16-150	AMD	94-07-008	458-20-209	AMD	94-07-050
434-663-490	NEW	94-04-102	458-16-165	NEW	94-07-008	458-20-210	AMD-P	94-03-034
434-663-500	NEW	94-04-102	458-16-180	AMD	94-07-008	458-20-210	AMD	94-07-048
434-663-510	NEW	94-04-102	458-16-190	AMD	94-07-008	458-20-226	AMD-P	94-10-013
434-663-520	NEW	94-04-102	458-16-200	AMD	94-07-008	458-20-238	PREP	94-03-046
434-663-530	NEW	94-04-102	458-16-210	AMD	94-07-008	458-20-24003	PREP	94-20-129
434-663-600	NEW	94-04-102	458-16-215	PREP	94-07-123	458-20-258	AMD-E	94-05-086
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434-663-620	NEW	94-04-102	458-16-215	NEW	94-15-041	458-20-258	AMD-E	94-20-130
434-663-630	NEW	94-04-102	458-16-220	AMD	94-07-008	458-20-261	NEW-P	94-07-027
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440-22-010	AMD-P	94-21-081	458-16-245	NEW	94-07-008	458-20-901	NEW-E	94-13-032
440-22-110	PREP	94-19-031	458-16-260	AMD	94-07-008	458-30-200	PREP	94-13-096
440-22-110	AMD-E	94-21-080	458-16-265	REP-P	94-22-111	458-30-205	PREP	94-13-096
440-22-110	AMD-P	94-21-081	458-16-270	AMD	94-07-008	458-30-210	PREP	94-13-096
440-22-120	PREP	94-19-031	458-16-280	AMD	94-07-008	458-30-215	PREP	94-13-096
440-22-120	AMD-E	94-21-080	458-16-282	AMD	94-07-008	458-30-220	PREP	94-13-096
440-22-120	AMD-P	94-21-081	458-16-284	NEW	94-07-008	458-30-225	PREP	94-13-096
440-22-205	NEW-W	94-07-072	458-16-286	NEW	94-07-008	458-30-230	PREP	94-13-096
446-65	AMD-P	94-05-023	458-16-290	AMD	94-07-008	458-30-232	PREP	94-13-096
446-65	AMD	94-08-004	458-16-300	AMD	94-07-008	458-30-235	PREP	94-13-096
446-65-005	AMD-P	94-05-023	458-16-310	AMD	94-07-008	458-30-240	PREP	94-13-096
446-65-005	AMD	94-08-004	458-16-320	NEW	94-07-008	458-30-242	PREP	94-13-096
448-13-080	AMD-W	94-07-073	458-16-330	NEW	94-07-008	458-30-245	PREP	94-13-096
448-13-210	AMD-W	94-07-073	458-16A-010	PREP	94-10-060	458-30-250	PREP	94-13-096
456-09-010	AMD-P	94-03-056	458-16A-010	NEW-P	94-22-110	458-30-255	PREP	94-13-096
456-09-010	AMD	94-07-044	458-16A-020	PREP	94-10-060	458-30-260	PREP	94-13-096
456-09-110	PREP	94-20-067	458-16A-020	NEW-P	94-22-111	458-30-262	AMD	94-05-062
456-09-130	PREP	94-20-067	458-18-220	AMD	94-05-063	458-30-265	PREP	94-13-096
456-09-230	PREP	94-20-067	458-19-005	NEW	94-07-066	458-30-267	PREP	94-13-096
456-09-320	PREP	94-20-067	458-19-010	NEW	94-07-066	458-30-270	PREP	94-13-096
456-09-325	AMD-P	94-03-056	458-19-015	NEW	94-07-066	458-30-275	PREP	94-13-096
456-09-325	AMD	94-07-044	458-19-020	NEW	94-07-066	458-30-280	PREP	94-13-096
456-09-325	PREP	94-20-067	458-19-025	NEW	94-07-066	458-30-285	PREP	94-13-096
456-09-330	PREP	94-20-067	458-19-030	NEW	94-07-066	458-30-290	PREP	94-13-096
456-09-340	PREP	94-20-067	458-19-035	NEW	94-07-066	458-30-295	PREP	94-13-096
456-09-350	PREP	94-20-067	458-19-040	NEW	94-07-066	458-30-300	PREP	94-13-096
456-09-365	AMD-P	94-03-056	458-19-045	NEW	94-07-066	458-30-305	PREP	94-13-096
456-09-365	AMD	94-07-044	458-19-050	NEW	94-07-066	458-30-310	PREP	94-13-096
456-09-365	PREP	94-20-067	458-19-055	NEW	94-07-066	458-30-315	PREP	94-13-096
456-09-540	PREP	94-20-067	458-19-060	NEW	94-07-066	458-30-317	PREP	94-13-096
456-09-705	PREP	94-20-067	458-19-065	NEW	94-07-066	458-30-320	PREP	94-13-096
456-09-710	PREP	94-20-067	458-19-070	NEW	94-07-066	458-30-325	PREP	94-13-096
456-09-725	PREP	94-20-067	458-19-075	NEW	94-07-066	458-30-330	PREP	94-13-096
456-09-730	PREP	94-20-067	458-19-080	NEW	94-07-066	458-30-335	PREP	94-13-096
456-09-930	PREP	94-20-067	458-20-101	PREP	94-18-131	458-30-340	PREP	94-13-096
456-09-935	PREP	94-20-067	458-20-102	AMD-E	94-05-083	458-30-345	PREP	94-13-096
456-09-945	PREP	94-20-067	458-20-102	AMD-P	94-06-004	458-30-350	PREP	94-13-096
456-09-955	PREP	94-20-067	458-20-102	AMD-E	94-13-030	458-30-355	PREP	94-13-096
456-10-010	AMD-P	94-03-057	458-20-102	AMD	94-13-031	458-30-500	PREP	94-13-096
456-10-010	AMD	94-07-043	458-20-104	PREP	94-18-130	458-30-510	PREP	94-13-096
456-10-110	PREP	94-20-066	458-20-121	AMD	94-13-033	458-30-520	PREP	94-13-096
456-10-140	PREP	94-20-066	458-20-122	AMD-P	94-03-035	458-30-530	PREP	94-13-096
456-10-320	PREP	94-20-066	458-20-122	AMD	94-07-049	458-30-540	PREP	94-13-096
456-10-325	AMD-P	94-03-057	458-20-125	REP-P	94-03-037	458-30-550	PREP	94-13-096
456-10-325	AMD	94-07-043	458-20-125	REP	94-07-051	458-30-560	PREP	94-13-096
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458-30-590	AMD-P	94-08-082	458-61-510	AMD	94-04-088	468-10-010	REP-P	94-12-070
458-30-590	AMD	94-11-098	458-61-520	AMD	94-04-088	468-10-010	REP	94-14-101
458-30-590	PREP	94-22-109	458-61-530	REP	94-04-088	468-10-020	REP-P	94-12-070
458-40-540	PREP	94-18-133	458-61-540	AMD	94-04-088	468-10-020	REP	94-14-101
458-40-540	AMD-P	94-22-108	458-61-545	AMD	94-04-088	468-10-030	REP-P	94-12-070
458-40-640	AMD-P	94-22-112	458-61-548	NEW-W	94-13-089	468-10-030	REP	94-14-101
458-40-650	AMD-P	94-10-063	458-61-550	AMD	94-04-088	468-10-040	REP-P	94-12-070
458-40-650	AMD	94-14-048	458-61-553	NEW	94-04-088	468-10-040	REP	94-14-101
458-40-660	AMD-P	94-10-063	458-61-555	AMD	94-04-088	468-10-050	REP-P	94-12-070
458-40-660	AMD	94-14-048	458-61-560	REP	94-04-088	468-10-050	REP	94-14-101
458-40-660	PREP	94-18-132	458-61-570	REP	94-04-088	468-10-060	REP-P	94-12-070
458-40-660	AMD-P	94-22-112	458-61-590	AMD	94-04-088	468-10-060	REP	94-14-101
458-40-670	AMD-P	94-10-063	458-61-600	AMD	94-04-088	468-10-070	REP-P	94-12-070
458-40-670	AMD	94-14-048	458-61-610	AMD	94-04-088	468-10-070	REP	94-14-101
458-40-670	AMD-P	94-22-112	458-61-620	REP	94-04-088	468-10-080	REP-P	94-12-070
458-40-680	AMD-P	94-22-107	458-61-630	REP	94-04-088	468-10-080	REP	94-14-101
458-53-160	AMD	94-05-064	458-61-640	AMD	94-04-088	468-10-090	REP-P	94-12-070
458-61-010	REP	94-04-088	458-61-650	AMD	94-04-088	468-10-090	REP	94-14-101
458-61-015	NEW	94-04-088	458-61-660	AMD	94-04-088	468-10-100	REP-P	94-12-070
458-61-020	REP	94-04-088	458-61-670	AMD	94-04-088	468-10-100	REP	94-14-101
458-61-025	NEW	94-04-088	458-61-680	REP	94-04-088	468-10-110	REP-P	94-12-070
458-61-030	AMD	94-04-088	458-61-690	REP	94-04-088	468-10-110	REP	94-14-101
458-61-040	REP	94-04-088	460-44A-500	AMD	94-03-061	468-10-120	REP-P	94-12-070
458-61-050	AMD	94-04-088	460-44A-501	AMD	94-03-061	468-10-120	REP	94-14-101
458-61-060	AMD	94-04-088	460-44A-502	AMD	94-03-061	468-10-130	REP-P	94-12-070
458-61-070	AMD	94-04-088	460-44A-504	AMD	94-03-061	468-10-130	REP	94-14-101
458-61-080	AMD	94-04-088	460-44A-505	AMD	94-03-061	468-10-140	REP-P	94-12-070
458-61-090	AMD	94-04-088	460-44A-506	AMD	94-03-061	468-10-140	REP	94-14-101
458-61-100	AMD	94-04-088	460-80-315	PREP	94-21-038	468-10-150	REP-P	94-12-070
458-61-110	REP	94-04-088	461-08-001	NEW-E	94-07-060	468-10-150	REP	94-14-101
458-61-120	AMD	94-04-088	461-08-001	NEW-P	94-07-095	468-10-160	REP-P	94-12-070
458-61-130	AMD	94-04-088	461-08-001	NEW	94-12-028	468-10-160	REP	94-14-101
458-61-140	REP	94-04-088	461-08-047	NEW-E	94-07-060	468-10-170	REP-P	94-12-070
458-61-150	AMD	94-04-088	461-08-047	NEW-P	94-07-095	468-10-170	REP	94-14-101
458-61-200	AMD	94-04-088	461-08-047	NEW	94-12-028	468-10-180	REP-P	94-12-070
458-61-210	AMD	94-04-088	461-08-144	NEW-E	94-07-060	468-10-180	REP	94-14-101
458-61-220	AMD	94-04-088	461-08-144	NEW-P	94-07-095	468-10-190	REP-P	94-12-070
458-61-225	NEW	94-04-088	461-08-144	NEW	94-12-028	468-10-190	REP	94-14-101
458-61-230	AMD	94-04-088	461-08-156	NEW-E	94-07-060	468-10-200	REP-P	94-12-070
458-61-235	NEW	94-04-088	461-08-156	NEW-P	94-07-095	468-10-200	REP	94-14-101
458-61-240	REP	94-04-088	461-08-156	NEW	94-12-028	468-10-210	REP-P	94-12-070
458-61-250	AMD	94-04-088	461-08-160	AMD-E	94-07-060	468-10-210	REP	94-14-101
458-61-255	NEW	94-04-088	461-08-160	AMD-P	94-07-095	468-10-220	REP-P	94-12-070
458-61-270	REP	94-04-088	461-08-160	AMD	94-12-028	468-10-220	REP	94-14-101
458-61-280	REP	94-04-088	461-08-165	REP-E	94-07-060	468-10-230	REP-P	94-12-070
458-61-290	AMD	94-04-088	461-08-165	REP-P	94-07-095	468-10-230	REP	94-14-101
458-61-300	AMD	94-04-088	461-08-165	REP	94-12-028	468-10-232	REP-P	94-12-070
458-61-310	REP	94-04-088	461-08-167	NEW-E	94-07-060	468-10-232	REP	94-14-101
458-61-320	REP	94-04-088	461-08-167	NEW-P	94-07-095	468-10-234	REP-P	94-12-070
458-61-330	AMD	94-04-088	461-08-167	NEW	94-12-028	468-10-234	REP	94-14-101
458-61-335	AMD	94-04-088	461-08-237	NEW-E	94-07-060	468-10-240	REP-P	94-12-070
458-61-340	AMD	94-04-088	461-08-237	NEW-P	94-07-095	468-10-240	REP	94-14-101
458-61-360	REP	94-04-088	461-08-237	NEW	94-12-028	468-10-250	REP-P	94-12-070
458-61-370	AMD	94-04-088	463-39-005	AMD-P	94-12-036	468-10-250	REP	94-14-101
458-61-374	NEW	94-04-088	463-39-005	AMD	94-16-031	468-10-260	REP-P	94-12-070
458-61-375	NEW	94-04-088	463-39-070	NEW-P	94-12-036	468-10-260	REP	94-14-101
458-61-376	NEW	94-04-088	463-39-070	NEW	94-16-031	468-10-270	REP-P	94-12-070
458-61-380	REP	94-04-088	463-39-090	NEW-P	94-12-036	468-10-270	REP	94-14-101
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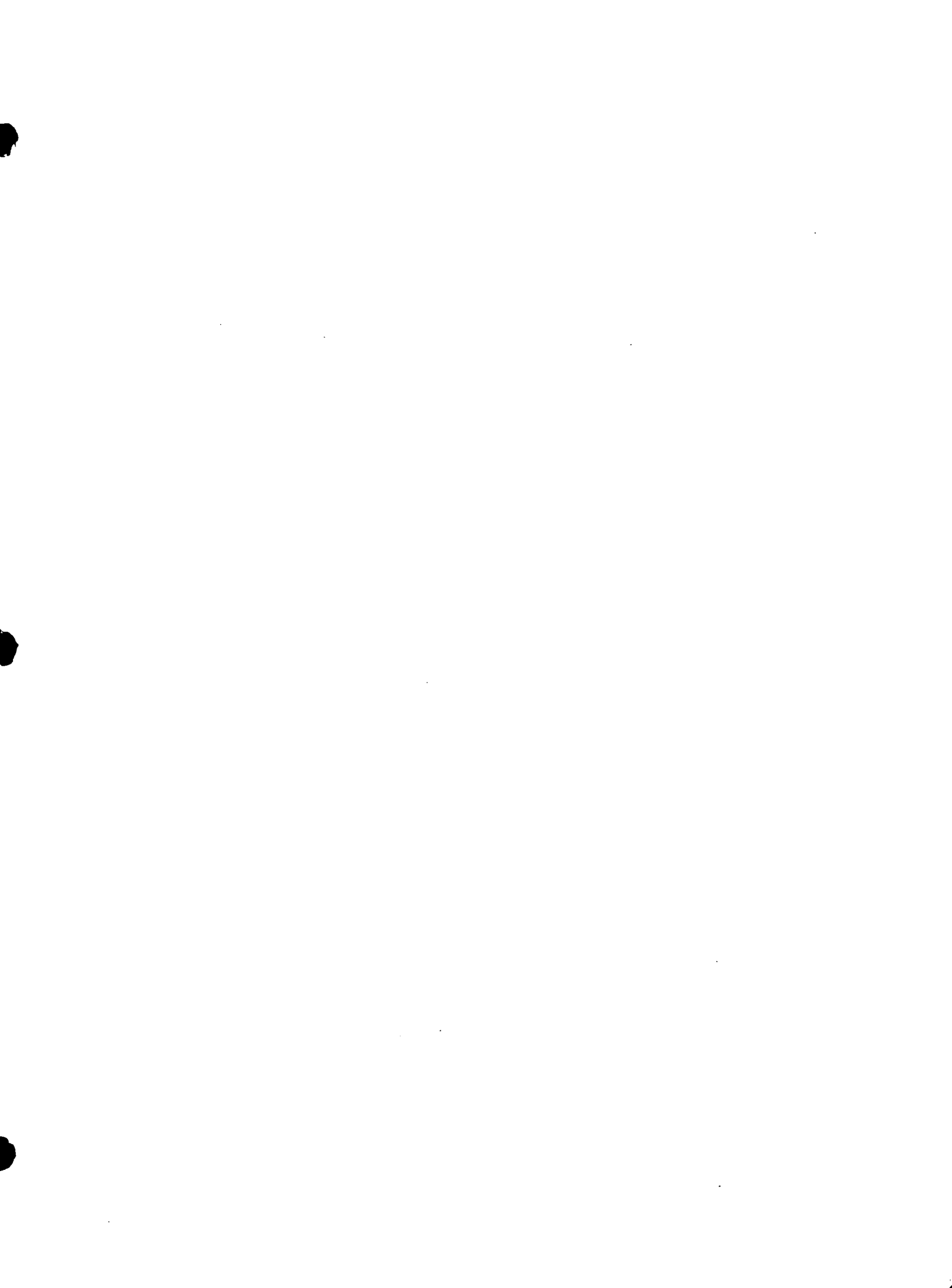
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