

# Washington State Register

**NOVEMBER 6, 1996**

**OLYMPIA, WASHINGTON**

**ISSUE 96-21**



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 753-7470.

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## 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 1996 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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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.

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*Subscription Clerk*

## 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 Inquiry 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].

**1996 - 1997**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
97-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

<sup>1</sup>All 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.

<sup>2</sup>A 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.

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



## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

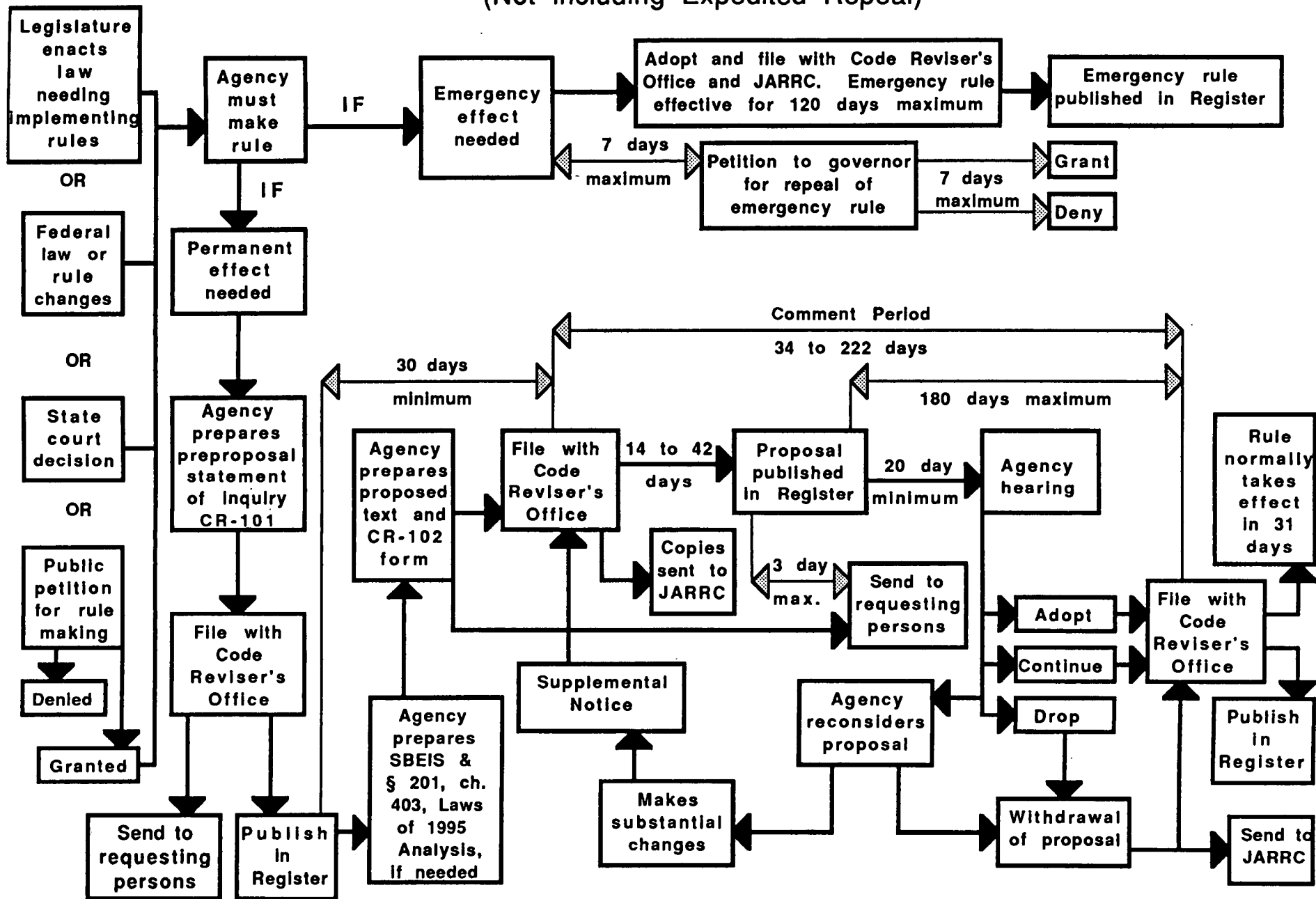
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 96-21-009**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed October 3, 1996, 3:20 p.m.]

**Subject of Possible Rule Making:** Establishment of a penalty matrix relative to requirements of the apiaries statute; in particular registration of bee hives, marking apiaries with owner identification, and collection and remittance of pollination service and other fees.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 15.60.025 and 15.60.170(2).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** An equitable and uniform penalty process is necessary to ensure progress toward the program goal of full voluntary compliance. A progressive penalty structure is preferable to exercising the full extent of monetary penalties (up to \$1,000 per violation) authorized by statute.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Industry and public meetings, including those of the Apiary Advisory Committee and public meetings held in several locations throughout the state to discuss the future direction and stakeholder expectations for the program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James C. Bach, Washington State Department of Agriculture State Apiarist, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2068, FAX (360) 902-2094.

October 3, 1996  
 Mary A. Martin Toohey  
 Assistant Director

**WSR 96-21-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TRANSPORTATION COMMISSION**

[Filed October 4, 1996, 8:40 a.m.]

**Subject of Possible Rule Making:** Specifying regular meeting schedule for the Transportation Commission.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 42.30.075, 47.01.061.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Currently there is no statute or rule setting forth a periodic schedule for regular commission meetings.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. At their September meeting, the commission requested that the administrator begin the rule-making process to implement a rule establishing a schedule of regular meetings. Contact Chris Rose, Commission Admin-

istrator, P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, FAX (360) 705-6802.

October 4, 1996  
 Chris R. Rose  
 Administrator

**WSR 96-21-028**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**

[Filed October 8, 1996, 10:55 a.m.]

**Subject of Possible Rule Making:** Assignment of persons providing instruction of braille to students, WAC 180-16-238.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 28A.410.010.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Amendments recommended to provide a waiver to allow paraeducators (classified staff) who have demonstrated competency with the grade two standard literary braille code to provide instruction to students when not under the direct supervision of a certified employee.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** No other federal or state agency regulates this subject.

**Process for Developing New Rule:** Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

October 8, 1996  
 Larry Davis  
 Executive Director

**WSR 96-21-033**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARDS**

[Filed October 10, 1996, 10:42 a.m.]

**Subject of Possible Rule Making:** From time to time, the joint boards (Central Puget Sound, Western and Eastern) need to amend their rules of practice and procedure to reflect changes in the law and practice.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 36.70A.270(7).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The board rules have not been formally amended since November of 1994. There have been legislative changes in 1995 and 1996 that need to be formally reflected in the WACs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The boards are quasi-judicial boards, the WACs govern only the board's practice and procedure.

Process for Developing New Rule: Draft rule amendments developed jointly by the three boards based on experience and in reaction to legislation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ed McGuire, Central Puget Sound Growth Management Hearings Board, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, (206) 389-2625, FAX (206) 389-2588.

October 4, 1996  
Edward G. McGuire  
Board Member

**WSR 96-21-040**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed October 11, 1996, 9:05 a.m.]

This is a request to withdraw WAC 246-235-077 which was filed July 13, 1994, and published in WSR 94-15-028. The statute this rule would have clarified, RCW 70.98.010, was intended to ensure that licensees with large quantities of radioactive materials develop and maintain an emergency plan. However, this was addressed in another update, which brought the rule into conformance with federal regulation (CR-103 filed as WSR 95-01-108). Therefore, this rule making is no longer necessary.

Individuals requiring information on WAC 246-235-077 should contact Terry Frazee at (360) 753-3461.

Bruce Miyahara  
Secretary

**WSR 96-21-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed October 11, 1996, 9:29 a.m.]

Subject of Possible Rule Making: Review of procedures for and documentation needed with applications for certificates of ownership.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes a review and update of existing rules pertaining to the procedures and documentation required for issuance of certificates of ownership. Updating of these requirements will provide better customer service to the public by simplifying the vehicle titling processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

publication by providing written or verbal comments to Jack Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by December 5, 1996.

October 11, 1996  
Deborah McCurley  
for Nancy Kelly  
Administrator  
Title and Registration Services

**WSR 96-21-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed October 11, 1996, 11:10 a.m.]

Subject of Possible Rule Making: Determining hours worked by part-time community and technical college instructors for purposes of determining eligibility for membership and service credit in the teachers' retirement system (TRS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Part-time community college teachers are usually paid based upon hours spent teaching rather than actual hours worked. For that reason it is necessary to estimate actual hours worked in order to determine eligibility for TRS membership and/or service credit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Board for Community and Technical Colleges is responsible for overseeing the administration of the community and technical colleges. The department has submitted draft rules for review by employees of the board and incorporated much of the input received into the current rule draft.

Process for Developing New Rule: The department has worked closely with representatives of the community and technical colleges board and with the American Federation of Teachers' in developing a rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 709-4747, FAX (360) 753-3166.

October 11, 1996  
Paul Neal  
Rules Coordinator

**WSR 96-21-046**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed October 11, 1996, 11:11 a.m.]

Subject of Possible Rule Making: Adopting administrative determinations of interpretations of Teachers' Retirement System Plan 3 statutes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature's creation of a new Plan 3 for the teachers' retirement system requires the department to implement the statutes governing that plan. That implementation has led to the discovery and articulation of areas regarding benefit eligibility that are not unambiguously answered in statute. For that reason, it would be useful to adopt WACs to provide guidance and notice to members regarding benefit eligibility in those areas.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department will identify employer and employee representatives and provide copies of the proposed interpretations and provide opportunities for input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

October 11, 1996  
 Paul Neal  
 Rules Coordinator

**WSR 96-21-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed October 11, 1996, 12:30 p.m.]

Subject of Possible Rule Making: Commercial fishing rules regarding the harvest of sturgeon.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Oregon State Department of Fish and Wildlife and the Washington Department of Fish and Wildlife have reviewed current harvest guidelines, and [a] tentative agreement has been reached to increase the commercial share of the catch in concurrent waters. Rules will be necessary to assure the harvest guidelines achieve allocation and conservation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Oregon Department of Fish and Wildlife. These rule proposals are being developed jointly, with expected concurrent adoption by each state.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Crawford, Assistant Director, Fish Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325. Contact by December 18, 1996. Expected proposal filing December 19, 1996.

October 12, 1996  
 Evan Jacoby  
 Rules Coordinator

**WSR 96-21-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**  
 [Filed October 14, 1996, 11:15 a.m.]

Subject of Possible Rule Making: WAC 314-16-190 Class H restaurant—Qualifications; and 314-16-196 Class H restaurant—Floor space requirements—Conditions for service bar only premises.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering revisions to these rules in order to further clarify the requirements and qualifications for Class H licenses. Since earlier amendatory action resulted in some apparent confusion as to what constitutes a Class H licensed premise and the requirements for retaining such licenses, the board believes further action may be necessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: [No information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Goyette, Director of Regulatory Services, P.O. Box 43098, Olympia, WA 98504-3098, phone (360) 753-2724, FAX (360) 753-2710. Return information, suggestions, recommendations by December 6, 1996.

October 14, 1996  
 Nathan S. Ford, Jr.  
 Chairman

**WSR 96-21-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**COLUMBIA RIVER**  
**GORGE COMMISSION**  
 [Filed October 14, 1996, 12:10 p.m.]

Subject of Possible Rule Making: 350-11, Open meetings; 350-12, Public records; 350-13, Financial disclosure; and 350-14, Conflict of interest.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.97 RCW et seq.; ORS 196.150 et seq.; 16 U.S.C. § 544 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Columbia River Gorge Commission is required to conduct a periodic review of its

administrative rules. Public and agency review will occur to determine the continued need for the rule and to update the rule requirements and language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Public Disclosure Commission, Oregon Government Standards and Practices Commission, Washington and Oregon Attorney Generals' Offices: Any proposed amendments will be sent to the agencies for review and comment.

Process for Developing New Rule: Agency study; and the commission will (1) take comments from the public on the four rules, (2) develop proposed amendments, (3) meet with the public and interested parties to discuss proposed amendments, (4) revise amendments; and (5) file proposed amendments and hold hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, phone (509) 493-3323. Comments on existing rules will be accepted through December 6, 1996.

October 9, 1996  
Jan Brending  
Rules Coordinator

**WSR 96-21-061**

**PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed October 14, 1996, 12:32 p.m.]

Subject of Possible Rule Making: Raffles and means of selling tickets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.0277, 9.46.0311, 9.46.070 (1), (4), (9), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Increase flexibility in how authorized raffles may be conducted by allowing new ways to sell raffle tickets.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Petition.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David D. Shaw, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

October 14, 1996  
David D. Shaw  
Rules and Policy Coordinator

**WSR 96-21-068**

**PREPROPOSAL STATEMENT OF INQUIRY  
TACOMA COMMUNITY COLLEGE**

[Filed October 15, 1996, 11:32 a.m.]

Subject of Possible Rule Making: Repeal of chapter 132V-12 WAC, Personnel rules for the classified staff service of Tacoma Community College.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title 312V [132V] WAC.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are out-of-date and have been superseded by Title 251 WAC, Higher Education Personnel Board and Title 359 WAC, Personnel Resources Board.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: See Reasons above.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jan Miller, Director of Human Resources and Affirmative Action, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (206) 566-5054, FAX (206) 566-5380.

September 23, 1996  
Jan A. Miller, Director  
Human Resources and  
Affirmative Action

**WSR 96-21-069**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed October 15, 1996, 11:51 a.m.]

Subject of Possible Rule Making: Chapter 296-400 WAC, Certification of competency for journeyman plumbers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.106.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to changes in the RCW resulting from the passage of ESHB 2626 (1994) and HB 1445 (1995), these rules need to be revised. The proposed revisions eliminate gender specific language, rewrite the rules according to clear rule-writing technique, update definitions, revise competency examination requirements, overhaul the infraction process and require a schedule of penalties. The proposed rules more accurately reflect the statutes upon which they are based.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable. This subject is solely regulated by the Department of Labor and Industries. No other state or federal agencies are involved.

Process for Developing New Rule: The primary responsibility for developing this rule is the chief plumbing specialist with major input from stakeholders and the Governor's Advisory Board of Plumbers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Morris, Chief Plumbing Specialist, Department of Labor and Industries, Construction

Compliance and Public Safety Division, P.O. Box 44470,  
Olympia, WA 98504-4470, phone (360) 902-5578, FAX  
(360) 902-5292.

October 15, 1996  
Mark O. Brown  
Director

publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Gayle Pauley at (360) 753-2858.  
October 16, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

### WSR 96-21-086

#### PREPROPOSAL STATEMENT OF INQUIRY BELLINGHAM TECHNICAL COLLEGE

[Filed October 17, 1996, 10:05 a.m.]

Subject of Possible Rule Making: To amend chapter 495B-120 WAC to include policy on hazing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt hazing policy to chapter 495B-120 WAC as required by RCW 28B.10.901 - 28B.10.903.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jody McBee, Rules Coordinator, Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225, (360) 738-3105, ext. 334, FAX (360) 676-2798.

October 16, 1996  
Jody McBee  
Rules Coordinator

### WSR 96-21-092

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 18, 1996, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 392-165 WAC, Special service programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal legislation has changed name to Title VI and has changed the laws. This needs to be reflected in the WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Department of Education has nonregulatory guidelines and has given states the responsibility to develop guidance.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

### WSR 96-21-096

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed October 18, 1996, 4:58 p.m.]

Subject of Possible Rule Making: Classification review to consider listing as endangered, threatened, or sensitive: Sage grouse, sharptail grouse, common loon, Oregon spotted frog, fisher, common murre, olive Ridley turtle. Downlisting or delisting: Bald eagle, peregrine falcon, gray whale, Aleutian Canada goose, Columbian white-tailed deer, brown pelican.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Listing and delisting of species affords protection or reduces unnecessary management duties. The department is seeking biological information for status reports which will assist in this process. Information is sought regarding life history, habitat requirements and status, population distribution, status and trends, population demographics and management activities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USFWS and NMFS are involved with federal listing and protection. They will be consulted with at rule promulgation.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2504. Please provide biological information in writing by December 15, 1996.

October 15, 1996  
Evan Jacoby  
Rules Coordinator

### WSR 96-21-097

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed October 18, 1996, 4:59 p.m.]

Subject of Possible Rule Making: Amending list of protected species.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are additional species that would benefit from being classified as protected.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2504. Contact by December 18, 1996, rule proposal filing expected to be December 19, 1996.

October 15, 1996

Evan Jacoby  
Rules Coordinator

### WSR 96-21-111

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed October 22, 1996, 8:20 a.m.]

Subject of Possible Rule Making: Amending chapter 204-60 WAC, Standards and specifications for additional lamps and flags for use on snow removal and highway maintenance equipment, to include refuse haulers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will allow refuse haulers to use alternate lights in certain circumstances, such as when vehicle equipment covers the regular headlamps. The amendment also allows refuse haulers to use amber lights under certain conditions.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, Equipment Standards Unit, P.O. Box 42635, Olympia, WA 98504-2635, (360) 412-8934, FAX (360) 493-9090.

October 22, 1996

Annette M. Sandberg  
Chief

#### Chapter 204-60 WAC STANDARDS AND SPECIFICATIONS FOR ADDITIONAL LAMPS AND FLAGS FOR USE ON SNOW REMOVAL ((AND)), HIGHWAY MAINTENANCE EQUIPMENT, AND REFUSE HAULERS

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

**WAC 204-60-010 Promulgation.** By authority vested in the ~~((state commission on equipment))~~ Washington state patrol in RCW 46.37.005 and 46.37.300, the following standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and highway maintenance equipment, and refuse

haulers in lieu of the lamps otherwise required on motor vehicles, are hereby adopted.

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

**WAC 204-60-030 Standards for lights.** (1) Additional headlamps may be positioned sufficiently high enough to clear operating equipment provided they are aimed at an angle to avoid blinding oncoming traffic while on their routes, involved in construction, maintenance, and/or operations. Regular mounted headlamps must be used by refuse haulers when transporting refuse to the dump site. Auxiliary headlamps may be used if necessary.

When the refuse haulers' collections container is in a position to obscure the headlamps, the truck will use the alternate lights and will not exceed twenty miles per hour.

(2) Additional operating lamps may be located on the top of the cab or at other locations to illuminate plowing, abrasive spreading or other equipment.

(3) Red lights on highway equipment: No flashing red warning signal except those required by RCW 46.37.150, shall be displayed or used on any highway equipment.

(4) Amber lamps on highway equipment: Amber colored lamps required on the following equipment shall comply with the specifications set forth in ~~((paragraph))~~ subsection (6) of this section:

(a) Power shovels or other similar highway maintenance equipment shall be equipped with a flashing amber lamp and red flag on an extension designating the maximum danger limit created by the swing of the cab while operating along the traffic lane.

(b) A flashing amber lamp shall be used on all other equipment which creates a potential hazard to traffic in order to serve as a warning to the traveling public. This equipment includes those vehicles and trailers for construction, maintenance and operations.

(c) A flashing amber lamp shall be used on the knuckle of all manlift-type platform trucks with articulating boom, where the knuckle is capable of being rotated beyond the side of the truck.

(d) The minimum light intensity of the lamp filament shall not be less than twenty-one candle power.

(e) The lamp or lamps shall be mounted on the cab or other high point of the equipment so as to be visible at all times, at least from the front and rear of the vehicle, from a distance of five hundred feet in normal sunlight.

(6) The flashing amber lamp for use on highway construction, maintenance, refuse haulers, and operations equipment shall be illuminated only:

(a) When the equipment is actually involved in construction, maintenance collecting refuse, and/or operations.

(b) When the equipment is traveling to or from the job site and is unable to maintain, either because of equipment limitations, or other reasons, at least one-half posted or prevailing speed.

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 96-21-112

PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL

[Filed October 22, 1996, 8:21 a.m.]

Subject of Possible Rule Making: Amend sections of chapters 446-16 and 446-20 WAC, Washington state identification section and employment—Conviction records, to standardize language used in those sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 10.97 and 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The sections use different terminology to describe the same things. These amendments will standardize terminology, thereby lessening possible confusion when dealing with criminal history records and the state patrol identification section.

Process for Developing New Rule: The identification section reviewed these chapters to ensure the language was current and standard.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Susie Coon, Washington State Patrol, Identification Section, P.O. Box 42633, Olympia, WA 98504-2633, (360) 705-5101, FAX (360) 753-0444.

October 22, 1996  
Annette M. Sandberg  
Chief

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

**WAC 446-16-010 Definitions.** For the purposes of these rules, the following words and phrases shall have the following meanings:

(1) "Criminal (~~offender~~) history record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal (~~offender~~) history record information" shall not include intelligence, analytical or investigative reports and files.

(2) "Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

(3) "Disposition" shall mean that result which is reached at a determination of criminal proceedings against an individual at any stage in the criminal justice system and resulting in the culmination or final disposal of the criminal charge.

(4) "Section" shall mean the section on identification of the Washington state patrol established in RCW 43.43.700, et seq.

AMENDATORY SECTION (Amending WSR 92-15-014, filed 7/6/92, effective 8/6/92)**WAC 446-16-025 Expungement of arrest records.**

(1) A person desiring the destruction of his fingerprints and/or other identifying data, pursuant to RCW 43.43.730, shall make his request therefor on a form furnished by the

Washington state patrol (~~section on identification. The request shall be mailed or delivered to the central office of the section located at 3310 Capitol Boulevard, Tumwater, Washington~~) identification and criminal history section.

(2) The request shall be completed, signed by the person whose record is sought to be expunged and his signature witnessed. It shall include the address of the applicant, the printed name and the address of the witness to the applicant's signature and such other information requested on the application as identifies the applicant and the offense for which the request of expungement is made.

(3) The request shall include reasonable proof that the person making the request for expungement is the same person whose fingerprints or other identifying data are sought to be expunged. Such proof shall include fingerprints of the applicant if requested by the section.

(4) The request shall include reasonable proof that the person making the request has no prior criminal record and that he has been found not guilty of the offense for which the fingerprints and/or other identifying data were taken or was finally released without a conviction for such offense having been obtained or has other lawful grounds for expungement. Such proof shall include the furnishing of all details pertaining to the finding of not guilty or release without conviction of such criminal charges. Where the finding or release is based on an order of a court, the applicant shall furnish a certified or xeroxed copy of the court order.

AMENDATORY SECTION (Amending WSR 92-15-014, filed 7/6/92, effective 8/6/92)

**WAC 446-16-030 Inspection by the subject of their record.** (1) Any person desiring to inspect criminal (~~offender~~) history record information which refers to himself may do so at the central office of the Washington state (~~identification section located at 3310 Capitol Boulevard, Tumwater, Washington~~) patrol identification and criminal history section, between the hours of 8 a.m. and 5 p.m., Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal (~~offender~~) history record information pertaining to himself shall first permit their fingerprints to be taken by the section for identification purposes if requested to do so. The section, in their discretion, may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed 15 minutes, shall be allowed each individual to examine criminal (~~offender~~) history record information pertaining to themselves.

(4) No person shall be allowed to retain or reproduce any criminal (~~offender~~) history record information pertaining to themselves except for the purpose of challenge or correction of entries of arrests by submitting law enforcement agencies of the state of Washington. Visual examination only shall be permitted of such information unless the individual asserts their belief that criminal (~~offender~~) history record information from a submitting law enforcement agency of the state of Washington concerning them is inaccurate, incomplete or maintained in violation of the law; and unless they request correction or completion of the

information on a form furnished by the section, or requests expungement pursuant to WAC 446-16-025.

(5) If any person who desires to examine criminal ((offender)) history record information pertaining to themselves is unable to read or is otherwise unable to examine same because of a physical disability, they may designate another person of their own choice to assist them. The person about whom the information pertains shall execute, with their mark, a form provided by the section consenting to the inspection of criminal ((offender)) history record information pertaining to themselves by another person for the purpose of it being read or otherwise described to them. Such designated person shall then be permitted to read or otherwise describe or translate the criminal ((offender)) history record information to the person about whom it pertains.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

**WAC 446-16-070 Report contents—General.** The report of disposition shall be made on forms provided by the section. The name of the subject about which the report is made, the designated fingerprints of the subject, the name of the original contributor of the fingerprint or arrest record, and the original arrest number shall be entered on the disposition report exactly the same as they appear on the fingerprint card or arrest record previously forwarded to the section. The ((section)) state identification number should be indicated on the disposition report if known.

AMENDATORY SECTION (Amending WSR 92-15-014, filed 7/6/92, effective 8/6/92)

**WAC 446-16-080 Report time limitations.** All of the information requested on the disposition report shall be completed and the report mailed to the Washington state patrol identification and criminal history section, ((PO Box 42633, Olympia, Washington 98504-2633,)) within 10 days of the date that a disposition becomes effective.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

**WAC 446-16-100 Prosecutorial agencies—Reporting responsibilities.** (1) The prosecutor or city attorney shall complete the disposition report if he determines not to ((press)) file charges or the case is not otherwise acted upon by a judicial body. In such cases, the prosecutor or city attorney shall mail the completed disposition report to the section within 10 days from the date that it is determined no further judicial action will be taken on the charges.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

**WAC 446-16-110 Courts—Reporting responsibilities.** Where the disposition of criminal charges occurs as a result of action taken by or within the jurisdiction of any court in the state of Washington, the disposition of such charges shall be reported to the identification and criminal history section pursuant to rules of the supreme court of the state of Washington on forms approved by the supreme court and supplied by the section.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

**WAC 446-16-120 Audit of reporting compliance.** The identification and criminal history section shall administer a compliance audit procedure at least once annually to insure that all disposition reports have been received and added to the criminal ((offender)) history record information. The identification and criminal history section shall prepare listings of all criminal ((offender)) history record information for which no disposition report has been received and has been outstanding for more than 9 months since the date of arrest. Each criminal justice agency shall be furnished with a list of outstanding disposition reports for criminal ((offender)) history record information of persons who were arrested or against whom charges were filed by that agency. Within 30 days of receipt of such list, each criminal justice agency shall provide the identification and criminal history section with a current disposition report or status report for each person for whom a disposition report is overdue.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |   |
|----------------|---|
| WAC 446-16-040 | Reporting of persons detained in custody.   |
| WAC 446-16-050 | Report by social and health services on change of parole status—Other changes—Requirements. |

AMENDATORY SECTION (Amending Order 80-2, filed 7/1/80)

**WAC 446-20-050 Criminal justice agencies.** (1) The following agencies shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations.

- (a) The Washington state patrol, including the state identification section;
- (b) Foreign, federal, state, and local governmental law enforcement agencies;
- (c) The adult corrections division of the department of social and health services or the department of corrections as specified in chapter 72.02 RCW, including institutions as specified in chapter 72.01 RCW and probation and parole services as specified in chapter 72.04A RCW;
- (d) The board of prison terms and paroles;
- (e) Courts at any level, if they exercise criminal jurisdiction, for the administration of criminal justice.

(2) Only that subunit of the following agencies which detects, prosecutes, or that work under the direction of the courts shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations:

- (a) Federal, state and local prosecutorial, correctional programs, agencies or departments;
- (b) The liquor control board as specified in RCW 66.44.010 (enforcement division);
- (c) The department of labor and industries as specified in chapter 7.68 RCW (victims of crime compensation);

(d) The state fire marshal as specified in RCW 48.48.060(2);

(e) An agency or portion thereof that has been certified as a criminal justice agency pursuant to WAC 446-20-060.

**AMENDATORY SECTION** (Amending Order 80-2, filed 7/1/80)

**WAC 446-20-090 Inspection of record by the subject of record.** (1) Any person desiring to inspect criminal history record information which pertains to himself may do so at the central records keeping office of any criminal justice agency or at the ~~((state identification section located at 3310 Capitol Boulevard, Tumwater, Washington))~~ Washington state patrol identification and criminal history section, during normal business hours, Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal history record information pertaining to himself shall first permit his fingerprints to be taken by the criminal justice agency for identification purposes, if requested to do so. The criminal justice agency in its discretion may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed thirty minutes, shall be allowed each individual to examine criminal history record information pertaining to himself.

(4) Visual examination only shall be permitted of such information unless the individual asserts his belief that criminal history record information concerning him is inaccurate, or incomplete; and unless he requests correction or completion of the information on a form furnished by the criminal justice agency, or requests expungement pursuant to RCW 10.97.060. Retention or reproduction of nonconviction data is authorized only when it is the subject of challenge.

(5) If any person who desires to examine criminal history record information pertaining to himself is unable to read or is otherwise unable to examine same because of a physical disability, he may designate another person of his own choice to assist him. The person about whom the information pertains shall execute, with his mark, a form provided by the criminal justice agency consenting to the inspection of criminal history information pertaining to himself by another person for the purpose of it being read or otherwise described to him. Such designated person shall then be permitted to read or otherwise describe or translate the criminal history record information to the person about whom it pertains.

(6) Each criminal justice agency shall develop procedures to ensure that no individual improperly retains or mechanically reproduces nonconviction data during the process of inspection.

**AMENDATORY SECTION** (Amending Order 80-2, filed 7/1/80)

**WAC 446-20-100 Inspection—Timeliness and manner of agency response.** (1) A criminal justice agency not maintaining criminal history record information of the individual requesting inspection shall not be obligated to further processing of inspection request.

(2) A criminal justice agency maintaining criminal history record information of the individual requesting inspection shall respond in the manner following and as soon

as administratively convenient, but in no event later than ten business days from the date of the receipt of the request.

(a) If the criminal history record information concerns offenses for which fingerprints were not submitted to the ~~((identification))~~ Washington state patrol identification and criminal history section, the agency shall respond by disclosing the identifiable descriptions and notations of arrests, charges, and dispositions that are contained in the files of the agency.

(b) If the criminal history record information concerns offenses for which fingerprints were submitted to the identification section, the agency upon request of the subject of the record, shall forward the request to the ~~((identification))~~ Washington state patrol identification and criminal history section for processing.

(c) At the ~~((identification))~~ Washington state patrol identification and criminal history section the request shall cause a copy of all Washington state criminal history record information in the files of the ~~((identification))~~ Washington state patrol identification and criminal history section relating to the individual requester to be forwarded to the criminal justice agency submitting the request.

(d) Upon receipt by the criminal justice agency of the requester's criminal history record information from the ~~((identification))~~ Washington state patrol identification and criminal history section, the agency shall notify the requester at his designated address or telephone number that the requested information is available for inspection. The subject of the criminal history record information must appear at the agency during its normal business hours for purpose of inspecting the record.

**AMENDATORY SECTION** (Amending Order 80-2, filed 7/1/80)

**WAC 446-20-170 Secondary dissemination.** (1) Criminal justice agencies that receive state ~~((rap sheets))~~ criminal history record information from the identification section of the Washington state patrol may disseminate them further, "but only to the same extent to which the identification section itself would be authorized to make a dissemination in the first instance." Nonconviction data based on an incident that arose in the jurisdiction of that agency about to make the dissemination is not subject to this restriction, if the agency is otherwise authorized to disseminate such information.

(2) Noncriminal justice agencies certified to receive criminal history record information from whatever source may use it only for the specific purpose for which the agency is certified and shall not disseminate it further.

(3) Use of criminal history record information contrary to chapter 10.97 RCW or chapter 446-20 WAC may result in suspension or cancellation of certification.

**AMENDATORY SECTION** (Amending Order 91-004, filed 12/4/91, effective 1/4/92)

**WAC 446-20-280 Employment—Conviction records.** (1) A ~~((transcript of a))~~ conviction record will be furnished consistent with the provisions of RCW 43.43.815, upon the submission of a written or electronic request of any employer, accompanied by fingerprints and other identifying data of the employee or prospective employee.

(2) Fingerprints shall be submitted on cards of the type specified by the ~~((identification))~~ Washington state patrol identification and criminal history section, and shall contain a certification by the employer that the information is being disseminated to and will be available only to persons involved in the hiring, background investigation, or job assignment of the person whose record is disseminated, that the record will be used only as necessary for the purposes enumerated in this section, and that the request for conviction data is for one of the following purposes:

- (a) Securing a bond required for any employment;
- (b) Conducting preemployment and postemployment evaluations of employees and prospective employees who, in the course of employment, may have access to information affecting national security, trade secrets, confidential or proprietary business information, money, or items of value; or
- (c) Assisting an investigation of suspected employee misconduct where such misconduct may also constitute a penal offense under the laws of the United States or any state.

**AMENDATORY SECTION** (Amending WSR 92-15-015, filed 7/6/92, effective 8/6/92)

**WAC 446-20-285 Employment—Conviction records—Child and adult abuse information.** After January 1, 1988, certain child and adult abuse conviction information will be furnished by the state patrol upon ~~((the submission of a))~~ written or electronic request of any applicant, business or organization, the state board of education, or the department of social and health services. This information will consist of the following:

- (1) Convictions of crimes against children or other persons as defined in RCW 43.43.830(6), and as amended by chapter 9A.44 RCW;
- (2) Department of health disciplinary authority final decisions of specific findings of physical or sexual abuse or exploitation of a child and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary authority final decision; for the businesses and professions defined in chapter 9A.44 RCW; and
- (3) Civil adjudications of child abuse, as amended by chapter 9A.44 RCW.

~~((This))~~ Criminal history information will be furnished from the Washington state patrol, consistent with the provisions of RCW 43.43.830 through 43.43.840, ~~((on an approved request for criminal history information form available from the Washington State Patrol, Identification and Criminal History Section, PO Box 42633, Olympia, Washington, 98504-2633))~~ upon receipt of a written or electronic request.

School districts, the superintendent of public instruction, educational service districts and their contractors will also receive conviction information under RCW 10.97.030 and 10.97.050 pursuant to chapter 159, Laws of 1992.

The state patrol shall also furnish any similar records maintained by the Federal Bureau of Investigation or records in custody of the National Crime Information Center, if available, subject to their policies and procedures regarding such dissemination.

(a) The business or organization making such request shall not make an inquiry to the Washington state patrol or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(b) For positive identification, the request for criminal history information form may be accompanied by fingerprint cards of a type specified by the Washington state patrol identification and criminal history section, and shall contain a certification by the business or organization; the state board of education; or the department of social and health services, that the information is being requested and will be used only for the purposes as enumerated in RCW 43.43.830 through 43.43.845.

(c) In the absence of fingerprint cards, the applicant may provide a right thumb fingerprint impression in the area provided on the request for criminal history information form. In the event of a possible match, where the applicant's name and date of birth as submitted varies from that of the record contained by the ~~((identification))~~ Washington state patrol identification and criminal history section, the right thumb fingerprint impression will be used for identification verification purposes only. An **exact name and date of birth match** will be required for dissemination of conviction information in the absence of a fingerprint card or thumbprint impression for positive identification or verification of record.

(d) After processing a properly completed request for criminal history information form, if the conviction record, disciplinary authority final decision, adjudication record, or equivalent response from a federal law enforcement agency shows no evidence of crimes against persons, an identification declaring the showing of no evidence shall be issued to the ~~((applicant))~~ business or organization by the ~~((state patrol))~~ Washington state patrol identification and criminal history section within fourteen working days of receipt of the request. Possession of such identification shall satisfy future record check requirements for the applicant for a two-year period.

(e) The business or organization shall notify the applicant of the state patrol's response within ten calendar days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(f) The business or organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

**AMENDATORY SECTION** (Amending Order 91-005, filed 9/24/91, effective 10/25/91)

**WAC 446-20-500 Sex offender registration.** RCW 9A.44.130 requires any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense to register with the county sheriff for the county of that person's residence. The sheriff is required to forward the registration information to the section within five working days. The Washington state patrol is mandated to maintain a central registry of sex offenders consistent with

chapters 10.97, 10.98, and 43.43 RCW. The following regulations implement the provisions of this act.

**AMENDATORY SECTION** (Amending Order 91-005, filed 9/24/91, effective 10/25/91)

**WAC 446-20-510 History retention.** Sex offender registration information will be maintained in the offender's criminal history file according to retention periods outlined in RCW 9A.44.140. Once an offender is registered, a notation of "registered sex offender" shall be printed on the ~~((rap sheet))~~ transcript of record for that individual.

**AMENDATORY SECTION** (Amending WSR 92-15-015, filed 7/6/92, effective 8/6/92)

**WAC 446-20-520 Photographs.** Photographs should be of the polaroid type and in color. These are not to be file photos. A new photo is required.

On the reverse side of the photo, write full name, date of birth, and SID number. Paperclip (no staples please) the photo to the fingerprint card with the registration information completed and forward to Washington state patrol, identification and criminal history section (~~(P.O. Box 42633, Olympia, WA 98504-2633))~~).

**AMENDATORY SECTION** (Amending Order 91-004, filed 12/4/91, effective 1/4/92)

**WAC 446-20-530 Refundable fee.** Agencies are to bill the Washington state patrol identification and criminal history section for the actual registration cost not to exceed thirty-two dollars for each registration which shall include photographs and fingerprints submitted pursuant to RCW 9A.44.130. This fee will further ensure that direct and indirect costs at the county level associated with the provisions of this chapter are refunded by the Washington state patrol identification and criminal history section on a monthly basis upon receipt of an invoice from the county sheriff indicating the number of registrations submitted.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 446-20-110 Deletion—Notification.

**WSR 96-21-118**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed October 22, 1996, 12:00 noon]

Subject of Possible Rule Making: Emergency medical services, WAC 246-976-001 to 246-976-450 and 246-976-910 to 246-976-990.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.71, 18.73, and 70.168 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is conducting its biennial review of chapter 246-976 WAC. The WAC revisions will address: (a) Housekeeping problems that improve the structure, grammar, organization and unneces-

sary repetition of the WAC or statute; (b) correcting some educational inconsistencies in the curriculum between the various levels; (c) reviewing and updating the curriculum; (d) reviewing certification requirements; (e) review trauma registry and system administration and their responsibilities.

The changes will impact various levels of certified prehospital personnel outlined in chapters 18.71 and 18.73 RCW including: First responder, emergency medical technician, IV technician, airway technician, ILS technician and paramedic. As approximately 60% of the prehospital personnel are volunteer, assuring the availability of human resources is a significant challenge. The education and training program, designed to meet the needs of prehospital personnel, involves basic, intermediate and advanced educational preparation, continuing medical and trauma education, development of educational standards and the overall quality assurance or improvement of prehospital personnel. Emphasis is placed on making the education accessible to rural and volunteer prehospital EMS providers.

Process for Developing New Rule: Negotiated rule making. Several statutory and other EMS and trauma care committees will participate in drafting and reviewing of WACs. The draft WACs will be mailed for review and input to all impacted committees and all interested parties. The Office of Emergency Medical and Trauma Prevention will be working with Regional Advisory Council, the EMS Education Committee, Medical Program Directors, Licensing and Certification Committee, Department of Health interested parties, Public Policy TAC, and the Governor's Steering Committee to review the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public WAC development work sessions will be held in late spring of 1997; one in eastern Washington and another in western Washington. The final draft of the proposed WAC will be sent out to all parties involved in the process before formal public hearings are held. Contact Janet Griffith, Director, Office of Emergency Medical and Trauma Prevention, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 705-6703 or 1-800-458-5281, FAX (360) 705-6706.

October 22, 1996  
Bruce A. Miyahara  
Secretary

**WSR 96-21-122**

**PREPROPOSAL STATEMENT OF INQUIRY  
BOARD OF  
PILOTAGE COMMISSIONERS**

[Filed October 22, 1996, 1:06 p.m.]

Subject of Possible Rule Making: WAC 296-116-200 Duties of pilots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board intends to adopt reporting procedures, forms, and definitions relating to pilot incidents, near-miss occurrences, and navigational safety concerns in order to provide clear direction for state-licensed pilots to perform their duties.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The board will request written and oral comments from persons who may be interested in the development of rules furthering WAC 296-116-200. Comments received will be considered by the board before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A proposed rule is being formulated for publication and public hearing in early 1997. Comments are welcome and encouraged.

Contact Person: Peggy Larson, 801 Alaskan Way, Seattle, WA 98104, phone (206) 515-3904, FAX (206) 515-3969.

October 1, 1996  
Peggy Larson  
Administrator

**WSR 96-21-123**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed October 22, 1996, 1:08 p.m.]

Subject of Possible Rule Making: WAC 296-116-360  
Exempt vessels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.16.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board intends to implement chapter 174, Laws of 1995, by establishing application and renewal fees for a specified class of small passenger vessels or yachts which the board exempts from certain state pilotage requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The board will request written and oral comments from persons who may be interested in the development of rules furthering WAC 296-116-360. Comments received will be considered by the board before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A proposed rule is being formulated for publication and public hearing in early 1997. Comments are welcome and encouraged.

Contact Person: Peggy Larson, 801 Alaskan Way, Seattle, WA 98104, phone (206) 515-3904, FAX (206) 515-3969.

October 21, 1996  
Peggy Larson  
Administrator

**WSR 96-21-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed October 22, 1996, 1:10 p.m.]

Subject of Possible Rule Making: WAC 296-116-070  
Collection of fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.16.090(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of chapter 175, Laws of 1995, established a statutory pilot license fee schedule. It is necessary to align the corresponding rule through the adoption of a housekeeping amendment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The proposed rule amendment will be drafted according to the statutory language currently in place.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A proposed rule is being formulated for publication and public hearing in early 1997. Comments are welcome and encouraged.

Contact Person: Peggy Larson, 801 Alaskan Way, Seattle, WA 98104, phone (206) 515-3904, FAX (206) 515-3969.

October 21, 1996  
Peggy Larson  
Administrator

**WSR 96-21-131**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Public Assistance)

[Filed October 23, 1996, 10:25 a.m.]

Subject of Possible Rule Making: Notice and finding of financial responsibility, WAC 388-11-285.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.20A.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change in statutory defense to notice.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may ask to receive copies of draft regulations or other information by contacting Nancy Koptur, Division of Child Support, Mailstop 45860, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 586-3077, FAX (360) 586-3274, TTY (360) 753-9122, e-mail nkoptur@dshs.wa.gov.

October 23, 1996  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**WSR 96-21-136**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
 [Filed October 23, 1996, 10:50 a.m.]

Subject of Possible Rule Making: Amending chapter 180-08 WAC, Practice and procedure, to incorporate the brief adjudicative proceeding process authorized by RCW 34.05.482 through [34.05.]494.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.482 - [34.05.]494.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c) require that the agency formally adopt the brief adjudicative procedure in rules.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

October 23, 1996  
 Larry Davis  
 Executive Director

**WSR 96-21-137**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed October 23, 1996, 10:53 a.m.]

Subject of Possible Rule Making: The use of the brief adjudicative process outlined in RCW 34.05.482 through [34.05.]494, amending chapter 392-105 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute requires that the agency formally adopt the brief adjudicative procedure in rule.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For telephone assistance please contact Richard M. Wilson, (360) 753-2298.

October 21, 1996  
 Judith A. Billings  
 Superintendent of  
 Public Instruction

**WSR 96-21-139**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 [Filed October 23, 1996, 11:00 a.m.]

Subject of Possible Rule Making: Enabling commissioned officers of the Washington State Patrol retired for nonmental or nonstress related disabilities to purchase their career service handguns at private sale as used equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.190, 43.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will allow commissioned officers who are retiring due to disability, with certain exceptions, to purchase their career service handgun as state surplus. Current administrative rule provides this authorization only for retiring commissioned officers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The rule amendment will be formulated and adopted after a period of public participation including opportunities for both oral and written comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the decision to adopt this amendment and formulation of the proposed amendments before publication. Comments and letters of interest may be sent by mail or facsimile to Marygrace Jennings, P.O. Box 1000, Olympia, WA 98504-1000, e-mail to mgjenni@ga.wa.gov, FAX (360) 586-5898.

October 23, 1996  
 Marygrace Jennings  
 Rules Coordinator

**WSR 96-21-148**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed October 23, 1996, 11:49 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Gear conflicts occur in offshore waters that can be resolved by a prohibition on the use of longline crab gear.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Crawford, Assistant Director, Fish Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325. Comments to be received by December 18, 1996. Proposal filing date December 19, 1996.

October 22, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-21-149**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 23, 1996, 11:49 a.m.]

Subject of Possible Rule Making: Trapping seasons; hunting regulations and boundaries; private lands wildlife management areas; hunting auctions and raffles; permit hunts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020, 77.12.030, 77.12.040, 77.32.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide recreational opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by December 13, 1996. Expected rule proposal filing December 19, 1996.

October 23, 1996  
Evan Jacoby  
Rules Coordinator



**WSR 96-21-015**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 4, 1996, 10:45 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-17-055.

Title of Rule: (1) WAC 296-30-010(11) Definitions, "criminal act"; (2) WAC 296-30-120 Factors considered in order to modify debt due department; and (3) WAC 296-31-020 Definitions, necessary treatment.

Purpose: (1) To set standards of acceptable evidence of criminal acts; (2) to provide an additional factor for considering reducing debts due the department; and (3) to give notice of certain treatment techniques that the department will not cover.

Statutory Authority for Adoption: RCW 7.68.030, 51.04.020 (1) and (4), 51.04.030, 7.68.080, 7.68.120.

Statute Being Implemented: Chapter 7.68 RCW.

Summary: The amendments establish criteria for determining that a criminal act was committed. They also classify certain mental health treatment techniques as experimental or controversial. In addition, they establish an added criterion from considering reducing certain debts. Finally, they clarify existing rule language and provided gender neutral language.

Reasons Supporting Proposal: The proposal should be supported because it informs the public of what the department will do to better follow the intent of the Crime Victims Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cletus Nnanabu, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-5340.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment to WAC 296-30-010(11) establishes that a crime claimed by a victim compensation applicant must either be verifiable or credible in order to be accepted. It also includes the type of evidence that can be considered to verify that a crime occurred.

The amendment to WAC 296-30-120 adds to the list of items for consideration for reduction of a debt owed to the department by a criminal offender. The addition is to include the impact on the victim of reducing the debt as an item for consideration.

The amendment to WAC 296-31-020 narrows the scope of the section which provides that treatments which are controversial, experimental or investigational will be authorized only in individual cases. The amendment establishes certain treatment techniques that can not be authorized in individual cases.

The remaining amendments provide gender neutral language and improve existing language to clarify meaning. These amendments are to WAC 296-30-010(1), 296-30-060(1), 296-30-081, 296-30-180, 296-30-900, 296-31-010(5), and 296-31-080(3).

Proposal Changes the Following Existing Rules: This proposal adds to the set of existing rules a definition of

"criminal act." It also adds types of evidence that can be considered in determining whether a claimed criminal act is credible.

The proposed rules add "The impact on the victim of reducing the debt" as a factor to consider in deciding whether to reduce the debt owed to the department by a convicted offender.

Present rules allow treatment that may be controversial, experimental or investigational to be authorized on individual case. The proposed rules name some treatment techniques that the department will not authorize on any cases.

The remaining amendments change existing rules only in that they clarify existing language and add gender neutral language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments do not impose more than minor costs on businesses in an industry.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The rule is a significant legislative rule for the reason that it adopts a new policy.

Hearing Location: Auditorium, Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA, on November 26, 1996, at 1 p.m. to 5 p.m.

Assistance for Persons with Disabilities: Contact Nancy Reubens by November 12, 1996, (360) 902-5374.

Submit Written Comments to: Crime Victims Compensation, P.O. Box 44520, Olympia, WA 98504-4520, FAX (360) 902-5333, by December 2, 1996.

Date of Intended Adoption: December 31, 1996.

October 2, 1996  
 Mark O. Brown  
 Director

**AMENDATORY SECTION** (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

**WAC 296-30-010 Definitions.** Whenever used in these rules, the following words mean:

(1) "~~Innocent~~) Victim" means any person whose injury was not the direct, proximate result of his or her consenting to, provoking, or inciting the criminal act that resulted in the injury.

(2) "Bodily injury" means any harmful or offensive touching, and includes severe emotional distress where no touching takes place when:

(a) Claimant is not the object of the criminal act and:

(i) The distress is intentionally or recklessly inflicted; and

(ii) The distress is inflicted by extreme or outrageous conduct; and

(iii) The claimant has a reasonable apprehension of imminent bodily harm; and

(iv) The claimant is in the immediate vicinity of the criminal act at the time the criminal act takes place.

(b) Claimant is the victim of the criminal act and:

(i) The distress is intentionally inflicted; and

(ii) The distress is inflicted by outrageous or extreme conduct; and

(iii) The claimant had a reasonable apprehension of imminent bodily harm.

(3) "Private insurance" means sources of recompense available by contract, such as life or disability insurance.

(4) "Public insurance" means any state or federal statutory welfare and insurance plan that compensates victims or their beneficiaries as a result of the claimed injury or death. This does not include state, federal, or private deferred income retirement plans.

(5) The test used to define "the result of" as used in RCW 7.68.070 (3)(a) is two pronged. First, it must be determined that cause in fact exists, and second, it must then be determined that proximate cause exists.

(a) Cause in fact exists if "but for" the acts of the victim the crime that produced the injury would not have occurred.

(b) Proximate cause exists if, once cause in fact is found, it is determined that the acts of the victim:

- (i) Resulted in a foreseeable injury to the victim;
- (ii) Played a substantial role in the injury; and
- (iii) Were the direct cause of the injury.

(6) "Institutions maintained and operated by department of social and health services or the department of corrections" means those institutions in which the department of social and health services or the department of corrections assumes responsibility for medical coverage of the institution's residents.

(7) "Reasonable cooperation" generally exists when the claimant is:

- (a) Willing to talk to police and give information to aid in the investigation; and
- (b) Willing to assist in the prosecution of the alleged criminal.

(8) A person is "unjustly enriched" within the meaning of RCW 7.68.070(15) when it would be deficient in justice and fairness, or inequitable, to allow that person to obtain, or have control of or access to, benefits or compensation paid as a result of an injury to a victim of crime.

(9) "Department" means the department of labor and industries.

(10) "Services provided" means services covered under chapter 74.09 RCW or Title XIX of the Federal Social Security Act that are:

(a) Provided by health services providers with credentials recognized by the department for purposes of payment under chapter 51.36 or 7.68 RCW; and

(b) Available and equivalent to those services covered by the department under Title 51 or chapter 7.68 RCW.

(11) "Criminal act" means an act defined in RCW 7.68.020, the occurrence of which can be verified by the department or which is reasonably credible. Physically impossible acts, highly improbable acts for which verification is not available, or unverified memories of acts occurring prior to the age of two will not be accepted as reasonably credible. In evaluating evidence to determine verification of claimed criminal acts, the department will give greater weight to the quality, than to the quantity, of evidence. Evidence that can be considered for verification of claimed criminal acts includes, but is not limited to:

- (a) Police or other investigation reports.
- (b) Child protective services or other government agency reports.
- (c) Diaries or journals kept by victims and others.
- (d) Third party reports from school counselors, therapists and others.

(e) Current medical examinations.

(f) Medical or psychological forensic evaluations. In the absence of other adequate forensic evaluation reports independent assessments per WAC 296-31-069 (2) and (3) may be conducted when indicated.

(g) Legal and historical reports.

(h) Current and past medical and mental health records.

(i) Reports of interviews with the victim's family members, friends, acquaintances and others who may have knowledge of pertinent facts. When such interviews are necessary to determine eligibility, the victim will be given the choice of whether to allow the interviews to be conducted. The victim will also be given the understanding that eligibility may be denied if the interviews are not conducted. The department will act according to the victim's choice.

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

**WAC 296-30-060 Requirement to report criminal acts.** (1) The following are examples under which the twelve-month reporting requirement in RCW 7.68.060 (1)(b) may be tolled:

- (a) Unconsciousness or coma of victim.
- (b) Youth of victim (because of age the victim is unaware that a crime has been committed against her).
- (c) Rape trauma syndrome or other condition affecting the victim's capacity to act.

(d) A report of an assault against a child made to children's protective services when the report is made within twelve months of when it reasonably could have been made.

(2) This list is not and should not be considered exhaustive but is for illustrative purposes.

AMENDATORY SECTION (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

**WAC 296-30-081 Acceptance of rules and fees for medical and mental health services.** Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those fees contained in the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees*, less any available benefits of public or private collateral resources, except as follows:

The percentage of allowed charges authorized by WAC 296-23A-105: Payment for hospital inpatient and outpatient services, WAC 296-23A-155: New hospitals, WAC 296-23A-160(3): Excluded and included services, and WAC 296-23A-165: Out-of-state hospitals shall be equal to the percentage of allowed charges established by the department of social and health services under Title 74 RCW and WAC 388-87-070(6): Payment hospital inpatient services.

If any of the maximum allowable fees in the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees* is lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74

RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the medical fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries  
Health Services Analysis  
P.O. Box 44322  
Olympia, WA 98504-4322

To request advance notice of the establishment or amendment of the mental health fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries  
Crime Victims Compensation Section  
P.O. Box 44520  
Olympia, WA 98504-4520

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined. Bills must be submitted within ninety days from the date of service to be considered for payment. If insurance or public agency collateral resources exist, bills must be received within ninety days following payment or rejection by the resource. A copy of the payment or rejection must accompany the bill.

If the service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid (~~that are in excess of the amounts that the victim is entitled to from public or private insurers~~), and bill the department for services rendered at their usual and customary fees if such rates are in excess of the public or private insurance entitlements.

**AMENDATORY SECTION** (Amending Order 85-37, filed 12/11/85)

**WAC 296-30-120 Factors considered in order to modify debt due department.** RCW 7.68.120 allows the department in the interest of justice or rehabilitation, to waive, modify, or adjust the debt owed to the department by any person found to have committed the criminal act for which crime victim benefits were paid. To determine whether or not the debt should be modified, waived or adjusted, the department shall consider the following factors:

- (1) The gravity of the offense;
- (2) Extent of injury to victim;
- (3) Type of crime;
- (4) Circumstances surrounding the criminal act;
- (5) The assailant's attempts at rehabilitation:
  - (a) Rehabilitation program involvement;
  - (b) Employment efforts;
  - (c) Community involvement;
  - (6) Ability to pay;

- (a) Income;
- (b) Necessary expenses;
- (c) Number and ages of dependents;
- (7) Sentence imposed by the court;
- (8) The impact on the victim of reducing the debt.

**AMENDATORY SECTION** (Amending Order 85-37, filed 12/11/85)

**WAC 296-30-180 Payment of benefits to prevent unjust enrichment.** RCW 7.68.070(15) prohibits the department from paying any benefits or compensation to the person who caused a crime victim's injuries, or to any other person if that person would be unjustly enriched by the benefits. In some situations, as when a child is injured by a parent or a spouse by the other spouse, there is a danger that the injuring person will divert to his or her own use the benefits or compensation intended for the victim.

To prevent this possibility, the department may on its own motion or the motion of the victim or his or her guardian, request that the victim or other responsible adult establish (1) a trust for which the trustee shall be a neutral third person; or (2) a savings or checking account for which a neutral third person must cosign all withdrawals or checks. Crime victims compensation benefits shall then be deposited in the established account.

The department shall continue to pay medical providers directly.

**AMENDATORY SECTION** (Amending Order 85-3, filed 1/15/85)

**WAC 296-30-900 Effective date of amendatory acts.** ~~((+))~~ The statute in effect at the time the ~~((criminally caused injury))~~ criminal act occurred is the controlling law.

**AMENDATORY SECTION** (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

**WAC 296-31-010 Mental health treatment overview.** (1) The crime victim compensation program provides mental health treatment to victims of crime, except for the provisions of WAC 296-30-025 (6)(b), secondary to treatment available from any other public or private insurance, who are eligible for compensation under the provisions of chapter 7.68 RCW. Eligible claimants are entitled to receive proper and necessary mental health treatment.

(2) Services and treatment are limited to those procedures which are proper and necessary, and at the least cost, consistent with accepted standards of mental health care which will enable the claimant to obtain maximum recovery and/or:

(3) In the case of a permanent partial disability, treatment or services are not to extend beyond the date when permanent partial impairment or disability compensation is awarded. No treatment or services will be authorized beyond the point that the accepted condition is fixed and stable.

(4) In the case of a permanent total disability, treatment is not to extend beyond the date on which the claimant is placed upon a permanent pension roll except that in the sole discretion of the department continued treatment for conditions previously accepted by the department may be allowed

when such treatment is deemed necessary to protect the claimant's life or to provide for the administration of therapeutic measures. This includes payment of prescription medications necessary to alleviate continuing pain resulting from the accepted condition but does not include those controlled substances scheduled by the state board of pharmaceuticals as schedule I, II, III, IV substances under chapter 69.50 RCW.

- (5) Mental health treatment requiring preauthorization:
  - Inpatient hospitalization;
  - Individual therapy exceeding one hour per week;
  - Group therapy exceeding one session per week;
  - Concurrent treatment;

Family therapy (~~((including all therapy provided to family members)))~~ to family members of sexual assault victims beyond twelve sessions;

Therapy for survivors of victims of homicide beyond twelve sessions;

- Electroconvulsive therapy;
- Neuropsychological evaluation (testing);

Day treatment for seriously ill persons less than eighteen years of age;

- Referrals to special programs.

Requests for authorization must be in writing and include a statement of:

- (a) The condition(s) diagnosed;
- (b) ICD-9-CM and/or DSM-III-R or DSM-IV codes;
- (c) The relationship of the condition(s) diagnosed to the assault, if any;
- (d) An outline of the proposed treatment program, its length and components, procedure codes, and expected prognosis.

(6) Rejected and closed claims. Therapy for eligible survivors of victims of homicide can be provided on closed claims:

No payment will be made for treatment or medication on rejected claims or for services rendered after the date of closure of a claim.

When the department has denied responsibility for an alleged crime victim injury or condition, the only services which will be paid are those which were carried out at the specific request of the department and/or those assessment or diagnostic services which served as a basis for the adjudication decision. Following the date of the order and notice of claim closure, the department will be responsible only for those services specifically requested or those assessments and/or diagnostic services necessary to complete and file a reopening application.

**AMENDATORY SECTION** (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

**WAC 296-31-020 Definitions.** This section explains the department's definitions of terms used throughout the sections as they apply to claimants.

**Acceptance, accepted condition:** Determination, in writing, by a qualified representative of the department, that reimbursement for the diagnosis and rehabilitative treatment of a claimant's mental health condition are the responsibility of the department. The condition being accepted must be specified by one or more diagnostic codes from the current edition of the International Classification of Diseases,

Clinically Modified (ICD-CM), or by DSM III-R, or DSM IV and by use of words to describe the symptoms connected to or citing ICD-CM or DSM III-R or DSM IV diseases.

**Authorization:** Notification, in writing or by telephone, by a qualified representative of the department, that specific necessary treatment, services, or equipment recommended by a provider for the diagnosis or rehabilitative treatment of an accepted condition will be reimbursed by the department. Providers must insure they maintain records indicating the name of the qualified representative who authorizes treatment or equipment.

**Claimant:** A person who submits, or on whose behalf is submitted, an application for benefits under the Crime Victims Act.

**Consultation:** The services rendered by a mental health provider whose opinion or advice is requested by the attending (treating) mental health provider, or agency, or by the department in the evaluation and/or treatment of a claimant. Case management or case staffing does not constitute a consultation. Treatment of a claimant is not a consultation.

**Crisis intervention:** Therapy to alleviate the most pressing problems and attempt to use the crisis as an opportunity for positive change; the vital mental and safety functions of the client are stabilized by providing support, structure and, if necessary, restraint.

**Disability awards for mental health conditions:** Direct monetary compensation that may be provided to an eligible claimant who is either totally temporarily disabled, permanently partially disabled, or totally permanently disabled resulting from an accepted condition. Under Washington law, permanent disability awards are based solely on mental impairment due to the accepted injury or conditions without consideration of economic factors. Disability rating exams must be provided by a physician.

**Elective nonemergent hospital admission:** Placement of the claimant in an acute care hospital or residential treatment facility for mental health treatment of a claim related mental health condition which may be safely scheduled in advance without jeopardizing the claimant's health or treatment outcome.

**Emergent hospital admission:** Placement of the claimant in an acute care hospital, psychiatric hospital, or residential treatment facility for treatment of a claim related mental health condition of an unforeseen or rapidly progressing nature which, if not treated in an inpatient setting, is likely to jeopardize the claimant's health or treatment outcome.

**Family therapy:** Therapy involving the therapist, and one or more members of the claimant's family (excluding the perpetrator if also a family member) and which centers on issues resulting from the claimant's sexual assault pursuant to WAC 296-30-080.

**Group therapy:** Therapy involving the claimant, the therapist, and one or more clients who are not related to the claimant and which includes issues both related to the claimant's assault and pertinent to other group members, not necessarily related to the claimant's assault.

**Homicide survivor:** An immediate family member of a homicide victim as the result of a criminal act committed on or after July 1, 1992. Homicide survivors may receive appropriate counseling to assist them with the immediate, near term consequences of the related effects of the homi-

cide. Family members applying for survivor counseling benefits must complete and submit a Request for Homicide Survivor Counseling Benefits Form (F800-057-000) once a claim has been established and allowed by the department. Maximum allowable fees shall be those fees contained in the publication entitled *Crime Victims Compensation Program Mental Health Treatment Rules and Fees*, less any benefits of public or private collateral resources available to each eligible family member.

**Immediate family members:** Any claimant's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family and who hold themselves out as a family unit.

**Individual therapy:** Therapy provided on a one to one basis between a therapist and claimant.

**Mental health services provider:** Any person, firm, corporation, partnership, association, agency, institution, or other entity providing any kind of mental health services related to the treatment of a claimant. This includes, but is not limited to, hospitals, psychiatrists, psychologists, advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, registered and/or certified master level counselors, and other qualified service providers licensed, registered and/or certified with the department of health and registered with the crime victims program. (Refer to WAC 296-31-030 for specific details.)

**Modified work status:** When the claimant is not able to return to previous work, but is capable of carrying out work of a lighter, or otherwise different nature.

**Necessary treatment:** Those health services or treatments which, in the opinion of the director or his or her designee are:

Proper and necessary for the diagnosis or rehabilitative treatment of an accepted condition;

Reflective of accepted standards of good practice within the scope of the provider's license, certification, or registration;

Not delivered primarily for the convenience of the claimant, the claimant's attending provider, or any other provider; and

Provided at the least cost and in the least intensive setting of care consistent with accepted standards of care/accepted therapeutic practice and with the other provisions of this definition. Services which are inappropriate to the accepted condition, or which present hazards in excess of the expected mental health benefits, are not considered necessary. Services which are obsolete are not authorized. Services which are controversial, experimental, or investigational are presumed not to be consistent with accepted standards of care and shall only be authorized on an individual case basis with written authorization for the service from the department. Reimbursement for services will not be authorized for therapies which focus on the recovery of repressed memory. These services include, but are not limited to, therapy for dissociative identity disorder related to repressed memories, mapping of alter personalities to facilitate disclosure of repressed memories, memory excavation, memory retrieval, memory enhancement, hypnosis to aid in memory recovery, age regression therapy, dream enhancement, dream reading image focusing, guided imagery.

and any therapy which focuses on issues specific to satanic ritual abuse.

**Office notes:** Written records of treatment, or other work products, documenting specific charges billed, as opposed to reports of evaluation and progress independently submitted to the department or to other parties.

**Permanent partial disability:** Providers are required to notify the department of any claimant's accepted condition where permanent functional impairment or loss is indicated after maximum rehabilitation has been achieved, which is determined to be stable and fixed at the time the evaluation is made. The department will arrange to have impairments rated using the category system under WAC 296-20-200 et al.

**Regular work status:** When the injured claimant is capable of returning to his/her regular work, the attending provider must notify the claimant and the department of the specific date of release to return to regular work. Time loss compensation will be terminated on the release date. Further treatment may be allowed as requested by the attending provider if the condition is not stable or fixed and treatment is needed for the accepted condition.

**Repressed memory:** A condition of not having or had conscious memory of an act. For the purpose of these rules describing this condition under this section the definition means that a claimant regained conscious memory of victimization caused by a criminal act committed against them as a minor.

**Temporary partial disability:** Partial time loss may be paid when the claimant can return to work on a limited basis, or, return to a lesser paying job is necessitated by the accepted condition. However, the claimant must have a reduction in wages of at least five percent before loss of earning power can be paid.

**Termination of treatment:** When treatment is no longer required because the accepted condition for which the claim was allowed has become stable, the provider must submit a report indicating the date the condition became stable to the department. This is necessary to initiate closure of the crime victim's compensation claim.

**Time loss certification:** Certification from a physician, or mental health professional qualified to treat under the Crime Victims Act, based upon findings which are specific symptoms that an accepted condition of a claimant either partially or totally incapacitates the claimant from returning to work. Such symptoms may include, but are not limited to: Anxiety, depression, loss of appetite, weight loss, flat affect, inability to concentrate, inability to complete tasks. ~~((The department requires that all claims for time loss compensation must be certified by a physician.))~~

**Total permanent disability:** A condition permanently incapacitating a claimant from performing any work at any gainful occupation.

**Total temporary disability (time loss):** The claimant is temporarily unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted condition. Time loss compensation will be paid if the victim was employed on the date of their criminal injury, or, if not, if the victim was employed three or more consecutive months during the twelve months immediately preceding the date of the assault.

**Utilization review:** The assessment of a claimant's mental health care for assurance that it is necessary and of good quality. Assessments typically consider the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

**Victim:** A person who suffers bodily injury or death as the proximate result of a criminal act of another person, the claimant's own good faith and reasonable effort to prevent a criminal act, or his or her good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits, "victim" is interchangeable with "employee" or "worker" as defined in the Industrial Insurance Act. For the purpose of these rules "bodily injury" means any harmful or offensive touching, and includes severe emotional distress where no touching takes place as defined and under the conditions outlined in WAC 296-30-010(2).

**AMENDATORY SECTION** (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

**WAC 296-31-080 Billing procedures.** (1) All services rendered must be in accordance with these mental health treatment rules. The department may reject bills for services rendered in violation of these rules. The claimant may not be billed for services rendered in violation of these rules. However, claimants may be billed if they fail to keep or miss a properly scheduled appointment.

Providers shall bill their usual and customary fee for services. If a usual and customary fee for any particular service is lower to the general public than listed in the fee schedules, the practitioner shall bill the department at the lower rate.

(a) Bills must be itemized on department forms or other forms which have been approved by the department. Physicians, advanced registered nurse practitioners, psychologists, and masters level mental health counselors may use the National Standard HCFA 1500 Health Insurance Claim Form or the department's statement for crime victim services. When billing for treatment of a family member other than the claimant, you must identify the family member by name and relationship to the claimant. Hospitals use the UB-92 billing form for institution services and the National Standard HCFA 1500 Health Insurance Claim Form for professional services.

(b) Bills must specify the date and type of service, the appropriate procedure code, the condition treated, and the charges for each service.

(c) Every bill submitted to the department must be completed to include the following:

- (i) Claimant's name and address;
- (ii) Claimant's claim number;
- (iii) Date of injury;
- (iv) Referring provider's name;
- (v) Dates of service;
- (vi) Place of service;
- (vii) Type of service;
- (A) Psychiatrists and psychologists use type of service

3.

- (B) Master level counselors use type of service M.

(C) Advanced registered nurse practitioners (ARNP) use type of service N.

(viii) Appropriate procedure code or hospital revenue code,

(ix) Description of service; if mental health patient is not the claimant, give name and relationship to the claimant;

(x) Charge;

(xi) Units of service;

(xii) Total bill charge;

(xiii) Provider of service;

(xiv) Group, clinic, center, or facility name;

(xv) Billing address;

(xvi) Federal tax information;

(A) Federal tax identification number; or

(B) Social Security number.

(xvii) Date of billing;

(xviii) Submission of supporting documentation required under (f) of this subsection;

(xix) Private or public insurance eligibility and amounts paid.

(d) Responsibility for the completeness and accuracy of the description of services and charges billed rests with the provider rendering the service, regardless of who actually completes the bill form.

(e) Providers are urged to bill on a monthly basis. Bills must be submitted within ninety days from the date of service to be considered for payment. If insurance or public agency collateral resources exist bills must be received within ninety days following payment or rejection by the resource. A copy of the payment or rejection must accompany the bill.

(f) The following supporting documentation must be maintained and submitted when billing for services, as may be appropriate:

(i) Intake evaluation;

(ii) Progress reports;

(iii) Consultation reports;

(iv) Special or diagnostic study reports;

(v) Independent assessment or closing exam reports;

(vi) For BR procedures - see WAC 296-31-090 for requirements;

(vii) Claimant public or private insurance information.

(g) The claim number must be placed in the upper right hand corner on each bill and on each page of reports and other correspondence.

(h) Rebills. If a provider does not receive payment or notification from the department within ninety days, services may be rebilled. Rebills must be submitted for services denied if a claim is closed or rejected and subsequently reopened or allowed. Rebills should be identical to the original bill: Same charges, codes, and billing date. The statement "rebill" must appear on the bill.

(i) Any inquiries regarding adjustment of charges must be submitted within ninety days from the date of payment to be considered.

(j) Any denied charge may be protested in writing to the department or appealed to the board of industrial insurance appeals.

(2) Allowance and payment for medication. The department will pay for medications or supplies dispensed for the treatment of conditions resulting from a crime victim injury and/or conditions which are retarding the recovery

from the claimant's condition, for which the department has accepted temporary responsibility. Specific information governing allowance and payment for medication is contained in WAC 296-20-17001.

(3) Payment of out-of-state providers.

~~(a) Providers of mental health services (in the bordering states of Oregon and Idaho shall bill and be paid according to Washington state rules))~~ located outside of the state of Washington shall bill their usual and customary fees and will be paid according to the Washington state crime victims compensation program mental health treatment rules and fees.

~~(b) ((Providers of health services in other states and other countries shall be paid at rates which take into account:~~

~~(i) Payment levels allowed under the state of Washington crime victims compensation program rules;~~

~~(ii) Payment levels allowed under crime victims compensation or workers compensation programs in the state of the provider's place of business; and~~

~~(iii) The usual, customary, and reasonable charges in the state and city of the provider's place of business.~~

~~(e) In all cases these payment levels are the maximum allowed to providers of services to claimants. Should a provider's charge exceed the payment amount allowed under the state of Washington crime victim compensation program rules, the provider is prohibited from charging the claimant for the difference between the provider's charge and the allowable rate. Providers violating this provision are ineligible to treat claimants as provided by these mental health rules and are subject to other applicable penalties.~~

~~(d) Only those diagnostic and treatment services authorized under the state of Washington mental health rules may be allowed by the department. As determined by the department, the scope of practice of providers in bordering states may be recognized for payment purposes, except that in all cases WAC 296-20-03002 (treatment not authorized) shall apply. Specifically, services permitted under crime victims compensation programs in the provider's place of business, but which are not allowed chapters 296-20, 296-30, and 296-31 WAC of the state of Washington, may not be reimbursed. When in doubt, the provider should verify coverage of a service with the department.~~

~~(e) Out-of-state hospitals will be paid according to WAC 296-30-084))~~ Independent medical exams (independent assessments) will be billed and paid according to the examiner's usual and customary fee.

**WSR 96-21-047**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed October 11, 1996, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-079.

Title of Rule: Purchase of service credit after statutory deadline.

Purpose: To comply with rule adoption requirement in RCW 41.50.165 regarding method for determining actuarial

value of increase to a member's benefit should he or she choose to purchase service credit under RCW 41.50.165.

Statutory Authority for Adoption: RCW 41.50.050, 41.50.175.

Summary: RCW 41.50.165 authorizes members who have missed statutory deadlines to establish or restore service credit do so after the deadline if they pay the "actuarial value of the increase to their benefit." In RCW 41.50.175, the legislature specifically directed the department to adopt rules on this subject to address implementation of RCW 41.50.-165. These rules comply with that direction by documenting the process used by the department to: (1) Apply and calculate the actuarial value; and (2) establishing the minimum partial payment or minimum units of restored service.

Reasons Supporting Proposal: The legislature specifically directed the department to adopt rules on this subject.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA, (360) 709-4747; Implementation and Enforcement: Janet Hazleton, 1025 East Union Avenue, Olympia, WA, (360) 709-4755.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 41.50.165 authorizes members who have missed statutory deadlines to establish or restore service credit do so after the deadline if they pay the "actuarial value of the increase to their benefit." In RCW 41.50.175, the legislature specifically directed the department to adopt rules on this subject to address implementation of RCW 41.50.165. These rules comply with that direction by documenting the process used by the department to: (1) Apply and calculate the actuarial value; and (2) establishing the minimum partial payment or minimum units of restored service. It is anticipated that the rules will provide notice and guidance to departmental staff and retirement system members regarding the method for calculation of bills under RCW 41.50.165.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement Systems. No private businesses are affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on December 5, 1996, at 2:00.

Assistance for Persons with Disabilities: Contact Paul Neal by December 3, 1996, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: December 6, 1996.



October 11, 1996  
Paul Neal  
Rules Coordinator

**Chapter 415-10 WAC**

**PURCHASE OF SERVICE  
CREDIT AFTER STATUTORY DEADLINE  
RCW 41.50.165**

NEW SECTION

**WAC 415-10-010 Can I purchase service credit after the statutory deadline?** RCW 41.50.165 generally allows you to purchase service credit you failed to establish or reestablish within the statutory deadline.

(1) **You must pay the actuarial value of the increase to your retirement allowance.** The actuarial value of the increase to your benefit means the cost to the retirement system trust fund of:

- (a) Including the additional service credit in your retirement allowance calculation; and
- (b) Commencing your retirement allowance at an earlier age, if applicable. This second factor will not apply if your retirement system is LEOFF I, LEOFF II, PERS II, or TRS II, because length of service is not a factor in determining eligibility to retire in those systems.

(2) **The valuation is based upon economic assumptions.** The cost to the retirement system trust fund for the increased value to your benefit is calculated based upon interest rate assumptions adopted by the economic and revenue forecast council and actuarial factors adopted or approved by the state actuary.

NEW SECTION

**WAC 415-10-020 Definitions.** As used in this chapter:

- (1) "Average earnings" means:
  - (a) The average of your two highest consecutive years of compensation as of the date of your service credit purchase if you are purchasing service credit in PERS Plan I, TRS Plan I or WSPRS;
  - (b) The average of your five highest consecutive years of compensation as of the date of your service credit purchase if you are purchasing service credit in Plan II.
  - (c) The basic salary attached to your position at the date of your service credit purchase if you are purchasing service credit in LEOFF Plan I.

(2) "Factor 1" means the actuarial cost factor calculated by the state actuary and adopted by the department. The actual factor used varies depending upon the time between the date of payment and the projected date of retirement. Generally, the longer the gap between date of payment and date of retirement the lower the factor.

(3) "Factor 2" is the actuarial factor calculated by the state actuary based upon demographic differences between the membership of the different retirement systems. Those factors are: .00788 (PERS I); .00698 (TRS I); and .00908 (WSPRS).

(4) "Factor 3" means the interest factor calculated by the state actuary and adopted by the department. This factor is used only when the service credit purchase lowers the

projected retirement age and is based upon the higher cost to the system of the earlier retirement.

(5) "LEOFF" means the law enforcement officers' and fire fighters' retirement system established under chapter 41.26 RCW.

(6) "PERS" means the public employees' retirement system established under chapter 41.40 RCW.

(7) "Plan I" means the retirement system plan that includes persons who established membership before October 1, 1977. PERS, TRS and LEOFF are divided into Plan I and Plan II. WSPRS has only one plan.

(8) "Plan II" means the retirement system plan that includes persons who established membership on or after October 1, 1977. PERS, TRS and LEOFF are divided into Plan I and Plan II. WSPRS has only one plan.

(9) "Plan III" means the teachers' retirement system plan III established by RCW 41.32.831.

(10) "Service credit being purchased" means the number of service credit months or service credit years you are purchasing.

(11) "TRS" means the teachers' retirement system established under chapter 41.32 RCW.

(12) "WSPRS" means the Washington state patrol retirement system established under chapter 43.43 RCW.

(13) "Years of earlier retirement" equals the number of years or fractions of years you will be able to retire earlier as a result of your purchase of service credit.

(14) "Years of service" equals the total anticipated years of service you will have accrued at retirement, including the additional service credit you purchase under this section.

NEW SECTION

**WAC 415-10-030 Calculation of cost to purchase service credit in LEOFF Plan I, LEOFF Plan II, PERS Plan II, or TRS Plan II.** If you are a member of LEOFF Plan I, LEOFF Plan II, PERS Plan II or TRS Plan II, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following formula:

$$\text{Average Earnings} \cdot \text{Service Credit Being Purchased} \cdot \text{Factor 1} = \text{Cost to purchase service credit.}$$

NEW SECTION

**WAC 415-10-040 Calculation of cost to purchase service credit for members of PERS I, TRS I or WSPRS.** If you are a member of PERS I, TRS I or WSPRS, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following three part formula:

$\begin{array}{r} \text{Part 1 Cost} = \\ \text{Service Credit Being Purchased} \\ \times \\ \text{Average Earnings} \\ \times \\ \text{Factor 1} \end{array}$	$\begin{array}{r} \text{Part 2 Cost} = \\ \text{Years of Service} \\ \times \\ \text{Average Earnings} \\ \times \\ \text{Factor 2} \\ \times \\ \text{Years of Earlier Retirement} \\ \times \\ \text{Factor 3} \end{array}$
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$$\text{Cost to purchase service credit} = \text{Part 1 Cost} + \text{Part 2 Cost.}$$

PROPOSED



The Part 1 Cost represents the cost of including the additional service in your retirement allowance calculation. The Part 2 Cost represents the cost of commencing your retirement allowance at the earliest possible age.

#### NEW SECTION

**WAC 415-10-050 Restrictions on purchasing service credit.** (1) You may not purchase service credit under RCW 41.50.165(2) if your deadline to establish or reestablish the service credit has not expired.

(2) If you are reestablishing credit you must purchase at least the service credit you earned in any one calendar month of employment.

(3) If you are establishing credit for the first time you must purchase the entire period of service. If you are not reestablishing credit canceled by a withdrawal of contributions, you must purchase the entire period of service.

(4) Your ability to purchase service credit may be limited by Internal Revenue Code restrictions. The department may limit the amount of service credit you may purchase in any calendar year in order to stay within the maximum employee contribution limits established by the Internal Revenue Code for 401(a) tax qualified plans.

(5) You may not make installment payments. If you purchase service credit under this section, you must make payment in a single lump-sum as determined by the department for each unit of service credit purchased.

(6) Purchasing service credit for periods prior to October 1, 1977, will not move you from Plan I to Plan II. Plan membership is based upon the date your retirement system membership was established. Purchasing prior service credit does not change the date you first established membership and therefore does not change your plan membership.

#### NEW SECTION

**WAC 415-10-060 Crediting service credit purchases.** If you do not purchase all of your previously withdrawn service credit, the department will recredit your purchased service beginning with the oldest month of service canceled by your withdrawal.

#### NEW SECTION

**WAC 415-10-070 Requesting an estimate—Requesting a bill.** (1) The department will provide you a service credit purchase estimate upon request. If, after receiving the estimate, you wish to purchase some or all of the available credit you must request a bill in writing. Your request must identify the amount of service credit you wish to purchase.

(2) Your bill will be based on a specific date of payment. The cost to purchase the service credit could change if you attempt to pay after the specific payment date listed on the bill. If you do not make payment by the bill's due date but still wish to purchase service credit, you must request a new bill from the department.

#### NEW SECTION

**WAC 415-10-080 If I purchase service credit, can I receive a refund of my payments?** (1) You may not receive a refund unless you separate from service and withdraw your contributions. Except as provided under subsections (2) and (3) of this section, your payments to purchase service credit under RCW 41.50.165(2) qualify as a part of your accumulated contributions. As with other accumulated contributions, you may not receive a refund of your payments unless you separate from service and withdraw all your contributions.

(2) Additional restrictions for TRS I members. If you are a TRS I member, 41.32.498(2) prohibits you from withdrawing payments made to purchase service credit under RCW 41.50.165(2) at the time of retirement.

(3) Additional restrictions for LEOFF II members. If you are a LEOFF Plan II member, payments made to purchase service credit under RCW 41.50.165(2) and interest on those payments may be refunded. However, such payments may not be included when calculating the one hundred fifty percent refund of contributions under RCW 41.26.540.

#### NEW SECTION

**WAC 415-10-090 If I reenter employment after separating from service and withdrawing my plan contributions, must I restore all periods of service?** If you separate from service, withdraw your plan contributions and then become reemployed with an employer and wish to restore your withdrawn contributions, you must restore all periods of service by repaying the accumulated contributions you withdrew plus interest, if applicable. This includes any payments you made under RCW 41.50.165(2) to purchase service credit plus any interest attributed to those payments.

#### NEW SECTION

**WAC 415-10-100 Can I purchase TRS Plan II credit in TRS Plan III? Yes.** (1) Transferring purchased TRS Plan II credit into TRS Plan III. If you purchase TRS Plan II service credit under this chapter and later elect to enter TRS Plan III, that credit will also transfer to TRS Plan III. Fifty percent of the money you paid to purchase the service credit will be credited to the TRS Plan III defined contribution account established under chapter 41.34 RCW. The other fifty percent will be credited to the TRS Plan III defined benefit portion established under RCW 41.32.831.

(2) Purchasing TRS Plan II service credit after transferring to TRS Plan III. You may purchase service credit initially available under TRS Plan II after you transfer to TRS Plan III. The service will be credited in TRS Plan III. Fifty percent of the money you pay to purchase the service credit will be credited to the TRS Plan III defined contribution account established under chapter 41.34 RCW. The other fifty percent will be credited to the TRS Plan III defined benefit portion established under RCW 41.32.831.

(3) Service earned after transferring to TRS Plan III cannot be purchased. Service earned as a Plan III member is automatically recredited if the member reenters membership and earns at least twelve service credit months. Plan III does not have any deadlines on establishing optional service.

Because there are no deadlines for establishing or reestablishing service credit there is no provision for purchasing service credit earned in Plan III under RCW 41.50.165

**WSR 96-21-048**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed October 11, 1996, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-078.

Title of Rule: Return to work restrictions for retirees of the teachers' retirement system (TRS).

Purpose: To amend the department WAC implementing RCW 41.32.570 to reflect the recent changes to that statute as they apply to TRS Plan I retirees returning to work.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.32.570.

Summary: In 1994 and 1995, the legislature amended RCW 41.32.570 to allow certain retirees to work ninety days during a school year without a reduction in their TRS Plan I pension. WAC 415-112-540 is being amended to make it consistent with the amendments to RCW 41.32.570. Along with the redraft, the WAC is being restructured to make it more readable.

Reasons Supporting Proposal: The WAC needs to be brought into compliance with the statute as amended.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA, (360) 709-4747; Implementation and Enforcement: Deanna Aufmuth, 1025 East Union Avenue, Olympia, WA, (360) 709-4702.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In 1994 and 1995, the legislature amended RCW 41.32.570 to allow certain retirees to work ninety days during a school year without a reduction in their TRS Plan I pension. WAC 415-112-540 is being amended to make it consistent with the amendments to RCW 41.32.570. Along with the redraft, the WAC is being restructured to make it more readable. The proposed rule provides guidance for the procedures to be followed by school districts in order to qualify for their retiree employees to work ninety days during the school year without having their pension reduced. It is anticipated that this will provide better information to districts for navigating through that process.

Proposal Changes the Following Existing Rules: WAC 415-112-540 is amended to fit with new section WAC 415-112-545 to provide full discussion of restrictions upon return to work for TRS Plan I retirees in light of recent amendments to RCW 41.32.570.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement

Systems. No private businesses are affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on December 5, 1996, at 2:00.

Assistance for Persons with Disabilities: Contact Paul Neal by December 3, 1996, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: December 6, 1996.

October 11, 1996

Paul Neal

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

**WAC 415-112-0152 Day—Definition.** (~~"Day"~~ means) For purposes of administering RCW 41.32.570 and WAC 415-112-540 and 415-112-545:

(1) ~~"Day"~~ means seven compensated hours (~~(—"Seventy-five days" means)~~);

(2) "One hundred five hours" is the number of compensated hours in fifteen days. For purposes of evaluating the postretirement employment restrictions of RCW 41.32.570, fifteen days is equal to one hundred five cumulative compensated hours;

(3) "Five hundred twenty-five hours" is the number of compensated hours in seventy-five days. For purposes of evaluating the postretirement employment restrictions of RCW 41.32.570 seventy-five days is equal to five hundred twenty-five cumulative compensated hours.

**AMENDATORY SECTION** (Amending WSR 91-21-084, filed 10/18/91, effective 11/18/91)

**WAC 415-112-540** (~~Employment in public education limited for retirees.)~~ How will returning to work affect my TRS I monthly pension? (~~((1) A retiree who returns to any type of service with any public educational institution shall be considered to be employed throughout the time during which he or she is engaged in such service or is under contract for such employment, even though the retiree does not return to membership in the teachers' retirement system.~~

(2) ~~The employer of a teachers' retirement system Plan I retiree must notify the teachers' retirement system when that retiree exceeds seventy-five days of employment for a public educational institution during a school year.~~

(3) ~~If the retiree is employed under a written contract and is employed by a public educational institution for more than seventy-five days during a school year, the retiree's pension benefits cease. Any pension benefits paid to the retiree after he or she has been employed for more than seventy-five days in a school year will be treated as an overpayment by the department.~~

(4) If the retiree is employed by a public educational institution as a substitute and is employed for more than seventy five days during a school year, the retiree's monthly pension benefit will be reduced by five percent for each day of employment beyond the seventy five day limit until the monthly pension benefit is reduced to zero. Any pension benefits paid in excess of the amount allowed by this subsection will be treated as an overpayment by the department.

(5) A retiree's original monthly retirement allowance will be reinstated the day following termination of employment in a public educational institution, or at the end of the school year, whichever comes first.

(6) A teacher's Plan I retiree who enters the employment of a public educational institution may elect to return to membership. In that case the retiree's monthly retirement allowance will cease as of the first of the month that the member enters employment.

(7) Service as an independent contractor for a public educational institution shall not be considered employment for purposes of this section.)) This section implements RCW 41.32.570(1) which limits employment for TRS I retirees with public educational institutions to five hundred twenty-five hours regardless of the nature of service. In certain circumstances RCW 41.32.570 (2) and (3) allow additional service without suspension of your TRS I pension. Those limitations are discussed in WAC 415-112-545.

(1) You may return to any type of service with a public educational institution for up to five hundred twenty-five hours per school year without affecting your TRS I monthly pension. RCW 41.32.570(1).

(a) Your employer must notify the department if you work more than five hundred twenty-five hours for a public educational institution during a school year, unless you qualify for additional service under RCW 41.32.570 (2) or (3), see WAC 415-112-545.

(b) If you are a TRS Plan I retiree, you may elect to return to membership if you are employed by a public school. If you so elect, the department will suspend your monthly pension effective from the first of the month during which you return to employment.

(c) If you are a TRS Plan I retiree working for a public educational institution as a bona fide independent contractor as determined under WAC 415-02-110, you are not considered an employee of the institution and are not subject to the work limitations of RCW 41.32.570.

(2) If you work for more than five hundred twenty-five hours during a school year the department will suspend your monthly pension. In some cases you may be able to work an additional one hundred five hours, see WAC 415-112-545.

(a) If you return to any type of service with a public educational institution pursuant to a written contract or other continuing employment relationship, and you work for more than five hundred twenty-five hours during a school year, the department will suspend your monthly pension beginning with the five hundred twenty-sixth hour of employment.

(b) If you serve as a substitute teacher for more than five hundred twenty-five hours during a school year, the department will reduce your monthly pension by five percent for each day you work beyond the five hundred twenty-five hour limit until your monthly pension is reduced to zero.

(3) You must repay any monthly pension payment that you receive in excess of the amounts allowed under this section or WAC 415-112-545.

(4) The department will reinstate your pension at the end of the school year or after you terminate your employment. If the department suspends or reduces your monthly pension due to your reemployment, the department will reinstate the original amount of your pension, less deductions to recapture any overpayment, effective the day following your termination of employment, or at the end of the school year, whichever comes first.

(5) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Day"; "five hundred twenty-five hours" - WAC 415-112-0152.

(b) "Public educational institution" - WAC 415-112-0157.

(c) "School year" - WAC 415-112-0161.

(d) "Substitute teacher" - RCW 41.32.010(36).

#### NEW SECTION

**WAC 415-112-545 How can I qualify for an additional one hundred five hours of service without having my TRS I monthly pension reduced?** In addition to the five hundred twenty-five hours of service permitted for TRS I retirees under RCW 41.32.570(1), you are eligible to also serve for up to one hundred five more hours as a substitute teacher or substitute administrator without affecting your pension if you meet each of the following criteria. See RCW 41.32.570 (2) and (3).

**(1) You must be employed by a school district.** The option for TRS I retirees to work an additional one hundred five hours during a school year without affecting their pension is only available to school district employees. An employee of a school district participating in a multidistrict substitute cooperative is also covered. An employee of an educational service district, the State Schools For the Deaf or Blind, or an institution of higher education is not covered.

**(2) You must be employed as a substitute teacher or substitute administrator.**

**(a)** The term "substitute teacher" as used in RCW 41.32.570(2) is limited to classroom teachers serving on an on-call basis. A person working under a contract with a guaranteed number of hours or days does not qualify as a substitute teacher, see RCW 41.32.010(36).

**Example:** A school district employs a retiree as a substitute teacher under a contract for ninety days. Because the retiree is employed under a contract and not on an on-call basis, she may not serve for more than five hundred twenty-five hours as a substitute teacher without having her monthly pension suspended.

**(b)** A substitute administrator is a person who fills in for an absent administrator on a temporary basis. A substitute administrator can be employed under a contract with a guaranteed number of hours. Substitute administrator positions include but are not limited to:

- (i) Principal and assistant principal;
- (ii) Superintendent and assistant superintendent;
- (iii) Personnel manager;
- (iv) Business manager; and

(v) School librarian.

(3) **Your school district employer must adopt a resolution.** Before a school district can employ a TRS Plan I retiree for an additional one hundred five hours in a fiscal year without affecting his or her TRS I pension, the district must adopt a resolution establishing the need for the additional employment. Each resolution is valid only for the school year in which it is adopted. The resolution authorizes additional employment only on or after the date it has been adopted and cannot be applied retroactively.

(a) Authorizing additional hours for substitute teachers: To authorize a TRS Plan I retiree to work an additional one hundred five hours in a fiscal year as a substitute teacher, a school district must adopt a resolution stating that it has exhausted or can reasonably anticipate exhausting its list of qualified and available substitutes, and therefore, the services of retired teachers or administrators are necessary to address that shortage.

(i) If a school district is a member of a multidistrict cooperative, the board of each school district in the cooperative must adopt such a resolution.

(ii) After a resolution has been adopted, a school district may employ a TRS Plan I retiree as a substitute teacher for up to an additional one hundred five hours once its list of other qualified and available substitutes has been exhausted.

(b) Authorizing additional hours for substitute administrators: To authorize a TRS Plan I retiree to work an additional one hundred five hours in a fiscal year as a substitute administrator, a school district must adopt a resolution stating that an emergency exists and the services of a retired administrator or retired teacher are required because the school district cannot find a replacement administrator to fill a vacancy.

(4) **Your school district must provide information to the department.** If your school district employer is not a member of a multidistrict substitute cooperative, the district must:

(a) Within thirty days after a resolution is adopted:

(i) Send a copy of the resolution; and

(ii) If the resolution is for substitute teaching, send a list of all TRS Plan I retirees working for the school district as substitute teachers.

(b) During the fiscal year:

(i) Send a copy of any amendments to the resolution or to the list of TRS Plan I retirees working as substitutes;

(ii) Send written notice immediately if any TRS Plan I retiree works beyond six hundred thirty hours.

(c) At the end of the fiscal year: Send a letter indicating the total number of hours worked by each TRS Plan I retiree that exceeded the six hundred thirty hours.

(5) **If your employer is a member of a multidistrict substitute cooperative, the cooperative must provide the information.**

If you are employed by a school district which is a member of a multidistrict substitute cooperative, the cooperative must provide the information specified in subsection (4) of this section on behalf of each participating school district.

(6) **If you serve as a substitute teacher or substitute administrator for the additional one hundred five hours but you are not eligible to do so, the department will reduce your monthly pension.** If you and your school district employer do not meet each of the criteria under this

section, you are not eligible to serve as a substitute teacher for the additional one hundred five hours under RCW 41.32.570 (2) or (3). If you serve for more than five hundred twenty-five hours during a school year, the department will reduce your monthly pension as provided under WAC 415-112-540(3).

(7) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Day"; "one hundred five hours"; "five hundred twenty-five hours" - WAC 415-112-0152.

(b) "School year" - WAC 415-112-0161.

(c) "Substitute teacher" - RCW 41.32.010(36).

### WSR 96-21-053

#### PROPOSED RULES

#### HUMAN RIGHTS COMMISSION

[Filed October 14, 1996, 10:58 a.m.]

Continuance of WSR 96-08-055.

Preproposal statement of inquiry was filed as WSR 95-18-047.

Title of Rule: Chapter 162-12 WAC, Preemployment inquiry guide; chapter 162-22 WAC, Employment-handicapped persons; and chapter 162-30 WAC, Sex discrimination.

Purpose: To implement and administer the state law against discrimination in employment with respect to fair and unfair preemployment inquiries, persons with disabilities and maternity (sex discrimination).

Date of Intended Adoption: September 26, 1996.

October 14, 1996

Merritt D. Long

Executive Director

### WSR 96-21-060

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

(Business and Professions Division)

[Filed October 14, 1996, 12:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-017.

Title of Rule: WAC 308-13-230 Conduct of brief adjudicative proceedings. Provides the administrative procedures for appointing the presiding officer and conducting the brief adjudicative proceedings. WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals. Provides the administrative procedures for persons to obtain reinstatement of eligibility, certification, or registration for suspension or denial actions under brief adjudicative proceedings.

Purpose: WAC 308-13-210 Application of brief adjudicative proceedings. Explanation of the administrative uses of the brief adjudicative proceedings by the board of registration for landscape architects. WAC 308-13-220 Preliminary record in brief adjudicative proceedings. Lists the required documents for conducting a brief adjudicative proceeding. WAC 308-13-230 Conduct of brief adjudicative

proceedings. Provides the administrative procedures for appointing the presiding officer and conducting the brief adjudicative proceedings. WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals. Provides the administrative procedures for persons to obtain reinstatement of eligibility, certification, or registration for suspension or denial actions under brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 18.96.060.

Statute Being Implemented: RCW 18.96.190.

Summary: WAC 308-13-210, 308-13-220, 308-13-230, and 308-13-240 are new sections that are required in support of the new statute RCW 18.96.190 that requires brief adjudicative proceedings for administrative suspension of registration for default on repayment of student loans and subsequent reinstatement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 753-1153, FAX (360) 664-2551, TDD (360) 586-2788.

Name of Proponent: Department of Licensing, Business and Professions Division, Landscape Architect Registration Unit, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-13-210 is a list of circumstances for which a brief adjudicative proceeding may be used. WAC 308-13-220 is a comprehensive list of what items shall be considered as the preliminary record in brief adjudicative proceedings. WAC 308-13-230, explains the conduct of a brief adjudicative proceeding. WAC 308-13-240, explains the administrative procedure for reinstatement of suspended licenses from brief adjudicative proceedings.

Proposal Changes the Following Existing Rules: WAC 308-13-210, 308-13-220, 308-13-230, and 308-13-240 are new sections that define, authorize, and set specific uses for using brief adjudicative proceedings under the provisions of chapter 34.05 RCW. The brief adjudicative proceeding is mandatory under the requirement of RCW 18.96.190.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These new sections are administrative procedures and instructions to applicants, board members, and unit staff. There are no associated costs of compliance.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. It is exempt under the provisions of RCW 34.05.328 (5)(b)(v) and (c)(i)(A).

Hearing Location: Conference Room 1, Black Lake Building 2, 405 Black Lake Boulevard, Olympia, WA 98502, on April 4, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sharon Kinder by April 2, 1997, TDD (360) 586-2788, or (360) 586-8935.

Submit Written Comments to: James D. Hanson, Board of Registration for Architects, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 664-2551, by March 28, 1997.

Date of Intended Adoption: April 10, 1997.

October 14, 1996

James D. Hanson

Program Administrator

## NEW SECTION

**WAC 308-13-210 Application of brief adjudicative proceedings.** The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set out below or at the discretion of the board chair pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is limited solely to one or more of the following issues:

(a) A determination whether an applicant for registration meets the minimum criteria for certification to practice as a landscape architect in this state and the board proposes to deny the application;

(b) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(c) A determination whether an applicant for or in the examination process shall be denied to sit for future examinations;

(d) A determination whether a certificate holder requesting renewal or reinstatement has submitted all required information and meets minimum criteria for renewal or reinstatement, and

(e) A determination whether a certificate holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service conditional scholarship.

## NEW SECTION

**WAC 308-13-220 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license, renewal, reinstatement or approval and all associated documents; and

(b) All documents relied upon by the program in proposing to deny the application, renewal, reinstatement or approval; and

(c) All correspondence between the applicant for license, renewal, reinstatement or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a

federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

#### NEW SECTION

**WAC 308-13-230 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the board chair. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

#### NEW SECTION

**WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals.**

Where a person's certificate of registration has been suspended, an applicant has been denied certificate renewal, or an applicant has been denied the ability to take the examination for certificate of registration due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, his or her certificate renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

**WSR 96-21-063**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
(By the Code Reviser's Office)  
[Filed October 15, 1996, 8:00 a.m.]

WAC 208-418-045, proposed by the Department of Financial Institutions in WSR 96-08-076, appearing in issue 96-08 of the State Register, which was distributed on April 17, 1996, is withdrawn by the code reviser's office under RCW

34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

#### **WSR 96-21-064**

#### **WITHDRAWAL OF PROPOSED RULES** **HUMAN RIGHTS COMMISSION**

(By the Code Reviser's Office)  
[Filed October 15, 1996, 8:02 a.m.]

WAC 162-22-010, 162-22-020, 162-22-030, 162-22-040, 162-22-050, 162-22-060, 162-22-070, 162-22-080, 162-22-090, 162-22-100, 162-30-010, 162-30-020, 162-30-030, 162-30-035, 162-30-040, 162-30-050, 162-30-060, 162-30-070, 162-30-080, 162-30-090 and 162-30-100, proposed by the Human Rights Commission in WSR 96-08-055, appearing in issue 96-08 of the State Register, which was distributed on April 17, 1996, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

#### **WSR 96-21-065**

#### **PROPOSED RULES** **WASHINGTON STATE PATROL**

[Filed October 15, 1996, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-14-114.

Title of Rule: WAC 446-10-090 Charge for public records.

Purpose: Chapter 341, Laws of 1995, allows governmental agencies to charge the actual cost to produce copies of public records. This amendment will raise the charge for photocopies and includes language specifying that the department may charge for photographs, audio tapes, video tapes, and other public documents.

Statutory Authority for Adoption: RCW 42.17.250, 42.17.300.

Summary: These changes will update the Washington State Patrol's charges for copying all public records.

Reasons Supporting Proposal: Under chapter 341, Laws of 1995, governmental agencies are allowed to charge for providing copies of public records. The fees cover the actual costs of such copying.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ms. Susan E. Wagner, 621 Woodland Square Loop, Lacey, WA, (360) 438-5840.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule will update charges to fifteen cents per page for photocopying. Additional charges for copying other public documents such as photographs and audio tapes are

stated. Also, the agency will require prepayment. This rule will inform the public of what types of public documents will be charged copying fees when requested through public disclosure. The Washington State Patrol anticipates this update will more accurately recover copying expenses.

**Proposal Changes the Following Existing Rules:** Increases photocopying charges per page. States what is included in the types of public documents that will be charged copying fees. States the agency will require prepayment of all fees.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement has been prepared since this is an internal procedural rule only and is exempt under RCW 43.05.310(4) [34.05.310(4)] and 19.85.025(2).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** Washington State Patrol, Budget and Fiscal Services Section, Room 116C, General Administration Building, Olympia, Washington 98504, on November 26, 1996, at 1 - 4 p.m.

**Assistance for Persons with Disabilities:** Contact Ms. Jan Baca by November 21, 1996, (360) 753-0626.

**Submit Written Comments to:** Ms. Susan Wagner, State Patrol Public Disclosure Officer, FAX (360) 407-0172, by November 21, 1996.

**Date of Intended Adoption:** December 4, 1996.

October 14, 1996

Annette M. Sandberg  
Chief

**AMENDATORY SECTION** (Amending WSR 90-10-097, filed 5/2/90, effective 6/2/90)

**WAC 446-10-090 Charge for public records.** No fee shall be charged for the inspection of public records. The department shall charge a fee of ~~((ten))~~ fifteen cents per page of copy for providing copies of written public records and for use of the department copy and duplicating equipment, and actual costs for postage, mailing and ~~((UPS))~~ shipping services. The department may charge the actual cost for providing copies of public records, including duplications of photographs, audio tapes, video tapes, diagrams and/or drawings of collision scenes. These charges are the amounts necessary to reimburse the department for its actual costs incident to such copying and mailing.

Payment for the copying of public records must be received by the department before any documents will be sent to the requester. Only company checks, money orders, or personal checks will be accepted as payment. No cash shall be allowed.

**WSR 96-21-070**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed October 15, 1996, 3:27 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 230-50-005 Seizures—Hearings.

**Purpose:** This rule clarifies the procedures for requesting a hearing regarding seizure of a gambling device and the rights involved in such hearing.

**Statutory Authority for Adoption:** RCW 9.46.231, 9.46.070 (14), (20).

**Summary:** See Purpose above.

**Name of Agency Personnel Responsible for Drafting:** David Shaw, Lacey, (360) 438-7654, ext. 310; **Implementation:** Frank Miller, Lacey, (360) 438-7654, ext. 302; and **Enforcement:** Ben Bishop, Lacey, (360) 438-7654, ext. 370.

**Name of Proponent:** Washington State Gambling Commission, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 34.05.310(4), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995 apply to this rule adoption.

**Hearing Location:** Skamania Lodge, Exit 44, Interstate 84, Stevenson, Washington 98648, on January 10, 1997, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Susan Green by January 6, 1997, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

**Submit Written Comments to:** David Shaw, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by January 5, 1997.

**Date of Intended Adoption:** January 10, 1997.

October 15, 1996

David D. Shaw  
Rules and Policy Coordinator

**NEW SECTION**

**WAC 230-50-005 Seizures - Hearings.** The Commission finds that the preservation of the public general welfare, in addition to the requirements of state and federal law, necessitate the immediate adoption of the following requirements.

In addition to the provisions of RCW 9.46.231, the following procedures apply to the seizure of gambling devices.

(1) For purposes of this rule, gambling devices are defined in RCW 9.46.0241 and includes, but is not limited to, slot machines, video poker, and other electronic games of chance.

(2) Upon seizure of a gambling device, any person claiming ownership or right to possession of the seized gambling device must notify the seizing agency in writing within 45 days of the seizure. Notification after 45 days will be deemed insufficient and result in forfeiture of the seized item.

(3) If a hearing is timely requested, such hearing will be held within 90 days of the agency's receipt of the request for a hearing.



- (4) At a hearing, the only issues to be determined are:  
 (a) Whether the item seized is a gambling device; and  
 (b) Whether the item seized is an antique device as defined by RCW 9.46.235.

If a claimant is unable to prove (a) and (b) above, the item seized shall be summarily forfeited to the state.

**WSR 96-21-071**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed October 15, 1996, 3:29 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 230-02-020 Time and place of meetings.

Purpose: This amendment changes the starting time of the regularly scheduled public commission meetings from 10:00 a.m. to 9:30 a.m.

Statutory Authority for Adoption: RCW 9.46.050(3), 9.46.070 (14), (20).

Summary: Changes the starting time of the regularly scheduled public commission meetings from 10:00 a.m. to 9:30 a.m.

Name of Agency Personnel Responsible for Drafting: David Shaw, Lacey, (360) 438-7654, ext. 310; Implementation: Frank Miller, Lacey, (360) 438-7654, ext. 302; and Enforcement: Ben Bishop, Lacey, (360) 438-7654, ext. 370.

Name of Proponent: Washington State Gambling Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Title of Rule and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 34.05.310(4), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995 apply to this rule adoption.

Hearing Location: Skamania Lodge, Exit 44, Interstate 84, Stevenson, Washington 98648, on January 10, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by January 6, 1997, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: David Shaw, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by January 5, 1997.

Date of Intended Adoption: January 10, 1997.

October 15, 1996

David D. Shaw

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 86-15-025, filed 7/14/86)

**WAC 230-02-020 Time and place of meetings.**  
 Regular public meetings of the commission shall (~~normally~~) be held quarterly at a (~~the hour of 10:00 a.m.;~~) date and place to be set by the commission with at least two weeks advance notice. Additional public meetings necessary to discharge the business of the commission may be called from time to time.

**WSR 96-21-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed October 16, 1996, 3:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-17-077.

Title of Rule: Contribution rate options for TRS Plan 3 members.

Purpose: To provide notice to the public of the additional contribution rate options created by the Employee Retirement Benefits Board, in accordance with RCW 41.34.040, for members of Teachers' Retirement System (TRS) Plan 3.

Statutory Authority for Adoption: RCW 41.34.040(2).  
 Statute Being Implemented: RCW 41.34.040(2).

Summary: The proposed rule provides notice to the public of the additional contribution rate options created by the Employee Retirement Benefits Board (ERBB) for members of Teachers' Retirement System (TRS) Plan 3. Adoption and publication of this rule will allow TRS members to select from three additional contribution rate options.

Reasons Supporting Proposal: In order to provide members with an adequate range of contribution rate options, RCW 41.34.040(2) grants the ERBB authority to offer contribution rates in addition to the three which are outlined in RCW 41.34.040(1). Statute does not specifically list what the additional options will consist of and, therefore, the ERBB needs to adopt additional contribution rate options.

Name of Agency Personnel Responsible for Drafting and Implementation: Tamara Maciejewski, 1025 East Union Avenue, Olympia, WA, (360) 753-3123; and Enforcement: Dennis Smith, 1025 East Union Avenue, Olympia, WA, (360) 709-4754.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule provides notice to the public of the additional contribution rate options created by the ERBB for members of TRS Plan 3. Adoption and publication of this rule will allow TRS members to select from three additional contribution rate options. In order to provide members with an adequate range of contribution rate options, RCW 41.34.040(2) grants the ERBB authority to offer contribution rates in addition to the three which are outlined



in RCW 41.34.040(1). Statute does not specifically list what the additional options will consist of and the ERBB must, therefore, adopt additional contribution rate options. The anticipated effect of this rule is it will allow TRS Plan 3 members greater flexibility to select contribution rate options that best meet individual retirement and financial objectives.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement Systems. No private businesses are affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Washington State Investment Board, 2424 Heritage Court S.W., Olympia, WA 98504-0196, (360) 664-8900, on November 26, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by November 21, 1996, TDD (360) 586-5450, or (360) 709-5331.

Submit Written Comments to: Dennis Smith, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: November 26, 1996.

October 2, 1996

Dennis Smith

ERBB Rules Coordinator

**Chapter 415-210 WAC  
TEACHERS' RETIREMENT SYSTEM PLAN III—  
DEFINED CONTRIBUTION PLAN**

**NEW SECTION**

**WAC 415-210-020 Contribution rate options for TRS Plan III members.** In administering RCW 41.34.040, a TRS Plan III member shall contribute from his or her compensation according to one of the following rate structures:

<b>Option A</b>	<b>Contribution Rate</b>
All ages.	5.0% fixed
<b>Option B</b>	
Up to age 35	5.0%
Age 35 to 44	6.0%
Age 45 and above	7.5%
<b>Option C</b>	
Up to age 35	6.0%
Age 35 to 44	7.5%
Age 45 and above	8.5%
<b>Option D</b>	
All ages.	10.0%
<b>Option E</b>	
All ages.	12.5%

**Option F**

All ages. 15.0%

**WSR 96-21-089  
PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed October 17, 1996, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-19-012.

Title of Rule: Proposed WAC 308-66-175 Buyer's agent—Standard disclosures and proposed WAC 308-66-182 Records—Buyer's agents.

Purpose: To adopt disclosures for buyer's agent contracts as mandated by statute, and to require certain record keeping by buyer's agents.

Statutory Authority for Adoption: RCW 46.70.180(13) as amended in 1995 by SHB 2179.

Statute Being Implemented: RCW 46.70.180(3) as amended in 1995 by SHB 2179.

Reasons Supporting Proposal: The statute mandates that buyer's agent contract disclosure rules be adopted by December 31, 1996. The section on record keeping seems to follow logically.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, 1125 Washington S.E., Olympia, (360) 902-3708; Implementation and Enforcement: Robert E. Smith, 1125 Washington S.E., Olympia, (360) 902-3704.

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: The proposed section on buyer's agent disclosures is simply an abbreviated listing of the statutory requirements for the buyer's agent activity. There are no disclosures beyond the statutes. The record-keeping requirement is just so that business records are kept concerning the required activity.

Proposal does not change existing rules. The proposals are for new sections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed WAC does not mandate any new activity by the businesses. If there is any new activity at all it is already mandated by statute in SHB 2179 of 1995.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.230, not applicable; RCW 34.05.310, not applicable, rules are not pilot or negotiated; RCW 34.05.313, not applicable, not a pilot project; RCW 34.05.320, this CR-102 filing; RCW 34.05.322, interpreting RCW 46.70.320; RCW 34.05.325, yes, will draft a concise explanatory statement before filing the CR-103; RCW 34.05.328, not applicable; RCW 34.05.330, applies; and RCW 34.05.354, not applicable.

Hearing Location: Department of Natural Resources, 1111 Washington S.E., Room 172, Olympia, on November 26, 1996, at 10:00 a.m.

PROPOSED

Assistance for Persons With Disabilities: Contact Gail Saul by November 20, 1996, (360) 902-3709.

Submit Written Comments to: Gail Saul, Dealer Services, P.O. Box 9039, Olympia, WA 98507-9039, FAX (360) 586-6703, by November 20, 1996.

Date of Intended Adoption: November 27, 1996.

October 17, 1996

Robert E. Smith

Administrator

## NEW SECTION

**WAC 308-66-175 Buyer's agent—Standard disclosures.** The written agreement between a buyer's agent and its customer shall contain precisely the following disclosure language in a single paragraph on the first page of the agreement, in a type size sufficiently large to be read with reasonable ease:

NOTICE to customers concerning the nature and scope of BUYER'S AGENT activity. A licensed bonded vehicle dealer may act as a buyer's agent to arrange for you to purchase a new vehicle.

1. Your agreement with the buyer's agent must:

- Be in writing.
- Set forth the terms of the agreement.
- Disclose total fees or other compensation to be received from you.
- State whether or not any portion of the fee is refundable.

2. While arranging for you to purchase your new vehicle the buyer's agent must NOT:

- Receive or pay any vehicle purchase moneys.
- Sign any vehicle purchase order, contract, odometer statement or title document.
- Have the name of the buyer's agent appear on the purchase order, sales contract or title.
- Sign any other document relating to the purchase, sale or transfer of the new vehicle.
- Use a power of attorney (POA) to do any of the above prohibited acts. However, the buyer's agent may use a POA to deliver the license plates to the customer.

3. The buyer's agent must NOT:

- Pay to or receive from a dealer any purchase moneys, fees, gratuities or rewards.
- Claim or state that the buyer's agent offers, obtains or guarantees the lowest price.
- Arrange for a vehicle through an out-of-state dealer without disclosing to the customer in writing that the vehicle will not have Washington state lemon law coverage.

## NEW SECTION

**WAC 308-66-182 Records—Buyer's agents.** Buyer's agents must keep the following records in addition to those required for the purchase and sale of vehicles:

(1) A copy of the required written agreement with the customer.

(2) A record of the fees received from the customer.

## WSR 96-21-090 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed October 17, 1996, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-19-013.

Title of Rule: WAC 308-90-070 Dealer registration numbers, 308-90-130 Consignment, and 308-90-160 Bond exemption.

Purpose: (1) To comply with United States Coast Guard mandate that no two vessels have the same identical registration number; (2) to identify the use of a dealer registration card; and (3) to eliminate the language allowing a dealer to permanently affix a number display.

Other Identifying Information: The United States Coast Guard laws are in CFR Article 174.19 and 174.23.

Statutory Authority for Adoption: RCW 88.02.100.

Statute Being Implemented: RCW 88.02.023.

Reasons Supporting Proposal: (1) To comply with United States Coast Guard mandate; (2) to provide for a dealer vessel registration card (also United States Coast Guard); and (3) eliminating the permission for a vessel dealer to permanently affix a decal will help reduce decal misuse.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, 1125 Washington S.E., Olympia, (360) 902-3708; Implementation and Enforcement: Robert E. Smith, 1125 Washington S.E., Olympia, (360) 902-3704.

Name of Proponent: Department of Licensing, governmental.

Rule is necessary because of federal law, 33 CFR, Subpart B - Numbering System Requirements, § 174.11 - § 174.31.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments change the makeup of the vessel dealer display decal so that each vessel will have a unique registration number, as mandated by the United States Coast Guard. The proposal also provides for a dealer registration, which is required by the United States Coast Guard. The third amendment is to remove language from the WAC that could cause a vessel dealer to use a number, display decal unlawfully because it is permanently affixed to the vessel.

Proposal Changes the Following Existing Rules: The proposal is to amend three subsections of WAC 308-90-070.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments require no added duties which would impact business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.230, not applicable; RCW 34.05.310, not applicable, the proposed rules are not negotiated or pilot; RCW 34.05.313, not applicable, not a pilot project; RCW 34.05.320, this CR-102 filing; RCW 34.05.322, not implementing statutes enacted after July 23, 1995; RCW 34.05.325, yes, will draft concise explanatory statement before filing the CR-103; RCW 34.05.328, not applicable; RCW 34.05.330, applies; and RCW 34.05.354, not applicable.

Hearing Location: Department of Natural Resources, 1111 Washington S.E., Room 172, Olympia, on November 26, 1996, at 9:00 a.m.

Assistance for Persons With Disabilities: Contact Gail Saul by November 20, 1996, (360) 902-3709.

Submit Written Comments to: Gail Saul, Dealer Services, P.O. Box 9039, Olympia, WA 98507-9039, FAX (360) 586-6703, by November 20, 1996.

Date of Intended Adoption: November 27, 1996.

October 17, 1996

Robert E. Smith  
Administrator

prescribed in (~~section 12, chapter 149, Laws of 1987~~)  
RCW 88.02.188.

**WSR 96-21-093**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Filed October 18, 1996, 3:45 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapter 332-130 WAC, Minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions.

Purpose: To amend WAC 332-130-025 to bring the land corner record form into compliance with RCW 65.04.045 which was passed in 1996.

Statutory Authority for Adoption: RCW 58.24.040(1) and 58.09.050.

Statute Being Implemented: RCW 58.24.040(1), 58.09.050, and 65.04.045.

Summary: The purpose of this rule is to amend Order 597, filed on January 3, 1992.

Reasons Supporting Proposal: RCW 65.04.045 requires modification of WAC 332-130-025.

Name of Agency Personnel Responsible for Drafting: Donnell Fitch, 1111 Washington Street, Olympia, 902-1197; Implementation: David Steele, 1111 Washington Street, Olympia, 902-1181; and Enforcement: County auditors.

Name of Proponent: County auditors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 65.04.045 sets new requirements for margins and font size on documents to be recorded. It is necessary to redesign the land corner record form to comply with these new standards. Use of the form will not change.

Proposal Changes the Following Existing Rules: WAC 332-130-025, form is changed to comply with the requirements of RCW 65.04.045: Larger margins; minimum font size; some text is modified to accommodate larger margins while still allowing room to complete the form satisfactorily; and words "Grantee" and "Grantor" are added to meet county requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule makes nominal changes to an already existing form currently in use by the survey industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is a minor rule in that it changes an existing form to comply with new requirements of a recently passed RCW.

Hearing Location: Natural Resources Building, 1111 Washington Street S.E., Room 430, Olympia, WA 98504-7060, on November 26, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Don Fitch by November 25, 1996, TDD (360) 902-1197.

Submit Written Comments to: David Steele, FAX (360) 902-1181, by November 26, 1996.

AMENDATORY SECTION (Amending Order DLR-162, filed 1/19/88)

**WAC 308-90-070 Dealer registration numbers.** (1) The department shall assign a registration number for each firm registered as a dealer. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX (~~DA~~)) =)

(2) The dealer's registration number (~~shall~~) may be displayed on all vessels owned by the dealer when being operated on the water pursuant to RCW 88.02.023. The dealer registration card must be kept inside the vessel during such operation.

(3) The vessel dealer shall display his/her registration number in three inch block numbers/letters on both sides of the forward one-half of the vessel. The registration number may be (~~permanently fixed to the vessel or~~) affixed to a removable display fixture. The numbers/letters shall be displayed in a single line.

AMENDATORY SECTION (Amending Order DLR-162, filed 1/19/88)

**WAC 308-90-130 Consignment.** (1) All purchasers funds received, including deposits or payments or proceeds from the sale of trade-in vessels on a consignment sale, shall be placed in the vessel dealers trust account as required in (~~section 11, chapter 149, Laws of 1987~~) RCW 88.02.220, and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied.

(2) The sale of a consigned vessel by a vessel dealer is a retail sale and the dealer is required to transfer title as found in section 8, chapter 149, Laws of 1987.

AMENDATORY SECTION (Amending Order DLR-162, filed 1/19/88)

**WAC 308-90-160 Bond exemption.** (1) Applicants or registered vessel dealers desiring to be exempt from the bonding requirement must provide a statement that they sell fifteen or fewer vessels per year having a retail value of not more than two thousand dollars each.

(2) Registered vessel dealers who have stated that they qualify for the exemption shall immediately file the required surety bond with the department at the time their sales exceed the statutory exemption number or value. Failure to file the bond will subject the vessel dealer to penalties

PROPOSED

Date of Intended Adoption: December 31, 1996.  
October 18, 1996  
Kaleen Cottingham  
Department Supervisor

AMENDATORY SECTION (Amending Order 597, filed 1/3/92)

**WAC 332-130-025 Corner restoration — Recording form.** The record of corner information required to be filed with the county auditor by the Survey Recording Act shall be filed on a form substantially like the following:

**LAND CORNER RECORD**

(THIS FORM PRESCRIBED BY THE PUBLIC LAND SURVEY OFFICE, DEPARTMENT OF NATURAL RESOURCES, PURSUANT TO RCW 58.09. ALPHA-NUMERIC INDEX DIAGRAM ON THE BACK.)

**CORNER INDEXING INFORMATION:**

TWP \_\_\_\_\_ RGE \_\_\_\_\_ CORNER CODE \_\_\_\_\_  
(Willamette Meridian) (See instructions on back of LCR)

ADDITIONAL IDENTIFIER: (e.g., BLM designation for the corner, street intersection, plat name, block, lot, etc.)

COUNTY: \_\_\_\_\_ AUDITOR'S USE \_\_\_\_\_

**LAND SURVEYOR INFORMATION:** (or Public Officer as per RCW 58.09.090)

This corner record correctly represents work performed by me or under my direction in conformance with the Survey Recording Act.

COMPANY OR AGENCY:

ADDRESS:

SEAL/SIGNATURE/DATE

WASHINGTON PLANE COORDINATES. N: \_\_\_\_\_ E: \_\_\_\_\_

ORDER: \_\_\_\_\_ ZONE: \_\_\_\_\_ DATUM (Date of adjustment): \_\_\_\_\_

**CORNER INFORMATION:** Use the space below to provide the following information regarding the corner: (1) Pertinent Corner History, (2) Evidence Found at the Corner, and (3) Corner Perpetuation Information. Please title and number the parts of your discussion accordingly. If additional space is needed use the back. (For (3), diagram the references. Also, provide the cross-reference to a map of record, if applicable, the surveyor's field book no./page no., and the date of work.) (See the back of this form for the requirements of the Survey Recording Act.)

DATE OF FORM: 2/92

PROPOSED

# LAND CORNER RECORD

**GRANTOR/SURVEYOR/PUBLIC OFFICER:** This corner record correctly represents work performed by me or under my direction in conformance with the Survey Recording Act.

COMPANY OR AGENCY:

ADDRESS:

<b>GRANTEE: PUBLIC</b>			SEAL/SIGNATURE/DATE
<b>LEGAL:</b>	TWP:	RGE:	CORNER CODE:
ADDITIONAL IDENTIFIER: (e.g., BLM designation, street intersection, plat name, block, lot, etc.)			

COUNTY:

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WASHINGTON PLANE COORDINATES: N: \_\_\_\_\_ E: \_\_\_\_\_

ORDER: \_\_\_\_\_ ZONE: \_\_\_\_\_ DATUM (Date of adjustment): \_\_\_\_\_

**CORNER INFORMATION:** Provide: (1) Pertinent History, (2) Evidence Found, and (3) Corner Perpetuation Information (diagram the references; provide the date of work; and, if applicable, reference to a map of record and/or the field book/page no.) Additional space is available on the back.

This form is in compliance with the intent of RCW 65.04.045 and prescribed by the Public Land Survey Office, Department of Natural Resources - 9/96.

PROPOSED



**MARK THE CORNER LOCATION BELOW AND FILL IN THE CORNER CODE BLANK ON THE OTHER SIDE:**

For corners at the intersection of two lines, the corner code is the alphanumeric coordinate that corresponds to the appropriate intersection of lines.

For corners that are only on one line, the corner code is the line designation and the related line segment; i.e., a corner on line 5 between "B" and "C" is designated BC-5.

For corners that are between lines, the corner code is both line segments; i.e., a corner in the SE1/4 of the SE1/4 of section 18 is designated MN 4-5.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
A	-----																								
B	-----																								
C	-----																								
D	-----																								
E	-----																								
F	-----																								
G	-----																								
H	-----																								
J	-----																								
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V	-----																								
W	-----																								
X	-----																								
Y	-----																								
Z	-----																								

PROPOSED

RCW 58.09.060 (2) requires the following information on this form: an accurate description and location, in reference to the corner position, of all monuments and accessories (a) found at the corner and (b) placed or replaced at the corner; (c) basis of bearings used to describe or locate such monuments or accessories; and (d) corollary information that may be helpful to relocate or identify the corner position.

SPACE FOR ADDITIONAL COMMENT:

**WSR 96-21-105**  
**PROPOSED RULES**  
**BUILDING CODE COUNCIL**  
[Filed October 21, 1996, 11:37 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-20-039.

Title of Rule: Amendments to chapter 51-11 WAC (Washington State Energy Code).

Purpose: To exempt unstaffed equipment shelters used solely for personal wireless service facilities from the building envelope requirements in the Washington State Energy Code in response to ESHB 2828.

Statutory Authority for Adoption: RCW 19.27A.020, 19.27A.025.

Statute Being Implemented: RCW 19.27A.020(2).

Summary: The proposed rule would amend Chapter 13 of the Washington State Energy Code to provide an exemption from the building envelope insulation requirements for equipment shelters housing personal wireless service facilities.

Reasons Supporting Proposal: This amendment would implement ESHB 2828, which was signed by the governor on March 30, 1996.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, P.O. Box 48300, Olym-

pia, WA 98504, (360) 586-0486; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule would amend the Washington State Energy Code, chapter 51-11 WAC, to provide an exemption for unstaffed equipment shelters used solely for personal wireless service facilities. These facilities would be exempt from the building envelope insulation requirements in Chapter 13 of the code. Two definitions would also be added to Chapter 12. The anticipated effect of this amendment would be that equipment shelters, microcells, and other wireless communication facilities would not be required to meet the insulation requirements and therefore provide a cost savings for that industry.

Proposal Changes the Following Existing Rules: The following exemption would be added to WAC 51-11-1301 4., Unstaffed equipment shelters used solely for personal wireless service facilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is anticipated to reduce costs.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The state Building Code Council is not identified by chapter 403 as an agency required to comply with section 201.

Hearing Location: WestCoast SeaTac Hotel, Cascade Room, 18220 Pacific Highway South, SeaTac, on December 4, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma by November 18, 1996, (360) 753-5927.

Submit Written Comments to: James R. Beaver, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (360) 586-5880, by December 2, 1996.

Date of Intended Adoption: December 4, 1996.

October 9, 1996  
James R. Beaver  
Chair

**AMENDATORY SECTION** (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1210 Application of terms.** For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the Codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

**AAMA:** American Architectural Manufacturers Association.

**ADDITION:** See the Washington State Building Code.

**ADVANCED FRAMED CEILING:** Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See **Standard Framing** and Section 2007.2 of this Code.)

**ADVANCED FRAMED WALLS:** Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See **Standard Framing** and Section 2005.2 of this Code.)

**AFUE - ANNUAL FUEL UTILIZATION EFFICIENCY:** Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

**AIR CONDITIONING, COMFORT:** The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

**ARI:** Air Conditioning and Refrigeration Institute.

**ASHRAE:** American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

**ASTM:** American Society for Testing and Materials.

**AUTOMATIC:** Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See **Manual**.)

**BELOW GRADE WALLS:** Walls or the portion of walls which are entirely below the finished grade or which extend two feet or less above the finish grade.

**BOILER CAPACITY:** The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

**BUILDING ENVELOPE:** The elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

**BUILDING, EXISTING:** See the Washington State Building Code.

**BUILDING OFFICIAL:** The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

**BUILDING PROJECT:** A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

**CONDITIONED FLOOR AREA:** (See **Gross Conditioned Floor Area**.)

**CONDITIONED SPACE:** A cooled space, heated space (fully heated), heated space (semi-heated), or indirectly conditioned space.

**COOLED SPACE:** An enclosed space within a building that is cooled by a cooling system whose sensible capacity

- exceeds 5 Btu/(h•ft<sup>2</sup>), or



- b. is capable of maintaining space dry bulb temperature of 90 degrees F or less at design cooling conditions.

**COP - COEFFICIENT OF PERFORMANCE:** The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See **Net Heat Output, Net Heat Removal, Total On-Site Energy Input**.)

**DAYLIGHTED ZONE:**

- a. Under overhead glazing: The area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.
- b. At vertical glazing: The area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

**DAYLIGHT SENSING CONTROL (DS):** A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

**DEADBAND:** The temperature range in which no heating or cooling is used.

**DESIGN COOLING CONDITIONS:** The cooling outdoor design temperature from the 0.5 percent column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

**DESIGN HEATING CONDITIONS:** The heating outdoor design temperature from the 0.6 percent column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

**DOOR AREA:** Total area of door measured using the rough opening and including the door and frame.

**DOOR:** All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

**DWELLING UNIT:** See the Washington State Building Code.

**EER - ENERGY EFFICIENCY RATIO:** The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

**ECONOMIZER, AIR:** A ducting arrangement and automatic control system that allows a cooling supply fan

system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

**ECONOMIZER, WATER:** A system by which the supply air of a cooling system is cooled directly, indirectly, or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

**EFFICIENCY, HVAC SYSTEM:** The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

**EMISSIVITY:** The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

**ENERGY:** The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (Kwh) or British thermal units (Btu). (See **New energy**.)

**ENERGY, RECOVERED:** (See **Recovered energy**.)

**EXTERIOR ENVELOPE:** (See **Building envelope**.)

**FACADE AREA:** Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

**FLOOR OVER UNCONDITIONED SPACE:** A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

**F-FACTOR:** The perimeter heat loss factor expressed in Btu/h•ft °F.

**F-VALUE:** (See **F-Factor**.)

**GLAZING:** All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

**GLAZING AREA:** Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than fifty percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

**GROSS CONDITIONED FLOOR AREA:** The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

**GROSS EXTERIOR WALL AREA:** The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system; includes opaque wall, vertical glazing and door areas. The gross area of walls consists of all opaque wall areas,

including foundation walls, between floor spandrels, peripheral edges of floors, vertical glazing areas, and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces. (See **Below Grade Wall**.)

**GROSS FLOOR AREA:** The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces, pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

**GROSS ROOF/CEILING AREA:** A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

**GUEST ROOM:** See the Washington State Building Code.

**HEAT:** The form of energy that is transferred by virtue of a temperature difference.

**HEAT STORAGE CAPACITY:** The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

**HEATED SPACE (FULLY HEATED):** An enclosed space within a building, including adjacent connected spaces separated by an un-insulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

- a. capable of maintaining a space dry-bulb temperature of 45 degrees F or greater at design heating conditions; or
- b. 8 Btu/(h•ft<sup>2</sup>) or greater in Climate Zone 1 and 12 Btu/(h•ft<sup>2</sup>) or greater in Climate Zone 2.

**HEATED SPACE (SEMI-HEATED):** An enclosed space within a building, including adjacent connected spaces separated by an un-insulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

- a. whose output capacity is 3 Btu/(h•ft<sup>2</sup>) or greater in Climate Zone 1 and 5 Btu/(h•ft<sup>2</sup>) or greater in Climate Zone 2; and
- b. is not a Heated Space (Fully Heated).

**HSPF - HEATING SEASON PERFORMANCE FACTOR:** The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

**HUMIDISTAT:** A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

**HVAC:** Heating, ventilating and air conditioning.

**HVAC SYSTEM COMPONENTS:** HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See **HVAC system equipment**.)

**HVAC SYSTEM EFFICIENCY:** (See **Efficiency, HVAC system**.)

**HVAC SYSTEM EQUIPMENT:** HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

**INDIRECTLY CONDITIONED SPACE:** An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See **Heated Space, Cooled Space and Unconditioned Space**.)

**INFILTRATION:** The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

**INSULATION Baffle:** A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

**INSULATION POSITION:**

- a. **Exterior Insulation Position:** A wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.
- b. **Integral Insulation Position:** A wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.

- c. **Interior Insulation Position:** A wall not meeting either of the above definitions; particularly a wall having most of its mass external to the insulation layer.

**IPLV - INTEGRATED PART-LOAD VALUE:** A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air-conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

**LUMINAIRE:** A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

**MANUAL:** Capable of being operated by personal intervention.  
(See **Automatic**.)

**MICROCELL:** A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equipment cabinet that is six (6) feet or less in height and no more than forty-eight (48) square feet in floor area.

**NFPA:** National Fire Protection Association.

**NFRC:** National Fenestration Rating Council.

**NET HEAT OUTPUT:** The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

**NET HEAT REMOVAL:** The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

**NEW ENERGY:** Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **Energy**.)

**NOMINAL R-VALUE:** The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

**NONRENEWABLE ENERGY SOURCES:** All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

**NONRESIDENTIAL:** All buildings and spaces in the Uniform Building Code (UBC) occupancies other than Group R.

**OCCUPANCY:** See the Washington State Uniform Building Code.

**OCCUPANCY SENSOR:** A device that detects occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

**OPAQUE ENVELOPE AREAS:** All exposed areas of a building envelope which enclose conditioned space, except openings for doors, glazing and building service systems.

**OPEN BLOWN:** Loose fill insulation pneumatically installed in an unconfined attic space.

**OUTDOOR AIR (OUTSIDE AIR):** Air taken from the outdoors and, therefore, not previously circulated through a building.

**OVERHEAD GLAZING:** A glazing surface that has a slope of less than sixty degrees from the horizontal plane.

**PACKAGED TERMINAL AIR CONDITIONER:** A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-10.)

**PERMEANCE (PERM):** The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour•ft<sup>2</sup>•inches of HG). Permeance may be measured using ASTM E-96-72 or other approved dry cup method as specified in RS-1.

**PERSONAL WIRELESS SERVICE FACILITY:** A Wireless Communication Facility (WCF), including a microcell, which is an unstaffed facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

**POOL COVER:** A vapor-retardant cover which lies on or at the surface of the pool.

**POWER:** In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

**PROCESS ENERGY:** Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

**RADIANT FLOOR:** A floor assembly, on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

**READILY ACCESSIBLE:** See the Washington State Mechanical Code.

**RECOOLING:** The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

**RECOVERED ENERGY:** Energy utilized which would otherwise be wasted (i.e., not contribute to a desired end use) from an energy utilization system.

**REHEAT:** The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

**RENEWABLE ENERGY SOURCES:** Renewable energy sources (excluding minerals) derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

**RESET:** Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

**ROOF/CEILING ASSEMBLY:** (See **Gross Roof/Ceiling Area.**)

**SEER - SEASONAL ENERGY EFFICIENCY RATIO:** The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

**SEMI-HEATED SPACE:** Sub-category of **Heated Space.** (See **Heated Space.**)

**SEQUENCE:** A consecutive series of operations.

**SERVICE SYSTEMS:** All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

**SERVICE WATER HEATING:** Supply of hot water for domestic or commercial purposes other than comfort heating.

**SHADED:** Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

**SHADING COEFFICIENT:** The ratio of solar heat gain occurring through non-opaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8-inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter 26 of Standard RS-27, listed in Chapter 17 of this Code.

**SHALL:** Denotes a mandatory Code requirement.

**SKYLIGHT:** (See **Overhead Glazing.**)

**SLAB-BELOW-GRADE:** Any portion of a slab floor in contact with the ground which is more than twenty-four inches below the final elevation of the nearest exterior grade.

**SLAB-ON-GRADE, EXTERIOR:** Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

**SOLAR ENERGY SOURCE:** Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

**SOLAR HEAT GAIN COEFFICIENT (SHGC):** The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat

gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted, or convected into the space.

**SPLIT SYSTEM:** Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

**STANDARD FRAMING:** All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See **Advanced framed ceiling, Advanced framed walls, Intermediate framed wall.**)

**SUBSTANTIAL CONTACT:** A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

**SYSTEM:** A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

**TAPERING:** Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

**THERMAL BY-PASS:** An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

**THERMAL CONDUCTANCE (C):** Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions (Btu/h•ft<sup>2</sup>•°F).

**THERMAL RESISTANCE (R):** The reciprocal of thermal conductance (h•ft<sup>2</sup>•°F/Btu).

**THERMAL TRANSMITTANCE (U):** The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films (Btu/h•ft<sup>2</sup>•°F).

**THERMAL TRANSMITTANCE, OVERALL (U<sub>o</sub>):** The overall (average) heat transmission of a gross area of the exterior building envelope (Btu/h•ft<sup>2</sup>•°F). The U<sub>o</sub>-factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as glazing, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

**THERMOSTAT:** An automatic control device actuated by temperature and designed to be responsive to temperature.

**TOTAL ON-SITE ENERGY INPUT:** The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

**TRANSMISSION COEFFICIENT:** The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

**U-FACTOR:** (See **Thermal Transmittance**.)

**U-VALUE:** (See **U-Factor**.)

**UNCONDITIONED SPACE:** Space within a building that is not a conditioned space. (See **Conditioned Space**.)

**UNIFORM BUILDING CODE:** The Washington State Uniform Building Code as modified by the Washington State Building Code Council.

**UNIFORM MECHANICAL CODE:** The Washington State Uniform Mechanical Code as modified by the Washington State Building Code Council.

**UNIFORM PLUMBING CODE (UPC):** The Washington State Uniform Plumbing Code as modified by the Washington State Building Code Council.

**UNITARY COOLING AND HEATING EQUIPMENT:** One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

**UNITARY HEAT PUMP:** One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

**VAPOR RETARDER:** A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also meets this definition.

**VAULTED CEILINGS:** All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

**VENTILATION:** The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

**VENTILATION AIR:** That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

**VERTICAL GLAZING:** A glazing surface that has a slope of sixty degrees or greater from the horizontal plane.

**WALLS (EXTERIOR):** Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from

unconditioned space. Band joists between floors are to be considered a part of exterior walls.

**ZONE:** A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

**AMENDATORY SECTION** (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1301 Scope.** Conditioned buildings or portions thereof shall be constructed to provide the required thermal performance of the various components according to the requirements of this chapter. Unless otherwise approved by the building official, all spaces shall be assumed to be at least semi-heated.

**EXCEPTION:**

1. Greenhouses isolated from any conditioned space and not intended for occupancy.
2. As approved by the building official, spaces not assumed to be at least semi-heated.
3. Unconditioned Group M occupancy accessory to Group R occupancy.
4. Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

**WSR 96-21-113**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
(Real Estate Commission)  
[Filed October 22, 1996, 8:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-049.

Title of Rule: Amending WAC 308-124-005 Organization, updates real estate program address to its current location; WAC 308-124A-020 Application for a license—Fingerprinting, condenses rule language and indicates persons convicted of crimes may be required to submit fingerprint information prior to getting a license; WAC 308-124A-422 Application for broker license examination—Clock hour requirements, eliminates references to "substantive/nonsubstantive" real estate course distinction; WAC 308-124A-570 Reinstatement of a cancelled license for nonpayment of renewal fee, corrects WAC reference to real estate law course; WAC 308-124A-600 Continuing education clock hour requirements, eliminates references to "substantive/nonsubstantive" real estate course distinction; WAC 308-124H-025 Application for course approval, eliminates references to "substantive/nonsubstantive" real estate course distinction; and repealing WAC 308-124D-040 Disclosure of agency representation, this WAC is no longer necessary with the creation of new chapter 18.86 RCW which addresses agency disclosure requirements for brokers and salespersons.

Purpose: The purpose of these rule changes is to correct and update housekeeping portions of the rules, eliminate the "substantive" "nonsubstantive" course approval language and repeal the WAC dealing with agency disclosure, WAC 308-124D-040.

Statutory Authority for Adoption: RCW 18.85.140, chapter 18.86 RCW.

Statute Being Implemented: Chapters 18.85 and 18.86 RCW.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Syd Beckett, P.O. Box 48001, Olympia, WA 98504-8001, (360) 586-6101, FAX (360) 586-0998.

Name of Proponent: Department of Licensing, Real Estate Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A brief analysis was conducted and the department determined there was no small business economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington Housing Finance Commission, 1000 2nd Avenue, Suite 2800, Seattle, WA 98104, on December 6, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 753-1966.

Submit Written Comments to: FAX (360) 586-0998, by November 27, 1996.

Date of Intended Adoption: December 6, 1996.

October 21, 1996  
Kathy Baros Friedt  
Director

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

**WAC 308-124-005 Organization.** The principal location of the Real Estate Program is at (~~(2424 Bristol Court SW)~~) 2000 4th Avenue West, Olympia, Washington 98502. A Spokane office is at 11530 East Sprague Avenue, Spokane, Washington 99206.

The department of licensing administers the Washington real estate license law, chapter 18.85 RCW. The real estate commission, composed of the director of the department of licensing and six commission members, appointed by the governor from the real estate industry, prepares or reviews and approves examination questions for license applicants, holds real estate education conferences, advises the director as to the issuance of rules and regulations governing the activities of real estate brokers and salespersons and performs such other duties and functions as prescribed by chapter 18.85 RCW. Submissions and requests for information regarding real estate licenses, the real estate commission, or the real estate program, may be sent in writing to the Real Estate Program, Department of Licensing, P.O. Box 9015, Olympia, Washington 98507-9015.

**AMENDATORY SECTION** (Amending Order PM 774, filed 9/30/88, effective 1/1/89)

**WAC 308-124A-020 Application for a license—Fingerprinting.** (~~(All)~~) Persons who have been convicted of a crime within ten years of application (~~(must)~~) may be

required to submit fingerprint identification, on a form provided by the department prior to issuance of a license (~~(for:~~

- (1) ~~A real estate salesperson license;~~
- (2) ~~An individual broker license;~~
- (3) ~~A corporation or partnership broker license;~~
- (4) ~~An associate real estate broker license; or~~
- (5) ~~A land development representative registration).~~

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 7/1/95)

**WAC 308-124A-422 Application for broker license examination—Clock hour requirements.** (1) Applicants for the broker's examination shall have successfully completed one hundred twenty clock hours of approved real estate instruction in addition to any other clock hours completed and used to satisfy requirements of chapter 18.85 RCW. Instruction must include a course in real estate law, a course in real estate brokerage management, a course in business management and one elective course. All courses completed to satisfy this requirement must be (~~(substantive)~~) approved real estate subject matter as defined in WAC 308-124H-025(~~(4)~~) and be at least thirty clock hours in length and include a comprehensive examination. Courses must be completed within five years prior to applying for the broker's examination.

(2) Courses in real estate law, real estate brokerage management, and business management, used to satisfy continuing education requirements within five years of applying for the broker's examination shall satisfy the requirements of subsection (1) of this section provided the applicant successfully completed a comprehensive examination. Applicants are required to complete one hundred twenty clock hours of approved course work in addition to real estate law, brokerage management, and business management when they are used for continuing education credit or to reactivate an inactive license.

**AMENDATORY SECTION** (Amending WSR 91-23-006, filed 11/7/91, effective 12/8/91)

**WAC 308-124A-570 Reinstatement of a cancelled license for nonpayment of renewal fee.** Any person desiring to be reinstated as a real estate licensee within two years of cancellation may have their license reinstated by satisfying either of the following options:

(1) Submission of an application to the director providing proof of the following:

(a) Successful completion of sixty clock hours of approved real estate course work completed within one year preceding the application for reinstatement. A minimum of thirty clock hours must include the real estate law course specified in WAC (~~(308-124H-037)~~) 308-124H-011;

(b) Payment of all back renewal fees with penalty at the current rate; and

(c) Payment of a reinstatement penalty fine of one hundred dollars; or

(2) Satisfy the procedures and qualifications for initial licensing, including the following:

(a) Successful completion of any applicable licensing examinations; and

(b) Successful completion of required courses pursuant to RCW 18.85.090 and/or 18.85.095, whichever applicable, within five years preceding the application for reinstatement.

(3) Former licensees, cancelled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

**WAC 308-124A-600 Continuing education clock hour requirements.** A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.85.165, in the manner and on forms prescribed by the department.

(1) A licensee applying for renewal of an active license shall submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director and commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of the licensee's current renewal date; up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date.

(2) The thirty clock hours ~~((may)) shall~~ be satisfied by evidence of ~~((at least twenty clock hours in courses designated by the commission as substantive real estate subject matter and not more than ten clock hours in courses designated by the commission as business skills and management courses))~~ completion of approved real estate courses as defined in WAC 308-124H-025.

(3) Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

(4) A licensee shall not place a license on inactive status to avoid the continuing education requirement. A licensee shall submit evidence of completion of continuing education clock hours to activate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

(5) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(6) Clock hour credit for continuing education shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Course(s) was taken to activate an inactive license pursuant to RCW 18.85.215(3);

(c) Course(s) was used to satisfy the requirements of RCW 18.85.095 (1)(b), real estate salesperson's license, RCW 18.85.095 (2)(a), real estate salesperson's practices course, and RCW 18.85.090, broker's license and WAC 308-124A-570, reinstatement.

(7) Instructors shall not receive clock hour credit for teaching or course development.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-124D-040 Disclosure of agency representation.

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 7/1/95)

**WAC 308-124H-025 Application for course approval.** Courses shall meet the following requirements:

(1) Have a minimum of three hours of classroom work for the student. A classroom hour is a period of fifty minutes of actual classroom or workshop instruction, exclusive of examination time;

(2) Provide practical information related to the practice of real estate ~~((and deal with substantive real estate subject matter))~~ in any of the following real estate topic areas: Fundamentals, Practices, principles/essentials, Real Estate Law, legal aspects, Brokerage Management, Business Management, taxation, appraisal, evaluating real estate and business opportunities, property management and leasing, construction and land development, ethics and standards of practice, escrow closing/settlement practices, current trends and issues, finance, hazardous waste and other environmental issues, commercial ~~((or~~

~~((3))~~ Provide practical information related to assisting licensees in improving their business skills and business management in order to enable them to better serve and protect the consumer in any of the following topic areas: advertising (Regulation Z), agent supervision and broker responsibility, ~~((cross-cultural communication))~~ selling, listing, and marketing of real estate, theory and practices of relocation, ~~((and accounting for real estate offices))~~ or instructor development;

~~((4))~~ (3) Be under the supervision of an approved instructor approved to teach the course in the classroom at all sessions and offered by an approved school provided that, if the instructional methods include the use of prerecorded audio and/or visual instructional materials, presentation shall be under the supervision of a monitor at all times and an approved instructor who shall, at a minimum, be available to respond to specific questions from students;

(4) Shall not include the following topics for clock hours: Product marketing, personal motivation, sales motivation, personal promotion, stress management, personal improvement, personality profiles, office and personal skills, or sales promotion. Clock hours will not be awarded for any time devoted to staff meetings, examinations, meals or transportation.

(5) Courses of thirty clock hours or more which are submitted ~~((as substantive real estate subject matter courses))~~ for approval shall include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ninety questions, and a requirement of passing course grade of at least seventy percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

(6) Include textbook or instructional materials approved by the director, which shall be kept accurate and current. Course materials shall be updated no later than thirty days after the effective date of a change in statute or rules;

(7) Include in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," or "real estate practices" if submit-



ted for approval for clock hours pursuant to WAC 308-124H-011. No other courses shall use these phrases in their titles;

(8) Not have a title which misleads the public as to the subject matter of the course;

(9) Be offered by a tax-supported, public (~~(vocational-technical institution,)~~) technical or community college or any other institution of higher learning that may certify clock hours as indicated in RCW 18.85.010(9) or by a private entity approved by the director to operate as a school;

(10) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department no later than twenty days prior to the date of using the changed course content material, for approval by the director;

(11) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to chapter 308-124H WAC;

(12) A course completed in another jurisdiction may be approved for clock hour credit if:

(a) The course was offered by a tax-supported, public (~~(vocational-technical institution,)~~) technical or community college, or any other institution of higher learning, or by a national institution with uniform scope and quality of representation, or was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; and

(b) The course satisfies the requirements of subsections (1) through (6) of this section, and includes a comprehensive examination and requirement of a passing course grade of at least seventy percent; and/or

(c) If the director determines that the course substantially satisfies the requirements of the real estate fundamentals course required under RCW 18.85.095 or satisfies the requirements of the law, brokerage management and business management courses required under RCW 18.85.090.

**WSR 96-21-115**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed October 22, 1996, 9:31 a.m.]

Original Notice.

Title of Rule: Skating on state capitol grounds.

Purpose: The purpose of this rule making is to provide guidance for the use of rollerblades and in-line skates on the state capitol campus so as to ensure safe movement of vehicular and pedestrian traffic on the state capitol grounds.

Statutory Authority for Adoption: RCW 46.08.150.

Statute Being Implemented: RCW 43.19.125, 46.08.150.

Summary: Defines "skating" as rollerblading, in-line skating and roller skating; defines rollerblades, in-line skates, and roller skates; defines "hours of darkness"; describes when and where skating is permissible on state capitol grounds. Provides penalty for violation.

Reasons Supporting Proposal: Skating on campus has been identified as a safety hazard when skaters are not considerate of vehicle and pedestrian traffic. Skating in

some areas of campus pose particular safety concerns, and skating on raised structural elements of campus architecture and monuments has caused physical damage.

Name of Agency Personnel Responsible for Drafting: Carol Smith-Merkulov, Assistant Attorney General, Washington State Patrol, 1125 Washington Street S.E., Olympia, WA, (360) 753-4556; Implementation: Ron McQueen, Assistant Director, Department of General Administration, 1028 Capitol Way, Olympia, WA, (360) 586-5948; and Enforcement: Lt. John Bruun, Washington State Patrol, 210 11th Street, Olympia, WA, (360) 753-2191.

Name of Proponent: Department of General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to provide guidance for the safe enjoyment of skating activities on the state capitol campus without interfering with pedestrian and vehicle traffic or state business; and to prevent physical damage to campus buildings, architectural elements, and monuments.

The rule defines skating, and describes when and where it is permissible on state capitol grounds. It also sets the penalty for violation.

It is anticipated that implementation of this rule will prevent accidents, protect skaters and other users of the campus, and prevent damage to campus architecture and monuments.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will have no effect on business and is limited in scope only to the state capitol campus.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a significant legislative rule, the Department of General Administration is not listed among the agencies in section 201, chapter 403, Laws of 1995, and the agency does not elect to apply that section to this rule making.

Hearing Location: General Administration Building, First Floor Auditorium, 210 11th Street, Olympia, WA, on November 27, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sally Simes by November 25, TDD (360) 664-3799, or (360) 902-7211.

Submit Written Comments to: Marygrace Jennings, P.O. Box 1000, Olympia, WA 98504-1000, FAX (360) 586-5898, by November 26, 1996.

Date of Intended Adoption: December 9, 1996.

October 21, 1996

Marygrace G. Jennings  
Rules Coordinator

## SKATING ON STATE CAPITOL GROUNDS

### NEW SECTION

**WAC 236-12-18003 Skating prohibited.** Skating is only permitted on the state capitol grounds on streets and sidewalks as long as the skating activity does not interfere in any manner with efforts to conduct state business or pedestrian and vehicle traffic. Skating is specifically prohibited,



as defined in WAC 236-12-015(7), on stairs, curbs, walls, raised structural elevations, monuments, parking garages, ramps, railings and any structure or part thereof.

Skating activities taking place during the hours of darkness require the skater to wear reflective-type clothing.

#### NEW SECTION

**WAC 236-12-18005 Definitions.** (1) "Skating" refers to rollerblades, in-line skates and rollerskates.

(2) "Rollerblades/in-line skates" are defined as skates having rollers or wheels that are in line, generally consisting of four wheels.

(3) "Rollerskates" are generally defined as skates having four wheels, dual wheels in front and dual wheels in the rear.

(4) "Hours of darkness" is defined as the hours between sunset and sunrise.

#### NEW SECTION

**WAC 236-12-18007 Violation—Penalty.** Violation of WAC 236-12-18003 shall constitute a traffic infraction which is subject to the jurisdiction of Thurston County district court. Violations shall be ticketed by the Washington state patrol. The fine for violating WAC 236-12-18003 shall be twenty-five dollars.

**WSR 96-21-116**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
[Filed October 22, 1996, 10:50 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-15-135.

Title of Rule: New chapter 458-10 WAC, Accreditation of real property appraisers. See Purpose below.

Purpose: WAC 458-10-010 Accreditation of real property appraisers—Implementation—Definitions. Purpose: This rule describes the reasons for this chapter and to whom the rules apply; it also contains the definitions that are used throughout the chapter.

WAC 458-10-020 Application for accreditation. Purpose: This rule sets out the experience and knowledge requirements that are prerequisites to applying for accreditation and describes the application procedure.

WAC 458-10-030 Accreditation examination—Prerequisites—Waiver or exemption—Reexamination. Purpose: This rule describes the prerequisites for taking the accreditation examination, the fee, passing score, and when a waiver of the examination is allowed and when a person is exempt from taking the examination.

WAC 458-10-040 Accreditation certificate. Purpose: This rule explains who is entitled to an accreditation certificate and the duration of the certificate.

WAC 458-10-050 Continuing education requirements—Appraisal practice and ethics. Purpose: This rule describes the need and explains the process for acquiring and gaining approval of continuing education in both appraisal knowledge and standards of practice and ethics.

WAC 458-10-060 Standards of practice. Purpose: This rule sets out the standard applied by the department relative to appraisal standards and ethics.

WAC 458-10-070 Denial, suspension, or revocation of accreditation. Purpose: This rule sets out the reasons for denying, suspending, or revoking the accreditation of an accredited appraiser.

Statutory Authority for Adoption: RCW 36.21.015, 84.08.010, and 84.08.070.

Statute Being Implemented: RCW 36.21.015.

Summary: This new chapter implements recent legislation relating to persons who appraise real property for purposes of taxation. The rules set out the qualifications, experience and knowledge, together with the continuing education requirements of "accredited" appraisers as distinguished from licensed or certified appraisers who value real property for nontax purposes. These rules establish a process for acquiring and maintaining accreditation.

Reasons Supporting Proposal: The Department of Revenue is required by this law to administer the examination and approval of those persons who appraise real property for purposes of taxation and to do this in coordination with the requirements for certified and licensed real estate appraisers under chapter 18.140 RCW, which is administered by the Department of Licensing. In order to provide some uniformity and consistency and to maintain minimum standards throughout the thirty-nine counties of the state with respect to the qualifications of appraisers, the department proposes to adopt these rules.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; Implementation and Enforcement: William N. Rice, 6004 Capitol Boulevard, Tumwater, WA, (360) 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: These rules are necessary to implement RCW 36.21.015. This statute deals with qualifications for appraisers who value real property for purposes of taxation and requires the Department of Revenue to administer the accreditation of these appraisers. The statute is quite general and appraisers who value property for purposes of taxation as well as the property taxpayers themselves need to know more specifically what the knowledge and experience requirements are, as well as the requirements for continuing education. The rules would apprise these appraisers and the property taxpaying public more precisely of what the qualifications are for appraising property for purposes of taxation. The rules will ensure that the process for acquiring appraiser accreditation will be uniform and consistent throughout the state.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules in this chapter do not impose any administrative burden or requirement on any small business resulting in additional costs.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This is a "significant legislative rule" in that it establishes qualifications and standards for the issuance,

suspension, or revocation of accreditation of appraisers who appraise real property for purposes of taxation.

Hearing Location: 711 Capitol Way, 2nd Floor Conference Room, Olympia, WA, on December 3, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by November 26, 1996, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winterstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by December 3, 1996.

Date of Intended Adoption: December 30, 1996.

October 22, 1996  
Russell W. Brubaker  
Assistant Director

### Chapter 458-10 WAC ACCREDITATION OF REAL PROPERTY APPRAISERS

#### NEW SECTION

**WAC 458-10-010 Accreditation of real property appraisers—Implementation—Definitions.** (1) **Implementation of accreditation requirements.** The rules in this chapter implement the provisions of chapter 36.21 RCW dealing with the accreditation of persons responsible for valuing real property for purposes of taxation. To the extent practical, these rules coordinate accreditation requirements with the requirements for certified and licensed real estate appraisers under chapter 18.140 RCW. The purpose of these rules is to promote uniformity and consistency throughout the state in the education and experience qualifications and maintain minimum standards of competence and conduct of persons responsible for valuing real property for purposes of taxation.

(2) **Accreditation required for persons valuing real property for purposes of taxation.** Any person responsible for valuing real property for purposes of taxation must be an accredited appraiser. This requirement includes persons acting as assistants or deputies to a county assessor who determine real property values or review appraisals prepared by others. This requirement does not apply to persons working in the county assessor's office who do not exercise appraisal judgment with respect to real property.

(3) **Definitions.** Unless the context clearly requires otherwise, the following definitions apply throughout chapter 458-10 WAC:

(a) "Accreditation" means the act or process by which persons are authorized by the department to assess real property for purposes of taxation and includes the status of being accredited.

(b) "Accredited appraiser" means a person who has successfully completed and fulfilled all requirements imposed by the department for accreditation and who has a currently valid accreditation certificate.

(c) "Appraisal" means the act or process of estimating the value of real property; an estimate of value of real property; or of or pertaining to appraising real property and related functions.

(d) "Assessment" means the act or process of estimating the value of real property for purposes of taxation only; an estimate of value of real property for purposes of taxation only; or of or pertaining to assessing real property and related functions.

(e) "Classroom hour" means a minimum of fifty minutes out of each sixty-minute hour spent attending an approved course.

(f) "Department" means the department of revenue.

(g) "IAAO" means the International Association of Assessing Officers.

(h) "Real property" means an identified parcel or tract of land, including any improvements, and includes one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(i) "Transactions involving real property" means any of the following:

(i) The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(ii) The refinancing of real property or interests in real property; or

(iii) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

#### NEW SECTION

**WAC 458-10-020 Application for accreditation. (1) Prerequisite to application—Experience.** Prior to applying for accreditation, applicants must have had at least one year of experience related to the items listed in this subsection. The requisite experience may include hours worked during the preceding two years but must include a minimum of one thousand hours worked in a minimum time period of twelve months. The work experience must be directly connected with the following:

(a) Transactions involving real property;

(b) Appraisal of real property;

(c) Assessment of real property; or

(d) A combination of (a), (b), and (c) of this subsection.

(2) **Prerequisite to application—Knowledge.** Prior to applying for accreditation, applicants must be knowledgeable in:

(a) Repair and remodeling of buildings and improvement of land;

(b) The significance of locality and area to the value of real property; and

(c) The standards for appraising real property established by the department. (See WAC 458-10-060.)

(3) **Application procedure.** Any person desiring to be an accredited appraiser must complete an "Application for Accreditation" form and submit it to the property tax division of the department. The department shall review the application and verify that the applicant meets the qualifications prescribed by chapter 36.21 RCW and chapter 458-10 WAC, including either passing the accreditation examination or qualifying for a waiver of or exemption from the examination. Upon completion of review and verification, the department shall, as appropriate, issue an accreditation certificate, reject the application and give the reason or reasons for the rejection, or notify the applicant of any

further requirements prior to issuing an accreditation certificate. Forms shall be prepared by and are available from the property tax division of the department.

#### NEW SECTION

#### **WAC 458-10-030 Accreditation examination—Prerequisites—Waiver or exemption—Reexamination.**

(1) **Prerequisites to taking examination.** Any person desiring to take the accreditation examination must complete a "Request for Administration of Appraiser Examination" form and submit it to the property tax division of the department. As a prerequisite to taking the examination for accreditation an applicant shall submit evidence to the department that he or she has successfully completed at least thirty classroom hours of courses approved by the department in the basic principles of real property appraising. These courses must have been completed within two years of the date the evidence is submitted to the department. Course content required prior to taking the accreditation examination must include coverage of basic principles of real property appraisal or related topics such as, but not limited to:

- (a) Influences on real property value;
- (b) Legal considerations in appraisal;
- (c) Types of value;
- (d) Economic principles;
- (e) Real estate markets and analysis;
- (f) Valuation process;
- (g) Property description;
- (h) Highest and best use analysis;
- (i) Appraisal math and statistics;
- (j) Sales comparison approach;
- (k) Site value;
- (l) Cost approach;
- (m) Income approach, including:
  - (i) Gross rent multiplier analysis;
  - (ii) Estimation of income and expenses;
  - (iii) Operating expense ratios; and
  - (iv) Direct capitalization;
- (n) Valuation of partial interests; and
- (o) Washington state property tax law.

(2) **Examination required unless waived—Passing score.** No person shall assess real property for purposes of taxation without passing the accreditation examination or without receiving an examination waiver under subsection (4) of this section or without meeting the requirements set out in subsection (6) of this section. A minimum score of seventy is required to pass the accreditation examination.

(3) **Accreditation examination—Fee.** The accreditation examination shall be prepared and administered by the department on subjects related to the valuation of real property. In preparing the examination, the department may request assistance from an advisory committee made up of assessors, assessor's appraisal staff, other qualified appraisers, or persons from the department of personnel. In administering the test, the department may contract with others to supervise the examination of applicants. An appropriate fee to cover the costs of such supervision must be paid by the applicant at the time of application.

(4) **Waiver of examination requirement.** The department shall waive the accreditation examination requirement

for those persons who provide adequate evidence of any one of the following:

(a) The person has either attended a presentation of IAAO Course 1, or its equivalent, and successfully passed the course examination or successfully passed the course examination without having attended the presentation of the course;

(b) The person is currently certified or licensed as a real estate appraiser under chapter 18.140 RCW, the Certified Real Estate Appraiser Act; or

(c) The person has sufficient education and experience that is the equivalent of passing the accreditation examination. For purposes of this section, sufficient education means successfully completing a minimum of seventy-five classroom hours of courses approved by the department in the basic principles of real property appraising, and sufficient experience means a minimum of two years (twenty-four months), and not less than two thousand hours, of experience appraising real property.

(5) **Procedure for requesting a waiver.** An applicant may request a waiver of the accreditation examination requirement by completing an "Application for Accreditation" form and submitting it to the property tax division of the department. The department shall determine if the applicant has shown the necessary qualifications that are the equivalent of passing the examination. The department may require additional documentation or verification from the applicant's employer(s) or others in making this determination.

(6) **Exemption from examination requirement.** Accreditation examination requirements shall not apply to persons who have either:

(a) Been certified as a real property appraiser by the department of personnel prior to July 1, 1992; or

(b) Attended and satisfactorily completed the assessor's school operated jointly by the department and the Washington state assessors association prior to August 9, 1971.

(7) **Reexamination.** An applicant who has failed the accreditation examination, or failed to appear for a scheduled examination, may apply for reexamination or examination by submitting a new "Request for Administration of Appraiser Examination" form not less than sixty days from the date the examination was administered. No additional fee is required for one reexamination or one rescheduled examination.

#### NEW SECTION

**WAC 458-10-040 Accreditation certificate.** (1) **Requirements for issuance of accreditation certificate.** The department shall issue an accreditation certificate to any applicant who meets the requirements of WAC 458-10-020 and who satisfies one of the following:

(a) Successfully passes the accreditation examination;

(b) Has received a waiver of the examination from the department under WAC 458-10-030(4); or

(c) Is exempt from the examination requirement under WAC 458-10-030(6).

(2) **Certificate duration.** An accreditation certificate is valid for two years from the date issued.

NEW SECTION

**WAC 458-10-050 Continuing education requirements—Appraisal practice and ethics.** (1) **Renewal of accreditation certificate.** An accredited appraiser desiring to renew his or her accreditation certificate must complete a renewal application and submit it to the property tax division of the department at least two weeks prior to the expiration date of the certificate. In order to receive a renewal of the certificate, the applicant must provide proof that he or she has attended a minimum of fifteen classroom hours of approved instruction within the two years preceding the expiration date of the certificate.

(2) **Extensions of time for renewal.** An applicant may request an extension of time to submit the renewal application and complete the continuing education requirements if the request is submitted prior to the expiration date of the certificate. The time extension shall only be approved upon a showing of good cause by the applicant and only for a maximum time period of three months from the original expiration date of the certificate. Good cause may include, but is not limited to, a showing of long-term illness or extended absence from work for valid reasons. Excessive workload, insufficient funds, lack of budget allocation, or other similar reasons are not satisfactory to show good cause.

(3) **Preapproval of courses.** All courses, seminars, or workshops must be preapproved by the department in order to be applied toward the continuing education requirement. The department shall use the following criteria to approve courses, seminars, or workshops:

(a) Any course, seminar, or workshop directly related to real property appraising and offered by qualified personnel shall be approved for the full number of classroom hours involved; and

(b) Any seminar or workshop directly related to a topic or topics of general interest to an assessor's office and offered by qualified personnel shall be approved for a maximum of three classroom hours. No more than three hours out of the fifteen classroom hours required may be on a topic or topics of general interest to an assessor's office.

(4) **Course examination not required.** No examination is required for courses, seminars, or workshops taken to satisfy the requirement for continuing education classroom hours.

(5) **Participation in education other than as a student.** The continuing education requirement may be satisfied by participating other than as a student in educational process and programs approved by the department including teaching, program development, and authorship of textbooks or other written instructional materials. Approval of the number of classroom hours shall be based upon the subject matter and time spent in preparation or development of the training or materials. In order to meet the continuing education requirement in this manner, the following criteria must be met:

(a) Textbook, course, or presentation materials must originate with and be developed by the textbook or course author or the presenter;

(b) The textbook or course author or presenter must provide the department with a description of the work involved in preparing the textbook, course, or presentation,

together with the amount of time spent in preparation and amount of time, if any, proposed to be spent in actual training or presenting;

(c) The course author or presenter must provide the department with a copy of the course or presentation outline showing the amount of time allotted to each topic covered in the course or presentation.

(6) **Topics covered.** Courses, seminars, or workshops taken to satisfy the continuing education requirement for accredited appraisers must cover topics related to real property appraisal, such as:

(a) Ad valorem taxation;

(b) Arbitrations;

(c) Business courses related to practice of real estate;

(d) Construction estimating;

(e) Ethics and standards of professional practice;

(f) Land use planning, zoning, and taxation;

(g) Property development;

(h) Real estate law;

(i) Real property exchange;

(j) Real property computer applications;

(k) Mass appraisal;

(l) Geographic information systems (GIS);

(m) Levy process;

(n) Boards of equalization; and

(o) Other subjects as are approved by the department.

(7) **Same or similar content.**

(a) No applicant shall receive approval from the department for courses taken within any five-year time period that have the same or very similar content and are deemed comparable by the department, even if the course providers are different.

(b) Applicants who request approval from the department for continuing education hours for preparation and development of textbook, course, or presentation materials that have previously been approved by the department must provide sufficient information and explanation to indicate how the materials differ from the original approved materials and how much preparation and time was involved in the revision of the original materials.

(8) **Carry-over of classroom hours.** A maximum of five continuing education classroom hours may be carried over and applied to the following two-year period of accreditation.

(9) **Education requirement for standards of appraisal practice and ethics.** Each accredited appraiser is required to successfully complete fifteen classroom hours of a course or courses approved by the department in standards of appraisal practice and ethics. If the course or courses have not been successfully completed at the time an applicant is accredited, the course or courses attended to satisfy this requirement may also be used to satisfy the general continuing education requirement and are not in addition to the fifteen hours of continuing education required to be satisfied every two years. The requirement for successful completion of fifteen classroom hours in standards of appraisal practice and ethics must be satisfied in any one of the following three ways:

(a) An accredited appraiser had successfully completed the fifteen classroom hours of a course or courses at the time he or she was initially accredited, and can provide proof to the department of such successful completion;

(b) An accredited appraiser who has not yet successfully completed the fifteen hours of such course or courses must do so within three years of the effective date of this rule; or

(c) An applicant for accreditation must either:

(i) Have successfully completed fifteen hours of such course or courses within three years prior to the date of application; or

(ii) Successfully complete fifteen hours of such course or courses within three years of the date of accreditation.

(10) **Failure to comply with continuing education requirements.** Any accredited appraiser whose accreditation certificate has expired, and who has not received an extension of time under subsection (2) of this section, is prohibited from appraising real property for purposes of taxation. After the certificate has expired, an applicant must show the following in order to renew the certificate:

(a) For a certificate that expired less than two years prior to the date the renewal application is submitted, an applicant must show that he or she has satisfied the fifteen classroom hours of continuing education requirement within the previous two years. Any application submitted within two years of the certificate expiration that fails to satisfy the continuing education requirement will be denied.

(b) For a certificate that expired more than two years prior to the date the renewal application is submitted, the application will be treated as a new application for accreditation and in addition, the applicant will be required to show that he or she has satisfied thirty classroom hours of continuing education within the previous four years.

#### NEW SECTION

**WAC 458-10-060 Standards of practice.** The standards of practice adopted by the department and governing real property appraisal activities by accredited appraisers are the generally accepted appraisal standards as evidenced by the current appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation. A complete text of these appraisal standards is available for viewing during normal working hours at the property tax division of the department.

#### NEW SECTION

**WAC 458-10-070 Denial, suspension, or revocation of accreditation.** (1) **Reasons for denial, suspension, or revocation.** The department may deny, suspend, or revoke the accreditation of any person for any of the following reasons:

(a) Failure to meet the minimum qualifications established for accreditation by the department;

(b) Failure to pass the accreditation examination or to meet examination waiver or exemption requirements;

(c) Knowingly providing false information on application forms; or

(d) Failure to comply with continuing education requirements, including requirements regarding appraisal standards and ethics.

(2) **Notification of denial, suspension, or revocation—Appeal.** Notification of denial, suspension, or revocation by the department shall be in writing to the applicant at the applicant's last known address and, if the applicant is currently employed in an assessor's office, to the assessor.

Any appeal by an applicant or accredited appraiser of the denial, suspension, or revocation of accreditation must be made in writing to the assistant director of the property tax division of the department.

#### **WSR 96-21-117 PROPOSED RULES SKAGIT VALLEY COLLEGE**

[Filed October 22, 1996. 10:55 a.m.]

Continuance of WSR 96-15-061.

Title of Rule: Adopt WAC 132D-120-055 Antihazing policy.

Hearing Location: Skagit Valley College Board Room, 2405 College Way, Mt. Vernon, WA 98273, on October 25, 1996, at 11:30 a.m.

Assistance for Persons with Disabilities: Contact Eric Anderson, TDD (360) 416-7718.

Submit Written Comments to: Judi Knutzen, Director, Skagit Valley College WAC Coordinator, FAX (360) 416-7808, by October 23, 1996.

Date of Intended Adoption: December 9, 1996.

July 10, 1996

Dr. Brinton Sprague

Vice President

Educational Services

#### NEW SECTION

**WAC 132D-120-055 Antihazing.** Skagit Valley College prohibits student organizations and their members from engaging individually or collectively in hazing activities.

(1) **Definition.** Hazing is defined as 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 student or other person attending any institution of higher education. "Hazing" does not include customary athletic events or other similar contests or competitions.

(2) **Activity.** Hazing activity may include one or more of the following:

(a) Activities that expose individuals to embarrassment, abuse, ridicule or humiliation;

(b) Activities which have no meaningful relationship to the objectives of the organization;

(c) Activities that abuse the trust an organization is striving to build between its members and prospective members;

(d) Activities which interfere with academic pursuits or normal life functions.

(3) **Examples.** Examples of prohibited activities include pressure to swallow uncommon/common substances, forced consumption of alcohol or drugs, excessive exercise, physical or verbal abuse, personal humiliation, embarrassment, and sleep or sensory deprivation.

(4) **Disciplinary action.** Student organizations whose members participate in or conspire to participate in hazing activities will be subject to appropriate college disciplinary

actions in accordance with student rights and responsibilities (chapter 132-120 WAC). Disciplinary actions for individuals of student organizations or living groups participating in hazing activities may include forfeiture of any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college. Disciplinary action for student organizations or living groups may include deprivation of official recognition or approval granted by the college. Hazing violations are also misdemeanors punishable under state criminal law, according to RCW 9A.20.021.

(5) Impermissible conduct not amounting to hazing:

(a) Associated with initiation into a student organization or living group or any pastime or amusement engaged in, with respect to the organization or living group, will not be tolerated;

(b) May include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse;

(c) Is subject to any sanctions available under the student code of conduct, depending upon the seriousness of the violation.

(6) Complaints and appeals. Initial questions or complaints regarding hazing are to be directed to the associate dean for student programs. Appeals are to be addressed to the dean of admissions and registration.

#### WSR 96-21-119

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed October 22, 1996, 12:03 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amends WAC 246-252-010 and 246-252-030, Radiation protection—Uranium and/or thorium milling regarding the timely placement of final radon barriers.

Purpose: The proposal is required as a part of our agreement state status with the Nuclear Regulatory Commission. It will ensure the timely placement of the final radon barrier and require verification of the radon flux through that barrier.

Statutory Authority for Adoption: RCW 70.98.050 [(4)](f).

Statute Being Implemented: RCW 70.98.050 [(4)](d).

Summary: Licensees must develop a specific time frame in which a radon barrier will be installed and verification of the radon flux through the barrier.

Reasons Supporting Proposal: The rule is a requirement of our agreement state status with the Nuclear Regulatory Commission. This rule will also clarify existing language.

Name of Agency Personnel Responsible for Drafting: Leo Wainhouse, Airdustrial Park Building 5, (360) 586-7478; Implementation and Enforcement: Gary Robertson, Airdustrial Park Building 5, (360) 753-3459.

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

Rule is necessary because of federal law, 10 CFR 40 Appendix A.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule specifies timely placement of the radon barrier over uranium mill tailings. It requires licensees to put together a specific time frame in which their barrier will be installed. It allows for phased placement of the barrier and it calls for specific verification of the radon flux. This will effect two uranium mill licensees, Dawn Mining Co. and Western Nuclear Inc. This is necessary to make the Nuclear Regulatory Commission and agreement states compatible with EPA 40 CFR 192.

Proposal Changes the Following Existing Rules: In WAC 246-252-010, definitions are added for "as expeditiously as practicable considering technological feasibility," "available technology," "factors beyond the control of the licensee," "milestone," "operation," and "reclamation plan." Changes to the placement of the radon barrier and verification of the radon flux are provided in WAC 246-252-030. The wording is incorporated without material change from Nuclear Regulatory Commission regulations.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule changes are for conformance with United States Nuclear Regulatory Commission regulations and are mandatory under the agreement state status with the federal government. No material changes from federal regulations are proposed. Therefore, no small business economic impact statement is required under chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule adopts federal regulations without material change and is therefore exempt from the significant legislative rule analysis required under RCW 34.05.328 (section 201, chapter 403, Laws of 1995).

Hearing Location: Department of Health, Airdustrial Park Building #3, Tumwater, Washington, on November 26, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leo Wainhouse by November 19, 1996, TDD (800) 833-6388.

Submit Written Comments to: Leo Wainhouse, P.O. Box 47827, Olympia, WA 98504-7827, FAX (360) 753-1496, by November 19, 1996.

Date of Intended Adoption: December 3, 1996.

October 22, 1996

Bruce A. Miyahara  
Secretary

AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

**WAC 246-252-010 Definitions.** The following definitions apply to the specified terms as used in this chapter.

(1) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Any saturated zone created by uranium or thorium recovery operations would not be considered an aquifer unless the zone is, or potentially is (a) hydraulically interconnected to a natural aquifer, (b) capable of discharge to surface water, or (c) reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred to long-term government ownership and care in accordance with WAC 246-252-030(11).

(2) "As expeditiously as practicable considering technological feasibility," for the purposes of Criterion 6A, means as quickly as possible considering: The physical characteristics of the tailings and the site; the limits of available technology; the need for consistency with mandatory requirements of other regulatory programs; and factors beyond the control of the licensee. The phrase permits consideration of the cost of compliance only to the extent specifically provided for by use of the term "available technology."

(3) "Available technology" means technologies and methods for emplacing a final radon barrier on uranium mill tailings piles or impoundments. This term shall not be construed to include extraordinary measures or techniques that would impose costs that are grossly excessive as measured by practice within the industry (or one that is reasonably analogous), (such as, by way of illustration only, unreasonable overtime, staffing, or transportation requirements, etc., considering normal practice in the industry; laser fusion of soils, etc.), provided there is reasonable progress toward emplacement of the final radon barrier. To determine grossly excessive costs, the relevant baseline against which cost shall be compared is the cost estimate for tailings impoundment closure contained in the licensee's approved reclamation plan, but costs beyond these estimates shall not automatically be considered grossly excessive.

(4) "Closure" means the activities following operations to decontaminate and decommission the buildings and site used to produce by-product materials and reclaim the tailings and/or waste disposal area.

~~((3))~~ (5) "Closure plan" means the department approved plan to accomplish closure.

~~((4))~~ (6) "Compliance period" begins when the department sets secondary groundwater protection standards and ends when the owner or operator's license is terminated and the site is transferred to the state or federal agency for long-term care.

~~((5))~~ (7) "Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

~~((6))~~ (8) "Disposal area" means the area containing by-product materials to which the requirements of Criterion 6 apply.

~~((7))~~ (9) "Existing portion" means that land surface area of an existing surface impoundment on which significant quantities of uranium or thorium by-product materials had been placed prior to September 30, 1983.

~~((8))~~ (10) "Factors beyond the control of the licensee" means factors proximately causing delay in meeting the schedule in the applicable reclamation plan for the timely emplacement of the final radon barrier notwithstanding the good faith efforts of the licensee to complete the barrier in compliance with paragraph (a) of Criterion 6A. These factors may include, but are not limited to:

(a) Physical conditions at the site;

(b) Inclement weather or climatic conditions;

(c) An act of God;

(d) An act of war;

(e) A judicial or administrative order or decision, or change to the statutory, regulatory, or other legal requirements applicable to the licensee's facility that would pre-

clude or delay the performance of activities required for compliance;

(f) Labor disturbances;

(g) Any modifications, cessation or delay ordered by state, federal, or local agencies;

(h) Delays beyond the time reasonably required in obtaining necessary government permits, licenses, approvals, or consent for activities described in the reclamation plan proposed by the licensee that result from agency failure to take final action after the licensee has made a good faith, timely effort to submit legally sufficient applications, responses to requests (including relevant data requested by the agencies), or other information, including approval of the reclamation plan; and

(i) An act or omission of any third party over whom the licensee has no control.

(11) "Final radon barrier" means the earthen cover (or approved alternative cover) over tailings or waste constructed to comply with Criterion 6 of WAC 246-252-030 (excluding erosion protection features).

(12) "Groundwater" means water below the land surface in a zone of saturation. For the purposes of this chapter, groundwater is the water contained within an aquifer as defined above.

~~((9))~~ (13) "Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the by-product material.

~~((10))~~ (14) "Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing by-product materials under a department license.

~~((11))~~ (15) "Liner" means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment which restricts the downward or lateral escape of by-product material, hazardous constituents, or leachate.

~~((12))~~ (16) "Milestone" means an action or event that is required to occur by an enforceable date.

(17) "Operation" means that a uranium or thorium mill tailings pile or impoundment is being used for the continued placement of by-product material or is in standby status for such placement. A pile or impoundment is in operation from the day that by-product material is first placed in the pile or impoundment until the day final closure begins.

(18) "Point of compliance" is the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

~~((13))~~ (19) "Reclamation plan," for the purposes of Criterion 6A, means the plan detailing activities to accomplish reclamation of the tailings or waste disposal area in accordance with the technical criteria of WAC 246-252-030. The reclamation plan must include a schedule for reclamation milestones that are key to the completion of the final radon barrier including as appropriate, but not limited to, wind blown tailings retrieval and placement on the pile, interim stabilization (including dewatering or the removal of freestanding liquids and recontouring), and final radon barrier construction. (Reclamation of tailings must also be addressed in the closure plan; the detailed reclamation plan may be incorporated into the closure plan.)

(20) "Surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is



designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well.

((14)) (21) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

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

**WAC 246-252-030 Criteria related to disposition of uranium mill tailings or wastes.** As used in this section, the term "as low as reasonably achievable" has the same meaning as in WAC 246-220-007. The term by-product material means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

As required by WAC 246-235-110(6), each applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or by-product material at sites formerly associated with such milling, is required to include in a license application proposed specifications relating to the milling operation and the disposition of tailings or waste resulting from such milling activities. This section establishes criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of mills and tailings or waste systems and sites at which such mills and systems are located and site and by-product material ownership. Applications must clearly demonstrate how these criteria have been addressed. The specifications shall be developed considering the expected full capacity of tailings or waste systems and the lifetime of mill operations. Where later expansions of systems or operations may be likely, the amenability of the disposal system to accommodate increased capacities without degradation in long-term stability and other performance factors shall be evaluated.

Licensees or applicants may propose alternatives to the specific requirements in these criteria. The alternative proposals may take into account local or regional conditions, including geology, topography, hydrology, and meteorology. The department may find that the proposed alternatives meet the department's requirements if the alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with the sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the requirements of the standards promulgated by the United States Environmental Protection Agency in 40 CFR 192, Subparts D and E.

(1) Criterion 1 - In selecting among alternative tailings disposal sites or judging the adequacy of existing tailings sites, the following site features which would contribute to meeting the broad objective of permanent isolation of the tailings and associated contaminants from man and the environment for one thousand years to the extent reasonably achievable, and in any case, for at least two hundred years without ongoing active maintenance shall be considered:

(a) Remoteness from populated areas;

(b) Hydrogeologic and other environmental conditions conducive to continued immobilization and isolation of contaminants from groundwater sources; and

(c) Potential for minimizing erosion, disturbance, and dispersion by natural forces over the long term.

The site selection process must be an optimization to the maximum extent reasonably achievable in terms of these features.

In the selection of disposal sites, primary emphasis shall be given to isolation of tailings or wastes, a matter having long-term impacts, as opposed to consideration only of short-term convenience or benefits, such as minimization of transportation or land acquisition costs. While isolation of tailings will be a function of both site characteristics and engineering design, overriding consideration shall be given to siting features given the long-term nature of the tailings hazards.

Tailings shall be disposed in a manner such that no active maintenance is required to preserve the condition of the site.

(2) Criterion 2 - To avoid proliferation of small waste disposal sites, by-product material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote above ground extraction operations shall be disposed at existing large mill tailings disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity and the costs and environmental impacts of transporting the wastes to a large disposal site, such offsite disposal is demonstrated to be impracticable or the advantage of onsite burial clearly outweighs the benefits of reducing the perpetual surveillance obligations.

(3) Criterion 3 - The "prime option" for disposal of tailings is placement below grade, either in mines or specially excavated pits (that is, where the need for any specially constructed retention structure is eliminated).

The evaluation of alternative sites and disposal methods performed by mill operators in support of their proposed tailings disposal program (provided in applicants' environmental reports) shall reflect serious consideration of this disposal mode. In some instances, below grade disposal may not be the most environmentally sound approach, such as might be the case if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Also, geologic and topographic conditions might make full, below grade burial impracticable; for example, near-surface bedrock could create prominent excavation costs while more suitable alternate sites may be available. Where full below grade burial is not practicable, the size of the retention structures, and the size and steepness of slopes of associated exposed embankments, shall be minimized by excavation to the maximum extent reasonably achievable or appropriate, given the geologic and hydrogeologic conditions at a site. In these cases, it must be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) Criterion 4 - The following site and design criteria shall be adhered to whether tailings or wastes are disposed of above or below grade:

(a) Upstream rainfall catchment areas must be minimized to decrease erosion potential and the size of the



probable maximum flood which could erode or wash out sections of the tailings disposal area.

(b) Topographic features shall provide good wind protection.

(c) Embankment and cover slopes shall be relatively flat after final stabilization to minimize erosion potential and to provide conservative factors of safety assuring long-term stability. The broad objective should be to contour final slopes to grades which are as close as possible to those which would be provided if tailings were disposed of below grade; this could, for example, lead to slopes of about ten horizontal to one vertical (10h:1v) or less steep. In general, slopes should not be steeper than about 5h:1v. Where steeper slopes are proposed, reasons why a slope less steep than 5h:1v would be impracticable should be provided, and compensating factors and conditions which make such slopes acceptable should be identified.

(d) A fully self-sustaining vegetative cover shall be established or rock cover employed to reduce wind and water erosion to negligible levels.

Where a full vegetative cover is not likely to be self-sustaining due to climatic conditions, such as in semi-arid and arid regions, rock cover shall be employed on slopes of the impoundment system. The NRC will consider relaxing this requirement for extremely gentle slopes such as those which may exist on the top of the pile.

The following factors shall be considered in establishing the final rock cover design to avoid displacement of rock particles by human and animal traffic or by natural processes, and to preclude undercutting and piping:

(i) Shape, size, composition, gradation of rock particles (excepting bedding material, average particle size shall be at least cobble size or greater);

(ii) Rock cover thickness and zoning of particles by size; and

(iii) Steepness of underlying slopes.

(e) Individual rock fragments shall be dense, sound, and resistant to abrasion, and free from defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used. Shale, rock laminated with shale, and cherts shall not be used.

Rock covering of slopes may not be required where top covers are on the order of ten meters or greater; impoundment slopes are on the order of 10h:1v or less; bulk cover materials have inherently favorable erosion resistance characteristics; and there is negligible drainage catchment area upstream of the pile, and there is good wind protection as described in (a) and (b) of this subsection.

(f) Impoundment surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with substantial rock cover (riprap). In addition to providing for stability of the impoundment systems itself, the overall stability, erosion potential, and geomorphology of surrounding terrain shall be evaluated to assure that there are no processes, such as gully erosion, which would lead to impoundment instability.

(g) The impoundment shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the impoundment could

reasonably be expected to withstand. As used in this criterion, the term "capable fault" has the same meaning as defined in Section III (g) of Appendix A of 10 CFR Part 100. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.

(h) The impoundment, where feasible, should be designed to incorporate features which will promote deposition of suspended particles. For example, design features which promote deposition of sediment suspended in any runoff which flows into the impoundment area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

(5) Criterion 5 - Criteria 5(a) through 5(g) and new Criterion 13 incorporate the basic groundwater protection standards imposed by the United States Environmental Protection Agency in 40 CFR Part 192, Subparts D and E (48 FR 45926; October 7, 1983) which apply during operations and prior to the end of closure. Groundwater monitoring to comply with these standards is required by Criterion 7.

(a) The primary groundwater protection standard is a design standard for surface impoundments used to manage uranium and thorium by-product material. Surface impoundments (except for an existing portion) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, groundwater, or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil, groundwater, or surface water) during the active life of the facility, provided that impoundment closure includes removal or decontamination of all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate. For impoundments that will be closed with the liner material left in place, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility.

(b) The liner required by (a) of this subsection must be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(iii) Installed to cover all surrounding earth likely to be in contact with the wastes or leachate.

(c) The applicant or licensee will be exempted from the requirements of (a) of this subsection if the department finds, based on a demonstration by the applicant or licensee, that alternate design and operating practices, including the closure

plan, together with site characteristics will prevent the migration of any hazardous constituents into groundwater or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;  
 (ii) The proposed alternate design and operation;  
 (iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

(d) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave actions; rainfall; run-on; from malfunctions of level controllers, alarms, and other equipment; and human error.

(e) When dikes are used to form the surface impoundment, the dikes must be designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the impoundment.

(f) Uranium and thorium by-product materials must be managed to conform to the following secondary groundwater protection standard: Hazardous constituents entering the groundwater from a licensed site must not exceed the specified concentration limits in the uppermost aquifer beyond the point of compliance during the compliance period. Hazardous constituents are those constituents identified by the department pursuant to (g) of this subsection. Specified concentration limits are those limits established by the department as indicated in (j) of this subsection. The department will also establish the point of compliance and compliance period on a site specific basis through license conditions and orders. The objective in selecting the point of compliance is to provide the earliest practicable warning that the impoundment is releasing hazardous constituents to the groundwater. The point of compliance must be selected to provide prompt indication of groundwater contamination on the hydraulically downgradient edge of the disposal area. The department must identify hazardous constituents, establish concentration limits, set the compliance period, and adjust the point of compliance, if needed, when the detection monitoring established under criterion 7 indicates leakage of hazardous constituents from the disposal area.

(g) A constituent becomes a hazardous constituent subject to (j) of this subsection when the constituent:

(i) Is reasonably expected to be in or derived from the by-product material in the disposal area;

(ii) Has been detected in the groundwater in the uppermost aquifer; and

(iii) Is listed in WAC 246-252-050 Appendix A.

(h) The department may exclude a detected constituent from the set of hazardous constituents on a site specific basis if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to exclude constituents, the department will consider the following:

(i) Potential adverse effect on groundwater quality, considering —

(A) The physical and chemical characteristics of the waste in the licensed site, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(i) In making any determinations under (h) and (k) of this subsection about the use of groundwater in the area around the facility, the department will consider any identification of underground sources of drinking water and exempted aquifers made by the United States Environmental Protection Agency.

(j) At the point of compliance, the concentration of a hazardous constituent must not exceed —

(i) The department approved background concentration of that constituent in the groundwater;

(ii) The respective value given in the table in subsection (5)(l) of this section if the constituent is listed in the table and if the background level of the constituent is below the value listed; or

(iii) An alternate concentration limit established by the department.

(k) Conceptually, background concentrations pose no incremental hazards and the drinking water limits in (j)(i) of this subsection state acceptable hazards but these two options may not be practically achievable at a specific site. Alternate concentration limits that present no significant hazard may be proposed by licensees for department consideration. Licensees must provide the basis for any proposed limits including consideration of practicable corrective actions, that limits are as low as reasonably achievable, and information on the factors the department must consider.

The department will establish a site specific alternate concentration limit for a hazardous constituent as provided in (j) of this subsection if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will apply its as low as reasonably achievable criterion in this chapter. The department will also consider the following factors:

(i) Potential adverse effects on groundwater quality, considering —

(A) The physical and chemical characteristics of the waste in the licensed site including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(I) MAXIMUM VALUES FOR GROUNDWATER PROTECTION:

Constituent or Property	Maximum Concentration
	Milligrams per liter
Arsenic .....	0.05
Barium .....	1.0
Cadmium .....	0.01
Chromium .....	0.05
Lead .....	0.05
Mercury .....	0.002
Selenium .....	0.01
Silver .....	0.05
Endrin (1,2,3,4,10,10-hexachloro-1,7 -exoxy-1,4,4a,5,6,7,8,9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene) .....	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer) .....	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis (p-methoxyphenylethane) .....	0.1
Toxaphene (C <sub>10</sub> H <sub>10</sub> Cl <sub>6</sub> , Technical chlorinated camphene, 67-69 percent chlorine) .....	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid) .....	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid) .....	0.01
	Picocuries per liter
Combined radium - 226 and radium - 228 .....	5
Gross alpha - particle activity (excluding radon and uranium when producing uranium by-product material or thorium when producing thorium by-product material) .....	15

(m) If the groundwater protection standards established under (f) of this subsection are exceeded at a licensed site, a corrective action program must be put into operation as soon as is practicable, and in no event later than eighteen months after the department finds that the standards have been exceeded. The licensee shall submit the proposed corrective action program and supporting rationale for department approval prior to putting the program into operation, unless otherwise directed by the department. The objective of the program is to return hazardous constituent concentration levels in groundwater to the concentration limits set as standards. The licensee's proposed program must address removing the hazardous constituents that have entered the groundwater at the point of compliance or treating them in place. The program must also address removing or treating in place any hazardous constituents that exceed concentration limits in groundwater between the point of compliance and the downgradient facility property boundary. The licensee shall continue corrective action measures to the extent necessary to achieve and maintain compliance with the groundwater protection standard. The department will determine when the licensee may terminate corrective action measures based on data from the groundwater monitoring program and other information that provide reasonable assurance that the groundwater protection standard will not be exceeded.

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(n) In developing and conducting groundwater protection programs, applicants and licensees shall also consider the following:

(i) Installation of bottom liners (where synthetic liners are used, a leakage detection system must be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwater monitoring program conducted as provided in Criterion 7. Where clay liners are proposed or relatively thin, in-situ clay soils are to be relied upon for seepage control, tests must be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests must be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases deterioration has been observed to occur rather rapidly after about nine months of exposure)).

(ii) Mill process designs which provide the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(iii) Dewatering of tailings by process devices and/or in-situ drainage systems (at new sites, tailings must be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the driving head of seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom must be graded to assure that the drains are at a low point. The drains must be protected by suitable filter materials to assure that drains remain free running. The drainage system must also be adequately sized to assure good drainage).

(iv) Neutralization to promote immobilization of hazardous constituents.

(o) Where groundwater impacts are occurring at an existing site due to seepage, action must be taken to alleviate conditions that lead to excessive seepage impacts and restore groundwater quality. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications must be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or scientist, must be established to assure the specifications are met.

(p) In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(i) The chemical and radioactive characteristics of the waste solutions.

(ii) The characteristics of the underlying soil and geologic formations particularly as they will control transport of contaminants and solutions. This includes detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations must be determined. This information must be gathered from borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate to groundwater. The information gathered on boreholes must include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining

significant discontinuities, fractures, and channeled deposits of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability may not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) must be conducted to assure actual field properties are adequately understood. Testing must be conducted to allow estimating chemi-sorption attenuation properties of underlying soil and rock.

(iii) Location, extent, quality, capacity and current uses of any groundwater at and near the site.

(q) Steps must be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining and/or compaction of ore storage areas.

(6) Criterion 6 - ~~((a) In cases where waste by-product material is to be permanently disposed, an earthen cover shall be placed over tailings or wastes at the end of the milling operations and the waste disposal area shall be closed in accordance with a design<sup>2</sup> which shall provide reasonable assurance of control of radiological hazard to:~~

~~(i) Be effective for one thousand years, to the extent reasonably achievable, and, in any case, for at least two hundred years; and~~

~~(ii) Limit releases of Radon-222 from uranium by-product materials, and Radon-220 from thorium by-product materials, to the atmosphere so as to not exceed an average<sup>2</sup> release rate of twenty picocuries per square meter per second (pCi/m<sup>2</sup>s) to the extent practicable throughout the effective design life determined pursuant to (a)(i) of this subsection. In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances shall not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer shall not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed as cover materials, it must be demonstrated that such materials will not crack or degrade by differential settlement, weathering, or other mechanism over long term time intervals.~~

~~(b) Near surface materials (i.e., within the top three meters) shall not include mine waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding soils. This is to insure that surface radon exhalation is not significantly above background because of the cover material itself.~~

~~(c) The design requirements in this criterion for longevity and control of radon releases shall apply to any portion of a licensed and/or disposal site unless such portion contains a concentration of radium in land, averaged over areas of one hundred square meters, which, as a result of by-product material does not exceed the background level by more than:~~

~~(i) Five picocuries per gram (pCi/g) of Radium-226, or, in the case of thorium by-product material, Radium-228, averaged over the first fifteen centimeters below the surface; and~~

~~(ii) Fifteen pCi/g of Radium-226, or, in the case of thorium by-product material, Radium-228, averaged over fifteen centimeters thick layers more than fifteen centimeters below the surface.~~

~~(d) The licensee must also address the nonradiological hazards associated with the wastes in planning and implementing closure. The licensee shall ensure that disposal areas are closed in a manner that minimizes the need for further maintenance. To the extent necessary to prevent threats to human health and the environment, the licensee shall control, minimize, or eliminate post-closure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to the ground or surface waters or to the atmosphere.~~

## Footnotes:

<sup>1</sup> ~~The standard applies to design. Monitoring for radon after installation of an appropriately designed cover is not required.~~

<sup>2</sup> ~~This average shall apply to the entire surface of each disposal area over periods of at least one year, but short compared to one hundred years. Radon will come from both uranium by-product materials and from covering material. Radon emissions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from by-product materials to the atmosphere.)~~

(a) In disposing of waste by-product material, licensees shall place an earthen cover (or approved alternative) over tailings or wastes at the end of milling operations and shall close the waste disposal area in accordance with a design<sup>1</sup> which provides reasonable assurance of control of radiological hazards to:

(i) Be effective for 1,000 years, to the extent reasonably achievable, and, in any case, for at least 200 years; and

(ii) Limit releases of Radon-222 from uranium by-product materials, and Radon-220 from thorium by-product materials, to the atmosphere so as not to exceed an average<sup>2</sup> release rate of 20 picocuries per square meter per second (pCi/m<sup>2</sup>s) to the extent practicable throughout the effective design life determined pursuant to (a)(i) of this subsection (this criterion). In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances may not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer may not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed as cover materials, it must be demonstrated that these materials will not crack or degrade by differential settlement, weathering, or other mechanism, over long-term intervals.

(b) As soon as reasonably achievable after emplacement of the final cover to limit releases of Radon-222 from uranium by-product material and prior to placement of erosion protection barriers or other features necessary for long-term control of the tailings, the licensees shall verify through appropriate testing and analysis that the design and construction of the final radon barrier is effective in limiting releases of Radon-222 to a level not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire pile or impoundment using the procedures described in 40 CFR part 61, appendix B, Method 115, or another method of verification approved by the Nuclear Regulatory Commission as being at least as effective in demonstrating the effectiveness of the final radon barrier.

(c) When phased emplacement of the final radon barrier is included in the applicable reclamation plan, the verification of Radon-222 release rates required in (b) of this

subsection (this criterion) must be conducted for each portion of the pile or impoundment as the final radon barrier for that portion is emplaced.

(d) Within ninety days of the completion of all testing and analysis relevant to the required verification in (b) and (c) of this subsection (this criterion), the uranium mill licensee shall report to the department the results detailing the actions taken to verify that levels of release of Radon-222 do not exceed 20 pCi/m<sup>2</sup>s when averaged over the entire pile or impoundment. The licensee shall maintain records until termination of the license documenting the source of input parameters including the results of all measurements on which they are based, the calculations and/or analytical methods used to derive values for input parameters, and the procedure used to determine compliance. These records shall be kept in a form suitable for transfer to the custodial agency at the time of transfer of the site to DOE or a state for long-term care if requested.

(e) Near surface cover materials (i.e., within the top three meters) may not include waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils. This is to ensure that surface radon exhalation is not significantly above background because of the cover material itself.

(f) The design requirements in this criterion for longevity and control of radon releases apply to any portion of a licensed and/or disposal site unless such portion contains a concentration of radium in land, averaged over areas of 100 square meters, which, as a result of by-product material, does not exceed the background level by more than:

(i) 5 picocuries per gram (pCi/g) of radium-226, or, in the case of thorium by-product material, radium-228, averaged over the first 15 centimeters (cm) below the surface; and

(ii) 15 pCi/g of radium-226, or, in the case of thorium by-product material, radium-228, averaged over 15-cm thick layers more than 15 cm below the surface.

(g) The licensee shall also address the nonradiological hazards associated with the wastes in planning and implementing closure. The licensee shall ensure that disposal areas are closed in a manner that minimizes the need for further maintenance. To the extent necessary to prevent threats to human health and the environment, the licensee shall control, minimize, or eliminate post-closure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to the ground or surface waters or to the atmosphere.

<sup>1</sup> In the case of thorium by-product materials, the standard applies only to design. Monitoring for radon emissions from thorium by-product materials after installation of an appropriately designed cover is not required.

<sup>2</sup> This average applies to the entire surface of each disposal area over a period of at least one year, but a period short compared to 100 years. Radon will come from both by-product materials and from covering materials. Radon emissions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from by-product materials to the atmosphere.

Criterion 6A - (a) For impoundments containing uranium by-product materials, the final radon barrier must be completed as expeditiously as practicable considering

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technological feasibility after the pile or impoundment ceases operation in accordance with a written, department-approved reclamation plan. (The term as expeditiously as practicable considering technological feasibility as specifically defined in WAC 246-252-010 includes factors beyond the control of the licensee.) Deadlines for completion of the final radon barrier and, if applicable, the following interim milestones must be established as a condition of the individual license: Windblown tailings retrieval and placement on the pile and interim stabilization (including dewatering or the removal of freestanding liquids and recontouring). The placement of erosion protection barriers or other features necessary for long-term control of the tailings must also be completed in a timely manner in accordance with a written, approved reclamation plan.

(b) The department may approve a licensee's request to extend the time for performance of milestones related to emplacement of the final radon barrier if, after providing an opportunity for public participation, the department finds that the licensee has adequately demonstrated in the manner required in subsection (6)(b) of this section (Criterion 6) that releases of Radon-222 do not exceed an average of 20 pCi/m<sup>2</sup>s. If the delay is approved on the basis that the radon releases do not exceed 20 pCi/m<sup>2</sup>s, a verification of radon levels, as required by subsection (6)(b) of this section (Criterion 6), must be made annually during the period of delay. In addition, once the department has established the date in the reclamation plan for the milestone for completion of the final radon barrier, the department may extend that date based on cost if, after providing an opportunity for public participation, the department finds that the licensee is making good faith efforts to emplace the final radon barrier, the delay is consistent with the definitions of available technology, and the radon releases caused by the delay will not result in a significant incremental risk to the public health.

(c) The department may authorize by license amendment, upon licensee request, a portion of the impoundment to accept uranium by-product material or such materials that are similar in physical, chemical, and radiological characteristics to the uranium mill tailings and associated wastes already in the pile or impoundment from other sources, during the closure process. No such authorization will be made if it results in a delay or impediment to emplacement of the final radon barrier over the remainder of the impoundment in a manner that will achieve levels of Radon-222 releases not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire impoundment. The verification required in subsection (6)(b) of this section (Criterion 6) may be completed with a portion of the impoundment being used for further disposal if the department makes a final finding that the impoundment will continue to achieve a level of Radon-222 releases not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire impoundment. In this case, after the final radon barrier is complete except for the continuing disposal area:

(i) Only by-product material will be authorized for disposal;

(ii) The disposal will be limited to the specified existing disposal area; and

(iii) This authorization will only be made after providing opportunity for public participation.

Reclamation of the disposal area, as appropriate, must be completed in a timely manner after disposal operations cease in accordance with subsection (6)(a) of this section (Criterion 6); however, these actions are not required to be complete as part of meeting the deadline for final radon barrier construction.

(7) Criterion 7 - At least one full year prior to any major site construction, a preoperational monitoring program must be conducted to provide complete baseline data on a milling site and its environs. Throughout the construction and operating phases of the mill, an operational monitoring program must be conducted to complete the following:

(a) To measure or evaluate compliance with applicable standards and regulations;

(b) To evaluate performance of control systems and procedures;

(c) To evaluate environmental impacts of operation; and

(d) To detect potential long-term effects.

The licensee shall establish a detection monitoring program needed for the department to set the site-specific groundwater protection standards in Criterion 5 of this section. For all monitoring under this paragraph, the licensee or applicant will propose for department approval as license conditions, which constituents are to be monitored on a site-specific basis. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under Criterion 5. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to Criterion 5, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in ground water continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

(8) Criterion 8 - Milling operations shall be conducted so that all airborne effluent releases are reduced to as low as is reasonably achievable. The primary means of accomplishing this shall be by means of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been

taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. The greatest potential sources of offsite radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. During operations and prior to closure, radiation doses from radon emissions from surface impoundments shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters (e.g., differential pressure and scrubber water flow rate) which determine the efficiency of yellowcake stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action shall be taken when performance is outside of prescribed ranges. Effluent control devices shall be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack.

Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable.

Operations may not be restarted after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the department in writing, within ten days of the subsequent restart.

To control dusting from tailings, that portion not covered by standing liquids shall be wetted or chemically stabilized to prevent or minimize blowing and dusting to the maximum extent reasonably achievable. This requirement may be relaxed if tailings are effectively sheltered from wind, such as may be the case where they are disposed of below grade and the tailings surface is not exposed to wind. Consideration shall be given in planning tailings disposal programs to methods which would allow phased covering and reclamation of tailings impoundments since this will help in controlling particulate and radon emissions during operation. To control dustings from diffuse sources, such as tailings and ore pads where automatic controls do not apply, operators shall develop written operating procedures specifying the methods of control which will be utilized.

Milling operations producing or involving thorium by-product material shall be conducted in such a manner as to provide reasonable assurance that the annual dose equivalent does not exceed twenty-five millirems to the whole body, seventy-five millirems to the thyroid, and twenty-five millirems to any other organ of any member of the public as a result of exposures to the planned discharge of radioactive materials, Radon-220 and its daughters excepted, to the general environment.

Uranium and thorium by-product materials shall be managed so as to conform to the applicable provisions of Title 40 of the Code of Federal Regulations, Part 440, Ore

Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, as codified on January 1, 1983.

The licensee shall establish a detection monitoring program needed to establish the groundwater protection standards in subsection (5)(f) of this section. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under subsection (5)(f) of this section. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to subsection (5)(f) of this section, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

Daily inspections of tailings or waste retention systems must be conducted by a qualified engineer or scientist and documented. The department must be immediately notified of any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas, and/or of any unusual conditions (conditions not contemplated in the design of the retention system) which if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

(9) Criterion 9 - (a) Pursuant to chapter 70.121 RCW, and except as otherwise provided, financial surety arrangements for site reclamation and long-term surveillance and control which may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, or any combination of the above, or other arrangements approved by the department, milling operations shall be established for source material to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the act and these regulations.

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(i) The amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates.

(ii) Self-insurance, or any arrangement which essentially constitutes self-insurance (e.g., a contract with a state or federal agency), will not satisfy the surety requirement, since this provides no additional assurance other than that which already exists through license requirements.

(b) The arrangements required in (a) of this subsection shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out decontamination and decommissioning of the facility.

(c) Amendments to licenses in effect on the effective date of this regulation may be issued, providing that the required surety arrangements are established within ninety days after the effective date of this subsection.

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates in an approved plan for (i) decontamination and decommissioning of mill buildings and the milling site to levels which would allow unrestricted use of these areas upon decommissioning, and (ii) the reclamation of tailings and/or waste disposal areas in accordance with the technical criteria delineated in this section. The licensee shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. In addition, the surety shall cover the payment of the charge for long-term surveillance and control required by the department. In establishing specific surety arrangements, the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the decommissioning and reclamation work. In order to avoid unnecessary duplication and expense, the department may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies and/or local governing bodies for such decommissioning, decontamination, reclamation, and long-term site surveillance, provided such arrangements are considered adequate to satisfy these requirements and that portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge is clearly identified and committed for use in accomplishing these activities. The licensee's surety mechanism will be reviewed annually by the department to assure that sufficient funds will be available for completion of the reclamation plan if the work had to be performed by an independent contractor. The amount of surety liability should be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability shall be retained until final compliance with the reclamation plan is determined. This will yield a surety that is at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be

demonstrated that another arrangement would provide an equivalent level of assurance. This assurance could be provided with a surety instrument which is written for a specific period of time (e.g., five years), yet which must be automatically renewed unless the surety notifies the beneficiary (the state regulatory agency) and the principal (the licensee) some reasonable time (e.g., ninety days) prior to the renewal date of their intention not to renew. In such a situation, the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief period of time to allow at least sixty days for the department to collect.

Proof of forfeiture must not be necessary to collect the surety so that in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration. The conditions described above would have to be clearly stated on any surety instrument which is not open-ended and must be agreed to by all parties.

Long-term care requirements. Pursuant to chapter 70.121 RCW, and as otherwise provided in WAC 246-235-080 (6)(d), a long-term care trust fund shall be established by source material milling licensees prior to the issuance of the license.

(10) Criterion 10 - (a) A minimum charge of two hundred fifty thousand dollars (1978 United States dollars) accrued as specified in WAC 246-235-080 (6)(d) to cover the costs of long-term surveillance shall be paid by each mill operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in (a) of this subsection (e.g., if fencing is determined to be necessary), variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. Contributions by a licensee to the long-term care trust fund pursuant to chapter 70.121 RCW shall be transferred to cover the costs assessed under this criterion.

(11) Criterion 11 - These criteria relating to ownership of tailings and their disposal sites become effective on November 8, 1981, and apply to all licenses terminated, issued, or renewed after that date.

Any uranium or thorium milling license or tailings license shall contain such terms and conditions as the United States Nuclear Regulatory Commission determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this criterion for sites used for tailings disposal.

Title to the by-product material licensed pursuant to WAC 246-252-030 and land, including any interests therein (other than land owned by the United States or by the state of Washington) which is used for the disposal of any such by-product material, or is essential to ensure the long-term stability of such disposal site, shall be transferred to the



United States or the state of Washington. In view of the fact that physical isolation must be the primary means of long term control, and government land ownership is a desirable supplementary measure, ownership of certain severable subsurface interests (for example, mineral rights) may be determined to be unnecessary to protect the public health and safety and the environment. In any case, the applicant/operator must demonstrate a serious effort to obtain such subsurface rights, and must, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to either a United States Nuclear Regulatory Commission general or specific license prohibiting the disruption and disturbance of the tailings. In some rare cases, such as may occur with deep burial where no ongoing site surveillance will be required, surface land ownership transfer requirements may be waived. For licenses issued before November 8, 1981, the United States Nuclear Regulatory Commission may take into account the status of the ownership of such land, and interests therein, and the ability of a licensee to transfer title and custody thereof to the United States or the state. If the United States Nuclear Regulatory Commission, subsequent to title transfer, determines that use of the surface or subsurface estates, or both, of the land transferred to the United States or to a state will not endanger the public health, safety, welfare or environment, the United States Nuclear Regulatory Commission may permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions provided in these criteria. If the United States Nuclear Regulatory Commission permits such use of such land, it will provide the person who transferred such land with the right of first refusal with respect to such use of such land.

Material and land transferred to the United States or a state in accordance with this criterion must be transferred without cost to the United States or a state other than administrative and legal costs incurred in carrying out such transfer.

The provisions of this part, respecting transfer of title and custody to land and tailings and wastes, do not apply in the case of lands held in trust by the United States for any Indian tribe, or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In the case of such lands which are used for the disposal of byproduct material, as defined in this section, the licensee shall enter into arrangements with the United States Nuclear Regulatory Commission as may be appropriate to assure the long-term surveillance of such lands by the United States.

(12) Criterion 12 - The final disposition of tailings or wastes at milling sites should be such that ongoing active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections must be conducted by the government agency retaining ultimate custody of the site where tailings or wastes are stored, to confirm the integrity of the stabilized tailings or waste systems, and to determine the need, if any, for maintenance and/or monitoring. Results of the inspection must be reported to the United States Nuclear Regulatory Commission within sixty days following each inspection. The United States Nuclear Regulatory Commission may require more frequent site inspections if, on the basis of a site-specific evaluation, such a need

appears necessary, due to the features of a particular tailings or waste disposal system.

(13) Criterion 13 - Secondary groundwater protection standards required by Criterion 5 of this section are concentration limits for individual hazardous constituents. The list of constituents found in Appendix A of this chapter, chapter 246-252 WAC, identifies the constituents for which standards must be set and complied with if the specific constituent is reasonably expected to be in or derived from the by-product material and has been detected in groundwater. For purposes of this criterion, the property of gross alpha activity will be treated as if it is a hazardous constituent. Thus, when setting standards under subsection (5)(j) of this section, the department will also set a limit for gross alpha activity.

**WSR 96-21-120**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed October 22, 1996, 12:06 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapter 246-249 WAC, Radioactive waste—Use of the commercial disposal site and chapter 246-250 WAC, Radioactive waste—Licensing land disposal.

Purpose: To make existing regulations compatible with United States Nuclear Regulatory Commission (NRC) requirements, this action is necessary under the agreement state status with the United States Nuclear Regulatory Commission.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.080.

Statute Being Implemented: RCW 70.98.050 and 70.98.080.

Summary: The changes in chapter 246-249 WAC clarify requirements for maintaining records for low-level radioactive waste (LLRW) disposal. The changes to chapter 246-250 WAC clarify methods of near-surface disposal and requirements for a quality assurance program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mikel Elsen, Tumwater, (360) 753-1116.

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

Rule is necessary because of federal law, 10 CFR 20, Appendix F; and 10 CFR 61.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal modifies the existing WAC 246-249-090 Transfer for disposal and manifest, 246-250-001 Purpose and scope, 246-250-010 Definitions, and 246-250-050 Specific technical information. The changes to chapter 246-250 WAC will only affect the operators of the LLRW disposal facility by requiring a description of electronic record keeping when applying for a license. Changes to chapter 246-249 WAC will require all shippers to the LLRW disposal facility to have legible records.

Proposal Changes the Following Existing Rules: Chapter 246-249 WAC will require shipping manifests to be legible carbon copies or photocopies. Changes to chapter 246-250 WAC will define what near-surface disposal is,

further define what a land disposal facility is, change the term "quality control" to "quality assurance," and will require a description of the LLRW facility's electronic record-keeping system.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule changes are for conformance with United States Nuclear Regulatory Commission regulations and are mandatory under the agreement state status with the federal government. No material changes from federal regulations are proposed. Therefore, no small business economic impact statement is required under chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed rules adopt federal regulations which are required for compatibility with the United States Nuclear Regulatory Commission. Because no material changes to the federal rules are proposed, RCW 34.05.328 (section 201, chapter 403, Laws of 1995) does not apply.

Hearing Location: Airdustrial Center, Building 3, 7171 Cleanwater Lane, Tumwater, WA, on November 26, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mike Elsen by November 19, 1996, TDD (800) 833-6388.

Submit Written Comments to: Mike Elsen, P.O. Box 7827, Olympia, WA 98504, FAX (360) 753-1496, by November 19, 1996.

Date of Intended Adoption: December 3, 1996.

October 22, 1996

Bruce Miyahara  
Secretary

**AMENDATORY SECTION** (Amending Order 187, filed 8/7/91, effective 9/7/91)

**WAC 246-249-090 Transfer for disposal and manifests.** (1) Each shipment of waste to a licensed land disposal facility shall be accompanied by a shipment manifest that contains the name, address, and telephone number of the person generating the waste. The manifest shall also include the name, address, and telephone number of the person transporting the waste to the land disposal facility. The manifest shall also indicate as completely as practicable: A physical description of the waste; the waste volume; radionuclide identity and quantity; the total radioactivity; and the principal chemical form. The solidification, stabilization, or sorption agent shall be specified. Wastes containing more than 0.1 percent chelating agents by weight shall be identified and the weight percentage of the chelating agent estimated. Wastes classified as Class A, Class B, or Class C in WAC 246-249-040 shall be clearly identified as such in the manifest unless transferred to a waste processor who treats or repackages wastes. The total quantity of the radionuclides H-3, C-14, Tc-99 and I-129 must be shown.

(2) The manifest required in subsection (1) of this section may be shipping papers used to meet United States Department of Transportation or United States Environmental Protection Agency regulations or requirements of the receiver, provided all of the required information is included. Copies of manifests required by this section may be legible carbon copies or legible photocopies.

(3) Each manifest shall include a certification by the waste generator that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the agency. An authorized representative of the waste generator shall sign and date the manifest.

(4) Any generator licensee who transfers waste to a land disposal facility or a licensed waste collector shall comply with the following requirements. Any licensee who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of (d) through (h) of this subsection. A licensee shall:

(a) Prepare all wastes so the waste is classified according to WAC 246-249-040 and meets the waste characteristics requirements in WAC 246-249-050.

(b) Label each package of waste to identify whether it is a Class A waste, Class B waste or Class C waste, in accordance with WAC 246-249-040;

(c) Conduct a quality control program to assure compliance with WAC 246-249-040 and 246-249-050; the program must include management evaluation of audits;

(d) Prepare shipping manifests to meet the requirements of subsections (1), (2), and (3) of this section;

(e) Forward a copy of the manifest to the intended recipient, at the time of shipment; or, deliver to a broker at the time the waste is collected, obtaining acknowledgement of receipt in the form of a signed copy of the manifest from the broker;

(f) Include one copy of the manifest with the shipment;

(g) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by these regulations;

(h) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(5) Any waste broker licensee who handles prepackaged waste shall:

(a) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest.

(b) Prepare a new manifest to reflect consolidated shipments; the new manifest shall serve as a listing or index for the detailed generator manifests. Copies of the generator manifests shall be a part of the new manifest.

The waste broker may prepare a new manifest without attaching the generator manifests, provided the new manifest contains for each package the information specified in subsection (1) of this section. The broker licensee shall certify that nothing has been done to the waste which would invalidate the generator's certification.

(c) Forward a copy of the new manifest to the land disposal facility operator at the time of shipment;

(d) Include the new manifest with the shipment to the disposal site.

(e) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by these regulations, and retain information from generator manifests as required by these regulations, and retain information from generator manifests until disposition is authorized by the agency; and

(f) For any shipments or any part of a shipment for which acknowledgement of receipt is not received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(6) Any licensed waste processor who treats or repackages wastes shall:

(a) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest.

(b) Prepare a new manifest that meets the requirements of subsections (1), (2), and (3) of this section. Preparation of the new manifest reflects that the processor is responsible for the waste;

(c) Prepare all wastes so that the waste is classified according to WAC 246-249-040 and meets the waste characteristics requirement in WAC 246-249-050.

(d) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with WAC 246-249-040 and 246-249-060.

(e) A quality control program shall be conducted to assure compliance with WAC 246-249-040 and 246-249-050. The program shall include management evaluation of audits;

(f) Forward a copy of the new manifest to the disposal site operator or waste broker at the time of shipment, or deliver to a broker at the time the waste is collected, obtaining acknowledgement of receipt in the form of a signed copy of the manifest by the broker.

(g) Include the new manifest with the shipment;

(h) Retain copies of the original manifests and new manifests with documentation of acknowledgement of receipt as the record of transfer of licensed material required by these regulations.

(i) For any shipment or part of a shipment for which acknowledgement is not received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(7) The land disposal facility operator shall:

(a) Acknowledge receipt of the waste within one week of receipt by returning a signed copy of the manifest to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. The returned copy of the manifest shall indicate any discrepancies between materials listed on the manifest and materials received;

(b) Maintain copies of all completed manifests until the agency authorizes their disposition; and

(c) Notify the shipper (i.e., the generator or the broker) and the agency when any shipment or part of a shipment has not arrived within sixty days after the advanced manifest was received.

(8) Any shipment or part of a shipment for which acknowledgement is not received within the time set forth in this section must:

(a) Be investigated by the shipper if the shipper has not received notification of receipt within twenty days after transfer; and

(b) Be traced and reported. The investigation shall include tracing the shipment and filing a report with the agency. Each licensee who conducts a trace investigation shall file a written report with the agency within two weeks of completion of the investigation.

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

**WAC 246-250-001 Purpose and scope.** (1) The regulations in this chapter establish procedures, criteria, and terms and conditions upon which the department issues licenses for land disposal of low-level radioactive wastes received from other persons. (Applicability of the requirements in this chapter to department licenses for waste disposal facilities in effect on the effective date of this regulation will be determined on a case-by-case basis and implemented through terms and conditions of the license or by orders issued by the department.) The requirements of this chapter are in addition to, and not in substitution for, other applicable requirements of these regulations or other state regulations.

(2) The regulations in this chapter do not apply to disposal of tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore where the tailings or wastes result in quantities greater than 10,000 kilograms and containing more than 185 mega becquerels (five millicuries) of radium 226, or disposal of waste provided in WAC 246-221-070, 246-221-190, or 246-221-200.

(3) This chapter establishes procedural requirements and performance objectives applicable to any method of land disposal. It establishes specific technical requirements for near-surface disposal of radioactive waste which involves disposal in the uppermost portion of the earth, approximately 30 meters. Near-surface disposal includes disposal in engineered facilities which may be built totally or partially above-grade provided that such facilities have protective earthen covers. Near-surface disposal does not include disposal facilities which are partially or fully above-grade with no protective earthen cover, which are referred to as "above-ground disposal." Burial deeper than 30 meters may also be satisfactory. Technical requirements for alternative methods may be added in the future.

#### AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

**WAC 246-250-010 Definitions.** As used in this chapter, the following definitions apply:

(1) "Active maintenance" means any significant activity needed during the period of institutional control to maintain a reasonable assurance that the performance objectives of WAC 246-250-170 and 246-250-180 are met. Such active maintenance includes ongoing activities such as the pumping and treatment of water from a disposal unit or one-time measures such as replacement of a disposal unit cover. Active maintenance does not include custodial activities such as repair of fencing, repair or replacement of monitoring equipment, revegetation, minor additions to soil cover, minor repair of disposal unit covers, and general disposal site upkeep such as mowing grass.

(2) "Buffer zone" means a portion of the disposal site that is controlled by the licensee or by the United States Department of Energy and that lies under the disposal units and between the disposal units and the boundary of the site.

(3) "Chelating agent" means amine polycarboxylic acids, hydroxy-carboxylic acids, gluconic acid, and polycarboxylic acids.

(4) "Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a land disposal facility. The term does not mean disposal site exploration, necessary roads for disposal site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the disposal site or the protection of environmental values.

(5) "Custodial agency" means an agency of the government designated to act on behalf of the government owner of the disposal site.

(6) "Disposal" means the isolation of wastes from the biosphere inhabited by man and his food chains by emplacement in a land disposal facility.

(7) "Disposal site" means that portion of a land disposal facility which is used for disposal of waste. It consists of disposal units and a buffer zone.

(8) "Disposal unit" means a discrete portion of the disposal site into which waste is placed for disposal. For near-surface disposal, the unit is usually a trench.

(9) "Engineered barrier" means a man-made structure or device that is intended to improve the land disposal facility's ability to meet the performance objectives in this chapter.

(10) "Explosive material" means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

(11) "Hazardous waste" means those wastes designated as hazardous by United States Environmental Protection Agency regulations in 40 CFR Part 261.

(12) "Hydrogeologic unit" means any soil or rock unit or zone which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of groundwater.

(13) "Inadvertent intruder" means a person who might occupy the disposal site after closure and engage in normal activities, such as agriculture, dwelling construction, or other pursuits in which an individual might be unknowingly exposed to radiation from the waste.

(14) "Intruder barrier" means a sufficient depth of cover over the waste that inhibits contact with waste and helps to ensure that radiation exposures to an inadvertent intruder will meet the performance objectives set forth in this chapter, or engineered structures that provide equivalent protection to the inadvertent intruder.

(15) "Land disposal facility" means the land, buildings, and equipment which are intended to be used for the disposal of wastes into the subsurface of the land. For purposes of this chapter, a land disposal facility does not include a geologic repository.

(16) "Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of the disposal site.

(17) "Near-surface disposal facility" means a land disposal facility in which waste is disposed within approximately the upper thirty meters of the earth's surface.

(18) "Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130°F (54.4°C).

(19) "Pyrophoric solid" means any solid material, other than one classed as an explosive, which under normal

conditions, is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

(20) "Site closure and stabilization" means those actions that are taken upon completion of operations that prepare the disposal site for custodial care and that assure that the disposal site will remain stable and will not need ongoing active maintenance.

(21) "Stability" means structural stability.

(22) "Surveillance" means monitoring and observation of the disposal site for purposes of visual detection of need for maintenance, custodial care, evidence of intrusion, and compliance with other license and regulatory requirements.

(23) "Waste" means those low-level radioactive wastes that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level waste has the same meaning as in the Low-Level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240, that is, radioactive waste not classified as high-level radioactive waste, spent nuclear fuel, or by-product material as defined in section 11 e.(2) of the Atomic Energy Act (uranium or thorium tailings and waste).

AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

**WAC 246-250-050 Specific technical information.**

The specific technical information shall include the following information needed for demonstration that the performance objectives and the applicable technical requirements of this chapter will be met. The specific technical information shall be in the form of an environmental report which the department can use to independently evaluate the project under the provisions of the State Environmental Policy Act (SEPA):

(1) A description of the natural and demographic disposal site characteristics as determined by disposal site selection and characterization activities. The description shall include geologic, geochemical, geotechnical, hydrologic, ecologic, archaeologic, meteorologic, climatologic, and biotic features of the disposal site and vicinity.

(2) A description of the design features of the land disposal facility and the disposal units. For near-surface disposal, the description shall include those design features related to infiltration of water; integrity of covers for disposal units; structural stability of backfill, wastes, and covers; contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; elimination to the extent practicable of long-term disposal site maintenance; inadvertent intrusion; occupational exposures; disposal site monitoring; and adequacy of the size of the buffer zone for monitoring and potential mitigative measures.

(3) A description of the principal design criteria and their relationship to the performance objectives.

(4) A description of the design basis natural events or phenomena and their relationship to the principal design criteria.

(5) A description of codes and standards which the applicant has applied to the design and which will apply to construction of the land disposal facilities.

(6) A description of the construction and operation of the land disposal facility. The description shall include as a minimum the methods of construction of disposal units; waste emplacement; the procedures for and areas of waste segregation; types of intruder barriers; onsite traffic and drainage systems; survey control program; methods and areas of waste storage; and methods to control surface water and groundwater access to the wastes. The description shall also include a description of the methods to be employed in the handling and disposal of wastes containing chelating agents or other nonradiological substances that might affect meeting the performance objectives of this chapter.

(7) A description of the disposal site closure plan, including those design features which are intended to facilitate disposal site closure and to eliminate the need for ongoing active maintenance.

(8) An identification of the known natural resources at the disposal site, whose exploitation could result in inadvertent intrusion into the wastes after removal of active institutional control.

(9) A description of the kind, amount, classification, and specifications of the radioactive material proposed to be received, possessed, and disposed of at the land disposal facility.

(10) A description of the quality (~~control~~) assurance program tailored to low-level radioactive waste disposal, developed and applied by the applicant for the determination of natural disposal site characteristics and for quality (~~control~~) assurance during the design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste. Audits and managerial controls must be included.

(11) A description of the radiation safety program for control and monitoring of radioactive effluents to ensure compliance with the performance objective in WAC 246-250-170 and occupational radiation exposure to ensure compliance with the requirements of chapter 246-221 WAC and to control contamination of personnel, vehicles, equipment, buildings, and the disposal site. Both routine operations and accidents shall be addressed. The program description must include procedures, instrumentation, facilities, and equipment.

(12) A description of the environmental monitoring program to provide data to evaluate potential health and environmental impacts and the plan for taking corrective measures if migration is indicated.

(13) A description of the administrative procedures that the applicant will apply to control activities at the land disposal facility.

(14) A description of the facility electronic record-keeping system.

#### WSR 96-21-121

#### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Filed October 22, 1996, 12:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-14-097 on July 2, 1996.

Title of Rule: Hazardous liquid pipeline safety.

Purpose: To adopt, by reference, federal pipeline safety rules to conform state regulation of hazardous liquid pipeline companies with existing federal rules. Docket No. TO-960810.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Chapter 450, Laws of 1961.

Summary: The commission is operating under an interagency agreement with the United States Department of Transportation, Office of Pipeline Safety (OPS) which currently exercises regulatory jurisdiction for enforcement of pipeline safety regulation of hazardous liquid companies. The commission proposes to amend chapter 480-75 WAC by adopting the current federal hazardous liquid pipeline safety standards and regulations (49 CFR Part 195), and the drug and alcohol testing regulations (49 CFR Part 199), in order to assume pipeline safety jurisdiction over intrastate hazardous liquid pipeline operators.

Reasons Supporting Proposal: Pipeline safety. To comply with federal requirements to retain certification under the Pipeline Safety Law, 49 U.S.C. Section 60101, et seq., and to participate in the federal pipeline safety program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (360) 753-6451.

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

Rule is necessary because of federal law, U.S.C. Section 60105.

Explanation of Rule, its Purpose, and Anticipated Effects: Washington state must comply with federal requirements to retain certification under the Pipeline Safety Law, 49 U.S.C. Section 60101, et seq., and to participate in the federal pipeline safety program. The commission has been out of compliance with the program's requirements because it has not adopted the federal standards for hazardous liquid pipeline safety. The adoption of these rules will provide local design, construction, operation, and maintenance standards to ensure the continued safe operation of intrastate pipelines. This revision will assure compliance with the federal pipeline safety program and result in similar state and federal safety provisions.

The Washington State Department of Ecology (ecology) has regulations to support and complement the federal Oil Pollution Act of 1990. Ecology regulates oil-handling facilities and pipelines for oil spill prevention, preparedness, and response activities. This function is a discrete responsibility of ecology, not a pipeline safety function as defined in 49 CFR Part 195. The commission will not adopt environmental standards, such as the federal oil spill response regulations in Title 49 CFR Part 194. This rule making will not affect ecology's existing regulatory authority. This rule will support the commission's pipeline safety program by having a pipeline safety standard consistent with federal law.

Proposal Changes the Following Existing Rules: See explanation above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The change from federal to state responsibility for hazardous liquid pipeline safety is authorized by state statute, and is required or

PROPOSED

authorized by federal law for continued participation in the federal pipeline safety program. A small business economic impact statement has not been prepared because the proposed adoption of the safety standard will have minimal impact on the affected businesses since the safety program encompassed by these rules is currently in effect and enforceable under federal law.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on November 27, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by November 18, 1996, TDD (360) 586-8203, or (360) 753-1292.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, FAX (360) 586-1150, by November 15, 1996.

Date of Intended Adoption: November 27, 1996.

October 21, 1996  
Terrence Stapleton  
for Steve McLellan  
Secretary

#### NEW SECTION

**WAC 480-75-002 Application of rules.** These rules shall apply to pipeline facilities and the transportation of gasoline, oil, petroleum, or hazardous liquids. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of gasoline, oil, petroleum, and hazardous liquids by pipeline. These rules shall apply to the design, construction, operation, maintenance, and safety of pipeline facilities used in gathering, carrying, or transporting gasoline, oil, petroleum, or hazardous liquids in this state, except those pipeline facilities exclusively under federal jurisdiction as prescribed by the Pipeline Safety Law, 49 U.S.C. Section 60101.

#### NEW SECTION

**WAC 480-75-005 Compliance with federal standards.** Operators of pipeline facilities transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on (the date this rule is adopted), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information

Officer, Information Resources Manager, or Office of Pipeline Safety."

49 CFR, Parts 195 and 199, are available for public inspection at the commission branch of the Washington state library, located in the Olympia office of the commission. Copies are also available from the Government Printing Office Bookstore, Seattle, Washington.

#### NEW SECTION

**WAC 480-75-230 Modification/waivers.** If a gasoline, oil, petroleum, or hazardous liquids pipeline company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter, application may be made to the commission for a waiver of the rule. Every request for a waiver shall be accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A company shall concurrently submit to the commission all petitions for waiver of any pipeline safety rule filed with the federal government or other governmental authority.

#### WSR 96-21-125 PROPOSED RULES BOARD OF

#### PILOTAGE COMMISSIONERS

[Filed October 22, 1996, 1:11 p.m.]

Continuance of WSR 96-19-070.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Pilotage rates for the Puget Sound pilotage district.

Purpose: To correct a tariff anomaly so that vessel tonnage charges will not apply to any LOA Zone I (harbor shift) movements.

Other Identifying Information: WAC 296-116-300.

Hearing Location: Marine Exchange Conference Center, 2701 1st Avenue, Suite 110, Seattle, WA 98121, on November 19, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by November 15, 1996, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chair, FAX (206) 515-3969, by November 7, 1996.

Date of Intended Adoption: November 19, 1996.

October 11, 1996

Peggy Larson  
Administrator

#### WSR 96-21-126 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed October 22, 1996, 1:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-001.

Title of Rule: WAC 308-129-335 Application of brief adjudicative proceedings, 308-129-340 Preliminary record in brief adjudicative proceedings, 308-129-350 Conduct of brief adjudicative proceedings, and repealing WAC 308-129-320 Brief adjudicative proceedings—Denials based on failure to meet prerequisites for registration.

Statutory Authority for Adoption: RCW 34.05.482 and 19.138.170(1).

Statute Being Implemented: RCW 19.138.120 and [19.138].210.

Summary: The rules provide information about an opportunity for a firm or person to request a brief adjudicative proceeding for specific issues stated in detail, and what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reasons supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting and Implementation: Pat Brown, Department of Licensing, (360) 664-2356; and Enforcement: Jon Clark, Department of Licensing, (360) 753-7506.

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: The rule deals with the application for the administration of brief adjudicative proceeding; preliminary records for the proceedings; and the conducting of the proceedings. The anticipated effects of adopting the stated rules is to provide a guideline for determination of the following: Whether an applicant meets the qualifications for the director to deny a person or firm registration; whether or not a person or firm is in compliance with the terms and conditions of a final order; and whether a cease and desist order issued to an unregistered person or firm was properly issued. The rule clarifies the steps to be taken by a firm or person who wants to argue the agency's actions and defines the role of the agency in such proceedings.

Proposal Changes the Following Existing Rules: The proposed rule would repeal WAC 308-129-320 Brief adjudicative proceeding—Denials based on failure to meet prerequisites for registration, because those procedures are incorporated into the proposed rules, WAC 308-129-335, 308-129-340, and 308-129-350.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA, on November 26, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Haglund by November 11, 1996, TDD (360) 753-1966, or (360) 586-0396.

Submit Written Comments to: Department of Licensing, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 753-3747, by November 11, 1996.

Date of Intended Adoption: November 27, 1996.

October 23, 1996

Pat Brown

Administrator

*SELLERS OF TRAVEL: RULE FILE ON OCTOBER 23, 1996.*

*PROPOSED EFFECTIVE DATE DECEMBER 27, 1996*

#### NEW SECTION

**WAC 308-129-335 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through .494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set forth below or at the discretion of the director pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is solely limited to one or more of the following issues:

(a) A determination whether an applicant meets the qualifications for a certificate of registration in this state and the director proposes to deny the application;

(b) A determination whether a person or licensee is in compliance with the terms and conditions of a final order previously issued by the director; or,

(c) A determination whether a cease and desist order issued to an unregistered person for selling travel services for which registration is required was properly issued.

#### NEW SECTION

**WAC 308-129-340 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for a registration shall consist of:

(a) The application for the registration and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application; and

(c) All correspondence between the applicant and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order shall consist of:

(a) The previously issued final order;

(b) All reports or other documents submitted by or at the direction of the registrant in full or partial fulfillment of the terms of the final order;

(c) All correspondence between the registrant and the program regarding compliance with the final order; and,

(d) All documents relied upon by the program showing that the registrant has failed to comply with the previously issued final order.

(3) The preliminary record for determination of the proper issuance of a cease and desist order shall consist of:

(a) The sworn investigative report regarding the person's unregistered sale of travel services; and

(b) All correspondence from the unregistered person regarding the matter.

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



NEW SECTION

**WAC 308-129-350 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer appointed by the director in accordance with RCW 34.05.485. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation and affidavits. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents and affidavits must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial written order.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-129-320 Brief adjudicative proceedings-Denial based on failure to meet prerequisites for registration.

**WSR 96-21-128  
PROPOSED RULES**

**INSURANCE COMMISSIONER'S OFFICE**

[Filed October 23, 1996, 9:51 a.m.]

Supplemental Notice to WSR 96-19-066.  
Continuance of WSR 96-19-066.

Preproposal statement of inquiry was filed as WSR 96-17-085.

Title of Rule: Rules of practice and procedure for contested matters heard before the commissioner.

Purpose: Simplify, standardize, and streamline presentation of contested matters to be heard before the commissioner.

Other Identifying Information: Insurance Commissioner Matter No. R 96-8.

Statutory Authority for Adoption: RCW 34.05.220.

Statute Being Implemented: Chapter 48.04 RCW.

Summary: On September 13, 1996, the commissioner filed proposed rules of practice and procedure. Based on public comments received and considered, the commissioner has revised those rules and is today publishing a revised proposed rule making. These rules will govern major areas of practice in contested matter hearings. Some sections provide definitions of standard practices to govern all hearings. Other sections define practices applicable only to

those very specialized hearings dealing with insurance rate and contract issues.

Reasons Supporting Proposal: The current lack of practice and procedure rules allows the hearing process to be adversely impacted by dilatory pleadings, practices, and unnecessary discovery. Current practice results in significant amounts of resources being wasted in unnecessary discovery and extended hearings.

Name of Agency Personnel Responsible for Drafting: James T. Odiorne, Insurance Building, Olympia, Washington, (360) 586-5590; Implementation and Enforcement: Greg Scully, Insurance Building, Olympia, Washington, (360) 664-3785.

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: This rule establishes procedures for the conduct of hearings in contested matters before the commissioner. These rules, applicable to both the commissioner and the person entitled to a hearing, provide: (1) For all matters other than rate and form issues, (a) a definition of the burden of proof borne by the parties in a contested matter, (b) procedures for requesting an intervention in a contested matter, (c) procedures involving continuances and extensions of time, (d) prehearing conference definitions, documentation, and mode, (e) how stipulations of fact will be accepted, (f) manner for issuance of subpoenas, (g) how matters with common issues may be consolidated, (h) the procedure for offering and proving evidence, and (i) permissible action on requests to stay an action by the commissioner; and (2) for contested matters on rates or forms, (a) a definition of the form and content of pleadings, (b) a definition of the form and content of responsive pleadings, (c) the limits of prehearing discovery, and (d) the form and order of presentation of direct testimony.

The purpose of these rules is to provide the parties to all hearings consistent procedures. Consistent procedures will allow an expedited hearing process that protects the rights of all parties.

The anticipated effects of these rules include a more expeditious proceeding that will either finally resolve the issues or pave the way for judicial review. Another anticipated effect is a significant reduction in resources devoted by both the party entitled to a hearing and the commissioner to contested matter hearings.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a procedural rule not subject of section RCW 35.05.328 (5)(c)(I) [34.05.328 (5)(c)(I)].

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is a procedural rule as defined in RCW 35.05.328 (5)(c)(I) [34.05.328 (5)(c)(I)]. This rule adopts procedures, practices and requirements for agency hearings of contested matters. This rule is not a significant legislative rule subject to the application of RCW 35.05.328 (5)(c)(I) [34.05.328 (5)(c)(I)].

Hearing Location: Insurance Building, 2nd Floor Conference Room, 14th and Water, Olympia, Washington,



on November 27, 1996, at 9:30 a.m. Note: The hearing scheduled for November 6, 1996, is cancelled.

Assistance for Persons with Disabilities: Contact Lori Villaflores by November 25, 1996, TDD (360) 586-0691.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Internet inscomr@aol.com, FAX (360) 664-3790, by November 26, 1996.

Date of Intended Adoption: December 13, 1996.

October 22, 1996

Greg J. Scully

Chief Deputy Commissioner

## Chapter 284-04 WAC HEARINGS AND APPEALS

### NEW SECTION

**WAC 284-04-001 Definitions.** Unless the context clearly indicates otherwise, the following definitions apply to this chapter.

(1) "Adjudication" or "hearing" means an "adjudicative proceeding" as defined at RCW 34.05.010(1).

(2) "Party" means any person that has complied with all of the requirements of Title 48 RCW or chapter 34.05 RCW for establishing and maintaining party status in any proceeding before the commissioner.

(3) "Person" is defined at RCW 48.01.070.

(4) "Pleadings" in hearings before the commissioner include formal complaints, petitions, answers, replies, written motions, briefs or legal memoranda, and affidavits and declarations, submitted in support of motions and memoranda.

(5) "Presiding officer" means the person who has the authority to hear and determine any matter and to enter the final order. The presiding officer may be either the commissioner or his or her designee. Pursuant to RCW 48.02.100, the commissioner may delegate his or her authority to any employee, or the commissioner may utilize the services of an administrative law judge in accordance with chapter 34.12 RCW; provided however that: If the commissioner utilizes the services of an administrative law judge, the commissioner shall enter the final order.

### NEW SECTION

**WAC 284-04-005 Scope and purpose.** (1) Unless specifically otherwise provided in this chapter, these rules apply to every adjudicative hearing demanded or required under authority of Title 48 RCW.

(2) The purpose of this chapter is to supplement the model rules of procedure (chapter 10-08 WAC) and to outline the specific practice and procedure rules of the commissioner as permitted by chapter 34.05 RCW. The model rules of procedure apply unless otherwise provided for in this chapter. Adjudicative hearings include appeals from disciplinary or other actions taken by the commissioner, all denials of license or registration applications; revocations, suspensions, or modifications of licenses or registration; rate or form disapprovals; hearings to consider objections to proposed examination reports; and, those hearings defined in RCW 34.05.010(1).

(3) All persons appearing in proceedings before the commissioner in a representative capacity shall conform to the admissions requirements and standards of ethical conduct required of attorneys before the courts of this state.

(4) The commissioner incorporates by reference WAC 10-08-150 of the office of administrative hearings model rules of procedure governing interpreters.

### NEW SECTION

**WAC 284-04-008 Adjudicative hearings—Teleconference hearings.** The presiding officer may conduct all or part of a hearing or conference by telephone, television, or other electronic means, if each participant in the hearing or conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place. The presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time.

### NEW SECTION

**WAC 284-04-010 Burden of proof.** (1) In all matters brought by the commissioner to consider the proposed revocation, suspension, or nonrenewal of a license, certificate of registration, or certificate of authority, the burden is on the commissioner to prove that the proposed action is inappropriate or unlawful. In an adjudicative hearing concerning the commissioner's disapproval of a rate or contract form, the burden of proof is on the proponent of the filing to show that the filing should be approved by the commissioner. In a show cause hearing, or a hearing to consider a cease and desist order, the burden is on the entity opposing the commissioner to prove that the commissioner's proposed action should not be taken.

(2) In all hearings in which the burden of proof is on parties other than the commissioner, documents that form the basis of the proceeding shall specifically identify all issues relied upon for the proposed action.

(3) The standard of proof in all hearings before the commissioner shall be a preponderance of the evidence.

### NEW SECTION

**WAC 284-04-020 Pleadings in contested rate or contract form matters.** (1) All pleadings shall be legible and, unless a different size is required by the nature of the pleading, submitted on 8-1/2 x 11 inch paper. Pleadings and attachments shall not exceed sixty pages without the permission of the presiding officer. Unless otherwise required for a specific pleading, a copy shall be served upon the presiding officer and each party to the proceeding.

(2) Service shall be effective when received by the presiding officer at the commissioner's office in Olympia, Washington, with proof of service on all parties.

(3) When the presiding officer finds a pleading to be defective or insufficient, the presiding officer may return the pleading to the party filing it for correction. Defective or insufficient pleadings will not be considered filed until the defect or insufficiency has been cured. Typographical errors or errors in captions or spelling of names of parties may be corrected by the presiding officer.

PROPOSED

(4) Every complaint or demand for hearing shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the pleading party. The second paragraph shall state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraph shall contain the relief requested by the pleading party.

(5) Motions shall be filed separately from any other filing and will not be considered if merely stated within the text of correspondence or a different pleading. The presiding officer may refer to the rules in the superior court of Washington as guidelines for handling of motions.

(6) Any party who desires to respond to a complaint, motion, or petition shall file an answer with the presiding officer and serve it upon all other parties. If an answer is not filed, the complaint or petition shall be deemed to be denied by the opposing party. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

#### NEW SECTION

**WAC 284-04-025 Pleadings in contested rate or contract form matters—Verification, time for filing, responsive pleadings, liberal construction, amendments.** In hearings regarding contested rate or contract form disapproval matters:

(1) All pleadings, except motions and complaints brought upon the commissioner's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented by an attorney. Pleadings of a party who is not represented by an attorney shall include a statement that the pleading is true and correct to the best of the signer's belief.

(2)(a) An answer shall be filed within twenty working days after the service of the pleading against which it is directed. The filing of an answer is not mandatory. The presiding officer may alter the time allowed for any answer if, in his or her belief, the public interest so requires.

(b) A request to file a reply to an answer shall be filed within ten working days after service of the answer to which it is directed. A request to file a reply is deemed denied unless specifically granted by the presiding officer. If the presiding officer allows a reply, he or she will set the time for filing.

(3) All pleadings shall be liberally construed with a view to effect justice among the parties. At every stage of any proceeding, the presiding officer shall disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(4) The presiding officer may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

#### NEW SECTION

**WAC 284-04-030 Intervention.** Interventions in hearings shall be governed by RCW 34.05.443.

#### NEW SECTION

**WAC 284-04-035 Continuances—Extensions of time.**

(1) Postponements, continuances and extensions of time, called "continuances" in this section, may be requested by any party, upon notice to all other parties, and may be granted by the presiding officer upon a showing of good cause. Continuances may be directed by the presiding officer without the request of any party when doing so is in the public interest or furthers administrative needs of the presiding officer.

(2) Requests for continuances may be made orally on the record during a hearing. Whenever possible, requests shall be made in writing. Requests may be decided orally in hearing, or in writing, by the presiding officer. Requests may be granted; granted with modification; or denied.

(3) A request for continuance shall contain the following information:

(a) The name of the requesting party;

(b) A statement that the requestor or any other party has or has not previously requested a continuance in the proceeding and a description of any action taken on the request;

(c) A statement that the requestor has or has not discussed the request with other parties and a description of any agreements of the parties;

(d) The proposed new deadline;

(e) The reason for the request and the basis for requesting the proposed new deadline;

(f) An outline of efforts made to avoid a continuance and to minimize the length of the delay sought; and

(g) Any other information consistent with the public interest which may bear upon a decision to allow or deny the continuance.

(4) Whenever possible, continuances shall be granted to a date certain. A party seeking an indefinite continuance shall demonstrate to the satisfaction of the presiding officer that a date certain is not feasible. Each ninety days after the initial request is granted, the party making request for continuance shall either file a statement with the presiding officer describing the status of the proceeding and why it is still not feasible to establish a date certain, or shall request a date certain. Failure to file the statement required in this subsection is grounds for dismissal with fifteen days' notice. The presiding officer may at any time rescind the continuance and set the proceeding for hearing, with a minimum of seven days' notice.

#### NEW SECTION

**WAC 284-04-045 Prehearing conferences.** (1) When a hearing is requested in any proceeding, the presiding officer, by written notice, may request all interested persons to participate in prehearing or other conferences for the purpose of determining the feasibility of settlement, or for the purpose of formulating the issues in the proceeding and determining other matters to aid in its disposition. The presiding officer shall preside at such conferences to consider:

(a) Disposition of petitions for leave to intervene in the proceeding filed pursuant to RCW 34.05.443;

(b) Simplification of the issues;

(c) The necessity or desirability of amendments to the pleadings;

(d) Except as limited at WAC 284-04-060(4), the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(e) Limitations on the number, and consolidation of the examination, of witnesses;

(f) The procedure at the hearing;

(g) The need for and timing of distribution of written testimony and exhibits to the parties prior to the hearing; and

(h) Such other matters as may aid in the disposition of the proceeding or settlement of the matter.

(2) A statement describing the action taken at the conferences and the agreements made by the parties concerning all of the matters considered shall be made orally on the record or in writing and shall be served upon the parties for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten working days after the date the statement is served, it shall be deemed to be approved, subject to review by the presiding officer.

(3) At any time after any proceeding has commenced, the presiding officer, in his or her discretion, may call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference.

(4) This section does not restrict the presiding officer's discretion to enter *ex parte* orders concerning scheduling and procedure prior to a prehearing conference.

#### NEW SECTION

**WAC 284-04-050 Stipulation as to facts.** Stipulations of fact are encouraged. The parties to any proceeding before the commissioner, by stipulation in writing filed with the presiding officer or entered into the record, may agree upon the facts or any portion thereof involved in the matter or controversy. This stipulation shall be binding upon the parties thereto and may be used by the presiding officer as evidence at the hearing.

#### NEW SECTION

**WAC 284-04-055 Subpoenas.** (1) Subpoenas shall be issued, enforced, and witness fees paid, as provided in RCW 34.05.446.

(2) Subpoenas shall be issued at least five working days prior to the scheduled time of hearing or deposition.

(3) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable and oppressive; or

(b) Require the person issuing the subpoena to advance to the other party the reasonable cost of producing the requested books, papers, documents, or tangible things. If within the time set by the presiding officer, the person issuing the subpoena fails to advance the reasonable costs of

producing the requested things, the presiding officer may quash the subpoena.

#### NEW SECTION

**WAC 284-04-060 Discovery in adjudicative proceedings on rates and contracts.** The following are the exclusive forms of discovery that may be granted in an adjudicative proceeding concerning an action by the commissioner on a rate or contract form filing.

(1) Any party may request of any other party the production of any document that exists or may exist at the time the responding party responds to the request. For purposes of this section, "document" means anything that constitutes a writing including electronic forms of writing.

(2) A "data request" is a request by a party for another party to produce evidence that may be derived by summary, analysis, or other manipulation, from information within the custody or control of the party to whom the request is made. The purposes of a data request are to give a party access to the other party's data in a manageable form, to simplify the management and compilation of the hearing record, and to obtain the responding party's position on that party's interpretation of its data. A data request may require a responding party to search, review, and analyze data within its custody and control. A data request may not require a responding party to obtain or analyze data to which the requesting party has equal or reasonable access. Data requests generally will concern the activities of a licensee. Data requests for summary, analysis, or other manipulation of data concerning other licensees' activities, or data filed in other proceedings are not appropriate.

(3) Depositions shall be taken only as provided in this subsection. A party may take depositions upon the agreement of the parties. A party may otherwise take depositions only upon an order of the presiding officer, finding the deposition necessary either to preserve the testimony of a witness or to avoid manifest injustice to a party.

(a) The deposition of the commissioner, chief deputy commissioner, or any deputy commissioner may be taken only when the commissioner has identified the commissioner, chief deputy, or a deputy commissioner as a potential witness in the matter; where production of documents, depositions of other staff members, or other methods of discovery are not likely to reveal the information, evidence, or details needed by the party for the case; or, if the presiding officer determines that other forms of discovery will not suffice.

(b) A party shall not question the commissioner, chief deputy commissioner, or a deputy commissioner regarding his or her mental processes in reaching a decision.

(c) Unless otherwise ordered by the presiding officer, a deposition, data request, or request for production of documents shall be limited to information relevant to the proceeding.

(d) A party wanting to take the deposition of any person upon oral examination shall give notice in writing of not fewer than five working days.

(4) The presiding officer shall not permit interrogatories or requests for admissions.

(5) At a prehearing conference, the presiding officer shall establish and set forth a discovery schedule in a

prehearing order. The schedule shall provide for sufficient and timely opportunities to resolve disputes. The presiding officer will hear disputes arising from use of the procedures set forth in this section at the earliest reasonable time. The presiding officer may make discovery rulings on the record or by written order.

(6) Unless otherwise specified in the prehearing order, the following procedures shall apply to document production request, data requests, and bench requests. Bench requests are requests by the presiding officer for a party to produce documents or things relevant to the issues in the hearing.

(a) The requesting party shall send written document production requests and data requests to the responding party, with copies to all other parties and to the presiding officer. Each party shall number its document production requests and data requests sequentially as submitted. The presiding officer shall describe on the record and consecutively number bench requests.

(b) Within ten working days, the responding party shall serve on all parties and on the presiding officer a statement of its willingness to produce the requested documents, its objections to the request, or both. The statement shall indicate the time and place of production and shall make the documents available for copying.

(c) Responding parties shall send responses to data requests and bench requests to all parties and to the presiding officer, so long as responses are consistent with the terms of any protective order entered by the presiding officer. Responding parties shall serve written responses to bench requests and data requests to all parties in the same manner and quantity as predistributed exhibits.

(i) A party responding to a data request shall provide the response to the requesting party within ten working days of service of a request. If the responding party cannot supply the data within ten working days, within five working days of receipt of the request, the responding party shall notify the requesting party, in writing, of the reasons why the responding party cannot meet the ten-day limit. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why the responding party will not supply portions of the data. To the extent necessary, the presiding officer may modify time limits to conform to the hearing schedule or in the interests of justice. The responding party shall submit responses to bench requests within ten working days after the request is made on the record or served on the party, unless the presiding officer specifies another schedule. Parties who anticipate problems in making a timely response shall notify other parties promptly of the expected difficulties.

(ii) No response to a document production request, data request, or bench request shall be considered or treated as evidence until it is entered into the record by the presiding officer, at the request of a party, during a hearing.

(d) The scope of any document production request or data request shall be limited to documents or data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. The fact that the information sought will be inadmissible at the hearing is not a basis for objection, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The presiding officer shall limit the frequency, extent, or scope of discovery upon a finding that the discovery sought is

unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; that the party seeking discovery has had a chance to obtain the information sought; or, that the discovery is unduly burdensome or expensive. Before limiting the frequency, extent, or scope of discovery, the presiding officer shall take into account the needs of the adjudicative proceeding, the limitations of the parties' resources, the scope of the responding party's interest in the proceeding, the public interest, and the importance of the issues at stake in the adjudicative proceeding.

(7) If a party seeks information that has proprietary value or is a "trade secret" the presiding officer will ordinarily order production whenever the party requesting the information has a genuine need for the information in the preparation of its case. The presiding officer shall enter a protective order to preserve the legitimate rights of the responding party.

#### NEW SECTION

**WAC 284-04-063 Direct testimony.** (1) Except as provided in this section, direct testimony in a hearing concerning the commissioner's action on a rate or contract form filing shall be in writing and served sufficiently before the hearing to permit study and preparation of cross-examination. At the hearing, oral direct examination shall be limited to the following:

(a) Witness identification and authentication of the witness' written testimony;

(b) Rebuttal of testimony received since the witness' last opportunity to serve written testimony; and

(c) Such additional direct examination as the presiding officer, on his or her own motion, may direct.

(2) Notwithstanding subsection (1) of this section, a party may present for oral direct testimony a hostile witness whose direct testimony could not practicably be filed in writing.

(3) The party sponsoring an expert witness' direct testimony shall serve a copy of both the expert witness' direct testimony and work papers generated in connection with his or her direct testimony. If service of the work papers is impracticable, the sponsoring party shall serve a statement that the work papers are available for examination and copying at a time and place convenient to the other parties.

(4) All written testimony shall be filed prior to commencement of the evidentiary hearing. The order of the filing of written testimony shall be as follows:

(a) Direct testimony of the proponent of the filing; followed by

(b) Direct testimony of an intervenor, if any; followed by

(c) Direct testimony of the insurance commissioner or his or her staff; followed by

(d) Rebuttal testimony of the proponent.

(5) The presiding officer shall establish the schedule for the filing of written testimony, but simultaneous filing of documents or testimony shall be permitted only if agreed to in advance by all parties and the presiding officer.

(6) During any cross-examination of a witness at a hearing, a witness shall be required to answer questions relating to all of his or her written testimony.

#### NEW SECTION

**WAC 284-04-065 Consolidation of proceedings.** Two or more proceedings in which the facts or principles of law are related may be consolidated for hearing or disposition in the discretion of the presiding officer.

(1) A motion for consolidation or for the severance of consolidated matters shall be addressed to the presiding officer.

(2) The presiding officer may on his or her own motion consolidate matters for hearing, or sever consolidated matters, when he or she believes that the action is appropriate.

#### NEW SECTION

**WAC 284-04-080 Adjudicative proceedings—Evidence.** (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.05.452.

(2) Where practicable, the presiding officer may order:

(a) That all documentary evidence, which is to be offered during the hearing or portions of the hearing, shall be submitted to the presiding officer and to the other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence;

(b) That documentary evidence, not submitted in advance as required in (a) of this subsection, will be excluded from evidence in the absence of a clear showing that the offering party had good cause for failure to produce the evidence sooner, unless it is submitted for impeachment purposes;

(c) That the authenticity of all documents, submitted in advance in a proceeding in which such submission is required, shall be deemed established unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(3) When only portions of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record; however, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(4) The refusal of a witness to answer any question which has been ruled to be proper, in the discretion of the presiding officer, shall be grounds for striking all testimony previously given by such witness on related matters.

(5) Except as limited at WAC 284-04-060(4), any party bound by a stipulation or admission of record, at any time prior to closure of the hearing, may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its with-

drawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

#### NEW SECTION

**WAC 284-04-090 Action on request for stay.** (1) If any party requests a stay of the commissioner's action, within five working days of the receipt of request for the stay, the presiding officer shall mail to all parties notice of the time and place for the hearing on the stay. Hearing on the stay shall be held within ten working days of receipt of the request for the stay. The hearing shall consider only issues directly related to whether staying the commissioner's action is just and equitable to all parties to the proceeding and to the public.

(2) Automatic stays pursuant to RCW 48.04.020 are effective only if a demand for hearing is received prior to the action of the commissioner that is requested to be stayed. The effective date of the commissioner's action, not the effective date of a contract form or rate filing, will determine whether a request for a stay is received timely.

#### **WSR 96-21-130**

#### **PROPOSED RULES COMMISSION ON JUDICIAL CONDUCT**

[Filed October 23, 1996, 10:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-047.

Title of Rule: Substantive ethical rules.

Purpose: Adopt rules regarding occasional use of state resources of de minimus cost and value pursuant to RCW 42.52.160(3) and rules regarding the definition of "measurable expenditure of public funds" pursuant to RCW 42.52.180 (2)(b).

Statutory Authority for Adoption: RCW 42.52.160(3) and [42.52].180 (2)(b), 42.52.370.

Statute Being Implemented: RCW 42.52.160(3) and 42.52.180 (2)(b).

Summary: The rules define "measurable expenditures" and private use of state resources.

Reasons Supporting Proposal: RCW 42.52.160(3) and 42.52.180 (2)(b) provide for action by the commission on definitions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, (360) 753-4585.

Name of Proponent: Commission on Judicial Conduct, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 42.52.180(2) provides that the commission provide consultation concerning a definition of "measurable expenditures." RCW 42.52.160(2) provides that the commission adopt rules concerning occasional use of state resources.

PROPOSED

Proposal does not change existing rules. There is no existing rule applicable to officers and employees of the judicial branch of state government.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not regulate private business. The rules will have no economic impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The commission is not an agency subject to RCW 34.05.328(5). These rules relate to internal governmental operations that are not subject to violation by a nongovernmental party.

Hearing Location: Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA 98188, on December 6, 1996, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Kathy Sullivan by November 26, 1996, TDD (360) 753-4585.

Submit Written Comments to: FAX (360) 586-2918, by November 26, 1996.

Date of Intended Adoption: December 6, 1996.

October 23, 1996

David Akana

Executive Director

Chapter 292-11 WAC

#### AGENCY SUBSTANTIVE RULES

#### NEW SECTION

**WAC 292-11-010 Purpose of this chapter.** The purpose of this chapter is to provide substantive rules implementing the Ethics in Public Service Act (chapter 42.52 RCW). The substantive rules in this chapter are intended to apply to all state employees of the judicial branch of state government, including "judges" as defined in Commission on Judicial Conduct Rules of Procedure (CJCRP).

#### NEW SECTION

**WAC 292-11-020 Definitions.** "Measurable expenditure", for purposes of RCW 42.52.180 (2)(b), measurable expenditure has very limited application. The purpose of the measurable expenditure provision is to make it clear that the exception for statements made at open press conferences or in response to specific inquiries will, at a minimum, be construed to include statements that do not result in measurable expenditures. Consistent with this legislative intent, the definition provided in this rule does not restrict the scope of the exception for statements made at an open press conference or in response to a specific inquiry. The term is construed to include any specific cost, or specific portion of a cost, that can be reasonably determined and attributed to a statement made at an open press conference or in response to a specific inquiry and for the purpose of promotion or opposition of a ballot proposition.

(1) All written statements will result in a measurable expenditure if the writing was prepared using state time or resources such as paper and equipment; or if state resources such as postage were used in delivering the statement.

(2) An oral statement will result in a measurable expenditure if its specific cost, or portion of its cost, can be reasonably determined and attributed to the statement. An oral statement constitutes a measurable expenditure if staff

time or state resources were used to prepare the oral statement.

#### NEW SECTION

**WAC 292-11-030 Private use of state resources.** (1) No state judge or state judicial employee may use state resources including any person, money, or property under the judge's or employee's official control or direction or in his or her custody for private benefit or gain of the judge or employee or any other person; PROVIDED, That this prohibition does not apply to the use of public resources to benefit another person as part of the judge's or employee's official duties.

(2) Under circumstances described in sections three and four of this rule, a judge or judicial employee may make occasional but limited use of state resources for his or her private benefit if there is no actual cost to the state or the cost to the state is de minimis. The cost to the state is de minimis if the actual expenditure of state funds is so small as to be insignificant or negligible.

(3) Notwithstanding the prohibition in section one of this rule, a judge or judicial employee may make occasional but limited use of state resources for his or her private benefit, if:

(a) there is no cost to the state; and

(b) the use of state resources does not interfere with the performance of the judge's or employee's official duties.

**Example 1:** An employee makes a local telephone call to his home every afternoon on his break to make sure his children have arrived home safely from school. This is not an ethical violation. There is no cost to the state and since the call takes place on the employee's break, it will not interfere with the performance of the employee's duties.

**Example 2:** An employee operates an outside business. Every day she makes or receives five to ten business calls on her state telephone. All of the calls are local calls. This is an ethical violation. Although there is no cost to the state, making and receiving private calls throughout the day interferes with the performance of the employee's official duties because she is conducting private business during working hours.

**Example 3:** An employee posts a notice to sell a used car on the office bulletin board. The notice gives his home telephone number for those interested in inquiring about the car. This is not an ethical violation. There is no cost to the state and posting the notice will not interfere with the performance of his official duties since those who want to inquire about the car can call the employee at home.

**Example 4:** Once a year, during a two-week period, an employee sells candy bars to support a youth soccer team. She leaves the candy bars in an employee common area and employees may buy the bars at their leisure. This is not an ethical violation. There is no cost to the state

and the transactions do not interfere with the performance of official duties.

**Example 5:** Every spring a group of employees meet at lunch time to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is no cost to the state and since the meeting takes place during the lunch hour, it does not interfere with the performance of the employees' official duties.

(4) Notwithstanding the prohibition in section one of this rule, a judge or judicial employee may make occasional use of state resources of his or her private benefit, if:

(a) the cost to the state is de minimis;

(b) the use of state resources does not interfere with the performance of the judge's or employee's official duties; and

(c) there is some benefit to the public in addition to the private benefit to the judge or employee. A public benefit under this rule may be direct or indirect, such as improving employee morale or activities that improve the work related job skills of a judge or employee.

**Example 6:** An employee is taking a night school class and after working hours uses her computer to do her homework. She prints her homework using the office printer and her own paper. The court has determined by advance written approval that the class will enhance the employee's job skills. This is not an ethical violation. The use of the office computer and printer will result in some cost to the state. However, the cost is negligible and the employee is using her own paper. Since the class will enhance the employee's job skills, there is a public benefit and, since the activity takes place after working hours, it will not interfere with the performance of the employee's official duties.

**Example 7:** After working hours an employee uses the office computer and printer to compose and print reports for his private business using his own paper. This is an ethical violation. The use of the office computer and printer will result in some cost to the state. Although the cost is negligible, there is no public benefit to the state from the employee's conducting his private business.

(5) Use of state resources pursuant to sections three and four of this rule is subject to the following qualifications and limitations:

(a) A judge or judicial employee may not use state resources for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of state resources is not authorized by this rule and is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.-180(2).

(b) A judge or judicial employee may not make private use of any state property which has been removed from state facilities or other official duty stations, even if there is no cost to the state.

**Example 8:** Judicial equipment includes a video tape player. One night an employee takes the machine home to watch videos of her family vacation. This is an ethical violation. Although there is no cost to the state, an employee may not make private use of state equipment removed from state facilities or other official duty station.

**Example 9:** An employee is assigned to do temporary work in another city away from his usual duty station. To perform his official duties, the employee takes an office lap top computer which he has checked out for this purpose from the office. The court has previously approved the employee's use of the computer to do homework for a class that will enhance his job skills after working hours. While the employee is on this temporary duty assignment, he uses the lap top computer to do his homework after working hours. This is not an ethical violation. The use of the computer for homework in this situation is not an ethical violation (Example 7). Although the employee has removed his lap top computer from the state facility, its use is permissible because he is using it at a temporary official duty station.

(c) A judge or judicial employee may not make private use of any state property which is consumable such as paper, envelopes, or spare parts, even if the actual cost to the state is de minimis.

(d) Except to describe use which does not interfere with public duties, a judge or judicial employee may not make private use of state computers or other equipment to access computer networks or other databases including, but not limited to, electronic mail and electronic bulletin boards for personal use unrelated to an official business purpose.

**Example 10:** An employee uses the judicial computer network to send electronic mail to another employee regarding the agenda for an agency meeting that both will attend. She also wishes the other employee a happy birthday. This is not an ethical violation. Although there is personal communication in the message, the message was sent for an official business purpose.

**Example 11:** Two employees use the judicial computer network to play a game of chess via electronic mail during work hours. This is an ethical violation because this use of electronic mail to play chess is not an official business purpose.

(e) In general, a judge or judicial employee may not make private use of state resources and then reimburse the judiciary so there is no actual cost to the state. However, the Commission recognizes that in some limited situations, such as emergencies, or such as judges or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the court in advance and must result in no cost to the state. To be valid under this rule, a reimbursement system must be approved by the Commission.



**Example 12:** A judicial employee returns a long-distance telephone call to a name and number that the employee does not recognize. Upon learning that the call is personal rather than business, the employee arranges for the call to take place on personal time. The employee notes the time of the call, and makes a reimbursement pursuant to court telephone use policies. This is not an ethical violation. The charge to the state was unintentional and the Commission has approved the procedures of the court telephone policies.

(6) The courts are encouraged to adopt policies applying these principles to their unique circumstances. Nothing in this rule is intended to limit the ability of courts to adopt policies that are more restrictive. However, violation of a more restrictive policy will not constitute a violation of RCW 42.52.160, but will constitute a violation of court policy.

**WSR 96-21-132**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
(Public Assistance)

[Filed October 23, 1996, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-011.

Title of Rule: New WAC 388-538-073 Enrollment period, initial enrollment, and open enrollment and 388-538-074 Change in plans during enrollment period for good cause.

Purpose: To require clients to remain enrolled in a state contracted managed care plan except for good cause.

Statutory Authority for Adoption: RCW 74.08.090.

Summary: New rule will require Medicaid eligible clients to remain in a state contracted managed care plan for a calendar year except for good cause.

Reasons Supporting Proposal: The legislators have mandated managed care as the method to pay for medical services to Medicaid clients, this proposal supports that mandate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-0529.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Washington State Medicaid Administration has requested a federal waiver to the Medicaid rules to require clients to remain enrolled in a state contracted managed care plan for a calendar year except for good cause. These rules propose the basic rules for the requirement and the reasons for good cause.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

**1. SUMMARY OF RULE DEVELOPMENT:** The Medical Assistance Administration (MAA) of the Department of Social and Health Services is proposing new section WAC 388-538-073 Enrollment period, initial enrollment, and open enrollment and new section WAC 388-538-074 Change in plans during enrollment period for good cause.

**Data Reporting:** The following sources were consulted to provide data for this report: Input from medical and managed care plan representatives and independent medical providers:

- by mailed survey, and
- in SBEIS meetings held throughout the state.

**2. WHO IS AFFECTED?**

Hospital and Medical Service Plans (SIC 6324)

Doctors of Medicine (SIC 8011)

Osteopaths (SIC 8031)

Chiropractors (SIC 8041)

Optometrists (SIC 8042)

Podiatrists (SIC 8043)

Health Practitioners Not Elsewhere Classified (SIC 8049)

Nursing and Personal Care Facilities (SIC 805)

Hospitals (SIC 806)

Medical Laboratories (SIC 8071)

Home Health Care Services (SIC 8082)

Kidney Dialysis Centers (SIC 8092)

Specialty Outpatient Facilities, Not Elsewhere Classified (SIC 8093)

Health and Allied Services, Not Elsewhere Classified (SIC 8099)

**3. INTRODUCTION TO NEW RULES:** The state legislature has directed the Department of Social and Health Services (DSHS) to obtain federal waivers to maximize its cost-containment efforts for health care, while ensuring appropriate quality and access.

In ESSB 6251, the legislature specifically directed the Department of Social and Health Services to selectively contract with only those managed care plans in a given geographic area offering the lowest price, while meeting specified standards of service quality and network adequacy and to revise program procedure, through a federal waiver if necessary, so that clients are required to enroll in only one managed care plan during a contract period, except for documented good cause.

As a result, the Department of Social and Health Services is seeking waivers to:

- Require Medicaid clients in the *Healthy Options* program remain in their respective plans for up to twelve months;
- Contract with plans having more than 75% prepaid Medicare/Medicaid enrollees;
- Incorporate Medicaid eligibility quality control demonstrations; and
- Consolidate *Healthy Options* managed care waivers.



PROPOSED

**4. DATA AND REALISTIC EXPECTATIONS:** MAA mailed a survey to a representative portion of its providers listed in Section 2 of this report. The survey asked providers to submit data showing how the WACs would affect their profits. Of the 3,000 surveys mailed out, 15% were returned. Of the providers responding, 20% were eliminated because they were either nonprofit businesses or employed more than fifty staff, and therefore, were not a small business as defined in the Regulatory Fairness Act.

Of the responders who made comments on the survey, 7% were openly in favor of the rule. They wrote it would save time and/or money and would stabilize client movement from plan to plan. Of the total small businesses surveyed 40% indicated the proposed WACs would not cause them to lose Medicaid business and 8% indicated they didn't know. Of the total responses received 68% indicated the proposed WACs would not cause them to lose Medicaid business.

**5. NEW RULES:** Adoption of new WAC 388-538-073 and 388-538-074 would create a twelve-month client lock-in period, reasons for good cause plan changes, and open enrollment criteria, as discussed in the subsections of this section.

The average cost to businesses of implementing this WAC, as estimated by those responders who provided cost information, is tabulated below:

Reporting	\$	800	
Training	\$	1,200	
Recordkeeping	\$	1,700	
Administrative	\$	2,600	
Staff	\$	12,400	
Supplies	\$	2,700	
Equipment	\$	1,900	
Other	\$	3,000	
<b>Total</b>	<b>\$</b>	<b>26,300</b>	<b>annually</b>

However, according to the comments supplied by the responders which are summarized in Section 6, these costs relate to the general costs of administering a managed care program and are not costs associated with lock-in periods and plan changes.

Currently, MAA clients in managed care may change plans from month-to-month. These WACs will actually reduce the frequency with which MAA clients change plans, thus reduce the costs associated with a plan's fluctuating client base.

**5.1 Twelve-month Client Lock-in**

**Requirements:** Clients must remain enrolled with the plan they've selected or to which they've been assigned for the remainder of the calendar year after the initial enrollment period or until eligibility ends, whichever occurs earlier. American Indians/Alaska Natives are exempt from this requirement.

**Costs:** There are no costs associated with this rule. MAA's intent in creating this rule is to limit the amount of plan-to-plan movement clients have made in the past to achieve more consistent and comprehensive client care.

**Benefits:** The benefits of this rule are listed in 5.1, Costs.

**Mitigations:** Clients will be able to change managed care plans at any time with good cause. Good cause rules

and criteria are discussed in the following pages of this report.

**5.2 Changing Plans Without Good Cause**

**Requirements:** Clients may change plans without cause forty-five calendar days from the date of enrollment. The date of enrollment is the first day of the month a client may access a plan's services and for which the department pays a premium to the plan to provide services to the eligible client.

**Costs:** There are no costs associated with this requirement, since this change period occurs before the date a plan would begin providing services to the client, had the client remained with the initially chosen plan.

**Benefits:** MAA allows a forty-five-day window of opportunity during which clients can switch plans. This opportunity will allow clients, who so choose, uninterrupted access to providers they have received treatment from in the past. This window of choice will stabilize record keeping for many providers by encouraging continuity of care.

**Mitigations:** Outside the forty-five-day opportunity, clients may maintain a relationship with familiar providers with good cause. Good cause criteria are discussed below.

**5.3 Good Cause for Changing Plans**

**Requirements:** When the department finds a client has good cause to change plans, a client may make such a change. Changes for good cause may be made based on:

- A change in client residence out of the plan's area;
- Assuring families are enrolled in the same plan;
- Measures to protect clients and/or their dependents from abuse;
- A primary care provider's change in plans;
- Department error;
- Maintaining consistent obstetrical care for clients;
- Fair hearing decisions;
- Serious health conditions;
- Access needs;
- Alternatives to a disenrollment request;
- Alternative placements made by the department; and
- Plan mergers.

For a complete description of good cause reasons, see WAC 388-538-074.

**Costs:** Providers and plans will assume the usual costs related to the transfer of patients from one plan to another only for those clients who apply for and are granted good cause transfers. The usual costs to transfer these clients are no greater than those currently assumed for any plan patient.

**Benefits:** Since good cause criteria and lock-in periods are meant to encourage continuity of care, MAA foresees plans and providers will actually see the number of client transfers in and out of plans stabilize or drop.

**Mitigations:** None.

**6. ARE THERE MORE THAN MINOR COSTS?**

Of the survey responders, fewer than 50% indicated the new WACs would impose some kind of costs. Of the number that indicated a loss, 10% indicated a loss in client base, and 16% indicated a dollar loss. On average, these responders reported a 12% Medicaid client loss and/or an \$8,000 loss. Once the responders who reported no effect and no dollar loss are added to these figures, they change, on average, to a 7% Medicaid client loss and/or a \$5,000 loss.

These costs are higher than the threshold amounts published by the Business Assistance Center. Therefore, the providers who responded to the MAA survey anticipate more than minor costs if these WACs are implemented.

However, after reading the comments from the returned surveys, MAA determined the cost estimates from the providers did not specifically address the effects of the proposed WACs but, rather, the effects of the managed care system in general. To explain why MAA made this decision, this report will examine the comments MAA received from the providers.

Roughly 59% of the responders provided written comments. Of these responders, 34% were supportive or neutral in nature. Of the remaining 66%, several topics were covered:

1. Loss of clients to other plans or closed networks;
2. Tracking of insurance, client status, and plan coverage;
3. Restricted referrals from plans to specialists;
4. Inadequate payment rates;
5. Computer equipment needed;
6. Need for client education;
7. Exemptions from plans needed for hospital stays and certain clients;
8. Processing exemptions;
9. Requires providers to search for new plan contracts; and
10. Relax provisions for good cause.

Of this list, the first five items represent costs that are currently incurred through participation in Medicaid managed care. In response to item six, MAA has established a client education section which is working to improve client education. The next two items, dealing with exemptions, will be addressed in the report on MAA's changes to WAC 388-538-080 Managed care exemptions (whose adoption will coincide with the adoption of WAC 388-538-073 and 388-538-074). The last two items are addressed below.

**Provisions for Good Cause:** One survey responder noted that "some clients do not plan for their health care needs until the need is immediate." The responder argued that, given the fact that some clients may choose to ignore the open enrollment period, the client may then be assigned inappropriately. The responder wanted the good cause criteria amended to cover these situations.

MAA realizes that some clients will choose not to take charge of their medical care. In these cases, MAA will make efforts to assign clients to plans in which their providers currently participate. All efforts will be made to keep clients with their current providers.

**Plan Administrative Costs:** One area not addressed by the survey responders is the additional administrative work which may occur as clients opt for good cause changes. In addition, MAA anticipates the administrative workload for plans may increase during open enrollment. However, this increase will be proportional to the number of clients who are successful at meeting good cause requirements. MAA has created the good cause requirements to address specific and uncommon circumstances and does not anticipate a large migration due to good cause regulations.

When MAA developed the concept of a lock-in period, state actuaries estimated that if the lock-in was not included in plan contracts, the plans should be paid 1% higher rates.

Since MAA plans to adopt a lock-in policy, the plans with which it has contracted agree that lock-in will save plans the equivalent of that 1% increase MAA would have paid them if lock-in were not included in the proposed WACs.

**7. ARE SMALL BUSINESSES DISPROPORTIONATELY AFFECTED?** Given that the costs providers reported are the same costs incurred by the managed care process in general, whether it be for Medicaid clients or other patients, small businesses will be affected only to the degree they are affected by the current managed care system and national managed care trends.

**8. INDUSTRY AND PUBLIC INVOLVEMENT:** MAA has assured input and involvement in the preparation of the Managed Care WACs through several activities:

- MAA held meetings in Seattle, Spokane, Yakima, and Vancouver on these rule changes which were attended by plan representatives and medical providers from all over Washington state.
- A representative group of MAA providers affected by this rule have been invited to participate in a written survey regarding the possible effects of these WACs.
- Drafts and update notices of the WAC have been sent to all plans listed with MAA as providers throughout the drafting process.

**9. CONCLUSION:** WAC 388-538-073 and 388-538-074 will not add significant costs to Medicaid providers' current business practices. The costs indicated by providers in meetings and surveys are a result of national and state health care reform changes more than specific changes addressed in new WAC 388-538-073 and 388-538-074.

Any changes or alternatives to this WAC in an attempt to further reduce the economic impact upon businesses would not be feasible in meeting the stated objectives of the legislative mandates which are the basis for this WAC.

A copy of the statement may be obtained by writing to Anne DeJarnette, Medical Assistance Administration, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 664-2320, or FAX (360) 753-7315.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section does not apply to the Department of Social and Health Services.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on November 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Manager by November 13, 1996, (360) 902-8317, or TTY (360) 902-8324.

Submit Written Comments to: Merry Kogut, Manager, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 902-8292, by November 27, 1996.

Date of Intended Adoption: November 28, 1996.

October 23, 1996

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-538-073 Enrollment period, initial enrollment, and open enrollment.** (1) For the purposes of this section the following definitions apply:

(a) "Date of enrollment" means the first day of the month a client may access a plan's services and for which the department pays a premium to the plan to provide services to the eligible client.

(b) "Enrollment period" means the length of time clients are enrolled in a department contracted managed care plan.

(c) "Initial enrollment" means the selection of, or assignment to, a plan of an eligible client who has not been enrolled in a department contracted managed care plan at any time in the previous six months.

(d) "Monthly cut-off date" means the final date by which the department determines payment of premiums to the plan, which occurs seven working days prior to the end of a month.

(e) "Open enrollment" means the opportunity for clients to change plans effective January 1 of the next calendar year. Open enrollment shall occur between October 1 and November 30 of each calendar year. In addition, with the implementation of these rules, clients will be offered a two month enrollment period in the first half of the 1997 calendar year.

(2) Clients, other than American Indians/Alaska Natives, shall remain enrolled with the plan they select, or to which they are assigned if they fail to make a selection, for the remainder of the calendar year regardless of the date of enrollment or until eligibility ends, whichever occurs first. The clients may change plans during the calendar year:

- (a) As authorized in subsection (3)(a) of this section;
- (b) For good cause as provided in WAC 388-538-074;
- (c) If the plan in which the client is enrolled no longer contracts with the department for managed care; or

(d) The client changes eligibility categories and the plan in which the client is enrolled is not a department contracted managed care plan for the new eligibility category.

(3)(a) Clients who are initially enrolled in managed care may change plans without cause within forty-five calendar days from the date of enrollment. The client, or a representative as authorized under RCW 7.70.065 or other provision of law, shall notify the department on or before the forty-fifth calendar day from the date of enrollment to effectuate a change under this subsection.

(b) A break in eligibility for six months or less is not a basis for changing plans. Clients who have been on medical assistance in department contracted managed care at any time during the previous six months shall be re-enrolled with the plan in which they were last enrolled, unless the clients qualify for good cause to change plans as provided in WAC 388-538-074.

(4) All clients enrolled in managed care shall be given the opportunity to change plans during an open enrollment period. The department must receive notice from the client or a representative authorized under RCW 7.70.065 or other provision of law, of a change in plans on or before November 30. Eligible clients who do not notify the department of their choice for a change in plans by November 30 will remain with the plan in which they are last enrolled until the next open enrollment period, unless the clients qualify for a

good cause change in plans as provided in WAC 388-538-074. Changes in choice of plans during the open enrollment period shall be effective January 1 of the next calendar year.

**NEW SECTION**

**WAC 388-538-074 Change in plans during enrollment period for good cause.** (1) The definitions in WAC 388-538-073(1) apply to this section.

(2) At any time a client requests a change of plan for good cause and good cause is found, the department shall change the eligible client and family members to another available plan. Good cause is described in subsection (3) of this section.

(a) Good cause changes, which the department authorizes prior to the monthly cut-off date, shall take effect on the first day of the next month. Good cause changes, which the department authorizes after the monthly cut-off date, shall take effect on the first day of the second month after the authorization.

(b) If the time period for implementation of good cause changes would adversely affect the client's health status, the client may request an immediate exemption from managed care until implementation of the good cause change.

(3) The department shall authorize a change in plan for good cause based on the following:

(a) Client changes residence and the plan in which the client is enrolled is not a department contracted managed care plan in the new location;

(b) To assure all family members are enrolled in the same plan;

(c) Client or a dependent person in the family for whom the client is responsible is a victim of domestic violence, abuse, or neglect, and a change in plans is necessary to protect the client or dependent person from the perpetrator;

(d) Client's primary care provider changes plans and the client has responded to a notice from the current plan by contacting the department or by submitting a new enrollment form requesting a transfer to the primary care provider's new plan within forty-five days after the month the provider changes plans. The department may extend the forty-five day request period in cases where the current plan did not give timely notice to the client about their primary care provider changing plans;

(e) Client is enrolled in a plan other than the plan requested as a result of documented department error;

(f) Client is pregnant and wants to change to the plan contracting with the obstetrical provider who has previously or is currently providing obstetrical care to the client;

(g) Client prevailed in an adjudicative hearing (fair hearing) as a result of a grievance or complaint against a plan;

(h) Client states that continuing enrollment with the plan will seriously compromise his or her health care status or that of a family member and the department agrees after evaluating the request and the available information;

(i) Client has communication or mobility needs, which if not addressed would impair accessibility or effectiveness of health care received, and the department agrees after evaluating the request and the available information, that a change of plans would address those needs;

(j) Client requests a disenrollment as defined under WAC 388-538-080 and 388-538-130 and a plan change would facilitate access to medically necessary services for the client and the client agrees to accept a change in plan rather than pursue the disenrollment request;

(k) The department or its contracted designee places children or adults in foster homes or alternative residences;

(l) Client's plan merges with another department contracted plan and there are substantive changes in policy or provider networks as a result of the merger.

(4) Clients, or representatives authorized under RCW 7.70.065 or other provision of law, may request good cause changes by contacting the department by telephone or in writing. The department shall make a decision on the good cause request within fifteen working days of the request and notify the client and representative by telephone or in writing immediately thereafter.

(5) A client dissatisfied with a good cause decision has the right to an adjudicative hearing (fair hearing) as described in chapter 388-08 WAC.

**WSR 96-21-133**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
(Public Assistance)  
[Filed October 23, 1996, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-003.

Title of Rule: WAC 388-538-070 Managed care.

Purpose: To add a stop-loss for SSI client in Medicaid managed care.

Statutory Authority for Adoption: RCW 74.08.090.

Summary: Requires managed care plans to submit stop-loss claims for SSI clients within one year of service.

Reasons Supporting Proposal: Makes the Department of Social and Health Services more consistent with other third-party payers handling stop-loss claims.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-0529.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change requires managed care plans to submit stop-loss claims for a Medicaid client within one year of service. Implementing this rule will assist the department in preparing timely and complete budget forecasts. This rule will make the department more consistent with other third-party payers handling of stop-loss claims and will enable plans contracting with Medical Assistance Administration to close their books on a more timely basis.

Proposal Changes the Following Existing Rules: Adds stop-loss claim payment for SSI clients as an additional payment methodology for managed care.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule amendment only pertains to managed care plans. Managed care plans are not considered small businesses. In addition, this rule change will only have a positive impact on the managed care plans.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section does not apply to the Department of Social and Health Services.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on November 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Manager, by November 13, 1996, (360) 902-8317, or TTY (360) 902-8324.

Submit Written Comments to: Merry Kogut, Manager, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 902-8292, by November 27, 1996.

Date of Intended Adoption: November 28, 1996.

October 23, 1996

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3886, filed 8/29/95, effective 9/1/95)

**WAC 388-538-070 Managed care payment.** The department shall pay for managed care as follows:

(1) Under a capitated system(=);

(a) A set rate to a plan for contracted health care provided to the client; and

(b) The plan has one year from the date services are provided to an SSI client to submit claims:

(i) To the department to be considered towards meeting the stop-loss deductible; and

(ii) For the department to make payments to the plan once the deductible is satisfied.

(2) Under a PCCM model in which the contract is between the department and the health care provider, a monthly management fee in addition to a fee for covered services provided to the client;

(3) Under a PCCM model in which the contract is between the department and a plan, a monthly management fee to the plan to be divided between the plan and the primary care provider, in addition to a fee to the health care provider for covered services provided to the client.

**WSR 96-21-134**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
(Public Assistance)  
[Filed October 23, 1996, 10:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-032.

Title of Rule: WAC 388-538-080 Managed care exemptions.

Purpose: To make rules consistent with the legislative mandated selective contracting.

Statutory Authority for Adoption: RCW 74.08.090.

Summary: Rules to define when a Medicaid client may be exempted from enrolling [in] a managed care plan.

Reasons Supporting Proposal: This change is needed as a result of selective contracting.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-0529.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department has expanded the reasons that a client may be exempted from Medicaid managed care. The definitions of the current exemption for the relationship with a current provider has been reworded.

Proposal Changes the Following Existing Rules: Expands the reasons that a Medicaid client may be exempted. Changes the wording of when a client may remain out of managed care based on his/her relationship with current provider. Adds that a legal representative may ask for an exemption for a client. Adds that a client may be given an exemption decision by telephone or in writing.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These are administrative changes to an existing WAC. The changes would not negatively impact nonmanaged care plan providers. These changes only impact clients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section does not apply to the Department of Social and Health Services.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on November 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Manager, by November 13, 1996, (360) 902-8317, or TTY (360) 902-8324.

Submit Written Comments to: Merry Kogut, Manager, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 902-8292, by November 27, 1996.

Date of Intended Adoption: November 28, 1996.

October 23, 1996

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3886, filed 8/29/95, effective 9/1/95)

**WAC 388-538-080 Managed care exemptions.** (1) The department shall not require a client to enroll in managed care when:

(a)(i) According to objective medical evidence, a client has multiple, complex medical diagnoses or a severe, complex manifestation of a single medical diagnosis; and

(A) The client is currently receiving care under a written treatment plan;

(B) The treatment plan requires frequent modification or monitoring due to the nature of the client's health condition;

(C) The client's health care provider is not affiliated with an available managed care plan; and

(D) Disruption of care ((in an established treatment plan with a health care provider, who is not in managed care,)) currently being received would adversely affect the client's health ((status)) condition; or

(ii) Prior to enrollment, the client has a surgical procedure scheduled to occur in the next thirty calendar days with a health care provider who is not affiliated with an available managed care plan;

(b) The client is an Indian, as defined under 25 U.S.C. 1603 (c)-(d); or

(c) Medically necessary care is not reasonably available and accessible under managed care offered to the client.

(2) The department shall consider, on a case-by-case basis, medically necessary care not reasonably available and accessible when:

((+)) (a) The limited English-speaking or hearing-impaired client can communicate in the client's primary language with a health care provider not participating in a plan or under PCCM;

((+)) (b)(i) The distance is over twenty-five miles one-way(+) or travel time is greater than forty-five minutes one-way(+) to the nearest primary care provider who is in managed care and accepting clients and the client's current primary health care provider is located closer to the client; or

(ii) Other transportation difficulties make it unreasonably difficult for a client to obtain primary medical care under managed care;

((+)) (c) The client is homeless or is expected to reside in temporary housing or a shelter for less than one hundred and twenty days from date the client requests ((+)) an exemption;

((+)) (d)(i) Before enrollment, a pregnant woman has started prenatal care with an obstetrical provider who is not available under managed care(;

(v) The client is an Indian, as defined under 25 U.S.C. 1603 (e)-(f)); or

((+)) (ii) In order for a pregnant woman to continue her established course of prenatal care with an obstetrical provider who is no longer affiliated with any available managed care plan;

(e) The client's circumstances, as evaluated by the department ((on a case-by-case basis)) with available information, support((s)) the client's claim that medically necessary care is not reasonably available and accessible under managed care(+) as offered to the client.

((2)) (3) A client ((requesting an exemption from enrolling in managed care)) or a representative, as authorized under RCW 7.70.065, or other provision of law, shall make a request in writing or by telephone to the department to be exempted from enrolling in managed care. The department shall timely notify the client by telephone or in writing of ((+)) an adverse exemption decision and the reasons therefor before enrolling the client in managed care. If the department denies the request for exemption, the department shall provide notice containing the following information before enrolling the client in managed care:

(a) Action the department intends to take;

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- (b) Reasons for the intended action;
- (c) The specific rule or regulation supporting the action;
- (d) Client's right to request a fair hearing, including the circumstances under which the fee-for-service status is continuing, if a hearing is requested; and
- (e) Full translation into the primary language of the limited English proficient recipient.

(4) The client shall remain exempted until a decision is made on the exemption request by the department. ~~((The))~~ A client ((may request a fair hearing when the client is not satisfied with the department's decision)) who is dissatisfied with the exemption decision has the right to an adjudicative hearing (fair hearing) as described under WAC 388-526-2610.

~~((3))~~ (5) If an exemption is authorized as a result of a time-limited circumstance, the department may limit the time period for which the exemption is granted to the period of time that the circumstance is expected to continue.

~~((4))~~ (6) The department may offer a client who qualifies for an exemption the option to participate in PCCM with a contracted PCCM provider of the client's choice.

**WSR 96-21-135**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services)  
(Public Assistance)

[Filed October 23, 1996, 10:30 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

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

Purpose: Increases from \$247 to \$250 the excess shelter deduction used in calculating food stamp income and determining food stamp benefits. This deduction is increased to partially reflect increased shelter costs. Households are allowed to switch between actual expenses and the standard utility allowance (SUA) only at recertification. Homeless shelter allowance used in calculating the excess shelter deduction is eliminated.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Section 809 of H.R. 3734.

Summary: Raises to \$250 the excess shelter deduction used in calculating food stamp income and determining food stamp benefits.

Reasons Supporting Proposal: Section 809 of H.R. 3734.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 413-3073.

Name of Proponent: Joan Wirth, Division of Income Assistance, governmental.

Rule is necessary because of federal law, Section 809, H.R. 3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: Increases from \$247 to \$250 the excess shelter deduction used in calculating food stamp income and determining food stamp benefits. This deduction is in-

creased to partially reflect increased shelter costs. Households are allowed to switch between actual expenses and the standard utility allowance (SUA) only at recertification. Homeless shelter allowance used in calculating the excess shelter deduction is eliminated.

Because the increase in the excess shelter deduction is small, there will be essentially no effect on caseloads.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to this rule.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section does not apply to the Department of Social and Health Services.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504-5800, on November 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by November 13, 1996, (360) 902-8317, or TTY (360) 902-8324.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by November 27, 1996.

Date of Intended Adoption: November 28, 1996.

October 17, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3951, filed 3/5/96, effective 4/5/96)

**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-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 one year of age 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 ~~((forty-seven))~~ fifty dollars; and

(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) 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 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 or the limited utility allowance when a household incurs any separate utility charges other than telephone costs and is not entitled to the standard utility allowance. 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 or limited utility allowance.

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

(i) Not entitled to the standard or limited utility allowance; or

(ii) Requesting use of actual utility bills. The department shall allow a monthly telephone standard for households incurring telephone expenses if the household is not entitled to claim the standard or limited utility allowance.

~~((c) A shelter amount of one hundred forty three 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 forty three dollars; or~~

~~(ii) Unverified shelter costs exceeding one hundred forty three dollars.))~~

(3) A household may switch between actual utility costs and the standard or limited 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.

### WSR 96-21-138

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 23, 1996, 10:56 a.m.]

Supplemental Notice to WSR 96-18-037.

Preproposal statement of inquiry was filed as WSR 96-10-079.

Title of Rule: Chapter 16-1019 [16-101X] WAC, Degrades, license suspensions and revocations for dairy producers and processors.

Purpose: To establish criteria for penalties that are imposed on when a degrade action is taken by the department and to establish criteria when a dairy producer or processing plant license may be revoked. To file additional language changes to original notice.

Statutory Authority for Adoption: RCW 15.36.021.

Statute Being Implemented: RCW 15.36.111.

Summary: These rules provide criteria for determining the length of time a dairy producer or processor is on degrade based on the number and severity of violations when a degrade action is taken by the department. The rules also provide criteria for taking a dairy producer or processor license revocation action based on pattern of noncompliance.

Reasons Supporting Proposal: The 1996 legislative change in RCW 15.36.111 no longer allows the department to take an "immediate" degrade action for repeat violations, in most cases. It is required that the department provide opportunity for hearing under the APA in these actions and these rules establish a fair and equitable process for determining the length of the degrade period.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael J. Donovan, Department of Natural Resources Building, 1111 Washington Street, 2nd Floor, Olympia, (360) 902-1883.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The general goal of chapter 15.36 RCW, the Fluid Milk Act, is to protect the consuming public by ensuring the dairy products produced in this state are safe and unadulterated through regulation of the sanitation practices of the dairy industry, bacterial and other quality standards and drug residue levels of dairy products. The specific objectives are to see that farms, plants and the hauling industry comply with sanitation and product standards and that licensed dairy technicians perform in compliance with certain standards and demonstrate a prescribed level of knowledge, skill and ability before engaging in operation of critical equipment or testing, sampling and/or handling of products. To ensure compliance with chapter 15.36 RCW, the chapter authorizes penalty action be taken in situations of noncompliance. One enforcement action authorized and required is that a degrade action be taken on consecutive repeat violations of the chapter. The rule outlines a fair and equitable penalty

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schedule required by the APA when the degrade action is applied.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules establish a criteria for determining degrade penalties under the requirement of RCW 15.36.111.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on November 26, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by November 16, 1996, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Michael J. Donovan, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by November 26, 1996.

Date of Intended Adoption: November 27, 1996.

October 23, 1996

Mary Toohey  
for Candace Jacobs  
Assistant Director

#### NEW SECTION

**WAC 16-101X-030 How is the debit point value of each violation determined?** (1) The debit point for each violation, as shown in the table below, is the same as the debit points awarded to dairy farms or milk processing plants during state surveys and federal check ratings as determined in the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" published by the US Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(2) A copy of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" may be obtained by request from the Washington State Department of Agriculture Food Safety Program, P.O. Box 42560, Olympia, Washington 98504-2560 (360-902-1875).



## (3) DAIRY FARM SANITATION VIOLATION DEBIT POINT VALUES

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
<b>ABNORMAL MILK</b>		
1a	Cows secreting abnormal milk milked last or in SEPARATE equipment	5
1b	Abnormal milk properly handled and disposed of	5
1c	Proper care of abnormal milk handling equipment	5
<b>MILKING PARLOR</b>		
2a	Floors, gutters and feed troughs of concrete or of equally impervious materials; in good repair	1
2b	Walls and ceilings smooth, painted or finished adequately; in good repair; ceiling dust tight	1
2c	Separate stalls or pens for horses, calves and bulls	1
2d	Adequate natural and/or artificial light; well distributed	1
2e	Properly ventilated;	1
3a	Clean and free of litter	3
3b	No swine or fowl	3
4a	Cowyard graded to drain; no pooled water or wastes	3
4b	Cowyard clean; cattle housing areas and manure packs properly maintained	3
4c	No swine	3
4d	Manure stored inaccessible to cows	3
<b>MILKHOUSE</b>		
<b>Floors</b>		
5a	Smooth; concrete or other impervious material; in good repair	1
5b	Graded to drain	1
5c	Drains trapped, if connected to sanitary system	1
<b>Walls and Ceilings</b>		
5a	Approved material and finish	1
5b	Good repair (windows, doors and hoseport included)	1
<b>Lighting and Ventilation</b>		
5a	Adequate natural and/or artificial light; properly distributed	2
5b	Adequate ventilation	2
5c	Doors and windows closed during dusty weather	2
5d	Vents and lighting fixtures properly installed	2
<b>Miscellaneous Requirements</b>		
5a	Used for milkhouse operations only; sufficient size	2

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5b	No direct opening into living quarters or barn; except as permitted by Ordinance	2
5c	Liquid wastes properly disposed of	2
5d	Proper hoseport where required	2
5e	Acceptable surface under hoseport	2
5f	Suitable shelter for transport truck as required by this Ordinance	2
	<b>Cleaning Facilities</b>	
5a	Two-compartment wash and rinse vat of adequate size	2
5b	Suitable water heating facilities	2
5c	Water under pressure piped to milkhouse	2
	<b>Cleanliness</b>	
6a	Floors, walls, windows, tables and similar non-product surfaces clean	4
6b	No trash, unnecessary articles, animals or fowl	4
	<b>Toilet</b>	
7a	Provided; conveniently located	4
7b	Constructed and operated according to Ordinance	4
7c	No evidence of human wastes about premises	4
7d	Toilet room in compliance with Ordinance	4
	<b>Water Supply</b>	
8a	Constructed and operated according to Ordinance	2 or 5
8b	Complies with bacteriological standards	5
8c	No connection between safe and unsafe supplies; no improper submerged inlets	5
	<b>UTENSILS AND EQUIPMENT</b>	
9a	Smooth, impervious, nonabsorbent, safe materials; easily cleanable;	4
9b	In good repair; accessible for inspection;	4
9c	Approved single service articles; not re-used	4
9d	Of proper design	4
9e	Approved CIP milk pipeline system	4
10a	Utensils and equipment clean	5
11a	All multi-use containers and equipment subjected to approved sanitization process	5
12a	All multi-use containers and equipment properly stored	2
12b	Stored to assure complete drainage where applicable	2
12c	Single-service articles properly stored	2
	<b>MILKING</b>	
13a	Milking done in barn, stable or parlor	5
13b	Brushing completed before milking begun	5
13c	Flanks, bellies, udders, and tails of cows clean at time of milking; clipped when required	5
13d	Teats treated with sanitizing solution and dried just prior to milking	5
13e	No wet hand milking	5
	<b>TRANSFER AND PROTECTION OF MILK</b>	
	<b>Protection from Contamination</b>	
14a	No overcrowding	3
14b	Product and CIP circuits separated	3
14c	Improperly handled milk discarded	3
14d	Immediate removal of milk	3
14e	Milk and equipment properly protected	3
14f	Sanitized milk surfaces not exposed to contamination	3
14g	Air under pressure of proper quality	3
	<b>Drug and Chemical Control</b>	

15a	Cleaners and sanitizers properly identified	2
15b	Drug administration equipment properly handled and stored	2
15c	Drugs properly labeled (name and address) and stored	2
15d	Drugs properly labeled (directions for use, cautionary statements, active ingredients)	7
15e	Drugs properly used and stored to preclude contamination of milk	7
<b>PERSONNEL</b>		
<b>Hand-Washing Facilities</b>		
16a	Proper hand-washing facilities convenient to milking operations	2
16b	Wash and rinse vats not used as hand-washing facilities	2
<b>Personnel Cleanliness</b>		
17a	Hands washed clean and dried before milking, or performing milkhouse functions; rewashed when contaminated	1
17b	Clean outer garments worn	1
<b>COOLING</b>		
18a	Milk cooled to 45 F or less within 2 hours after milking	5
18b	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18c	Temperature recorder with 7 day chart	5*
<b>INSECTS AND RODENTS</b>		
19a	Fly breeding minimized by approved manure disposal methods	3
19b	Manure packs properly maintained	3
19c	All milkhouse openings effectively screened or otherwise protected; doors tight and self-closing; screen doors open outward	2
19d	Milkhouse free of insects and rodents	2
19e	Approved pesticides; used properly	2
19f	Equipment and utensils not exposed to pesticide contamination	2
19g	Surrounding neat and clean; free of harborage and breeding areas	2
19h	Feed storage not attraction for birds, rodents or insects	2

\* This is a requirement of WAC 16-125 rated in accordance with cooling criteria in similar sections of with the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" for dairy plants.

**(4) MILK PROCESSING PLANT SANITATION VIOLATION DEBIT POINT VALUES**

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
1	<b>FLOORS</b>	
1a	Smooth; impervious; no pools; good repair; trapped drains	1
2	<b>WALLS AND CEILINGS</b>	
2a	Smooth; washable; light-colored; good repair	1
3	<b>DOORS AND WINDOWS</b>	
3a	All outer openings effectively protected against entry of flies and rodents	2
3b	Outer doors self-closing; screen doors open outward	2
4	<b>LIGHTING AND VENTILATION</b>	
4a	Adequate in all rooms	1
4b	Well ventilated to preclude odors and condensation; filtered air with pressured systems	1
5	<b>SEPARATE ROOMS</b>	
5a	Separate rooms as required; adequate size	3
5b	No direct opening to barn or living quarters	3

5c	Storage tanks properly vented	3
6	<b>TOILET FACILITIES</b>	
6a	Complies with local ordinances	3
6b	No direct opening to processing rooms; self-closing doors	3
6c	Clean; well-lighted and ventilated; proper facilities	3
6d	Sewage and other liquid wastes disposed of in a sanitary manner	3
7	<b>WATER SUPPLY</b>	
7a	Constructed and operated in accordance with Ordinance	4
7b	No direct or indirect connection between safe and unsafe water	4
7c	Condensing water and vacuum water in compliance with Ordinance requirements	4
7d	Complies with bacteriological standards	4
8	<b>HAND-WASHING FACILITIES</b>	
8a	Located and equipped as required; clean and in good repair; improper facilities not used	2
9	<b>MILK PLANT CLEANLINESS</b>	
9a	Neat; clean; no evidence of insects or rodents; trash properly handled	3
9b	No unnecessary equipment	3
10	<b>SANITARY PIPING</b>	
10a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
10b	Clean-in-place lines meet Ordinance specifications	3
10c	Pasteurized products conducted in sanitary piping, except as permitted by Ordinance	3
11	<b>CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT</b>	
11a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
11b	Self-draining; strainers of approved design	3
11c	Approved single-service articles; not re-used	3
12	<b>CLEANING AND SANITIZING OF CONTAINERS/EQUIPMENT</b>	
12a	Containers, utensils and equipment effectively cleaned	5
12b	Mechanical cleaning requirements of Ordinance in compliance; records complete	5
12c	Approved sanitization process applied prior to the use of product-contact surfaces	5
12d	Required efficiency tests in compliance	5
12e	Multiple use plastic containers in compliance	5
12f	Aseptic system sterilized	5
13	<b>STORAGE OF CLEANED CONTAINERS AND EQUIPMENT</b>	
13a	Stored to assure drainage and protected from contamination	3
14	<b>STORAGE OF SINGLE SERVICE ARTICLES</b>	
14a	Received, stored and handled in a sanitary manner; paperboard containers not re-used except as permitted by the Ordinance	2
15A	<b>PROTECTION FROM CONTAMINATION</b>	
15a	Operations conducted and located so as to preclude contamination of milk, milk products, ingredients, containers, equipment and utensils	3
15b	Air and steam used to process products in compliance with Ordinance	3
15c	Approved pesticides, safely used	3
15B	<b>CROSS CONNECTIONS</b>	
15a	No direct connections between pasteurized and raw milk or milk products.	5
15b	Overflow, spilled and leaked products or ingredients discarded	5

15c	No direct connections between milk or milk products and cleaning and/or sanitizing solutions	5
16A	<b>PASTEURIZATION-BATCH</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Adequate agitation throughout holding; agitator sufficiently submerged	15
16b	Each pasteurizer equipped with indicating and recording thermometer; bulb submerged	15
16c	Recording thermometer reads no higher than indicating thermometer	15
16d	Product held minimum pasteurization temperature continuously for 30 minutes, plus filling time if product preheated before entering vat, plus emptying time, if cooling is begun after opening outlet	15
16e	No product added after holding begun	15
16f	Airspace above product held at not less than 5.0 F higher than minimum required pasteurization temperature during holding	15
16g	Approved airspace thermometer; bulb not less than 1 inch above product level	15
16h	Inlet and outlet valves and connections in compliance with Ordinance	15
16B	<b>PASTEURIZATION-HIGH TEMPERATURE</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	<b>ADULTERATION CONTROLS</b>	
16a	Satisfactory means to prevent adulteration with added water	3
16C	<b>ASEPTIC PROCESSING</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	<b>ADULTERATION CONTROLS</b>	
16a	Satisfactory means to prevent adulteration with added water	3
16D	<b>REGENERATIVE HEATING</b>	
16a	Pasteurized or aseptic product in regenerator automatically under greater pressure than raw product in regenerator at all times	10
16b	Accurate pressure gauges installed as required; booster pump properly identified and installed	10
16c	Regenerator pressures meet Ordinance requirements	10
16E	<b>TEMPERATURE RECORDING CHARTS</b>	
16a	Batch pasteurizer charts comply with applicable Ordinance requirements	4
16b	HTST pasteurizer charts comply with applicable Ordinance requirements	4
16c	Aseptic charts comply with applicable Ordinance requirements	4
17	<b>COOLING OF MILK</b>	
17a	Raw milk maintained at 45 F or less until processed	5
17b	Pasteurized milk and milk products, except those to be cultured, cooled	5

	immediately to 45 F or less in approved equipment; all milk and milk products stored thereat until delivered	
17c	Approved thermometers properly located in all refrigeration rooms and storage tanks	5
17d	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18	<b>BOTTLING AND PACKAGING</b>	
18a	Performed in plant where contents finally pasteurized	5
18b	Performed in sanitary manner by approved mechanical equipment	5
18c	Aseptic filling in compliance	5
19	<b>CAPPING</b>	
19a	Capping and/or closing performed in sanitary manner by approved mechanical equipment	5
19b	Imperfectly capped/closed products properly handled	5
19c	Caps and closures comply with Ordinance	5
20	<b>PERSONNEL CLEANLINESS</b>	
20a	Hands washed clean before performing plant functions; rewashed when contaminated	1
20b	Clean outer garments and hair covering worn	1
20c	No use of tobacco in processing areas	1
21	<b>VEHICLES</b>	
21a	Vehicles clean; constructed to protect milk	1
21b	No contaminating substances transported	1
22	<b>SURROUNDINGS</b>	
22a	Neat and clean; free of pooled water, harborage and breeding areas	2
22b	Tank unloading areas properly constructed	2
22c	Approved pesticides; used properly	2

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

**NEW SECTION**

**WAC 16-101X-040 How can a degraded dairy farm or milk processing plant operation be regraded?** A producer or processor subject to degrade action for repeat violations must apply on an application provided by the department to have his or her dairy farm or milk processing plant regraded. The application must be signed by the producer or processor and must state that all violations, both repeat violations and non-repeat violations, cited on the inspection that caused the degrade have been corrected. Within seven days after receiving a completed application for regrade, the department will reinspect the dairy farm or milk processing plant. If the department determines that all violations, both repeat violations and non-repeat violations, cited on the inspection that caused the degrade have been corrected and the degrade period as determined by the director has ended, the department will regrade the dairy farm or milk processing plant operation.

**WSR 96-21-140  
PROPOSED RULES  
INSURANCE COMMISSIONER'S OFFICE**  
[Filed October 23, 1996, 11:02 a.m.]

Original Notice.  
Preproposal statement of inquiry was filed as WSR 96-17-028.

Title of Rule: Personal injury protection.

Purpose: To establish minimum standards for the termination, limitation, or denial of personal injury protection (PIP) claims review in automobile liability insurance policies, and to establish minimum standards for PIP arbitration clauses.

Other Identifying Information: Insurance Commissioner Matter No. R 96-6.

Statutory Authority for Adoption: RCW 48.02.060, 48.22.105, 48.30.010.

Statute Being Implemented: RCW 48.01.030, 48.22.005, 48.22.085, 48.22.100.

Summary: This rule requires an insurer to disclose to an insured that it reserves the right to deny, limit, or terminate an insured's medical and hospital benefits as soon as possible after the insured presents a PIP medical claim. The rule requires an insurer to deny, limit, or terminate claims in writing and to provide the "true and actual" reason for the denial in terms that explain the reasons for the insurer's action. The insurer must provide a means for a professional

reconsideration of such actions upon request of the insured. Medical and health professionals that review records must be currently licensed, certified, or registered in this state in the same health field or specialty or in a field that typically manages the condition, procedure, or treatment under consideration. Insurers must maintain information in the insured's claims file to verify the credentials of the reviewer. Insurers may not deny property damage claims of insureds that do not participate in "independent medical examinations." And, finally, minimum standards for PIP arbitration clauses are set forth.

**Reasons Supporting Proposal:** The commissioner has received over seven hundred complaints in less than five years about the way insurers deny, limit, or terminate PIP benefits after review of the insured's treatment records or "independent medical examinations." Insurers are entitled to disclosure prior to the loss of benefits and to a reconsideration of the action by a second professional reviewer.

**Name of Agency Personnel Responsible for Drafting:** Melodie Bankers, Olympia, Washington, (360) 586-3574; **Implementation and Enforcement:** Greg Scully, Olympia, Washington, (360) 664-3785.

**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:** This rule requires an insurer to disclose to an insured that it reserves the right to deny, limit, or terminate an insured's medical and hospital benefits as soon as possible after the insured presents a PIP medical claim. The rule requires an insurer to deny, limit, or terminate claims in writing and to provide the "true and actual" reason for the denial in terms that explain the reasons for the insurer's action. The insurer must provide a means for a professional reconsideration of such actions upon request of the insured. Medical and health professionals that review records must be currently licensed, certified, or registered in this state in the same health field or specialty or in a field that typically manages the condition, procedure, or treatment under consideration. Insurers must maintain information in the insured's claims file to verify the credentials of the reviewer. Insurers may not deny property damage claims of insureds that do not participate in "independent medical examination." And, finally, minimum standards for PIP arbitration clauses are set forth.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**(a) Is the rule required by federal law or federal regulation?** No.

**(b) What industry is affected by the proposed rule?** Fire, Marine, and Casualty Insurance (#6331).

**(c) List the specific parts of the proposed rule, based on the underlying statutory authority (RCW section), which may impose a cost to businesses.**

**Written Disclosure:** As soon as possible after receipt of actual notice of an insured's intent to file a personal injury protection medical and hospital benefits claim, and in every case prior to denying, limiting, or terminating an insured's

medical and hospital benefits, an insurer is required to advise an insured in writing that it reserves the right to deny medical and hospital benefits to an insured after review.

**Written Notification of Claim Denials:** As soon as possible after an insurer concludes that it intends to deny, limit, or terminate an insured's medical and hospital benefits, the insurer shall advise an insured in writing. The notification shall be clear and unambiguous. The insurer shall outline in writing the means by which an insured may request a prompt reconsideration or appeal of that determination.

**Standards for Claim Denials:** Health care professionals upon whom the insurer will rely to make a decision to deny, limit, or terminate an insured's medical and hospital benefits shall be currently licensed, certified, or registered in this state to practice in the same health field or specialty as the treating professional or in a health care field or specialty that typically manages the condition, procedure, or treatment under consideration.

**(d) What will be the compliance costs for industries affected?** The following potential costs to insurers are considered:

- preparing or amending written notification to all insured persons intending to file a personal injury claim
- preparing or modifying letters notifying clients of claim denials
- contracting with appropriate health care professionals to perform medical reviews

**(e) What percentage of the industries in the four-digit standard industrial classification will be affected by the rule?** One hundred percent of the insurers that choose to offer personal injury protection as part of automobile liability insurance policies in the state of Washington.

**(f) Will the rule impose a proportionately higher economic burden on small businesses within the four-digit classification?** No. The rule imposes no lump sum costs or fixed costs that would disproportionately affect smaller businesses. All potential costs of this rule are marginal costs per claim by policy holder; thus, potential costs would be in direct proportion to the volume of claims filed. The cost of compliance per employee may vary on a company-by-company basis; however, this variance is based on the extent to which the company already meets the new standards and not on the size of the insurer.

**(g) Can mitigation be used to reduce the economic impact of the rule on small businesses and still meet the stated objective of the statutes which are the basis of the proposed rule?** Potential costs of compliance have been reduced to a negligible amount (see (i) for more detail). Note the potential costs considered in this evaluation:

**1. Preparing or amending written notification to all insured persons intending to file a personal injury claim**

- The potential costs of this rule have been reduced to the negligible cost of merely modifying already existing cover letters sent with claim forms for an estimated 95% of the insurers. The remaining 5% of insurers that may not be sending cover letters shall be required to provide written notification with appropriate language. See (i) for specific cost information.

**2. Preparing or modifying letters notifying clients of claim denials**

- It is the practice of all insurers to send written notification of a claim denial<sup>1</sup>. Thus, this rule does not impose any significant additional administrative costs.

### 3. Contracting with appropriate health care professionals to perform medical reviews

- Insurers already utilize health care professionals to review medical claims<sup>2</sup>. This rule does not force insurers to contract with new or additional professionals. It merely requires the health care professional be certified in a field or specialty that typically manages the condition, procedure, or treatment under consideration. See (i) for specific cost information.

Any further mitigation would prevent the rule from meeting the objective of providing standards for prompt, fair and equitable settlements applicable to automobile personal injury protection insurance.

**(h) What steps will the commissioner take to reduce the costs of the rule on small businesses?** Concerns were raised with regard to the professional qualifications of the reviewing health care professionals. A rule requiring the health care reviewer to be licensed in an "identical" field as the treating professional may potentially be more binding on smaller insurers than on larger insurers. For example, a smaller insurer may not have as large of a pool of health care professionals from which to choose as a larger insurer. This concern was addressed by requiring the reviewing health care professional to be licensed either in the same field OR "in a health care field or specialty that typically manages the condition, procedure, or treatment under consideration."

**(i) Which mitigation techniques have been considered and incorporated into the proposed rule?** Consideration of cost mitigation has occurred throughout the rule drafting process. With regard to the specified cost implications in (c), potential record-keeping and administrative costs have been reduced in the following manner:



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<b>Preliminary Drafts</b>		<b>Draft proposal upon filing of CR-102</b>
In previous draft rule, insurers were required to mail and maintain proof of letters notifying policyholders of the insurer's right to deny medical benefits upon review.		Because an estimated 95% of all insurers already provide written procedures when mailing claim forms, this requirement was modified to comply as much as possible with insurers current practice such that, at the most, only a one sentence amendment to current form letters would be required by this rule.
<b>Cost estimated by Insurers:</b> > \$1.00 per claim	Cost Reduction →→→→	<b>Cost estimated by Insurers:</b> For an estimated 95% of insurers, the cost would be negligible (simply amending or modifying current cover letter). For the remaining 5%, the cost would be approximately \$0.40 per claim to draft, print, and mail a cover letter with required language.
Previous drafts included requirements that the health care professionals on which the insurance company relies for medical reviews of claims must complete a questionnaire detailing their type of practice upon request. Also, previous drafts also considered requirements that reviewing health care professionals be licensed in the same specialty as the treating professional.		Because of the difficulties specified by insurers, this rule was modified such that no questionnaire (to be completed by health care professionals) be required. Also, the rule allows for reviewing health care professionals to be licensed, registered, or certified in the same field as the treating professional OR a field that typically manages the condition, procedure, or treatment under consideration.
<b>Cost estimated by Insurers:</b> Difficulties would exist in forcing health care professionals to complete said form. Also, in some cases, a professional in the identical specialty as the treating professional may not be available and may impose travel costs on either the professional or policyholder.	Cost Reduction →→→→	<b>Cost estimated by Insurers:</b> All insurers currently use health care professionals to perform medical reviews of claims; thus, there is no potential cost imposed by this rule. In the event that insurers are NOT using professionals in the same or similar field as the treating health care professional, this rule would merely require insurers to change the type of professional they utilize. The rule would NOT require additional professional services.

(j) Which mitigation techniques were considered for incorporation into the proposed rule but were rejected, and why? The comments from insurers regarding this rule include recommendations to withdraw the proposed rule, insisting that no rule is necessary because other claims settlement practice rules already apply. Although insurers feel they are already settling personal injury protection claims in a fair manner, the number of complaints and inquiries the commissioner's office receives regarding this matter indicates there are problems with the current settlement process. The commissioner's office logged over seven hundred complaints and inquiries in the past four years regarding personal injury protection matters. This rule is designed to address these complaints.

The commissioner also considered eliminating the requirement that health care professionals reviewing the claims be registered, licensed, or certified in the state due to complications arising in border areas such as Vancouver. This form of mitigation was considered and rejected at this time.

(k) Briefly describe the reporting, record keeping, and other compliance requirements of the proposed rule. Insurers will have to maintain information in an insured's claims file such as copies of letters of denials to policyholders and proof of certification of the reviewing health care professional. This should not result in any significant costs.

(l) List the kinds of professional services that a small business is likely to need in order to comply with the reporting, record-keeping, and other compliance requirements of the proposed rule. Small businesses are not likely to need any new or additional professional services to comply with these rules.

(m) Analyze the cost of compliance including, specifically:

- Cost of equipment: No new equipment will be required.
- Cost of supplies: No new supplies will be required; however, in the event the insurers are not already sending cover letters with claim forms to policyholders upon notification of an accident, the cost of one additional sheet of paper per claim may be imposed.

- Cost of labor: The employees of the insurer may be required to modify or amend the insurer's cover letter included with the mailing of claim forms and claim denial reports.
- Cost of increased administration: No new administrative costs are anticipated.

(n) Compare the cost of compliance for small business with the cost of compliance for the largest businesses in the same four-digit classification, using one or more of the following (as specifically required by RCW 19.85.040 (1)(a), (b), and (c)). The number of employees hired by companies varies proportionately with the number of policyholders and volume of claims. Because the only potential costs imposed by these rules are marginal costs per claim, the costs of compliance per employee for small insurers should be no greater than the costs per employee for large insurers. The cost of compliance per employee may vary on a company-by-company basis; however, this variance is not based on the size of the insurer (measured in terms of employees, hours of labor, and sales volume), but rather on the extent to which the company already meets the new standards. In a phone survey, sampling over 10% of the insurers of varying size, no relationship was found between the size of the firm and the extent to which the company already meets the new standards; thus, the per employee cost should not be substantially different between the largest and the smallest insurance insurers in this business.

(o) **Have businesses that will be affected been asked what the economic impact will be?** Yes. On August 14, 1996, a meeting was held to discuss possible rules regarding utilization review standards in personal injury protection coverage where all affected parties were invited to attend. From August 12th through October 17th, comments from affected parties regarding current drafts of proposed rules were solicited and reviewed by staff. These comments included information on specific cost implications of the rule. On October 14, 1996, a second work group meeting was held to discuss the fourth draft of the proposed rule.

In addition, a phone survey was conducted, sampling over 10% of the affected insurance insurers of various sizes to determine the potential costs of the proposed rule.

(p) **How did the commissioner involve small businesses in the development of the proposed rule?** The commissioner contacted a number of insurers that volunteered to assist in the development of the rule, the accurate assessment of the costs of the proposed rule, and the means to reduce the costs imposed on small insurers and agents. The insurers that participated ranged from large to small, and included the associations that represent a vast majority of the property/casualty insurers engaged in the transactions of insurance in this state.

In addition, a phone survey was conducted, sampling over 10% of the affected insurance insurers of various sizes to determine the potential costs of the proposed rule. This survey intentionally included samples from both the largest and smallest affected insurers in the industry.

(q) **How and when were affected small businesses advised of the proposed rule?** See (o) and (p) above.

In addition, a copy of the proposed rule will be sent to the Association of Washington Businesses and to the

Independent Business Association. Insurers known to be interested in this rule regardless of size, were directly involved.

**Conclusion: The commissioner has the responsibility of protecting consumers against unfair practices in the insurance industry. The objective to protect the consumer has guided the drafting of this rule. While the Regulatory Fairness Act requires the commissioner to involve small licensees in the rule making, the commissioner recognizes that this rule also impacts the health care providers who provide services to insureds. The commissioner also recognizes that many of these providers are an important part of the small business community. This rule was developed after review of the commissioner's complaints data base and after health care providers and attorneys that represent insureds asked the commissioner to provide some protection against the unfair claims settlement practices of insurers. Commissioner representatives met with providers and consumers representatives, as well as insurers during the drafting process of this rule.**

<sup>1</sup>This conclusion is based on interviews, a survey, and comments solicited from the insurers.

<sup>2</sup>This conclusion is based on interviews, a survey, and comments solicited from the insurers.

<sup>3</sup>Estimation based on a phone survey, sampling 10% of the insurers affected by proposed rule.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, internet inscomr@aol.com, phone (360) 664-3790, or FAX (360) 586-3535.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a "significant legislative rule" as defined at RCW 34.05.328 and the costs to implement are minimal. The rule reflects the practices of many insurers. This rule is necessary for the protection of policyholders. After consideration of many alternatives this rule is the least burdensome alternative that provides protection for consumers. No federal or state laws or rules also govern the same subject matter and no insurer will be required to take any action that violates state or federal laws or regulations. RCW 48.22.005(7) defines "medical and hospital benefits" as "payments for reasonable and necessary expenses incurred . . ." This rule establishes minimum standards for insurers as they apply the definition to individual PIP claims.

Hearing Location: General Administration Building, 1st Floor Auditorium, 11th and Columbia, Olympia, Washington, on November 26, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by November 25, 1996, TDD (360) 586-0691.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, internet inscomr@aol.com, FAX (360) 586-3535, by November 25, 1996, 5 p.m.

Date of Intended Adoption: December 13, 1996.

October 22, 1996

Greg J. Scully

Chief Deputy Commissioner

**NEW SECTION**

**WAC 284-30-395 Standards for prompt, fair and equitable settlements applicable to automobile personal injury protection insurance.** The commissioner finds that some insurers limit, terminate, or deny coverage for personal injury protection insurance without adequate disclosure to insureds of their bases for such actions. Personal injury protection benefits are a significant element in the cost of automobile liability insurance and limiting the increases in such costs is lawful under chapter 48.22 RCW. To eliminate unfair acts or practices in accord with RCW 48.30.010, the following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance specifically applicable to automobile personal injury protection insurance. The following standards apply to medical and hospital benefits relating to automobile personal injury protection benefits in an automobile liability insurance policy, as those terms are defined in RCW 48.22.005 (1), (7), and (8), and as prescribed at RCW 48.22.085 through 48.22.100. This section applies only where the insurer relies on the medical opinion of health care professionals to deny, limit, or terminate medical and hospital benefit claims. When used in this section, the term "medical or health care professional" does not include an insurer's claim representatives, adjusters, or managers.

(1) As soon as possible after receipt of actual notice of an insured's intent to file a personal injury protection medical and hospital benefits claim, and in every case prior to denying, limiting, or terminating an insured's medical and hospital benefits, an insurer shall advise an insured in writing that it reserves the right to deny medical and hospital benefits to an insured after review if that action may be taken by the insurer. This notification shall be clear and unambiguous. The notice shall describe the grounds upon which the insurer may rely. Where possible, the insurer shall include examples or illustrations.

(2) As soon as possible after an insurer concludes that it intends to deny, limit, or terminate an insured's medical and hospital benefits, the insurer shall advise an insured in writing. The insurer shall include the true and actual reason for its action as provided to the insurer by the medical or health care professional upon whom the insurer relied. "True and actual reason" is explained in more detail at WAC 284-30-570.

(3) Terms and phrases such as "not reasonably necessary," "care is palliative only," "subjective complaints not substantiated by objective findings," or similar words and phrases, shall not be used to deny or terminate an insured's medical and hospital benefits unless these terms and phrases are further explained or clarified to the insured's claim.

(4) If an insurer denies, limits, or terminates an insured's medical and hospital benefits, the insurer shall outline in writing the means by which an insured may request a prompt reconsideration or appeal of that determination. An insured shall be granted no fewer than one reconsideration by a health care professional of an insurer's decision to deny, limit, or terminate medical and hospital benefits. If the insured's treating health care professional provides additional information for use in a reconsideration of the insurer's action, the reconsideration may be undertaken

by the original professional reviewer; however, if no additional information is provided by the treating health care professional, the review shall be completed by a different professional reviewer.

(5) Health care professionals upon whom the insurer will rely to make a decision to deny, limit, or terminate an insured's medical and hospital benefits shall be currently licensed, certified, or registered in this state to practice in the same health field or specialty as the treating health care professional or in a health care field or specialty that typically manages the condition, procedure, or treatment under consideration. To assist in any examination by the commissioner or the commissioner's delegatee, the insurer shall maintain in the insured's claim file sufficient information to verify the credentials of the health care professional upon whom it relied.

(6) An insurer shall not refuse to pay expenses related to a covered property damage loss arising out of an automobile accident solely because an insured failed to attend, or chose not to participate in, an independent medical examination requested under the insured's personal injury protection coverage.

(7) In order to define and effect reasonable uniformity of arbitration clauses in all personal injury protection policies, if an automobile liability insurance policy includes an arbitration provision, it shall provide no less than the following:

(a) The arbitration shall commence within a reasonable period of time after it is requested by an insured, however, such period shall be no longer than sixty days, unless agreed to by the parties.

(b) The arbitration shall take place in the county in which the insured resides, unless the parties agree to another location.

(c) The proceeding shall be conducted by at least one fair and impartial arbitrator.

(d) The state court rules governing procedures and admissibility of evidence shall apply, unless the parties agree to waive one or more such rules.

(e) The arbitration shall be conducted pursuant to arbitration rules similar to those of the American Arbitration Association, the Center for Public Resources, the Judicial Arbitration and Mediation Service, chapter 7.04 RCW, or any other rules of arbitration agreed to by the parties.

**WSR 96-21-144****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed October 23, 1996, 11:12 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-08-074.

Title of Rule: Organic producer and transition to organic producer certification.

Purpose: These rules provide the procedural framework for certifying organic and transition to organic producers including specifying conditions of inspection, sampling, certification and decertification as well as outlining the application fees for organic certification.

Statutory Authority for Adoption: RCW 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: The goals for the proposed amendment to chapter 16-156 WAC are to clarify and strengthen the certification procedures and requirements for individuals and/or companies that produce organic and transition to organic food.

Reasons Supporting Proposal: The proposed amendments simplify and clarify the certification procedures and requirements for organic food and transition to organic food produced in Washington state. The amendments will help applicants understand the requirements and promote voluntary compliance with the rules. Amending this rule reduces administrative costs associated with noncompliance enforcement, preserves the integrity of the organic food industry, and helps expand out-of-state markets for Washington food grown by organic methods.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide the procedural framework for certifying organic and transition to organic producers including specifying conditions of inspection, sampling, certification and decertification as well as outlining the application fees for organic certification.

The goals for the proposed amendment to chapter 16-156 WAC are to clarify and strengthen the certification procedures and requirements for individuals and/or companies that produce organic and transition to organic food. The proposal includes a new section which defines terms; repeals one section; and amends seven sections to clarify conditions for granting certification, clarify record-keeping requirements and confidentiality provisions, and change the application deadline and expiration date. In addition, the amendments to the fee schedule specify clearly how fees are calculated and also make slight adjustments to the fee schedule to provide a more graduated and equitable fee schedule. Two new fees are proposed, a seventy-five dollar fee for new applicants and a fifty dollar late fee for renewal applicants which apply after March 1.

The proposed amendments will simplify and clarify the certification procedures and requirements for organic food and transition to organic food produced in Washington state. The amendments will help applicants understand the requirements and promote voluntary compliance with the rules. Amending this rule reduces administrative costs associated with noncompliance enforcement, preserves the integrity of the organic food industry, and helps expand out-of-state markets for Washington food grown by organic methods.

Proposal Changes the Following Existing Rules: WAC 16-156-001 Application, repealed

WAC 16-156-004 Definitions, new section defines department, director, drift, labeling, new applicant, organic food, producer, prohibited substance, renewal applicant, site, and transition to organic food.

WAC 16-156-010 Sampling, editorial changes to improve the clarity of the section.

WAC 16-156-020 Inspection, editorial changes to improve the clarity of the section.

WAC 16-156-030 Certification, specifies conditions for granting certification for organic and transition to organic producers. Reformatted to an outline that expounds the meaning of "WSDA organic certification" to be more consistent with chapter 15.86 RCW; clarifies the parties entitled to use the WSDA Organic Food Program logos; and restates when producers are entitled to sell food represented as a Washington certified organic or transition to organic product.

WAC 16-156-035 Decertification, adds that record-keeping requirements outlined in chapter 16-156 WAC must also be followed to avoid decertification.

WAC 16-156-040 Record-keeping requirement, amends section to clarify record-keeping requirements. Outlines the types of records producers must maintain for at least two years: Acreage, materials applied, sales records, labeling and production records. Specifies that business related information is confidential and exempt from public disclosure.

WAC 16-156-050 Application for certification, changes the application deadline from January 15 to March 1; changes the expiration date to March 31 of the year following issuance of the certificate; and, except for small producers, requires all organic and transitional producers to obtain certification.

WAC 16-156-060 Fee schedule, describes application fees for renewal applicants and creates a \$50 late fee for applications received after March 1. Describes application fees for new applicants and creates a \$75 new applicant fee. The fee schedule adds nine new gross sales brackets in order to make the fee schedule more graduated and equitable. The following income level categories would be charged a lower fee in the 1997 certification year:

# Producers Affected (estimate)	Gross Income Range	Current Fee	Proposed Fee 1997 Certification Year	Fee Decrease Amount
16	\$20,000 - 25,000	\$ 275	\$ 250	- 9.1%
5	\$25,000 - 30,000	\$ 350	\$ 300	- 14.3%
6	\$35,000 - 42,500	\$ 500	\$ 425	-15.0%

A higher certification fee would be imposed on the following income level categories:

# Producers Affected (estimate)	Gross Income Range	Current Fee	Proposed Fee 1997 Certification Year	Fee Increase Amount	Proposed Fee 1998 Certification Year	Fee Increase Amount
5	\$125,000 - 150,000	\$1,000	\$1,044	+ 4.40 %	\$1,085	+ 3.92%
2	\$175,000 - 200,000	\$1,200	\$1,251	+ 4.25 %	\$1,300	+ 3.92 %
3	\$240,000 - 280,000	\$1,400	\$1,450	+ 3.57 %	\$1,450	0 %
1	\$325,000 - 375,000	\$1,500	\$1,565	+ 4.33 %	\$1,625	+ 3.83 %
1	\$425,000 - 500,000	\$2,000	\$2,089	+ 4.45 %	\$2,171	+ 3.92%
2	\$750,000 and up	\$2,500	\$2,611	+ 4.44 %	\$2,714	+ 3.94 %

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Introduction:** Chapter 16-156 WAC, Organic producer and transition to organic producer certification, was originally adopted in 1988. These rules provide the procedural framework for certifying organic and transition to organic producers including specifying conditions of inspection, sampling, certification and decertification as well as outlining the application fees for organic certification.

**Purpose for the Rule Amendment:** Changes to chapter 16-156 WAC are being proposed for the first time since 1992. Since 1992 there have been a number of developments in the organic food industry as the industry has matured. The organic certification program has doubled in size since 1992 and now includes additional food categories that were not covered in 1992 including milk, mushrooms, bakery items, and eggs. The certification rules need to be updated due to the growth of the industry and continued development of organic food standards.

The goals for the proposed amendment to chapter 16-156 WAC are to clarify and strengthen the certification procedures and requirements for individuals and/or companies that produce organic and transition to organic food. The proposal includes a new section which defines terms; repeals one section; and amends seven sections to clarify conditions for granting certification, clarify record-keeping requirements and confidentiality provisions, and change the application deadline and expiration date. In addition, the amendments to the fee schedule specify clearly how fees are calculated and also make slight adjustments to the fee schedule to provide a more graduated and equitable fee schedule. Two new fees are proposed, a seventy-five dollar fee for new applicants and a fifty dollar late fee for renewal applicants which apply after March 1.

**Businesses Affected by the Rule Amendment:** Chapter 16-156 WAC affects all individuals and businesses that produce organic food and transition to organic food in Washington state. All producers of organic and transition to organic food are small businesses (less than fifty full-time,

year-round employees). Therefore, the record-keeping and compliance requirements as well as the proposed fee structure would impact all producers of organic and transition to organic food and would not impose a disproportionate impact on small businesses.

**Reporting and Record-keeping Requirements:** Record-keeping requirements, RCW 15.86.080, have been effective for all producers of organic food and transition to organic food since 1992. No new record-keeping requirements would be imposed; the amendments would merely reiterate the current requirements in clear language. Amended WAC 16-156-050 would require applicants to submit a sworn statement which asserts the producer complies with the statute and rules for the organic food program (requirement under repealed section WAC 16-156-001). The record-keeping requirements proposed in the amended WAC 16-156-040 specifies the types of records producers must maintain for at least two years: Acreage, materials applied, sales records, labeling and production records. The amended rule would also require the department to keep the producers' business-related information confidential and exempt from public inspection and copying.

**Compliance Requirements:** Organic and transition to organic producer certification standards will not be altered by the amended chapter 16-156 WAC. The amended WAC 16-156-030 has been reformatted to an outline that expounds the meaning of "WSDA organic certification" to be consistent with chapter 15.86 RCW and rules adopted thereunder; clarifies the parties entitled to use the WSDA Organic Food Program logos; and restates when producers may sell organic and transition to organic food that is represented as a Washington certified product.

**Professional Services:** The reporting, record-keeping and compliance requirements would not necessitate the need for professional services. No professional services expenses would be incurred by the small businesses affected by chapter 16-156 WAC.

**Industries Impacted by the Rule Amendment:** All producers of organic and transition to organic food products in Washington state within the following SIC codes are impacted by chapter 16-156 WAC: 019 general farms,

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primarily crop; 0241 dairy farms; 029 general farms, primarily livestock and animal specialties; 201 meat products; 202 dairy products; 203 canned, frozen, preserved fruits, vegetables and food specialties; 205 bakery products; 515 farm product—raw materials; 542 meat and fish (seafood) markets; and 545 dairy product stores.

Two hundred and seventy-two producers of organic and transition to organic food products in Washington state are currently affected by chapter 16-156 WAC. Approximately 1,360 persons are employed by the producers of organic and transition to organic food products in Washington state. All producers of organic and transition to organic food are small businesses (less than fifty full-time, year-round employees); two hundred seventy-two small businesses are affected by chapter 16-156 WAC.

**Cost of Compliance:**

- WAC 16-156-040 Record-keeping requirements, the record-keeping requirements would not require any additional costs associated with supplies, labor, or administration since no new requirements were included

that had not been previously required in chapter 15.86 RCW or rules adopted thereunder. All producers of organic and transition to organic would incur similar record-keeping costs.

- WAC 16-156-060 Fee schedule, all renewal applicants would be charged a \$50 late fee if applications are submitted to the department after March 1 of each certification year. All new applicants will be charged a \$75 new applicant fee to help recover administrative costs for establishing new producers in the organic and transition to organic food programs. The late fee and new applicant fee guidelines apply to all individuals and businesses that produce organic or transition to organic food in Washington state. The late fee and new applicant fee would not impose a disproportionate economic impact on small businesses.

The fee schedule adds nine new gross sales brackets in order to make the fee schedule more graduated and equitable. The following income level categories would be charged a lower fee in the 1997 certification year:

# Producers Affected (estimate)	Gross Income Range	Current Fee	Proposed Fee 1997 Certification Year	Fee Decrease Amount
16	\$20,000 - 25,000	\$ 275	\$ 250	- 9.1%
5	\$25,000 - 30,000	\$ 350	\$ 300	- 14.3%
6	\$35,000 - 42,500	\$ 500	\$ 425	-15.0%

A higher certification fee would be imposed on the following income level categories:

# Producers Affected (estimate)	Gross Income Range	Current Fee	Proposed Fee 1997 Certification Year	Fee Increase Amount	Proposed Fee 1998 Certification Year	Fee Increase Amount
5	\$125,000 - 150,000	\$1,000	\$1,044	+ 4.40 %	\$1,085	+ 3.92%
2	\$175,000 - 200,000	\$1,200	\$1,251	+ 4.25 %	\$1,300	+ 3.92 %
3	\$240,000 - 280,000	\$1,400	\$1,450	+ 3.57 %	\$1,450	0 %
1	\$325,000 - 375,000	\$1,500	\$1,565	+ 4.33 %	\$1,625	+ 3.83 %
1	\$425,000 - 500,000	\$2,000	\$2,089	+ 4.45 %	\$2,171	+ 3.92%
2	\$750,000 and up	\$2,500	\$2,611	+ 4.44 %	\$2,714	+ 3.94 %

**Impact on Small Businesses:** A comparison of the fee expenses for the lowest gross sales income bracket with the highest gross sales income bracket follows:

Annual Gross Sales	Current Fee	Proposed Fee 1997 Certification Year	Fee Increase Amount	Proposed Fee 1998 Certification Year	Fee Increase Amount
\$0 - \$12,000	\$150	\$150	0	\$150	0
\$750,000 and up	\$2,500	\$2,611	+ 4.44 %	\$2,714	+ 3.94 %

The proposed amendments to chapter 16-156 WAC would not impose a disproportionate economic impact on small businesses because all producers of organic and transition to organic food in Washington state are considered small businesses (less than fifty full-time, year-round employees).

**Presolicitation and Research Efforts:** The organic food program has worked with the WSDA appointed

Organic Advisory Board over the past three years in the development of the proposed amendments. In addition, rule amendment memos are sent to all producers of certified organic and transition to organic food as well as individuals and organizations involved in the organic food industry.

Correspondence regarding the proposed amendment:

- November 3, 1993, introduction and summary of the planned amendments; July 30, 1993, organic program

update, fee discussion and impacts from WSDA general fund reduction;

January 12, 1994, describes the impact of Initiative 601 on the planned amendments;

- November 22, 1994, organic program update, summary of proposed rule changes; and
- October 18, 1995, Organic Advisory Board approves the new applicant fee.

A copy of the statement may be obtained by writing to Washington State Department of Agriculture, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1877, or FAX (360) 902-2087.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Room 259, Natural Resources Building, 1111 Jefferson, Olympia, WA 98504, on December 11, 1996, at 1 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by November 25, 1996, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-1924, by December 11, 1996.

Date of Intended Adoption: December 20, 1996.

October 23, 1996

Mary Toohey  
Assistant Director

## NEW SECTION

**WAC 16-156-004 Definitions.** As used in this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his or her duly authorized representative.
- (3) "Drift" is defined as the movement of prohibited substances by air, water or soil from the intended target and results in residues of prohibited substances on organic or transition to organic food in excess of five percent of the EPA tolerance level.
- (4) "Gross sales" means the sales of organic and transition to organic food sold during the calendar year.
- (5) "Labeling" means all written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article, or used in the advertisement of such article.
- (6) "New applicant" means any person or organization who or which applies for organic or transition to organic certification for the first time, or when previous certification status has expired for at least one year.
- (7) "Organic food" means any agricultural product, including meat, dairy, and beverage, that:
  - (a) Is marketed using the term organic or any derivative of organic in its labeling or advertising; and
  - (b) That has had no applications of prohibited substances within three years prior to the harvest of the crop; and
  - (c) That is produced in compliance with standards defined in chapter 15.86 RCW and rules adopted thereunder.
- (8) "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

(9) "Prohibited substance" means a material which is disallowed in organic food production, handling, or processing.

(10) "Renewal applicant" means any person or organization who or which has applied for organic or transition to organic certification in the previous year.

(11) "Site" means a defined field, orchard, block, pasture, paddock, garden, circle, plot or other designed area.

(12) "Transition to organic food" means any agricultural product that:

(a) Is marketed using the term transition to organic or transitional in its labeling and advertising; and

(b) Satisfies all of the requirements of organic food except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

**AMENDATORY SECTION** (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

**WAC 16-156-010 Sampling.** A sample representative of a food product grown, raised, or produced by producers of organic and transition to organic food (~~producers and transition to organic food producers under the organic food certification program~~) may be tested for pesticide residues or other contaminants whenever the director deems it necessary to grant, renew, deny, or revoke certification.

It shall be the producer's responsibility to arrange for and bear the costs for any additional testing (in addition to one sample provided for) which is deemed necessary by the director to grant, renew, deny, or revoke certification.

**AMENDATORY SECTION** (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

**WAC 16-156-020 Inspection.** The department of agriculture shall make at least one announced visit and may make additional visits as the director deems necessary to each producer of organic and transition to organic food (~~producer and transition to organic food producer under the organic food certification program~~) each year for the purpose of inspection for compliance with the standards for certification which are found in chapter 15.86 RCW (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

Inspections may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of chapter 15.86 RCW or any rules adopted thereunder.

It shall be the producer's responsibility to arrange for and bear the costs for any additional inspections (in addition to two inspections provided for) which are deemed necessary by the director to grant, renew, deny, or revoke certification.

**AMENDATORY SECTION** (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

**WAC 16-156-030 Certification.** (1) Washington state department of agriculture certification (~~of organic food producers and transition to organic food producers~~) means that (~~any analysis of the representative samples taken by the department of agriculture showed no prohibited material usage or other contaminants and inspection of the producer by the department of agriculture showed no prohibited~~



practices being followed as defined in chapter 15.86 RCW or rules adopted thereunder.

Organic food);

(a) Inspection of the producer by the department of agriculture showed no use of prohibited practices as defined in chapter 15.86 RCW or unless adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in WAC 16-156-040 or rules adopted under chapter 15.86 RCW; and

(c) Soil building programs, organic pest control programs, and buffer zones required under chapter 16-154 WAC were established on each site; and

(d) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or drift from other contaminants; and

(e) No application of prohibited substances, as defined in chapter 16-154 WAC, have been used for:

- At least three years prior to the harvest of organic food; or
- At least one year prior to the harvest of transition to organic food.

(2) Producers of organic food who apply under this program will be able to use the words, "produced (~~under~~) in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with chapter 15.86 RCW or any rules adopted thereunder.

Food produced under this organic food certification program may be identified by the use of one of the attached logos (WAC 16-156-060, Illus. 1, 1A). ~~((This))~~ These logos shall only be used for food produced by producers who have been certified by the Washington state department of agriculture organic food certification program.

~~((Transition to organic food))~~ (3) Producers of transition to organic food who apply under this program will be able to use the words "produced (~~under~~) in accordance with the Washington department of agriculture transition to organic food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and rules adopted thereunder.

Food produced under this transition to organic food certification program may be identified by use of one of the attached logos (WAC 16-156-060, Illus. 2, 2A). ~~((This))~~ These logos shall only be used for transition to organic food produced by producers who have been certified by the Washington state department of agriculture's ~~((transition to))~~ organic food certification program.

(4) In no event shall food be sold as Washington certified organic or Washington certified transition to organic prior to ~~((an on-site inspection made))~~ the issuing of an organic or transition to organic food producer certificate by the department of agriculture ~~((and a grower information form being filed with the department of agriculture and organic food producer certification being granted))~~ for that crop year. First year applicants and new sites shall be inspected by the department before an organic or transition to organic food producer certificate is issued.

(5) The logos to identify organic food and transition to organic food ~~((produced under this certification programs))~~ shall not be changed except for increases or decreases in size, as appropriate.

AMENDATORY SECTION (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

**WAC 16-156-035 Decertification.** Whenever the director finds that a producer who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Filed an application for certification which is false or misleading in any particular;

(3) Violated any of the provisions of this chapter; or

(4) Failed to provide records as required by this chapter, WAC 16-154-060 or 16-162-100;

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

**WAC 16-156-040 ~~((Certified producer number))~~ Recordkeeping requirements.** ~~((Organic food producers and transition to organic food producers who make application to the certification program shall be assigned a grower identification number by the department of agriculture. All sales from the producer to the first handler shall include the grower number on the invoice and/or other sales document.))~~

(1) All producers who sell products identified as organic and/or transition to organic shall keep accurate records of:

(a) The acreage used for growing such products;

(b) The materials applied to the plants and/or soil where the crop is being produced;

(c) The sales records for all organic and transition to organic food products produced and sold by the producer;

(d) Labeling and production records that enable the products to be tracked from production to shipment or sale.

(2) Such records shall be retained for two years and be available to the department for inspection.

(3) Inadequate recordkeeping may constitute cause for the director to prohibit labeling or marketing products as organic and/or transition to organic.

(4) The department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310.

AMENDATORY SECTION (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

**WAC 16-156-050 Application for certification.** ~~((Organic food producers and transition to organic food))~~ Producers who wish to apply for the organic food certification program must apply to the department by ~~((January 15))~~



March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. This application must include a sworn statement that they fully comply with the statute and rules for production of organic food and/or transition to organic food. Organic food producer and transition to organic food producer certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections ~~(, provided that the producer may still conduct business as provided in RCW 15.86.050))~~. Except for producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers, all producers of organic or transition to organic food must be certified by the department.

**AMENDATORY SECTION** (Amending WSR 91-09-028, filed 4/11/91, effective 5/12/91)

**WAC 16-156-060 Fee schedule.** (1) The cost per application shall be based on ~~((a sliding scale of gross dollar volume))~~ the following fee schedule.

For renewal applicants -

Application fees shall be based on the previous calendar year's gross sales of organic and transition to organic food. In the event that the current calendar year's gross sales exceed the previous year's gross sales, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the previous year's gross sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, shall pay a late fee of fifty dollars.

For new applicants -

Application fees shall be based on an estimate of the current year's gross sales of organic and transition to organic food. In the event that the current calendar year's gross sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. The fee shall accompany the application.

Gross ((Income)) Sales	Annual Fee
(\$ 0 - \$ 12,000)	\$ 150
\$ 12,000 - \$ 15,000	\$ 185
\$ 15,000 - \$ 20,000	\$ 200
\$ 20,000 - \$ 25,000	\$ 275
\$ 25,000 - \$ 35,000	\$ 350
\$ 35,000 - \$ 50,000	\$ 500
\$ 50,000 - \$ 65,000	\$ 600
\$ 65,000 - \$ 80,000	\$ 750
\$ 80,000 - \$ 100,000	\$ 900
\$ 100,000 - \$ 150,000	\$ 1,000
\$ 150,000 - \$ 200,000	\$ 1,200
\$ 200,000 - \$ 280,000	\$ 1,400
\$ 280,000 - \$ 375,000	\$ 1,500
\$ 375,000 - \$ 500,000	\$ 2,000
\$ 500,000 and up	\$ 2,500))

\$ 0	\$ 12,000	\$ 150
12,001	15,000	185
15,001	20,000	200
20,001	25,000	250
25,001	30,000	300
30,001	35,000	350
35,001	42,500	425
42,501	50,000	500
50,001	65,000	600
65,001	80,000	750
80,001	100,000	900
100,001	125,000	1,000
125,001	150,000	1,044
150,001	175,000	1,200
175,001	200,000	1,251
200,001	240,000	1,400
240,001	280,000	1,450
280,001	325,000	1,500
325,001	375,000	1,565
375,001	425,000	2,000
425,001	500,000	2,089
500,001	750,000	2,500
750,001 and up		2,611

As of December 1, 1997 for gross sales:

\$ 0	\$ 12,000	\$ 150
12,001	15,000	185
15,001	20,000	200
20,001	25,000	250
25,001	30,000	300
30,001	35,000	350
35,001	42,500	425
42,501	50,000	500
50,001	65,000	600
65,001	80,000	750
80,001	100,000	900
100,001	125,000	1,000
125,001	150,000	1,085
150,001	175,000	1,200
175,001	200,000	1,300
200,001	240,000	1,400
240,001	280,000	1,450
280,001	325,000	1,500
325,001	375,000	1,625
375,001	425,000	2,000
425,001	500,000	2,171
500,001	750,000	2,500
750,001 and up		2,714

(2) Two inspections per year within the state of Washington are provided for under the above fee schedule. Additional inspections (in addition to two inspections provided for), if required for certification or maintenance of certification by the director, or requested by the producer, shall be at \$20/hr. plus mileage set at the rate established by the state office of financial management.

Out-of-state inspections, if necessary or requested, shall be at the rate of \$20/hr. plus transportation costs.

(3) One sample per year is provided for under the above fee schedule. Additional samples (in addition to one sample provided for), if required for certification or maintenance of

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certification by the director, or requested by the organic producer, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged to obtain a sample, it shall be at \$20/hr. plus mileage set at the rate established by the state office of financial management.

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-156-001 Application.

**WSR 96-21-147  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Filed October 23, 1996, 11:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-078.

Title of Rule: Commercial fishing rules.

Purpose: Amend Puget Sound trawl rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Provides two options to limit the trawl fishery in Puget Sound.

Reasons Supporting Proposal: Targeted stocks cannot support the directed fishery.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, WA, 902-2932.

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: These proposals provide options to reduce the directed harvest of pollock and Pacific cod in Puget Sound. Stock assessment has shown that these species cannot take a directed effort of commercial harvest.

Proposal Changes the Following Existing Rules: Reduce trawl fishery.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**(1) DESCRIPTION OF REPORTING, RECORD KEEPING, AND OTHER COMPLIANCE MEASURES REQUIRED BY PROPOSAL:** None.

**(2) PROFESSIONAL SERVICES REQUIRED FOR COMPLIANCE:** None.

**(3) COSTS OF COMPLIANCE, INCLUDING COSTS OF EQUIPMENT, SUPPLIES, LABOR AND INCREASED ADMINISTRATIVE COSTS:** None.

**(4) WILL COMPLIANCE CAUSE BUSINESSES TO LOSE SALES OR REVENUE?** Yes.

**(5) COMPARISON OF COSTS FOR THE 10% OF BUSINESSES THAT ARE THE LARGEST BUSINESSES REQUIRED TO COMPLY WITH THE PROPOSED RULE:** Comparison was made using the cost per one hundred dollars of sales basis in 1995. The industries evaluated were the Puget Sound otter trawl fishery and the segment of the fish processing industry which purchased fish from the Puget Sound otter trawl fishery.

<u>OTTER TRAWL FISHERY</u>	<u>COST PER \$100 IN REVENUE</u>
Entire industry	\$ 69.00
Largest 10%	70.00
<u>FISH PROCESSORS</u>	<u>COST PER \$100 IN REVENUE</u>
Entire industry	\$ 4.37
Largest 10%	.11

There were twenty-two participants in the otter trawl fishery and eleven in the fish processing industry. The variance in cost for the fish processing industry is due to one small processor which faced loss of sales of \$27.78 per \$100 in current sales. If that one business is excluded from the analysis, the three largest businesses faced loss of \$1.25 per \$100 in current sales compared to \$1.88 for the three smallest businesses. We concluded there is no disproportionate effect on small businesses in this proposal.

**(6) STEPS TAKEN BY AGENCY TO REDUCE THE COSTS OF THE RULE ON SMALL BUSINESSES:** The proposed rule is limited to one type of commercial fishing gear so that other parts of the fishing industry are unaffected. The rule is limited to bottom trawling so that off-bottom trawling remains open. Certain waters are left open to bottom trawling so that the impact of the proposal is limited in area.

**(7) DESCRIPTION OF HOW THE AGENCY WILL INVOLVE SMALL BUSINESSES IN THE DEVELOPMENT OF THE RULE:** A meeting with industry to discuss development of this rule was held on August 21 in Mill Creek. An additional meeting is planned for October 31 in Bellingham. In addition, this proposal will be discussed at public meetings of the Fish and Wildlife Commission on November 1-2 and December 6-7.

**(8) LIST OF INDUSTRIES REQUIRED TO COMPLY WITH THIS RULE:** Puget Sound bottom trawl commercial fishing industry. In 1995, there were thirty-two licensed fishers in this industry; which comprised 0.7% of all licensed commercial fishers in the state.

A copy of the statement may be obtained by writing to Rules Coordinator, Washington Department of Fish and

Wildlife, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2933, or FAX (360) 902-2942.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA, on December 6, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 20, 1996, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: January 31 - February 1, 1997.

October 23, 1996  
Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 94-96, filed 9/7/94, effective 10/8/94)

**WAC 220-48-015 Beam trawl and bottom trawl—Seasons.** (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Areas 20A, 20B, 21A, 22A and 22B are closed to trawl fishing in waters less than 30 feet deep.

(e) Areas 23C and 29 are closed to otter trawl fishing the entire year in waters shallower than 50 fathoms and are closed to beam trawl fishing in waters less than 60 feet deep.

(2) It is lawful to fish for and possess bottomfish taken with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year with the following exceptions:

(a) All of Area 25A is closed February 1 through April 15 of each year.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Kiapot Point to Gibson Spit (Sequim Bay) are closed the entire year.

(c) Areas 23A, 25A and 25B are closed to beam trawl fishing in waters less than 60 feet deep.

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(3) It is unlawful to fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A and 25B the entire year.

(4) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear (~~for commercial purposes~~) in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D the entire year.

or

(5) It is unlawful to take, fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 23C on Wednesdays, Saturdays and Sundays the entire year.

(6) It is unlawful to take, fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A and 22B except during the following season: Open July 1 to January 30 on Mondays, Wednesdays and Fridays only.

**WSR 96-21-150**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-079.

Title of Rule: Personal use rules.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: WAC 232-12-619 [232-12-001], define ordinary residence to exclude temporary residences. Will limit possession limits at temporary residences.

WAC 232-12-018, add Tarboo Lake and Spokane River to landlocked listing. Lake Chelan rule clarified. Provides recreational opportunity while conserving salmon in Lake Chelan.

WAC 232-12-019, classify Atlantic salmon in freshwater as a gamefish.

WAC 232-12-147, allows two fishing rods in certain waters. Increases catch potential.

WAC 232-12-619, put Atlantic salmon in trout daily limit; reduces number of Atlantic salmon that may be caught. Adjust Nooksack River nonbuoyant lure closure to provide additional salmon protection.

WAC 232-28-619, amend regional exceptions to provide additional recreational opportunity and provide protection for local stocks.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, WA, 902-2932.

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.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational fishing, not small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA, on December 6, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 20, 1996, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: January 31 - February 1, 1997.

October 23, 1996  
Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 96-45, filed 5/13/96, effective 6/13/96)

**WAC 232-12-001 Definition of terms.** Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Snagging" means 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.

(4) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(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 deleted when manufactured, filed off, or pinched down.

(6) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(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.

(9) "Lure" 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. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

(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.

(11) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(12) "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.

(13) "Boat fishing" means fishing while in or on a boat, raft, or any other floating device.

(14) "Catch-and-release" means a type of angling where none of the fish caught are retained by the angler.

(15) "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 limit is in possession.

(16) "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.

(17) Fish length means the length of a fish measured from snout to tip of tail not fork.

(18) 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.

(19) "In the field or in transit" means any place other than at the ordinary residence (~~(or residential equivalency)~~) of the harvester (~~(, or at 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 eold storage lockers, charter boats, or public facilities)~~). An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(20) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from May 1st through the following April 30th.

(21) "Wild steelhead" means a steelhead trout that does not have the adipose or a ventral fin removed and a healed scar at the removal site.

AMENDATORY SECTION (Amending Order 95-103, filed 8/15/95, effective 9/15/95)

**WAC 232-12-018 Definitions—Landlocked chinook and coho.** Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as ~~((game fish))~~ trout rules (except lake Chelan). The angler's combined catch of landlocked salmon and trout applies toward the trout limit ~~((except Lake Chelan))~~.

- (1) Big Lake (Skagit County).
- (2) Clear Lake (Pierce County).
- (3) Cushman Reservoir (Mason County).
- (4) Mayfield Lake (reservoir) (Lewis County).
- (5) McMurray Lake (Skagit County).
- (6) Merwin (lake) Reservoir (Clark/Cowlitz County).
- (7) Riffe (lake) Reservoir (Lewis County).
- (8) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).
- (9) Wilderness Lake (King County).
- (10) Wynoochee Reservoir (Grays Harbor County).
- (11) Chelan, Lake (Chelan County).
- (12) Roosevelt, Lake (Columbia River) (Stevens County).
- (13) Spokane River (Spokane County).
- (14) Tarboo Lake (Jefferson County).

AMENDATORY SECTION (Amending Order 95-103, filed 8/15/95, effective 9/15/95)

**WAC 232-12-019 Classification of game fish.** As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Salvelinus confluentus</i>	Bull Trout
<i>Catostomus columbianus</i>	Bridgelip Sucker
<i>Catostomus macrocheilus</i>	Largescale Sucker
<i>Catostomus catostomus</i>	Longnose Sucker
<i>Catostomus platyrhynchus</i>	Mountain Sucker
<i>Ctenopharyngodon idella</i>	Grass Carp
<i>Esox lucius</i>	Northern Pike
<i>and hybrids involving genus Esox</i>	Tiger Muskellunge
<i>Meilocheilus caurinus</i>	Peamouth Chub
<i>Oncorhynchus tshawytscha</i> (in its landlocked form as defined in WAC 232-12-018)	Chinook salmon
<i>Oncorhynchus kisutch</i> (in its landlocked form as defined in WAC 232-12-018)	Coho salmon
<i>Pylodictus olivaris</i>	Flathead Catfish
<u><i>Salmo salar (in freshwater)</i></u>	<u>Atlantic Salmon</u>
<i>Ptychocheilus oregonensis</i>	Northern Squawfish

Northern squawfish lawfully taken may be offered for sale, sold, purchased or traded.

PROPOSED

PROPOSED

AMENDATORY SECTION (Amending Order 544, filed 5/20/92, effective 6/20/92)

**WAC 232-12-147 Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful.** It is unlawful to:

(1) Fish for game fish or attempt to take game fish in a manner other than with one line which must be under the immediate control of the angler.

(2) Fish for game fish with a line having attached to it more than 3 hooks except that an angler may use up to two poles in the following situations:

(a) When fishing from a boat in any lake, pond or reservoir where the state-wide daily and size limits apply.

(b) When fishing alone or from a boat in any lake, pond or reservoir except those where selective fishery, fly-fishing-only, or catch-and-release rules are in place.

(c) In all freshwater areas when fishing for common carp (as defined by the bait used, i.e., dough balls or cooked corn).

(3) Snag or attempt to snag game fish.

A gaff or landing net may be used to land game fish lawfully hooked.

Fresh water ling may be taken during the open season set for that species by use of set lines and multiple hooks as prescribed in current season's regulations. Set lines must have securely affixed a metal tag legibly stating the fisherman's name and address.

AMENDATORY SECTION (Amending Order 96-45, filed 5/13/96, effective 6/13/96)

**WAC 232-12-619 Permanent Washington state-wide game fish regulations.** 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.

(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 adult angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead over twenty inches in length per year (May 1 to April 30).

(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 single hook or lures with a barbless

single 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.

(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 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.

(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: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

Waters managed under April through October seasons are listed under the Exceptions - Regional Regulations.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - not more than three over fifteen inches  Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None

GRASS CARP...It is unlawful to fish for or retain grass carp.

PROPOSED

TROUT	A combined total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds (except Eastern Brook Trout).	None in Lakes, Ponds, and Reservoirs.
	No more than two of the combined trout daily catch limit of 5 may be Steelhead Wild Steelhead Release June 1-November 30	Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT ( <i>Salvelinus fontinalis</i> )	Five - to be considered part of the combined trout daily catch limit.	None

- (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 (in freshwater)
  - Rainbow trout/Steelhead
  - Landlocked chinook and coho
- (b) The daily limit for trout caught in either lakes or streams is a combined total and must not exceed five.
- (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 limit of five.

- (i) Bogachiel River.
  - (ii) Calawah River.
  - (iii) Dickey River.
  - (iv) Sol Duc River.
  - (v) Quillayute River.
- (15) Possession limit. Except as otherwise provided, the possession limit is two daily limits.
- (16) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:

Abernathy Creek	Highway 4 Bridge.
Bear River	Highway 101 Bridge.
Bone River	Highway 101 Bridge.
Chehalis River	( <del>U.P. Railway</del> ) Highway 101 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 downstream from the lowermost railroad bridge crossing the Cowlitz River.
Dakota Creek	A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
Deschutes River	A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.
Drano Lake	Highway 14 Bridge.
Duwamish River	First Avenue South Bridge.
Elk River	Highway 105 Bridge.
Entiat River	Highway 97 Bridge.
Hoquiam River	Highway 101 Bridge.
Humptulips River	Mouth of Jessie Slough.
Johns River	Highway 105 Bridge.
Kalama River	Boundary markers located at the mouth.
Kennedy Creek	An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
Kettle River	Napoleon Bridge.
Lake Washington	A line 400 feet west of the fish ladder at the Chittenden Locks.
Ship Canal	Boundary markers at the mouth.
Lewis River	Boundary markers at the mouth.
Little White	At boundary markers

PROPOSED

Salmon River on the river bank downstream from the Little White Salmon National Fish Hatchery.

Methow River Highway 97 Bridge.

Naselle River Highway 101 Bridge.

North Nemah River Highway 101 Bridge.

Niawiakum River Highway 101 Bridge.

North River Highway 105 Bridge.

Palix River Highway 101 Bridge.

Puyallup River 11th Street Bridge.

Samish River Samish Island Bridge (Bayview-Edison Road).

Sammamish River 68th Ave. N.E. Bridge.

Skagit River 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 westerly 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.

Skamokawa Creek Highway 4 Bridge.

Skookum Creek A line 400 yards below the old railroad bridge.

Snohomish River Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River Lynn Point 117 degrees true to the opposite shore.

Spokane River State Route 25 Bridge.

Tucannon Creek State Highway 261 Bridge.

Wallace River The furthest downstream railroad bridge.

Washougal River 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.

Whatcom Creek 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 the dike surrounding the Georgia Pacific treatment pond.

White Salmon River Markers downstream of the Burlington Northern Railroad Bridge.

Wind River Boundary line/markers at mouth.

Willapa River South Bend boat launch.

Yakima River Highway 240 Bridge.

(17) Nonbuoyant lure and night closure 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 and a night closure is in effect:

Area	Time period
Naselle River (including all forks)	September 1-November 30
Willapa River	September 1-November 30
Humptulips River	September 1-November 30
Satsop River (including all forks)	September 1-November 30
North Nemah River	September 1-November 30
Dungeness and Gray Wolf Rivers	August 1-October 15
Kennedy Creek	October 1-December 31
South Fork Nooksack River mouth to Skookum Creek	August 1-((December)) October 31
South Fork Nooksack River Upstream from Skookum Creek	June 1 - September 30
Big Quilcene River	August 1-December 31
Samish River	August 1-December 31
Stillaquamish River (including all forks)	August 1-November 30
Whatcom Creek	August 1-December 31
Cowlitz River From Mill Creek to Barrier Dam	April 1-October 31
Kalama River From 200 feet above Modrow Trap to mouth	September 1-October 31
North Lewis River From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp	April 1-October 31



PROPOSED

Washougal River	
Downstream of Salmon Falls Bridge	September 1-October 31
Icicle River	
From Leavenworth Federal Fish Hatchery to mouth	May 8-June 30
Wenatchee River	
From mouth of Icicle River to Highway 2 Bridge	May 8-June 15
Skagit River (and tributaries)	
Upstream of Gilligan Creek	July 1-November 30
Tokul Creek	
From mouth to posted cable markers	December 1-March 31
Capitol Lake	August 1 - November 30
Deschutes River	August 1 - November 30
Elochoman River	September 1 - November 30
Grays River	September 1 - November 30
Green/Duwamish River	
mouth to Highway 164 Bridge	August 1 - November 30
McAllister Creek	August 1 - November 30
Nisqually River	August 1 - November 30
Puyallup River	
mouth to Carbon River	August 1 - November 30
Skykomish River	August 1 - November 30
(including all forks)	
Snohomish River	August 1 - November 30
White/Stuck River	October 1 - November 30

(18) 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 96-45, filed 5/13/96, effective 6/13/96)

**WAC 232-28-619 Washington game fish seasons and daily limits—Regional regulation exceptions. Region I.**

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla, and Whitman counties.

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.

Alkali Flat Creek (Whitman County): Year around season.

Amber Lake: Last Saturday in April through September 30 season. Trout - 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: Last Saturday in April through June 30 season.

Asotin Creek, mainstem and forks: Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: Last Saturday in April through October 31 season.

Badger Lake: Last Saturday in April through September 30 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Trout - daily limit - one, 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.

Bear Lake (Spokane County): Juveniles and holders of free licenses only.

Beaver Lake (Columbia County): March 1 through ~~(July)~~ October 31 season. Fishing from any floating device prohibited.

Big Four Lake: March 1 through ~~(July)~~ October 31 season. Trout - daily limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Blue Lake (Columbia County): March 1 through ~~(July)~~ October 31 season. Fishing from any floating device prohibited.

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. Last Saturday in April through October 31 season. Use of motors prohibited.

Burbank Slough: Fishing from any floating device prohibited.

Caldwell Lake: Last Saturday in April through October 31 season. Trout - 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: Last Saturday in April through October 31 season.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Chapman Lake: Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Additionally up to 10 kokanee may be retained. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: Selective fishery regulations.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Colville River (Stevens County), from mouth to bridge at Town of Valley: Year around season. Trout: Daily limit 5 fish, not more than 2 of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length.

From Valley upstream and tributaries: Selective fishery regulations.

Conger Pond: Last Saturday in April through October 31 season.

Coppei Creek: Last Saturday in April through June 30 season.

Cottonwood Creek (Asotin County): Closed to fishing for steelhead.

Cottonwood Creek (Lincoln County): Year around season.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

Davis Lake (Ferry County): Last Saturday in April 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): Last Saturday in April through October 31 season.

Deer Lake (Columbia County): March 1 through ~~(July)~~ October 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout, no more than two over twenty inches in length.

Diamond Lake: Last Saturday in April through October 31 season.

Downs Lake: Last Saturday in April through September 30 season.

Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Fan Lake: Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishtrap Lake: Last Saturday in April through September 30 season.

~~((Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.))~~

Frater Lake: Last Saturday in April through October 31 season.

Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).

Gillette Lake: Last Saturday in April 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. Year around season.

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 1 through April 15 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Wild steelhead release September 1 through April 15.

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.

Hawk Creek (Lincoln County): Year around season.

**Headgate Pond:** Last Saturday in April through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

**Heritage Lake:** Last Saturday in April through October 31 season.

**Hog Canyon Lake:** December 1 through March 31 season. Trout, no more than two over fourteen inches in length.

**Horseshoe Lake (Pend Oreille County):** Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Additionally up to 10 kokanee may be retained. Feeding (chumming) permitted.

**Huff Lake (Pend Oreille County):** Closed waters.

**Jefferson Park Pond (Walla Walla County):** Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

**Jump-Off Joe Lake:** Last Saturday in April through October 31 season.

**Kalispell Creek and tributaries:** Last Saturday in April through October 31 season. Selective fishery regulations.

**Kettle River (Stevens County):** June 1 through October 31 season. Trout: Selective fishery regulations, minimum length 12 inches. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length.

**Additional season: November 1 through March 31.** All gamefish except walleye and whitefish: Catch-and-release only, selective fishery regulations. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length. Whitefish: Single hook only.

**Additional season: April 1 through May 31.** All gamefish except whitefish: Catch and release only, selective fishery regulations. Whitefish: Single hook only.

**Kings Lake and tributaries:** Closed waters.

**Latah (Hangman) Creek:** Year around season.

**Ledbetter Lake:** Last Saturday in April through October 31 season.

**Ledking Lake:** Last Saturday in April through October 31 season.

**Leo Lake:** Last Saturday in April through October 31 season.

**Liberty Lake:** Last Saturday in April through September 30 season.

**Little Lost Lake (Pend Oreille County):** Last Saturday in April 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):** Last Saturday in April through October 31 season.

**Long Lake (Ferry County):** Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.

**Long Lake (Spokane River Reservoir):** Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

**Loon Lake:** Last Saturday in April through October 31 season. Trout - except kokanee: Daily limit - five. Additionally up to 10 kokanee may be retained. No more than two trout over twenty inches in length.

**Lyons Park Pond (College Place):** Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

**Marshal Lake:** Last Saturday in April through October 31 season.

**McDowell Lake (Stevens County):** Last Saturday in April through October 31 season. Catch-and-release, fly fishing only. Use of motors prohibited.

**Medical Lake:** Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

**Medical Lake, West:** Last Saturday in April 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 Bennington Lake flood diversion dam:** Trout - daily limit - five.

**From Bennington Lake flood diversion dam upstream, including all tributaries:** June 1 through October 31 season.

**Mill Creek Reservoir:** Internal combustion engines prohibited.

**Mill Pond:** Last Saturday in April through October 31 season.

**Mudget Lake:** Last Saturday in April through October 31 season.

**Muskegon Lake:** Last Saturday in April through October 31 season. Selective fishery regulations.

**Mystic Lake:** Last Saturday in April 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):** Last Saturday in April through July 15 season.

**Newman Lake:** Tiger musky - daily limit - one, minimum length thirty-six inches.

Nile Lake: Last Saturday in April through October 31 season.

No Name Lake: Last Saturday in April through October 31 season.

Palouse River (Whitman County) and tributaries: Year around season.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Parker Lake: Last Saturday in April through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Remainder of creek Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Potter's Pond: Last Saturday in April through October 31 season.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through ~~(July)~~ October 31 season. Fishing from any floating device prohibited.

Renner Lake: Last Saturday in April through October 31 season.

Rigley Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): All species - Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Trout - no more than two over twenty inches in length. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length. Closed April 1 through May 31 in Kettle arm upstream to Napoleon Bridge.

Roosevelt Lake (Columbia River) tributaries: With the exception of those tributaries listed under Regional Regulations; all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: Trout - catch limit - 5, no minimum size.

Sacheen Lake: Last Saturday in April 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: Last Saturday in April through October 31 season.

Skookum Lake, North: Last Saturday in April through October 31 season.

Skookum Lake, South: Last Saturday in April through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through ~~(May 31)~~ June 15. Trout - 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 limit even if licensed by both states.

Spokane River, from SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - daily limit - five, no more than two over twenty inches in length. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout - 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 - daily limit - one, minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen

inches in length may be kept. Closed waters: September 16 through June 30 in that part of the lake and Cow Creek from the lakeside edge of the reeds to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through ~~(July)~~ October 31 season. Fishing from any floating device prohibited.

Starvation Lake: Last Saturday in April 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): Last Saturday in April through October 31 season.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Thomas Lake: Last Saturday in April through October 31 season.

Touchet River, from mouth to confluence of north and south forks: June 1 through October 31 season. Trout - daily limit 5 fish. Wild steelhead release. Additional season: November 1 through April 15. Open only to fishing for steelhead and brown trout. Minimum size twenty inches. Wild steelhead release.

From confluence of north and south forks upstream, including all tributaries: June 1 through October 31 season. Closed to fishing for steelhead.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout - daily limit 5 fish, no more than 2 of which may be steelhead. Additional season steelhead and whitefish only, November 1 through April 15.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Additional season steelhead and whitefish only, November 1 through April 15.

From the Cummings Creek Bridge upstream to the Deer Lake footbridge about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From the Deer Lake footbridge to the Panjab Creek Bridge: Trout - selective fishery regulations. Two Dolly Varden/Bull Trout minimum length twenty inches may be retained in the trout daily limit.

From the Panjab Creek Bridge upstream: Closed waters.

Vanes Lake: Last Saturday in April through October 31 season.

Waitts Lake: Last Saturday in April 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): Last Saturday in April through October 31 season.

Watson Lake: March 1 through ~~(July)~~ October 31 season. Fishing from any floating device prohibited.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Yokum Lake: Last Saturday in April through October 31 season.

#### Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

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): Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.

~~((Alkali Lake (Grant County): Closed to the taking of walleye.))~~

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations except electric motors permitted.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (Sinlahekin, Washington - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek and Ponds (Adams County): March 1 through September 30 season.

Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches in length.

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 March 31 and September 1 through September 30 seasons.

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): Last Saturday in April through October 31 season. Trout - daily limit - one. Fly fishing only. Use of motors prohibited.

Cliff Lake (Grant County): March 1 through July 31 season.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conner Lake: Last Saturday in April 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 - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season.

Crab Creek (Grant and Adams counties), from Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season. From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from vessels equipped with internal combustion engines prohibited.

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 September 30 season.

Deep Lake (Grant County): Last Saturday in April 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 (Grant County): Last Saturday in April through November 30 season. Trout daily limit one. Selective fishery regulations.

Dusty Lake (Grant County): March 1 through July 31 season.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Finnel Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Forde Lake: Last Saturday in April through October 31 season.

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

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 - daily limit - one. Selective fishery regulations, except electric motors allowed.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Hallin Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through September 30 season.

Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Hutchinson Lake (Adams County): March 1 through September 30 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April 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): Last Saturday in April through September 30 season.

Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 season. Trout 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 - 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): Last Saturday in April through September 30 season.

Lost Lake: Unlawful to fish from a floating device equipped with an internal combustion engine.

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 - 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 (Grant County): March 1 through October 31 season. Trout daily limit one. Selective fishery regulations.

Methow River, from mouth 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: Last Saturday in April through September 30 season.

Moran Slough (including inlet and outlet streams): Closed water.

Morgan Lake (Adams County): March 1 through September 30 season.

Moses Lake: Crappie - daily limit - five. Only crappie more than ten inches in length may be kept. Bluegill - daily limit - five. Only bluegill more than eight inches in length 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 (Grant County): March 1 through October 31 season. Trout - 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 length 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 in length may be kept. Burbot - 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: Last Saturday in April through September 30 season.

Patterson Lake: Last Saturday in April through October 31 season.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Perch Lake: Last Saturday in April through September 30 season.

Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Poacher Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Potholes Reservoir: Crappie and bluegill - daily limit - twenty-five (species combined).

Quail Lake: Catch-and-release, fly fishing only. Use of motors prohibited.

Quincy Lake (Grant County): March 1 through July 31 season.

Rat Lake (Okanogan County): December 1 through March 31 season.

Reflection Pond: Last Saturday in April through October 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

Rocky Ford Creek and Ponds (Grant County): Trout - 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): Last Saturday in April through September 30 season.

Royal Lake (Adams County): Last Saturday in April 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) - daily limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

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 September 30 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through March 31 and September 1 through September 30 seasons.

Sidley Lake: Trout - two fish daily limit.

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 November 30.

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.

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.

~~((Sprague Lake: Channel catfish daily limit five. Bass - only bass less than twelve inches or over fifteen inches in length 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: Last Saturday in April through September 30 season.

Wannacut Lake (Okanogan County): Last Saturday in April 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 in length may be kept. Internal combustion engines prohibited.

Whitestone Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

### Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

When fishing or hunting within the boundaries of the Yakama Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakama 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 - daily limit - five, no minimum length.

Bear Creek (tributary to South Fork Tieton River): Closed season, August 16 through May 31.

Beehive (Lake) Reservoir: Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.



Black Lake (Lower Wheeler Reservoir): Last Saturday in April 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 daily 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 Lake: ((Trout and salmon daily limit two in aggregate, minimum length fifteen inches. Kokanee daily limit five, no minimum length. Except closed to the taking of game fish other than salmon 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 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 salmon minimum length 15 inches, daily limit an aggregate of 5 trout and salmon not more than two over fifteen inches. Kokanee daily limit five, no minimum length.)) Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point, Trout - daily limit - two\*, minimum length 15 inches except south of Fields Point minimum length 8 inches May 15 through September 30. Salmon - minimum length 15 inches. Kokanee - daily limit 5, no minimum length. Burbot one set line per angler, no maximum number of hooks. Set lines must be identified with fisher's name and address.~~

\* except south of Fields Point May 15 through September 30 daily limit 5, not more than two of which may be over 15 inches in 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): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee 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).

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 - daily limit - five, not more than two mackinaw.

North Elton Ponds: December 1 through March 31 season. Trout - 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 in length.

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 - daily limit - two, minimum length twelve inches. Kokanee 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 - daily limit - two, minimum length twelve inches. Kokanee 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 in length, fly fishing only. Use of motors prohibited.

Lilly Lake (Chelan County): Last Saturday in April 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 mouth upstream to Jimmy Creek: Closed waters.

McCabe Pond: Five fish 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 - daily limit - five, no minimum length.

Merritt Lake: Trout - daily limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - daily limit - two. Selective fishery regulations.

Myron Lake: Trout - 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 - 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 - daily limit - sixteen. Feeding (chumming) permitted.

Schaefer Lake: Trout - daily limit - sixteen.

Spectacle Lake (Kittitas County): Trout - daily limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season; selective fishery regulations. 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 - 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 - 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: Last Saturday in April through October 31 season. From August 1 through October 31 Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: Trout - daily limit - five, of which not more than two may be brown trout.

Wenatchee Lake: Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

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 - daily limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - 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.

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): Last Saturday in April through October 31 season.

Baker Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches. 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 in length may be kept.

Barnaby Slough: Closed waters.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Trout - daily 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 in length 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 in length may be kept.

Bosworth Lake (Snohomish County): Last Saturday in April 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): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Cain Lake: Last Saturday in April 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 in length 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): Last Saturday in April 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 daily 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 in length may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River: 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 - daily limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway ((40)) I-90 downstream: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Cottage Lake (King County): Last Saturday in April through October 31 season.

County Line Ponds: Closed Waters.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

De Coursey Pond: Last Saturday in April 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): Last Saturday in April through October 31 season.

Desire, Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - daily limit - one, minimum length eighteen inches. Use of motors prohibited.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Fazon Lake: Channel catfish - daily and possession limit - two. Bass - only bass less than twelve inches or over fifteen inches in length 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 in length may be kept.

Fortson Mill Pond #2: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Geneva Lake (King County): Last Saturday in April through October 31 season.

Gissberg Ponds: Channel catfish - daily limit 2, no minimum size.

Goodwin Lake: Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Granite Lakes (Skagit County - near Marblemount): Grayling - catch-and-release only.

Green (Duwamish) River:

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 in length may be kept.

Heart Lake (Skagit County, near Anacortes): Last Saturday in April through October 31 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Issaquah Creek: Closed waters.

Jennings Park Pond: Last Saturday in April 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 in length may be kept.

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kelsey Creek (tributary of Lake Washington): Closed waters.

Ki Lake (Snohomish County): Last Saturday in April through October 31. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kimball Creek (near Snoqualmie): Last Saturday in April 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): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Little Bear Creek (tributary of Sammamish River): Closed waters.

Loma Lake (Snohomish County): Last Saturday in April through October 31 season.

Lucas Slough: Closed waters.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Monte Christo Lake: June 1 through October 31 season. Selective fishery regulations.

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): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

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, upstream from Skookum Creek: Release all steelhead June 1 through September 30.

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): Last Saturday in April through October 31 season.

Northern State Hospital Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Old Fishing Hole Pond (Kent): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Pass Lake: Trout - daily limit - one, minimum length eighteen inches. Fly fishing only. Use of motors prohibited.

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches in length 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): Last Saturday in April through October 31 season.

Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: Closed waters.

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: Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Rattlesnake Lake: Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed.

Ravensdale Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations.

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rock Creek (below Landsburg): Closed waters.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - daily 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.

Samish Lake: Feeding (chumming) permitted. Cutthroat - daily limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department 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 salmon rack.

Sammamish Lake: Trout - no more than two over fourteen inches in length. December 1 through June 30 season: No retention of steelhead or rainbow trout over 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: Closed waters September 1 through May 31. Selective fishery regulations. Trout - catch and release. Closed to steelhead. 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 limit, minimum length twenty inches.

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 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): Year around season

Shady Lake: June 1 through October 31 season. Trout, no more than one over fourteen inches in length.

Shannon, Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches.

Shoecraft Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Sixteen Lake (Skagit County): Last Saturday in April 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 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 except closed June 15 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily 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 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 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 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 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): 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): Last Saturday in April through October 31 season. Trout - twelve inch minimum length. Selective fishery regulations 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 in length may be kept.

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Squalicum Lake: Trout - daily limit - two. Fly fishing only. Use of motors prohibited.

Steel Lake (King County): Last Saturday in April 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 - daily limit - one over eighteen inches in length.

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. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily 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): Last Saturday in April 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 limit, minimum length twenty inches.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: 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 limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

Swan's Mill Pond (Stossel Creek): Closed November 1 through May 31.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Bass - only bass less than twelve inches or over fifteen inches in length 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 in length may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. 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 in length may be kept.

Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Walker Lake (King County): Last Saturday in April 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 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 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: December 1 through last day in February season: Trout - no retention of steelhead or rainbow trout over twenty inches in length. March 1 through June 30 season: Trout - minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

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 east boundary - Open year around. Species restrictions: Trout - December 1 through last day in February: Daily limit five, no minimum length. No retention of steelhead or rainbow trout over twenty inches in length. Trout - March 1 through June 30: Daily limit five. Minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Trout - July 1 through November 30: Daily limit five, no minimum length. Wild steelhead release. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge - Unlawful to fish from boats. East of Fremont Bridge - chumming permitted.

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: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: Last Saturday in April through October 31 season. Trout - no more than one over fourteen inches in length. 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 R Street Bridge in Auburn: June 1 through September 30 - Closed waters. October 1 through February 28 season: Trout, minimum length fourteen inches. Wild steelhead release.

From R Street Bridge to Highway 410 Bridge at Buckley. October 1 through October 31 season only. Trout 14 inch minimum size. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 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 limit, minimum length twenty inches.

Wilderness Lake (King County): Last Saturday in April through October 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Trout - 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 in length may be kept.

#### Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

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 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Alder Creek: Closed waters.

Battle Ground Lake: Last Saturday in April 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. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Bird Creek: Trout - daily limit - five.

Blockhouse Creek: Trout - daily limit - five.

Bloodgood Creek: Trout - daily limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Catch-and-release only. Selective fishery regulations.

Bowman Creek: Trout - daily limit - five.

Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.

Canyon Creek: Trout - daily limit - five.

Carlisle Lake: Last Saturday in April through February 28 season. Internal combustion engines prohibited. Bass - minimum length fourteen inches.

Castle Lake: Trout - 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.

Cispus River, from mouth to North Fork: Additional season November 1 through May 31, steelhead only, wild steelhead release.

Cispus River, North Fork: Trout, no more than one over twelve inches in length.

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 - daily limit - one, minimum length sixteen inches. Selective fishery regulations except use of electric motors allowed. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

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.

~~((1996 Conservation Measures-~~

~~Mouth to Mulholland Creek: Closed to fishing for steelhead August 16, 1996, through October 15, 1996.))~~

Cowlitz Falls Reservoir (Lake Scanewa): June 1 through February 28 season. Trout - daily limit five, minimum length eight inches. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release. Below Barrier Dam release all steelhead missing right ventral fin. 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 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.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.

~~((1996 Conservation Measures-~~

~~From Mill Creek upstream to barrier dam: Closed to fishing for steelhead from the south side of the river September 16, 1996, through October 15, 1996.))~~

Cowlitz River, Clear Fork and Muddy Fork: Trout - daily limit - five, no more than one over twelve inches in length.

Davis Lake: Last Saturday in April through February 28 season.

Deep River: Year around season. Trout, minimum length fourteen inches.

Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

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: Last Saturday in April 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 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

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: 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.

~~((1996 Conservation Measures-~~

~~Mouth to salmon hatchery rack: Closed to fishing for steelhead September 16, 1996, through October 15, 1996.))~~

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: Last Saturday in April through ~~((October 31))~~ February 28 season.

Horsethief Lake: Last Saturday in April through October 31 season.

Icehouse Lake: Last Saturday in April through February 28 season.

Indian Heaven Wilderness Lakes: Trout - daily limit - three.

Jewitt Creek: Trout - 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 14 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) September 1 through October 31 fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (3) 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 (4) 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.

~~((1996 Conservation Measures.~~

~~Mouth upstream to 200 feet upstream of temporary rack. Closed to fishing for steelhead August 16, 1996, through October 15, 1996.))~~

Kidney Lake: Last Saturday in April 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 Yakama 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 Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: Last Saturday in April through February 28 season.

Kress Lake: Last Saturday in April through February 28 season. Bass - only bass less than twelve inches or over eighteen inches in length may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through 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.

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: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective fishery regulations. Catch and release.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers four hundred feet 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.

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 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: Last Saturday in April through February 28 season.

Little Klickitat River, within Goldendale city limits: Last Saturday in April through October 31 season. Trout -

daily 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: Trout - daily 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.

Merrill Lake: Trout - daily limit - two, maximum length twelve inches. Fly fishing only. Unlawful to fish from boats equipped with internal combustion engines.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

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: Last Saturday in April through September 30 season.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: Last Saturday in April 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 - daily limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. Last Saturday in April through October 31 season. Trout - daily limit - five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: Last Saturday in April 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: Last Saturday in April through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 (~~open to trout only~~) season. Release all steelhead and wild cutthroat (~~release~~). Trout minimum length twelve inches. November 1 through March 15 (~~open to trout and steelhead~~) season. 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: 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 - daily limit - five, no more than one over twelve inches in length.

Spearfish Lake: Last Saturday in April through February 28 season.

Spirit Lake (Skamania County): Closed waters.

Spring Creek: Trout - daily limit - five.

Swift Reservoir: Last Saturday in April through October 31 season.

Swofford Pond: Bass - daily and possession limit - two. Only bass less than twelve inches or over eighteen inches in length 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 - daily limit - five, no more than one over twelve inches in length.

Tilton River, South Fork and East Fork: Trout, minimum length 12 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 posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

~~((1996 Conservation Measures.~~

~~Toutle River—North Fork, from the mouth of the Green River downstream approximately 200 yards to the power line crossing: Closed to fishing for steelhead September 16, 1996, through October 15, 1996.)~~

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: Last Saturday in April 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 - daily limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. Last Saturday in April 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.

Mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

#### 1996 Conservation Measures.

Mouth to 3rd Avenue Bridge: Closed to fishing for steelhead August 16, 1996, through October 15, 1996.

Washougal River, West (North Fork), from mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fifteen inches. Selective fishery regulations.

#### Wind River.

Mouth to four hundred feet below Shipherd Falls: June 1 through March 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 - daily limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.

Yellowjacket Ponds: Last Saturday in April through February 28 season. Trout, no more than one over twelve inches in length.

#### 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.

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: Last Saturday in April through October 31 season.

Aldrich Lake: Last Saturday in April through October 31 season.

Aldwell Lake: Last Saturday in April through October 31 season. Trout - 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. Last Saturday in April through October 31 season.

From September 1 through October 31. Catch-and-release only. Selective fishery regulations.

Bay Lake: Last Saturday in April 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): Last Saturday in April through October 31 season. Trout - no minimum length.

Benson Lake: Last Saturday in April through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

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Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Black Lake (Pacific County): Last Saturday in April 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 (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: Mouth to Highway 101 - December 1 through April 30, not more than one wild steelhead per day. Highway 101 to National Park boundary - December 1 through April 30, selective fishery regulations and wild steelhead release.

Buck Lake: Last Saturday in April through October 31 season.

Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cady Lake: Last Saturday in April through October 31 season. Trout - daily limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: Mouth to Highway 101 - December 1 through April 30, not more than one wild steelhead per day. Highway 101 to mouth of south fork - December 1 through April 30, selective fishery regulations and wild steelhead release.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. Trout, minimum length fourteen inches. ((Steelhead:)) December 1 through last day in February, selective fishery regulations and wild steelhead release.

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 - daily limit - 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, 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 - daily limit - two, minimum length fourteen inches.

Carney Lake: Last Saturday in April through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: Last Saturday in April through October 31 season.

Cases Pond: Last Saturday in April through October 31 season. 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 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River, south fork from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April 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; wild steelhead release.

Clara Lake: Last Saturday in April through October 31 season.

Clear Lake: Last Saturday in April through October 31 season.

Clearwater River (Jefferson County), from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches. Steelhead: December 1 through April 15, not more than one wild steelhead per day.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cloquallum Creek, from mouth to second bridge on Cloquallum 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.

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.

Damon Lake: June 1 through October 31 season.

Deep Creek: Closed waters.

Deep Lake: Last Saturday in April through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: Last Saturday in April 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: Last Saturday in April through October 31 season.

Devil's Lake: Last Saturday in April 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) (Clallam County): June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: December 1 through April 30, not more than one wild steelhead per day.

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: October 16 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

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. Wild steelhead release.

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))~~ last day in February season. Trout, minimum length fourteen inches; wild steelhead release. 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: Last Saturday in April 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 last day in February season. Trout, minimum length fourteen inches. Steelhead: December 1 through last day in February, not more than one wild steelhead per day.

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: Last Saturday in April through October 31 season.

Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations.

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 - daily limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: Last Saturday in April through October 31 season.

Haven Lake: Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hicks Lake: Last Saturday in April through October 31 season.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. Trout, minimum length fourteen inches. Steelhead: From mouth to Highway 101, December 1 through April 15, not more than one wild steelhead per day. From Highway 101 to

mouth of south fork, December 1 through April 15, selective fishery regulations and wild steelhead release.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. Trout minimum length fourteen inches. ~~((Steelhead-))~~ December 1 through April 15, selective fishery regulations and wild steelhead release.

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, fly fishing only and use of motors prohibited.

Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout - daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Howell Lake: Last Saturday in April through October 31 season.

Humtulpis 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 Humtulpis 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 #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: Last Saturday in April through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): Last Saturday in April 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 in length 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 in length may be kept.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only (under fifteen years old).

Loomis Lake: Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Ludlow Lake: Last Saturday in April to October 31 season.

Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Remainder of river: Trout, minimum length twelve inches.

Maggie Lake: Last Saturday in April through October 31 season.

McAllister Creek: Trout, minimum length fourteen inches.

McDonald Creek (Clallam County): Trout, minimum length fourteen inches.

McIntosh Lake: Last Saturday in April through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.

McLane Creek Pond: Last Saturday in April through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: Last Saturday in April through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

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 intake dam downstream to mouth: Closed waters.

Mission Lake: Last Saturday in April 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.

Mooses 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): Last Saturday in April through October 31 season.

Munn Lake: Last Saturday in April through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout, minimum length fourteen inches. 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 November 30 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.

Osborne Lake: Last Saturday in April 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: Last Saturday in April through October 31 season.

Panther Lake: Last Saturday in April through October 31 season.

Pattison Lake: Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Percival Creek: Trout, minimum length fourteen inches.

Pheasant Lake: Last Saturday in April to October 31 season.

Pine Lake: Last Saturday in April through October 31 season.

Pleasant Lake: Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: Last Saturday in April through October 31 season. Selective fishery regulations, catch-and-release only.

Promised Land Pond: June 1 through October 31 season.

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 - daily limit - five, no minimum length.

Quillayute River (Clallam County): June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: December 1 through April 30, not more than one wild steelhead per day.

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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: Last Saturday in April through October 31 season.

Rose Lake: Last Saturday in April 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. Wild steelhead release.

From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Sandyshore Lake: Last Saturday in April to October 31 season.

Satsop Lakes: Last Saturday in April 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; wild steelhead release.

Shelton Creek: Closed waters.

Sherwood Creek: Trout, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout - minimum length 14 inches, daily limit 2 fish.

Shoe Lake: Last Saturday in April through October 31 season.

Shye Lake: June 1 through October 31 season.

Siebert Creek: Trout, minimum length fourteen inches.

Silent Lake: Last Saturday in April 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 - 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/WDFW 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.

Sol Duc River (Clallam County): June 1 through April 30 season. Trout, minimum length fourteen inches.

Steelhead: From mouth to the concrete pump station at the Soleduck Hatchery: December 1 through April 30 not more than one wild steelhead per day.

From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider

Creek: November 1 through April 30. 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: Last Saturday in April through October 31 season.

Stump Lake: Last Saturday in April through October 31 season. Fishing from vessels with internal combustion engines prohibited.

Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Summit Lake: Last Saturday in April through October 31 season.

Sutherland Lake: Feeding (chumming) permitted.

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: Last Saturday in April through October 31 season.

Teal Lake: Last Saturday in April to October 31 season.

Tenas Lake: Last Saturday in April through October 31 season.

Tiger Lake: Last Saturday in April through October 31 season.

Twin Lake: Last Saturday in April through October 31 season.

U Lake: Last Saturday in April 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): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Vance Creek (Mason County): Trout, minimum length fourteen inches.

Vance Creek/Elma Ponds: Last Saturday in April through October 31 season.

Waddell Creek: See Black River.

Ward Lake: Last Saturday in April through October 31 season.

West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Wildberry Lake: Last Saturday in April through October 31 season.

Wildcat Lake: Last Saturday in April through October 31 season.

Willapa River (includes all forks) upstream from department boat launch in South Bend: Trout, minimum length fourteen inches.

From department 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 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: Last Saturday in April through October 31 season.

Woodland Creek: Trout, minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Gridale: Closed waters.

Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to 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 - daily limit - two, minimum length twelve inches.

Marine waters regulations.

PROPOSED

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).

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.

Permit requirements: A valid current steelhead 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 catch record card using the words Marine Area and followed by the appropriate marine area code number.

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 RULES  
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.	

Marine waters: Gear restrictions.

Area 10: Those waters downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island - Nonbuoyant lure restriction July 1 through November 30.

Marine waters: Closed waters.

Area 10 - Those waters west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed to fishing at all times.

Marine waters: Area codes and boundaries.

(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 (RB1 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 (F1 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 (F1 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

Daily, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily limits and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY 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	Twelve 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 limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River from a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through March 31 season for steelhead. Wild steelhead release. Fishing from the north jetty is allowed during salmon season openings.

~~((1996 Conservation Measures-~~

~~From a true north and south line (magnetic 338°N) projected through Buoy 10 upstream to Megler-Astoria~~

~~Bridge: Unlawful to fish for steelhead with barbed hooks August 1, 1996, through September 4, 1996.))~~

From the Megler-Astoria Bridge to the I-5 Bridge: 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. Closed to fishing for steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake: Wild steelhead release. Closed to fishing for trout March 16 through June 15.

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 -

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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))~~ closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to boat fishing from the boundary marker to the Corps of Engineers safety zone marker.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

**WSR 96-21-151**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Filed October 23, 1996, 11:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-079.

Title of Rule: Personal use rules.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-56-100, define ordinary residence to exclude temporary residences. Will limit possession limits at temporary residences.

WAC 220-56-103, add Tarboo Lake and Spokane River to landlocked listing. Lake Chelan rule clarified. Provides recreational opportunity while conserving salmon in Lake Chelan.

WAC 220-56-105, clarification of Chehalis River mouth.

WAC 220-56-115, allows two fishing rods in certain waters. Increases catch potential.

WAC 220-56-128, clarification of closures on Columbia River.

WAC 220-56-180, provide protection for Lake Chelan salmon.

WAC 220-56-205, adjust Nooksack River nonbuoyant lure closure to provide additional salmon protection.

WAC 220-56-225, correct reference.

WAC 220-56-235, reduce Pacific cod and pollock limits for stock conservation.

WAC 220-56-240, amend sturgeon rules to provide additional protection. Clarify possession limits for sturgeon and herring.

WAC 220-56-255, open section for amendatory change pursuant to IPHC or DoC recommendations.

WAC 220-56-305, catch and release boundary changed to above Priest Rapids Dam to conserve sturgeon.

WAC 220-56-310, change Hood Canal shrimp to eighty shrimp; reduces daily limit to approximately five pounds to spread recreational opportunity. Establish minimum size for crawfish to conserve stocks.

WAC 220-56-312, clarify possession limits.

WAC 220-56-320, establish mesh restrictions to conserve shrimp stocks.

WAC 220-56-325, adjust shrimp opening to provide additional recreational opportunity.

WAC 220-56-330, clarify shellfish pot restriction in Hood Canal.

WAC 220-56-336, establish crawfish season for conservation of resource.

WAC 220-56-350, close state-owned tidelands at Willapa Bay for conservation.

WAC 220-56-355, include littleneck and cockle in size limit to increase spawning potential and comply with inter-Tribal management plans. Require retention of eastern softshell, horse and geoduck clams to conserve resource.

WAC 220-56-375, require prying to remove oysters to reduce damage to unharvested oysters.

WAC 220-56-380, close state-owned tidelands at Willapa Bay for conservation.

WAC 220-56-315, allow only four pots per vessel in the Hood Canal shrimp fishery to reduce effort and extend the recreational season.

WAC 220-57-160, delete Columbia River closures to conform with WAC 220-56-128.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, WA, 902-2932.

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.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational fishing, not small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA, on December 6, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 20, 1996, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: January 31 - February 1, 1997.

October 23, 1996  
Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

**WAC 220-56-100 Definitions—Personal use.** (1)

"Daily limit" means the maximum number or pounds of food fish, shellfish or seaweed of the required size of a given species or aggregate of species which a person may legally retain in a single day.

(2) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

"In the field or in transit" means any place other than at the ordinary residence (~~or residential equivalency~~) of the harvester (~~or at 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, motorhomes, 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~~). An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(3) "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. A "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(4) "Lure" 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.

"Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

"Bait" means any substance which attracts fish by scent and/or flavors. 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.

(5) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(6) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(7) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

(8) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

"Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

"Spearing" or "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(10) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

(11) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the lighthouse on Tatoosh Island to the buoy adjacent Duntz Rock then to Bonilla Point on Vancouver Island.

(12) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 near the mouth of the Columbia River.

(13) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

(14) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

AMENDATORY SECTION (Amending Order 95-102, filed 8/15/95, effective 9/15/95)

**WAC 220-56-103 Definitions—Landlocked chinook and coho.** Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as (~~game fish~~) trout rules (except Lake Chelan). The angler's combined catch of landlocked salmon and trout applies toward the trout limit (~~(except Lake Chelan)~~).

(1) Big Lake (Skagit County).

(2) Clear Lake (Pierce County).

(3) Cushman Reservoir (Mason County).

(4) Mayfield Lake (reservoir) (Lewis County).

(5) McMurray Lake (Skagit County).

(6) Merwin (lake) Reservoir (Clark/Cowlitz County).

(7) Riffe (lake) Reservoir (Lewis County).

(8) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).

(9) Wilderness Lake (King County).

(10) Wynoochee Reservoir (Grays Harbor County).

(11) Chelan, Lake (Chelan County).

(12) Roosevelt, Lake (Columbia River) (Stevens County).

(13) Spokane River (Spokane County).

(14) Tarboo Lake (Jefferson County).

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**AMENDATORY SECTION** (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

**WAC 220-56-105 River mouth definitions.** When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

- Abernathy Creek - Highway 4 Bridge.
- Bear River - Highway 101 Bridge.
- Bone River - Highway 101 Bridge.
- Chehalis River - (~~U.P. Railway~~) Highway 101 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 downstream from the lowermost railroad bridge crossing the Cowlitz River.
- Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
- Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.
- Drano Lake - Highway 14 Bridge.
- Duwamish River - First Avenue South Bridge.
- Elk River - Highway 105 Bridge.
- Entiat River - Highway 97 Bridge.
- Hoquiam River - Highway 101 Bridge.
- Humtulsips River - Mouth of Jessie Slough.
- Johns River - Highway 105 Bridge.
- Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
- Kettle River - Napoleon Bridge.
- Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.
- Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.
- Methow River - Highway 97 Bridge.
- Naselle River - Highway 101 Bridge.
- North Nemah River - Highway 101 Bridge.
- Niawiakum River - Highway 101 Bridge.
- North River - Highway 105 Bridge.
- Palix River - Highway 101 Bridge.
- Puyallup River - 11th Street Bridge.
- Samish River - The Samish Island Bridge (Bayview-Edison Road).
- Sammamish River - 68th Avenue NE Bridge.
- Skagit River - 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 westerly 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.

- Skamokawa Creek - Highway 4 Bridge.
- Skookum Creek - A line 400 yards below the old railroad bridge.
- Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
- South Nemah River - Lynn Point 117 degrees true to the opposite shore.
- Spokane River - State Route 25 Bridge.
- Tucannon River - State Highway 261 Bridge.
- Wallace River - The furthest downstream railroad bridge.
- Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
- Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
- White Salmon River - Markers downstream of the Burlington Northern Railroad Bridge.
- Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.
- Willapa River - South Bend boat launch.
- Wind River - Boundary line markers at mouth.
- Yakima River - Highway 240 Bridge.

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-115 Angling—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one line with three hooks while angling for food fish for personal use except:

- (a) It is unlawful to use more than two hooks while fishing for bottomfish or halibut.
- (b) It is lawful to use baitfish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using baitfish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(d) An angler may use up to two rods under the following situations:

(i) When fishing from a boat in any lake, pond or reservoir where the state-wide daily and size limits apply.

(ii) When fishing alone or from a boat in any lake, pond or reservoir except those where selective fishery, fly-fishing-only, or catch-and-release rules are in place.

(iii) In all freshwater areas when fishing for common carp (as defined by the bait used, i.e., dough balls or cooked corn).

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

- (a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.



(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

**AMENDATORY SECTION** (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

**WAC 220-56-128 Food fish fishing—Closed areas.**

It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the

Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Waters within 200 yards of the salmon net pens located near Sund Rock in Hood Canal are closed to the taking of food fish other than salmon at all times.

(15) Waters of the Titlow Beach Marine Preserve Area are closed to the taking of food fish at all times except that it is lawful to fish for salmon with artificial lures only from shore or a nonmotorized vessel.

(16) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to boat fishing downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(17) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(18) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(19) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(20) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(21) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(22) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(23) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(24) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-180 Daily limit codes.** (1) Code A: In waters having this code designation, the daily limit in any one day is six salmon not less than 12 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 12 inches in length

Atlantic salmon (no minimum length).

(2) Code C: In waters having this code designation, the daily limit in any one day is six chinook and coho salmon in the aggregate not less than 12 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code D: In waters having this code designation, the daily limit in any one day is six salmon including Atlantic salmon not less than 12 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the daily limit in any one day is two salmon including Atlantic salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 16 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code G: In waters having this code designation, the daily limit is four salmon including Atlantic salmon, not more than two of which may be chinook salmon and the minimum size for chinook salmon is 22 inches in length.

(6) Code H: In waters having this code designation, the daily limit in any one day is three salmon including Atlantic salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 16 through June 15 in Catch Record Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily limit may be chinook, except the daily limit in Catch Record Card Area 12 is three salmon of any species.

(d) During the period July 1 through September 30 the daily limit is 2 salmon of any species in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, and 9.

(7) Code I: In waters having this code designation, the daily and possession limits, size restrictions, and opening and closing dates are the same as those for ~~((gamefish))~~ trout (except Lake Chelan) as regulated under Title 77 RCW by the Washington fish and wildlife commission. A salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(8) The possession limit in all waters regulated under Daily Limits A, C, D, F, G, H, and special daily limits shall not exceed the equivalent of two daily limits ~~((of fresh salmon, and additional salmon may be possessed in frozen or processed form))~~.

(9) In all freshwater areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

**WAC 220-56-205 Hook rules—Nonbuoyant lures.** It is unlawful to fish for or to possess salmon taken for personal use from freshwater unless the hooks used meet the requirements of this section:

(1) 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:

Area	Time period
Naselle River (including all forks)	September 1-November 30
Willapa River	September 1-November 30
Humtulpis River	September 1-November 30
Satsop River (including all forks)	September 1-November 30
North Nemah River	September 1-November 30
Dungeness and Gray Wolf Rivers	August 1-October 15
Kennedy Creek	October 1-December 31
South Fork Nooksack River Mouth to Skookum Creek	August 1- <del>(December)</del> <u>October 31</u>
South Fork Nooksack River Upstream from Skookum Creek	June 1-September 30
Big Quilcene River	August 1-December 31
Samish River	August 1-December 31
Stillaguamish River (including all forks)	August 1-November 30
Whatcom Creek	August 1-December 31
Cowlitz River From Mill Creek to Barrier Dam	April 1-October 31
Kalama River From 200 feet above Modrow Trap to mouth	September 1-October 31
North Lewis River From overhead powerlines below Ariel Dam to lower Cedar	

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Creek Boat Ramp	April 1-October 31
Washougal River	
Downstream of Salmon Falls Bridge	September 1-October 31
Icicle River	
From Leavenworth Federal Fish Hatchery to mouth	May 8-June 30
Wenatchee River	
From mouth of Icicle River to Highway 2 Bridge	May 8-June 15
Skagit River (and tributaries)	
Upstream of Gilligan Creek	July 1-November 30
Tokul Creek	
From mouth to posted cable markers	December 1-March 31
Capitol Lake	August 1 - November 30
Deschutes River	August 1 - November 30
Elochoman River	September 1 - November 30
Grays River	September 1 - November 30
Green/Duwamish River	
mouth to Highway 164 Bridge	August 1 - November 30
McAllister Creek	August 1 - November 30
Nisqually River	August 1 - November 30
Puyallup River	
mouth to Carbon River	August 1 - November 30
Skykomish River (including all forks)	August 1 - November 30
Snohomish River	August 1 - November 30
White/Stuck River	October 1 - November 30

(2) No leads, weights or sinkers may be attached below or less than 12 inches above a buoyant lure.

(3) All hooks must be attached within three inches of the bait or lure.

**AMENDATORY SECTION** (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

**WAC 220-56-235 Possession limits—Bottomfish.** It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits of fresh bottomfish. ~~((Additional bottomfish may be possessed in a frozen or processed form.))~~ Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish minimum length 22 inches in Catch Record Card Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line;

(ii) 2 fish minimum length 22 inches in Catch Record Card Area 4 east of the Bonilla-Tatoosh line.

(b) Rockfish - 10 fish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolfeel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	((15)) 2 fish

Pollock	((15)) 2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	((15)) 2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	3 fish
Surfperch	10 fish
Pacific cod	((2)) 0 fish
Pollock	((5)) 0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on

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the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to use a gaff to land lingcod taken in Catch Record Card Areas 5 through 13.

(g) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

**AMENDATORY SECTION** (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

**WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for.** It is unlawful for any person to retain in any day more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) Catch and release only in the Columbia River and all tributaries upstream from Priest Rapids Dam.

(b) 2 fish with the following size restrictions in all other state waters:

(i) Minimum size is 42 inches in length;

(ii) Maximum size is 66 inches in length;

(iii) Not more than one of the two fish may be less than 48 inches in length; and

(iv) Not more than one of the two fish may equal or exceed 48 inches in length.

(c) The possession limit is two daily limits (~~of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form~~).

(d) There is an annual personal use limit of 15 sturgeon.

(2) Smelt: 20 pounds. The daily limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds (~~fresh. Additional herring may be possessed in a frozen or processed form~~).

(4) All other food fish not otherwise provided for in this chapter: No limit.

**AMENDATORY SECTION** (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

**WAC 220-56-255 Halibut—Season.** It is unlawful to fish for or possess halibut taken for personal use except from:

(1) Catch Record Card Area 1: Open May ~~((+))~~ 2 through September 30. Minimum size limit 32 inches in length.

(2) Catch Record Card Area 2 - Open May 1 through September 30. The following waters are closed to halibut fishing: West of 124°40'W, north of 47°10'N and south of 47°31'42"N (Queets River).

(3) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: 12:01 a.m. Tuesday through 11:59 p.m. Saturday, beginning May 2, except that the following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a line from 48°18'N, 125°11'W to 48°18'N, 124°59'W to 48°04'N, 125°11'W to 48°04'N, 124°59'W to the point of origin.

(4) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13:

May 25 through July 29 - Open 12:01 a.m. Thursday through 11:59 p.m. Monday of each week during the open period (closed Tuesdays and Wednesdays).

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-310 Shellfish—Daily limits.** It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: ~~((First))~~ 7 clams ~~((taken))~~.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all waters except Shrimp District 5 - 10 pounds, whole in the shell.

(b) In Shrimp District 5 (Hood Canal) - ~~((7 pounds, whole in the shell))~~ 80 shrimp.

(10) Octopus: 2 octopus.

(11) Pinto abalone: Closed state-wide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-312 Shellfish—Possession limits.** ~~((It is unlawful for any one person to possess at any time more than one daily limit of fresh shellfish. Additional shellfish may be possessed in a frozen or processed form.))~~ The possession limit shall not exceed two daily limits of shellfish in any form.

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-320 Shellfish gear—Unlawful acts.** (1)

It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the recreational license form. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

Effective January 1, 1996, it is unlawful to fish for crab with shellfish pot gear unless such gear has two escape rings located in the upper half of the pot:

(a) Not less than 4-1/4 inches inside diameter if used in Puget Sound outside Hood Canal; or

(b) Not less than 4-1/8 inches inside diameter if used in Hood Canal, the Columbia River, Grays Harbor, Willapa Bay, or the Pacific Ocean.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg

will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

(7) Effective January 1, 1998, in the areas listed below, it is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear with a minimum mesh opening of less than 7/8-inch (mesh that will not change size when a 7/8-inch square peg is passed through the opening):

(a) Marine Area 7 - north of a line from Cattle Point to San Juan Island true east to Lopez Island, east of a line from Limestone Point on San Juan Island to Sandy Point on Waldron Island, south of a line from Point Hammond on Waldron Island to Point Doughty on Orcas Island, and west of a line from Foster Point on Orcas Island to Upright Head on Lopez Island.

(b) Marine Area 8-1.

(c) Marine Area 8-2.

(d) Marine Area 9 - south of a line from Double Bluff to Foulweather Bluff.

(e) Marine Area 10.

**AMENDATORY SECTION** (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

**WAC 220-56-325 Shrimp—Areas and seasons.** (1)

The following areas shall be defined as personal use shrimp fishing Districts 1 through 6:

(a) Shrimp District 1 - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Shrimp District 2 - All waters of Griffin Bay south of a line projected east-west through Turn Rock Light from San Juan Island to Lopez Island, and north of a line projected east from Cattle Point on San Juan Island to Lopez Island;

(c) Shrimp District 3 - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(d) Shrimp District 4 - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(e) Shrimp District 5 - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(f) Shrimp District 6 - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as provided in this subsection:

(a) District 1 - Second Saturday in May ((16)) through ((September)) July 15;

(b) District 2 - Second Saturday in May ((16)) through September 15;

(c) District 3 - Second Saturday in May ((16)) through September 15;

(d) District 4 - Closed to all shrimp fishing;

(e) District 5 - 9:00 a.m. on the third Saturday in May until closed by emergency regulation (~~Open 9:00 a.m. Saturday to 2:00 p.m. Tuesday each week during the season set by emergency regulation. Shrimp pots may only be pulled between the hours of 9:00 a.m. and 2:00 p.m. All shrimp gear must be removed from the water from 2:00 p.m. Tuesday through 9:00 a.m. Saturday of each week~~);

(f) District 6 - Closed to all shrimp fishing;

(g) All other areas - The second Saturday in April through October 15.

(3) It is unlawful to possess spot shrimp taken for personal use from Catch Record Card Area 6 that are less than 6 inches in length and it is unlawful to land spot shrimp that are less than 6 inches in length in any port in Catch Record Card Area 6. The length of spot shrimp is measured from the tip of the rostrum to the tip of the tail.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

**WAC 220-56-330 Crab—Areas and seasons.** (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound waters may open by emergency regulation prior to July 16, but if not previously opened by emergency regulation will open July 16 through April 15.

The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

(4) On days that Hood Canal is open to recreational shrimp fishing, it is unlawful to fish for or possess crab taken with shellfish pot gear. Ring net gear may be used during daylight hours.

(5) No crab fisher may set or pull crab pots, ring nets or star traps in the waters of Hood Canal between one hour after official sunset and one hour before official sunrise.

#### NEW SECTION

**WAC 220-56-336 Crawfish—Areas and seasons.** The open season for crawfish is the first Monday in May through October 31.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

**WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons.** (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ben Ure Spit: Open January 1 through May 15.

(b) Birch Bay State Park: Open January 1 through July 15.

(c) Brown Point - DNR Beach 57-B is open April 1 through June 15.

(d) Cama Beach State Park: Closed the entire year.

(e) Camano Island State Park: Open June 1 through June 15.

(f) Cultus Bay: State-owned tidelands northeast Cultus Bay is open January 1 through June 15.

(g) Cutts Island State Park: Open January 1 through June 15.

(h) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(i) Dosewallips State Park: Open January 1 through July 15 only in an area defined by boundary markers and signs posted on the beach.

(j) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.

(k) Eagle Creek: Open January 1 through April 15.

(l) Fort Flagler State Park: Open April 1 through June 30.

(m) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(n) Hood Canal (east side): DNR Beach 48 is open January 1 through May 15.

(o) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

(p) Hope Island State Park (South Puget Sound): Open April 1 through June 15.

(q) Illahee State Park: Open April 1 through April 30.

- (r) Kayak Point County Park: Closed the entire year.
- (s) Kitsap Memorial State Park: Open June 1 through June 30.
- (t) Kopachuck State Park: Open April 1 through May 15.
- (u) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (v) Long Point: Open January 1 through April 15.
- (w) Mystery Bay State Park: Open October 1 through April 30.
- (x) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Oyster Reserves on the east side of North Bay north of the power transmission lines.
- (y) Oak Bay County Park: Open January 1 through June 15.
- (z) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except the following are open the entire year:
- (i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet.
- (ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet.
- (iii) Oakland Bay: Tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.
- (iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (aa) Penn Cove: The state-owned tidelands at the head of Penn Cove on Whidbey Island starting at the north end of Coveland and extending south to a bulkhead 200 feet south of Mueller Park: Open January 1 through July 15.
- (bb) Penrose Point State Park: Open May 1 through June 15.
- (cc) Picnic Point County Park: Closed the entire year.
- (dd) Point Whitney (excluding Point Whitney Lagoon): Closed the entire year.
- (ee) Point Whitney Lagoon: Open June 1 through December 31.
- (ff) Port Townsend Ship Canal: Open January 1 through May 15.
- (gg) Potlatch: DNR tidelands at Potlatch are open April 1 through June 15.
- (hh) Potlatch State Park: Open April 1 through June 15.
- (ii) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (jj) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through September 30, daily from official sunrise to official sunset only.
- (kk) Rendsland Creek: Open January 1 through May 15.

- (ll) Saltwater State Park: Closed the entire year.
- (mm) Semiahmoo Marina: Open January 1 through August 15.
- (nn) Shine Tidelands State Park: Open January 1 through June 15.
- (oo) Snatellum Point: Open January 1 through June 15.
- (pp) South Indian Island County Park: Open April 1 through June 15.
- (qq) South Lilliwaup: Open January 1 through July 15 on those tidelands marked by orange posts attached to trees at south end of Lilliwaup Bay (approximately 700 feet of beach).
- (rr) Spencer Spit State Park: Open April 1 through June 30.
- (ss) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.
- (tt) Triton Cove State Park: Open April 1 through June 30.
- (uu) Twanoh State Park: Closed the entire year.
- (vv) Useless Bay Tidelands State Park: Open January 1 through July 15.
- (ww) West Dewatto: DNR Beach 44A is closed the entire year.
- (xx) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.
- (yy) Winas-Maylor Point East: Open January 1 through June 15.
- ((yy)) (zz) Wolfe Property State Park: Open January 1 through July 15.
- (2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.
- (3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-56-355 Clams—Unlawful acts.** (1) It shall be unlawful for any person digging hardshell clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(2) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(3) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell.

(4) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-375 Oysters and scallops—Gear.** It shall be lawful to take, fish for and possess oysters and scallops taken for personal use by hand or with ~~((any hand-operated instrument))~~ the aid of a hand-held manually operated prying tool. It is unlawful to use a hammer, mallet or other object to strike oysters and rock scallops during the removal process.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

**WAC 220-56-380 Oysters—Areas and seasons.** (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: DNR Beach 57-B is open April 1 through May 15.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(c) Dosewallips State Park: Open January 1 through August 15 in areas defined by boundary markers and signs posted on the beach only.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(e) Hoodspport: Tidelands at the Hoodspport Salmon Hatchery are closed the entire year.

(f) Illahee State Park: Open March 1 through August 15.

(g) Kitsap Memorial State Park: Open June 1 through December 31.

(h) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(i) Mystery Bay State Park: Open January 1 through August 15.

(j) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year, except state-owned Oysters Reserves on the east side of North Bay north of the power transmission lines.

(k) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet.

(ii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(l) Penrose Point State Park: Open May 1 through June 15.

(m) Point Whitney Lagoon: Open June 1 through December 31.

(n) Potlatch State Park: Open April 1 through September 15.

(o) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through September 30, daily from official sunrise to official sunset, only.

(p) Scenic Beach State Park: Open January 1 through December 31.

(q) Seal Rock: U.S. Forest Service tidelands at Seal Rock are open January 1 through July 15.

(r) Triton Cove State Park: Open April 1 through June 30.

(s) West Dewatto: DNR Beach 44A is open April 1 through December 31.

(t) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts.** (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Shrimp District 5 it is unlawful to use at any one time more than two units of gear for the purpose of taking crabs and two additional units of gear for the purpose of taking shrimp.

(b) In Shrimp District 5 (Hood Canal) it is unlawful to use more than one shrimp pot and one star trap or ring net during the Hood Canal shrimp season.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern



end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) In Catch Record Card Areas 5 through 13 (Puget Sound east of the Sekiu River) each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

(10) In the Hood Canal shrimp fishery it is unlawful to fish more than four shrimp pots from any one vessel.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-225 Freshwater angling hours.** It is unlawful to fish for personal use in those waters and during the period of a nonbuoyant lure restriction as provided for in WAC ((220-56-125)) 220-56-205 from one hour after official sunset to one hour before official sunrise.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

**WAC 220-56-305 Sturgeon—Catch and release.** It is unlawful to retain sturgeon taken from:

(1) Those waters of the Snake River or tributaries upstream from Lower Granite Dam;

(2) Those waters of the Columbia River and tributaries upstream from ((Grand Coulee)) Priest Rapids Dam;

(3) Those waters of the Columbia River between the upstream line of Bonneville Dam and a line 400 feet below McNary Dam during the period July 1 through December 31. Sturgeon that are hooked must be immediately released and returned to the water.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

**WAC 220-57-160 Columbia River.** (1) Daily Limit C - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. ((The following are closed waters:

(a) ~~Chief Joseph Dam—waters between the west end of the tailrace deck downstream 400 feet to boundary markers in Okanogan County.~~

(b) ~~Wells Dam—waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.)~~

(2) Rocky Reach Dam to Priest Rapids Dam: Daily Limit C - June 1 through September 15; Daily Limit A - September 16 through December 31. ((The following are closed waters: ~~Rocky Reach, Rock Island and Wanapum Dams—waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.)~~)

(3) Priest Rapids Dam to the Vernita Bridge: Daily Limit C - June 1 through August 15; Daily Limit A -

August 16 through October 31; Daily Limit C - November 1 through December 31. ((The following are closed waters:

(a) ~~Priest Rapids Dam—waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.~~

(b) ~~Jackson (Moran) Creek—All waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.)~~

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Daily Limit C - June 16 through August 15; Daily Limit A - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Daily Limit C - June 1 through August 15; Daily Limit A - August 16 through December 31.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: Daily Limit A - August 1 through December 31. It is unlawful to take or possess sockeye or chum salmon taken downstream of the Highway 395 Bridge.

((The following waters are closed to fishing for food fish at all times:

(a) ~~McNary Dam—waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.~~

(b) ~~John Day Dam—waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.~~

(c) ~~The Dalles Dam—waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.~~

(d) ~~Spring Creek—waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.~~

(e) ~~Bonneville Dam—waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.)~~

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: Daily Limit A - August 1 through March 31. During September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River north of a line from Abernathy Point Light to a boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye or chum salmon taken downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.

(8) Megler-Astoria Bridge to the Buoy 10 Line:

(a) Daily Limit F except release chinook salmon - August 1 through Labor Day. It is unlawful to use barbed hooks in the fishery provided for in this subsection.

(b) Daily limit F - the day after Labor Day through September 30.

(c) Daily Limit A - October 1 through March 31.

(d) It is unlawful to take or possess sockeye or chum salmon taken downstream from the Megler-Astoria Bridge to the Buoy 10 Line.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the

control zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the daily limit shall be the same as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. Daily limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye or chum salmon taken from the North Jetty.

**AMENDATORY SECTION** (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

**WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for.** It is unlawful for any person to retain in any day more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) ~~((Catch and release only in the Columbia River and all tributaries upstream from Priest Rapids Dam.))~~ Unlawful to fish from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

(b) ~~((2))~~ 1 fish with the following size restrictions in all other state waters:

(i) Minimum size is 42 inches in length except minimum size 48 inches in length in waters of the Columbia River and tributaries upstream from Dalles Dam; and

(ii) Maximum size is ~~((66))~~ 60 inches in length;

~~((iii) Not more than one of the two fish may be less than 48 inches in length; and~~

~~((iv) Not more than one of the two fish may equal or exceed 48 inches in length)).~~

(c) The possession limit is two daily limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(d) There is an annual personal use limit of ~~((15))~~ 10 sturgeon.

(2) Smelt: 20 pounds. The daily limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish not otherwise provided for in this chapter: No limit.

**WSR 96-21-152**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02290 Game management units (GMUs)—Special game areas—Boundary descriptions—Private lands wildlife management areas.

Purpose: To amend WAC 232-28-02290, private lands wildlife management areas, to set special game areas for hunting purposes.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

Reasons Supporting Proposal: Amending special game areas directs hunters to damage areas and areas of game abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-02290 Game management units (GMUs)—Special game areas—Boundary descriptions—Private lands wildlife management areas.**

Area Description

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E; south 1/2 of northwest 1/4 of Section 2; North 1/2 of Section 3, Section 4\* except southeast 1/4 of southeast 1/4; Section((s)) 5; ((and)) Section 6 north of State Highway 28; Sections 8 and 9. T23N, R29E, Sections 5, 6, 7, 8((7)); west 1/2 of northwest 1/4 of Section 9, Sections 13, 14, 17, and 18; Section 19 except for

northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Sections 31, 32, 33, 34, and 35. T23N, R28E, Sections 1 and 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except east 1/2 of southeast 1/4; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; north 1/2 of Section 12; Section 15 except that part within Stratford Game Reserve; ((Section 15;)) Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; west 1/4 of Section 24\*; Sections 26, 27, 28, 29, 30, and 33; ((west 1/2)) north 1/2 and north 1/2 of south 1/2 of Section 34; ((except south 1/4;)) Section 35 except that part in Stratford Game Reserve. T23N, R27E, south 1/2 of southeast 1/4 and west 1/4 of southeast 1/4 of Section 12; Sections 13 and 14; Section 22 except west 1/2 of southwest 1/4; Section 23 except south 1/2 of southeast 1/4 and west 1/2 of north 1/2 of southeast 1/4; Section 34 except south 1/2 of northwest 1/4; Sections 25, 26, and 27. T24N, R29E, Section 31; west 1/2 of Section 32. T24N, R28E, Section 35. Public lands within the external boundaries are not part of the PLWMA.

PLWMA 401 - Champion (Pierce County): Beginning at the intersection of Champion haul road (Champion 1 Rd.) and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to N.W. corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6, T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to S.W. corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to S.E. corner Section 31, T16N, R7E; then north along USFS/Champion ownership line to N.W. corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to N.E. corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to S.E. corner Section 32, T16N, R7E; then west along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to N.E. corner Section 33 T17N, R7E; then following north and east along USFS/Champion ownership line to intersection with SR 165 near the N.E. corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the BPA Transmission Line; then south and west along the powerline to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection

with Champion haul road bridge; then south along Champion haul road to point of beginning. Another portion of PLWMA 401 Champion is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; then up South Prairie Creek to East Fork South Prairie Creek; then up East Fork South Prairie Creek to Plum Creek Timber Co./Champion ownership line (on south line of Section 33, T19N, R7E); then along Champion ownership line to center line of Section 34, T19N, R7E; then north and east along DNR/Champion ownership line to S.W. corner Section 27, T19N, R7E; then north along Weyerhaeuser/Champion ownership line to White River; then down White River to where it crosses west line Section 6, T19N, R7E; then south and west along Champion ownership line to intersection with South Prairie Creek; then up South Prairie Creek to point of beginning.

PLWMA 401A - Kapowsin North (Buckley): That portion of PLWMA 401 description which includes the Buckley block.

PLWMA 401B - Kapowsin Central (King Creek): That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

PLWMA 401C - Kapowsin South (Kapowsin): That portion of PLWMA 401 description which lies to the south of the Puyallup River.

PLWMA 603 - Pysht Tree Farm: The posted boundaries of the Pysht Tree Farm within GMU 603.

PLWMA 603A - Pysht Tree Farm North: That portion of PLWMA 603 north of Highway 112.

PLWMA 603B - Pysht Tree Farm South: That portion of PLWMA 603 south of Highway 112.

**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 96-21-153**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-240, deer and bear hunting seasons and regulations.

Purpose: To amend WAC 232-28-240, deer and bear hunting seasons and regulations, to set general black bear and deer hunting seasons for 1997, 1998 and 1999.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Hunting seasons are proposed to provide recreation opportunity as well as control damage.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will set time, place and manner of hunting deer and black bear. The purpose will be to manage deer and bear populations for recreation and to prevent or alleviate damage. We anticipate about 200,000 deer hunters and 12,000 bear hunters will participate in hunting recreation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 96-133, filed 8/29/96)]

**WAC 232-28-240** (~~(1994-95, 1995-96, 1996-97)~~) **1997-98, 1998-99, 1999-2000** 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,)~~) 578, 582, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 127, 130, 133, 136, 139, 142, 145, (~~(148, 151,)~~) 149, 154, (~~(160, 161,)~~) 162, 163, 166, 169, 172, 175, 178, 181, (~~(184, 185,)~~) 186, 203, 231, (~~(306, 328, 329, 330, 342,)~~) 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.

PROPOSED

GMUs	199((4)) <u>7</u> Dates	199((5)) <u>8</u> Dates	199((6)) <u>9</u> Dates	Legal Deer
03, 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	199((4)) <u>7</u> Dates	199((5)) <u>8</u> Dates	199((6)) <u>9</u> Dates	Legal Deer
<del>((Northeastern</del>				
<del>100-124</del>	<del>Oct. 15-31</del>	<del>Oct. 14-31</del>	<del>Oct. 12-31</del>	<del>Buck only*</del>
<del>(See late buck for extended whitetail season).</del>				
<del>Southeastern</del>				
<del>127-185</del>	<del>Oct. 15-23</del>	<del>Oct. 14-22</del>	<del>Oct. 12-20</del>	<del>3 pt. min.*</del>
<del>Except closed in 157</del>				
<del>Okanogan &amp; Chelan</del>				
<del>200-209, 239-242</del>	<del>Oct. 15-31</del>	<del>Oct. 14-27</del>	<del>Oct. 12-25</del>	<del>Buck only except 3 pt. min. in GMU 203</del>
<del>215-233</del>			<del>Oct. 12-20<sup>5</sup></del>	<del>Buck only except 3 pt. min. in GMU 231</del>
<del>300-316</del>	<del>Oct. 15-31</del>	<del>Oct. 14-31</del>	<del>Oct. 12-31</del>	<del>Buck only except 3 pt. min. in GMU 306</del>
<del>Columbia Basin</del>				
<del>248-278**, 284</del>	<del>Oct. 15-21</del>	<del>Oct. 14-20</del>	<del>Oct. 12-18</del>	<del>Buck only</del>
<del>281</del>	<del>Oct. 15-23</del>	<del>Oct. 14-22</del>	<del>Oct. 12-20</del>	<del>Either sex</del>
<del>Coloekum and Central</del>				
<del>334</del>	<del>Oct. 15-25</del>	<del>Oct. 14-25</del>	<del>Oct. 12-25</del>	<del>Buck only</del>
<del>328, 329, 330, 342</del>			<del>Oct. 12-18</del>	<del>3 pt. min.</del>
<del>371</del>			<del>Oct. 12-20</del>	<del>Buck only</del>
<del>335-340, 346-368, 372))</del>	<del>Oct. 15-31</del>	<del>Oct. 14-31</del>	<del>Oct. 12-31</del>	<del>Buck only</del>
<u>Eastern</u>	<u>Oct. 11-19</u>	<u>Oct. 17-25</u>	<u>Oct. 16-24</u>	<u>Mule Deer Buck only* except 3 pt. min. in GMUs 127-186, 203, 231, 306, ((342,)) and either sex in GMU 281.</u>
<u>All of eastern Washington except closed in GMUs 157, 242, 290, 306, 328, 329, and 330.</u>				
<u>GMUs 101-142</u>	<u>Oct. 11-28</u>	<u>Oct. 17-28</u>	<u>Oct. 16-28</u>	<u>Whitetail buck only except 3 pt. min. in GMUs 127-142.</u>
<u>Western</u>				
<u>405((*)**-(572, 580, 604-))684. Closed in GMU 522. Permit</u>	<u>Oct. ((15-31)) 11-28</u>	<u>Oct. ((14-31)) 17-Nov. 3</u>	<u>Oct. ((12-31)) 16-Nov. 2</u>	<u>Buck only except either sex in GMUs 410, 480, and 564;</u>

only in GMU 485.

and 2 pt. min. in GMUs 433, 478, 558, 578, 582, 588, 636, and 681; and 3 pt. min. in GMU 450.

~~((574, 576, 584, 586, Oct. 15 Nov. 6 Oct. 14 Nov. 14 Oct. 12 Nov. 6 2 pt. min. 588))~~

\*Hunters meeting the requirements of disabled, senior or youth may hunt antlerless whitetail during the general buck season in GMUs 105-142.

~~((\*\*Except by permit only in that portion of GMU 278 north of O'Sullivan Road and east of Beverly Road.))~~

~~((\*)\*\*Modern firearm deer hunting on Guemes Island is by permit only.~~

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	199((4))7 Dates	199((5))8 Dates	199((6))9 Dates	Legal Deer
105-124	Nov. <del>((1-20))</del> <u>7-23</u>	Nov. <del>((1-19))</del> <u>7-22</u>	Nov. <del>((1-24))</del> <u>7-21</u>	Whitetail buck only
<u>127-142</u>	<u>Nov. 7-23</u>	<u>Nov. 7-22</u>	<u>Nov. 7-21</u>	<u>Whitetail buck only, 3 pt. min.</u>
All 400, 500, & 600 Except closed in: GMUs 418, 437, 448, 450, <del>((480,))</del> 485, 522, 574, 578, 582, <del>((576, 580, 584, 586,))</del> and 588.	Nov. <del>((17-20))</del> <u>14-17</u>	Nov. <del>((16-19))</del> <u>13-16</u>	Nov. <del>((21-24))</del> <u>12-15</u>	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 <del>((and 3 pt. min. in GMU 450))</del> 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	199((4))7 Dates	199((5))8 Dates	199((6))9 Dates	Legal Deer
<del>((100-118, 121, 124, 215, 233, 300, 316</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Buck only</del>
<del>127, 130-133</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Either sex</del>
<del>136-154, 160-169, 175-185, 231, 306</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>3 pt. min.</del>
<del>200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340, 352, 356, 364, 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,</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>3 pt. min. or antlerless</del>
<del>200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340, 352, 356, 364, 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,</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>3 pt. min. or antlerless</del>
<del>200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340, 352, 356, 364, 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,</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>3 pt. min. or antlerless</del>
<del>200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340, 352, 356, 364, 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,</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Buck only</del>
<del>200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340, 352, 356, 364, 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,</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Either sex, except buck only in GMU 371</del>

PROPOSED

PROPOSED

~~601, 602, 607, 615,  
618, 621, 627\*\*, 633,  
638, 642-658, 663,  
667, 669, 678~~

~~433, 478, 558, 574, Sept. 1-14 Sept. 1-14 Sept. 1-14 2 pt. min.  
576, 584, 586, 588, Sept. 15-30 Sept. 15-30 Sept. 15-30 2 pt. min. or  
681 antlerless~~

~~328, 329, 330 Sept. 1-14 3 pt. min.~~

~~334, 480 Sept. 1-14 Sept. 1-14 Sept. 1-14 Buck only  
Sept. 15-30 Sept. 15-30 Sept. 15-30 Either sex~~

~~203, 301, 302, 450 Sept. 15-30 Sept. 15-30 Sept. 15-30 3 pt. min. or  
antlerless~~

~~172 Sept. 1-14 Sept. 1-14 Sept. 1-14 3 pt. min.  
Sept. 15-30 Sept. 15-30 Sept. 15-30 3 pt. min. or  
antlerless~~

~~119, 242, 304, 360, Sept. 1-14 Sept. 1-14 Sept. 1-14 Buck only  
448, 484, 564, 603, Sept. 15-30 Sept. 15-30 Sept. 15-30 Either sex  
612, 624, 666, 672,  
684~~

~~636 Sept. 1-14 Sept. 1-14 Sept. 1-14 2 pt. min.  
Sept. 15-30 Sept. 15-30 Sept. 15-30 2 pt. min. or  
antlerless~~

~~660 Sept. 1-14 Sept. 1-14 Sept. 1-14 2 pt. min.  
Sept. 15-30 Sept. 15-30 Sept. 15-30 2 pt. min. or  
antlerless~~

~~501, 506 Sept. 1-14 Sept. 1-14 Sept. 1-14 Buck only  
Sept. 15-30 Sept. 15-30 Sept. 15-30 Either sex))~~

All GMUs\* except Sept. 1-30 Sept. 1-30 Sept. 1-30 Blacktail/whitetail  
closed in GMUs 157 Sept. 1-15 Sept. 1-15 Sept. 1-15 Mule deer  
and 522, and permit  
only in GMUs 242,  
290, 306, 328, 329  
330 and 371.  
All GMUs are either  
sex; except 3 pt. min.  
or antlerless in GMUs  
127, 130, 133, 136,  
139, 142, 145, 149,  
154, 162, 163, 166,  
169, 172, 175, 178,  
181, 186, 203, 231,  
301, 302, 450, and  
2 pt. min or antlerless  
in GMUs 433, 478, 558,  
574, 578, 582, 588,  
636, and 681.

Deer Areas 010, Sept. 15-30 Sept. 15-30 Sept. 15-30 3 pt. min. or  
040, 060 antlerless

Bow Area 802 ((Sept. 1-14 Sept. 1-14 Sept. 1-14 Buck only))  
Sept. ((15))2-30 Sept. ((15))8-30 Sept. ((15))7-30 Either sex

(\*Except closed in that part of GMU 278 (Wahluke) north of O'Sullivan Road and east of Beverly Road.)

((\*)\* Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt, call Tom Jones at (360) 396-5097. Special Restrictions: Must be U.S. citizen, and hunting is open on weekends only.

Late Archery

GMUs	199((4)) <u>7</u> Dates	199((5)) <u>8</u> Dates	199((6)) <u>9</u> Dates	Legal Deer
<del>((103,)) 101, 105, 117, 121, 124</del>	<del>((Nov. 14-Dec. 15)) Nov. 19-Dec. 7</del>	<del>((Nov. 14-Dec. 15)) Nov. 18-Dec. 6</del>	<del>((Nov. 14-Dec. 15)) Nov. 17-Dec. 5</del>	Whitetail only, either sex
<del>((118, 121, 124</del>	<del>Nov. 23-Dec. 15</del>	<del>Nov. 22-Dec. 15</del>	<del>Nov. 27-Dec. 15</del>	<del>Whitetail only; either sex))</del>
127, <u>145</u> , <del>((166,))</del> 178, 181	<del>((Nov. 23-Dec. 15)) Nov. 19-Dec. 7</del>	<del>((Nov. 22-Dec. 15)) Nov. 18-Dec. 6</del>	<del>((Nov. 27-Dec. 15)) Nov. 17-Dec. 5</del>	3 pt. min. or antlerless
209, 215, 233, <del>((242,))</del> 272, 300, <del>((304,))</del> 316, 346, 352, 364	<del>((Nov. 23-Dec. 8)) Nov. 19-Dec. 7</del>	<del>((Nov. 22-Dec. 8)) Nov. 18-Dec. 6</del>	<del>((Nov. 27-Dec. 8)) Nov. 17-Dec. 5</del>	Either sex
558, <del>((584,))</del> <u>582</u> , 588, 636, 681	<del>((Nov. 23-Dec. 15)) Nov. 19-Dec. 14</del>	<del>((Nov. 22-Dec. 15)) Nov. 18-Dec. 13</del>	<del>((Nov. 27-Dec. 15)) Nov. 17-Dec. 12</del>	2 pt. min or antlerless
<del>((417,))</del> 418, 426, <u>437</u> , <del>((440,))</del> 448, 460, 466, <del>((480,))</del> 510, <u>513</u> , <del>((512, 514,))</del> 516, 520, 524, 530, 556, 560, 572, 601, 607, 612, 615, 618, 638, 648, <del>((669, 678))</del> <u>673</u>	<del>((Nov. 23-Dec. 15)) Nov. 19-Dec. 14</del>	<del>((Nov. 22-Dec. 15)) Nov. 18-Dec. 13</del>	<del>((Nov. 27-Dec. 15)) Nov. 17-Dec. 12</del>	Either sex
450	<del>((Nov. 23-Dec. 15)) Nov. 19-Dec. 14</del>	<del>((Nov. 22-Dec. 15)) Nov. 18-Dec. 13</del>	<del>((Nov. 27-Dec. 15)) Nov. 17-Dec. 12</del>	3 pt. min

Bow Areas	199((4)) <u>7</u> Dates	199((5)) <u>8</u> Dates	199((6)) <u>9</u> Dates	Legal Deer
802	<del>((Nov. 23-Dec. 15)) Nov. 19-Dec. 14</del>	<del>((Nov. 22-Dec. 15)) Nov. 18-Dec. 13</del>	<del>((Nov. 27-Dec. 15)) Nov. 17-Dec. 12</del>	Either sex
806, 807	<del>((Nov. 23-Dec. 8)) Nov. 19-Dec. 7</del>	<del>((Nov. 22-Dec. 8)) Nov. 18-Dec. 6</del>	<del>((Nov. 27-Dec. 8)) Nov. 17-Dec. 5</del>	Either sex
<del>((820</del>	<del>Dec. 24 Jan. 8, 1995</del>	<del>Dec. 24 Jan. 8, 1996</del>	<del>Dec. 24 Jan. 8, 1997</del>	<del>Either sex))</del>

Extended Late Archery

GMUs	199((4)) <u>7</u> Dates	199((5)) <u>8</u> Dates	199((6)) <u>9</u> Dates	Legal Deer
<del>((405,))</del> <u>407</u> , 410, <del>((442,))</del> 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 666, 667, 672, and Deer Areas 041 and 042	Nov. <del>((23))</del> <u>19</u> -Dec. 31	Nov. <del>((22))</del> <u>18</u> -Dec. 31	Nov. <del>((27))</del> <u>17</u> -Dec. 31	Either sex
433	Nov. <del>((23))</del> <u>19</u> -Dec. 31	Nov. <del>((22))</del> <u>18</u> -Dec. 31	Nov. <del>((27))</del> <u>17</u> -Dec. 31	2 pt. min. or antlerless

\* Submarine Base Bangor within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunting opportunity call Tom James at (206) 396-5097. Special restrictions: U.S. citizenship is required by the Navy.

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.

PROPOSED



High Buck Hunt

GMUs	199((4))7 Dates	199((5))8 Dates	199((6))9 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))

Early Muzzleloader

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
109, 117, 209, 304, 316, 336, 352, 360, ((405)) 410, 454, 407, 484, 520, 530, 564, 568, 603, 612, 624, 672	Oct. 4-10	Oct. 10-16	Oct. 9-15	Buck only
666	Oct. 4-10	Oct. 10-16	Oct. 9-15	Either sex

PROPOSED

Late Muzzleloader

<u>GMUs</u>	<u>1997 Dates</u>	<u>1998 Dates</u>	<u>1999 Dates</u>	<u>Legal Deer</u>
113	<u>Nov. 19-25</u>	<u>Nov. 18-24</u>	<u>Nov. 17-23</u>	<u>Whitetail, buck only</u>
136, 139, 172, 181	<u>Nov. 19-25</u>	<u>Nov. 18-24</u>	<u>Nov. 17-23</u>	<u>3 pt. min.</u>
550, 582, 602, 633, 651, 684	<u>Nov. 19-25</u>	<u>Nov. 18-24</u>	<u>Nov. 17-23</u>	<u>Buck only</u>
410, 501, 504, 564, 666	<u>Nov. 19-25</u>	<u>Nov. 18-24</u>	<u>Nov. 17-23</u>	<u>Either sex</u>
478, 578	<u>Nov. 19-25</u>	<u>Nov. 18-24</u>	<u>Nov. 17-23</u>	<u>2 pt. min.</u>
<u>Muzzleloader Area</u>				
925	<u>Dec. 1-31</u>	<u>Dec. 1-31</u>	<u>Dec. 1-31</u>	<u>Antlerless only</u>
926	<u>Nov. 19-Dec. 15</u>	<u>Nov. 18-Dec. 15</u>	<u>Nov. 17-Dec. 15</u>	<u>Either sex</u>

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.

<u>GMUs</u>	<u>Weapon Permitted</u>	<u>199((4))7 Dates</u>	<u>199((5))8 Dates</u>	<u>199((6))9 Dates</u>	<u>Legal Deer</u>
410 ((& 480))	Archery, Shotgun, Muzzleloader	Oct. ((15-31)) <u>11-28</u>	((Oct. 14-31)) <u>Oct. 17-Nov. 3</u>	((Oct. 12-31)) <u>Oct. 16-Nov. 2</u>	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. ((47)) <u>20-Dec. 31</u>	Nov. ((46)) <u>19-Dec. 31</u>	Nov. ((24)) <u>17-Dec. 31</u>	Either sex
627*	Archery, Shotgun, Muzzleloader	Oct. ((15-31)) <u>11-28</u>	((Oct. 14-31)) <u>Oct. 17-Nov. 3</u>	((Oct. 12-31)) <u>Oct. 16-Nov. 2</u>	Either sex
<u>Deer Area</u>					
062**	Archery, shotgun, muzzleloader	<u>Sept. 1-Dec. 31</u>	<u>Sept. 1-Dec. 31</u>	<u>Sept. 1-Dec. 31</u>	Either sex

\*Only that portion of GMU 627 (Kitsap) on Vashon and Maury Islands.

\*\*Restricted Access: Indian Island - For information call Bill Kalin((g))a at (360) 396-5353.

Private Lands Wildlife Management Opportunities

Kapowsin Tree Farm (PLWMA 401 - Champion)

<u>Hunting Method</u>	<u>199((4))7 Open Season</u>	<u>199((5))8 Open Season</u>	<u>199((6))9 Open Season</u>	<u>Special Restrictions</u>
Archery	Sept. 1-((14))13 ((Sept. 15-30))	Sept. 1-((14))13 ((Sept. 30-Oct. 11))	Sept. 1-13 ((Sept. 28-Oct. 9))	either sex either sex
Modern Firearm General	Oct. ((15-31)) <u>11-28</u>	((Oct. 14-31)) <u>Oct. 17-Nov. 3</u>	((Oct. 12-27)) <u>Oct. 16-Nov. 2</u>	((2-pt. min.)) <u>Spike only</u>
Muzzleloader	((Nov. 23-Dec. 8)) <u>Nov. 27-Dec. 8</u>	((Nov. 22-Dec. 8)) <u>Nov. 27-Dec. 8</u>	Nov. 27-Dec. 8	((2-pt. min.)) <u>Antlerless only</u>

Pysht Tree Farm (PLWMA 603)

PROPOSED

<u>Hunting Method</u>	<u>1997 Open Season</u>	<u>1998 Open Season</u>	<u>1999 Open Season</u>	<u>Special Restrictions</u>
<u>Archery</u>	<u>Sept. 1-14</u>	<u>Sept. 1-14</u>	<u>Sept. 1-14</u>	<u>Either sex; South Unit 603B</u>
	<u>Sept. 15-30</u>	<u>Sept. 15-30</u>	<u>Sept. 15-30</u>	<u>Antlerless only; North Unit 603B</u>
	<u>Nov. 27-Dec. 31</u>	<u>Nov. 27-Dec. 31</u>	<u>Nov. 27-Dec. 31</u>	<u>Antlerless only; North Unit 603A</u> <u>Either sex; South Unit 603B</u>
<u>Modern Firearm</u>	<u>Oct. 11-19</u>	<u>Oct. 17-25</u>	<u>Oct. 16-24</u>	<u>Buck only; South Unit 603B</u>
	<u>Nov. 14-17</u>	<u>Nov. 13-16</u>	<u>Nov. 12-15</u>	<u>Buck only; South Unit 603B</u>
<u>Muzzleloader</u>	<u>Oct. 4-10</u>	<u>Oct. 10-16</u>	<u>Oct. 9-15</u>	<u>Antlerless only; North Unit 603A</u> <u>Buck only; South Unit 603B</u>

**BLACK BEAR**

Bag Limit: ((~~Fall General~~)) One (1) black bear. Except if a damage bear tag is purchased and a damage season is hunted, then two (2) black bear may be taken.

License and Tag Requirements: A valid hunting license and unaltered, unnotched bear tag(s) are required to hunt black bear. A hound permit is required for each hunter if dogs are used.

Bear Tag Information: A hunter may purchase one (1) damage bear tag and one (1) general bear tag. A damage bear tag allows a hunter to take one (1) bear during the damage season in a damage area, but is not valid during the general season. A general bear tag may be used in a damage season and during the general season to take one (1) bear.

Tag Sale Deadline: Damage bear tags must be purchased, and are only valid prior to August 1, 1997.

General ((~~B~~)) 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~~)) Oct. 10, 1997; Oct. 16, 1998; Oct. 15, 1999.

**BLACK BEAR SEASONS**

**((~~PURSUIT ONLY SEASON~~)) Pursuit Only:**

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, 199((~~4~~))7, 199((~~5~~))8, and 199((~~6~~))9, in GMUs ((~~100-111~~)) 101-109, GMU 113 outside of Selkirk Grizzly Bear Recovery Zone\*, GMUs ((~~118~~)) 117-124 and GMU((~~s 200 and 206~~)) 204.

**Damage:**

July 15-31, 1997; July 15-31, 1998; July 15-31, 1999 in PLWMA 401 and 603, and in GMUs 454, 484, 501, 505, 506, 520, 530, 564, 568, 601, 603, 627, 642, 648, and 667.

Also in GMUs 558 and 572 except closed on the Gifford Pinchot National Forest and on Washington Department of Natural Resource lands.

**General:**

((~~OPEN SEASON~~))  
((~~Bear may be killed~~))

**Eastern Washington**

((~~Sept. 7 Oct. 31, 1994, Sept. 6 Oct. 31, 1995, Sept. 4 Oct. 31, 1996, EXCEPT Sept. 7 Nov. 6, 1994; Sept. 6 Nov. 5, 1995; Sept. 4 Nov. 10, 1996 in GMUs 145-154, 160-185~~))  
Sept. 2-Nov. 6, 1997; Sept. 8-Nov. 6, 1998; Sept. 7-Nov. 6, 1999.

**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 and July 13 Sept. 7 and Sept. 26 Oct. 31 in PLWMA 401. CLOSED in GMUs 485 and 522~~))  
Aug. 1-Nov. 13, 1997; Aug. 1-Nov. 12, 1998; Aug. 1-Nov. 11, 1999, EXCEPT Sept. 2-Nov. 13, 1997; Sept. 8-Nov. 12, 1998; and Sept. 7-Nov. 11, 1999 in Bow Area 802. CLOSED in GMUs 485 and 522. In PLWMA 401, the black bear season is Aug. 1-Sept. 14, and Sept. 28-Nov. 8, 1997, EXCEPT closed to the use of hounds Sept. 1-14, 1997.

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~~)) capable of attracting bear.

Bait Types: It is unlawful to ((~~hunt bear with the aid of~~)) place or to hunt over 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 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.

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 road open to vehicular traffic or publicly maintained trail.

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 returned to pre-baiting condition. Tree stands and materials used to construct and erect tree stands 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.

#### BAIT AND/OR HOUND HUNTING CLOSURES AND RESTRICTIONS

##### Selkirk Grizzly Bear Recovery Zone

Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Selkirk Grizzly Bear Recovery Zone: (Pend Oreille County): Defined as 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 State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

Hunters using bait to hunt black bear outside of the Selkirk Grizzly Bear Recovery Zone but within GMUs 105, 108, 111, or 113, are required to be an AHE graduate or to obtain a ((bait)) bear hunter education certificate from the Washington Department of Fish and Wildlife.

##### North Cascades Grizzly Bear Recovery Zone (Zone)

The use of hounds and bait to hunt black bear is prohibited in the North Cascades National Park Complex and in all portions of GMUs 203, 218, 224, 231, 242, 300, 301, 302, 304, 306, 308, 314, 316, 328, 335, 426, 440, and 450. The use of hounds and bait to hunt black bear is also prohibited within those portions of GMUs 215, 233, 239, 417, 418, 433, 448, and 460 that lie within the North Cascades Grizzly Bear Recovery Zone (Okanogan, Chelan, Kittitas, King, Snohomish, Skagit, and Whatcom counties). For the purposes of this regulation, the Zone boundaries are defined as beginning at the junction of the Canadian-Washington border at the Nighthawk Port of Entry. South and East on the Similkameen Road to the Loomis-Oroville Road. South on the Loomis-Oroville Road to the Town of Loomis. South from the Town of Loomis on the Sinlahekin Road to Conconully. South and West on the West Fork (Salmon Creek) Road to the Okanogan National Forest Boundary. East and South on the Okanogan National Forest Boundary; crossing U.S. Hwy. 20 and South of Loup Loup Summit. Continuing on the Okanogan National Forest boundary South and West to Vinton Road. Vinton Road South and West to Carlton at State Hwy. 153. State Hwy. 153 South and East to Pateros to U.S. Hwy 97. South on U.S. Hwy. 97 to the Okanogan County/Chelan County Line. West on the county line to the exterior boundary of the Wenatchee National Forest. West on the Wenatchee National Forest boundary, crossing Lake Chelan to South Lakeshore Drive. South on South Lakeshore Drive to U.S. Hwy. Alt. 97. South and West on U.S. Hwy. Alt. 97 to its intersection with U.S. Hwys. 2 and 97 at Sunnyslope. South and East on State Hwy. 285 to the Columbia River. South and East along the Columbia River to U.S. Interstate 90 at Vantage. West on U.S. Interstate 90 to the exterior boundary of the Mount Baker Snoqualmie National Forest at Garcia. North on the Mount Baker Snoqualmie National Forest Boundary to U.S. Hwy. 2 at the Skykomish River. U.S. Hwy. 2 west to the Kellog Lake Road. Kellog Lake Road North and West to Sultan Basin Road. Sultan Basin Road North and East to Olney Pass to Williamson Creek Road. North and East on the Williamson Creek Road to the Mount Baker Snoqualmie National Forest Boundary. West and North on the Mount Baker Snoqualmie National Forest Boundary to Pilchuck Mountain. North on the Mount Baker Snoqualmie National Forest Boundary to the South Fork Stilliguamish River. Continuing North on the Mount Baker Snoqualmie National Forest Boundary to Boulder Falls. North and East on Forest Road 2010 to French Creek. North on French Creek to the North Fork Stilliguamish River. West on the North Fork Stilliguamish River to Dicks Creek and the Mount Baker Snoqualmie National Forest Boundary. North on the Mount

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Baker Snoqualmie National Forest Boundary to Cumberland Creek. Cumberland Creek West and North to the Skagit River. The Skagit River East to Grandy Creek. North and East on Grandy Creek to Baker Lake Road. Baker Lake Road North and East to the Whatcom County/Skagit County Line. West on the Whatcom County/Skagit County Line to the Mount Baker Snoqualmie National Forest Boundary at Howard Creek. West and North on the Mount Baker Snoqualmie National Forest Boundary to the Canadian-Washington border. East on the Canadian-Washington border to the point of origin. (See Washington Atlas and Gazetteer)

Hunters using bait to hunt black bear outside the North Cascades Grizzly Bear Recovery Zone but within GMUs 215, 233, 239, 417, 418, 433, 448, and 460, are required to be an AHE graduate or to obtain a ((bait)) bear hunter education certificate from the Washington Department of Fish and Wildlife.

Use of bait and hounds to hunt black bear is prohibited in Walla Walla and Columbia counties outside of the Umatilla National Forest.

Use of hounds is prohibited in GMU 684, and Bow Area 802.

**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.

**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 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 96-21-154  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:52 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-242 1997-98, 1998-99, 1999-2000 Elk hunting seasons and regulations.

**Purpose:** To amend WAC 232-28-242 1997-98, 1998-99, 1999-2000 Elk hunting seasons and regulations, to set general elk hunting seasons for 1997, 1998, and 1999.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** Hunting seasons are proposed to provide recreation opportunity as well as damage control.

**Reasons Supporting Proposal:** See above.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

**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 rule will set time, place, and manner of hunting elk. The purpose will be to manage elk populations for recreation and prevent or alleviate damage. We anticipate about 85,000 elk hunters will participate in elk hunting seasons.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

**Date of Intended Adoption:** December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-242** (~~1994-95, 1995-96, 1996-97~~) **1997-98, 1998-99, 1999-2000 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~~) Only - statewide restriction except for damage areas and special permits identified in the annual hunting pamphlet. 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, 302, 314-329, 335-371, 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, 530, 558, 572, 601, 607, 638, 681; and GMUs 157, 485, 524, 556, and 602 by permit only.))~~

Special Permits: 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 buy the General tag have the first opportunity to hunt bulls. Only those who buy the Permit tag are able to apply for special elk 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))~~ spike antlers are legal throughout the state. ~~((except in GMUs 145-154, 160-185, 302, 314-329, 335-368, and 472 spike bull restrictions apply and in branched antler areas branched antler restrictions apply.))~~ Hunters drawing an any bull permit may take a spike or branch antlered bull. In damage areas special either sex hunts will be identified.

Blue Mountains - Open Area: 100 series GMUs; GMUs 127 and 130 are permit only for modern firearm hunters; and GMU 157 limited by permit to all hunters. ~~((GMUs 145-154, 160-185))~~ All 100 series GMUs are spike bull only, except by permit.

BA - Blue Mountains Archery Tag

BG - Blue Mountains Modern General Bull Tag

~~((BP - Blue Mountains Modern Permit Applicant 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))~~ GMUs 300-334 are spike bull only, except by permit.

CA - Colockum Archery Tag

CG - Colockum Modern General Bull Tag

~~((CP - Colockum Modern Permit Applicant 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, 371, and 372. GMUs 302, 335-371 are spike bull only, except by permit.

YA - Yakima Archery Tag

YG - Yakima Modern General Bull Tag

~~((YP - Yakima Modern Permit Applicant Tag))~~

YM - Yakima Muzzleloader Tag

Western Washington - Open Area: All 400, 500, and 600 GMUs except closed in GMU ~~((417))~~ 418, 522, ~~((621))~~, 636 and modern firearm restrictions in portion of GMU 660. GMUs ~~((417))~~ 418 ~~((Bald Mountain))~~ (Nooksack), ~~((621 (Olympic))~~) and 636 (Skokomish) are closed to all elk hunting as Conservation Closures. Permit only in GMUs 485, 524, 554, 556, ~~((and))~~ 602, 621, and PLWMA 603 (Pysht PLWMA). ~~((GMU 472 is spike bull only, except by permit))~~ All 400, 500, and 600 series GMUs are spike bull only except by permit.

WA - Western Washington Archery Tag

WG - Western Washington Modern General Bull Tag

~~((WP - Western Washington Modern Permit Applicant Tag))~~

WM - Western Washington Muzzleloader Tag

	<u>199((4))7</u>	<u>199((5))8</u>	<u>199((6))9</u>
<b>Blue Mountains</b>			
BG - Blue Mountains Modern General Bull Elk Tag	Oct. ((26)) 29- Nov. 6	Oct. ((25)) 29- Nov. ((5)) 6	Oct. ((30)) 29- Nov. ((10)) 6
<del>((BP - Blue Mountains Modern Permit Applicant Elk Tag))</del>	<del>Oct. 29 Nov. 6</del>	<del>Oct. 28 Nov. 5</del>	<del>Nov. 2-10</del>
<b>Colockum</b>			
CG - Colockum Modern General Bull Elk Tag	Oct. ((26)) 29- Nov. ((3)) 6	Oct. ((26)) 29- Nov. ((3)) 6	Oct. ((26)) 29- Nov. ((3)) 6
<del>((CP - Colockum Modern Permit Applicant Elk Tag))</del>	<del>Oct. 29 Nov. 3</del>	<del>Oct. 29 Nov. 3</del>	<del>Oct. 29 Nov. 3</del>
<b>Yakima</b>			
YG - Yakima Modern General Bull Elk Tag	((Nov. 5-15)) Oct. 29-Nov. 6	((Nov. 5-15)) Oct. 29-Nov. 6	((Nov. 5-15)) Oct. 29-Nov. 6
<del>((YP - Yakima Modern Permit Applicant Elk Tag))</del>	<del>Nov. 8-15</del>	<del>Nov. 8-15</del>	<del>Nov. 8-15</del>
<b>Western Washington</b>			
WG - Western Washington Modern General Bull Elk Tag	Nov. ((2)) 5-13	Nov. ((1-13)) 4-12	Nov. ((6-17)) 3-11
<del>((WP - Western Washington Modern Permit Applicant Elk Tag))</del>	<del>Nov. 5-13</del>	<del>Nov. 4-13</del>	<del>Nov. 9-17</del>

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 a))~~ Archery elk hunters ~~((with tags identified in the Special Permits tables))~~ may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

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	199((4))7 Dates	199((5))8 Dates	199((6))9 Dates	Legal Elk
<del>101-((100-124, 127, 130-))142</del>	BA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>((Either sex)) Spike bull or antlerless</del>
145-154, ((160)) 162-169, 175, 178, 181-((185)) 186	BA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull only
300, 306, 308, 316, ((334 (North of I-90))) 328, 329, 330	CA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>((Either sex)) Spike bull or antlerless</del>
<del>((328, 329, 330</del>	<del>CA</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Sept. 1-14</del>	<del>Spike or antlerless</del>
334 (South of I-90), 371, 372	YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>Either sex, except spike only in GMU 371))</del>
((335)), 336, 340, 352, 356, 364, 371, 372	YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless

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<del>((405-)) 407, 410, 426-((454))484, 490, 504, 505, 510, 513, ((514-)) 516, 520, 550, 554, 558, 560, 564, 568, 572, 574, ((576-)) 578, ((586-)) 588((, 615, 618, 642-658, 660, 663, 667, 669, 672, 678))</del>	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>((Either sex)) Spike bull or antlerless</del>
<del>((460, 466, 478, 490, 512, 530, 558, 572, 601, 638, 681))</del>	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>3 pt. min. or antlerless</del>
601, 603, 607, 612, 615, 618, 642, 648, 651, 658, 660, 663, 667, 672, 673, 681		Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull only Permit on Pysht PLWMA 603 in GMU 603
<del>((472</del>	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>Spike or antlerless</del>
<del>484</del>	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>Either sex</del>
<del>418</del>	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	<del>3 pt. min.</del>
<del>607</del>	WA	No Season	Sept. 1-14	No Season	<del>3 pt. min.</del>
<del>612</del>	WA	Sept. 1-14	No Season	Sept. 1-14	<del>Either sex))</del>
Bow Area 802	WA	Sept. ((+)) 2-14	Sept. ((+)) 8-14	Sept. ((+)) 7-14	((Either sex)) Spike bull only

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	199((4))7 Dates	199((5))8 Dates	199((6))9 Dates	Legal Elk
<del>101, 117, ((403, 418,)) 121, 124, 127, 133</del>	BA	Nov. ((23)) 19- Dec. ((45)) 7	Nov. ((22)) 18- Dec. ((45)) 6	Nov. ((27)) 17- Dec. ((45)) 5	<del>((Either sex)) Spike bull or antlerless</del>
<del>((466)) 162, 178 on private lands only</del>	BA	Nov. ((23)) 19- Dec. ((45)) 7	Nov. ((22)) 18- Dec. ((45)) 6	Nov. ((27)) 17- Dec. ((45)) 5	<del>Spike bull ((only)) or antlerless</del>
328	CA	Nov. ((23)) 19- Dec. ((8)) 7	Nov. ((22)) 18- Dec. ((8)) 6	Nov. ((24)) 17- Dec. ((8)) 5	Spike bull or antlerless
<del>((335)), 336, 346, 352</del>	YA	Nov. ((23)) 19- Dec. ((8)) 7	Nov. ((22)) 18- Dec. ((8)) 6	Nov. ((24)) 18- Dec. ((8)) 5	Spike bull or antlerless
<del>((405-433-)) 407, 437, 454, 484, 505, 506, 520, 530, 564, 588((7))</del>	WA	Nov. ((23)) 19- Dec. ((45)) 14	Nov. ((22)) 18- Dec. ((45)) 13	Nov. ((27)) 17- Dec. ((45)) 12	<del>((Either sex)) Spike bull or antlerless</del>
603, 612, 615, 648, 672, 681*	WA	Nov. 19-Dec. 14	Nov. 18-Dec. 13	Nov. 17-Dec. 12	Spike bull only Closed on Pysht PLWMA 603
<del>((506, 530, 638, 681*))</del>	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	<del>3 pt. min. or antlerless))</del>



Bow Areas

802	WA	Nov. <del>((23))</del> 19- Dec. <del>((15))</del> 14	Nov. <del>((22))</del> 18- Dec. <del>((15))</del> 13	Nov. <del>((27))</del> 17- Dec. <del>((15))</del> 12	<del>((Either sex))</del> <u>Spike bull or antlerless</u>
806, 807	YA	Nov. <del>((23))</del> 19- Dec. <del>((8))</del> 7	Nov. <del>((22))</del> 18- Dec. <del>((8))</del> 6	Nov. <del>((27))</del> 17- Dec. <del>((8))</del> 5	Spike bull or antlerless
841	WA	Nov. <del>((23))</del> 19- Dec. <del>((15))</del> 14	Nov. <del>((22))</del> 18- Dec. <del>((15))</del> 13	Nov. <del>((27))</del> 17- Dec. <del>((15))</del> 12	<del>((Either sex))</del> <u>Spike bull or antlerless</u>

\* 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	199 <del>((4))</del> 7 Dates	199 <del>((5))</del> 8 Dates	199 <del>((6))</del> 9 Dates	Legal Elk
<u>109, 117</u>	<u>BM</u>	<u>Oct. 4-10</u>	<u>Oct. 10-16</u>	<u>Oct. 9-15</u>	<u>Spike bull only</u>
<u>172, 178, 181</u>	BM	Oct. <del>((6-12))</del> <u>4-10</u>	Oct. <del>((5-11))</del> <u>10-16</u>	Oct. <del>((3-9))</del> <u>9-15</u>	Spike bull <del>((only))</del> <u>or antlerless</u>
<del>((302))</del> <u>304,</u> <u>314, 316</u>	CM, <del>((YM))</del>	Oct. <del>((6-12))</del> <u>4-10</u>	Oct. <del>((5-11))</del> <u>10-16</u>	Oct. <del>((3-9))</del> <u>9-15</u>	Spike bull only
<del>((314*))</del>	<del>CM</del>	<del>Oct. 6-12</del>	<del>Oct. 5-11</del>	<del>Oct. 3-9</del>	<del>Spike bull (only))</del>
<del>((342</del>	<del>YM</del>	<del>Oct. 6-12</del>	<del>Oct. 5-11</del>	<del>Oct. 3-9</del>	<del>Antlerless (only))</del>
<u>342, 356, 368</u>	YM	Oct. <del>((6-12))</del> <u>4-10</u>	Oct. <del>((5-11))</del> <u>10-16</u>	Oct. <del>((3-9))</del> <u>9-15</u>	Spike bull only
<u>460, 513, 530,</u> <u>574, 603, 607,</u>	WM	Oct. <del>((6-12))</del> <u>4-10</u>	Oct. <del>((5-11))</del> <u>10-16</u>	Oct. <del>((3-9))</del> <u>9-15</u>	<u>Spike Bull only</u>
<del>((607</del>	<del>WM</del>	<del>Oct. 6-12</del>	<del>No Season</del>	<del>Oct. 3-9</del>	<del>3 pt. min.</del>
<u>612</u>	WM	No Season	Oct. 5-11	No Season	<del>Bull (only))</del>
<del>((460, 506</del>	<del>WM</del>	<del>Oct. 6-12</del>	<del>Oct. 5-11</del>	<del>Oct. 3-9</del>	<del>3 pt. min.))</del>
<u>437, 454, 478,</u> <u>484, 501, 564,</u> <u>684</u>	WM	<del>((Oct. 6-12))</del> <u>Oct. 4-10</u>	<del>((Oct. 5-11))</del> <u>Oct. 10-16</u>	Oct. <del>((3-9))</del> <u>9-15</u>	<del>((Either sex))</del> <u>Spike bull or antlerless</u>

Muzzleloader

Area 910	YM	<del>((Oct. 1-12))</del> <u>Sept. 1-14</u>	<del>((Oct. 1-11))</del> <u>Sept. 1-14</u>	Sept. 1- <del>((15))</del> 14	Spike bull or antlerless
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~~((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.

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GMUs	Elk Tag	199((4)) <u>7</u> Dates	199((5)) <u>8</u> Dates	199((6)) <u>9</u> Dates	Legal Elk.
127, 130, 133, 136, 139	BM	<del>((Nov. 23-Dec. 15))</del> <u>Nov. 19-Dec. 7</u>	<del>((Nov. 22-Dec. 15))</del> <u>Nov. 18-Dec. 6</u>	<del>((Nov. 27-Dec. 15))</del> <u>Nov. 17-Dec. 5</u>	<del>((Either sex))</del> <u>Spike bull or antlerless</u>
<del>((184</del>	<del>BM</del>	<del>Nov. 23-Dec. 15</del>	<del>Nov. 22-Dec. 15</del>	<del>Nov. 27-Dec. 15</del>	<del>Antlerless only))</del>
346	YM	<del>((Nov. 16-19))</del> <u>Nov. 19-Dec. 7</u>	<del>((Nov. 16-19))</del> <u>Nov. 18-Dec. 6</u>	<del>((Nov. 16-19))</del> <u>Nov. 17-Dec. 5</u>	<del>Spike bull only</del> <del>((or antlerless))</del>
<del>((484</del>	<del>WM</del>	<del>Nov. 23-Dec. 15</del>	<del>Nov. 22-Dec. 15</del>	<del>Nov. 27-Dec. 15</del>	<del>Either sex))</del>
454, 478, 484, 501, 504, 505, 568, ((574, 576)) 578, ((586))	WM	<del>((Nov. 23-Dec. 15))</del> <u>Nov. 19-Dec. 7</u>	<del>((Nov. 22-Dec. 15))</del> <u>Nov. 18-Dec. 6</u>	<del>((Nov. 27-Dec. 15))</del> <u>Nov. 17-Dec. 5</u>	<del>((Either sex))</del> <u>Spike bull or antlerless</u>
<del>((505</del>	<del>WM</del>	<del>Nov. 15-20</del>	<del>Nov. 14-19</del>	<del>Nov. 19-24</del>	<del>Either sex))</del>
<del>((504;)) 550, 601</del>	<del>WM</del>	<del>((Nov. 23-Dec. 15))</del> <u>Nov. 19-Dec. 7</u>	<del>((Nov. 22-Dec. 15))</del> <u>Nov. 18-Dec. 6</u>	<del>((Nov. 27-Dec. 15))</del> <u>Nov. 17-Dec. 5</u>	<del>Spike b((B))ull only</del>
<del>((601</del>	<del>WM</del>	<del>Nov. 23-Dec. 15</del>	<del>Nov. 22-Dec. 15</del>	<del>Nov. 27-Dec. 15</del>	<del>3-pt. bull min.))</del>
564, 684	WM	<del>((Nov. 23-Dec. 15))</del> <u>Nov. 19-Dec. 7</u>	<del>((Nov. 22-Dec. 15))</del> <u>Nov. 18-Dec. 6</u>	<del>((Nov. 27-Dec. 15))</del> <u>Nov. 17-Dec. 5</u>	<del>((Either sex))</del> <u>Spike bull or antlerless</u>
<b>Muzzleloader Areas</b>					
910, 944	YM	<del>((Nov. 16-Dec. 8))</del> <u>Nov. 19-Dec. 7</u>	<del>((Nov. 16-Dec. 8))</del> <u>Nov. 18-Dec. 6</u>	<del>((Nov. 16-Dec. 8))</del> <u>Nov. 17-Dec. 5</u>	<del>Spike bull or antlerless</del>
<del>((944</del>	<del>YM</del>	<del>Nov. 16-19</del>	<del>Nov. 16-19</del>	<del>Nov. 16-19</del>	<del>Spike bull or antlerless))</del>

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.

Either Sex Elk Hunts

GMUs	Elk Tag	199((4)) <u>7</u> Dates	199((5)) <u>8</u> Dates	199((6)) <u>9</u> Dates	Legal Elk
<del>((400, 403;)) 101</del> 105, <del>((408;)) 109,</del> 121, 124 west of SR 395, 133, 136, 139	BG, <del>((BP))</del>	Oct. 29-Nov. 6	<del>((Oct. 28-Nov. 5))</del> <u>Oct. 29-Nov. 6</u>	<del>((Nov. 2-10))</del> <u>Oct. 29-Nov. 6</u>	<del>((Either sex))</del> <u>Spike bull or antlerless</u>
127, 130	<u>BA, BG, BM*</u>	<u>Oct. 20-Nov. 20</u>	<u>Oct. 20-Nov. 20</u>	<u>Oct. 20-Nov. 20</u>	<u>Either sex</u>
<del>((178</del>	<del>BG, BP</del>	<del>Nov. 5-6</del>	<del>Nov. 5-6</del>	<del>Nov. 5-6</del>	<del>Either sex))</del>
372	CM, YG, <del>((YP;))</del> YM	<del>((Nov. 5-13))</del> <u>Oct. 29-Nov. 6</u>	<del>((Nov. 5-15))</del> <u>Oct. 29-Nov. 6</u>	<del>((Nov. 5-15))</del> <u>Oct. 29-Nov. 6</u>	Either sex
564**	WA, WM, WG, <del>((WP))</del>	Nov. <del>((2))</del> <u>5-13</u>	<del>((Nov. 1-13))</del> <u>Nov. 4-12</u>	<del>((Nov. 6-17))</del> <u>Nov. 3-11</u>	Either sex
501, 568, 574, <del>((576, 586;)) 578,</del> 588	WG, <del>((WP))</del>	Nov. <del>((2))</del> <u>5-13</u>	<del>((Nov. 1-13))</del> <u>Nov. 4-12</u>	<del>((Nov. 6-17))</del> <u>Nov. 3-11</u>	Either sex
300, 304, 306, 308, 316 east of Highway 2	CG, <del>((CP;))</del> CM	<del>((Dec. 9-18))</del> <u>Dec. 8-21</u>	<del>((Dec. 9-17))</del> <u>Dec. 7-20</u>	<del>((Dec. 9-16))</del> <u>Dec. 6-19</u>	Either sex

Elk Area 001	Any Elk Tag	Nov. 1-15	Nov. 1-15	Nov. 1-15	Either sex
<del>((Elk Area 010</del>	<del>BA, BG, BP, BM**))</del>	<del>Oct. 20 Nov. 20</del>	<del>Oct. 20 Nov. 20</del>	<del>Oct. 20 Nov. 20</del>	<del>Either sex</del>

\*~~((~~) Advanced Hunter Education hunters only.

\*\* 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	199 <del>((5))</del> 7 Open Season	<u>1998 Open Season</u>	199 <del>((6))</del> 9 Open Season	Special Restrictions
Archery	WA	Sept. 1-14	<u>Sept. 1-14</u>	Sept. 1- <del>((13))</del> <u>14</u>	<del>((Spike Bull or))</del> Antlerless <u>only</u>

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: 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.

**WSR 96-21-155**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Wildlife)

[Filed October 23, 1996, 11:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, [lynx,] and bobcat.

Purpose: To amend WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, [lynx,] and bobcat, to provide for a better mechanism of reporting cougar harvest under the proposed cougar quota system.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment reduces the time that hunters have to notify the department of a cougar kill from 72 hours to 24 hours.

Reasons Supporting Proposal: The reduced reporting time is necessary to facilitate a quota system for cougar. Hunting in a cougar unit will remain open until a quota is reached. Closure will depend on timely reporting.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
 Legal Counsel

AMENDATORY SECTION [(Amending Order 94-58, filed 8/31/94)]

**WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.** (1) It is unlawful to possess river otter, cougar, lynx, or bobcat taken in Washington without a department identification seal which has been attached to the raw pelt, on or off the carcass, prior to the pelt sealing deadline.

(2) Any river otter, cougar, or bobcat raw pelt must be presented by the person harvesting the animal, in such a

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manner that teeth and biological samples can be extracted, to an authorized department employee for sealing.

(3) The raw pelt of a bobcat or river otter must be sealed by an authorized department employee within 20 days after the close of the appropriate hunting or trapping season in which it was killed.

(4) Any person who takes a cougar must notify the department within ~~((72))~~ 24 hours of kill ~~((excluding legal state holidays))~~ and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill.

Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(5) It is unlawful to transport or cause the transport out of Washington a raw pelt of river otter, cougar, lynx, or bobcat taken in Washington without a department seal attached to the pelt.

(6) The raw pelt of a river otter, cougar, lynx, or bobcat taken outside Washington and imported into the state must be identified by a tag and/or seal from the state or country of origin and be accompanied by an invoice or declaration specifying the number of pelts in the shipment.

(7) It is unlawful to possess an unlocked, broken, or otherwise open department seal for river otter, cougar, lynx, or bobcat unless the seal wire or band has been cut through and removed from a pelt that has been received and invoiced by a licensed taxidermist or fur dealer for processing or removed from a pelt that has been processed. Taxidermist or fur dealer invoices must be sequentially numbered and record name, address, license number, date received, and seal number. The seal must accompany the pelt while being processed. The pelt must be punched with invoice number at the time of skinning or prior to the removal of the seal.

(8) When a river otter or bobcat is presented unskinned and is to be taken to a taxidermist for processing and will not be sold, an authorized department employee may lock the seal and then cut through the band or wire. The cut seal must be presented to the taxidermist along with the unskinned carcass.

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

**WSR 96-21-156**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-248 1997-1998 Special closures and firearm restriction areas.

Purpose: To amend WAC 232-28-248, special closures and firearms restriction areas, to inform hunters of firearm restriction areas and to adopt special hunting closures.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The major firearm restrictions adopted by county ordinance are adopted to inform hunters of these restrictions. Special closures are designed to provide better management of hunting, safety concerns, or inform hunters of restrictions adopted by other agencies.

Reasons Supporting Proposal: To inform hunters of special closures and firearm restriction areas.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule is adopted primarily for safety reasons. The purpose is to avoid human safety problems. The effect will be to have well managed hunting seasons.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-248 ((1995-96)) 1997-1998 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.

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(~~(-1996)~~). 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 area is closed to

all deer and elk hunting 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, 1996)~~) 26-28. Closed to entry (no trespassing) October (~~(26)~~) 29-November (~~(7, 1996)~~)6.
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)) 26-November ((3, 1996))6.

**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 meeting the equipment restrictions 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 Elma 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 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.

Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
King	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.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road.
Pierce	GMU 480 (Anderson and Ketron islands) limited to archery, shot-

PROPOSED

gun, and muzzleloader shotgun. McNeil Island closed to hunting.

See GMU 484 restriction area outlined for King County.

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.

special hunting seasons to allow hunters to participate in these hunts.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

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

**WSR 96-21-157**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:54 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-249 1997-98 Special species hunting seasons and regulations.

Purpose: To amend WAC 232-28-249 1997-98 Special species hunting seasons and regulations, to provide hunting recreation on selected special species.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special permit only hunting seasons are adopted for mountain goat, mountain sheep, and moose. The hunting seasons will allow limited hunting of these species.

Reasons Supporting Proposal: To provide recreation opportunity.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will adopt a certain number of permits for each hunt. The purpose is to manage the harvest according to management objectives. The effect will be to adopt

AMENDATORY SECTION [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-249** ~~((1996-97))~~ **1997-98 Special species hunting seasons and regulations.**

PERMIT AND HARVEST QUOTAS: 199~~((6))~~7 Permit and harvest quotas are unknown at this time. ~~((Permit))~~ Q~~((q))~~ quotas for 199~~((6))~~7 may be greater or less than last year depending on winter survival.

**MOOSE**

Permit Season: Oct. 1 to Nov. 30, 199~~((6))~~7, both dates inclusive.

Who May Apply: Anyone with a valid 199~~((6))~~7 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 (Selkirk Mtns.)

Moose Unit 2  
GMU 124 (Mount Spokane)

Moose Unit 3  
GMU ~~((118))~~ 117 (49 Degrees North)

~~((Moose Unit 4  
GMU 119))~~

Moose Unit 5  
GMU 109, ((44+)) (Three Forks)

Moose Unit 6  
GMUs 127, 130 (Hangman)

**MOUNTAIN SHEEP (BIGHORN)**

Permit Seasons: Separate seasons are indicated for each bighorn sheep hunt.

PROPOSED

PROPOSED

Who May Apply: Anyone with a valid 199~~((6))~~7 Washington hunting license; EXCEPT those who drew a bighorn permit previously in Washington State.

Bag Limit For Permit Holders: One bighorn ram.

Any Legal Weapon

Sheep Unit 2

Vulcan Mountain

Permit Season: Sept. 15-Oct. ~~((11))~~ 10, both dates inclusive.

Sheep Unit 3

Tucannon River

Permit Season: Sept. 15-Oct. ~~((11))~~ 10, both dates inclusive.

Sheep Unit 4

Selah Butte

Permit Season: Sept. 15-Oct. 10, both dates inclusive.

Sheep Unit 5

Umtanum

Permit Season: Sept. 15-Oct. ~~((11))~~ 10, both dates inclusive.

Sheep Unit 7

Clemon Mountain

Permit Season: Sept. 15-Oct. ~~((11))~~ 10, both dates inclusive.

Sheep Unit 8

Mountainview

Permit Season: Sept. 15-Oct. ~~((11))~~ 10, both dates inclusive.

~~((Sheep Unit 9~~

~~Blackbutte~~

~~Permit Season: Sept. 15-Oct. 11, both dates inclusive.))~~

Sheep Unit 10

Mt. Hull

Permit Season: Sept. 15-Oct. ~~((11))~~ 10, both dates inclusive.

Sheep Unit 11

Wenaha Wilderness

Permit Season: Sept. 15-Oct. ~~((11))~~ 10, both dates inclusive.

Sheep Unit 12

Lincoln Cliffs

Permit Season: Sept. 15-Oct. 10, both dates inclusive.

MOUNTAIN GOAT:

Permit Season: Sept. ~~((14))~~ 13-Oct. 31, 199~~((6))~~7, both dates inclusive, in all goat hunts. Permit hunters may start hunting September 1 with archery equipment.

Who May Apply: Anyone with a valid 199~~((6))~~7 Washington hunting license.

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 Units

Goat Unit 2-1

Mount Chopaka

Goat Unit 2-2

Methow

Goat Unit 3-6

Naches Pass

Goat Unit 3-7

Bumping River

Goat Unit 3-9

Tieton River

Goat Unit 3-10

Blazed Ridge

Goat Unit 3-11

Kachess Ridge

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 4-38

Corral Pass

Goat Unit 5-2

Tatoosh

Goat Unit 5-3

Smith Creek

Goat Unit 5-4

Goat Rocks

~~((Muzzleloading Goat Hunts~~

~~Goat Unit 3-8~~

~~Bumping River~~

~~Archery Goat Hunts))~~

~~((Goat Unit 6-2~~

~~Quileene River\*))~~

Goat Unit 6-3

Hamma Hamma River

~~((Permits may or may not be available for this unit.))~~

~~((NATIVE CATS))~~ COUGAR

A valid hunting license and unaltered, unnotched cougar tag are ((is)) required to hunt (((including pursuit seasons) native cats)) cougar. A hound ~~((stamp))~~ permit is required for all hunters if dogs are used ~~((to hunt any native cats)).~~ Cougar transport tags may be purchased at all department of fish and wildlife license dealerships or offices ~~((and must be in possession while hunting cougar)).~~

Quota Season: Statewide, Sept. 2, 1997-February 28\*, 1998, except CLOSED in PLWMA 401 Sept. 15-27 and Nov. 9-24, 1997 and CLOSED in GMUs 157, 485, and 522.

(Note: Closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 2-Oct. 10, 1997.)

\*Each cougar unit has a total harvest quota. Some units may have area sub-quotas. The quota season for cougar is open in each unit or area until February 28, 1998, but will close in a unit or area sooner when the quota/sub-quota is reached. The Fish and Wildlife Commission has authorized



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the Director to implement emergency unit or area closures in accordance with cougar harvest quotas/sub-quotas.

~~(COUGAR~~

~~Eastern Washington Pursuit Only Season (Cougar may not be killed or injured): Sept. 4 30 and Nov. 27, 1996 Jan. 31, 1997, EXCEPT Nov. 27, 1996 Feb. 28, 1997, in Cougar Units 5 and 6. Note: Closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 4 Oct. 11, 1996.~~

~~Western Washington Pursuit Only Season (cougar may not be killed or injured): Sept. 1 30 and Nov. 27, 1996 Feb. 28, 1997. General Cougar Season (Cougar may be killed. No special permit required. A valid cougar transport tag is required to hunt cougar.): Oct. 12 Nov. 10, 1996.~~

~~Eastern Washington Permit Season (Permit required. Cougar may be killed by permit holders only.): Nov. 27, 1996 Jan. 31, 1997, EXCEPT Nov. 27, 1996 Feb. 28, 1997 in Cougar Units 5 and 6. Note: Closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 4 Oct. 11, 1996.~~

~~Western Washington Permit Season (Permit required. Cougar may be killed by permit holders only.): Nov. 27, 1996 Feb. 28, 1997.~~

~~Who May Apply: Anyone with a valid 1996 Washington hunting license may submit one special permit application for cougar. Successful cougar applicants must purchase a cougar tag before hunting cougar.)~~

~~Bag Limit: One (1) cougar during the ((1996-97)) 1997-98 hunting season except that it is unlawful to kill or possess spotted cougar kittens or adult cougar accompanied by spotted kittens.~~

<del>Hunt No.</del>	<del>Unit No.</del>	<del>((Description))</del>
<del>((9001))</del>	<del>1</del>	<del>Unit Name</del> <del>((Pend Oreille))</del> <del>North Coast</del>
<del>((9002))</del>	<del>(2) 3</del>	<del>South Coast</del> <del>((Colville))</del> <del>Puget Sound</del>
<del>((9003))</del>	<del>(3) 4</del>	<del>((Republic))</del> <del>North Cascades</del>
<del>((9004))</del>	<del>(4) 5</del>	<del>((Spokane))</del> <del>South Cascades</del>
<del>((9005))</del>	<del>(5) 6</del>	<del>((Blue Mountains))</del> <del>East Cascades North</del>
<del>((9006))</del>	<del>(6) 7</del>	<del>((Wenaha))</del> <del>Columbia Basin</del>
<del>((9007))</del>	<del>(7) 8</del>	<del>((Okanogan))</del> <del>East Cascades South</del>
<del>((9008))</del>	<del>(8) 9</del>	<del>((Chelan))</del> <del>Northeast</del>
<del>((9009))</del>	<del>(9) 10</del>	<del>((Yakima))</del> <del>Blue Mountains</del>
<del>((9010))</del>	<del>10</del>	<del>Nooksack</del>
<del>9011</del>	<del>11</del>	<del>Skagit</del>
<del>9012</del>	<del>12</del>	<del>Snoqualmie</del>
<del>9013</del>	<del>13</del>	<del>North Olympic</del> <del>Peninsula</del>

<del>9014</del>	<del>14</del>	<del>South Olympic</del> <del>Peninsula</del>
<del>9015</del>	<del>15</del>	<del>Rainier</del>
<del>9016</del>	<del>16</del>	<del>South Puget Sound</del>
<del>9017</del>	<del>17</del>	<del>Cowlitz</del>
<del>9018</del>	<del>18</del>	<del>Skamania</del>
<del>9019</del>	<del>19</del>	<del>Pacific))</del>

~~((LYNX~~

~~Season closed statewide.))~~

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.

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 96-21-158**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
**(Wildlife)**

[Filed October 23, 1996, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To adopt WAC 232-28-264 1997-98, 1998-99, 1999-2000 Official hunting hours and small game seasons.

Purpose: To adopt WAC 232-28-264 1997, 1998, 1999 Official hunting hours and small game seasons, to set time, place and manner for hunting seasons. Small game seasons are set to provide hunting recreation opportunity.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: To inform hunters of when hunting is permitted and small game seasons provide recreation opportunity.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will set time, place and manner of hunting. The purpose is to manage hunting seasons. We anticipate 200,000 deer hunters and approximately 40,000 small game hunters will participate in these seasons.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**NEW SECTION**

**WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.**

1997-98 OFFICIAL HUNTING HOURS\*  
September 1, 1997 to January 31, 1998

Dates (Inclusive)	Western Washington from		Eastern Washington from	
	A.M. to	P.M.	A.M. to	P.M.
Daylight Savings Time				
Mon. Sept. 1 - Sun. Sept. 7	6:00	7:45	5:50	7:30
Mon. Sept. 8 - Sun. Sept. 14	6:10	7:30	6:00	7:20
Mon. Sept. 15 - Sun. Sept. 21	6:20	7:15	6:10	7:05
Mon. Sept. 22 - Sun. Sept. 28	6:30	7:00	6:15	6:50
Mon. Sept. 29 - Sun. Oct. 5	6:40	6:45	6:30	6:35
Mon. Oct. 6 - Fri. Oct. 10	6:45	6:30	6:35	6:25
Opening Oct. 11 ** Sat.	6:50	6:30	6:40	6:15
Weekend** Oct. 12 Sun.	6:50	6:30	6:40	6:15
Mon. Oct. 13 - Sun. Oct. 19	7:00	6:20	6:50	6:10
Mon. Oct. 20 - Sat. Oct. 25	7:10	6:10	7:00	5:55
Pacific Standard Time				
Mon. Oct. 27 - Sun. Oct. 26	6:15	5:00	6:00	4:50
Mon. Nov. 3 - Sun. Nov. 9	6:20	4:55	6:15	4:45
Mon. Nov. 10 - Sun. Nov. 16	6:30	4:45	6:20	4:30
Mon. Nov. 17 - Sun. Nov. 23	6:40	4:35	6:30	4:25
Mon. Nov. 24 - Sun. Nov. 30	6:50	4:30	6:40	4:15
Mon. Dec. 1 - Sun. Dec. 7	7:00	4:20	6:50	4:10
Mon. Dec. 8 - Sun. Dec. 14	7:10	4:20	7:00	4:10
Mon. Dec. 15 - Sun. Dec. 21	7:15	4:20	7:05	4:05
Mon. Dec. 22 - Sun. Dec. 28	7:20	4:20	7:10	4:10
Mon. Dec. 29 - Sun. Jan. 4	7:25	4:25	7:15	4:10
Mon. Jan. 5 - Sun. Jan. 11	7:25	4:30	7:15	4:15
Mon. Jan. 12 - Sun. Jan. 18	7:25	4:35	7:15	4:25
Mon. Jan. 19 - Sun. Jan. 25	7:25	4:45	7:10	4:35
Mon. Jan. 26 - Sat. Jan. 31	7:20	4:55	7:05	4:45
Mon. Jan. 26 - Sat. Jan. 31	7:10	5:00	7:00	4:50

\* These are lawful hunting hours for all game animals and game birds during established seasons.

\*\* Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, 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. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. Novem-

ber-January; and 7:00 a.m. to 4:00 p.m. February-March.

- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

1998-99 OFFICIAL HUNTING HOURS\*  
September 1, 1998 to January 31, 1999

Dates (Inclusive)	Western Washington from		Eastern Washington from	
	A.M. to	P.M.	A.M. to	P.M.
Daylight Savings Time				
Tues. Sept. 1 - Sun. Sept. 6	6:00	7:45	5:50	7:35
Mon. Sept. 7 - Sun. Sept. 13	6:10	7:35	6:00	7:20
Mon. Sept. 14 - Sun. Sept. 20	6:20	7:20	6:05	7:05
Mon. Sept. 21 - Sun. Sept. 27	6:30	7:05	6:15	6:50
Mon. Sept. 28 - Sun. Oct. 4	6:40	6:50	6:25	6:35
Mon. Oct. 5 - Sun. Oct. 11	6:45	6:35	6:25	6:25
Mon. Oct. 12 - Fri. Oct. 16	6:55	6:20	6:45	6:10
Opening Oct. 17 ** Sat.	6:55	6:20	6:35	6:25
Weekend** Oct. 18 Sun.	6:55	6:20	6:35	6:25
Mon. Oct. 19 - Sat. Oct. 24	7:05	6:10	6:55	6:00
Pacific Standard Time				
Mon. Oct. 26 - Sun. Oct. 25	6:10	5:00	6:00	4:50
Mon. Oct. 26 - Sun. Nov. 1	6:20	4:55	6:05	4:45
Mon. Nov. 2 - Sun. Nov. 8	6:30	4:45	6:15	4:35
Mon. Nov. 9 - Sun. Nov. 15	6:40	4:35	6:30	4:25
Mon. Nov. 16 - Sun. Nov. 22	6:50	4:30	6:40	4:15
Mon. Nov. 23 - Sun. Nov. 29	7:00	4:25	6:50	4:10
Mon. Nov. 30 - Sun. Dec. 6	7:10	4:20	6:55	4:10
Mon. Dec. 7 - Sun. Dec. 13	7:15	4:20	7:05	4:05
Mon. Dec. 14 - Sun. Dec. 20	7:20	4:20	7:10	4:10
Mon. Dec. 21 - Sun. Dec. 27	7:25	4:20	7:15	4:10
Mon. Dec. 28 - Sun. Jan. 3	7:25	4:30	7:15	4:15
Mon. Jan. 4 - Sun. Jan. 10	7:25	4:35	7:15	4:25
Mon. Jan. 11 - Sun. Jan. 17	7:25	4:45	7:10	4:30
Mon. Jan. 18 - Sun. Jan. 24	7:20	4:55	7:05	4:40
Mon. Jan. 25 - Sat. Jan. 31	7:10	5:00	7:00	4:50

\* These are lawful hunting hours for all game animals and game birds during established seasons.

\*\* Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, 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. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1999-2000 OFFICIAL HUNTING HOURS\*  
September 1, 1999 to January 31, 2000

Dates (Inclusive)	Western Washington from		Eastern Washington from	
	A.M. to	P.M.	A.M. to	P.M.
Daylight Savings Time				
Wed. Sept. 1 - Sun. Sept. 5	6:00	7:45	5:45	7:35
Mon. Sept. 6 - Sun. Sept. 12	6:05	7:35	5:50	7:20
Mon. Sept. 13 - Sun. Sept. 19	6:15	7:20	6:05	7:10
Mon. Sept. 20 - Sun. Sept. 26	6:25	7:10	6:15	6:50
Mon. Sept. 27 - Sun. Oct. 3	6:35	6:50	6:25	6:40
Mon. Oct. 4 - Sun. Oct. 10	6:45	6:40	6:35	6:25
Mon. Oct. 11 - Fri. Oct. 15	6:50	6:25	6:45	6:15
Opening Oct. 16 ** Sat.	6:50	6:25	6:45	6:15
Weekend** Oct. 17 Sun.	6:50	6:25	6:45	6:15

Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:15	6:55	6:00
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15	6:00	7:05	5:45
Pacific Standard Time								
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25	4:45	6:15	4:35
Mon.	Nov. 8	-	Sun.	Nov. 14	6:35	4:40	6:25	4:25
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	4:30	6:35	4:20
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:25	6:45	4:10
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:20	6:50	4:10
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10	4:20	7:00	4:05
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:20	7:05	4:05
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:25	7:10	4:10
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:25	7:15	4:15
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	4:35	7:15	4:20
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	4:40	7:10	4:30
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	4:50	7:05	4:45
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:00	7:00	4:50

\* These are lawful hunting hours for all game animals and game birds during established seasons.

\*\* Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, 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. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird 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.

Bobcat may be killed during modern firearm deer or elk seasons with modern firearm equipment if valid license and tags are in possession for deer or elk seasons, respectively. Modern Firearm hunters may not kill bobcat with use of hounds during any modern firearm deer or elk seasons.

**Eastern Washington**

**PURSUIT-ONLY SEASON**

(Bobcat may not be killed or injured.)

Sept. 2-Dec. 14, 1997; Sept. 8-Dec. 14, 1998; Sept. 7-Dec. 14, 1999; except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 2-Oct. 10, 1997; Sept. 8-Oct. 16, 1998; and Sept. 7-Oct. 15, 1999.

**OPEN SEASON**

(Bobcat may be killed)

Dec. 15, 1997-Jan. 31, 1998; Dec. 15, 1998-Jan. 31, 1999; Dec. 15, 1999-Jan. 31, 2000.

**Western Washington**

**PURSUIT-ONLY SEASON**

(Bobcat may not be killed or injured.)

Aug. 1-Oct. 10, 1997; Aug. 1-Oct. 16, 1998; Aug. 1-Oct. 15, 1999; except CLOSED in GMU 522.

**OPEN SEASON**

(Bobcat may be killed.)

Oct. 11, 1997-Mar. 15, 1998; Oct. 17, 1998-Mar. 15, 1999; Oct. 16, 1999-Mar. 15, 2000; 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.

**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.

PROPOSED

Eastern WashingtonPURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Sept. 2-Oct. 10, 1997; Sept. 8-Oct. 16, 1998; Sept. 7-Oct. 15, 1999; except CLOSED to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest.

OPEN SEASON

(Raccoon may be killed)

Oct. 11, 1997-Jan. 31, 1998; Oct. 17, 1998-Jan. 31, 1999; Oct. 16, 1999-Jan. 31, 2000.

Western WashingtonPURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Aug. 1-Oct. 10, 1997; Aug. 1-Oct. 16, 1998; Aug. 1-Oct. 15, 1999; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

OPEN SEASON

(Raccoon may be killed).

Oct. 11, 1997-Mar. 15, 1998; Oct. 17, 1998-Mar. 15, 1999; Oct. 16, 1999-Mar. 15, 2000; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

FOX

Bag and Possession Limits: No limits.

Statewide: Oct. 11, 1997-Mar. 15, 1998; Oct. 17, 1998-Mar. 15, 1999; Oct. 16, 1999-Mar. 15, 2000, 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. 2, 1997-Jan. 31, 1998; Sept. 8, 1998-Jan. 31, 1999; Sept. 7, 1999-Jan. 31, 2000; except year around in Grant, Adams, Benton, and Franklin counties.

Western Washington

Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; Aug. 1, 1999-Mar. 15, 2000.

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 1997, 1998, and 1999; 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. 11-Dec. 31, 1997; Noon Oct. 17-Dec. 31, 1998; Noon Oct. 16-Dec. 31, 1999.

Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

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.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Mountain Quail

Season closed throughout eastern Washington

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. 1, 1997-Jan. 11, 1998; Noon Oct. 17, 1998-Jan. 10, 1999; Noon Oct. 16, 1999-Jan. 9, 2000.

Yakama Indian Reservation: The 1996-97, 1997-98, 1998-99, 1999-2000 Upland Bird Seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western WashingtonRing-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. 20-26, 1997; Sept. 26-Oct. 2, 1998; and Sept. 25-Oct. 1, 1999 for juvenile hunters under 15 and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Sept. 27-Nov. 30, 1997; Oct. 3-Nov. 30, 1998; and Oct. 2-Nov. 30, 1999; 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 11, 1997; Oct. 17, 1998; Oct. 16, 1999; 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 1997, 1998, 1999 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 year is not limited. Hunters may only possess one valid permit at a time.

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) Skookumchuck and Scatter Creek wildlife areas. Only hunters with Western Washington Upland Bird Permits marked "odd" may hunt these sites from 8:00 a.m. until 10:00 a.m. 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 10:00 a.m. on even numbered weekend days. Hunters that select the two day option, senior hunters 65 years of age or older, 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. 11-Nov. 30, 1997; Oct. 17-Nov. 30, 1998; Oct. 16-Nov. 30, 1999. 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. 11-Nov. 30, 1997; Oct. 17-Nov. 30, 1998; Oct. 16-Nov. 30, 1999; except CLOSED in GMU 522.

#### TURKEY

##### Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1997; April 15-May 15, 1998; and April 15-May 15, 1999.

##### Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999. 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 day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in 1997, 1998 and 1999; 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: All multiple tags must be purchased by April 14 each year; a single statewide tag may be purchased at any time.

Hunting Hours: One-half hour before sunrise to 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.

#### BIRD DOG TRAINING SEASON

Jan. 1-Mar. 15, 1997; Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; and Aug. 1, 1999-Mar. 15, 2000, except from Sept. 27-Nov. 30, 1997, Oct. 3-Nov. 30, 1998, and Oct. 2-Nov. 30, 1999, 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 Six - Scatter Creek Wildlife Area.

#### CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for 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. 1-15, 1997; Sept. 1-15, 1998; Sept. 1-15, 1999.

Open Area: Clark, Cowlitz, Pacific, and Wahkiakum counties.

Early September Canada Goose season for the remainder of western Washington and all of eastern Washington.

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

September 6-12, 1997; September 8-14, 1998; September 7-13, 1999.

Open Area: Statewide, except Clark, Cowlitz, Pacific, and Wahkiakum counties.

#### BAND-TAILED PIGEON

Closed Season Statewide.

#### 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, 1997; Sept. 1-15, 1998; and Sept. 1-15, 1999; except CLOSED in GMU 522.

#### RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and Jackrabbit.

Bag and Possession Limits: Five (5) rabbits or hares per day, with a total of fifteen (15) in possession at any time; straight or mixed bag.

Statewide: Jan. 1, 1997-Mar. 15, 1997; Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000; except CLOSED in GMU 522.

#### Crows

Bag and Possession Limits: No limits.

Statewide: Oct. 1, 1997-Jan. 31, 1998; Oct. 1, 1998-Jan. 31, 1999; Oct. 1, 1999-Jan. 31, 2000

#### 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, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000.

##### Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec 31, 1997; Sept. 1-15 and Oct. 1-Dec. 31, 1998; and Sept. 1-15 and Oct. 1-Dec. 31, 1999.

##### Cottontail and Hare - Falconry

Daily bag: Five (5) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; Aug. 1, 1999-Mar. 15, 2000, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

**WSR 96-21-159  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:56 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To adopt WAC 232-28-265 1997-98 Deer and elk permit hunting seasons.

Purpose: To adopt WAC 232-28-265 1997-98 Deer and elk permit hunting seasons, to adopt special deer and elk permit quotas to manage population levels and provide recreation opportunity.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Hunting seasons are proposed to provide recreation opportunity, alleviate damage problems and yet conserve the elk and deer resource.

Reasons Supporting Proposal: Hunting season permit levels help control damage and/or provide recreation opportunity.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will establish permit quotas for every special hunt. The purpose is to reduce damage problems and/or provide recreation opportunity. The effect will be to manage the deer and elk population.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

## NEW SECTION

### **WAC 232-28-265 1997-98 Deer and elk permit hunting seasons.**

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	Sherman	Oct. 11-28	Whitetail, Antlerless Only	GMU 101
1002	Kelly Hill	Oct. 11-28	Whitetail, Antlerless Only	GMU 105
1003	Threeforks A	Oct. 11-28	Whitetail, Antlerless Only	GMU 109
1004	Threeforks B	Nov. 26-30	Whitetail, Buck Only	GMU 109
1005	Selkirk	Oct. 13-28	Whitetail, Antlerless Only	GMU 113
1006	49 Degrees North A	Oct. 13-28	Whitetail, Antlerless Only	GMU 117
1007	49 Degrees North B	Nov. 26-30	Whitetail, Buck Only	GMU 117
1008	Huckleberry	Oct. 13-28	Whitetail, Antlerless Only	GMU 121
1009	Mt. Spokane	Oct. 13-28	Whitetail, Antlerless Only	GMU 124
1010	Mica Peak	Nov. 8-16	Whitetail, Antlerless Only	GMU 127
1011	Cheney	Nov. 8-16	Antlerless Only	GMU 130
1012	Roosevelt A	Nov. 8-16	Antlerless Only	GMU 133
1013	Harrington	Nov. 8-16	Antlerless Only	GMU 136
1014	Steptoe	Nov. 8-16	Antlerless Only	GMU 139
1015	Almota A	Nov. 8-16	Antlerless Only	GMU 142
1016	Mayview A	Nov. 8-16	Antlerless Only	GMU 145
1017	Prescott	Nov. 8-16	Antlerless Only	GMU 149
1018	Blue Creek A	Nov. 8-16	Whitetail, Antlerless Only	GMU 154
1019	Dayton	Nov. 8-16	Whitetail, Antlerless Only	GMU 162
1020	Marengo A	Nov. 8-16	Whitetail, Antlerless Only	GMU 163
1021	Peola	Nov. 8-16	Antlerless Only	GMU 178
1022	Couse	Nov. 8-16	Whitetail, Antlerless Only	GMU 181
1023	Blue Mtns. Foothills A	Dec. 8-15	Whitetail, 3 Pt. Min. or Antlerless	GMUs 149,154, 162-166
1024	Blue Mtns. Foothills B	Dec. 8-15	Whitetail, 3 Pt. Min. or Antlerless	GMUs 145, 172-181
1025	East Okanogan	Dec. 8-15	Whitetail, Either Sex	GMU 204
1026	West Okanogan	Dec. 8-15	Whitetail, Either Sex	GMUs 209, 218-233
1027	Wannacut A	Nov. 8-16	Antlerless Only	GMU 209
1028	Sinlahekin A	Nov. 8-16	Whitetail, Antlerless Only	GMU 215
1029	Chewuch	Nov. 8-16	Antlerless Only	GMU 218
1030	Pearygin	Nov. 8-16	Antlerless Only	GMU 224
1031	Gardner	Nov. 8-16	Antlerless Only	GMU 231
1032	Pogue	Nov. 3-9	Antlerless Only	GMU 233
1033	Chiliwist	Dec. 8-15	Whitetail, Either Sex	GMU 239
1034	Big Bend A	Oct. 11-19	Antlerless Only	GMU 248
1035	Badger	Oct. 11-19	Antlerless Only	GMU 266
1036	Moses Coulee A	Oct. 11-19	Antlerless Only	GMU 269
1037	Beezley	Oct. 11-19	Antlerless Only	GMU 272
1038	Kahlotus	Oct. 11-19	Antlerless Only	GMU 284
1039	Lake Sacajawea	Oct. 11-19	Antlerless Only	Deer Area 030

## 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

1997 Permit quotas are unknown at this time. Permit quotas may be greater or less than permits authorized in 1996 depending on winter survival. Please do not call Department offices for permit quotas. Quotas will be established at the April 1997, Fish and Wildlife Commission meeting.



1040	Entiat	Nov. 1-12	Antlerless Only	GMUs 306, 308
1041	Wenatchee A	Nov. 1-15	Antlerless Only	Portion of GMU 314*
1042	Guemes Island A	Oct. 11-28	Either Sex**	Guemes Island in GMU 407
1043	Guemes Island B	Nov. 1-21	Either Sex**	Guemes Island in GMU 407
1044	Green River A	Oct. 18-28	Either Sex	GMU 485
1045	Green River B	Oct. 18-28	Antlerless Only	GMU 485
1046	Lincoln	Oct. 18-28	Either Sex	GMU 501
1047	Mossyrock	Oct. 18-28	Either Sex	GMU 505
1048	Willapa Hills	Oct. 18-28	Either Sex	GMU 506
1049	Stormking	Oct. 18-28	Either Sex	GMU 510
1050	South Rainier	Oct. 18-28	Either Sex	GMU 513
1051	Packwood	Oct. 18-28	Either Sex	GMU 516
1052	Winston	Oct. 18-28	Either Sex	GMU 520
1053	Ryderwood	Oct. 18-28	Either Sex	GMU 530
1054	Coweeman	Oct. 18-28	Either Sex	GMU 550
1055	Marble	Oct. 18-28	Either Sex	GMU 558
1056	Lewis River	Oct. 18-28	Either Sex	GMU 560
1057	Washougal	Oct. 18-28	Either Sex	GMU 568
1058	Siouxon	Oct. 18-28	Either Sex	GMU 572
1059	West Klickitat	Oct. 18-28	Either Sex	GMU 578
1060	East Klickitat	Oct. 18-28	Either Sex	GMU 582
1061	Grayback	Oct. 18-28	Either Sex	GMU 588
1062	Hoko	Oct. 18-28	Either Sex	GMU 601
1063	Pysht	Oct. 18-28	Either Sex	GMU 603
1064	Soleduck	Oct. 18-28	Either Sex	GMU 607
1065	Goodman	Oct. 18-28	Either Sex	GMU 612
1066	Clearwater	Oct. 18-28	Either Sex	GMU 615
1067	Olympic	Oct. 18-28	Either Sex	GMU 621
1068	Coyle	Oct. 18-28	Either Sex	GMU 624
1069	Mason Lake	Oct. 18-28	Either Sex	GMU 633
1070	Skokomish	Oct. 18-28	2 Pt. Min. or Antlerless	GMU 636
1071	Wynoochee	Oct. 18-28	Either Sex	GMU 648
1072	North River	Oct. 18-28	Either Sex	GMU 658
1073	Minot Peak	Oct. 18-28	Either Sex	GMU 660
1074	Capitol Peak	Oct. 18-28	Either Sex	GMU 663
1075	Deschutes	Oct. 18-28	Either Sex	GMU 666
1076	Skookumchuck A	Oct. 18-28	Either Sex	GMU 667
1077	Fall River	Oct. 18-28	Either Sex	GMU 672
1078	Williams Creek	Oct. 18-28	Either Sex	GMU 673

\*Successful applicants will be mailed a map of the hunt boundary.

\*\*Permit hunters may purchase additional deer tag for 2 deer limit.

**ANY BUCK PERMITS**

In addition to the general seasons for modern firearm archery and muzzleloader, additional buck permits will be available in the units in the table below. Modern firearm, muzzleloader and archery tag holders may apply for these permits. The permit seasons will be as follows for each user group. Modern firearm - Nov. 5-11; Muzzleloader Nov. 14-20; Archery - Nov. 26-Dec. 7.

Hunt No.	Hunt Name	Special Restrictions	Boundary Description
1079	Sinlahekin	Any Buck	GMU 215
1080	Chewuch	Any Buck	GMU 218
1081	Pearygin	Any Buck	GMU 224
1082	Gardner	3 Pt. Min.	GMU 231
1083	Pogue	Any Buck	GMU 233
1084	Chiliwist	Any Buck	GMU 239
1085	Manson	Any Buck	GMU 300
1086	Chiwawa	Any Buck	GMU 304

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1087	Entiat	Any Buck	GMU 308
1088	Mission	Any Buck	GMU 314
1089	Swakane	Any Buck	GMU 316
1090	Teanaway	Any Buck	GMU 335
1091	Taneum	Any Buck	GMU 336
1092	Naches	Any Buck	GMU 346
1093	Nile	Any Buck	GMU 352
1094	Bumping	Any Buck	GMU 356
1095	Bethel	Any Buck	GMU 360
1096	Rimrock	Any Buck	GMU 364
1097	Cowiche	Any Buck	GMU 368
1098	Kiona	Any Buck	GMU 372
1099	Mt. Adams	Any Buck	Elk Area 059

DEER MUZZLELOADER ONLY

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1100	Stella	Nov. 26- Dec. 7	Either Sex	GMU 504
1101	Yale	Nov. 26- Dec. 7	Either Sex	GMU 554

YOUTH HUNTER OPPORTUNITY

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1102	Prescott B	Oct. 1-8	Antlerless Only	GMU 149
1103	Marengo B	Oct. 1-8	Antlerless Only	GMU 163
1104	Blue Mtns. Foothills C	Oct. 11-19	Antlerless Only	GMUs 149, 154, 162-166
1105	Blue Mtns. Foothills D	Oct. 11-19	Antlerless Only	GMUs 145, 172-181
1106	Big Bend B	Oct. 11-19	Either Sex	GMU 248
1107	Toutle	Oct. 11-28	Either Sex	GMU 556
1108	Wind River	Oct. 11-28	2 Pt. Min. or Antlerless	GMU 574
1109	Satsop	Oct. 18-28	Either Sex	GMU 651
1110	Skookumchuck B	Oct. 18-28	Either Sex	GMU 667

SENIOR HUNTER OPPORTUNITY

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1111	Prescott C	Oct. 11-19	Antlerless Only	GMU 149
1112	Marengo C	Oct. 11-19	Antlerless Only	GMU 163

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1113	Cheney	Nov. 15-23	Whitetail, 3 Pt. Min. or Antlerless	GMU 130
1114	Roosevelt B	Nov. 15-23	Whitetail, 3 Pt. Min. or Antlerless	GMU 133
1115	Almota	Nov. 15-23	Whitetail, 3 Pt. Min. or Antlerless	GMU 142
1116	Wenatchee B	Nov. 15-23	Either Sex	Portion of GMU 314*
1117	Mt. Adams	Oct. 1-10	2 Pt. Min. or Antlerless	Elk Area 059

\*Successful applicants will be mailed a map of the hunt boundary.

SPECIAL HUNTS FOR PERSONS OF DISABILITY

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 may apply for these permits.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1118	Blue Mtn. Foothills E	Dec. 8-15	3 Pt. Min. or Antlerless	GMUs 149, 154, 162-166
1119	Threeforks	Nov. 19-23	Whitetail, Either Sex	GMU 109
1120	Big Bend C	Oct. 11-19	Antlerless Only	GMU 248
1121	Entiat	Nov. 1-15	Antlerless Only	GMU 308
1122	Green River C	Oct. 18-28	Antlerless Only	GMU 485
1123	Margaret	Oct. 11-28	Antlerless Only	GMU 524
1124	Bear River	Oct. 11-28	2 Pt. Min. or Antlerless	GMU 681

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 30 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 manager 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 manager. There are no access fees for hunts B, C, D, or E, but the manager or his representative will accompany all deer hunters on these hunts. All hunters shall have a valid hunting license, deer tag, and written authorization from the manager to participate in these hunts. All other hunting regulations apply.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
*	Wilson A	Oct. 1- Dec. 31	Buck Only (Access Fee)	PLWMA 201
1125	Wilson B	Oct. 1- Dec. 31	Buck Only, Youth Hunters Only**	PLWMA 201
1126	Wilson C	Oct. 1- Dec. 31	Antlerless Only, Youth Hunters Only**	PLWMA 201
1127	Wilson D	Oct. 1- Dec. 31	Antlerless Only, Persons of Disability Only	PLWMA 201
1128	Wilson E	Oct. 1- Dec. 31	Antlerless Only, AHE Hunters Only	PLWMA 201
1129	Wilson F	Sept. 1-30	Archery, Buck Only (Access fee)	PLWMA 201
1130	Wilson G	Jan. 1-31	Archery, Buck Only (Access fee)	PLWMA 201

\* No hunt number because hunter must contact manager, 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 Number	Permit Season	Special Restrictions	Boundary Description
1131	Kapowsin North	50	Dec. 13-17	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401A North
1132	Kapowsin Central	100	Dec. 13-17	Antlerless Only	PLWMA 401B Central
1133	Kapowsin South	100	Dec. 13-17	Antlerless Only, Youth or Persons of Disability Only	PLWMA 401C South

CHAMPION BUCK PERMITS

Only hunters possessing a valid deer tag (any 1997 deer tag) are eligible for Champion buck permits. There will be 14 permits for Champion North, 28 permits for Champion Central, and 8 permits for Champion South. Persons interested in these deer permits should contact Champion International, 31716 Camp 1 Road, Orting, WA 98360. The season dates are Nov. 9-24, 1997.

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**Pysht Tree Farm**

Hunt No.	Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
1134	Pysht North A	15	Sept. 1-14	Archery, Antlerless Only	PLWMA 603 North
1135	Pysht North B	40	Oct. 19-28	Antlerless Only	PLWMA 603 North
1136	Pysht North C	30	Nov. 10-24	3 Pt. Min. or Antlerless	PLWMA 603 North
1137	Pysht South A	40	Oct. 19-28	Antlerless Only	PLWMA 630 South

**LIMITED ENTRY ONLY BUCK HUNTS**

Deer hunting in the units listed below will be limited to permit only hunting. Modern firearm, archery, and muzzleloader tag holders may apply for these permits. The permit seasons will be as follows: Archery Sept. 1-17; Muzzleloader Oct. 1-10; Modern Firearm Oct. 11-19. Hunters drawn for these permits will be required to send their deer tag to Department of Fish and Wildlife Headquarters in Olympia and have their deer tag stamped "Quality Hunt Only". Washington Department of Fish and Wildlife will return the tag to sender. If drawn and validated, this is the only deer hunt a person can hunt for deer in 1997.

Hunt No.	Hunt Name	Special Restrictions	Boundary Description
1138	Alta	Any Buck	GMU 242
1139	Desert	Any Buck	GMU 290
1140	Slide Ridge	Any Buck	GMU 306
1141	Naneum	Any Buck	GMU 328
1142	Quilomene	Any Buck	GMU 329
1143	West Bar	Any Buck	GMU 330
1144	Alkali	Any Buck	GMU 372

**SPECIAL ELK PERMIT HUNTING SEASONS**

(Open to Permit Holders Only)

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).

**MODERN FIREARM PERMIT HUNTS**

Use the **FOUR DIGIT HUNT NUMBER** on your application.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2001	Northeast A	Nov. 2-6	Antlerless Only	BG or BM	GMU 109, 113, 124 east of SR 395
2002	Mica, Cheney	Oct. 11-Nov. 6	Antlerless Only	BG or GM	GMU 127-130
2003	Chelan A	Nov. 2-6	Antlerless Only	CG or CM	GMU 300, 301, 304, 308, 316
2004	Naneum A	Nov. 2-6	Antlerless Only	CG or CM	GMU 328
2005	Shushuskin A	Nov. 15-Dec. 15	Antlerless Only	CG or CM	Elk Area 031
2006	Shushuskin B	Dec. 16-Jan. 15, 1998	Antlerless Only	CG or CM	Elk Area 031
2007	Malaga A	Sept. 1-Oct. 3	Antlerless Only	CG or CM	Elk Area 032
2008	Malaga B	Nov. 7-Dec. 31	Antlerless Only	CG or CM	Elk Area 032
2009	Peshastin A	Sept. 1-Oct. 3	Antlerless Only	CG or CM	Elk Area 033
2010	Peshastin B	Nov. 7-Dec. 31	Either Sex	CG or CM	Elk Area 033
2011	Brushy	Sept. 20-22	Antlerless Only	CG or CM	Elk Area 035
2012	Quilomene A	Nov. 2-6	Antlerless Only	CG or CM	GMU 329
2013	West Bar A	Oct. 26	Antlerless Only	CG or CM	GMU 330
2014	West Bar B	Oct. 27	Antlerless Only	CG or CM	GMU 330
2015	West Bar C	Oct. 28	Antlerless Only	CG or CM	GMU 330
2016	Taneum A	Nov. 2-6	Antlerless Only	YG or YM	GMU 336
2017	Manastash A	Nov. 2-6	Antlerless Only	YG or YM	GMU 340
2018	Umtanum A	Nov. 2-6	Antlerless Only	YG or YM	GMU 342
2019	Little Naches A	Nov. 2-6	Antlerless Only	YG or YM	GMU 346
2020	Nile	Nov. 2-6	Antlerless Only	YG or YM	GMU 352
2021	Bumping	Nov. 2-6	Antlerless Only	YG or YM	GMU 356
2022	Bethel A	Nov. 2-6	Antlerless Only	YG or YM	GMU 360
2023	Rimrock A	Nov. 2-6	Antlerless Only	YG or YM	GMU 364

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2024	Cowiche A	Nov. 2-6	Antlerless Only	YG or YM	GMU 368
2025	Lincoln	Nov. 9-13	Antlerless Only	WG or WM	GMU 501
2026	Willapa Hills	Nov. 9-13	Antlerless Only	WG or WM	GMU 506
2027	Packwood	Nov. 9-13	Antlerless Only	WG or WM	GMU 516
2028	Winston	Nov. 9-13	Antlerless Only	WG or WM	GMU 520
2029	Margaret Cow	Nov. 9-13	Antlerless Only	WG or WM	GMU 524
2030	Ryderwood	Nov. 9-13	Antlerless Only	WG or WM	GMU 530
2031	Coweeman	Nov. 9-13	Antlerless Only	WG or WM	GMU 550
2032	Toutle Cow	Nov. 9-13	Antlerless Only	WG or WM	GMU 556
2033	Marble	Nov. 9-13	Antlerless Only	WG or WM	GMU 558
2034	Lewis River	Nov. 9-13	Antlerless Only	WG or WM	GMU 560
2035	Washougal	Nov. 9-13	Antlerless Only	WG or WM	GMU 568
2036	Siouxon	Nov. 9-13	Antlerless Only	WG or WM	GMU 572
2037	Wind River	Nov. 9-13	Antlerless Only	WG or WM	GMU 574
2038	West Klickitat	Nov. 9-13	Antlerless Only	WG or WM	GMU 578
2039	Grayback	Nov. 9-13	Antlerless Only	WG or WM	GMU 588
2040	Minot Peak	Nov. 9-13	Antlerless Only	WG or WM	GMU 660
2041	Skookumchuck	Nov. 9-13	Antlerless Only	WG or WM	GMU 667
2042	Williams Creek	Nov. 9-13	Antlerless Only	WG or WM	GMU 673
2043	Curtis	Dec. 20-31	Antlerless Only	WG or WM	Elk Area 050
2044	Boistfort A	Jan. 1-15, 1998	Antlerless Only	WG or WM	Elk Area 054
2045	East Valley	Jan. 1-15, 1998	Antlerless Only	WG or WM	Elk Area 055

ADVANCED HUNTER EDUCATION (AHE) PROGRAM  
 Hunters with any elk tag are eligible to apply for these hunts.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
2046	Shushuskin B	Dec. 16-30	Antlerless Only	Elk Area 031
2047	Margaret	Oct. 1-10	Any Elk	GMU 524
2048	Quinalt Ridge	Oct. 1-9	Any Bull	GMU 638
2049	Skookumchuck	Oct. 1-8	Either Sex	GMU 667
2050	South Bank A	Jan. 1-15, 1998	Antlerless Only	Elk Area 062
2051	South Bank B	Jan. 16-31, 1998	Antlerless Only	Elk Area 062

ANY BULL PERMITS

In addition to the general seasons for modern firearm, archery and muzzleloader, additional bull permits will be available in the units in the table below. Modern firearm, archery, and muzzleloader tag holders may apply for these permits. The permit season will be as follows for each user group.

- Modern Firearm - Westside: Nov. 2-13; Eastside: Oct. 26-Nov. 6
- Archery - Sept. 1-14
- Muzzleloader - Oct. 1-10

Hunt No.	Hunt Name	Elk Tag Prefix	Boundary Description
2052	Northeast B	Any Blue Mountain Tag	GMUs 101-124
2053	Mica Peak	Any Blue Mountain Tag	GMU 127
2054	Cheney	Any Blue Mountain Tag	GMU 130
2055	Roosevelt	Any Blue Mountain Tag	GMU 133
2056	Harrington	Any Blue Mountain Tag	GMU 136
2057	Steptoe	Any Blue Mountain Tag	GMU 139
2058	Almota	Any Blue Mountain Tag	GMU 142
2059	Blue Creek	Any Blue Mountain Tag	GMU 154
2060	Dayton	Any Blue Mountain Tag	GMU 162
2061	Tucannon	Any Blue Mountain Tag	GMU 166
2062	Wenaha B	Any Blue Mountain Tag	GMU 169
2063	Mtn. View A	Any Blue Mountain Tag	GMU 172
2064	Peola A	Any Blue Mountain Tag	GMU 178
2065	Grande Ronde	Any Blue Mountain Tag	GMU 186
2066	Chelan B	Any Colockum Tag	GMUs 300, 301, 304, 308, 316
2067	Naneum B	Any Colockum Tag	GMU 328

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2068	Quilomene B	Any Colockum Tag	GMU 329
2069	Peaches Ridge	Any Yakima Tag	GMUs 336, 346
2070	Observatory	Any Yakima Tag	GMUs 340, 342
2071	Goose Prairie	Any Yakima Tag	GMUs 352, 356
2072	Bethel B	Any Yakima Tag	GMU 360
2073	Rimrock B	Any Yakima Tag	GMU 364
2074	Cowiche B	Any Yakima Tag	GMU 368
2075	White River	Any Western Washington Tag	GMU 472
2076	Mashel	Any Western Washington Tag	GMU 478
2077	Elochoman	Any Western Washington Tag	GMUs 506,530
2078	White Pass	Any Western Washington Tag	GMUs 510, 513, 516
2079	Winston	Any Western Washington Tag	GMU 520
2080	Coweeman	Any Western Washington Tag	GMU 550
2081	Gifford	Any Western Washington Tag	GMUs 558,560
2082	Skamania	Any Western Washington Tag	GMUs 572, 574
2083	Klickitat	Any Western Washington Tag	GMUs 578-588
2084	Ozette	Any Western Washington Tag	GMUs 601, 602
2085	Olympic	Any Western Washington Tag	GMU 621
2086	Bogachiel	Any Western Washington Tag	GMUs 607, 612
2087	Queets	Any Western Washington Tag	GMUs 615, 618
2088	Humptulips	Any Western Washington Tag	GMUs 638, 642, 648
2089	Shelton	Any Western Washington Tag	GMUs 633, 651
2090	Raymond	Any Western Washington Tag	GMUs 658 660, 672
2091	Naselle	Any Western Washington Tag	GMUs 673, 681, 684
2092	Littlerock	Any Western Washington Tag	GMUs 663, 667

LIMITED ENTRY ONLY BULL HUNTS

Elk hunting in the units listed below will be limited to permit hunting only. Modern Firarm, archery and muzzleloader tag holders may apply for these permits. The permit seasons will be as follows:

- Archery: Sept. 1-14, except GMU 157 Oct. 29-Nov. 6; and GMU 485 Nov. 2-13
- Muzzleloader: Oct. 1-10, except GMU 157 Oct. 29-Nov. 6; and GMU 485 Nov. 2-13
- Modern Firearm: Eastern Washington Oct. 26-Nov. 6; Western Washington Nov. 2-13

Hunters drawn for these permits will be required to send their elk tag to Washington Department of Fish and Wildlife headquarters in Olympia and have their elk tag stamped "Quality Hunt Only." Washington Department of Fish and Wildlife will return the tag to sender. If drawn and validated, this is the only elk hunt a person can hunt for elk in 1997. In the two watershed areas, GMUs 157 and 485, all hunters must hunt at the same time and archers and muzzleloaders must wear hunter orange.

Hunt No.	Hunt Name	Special Restrictions	Elk Tag Prefix	Boundary Description
2093	Watershed	Any Bull or Antlerless	BA, BG, BM	GMU 157
2094	Wenaha	Any Bull	BA, BG, BM	GMU 169
2095	Alpine	Any Bull	CA, CG, CM or YA, YG, YM	GMU 302
2096	Teanaway	Any Bull	CA, CG, CM or YA, YG, YM	GMU 335
2097	Little Naches B	Any Bull	YA, YG, YM	GMU 346
2098	Bumping	Any Bull	YA, YG, YM	GMU 356
2099	White River	Any Bull	WA, WG, WM	GMU 472
2100	Green River	Any Bull or Antlerless	WA, WG, WM	GMU 485
2101	Margaret	Any Bull	WA, WG, WM	GMU 524
2102	Toutle	Any Bull	WA, WG, WM	GMU 556
2103	Dickey Bull	Any Bull	WA, WG, WM	GMU 602

PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

**Champion's Kapowsin Tree Farm**  
Champion Application Bull Permits

Only hunters possessing a valid elk tag (any 1997 elk tag) and meeting the special restrictions noted for each hunt are eligible for Champion access permits on PLWMA 401. There will be few hunters authorized to hunt branched bulls Sept. 15-27.

Persons interested in applying for a Champion draw Branched Bull permit should inquire at: Champion International, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call Champion at (206) 879-4200.

**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 Number	Permit Season	Special Restrictions	Boundary Description
2104	Kapowsin North	10	Nov. 25-Dec. 4	Antlerless Only	PLWMA 401A
2105	Kapowsin Central	5	Nov. 25-Dec. 4	Antlerless Only	PLWMA 401B
2106	Kapowsin South	5	Nov. 25-Dec. 4	Antlerless Only	PLWMA 401C

**SPECIAL HUNTS FOR PERSONS OF DISABILITY**

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 may apply.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
3001	Quilomene C	Oct. 29-Nov. 6	Antlerless Only	CG or CM	GMU 329
3002	Manastash B	Oct. 29-Nov. 6	Antlerless Only	YG or YM	GMU 340
3003	Little Naches C	Oct. 1-10	Antlerless Only	YG or YM	GMU 346
3004	Green River Cow B	Nov. 5-13	Antlerless Only	WG or WM	GMU 485
3005	Centralia Mine A	Nov. 22-23	Antlerless Only	Any Elk Tag	Portion of GMU 667*
3006	Centralia Mine B	Nov. 29-30	Either Sex	Any Elk Tag	Portion of GMU 667*
3007	South Bank C	Dec. 10-20	Antlerless Only	Any Elk Tag	Elk Area 062

\*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	Dec. 1- Jan. 31, 1998	Antlerless Only	BM	GMU 154
4002	Couse	Dec. 1- Jan. 31, 1998	Antlerless Only	BM	GMU 181
4003	Cle Elum A	Sept. 1-30	Either Sex	YM	ML Area 910
4004	Cle Elum B	Nov. 16-Dec. 8	Either Sex	YM	ML Area 910
4005	Mashel	Nov. 15-Dec. 8	Antlerless	WM	GMU 478
4006	Stella	Nov. 26-Dec. 7	Either Sex	WM	GMU 504
4007	Boistfort B	Jan. 16-31, 1998	Antlerless Only	WM	Elk Area 054
4008	Yale	Nov. 26-Dec. 7	Either Sex	WM	GMU 554
4009	Toledo	Jan. 2-16, 1998	Antlerless Only	WM	Elk Area 029
4010	North River	Nov. 18-Dec. 6	Antlerless Only	WM	GMU 658
4011	Elwha	Dec. 15- Jan. 15, 1998	Antlerless Only	WM	ML Area 962
4012	Fall River	Oct. 1-10	Spike Bull Only	WA, WM	GMU 672

**Poacher Reward Permit Hunt (Tentative)**

Individuals turning in information leading to the arrest and conviction of the following big game violations are eligible: hunting in closed seasons (RCW 77.16.020); use of spot lights for hunting (RCW 77.16.050); exceeding the bag limit (RCW 77.16.020); and/or waste of game meat (RCW 77.16.090).

To be eligible for Poacher Reward Permit Hunts, an individual must apply for a special deer or elk permit for the current year. In the event that more than one person turns in a single poacher, only one individual with the most timely and applicable information on the poaching will be eligible for the Poacher Reward Permit Hunts. The following Poacher Reward Permit Hunt for Deer and Poacher Reward Permit Hunt for Elk will be authorized:

PROPOSED

Species	Hunt Name	Permit Season	Specific Restrictions	Boundary Descriptions
Deer	Desert B	Oct. 11-19	Any Buck	GMU 290
Elk	Margaret B	Oct. 29-Nov. 6	Any Bull	GMU 524

**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.

Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**WSR 96-21-160**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02210 Game management units (GMUs)—Special game areas—Boundary descriptions—Deer area descriptions.

Purpose: To amend WAC 232-28-02210, deer area descriptions, to set special game areas for hunting purposes.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

Reasons Supporting Proposal: Amending special game areas directs hunters to damage areas and areas of game abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North,

AMENDATORY SECTION [(Amending WSR 96-04-027, filed 2/1/96)]

**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. 020 Desert (Grant County): That part of GMU 278 (Wahluke) north of O'Sullivan Road and east of Beverly Road.))~~

**Deer Area No. 030 Lake Sacajawea:** That part of GMU 284 (Kahlotus) east of State Highway 12, south of the Pasco-Kahlotus Road and west of the McCoy Canyon Road.

**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))~~

**Deer Area No. 062 Indian Island (Kitsap County):** Indian Island in Jefferson County.

**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 96-21-161**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Wildlife)

[Filed October 23, 1996, 11:57 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-18-046.

**Title of Rule:** To amend WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

**Purpose:** To amend WAC 232-28-02220, elk area descriptions, to set special game areas for hunting purposes.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

**Reasons Supporting Proposal:** Amending special game areas directs hunters to damage areas and areas of game abundance.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

**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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

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**Hearing Location:** Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

**Date of Intended Adoption:** December 6, 1996.

Evan Jacoby  
 Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**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 Umtanum Road and the Yakima River; then west along Umtanum Road to Manastash Road; then north on Manastash Road to Cove Road; then south and west on Cove Road to Hanson Road and Umtanum Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north (upstream) 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. 035 Brushy (Kittitas County):** Beginning at the mouth of Brushy Creek on the Columbia River; west up Brushy Creek to Road 14 to the top of the hill in Section 13, T19N, R21E; west on the old Brushy Road (Rd. 13.25) to the junction of the Crossover Road (Rd. 13); northeast on the Crossover Road to the Brewton Road (Rd. 11); east on the Brewton Road to Road 14; east on Road 14 to Road 14.14; east on Road 14.14 to the stock fence; northeast along the stock fence to the Cape Horn Cliffs; southeast along the cliffs to Road 14.14; to Road 14.17; to Road 14; to Tekison Creek down Tekison Creek to the Columbia River and down the Columbia River to the point of beginning. ~~((Beginning at the mouth of Brushy Creek on the Columbia River; then west up Brushy Creek to Road 14; then north on Road 14 to the top of the hill in Section 13, T19N, R21E; then northeast to the end of the open road in Tekison Creek (Section 6, T19N, R21E); then east along Tekison Road and Tekison Creek to the Columbia River; then south along the Columbia River to Brushy Creek and point of beginning.))~~ ~~((See Washington Atlas & Gazetteer))~~

**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 Pacific 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. 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 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. 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 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. ((~~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-Wishkah Cutoff Road in Section 21, T19N, R9 W.W.M;

then east on the East Hoquiam-Wishkaw Cutoff Road to its junction with the Wishkaw 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:** 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 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 96-21-162  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02230 Game management units (GMUs)—Special game areas—Boundary descriptions—Bow and arrow area descriptions.

Purpose: To amend WAC 232-28-02230, bow and arrow area descriptions, to set special game areas for hunting purposes.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

Reasons Supporting Proposal: Amending special game areas directs hunters to damage areas and areas of game abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

PROPOSED

AMENDATORY SECTION ((Amending Order 647, filed 5/10/94))

**WAC 232-28-02230 Game management units (GMUs)—Special game areas—Boundary descriptions—Bow and arrow area descriptions.**

**Bow Area No. 802 Long Island (Pacific County):** Long Island in Pacific County. ((~~See Washington Atlas & Gazetteer~~))

**Bow Area No. 806 Rattlesnake (Yakima County):** Beginning at the point where USFS Road 1500 crosses Little Rattlesnake Creek, near Hanging Tree Campground; then southwest up Little Rattlesnake Creek to USFS Road 1500; then north along Road 1500 to USFS Trail 1101 (MJB Trail); then northwest along MJB Trail to USFS Trail 1114; then north along USFS Trail 1114 to USFS Trail 981; then west along Trail 981 to USFS Trail 982; then northeast along USFS Trail 982 to USFS Trail 973; then northwest along USFS Trail 973 to the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road 1502; then east on USFS Road 1502 to USFS Road 1500; then east on USFS Road 1500 to Little Rattlesnake Creek and the point of beginning. ((~~See Wenatchee National Forest map~~))

**Bow Area No. 807 Ahtanum (Yakima County):** That part of GMU 368 which lies west of the following boundary; beginning at the junction of the North and South fork of Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road C1050); then north on DNR Road C1050 to South Fork of Cowiche Creek; then east down South Fork Cowiche Creek to the power line which crosses near the mouth of Reynolds Creek; then northwest along the powerline to Jump Off (USFS Road 1302). Except closed east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two miles west of the Tampico Store. ((~~See Wenatchee National Forest map~~))

**Bow Area No. 808 Acme (Whatcom County):** Beginning at the Town of Acme; then north on Highway 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of T38N, R5E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway 9; then north along Highway 9 to Acme and the point of beginning. ((~~See Washington Atlas & Gazetteer~~))

**Bow Area No. 820 Malott (Okanogan County):** Beginning at the Town of Riverside; then south down the Okanogan River to U.S. Highway 97 bridge at mouth of river; then west on U.S. Highway 97 through the Town of

Brewster to the Indian Dan Canyon Road; then north to Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff; then west on Hanford Cutoff to the North Star Road; then north on North Star Road to junction with Chiliwist Road then east on Chiliwist Road to junction with Olema/Cook Mt. Road; then north on Olema/Cook Mt. Road to its junction with Highway 20; then east on Highway 20 to the junction with Buzzard Lake Road; then north on Buzzard Lake Road to the junction with Windy Hill Road; then east on Windy Hill Road to its junction with Spring Coulee/Salmon Creek Road; then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road; then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff Road; then northeast on the Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. ((~~See Washington Atlas & Gazetteer~~))

**Bow Area No. 841 Skagit (Skagit County):** Beginning at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); then east along the CP 132 Road to the CP 130 Road; then east and south along the CP 130 Road; then west, south and east along the CP 110 Road to Childs Creek; then south down Childs Creek to SR 20; then east on SR 20 to Grandy Creek; then south down Grandy Creek to the Skagit River; then west down the main channel of the Skagit River to Hansen Creek; then north up Hansen Creek to SR 20; then east on SR 20 to the Helmick Road; then north on the Helmick Road to the CP 190 Road (Cokedale Road); then north along the CP 190 to the CP 132 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.

**WSR 96-21-163  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Purpose: To amend WAC 232-28-02240, muzzleloader area descriptions, to set special game areas for hunting purposes.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

Reasons Supporting Proposal: Amending special game areas directs hunters to damage areas and areas of game abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director,

Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.**

**Muzzleloader Area No. 908 Acme (Whatcom County):** Same as Bow Area No. 808. ~~((See Washington Atlas & Gazetteer))~~

**Muzzleloader Area No. 910 Cle Elum (Kittitas County):** Beginning at Easton; then southeast along the main BPA Powerlines to Big Creek; then west and south on the Big Creek Trail to its junction with USFS Road 4517; then east on USFS Road 4517 to its junction with Spur Road 117 (at the powerlines); then to Granite Creek Trail 1326; then south on Granite Creek Trail 1326 to the top of South Cle Elum Ridge; then east along the ridge on Granite Creek Trail 1326 to Spur Road 111; then east on Road 111 to the Peoh Point Road (3350); then southeast on Road 3350 to the junction with Road 3352; then east on Road 3352 to the Cedar Creek Road; then south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road to Interstate Highway 90; then east on I-90 to Exit 106 and junction with U.S. Highway 97; then north on U.S. Highway 97 to Hungary Junction Road and east on Hungary Junction Road to Look Road; then south on Look Road to Brick Mill Road; then east on Brick Mill Road to Venture Road to Lyons Road; then east on Lyons Road to Fox Road; then south on Fox Road to Christensen Road; then east on

Christensen Road to Parke Creek Road; then east and north on Parke Creek Road to the BPA powerlines (Section 22, T18N, R20E) north of Parke Creek Group Home; then northwest along BPA Powerlines to Colockum Pass Road; then north on the Colockum Pass Road to upper powerlines (Section 16, T19N, R20E); then west along BPA powerlines to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reeceer Creek Road, USFS Road 35; then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718 Cougar Gulch Road; then southwest on USFS Road 9718 through the town of Liberty to U.S. Highway 97; then north on U.S. Highway 97 to USFS Road 9738, Blue Creek; then west on USFS Road 9738 to USFS Road 9702 Dickey Creek; then west on USFS Road 9702 to the North Teanaway Road; then south to the junction with Middle Fork Teanaway Road; then west on Middle Fork Road 1/4 mile to Teanaway Campground; then south up #17 Canyon Road to Cle Elum Ridge Road; then west along Cle Elum Ridge Road and south to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. ~~((See Wenatchee National Forest map and Washington Atlas & Gazetteer))~~

**Muzzleloader Area No. 921 Baleville (Pacific County):** Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line; then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. ~~((See Washington Atlas & Gazetteer))~~

**Muzzleloader Area No. 925 Ritzville (Adams County):** Beginning at the junction of Interstate 90 and S.R. 261 near the Town of Ritzville; then south along S.R. 261 to S.R. 26; then east on S.R. 26 to the Whitman County line; then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; then north along the Adams, Lincoln County line to Interstate 90; then west along Interstate 90 to point of beginning. ~~((See Washington Atlas & Gazetteer))~~

**Muzzleloader Area No. 926 Guemes (Skagit County):** That part of GMU 405 (Chuckanut) on Guemes Island.

**Muzzleloader Area No. 940 Coal Creek (Skagit County):** Beginning at the point where State Highway 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hanson Creek; then south down Hanson Creek to State Highway 20 to Childs Creek and point of beginning.

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**Muzzleloader Area No. 944 Clemen (Yakima County):** That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); then north to USFS Road 1712; then east on USFS Road 1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway 410 and to point of beginning. ((See ~~Wenatchee National Forest map~~)))

**Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County):** Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the South Fork Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 Road; then northeast on the 440 Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. ((See ~~Washington Atlas & Gazetteer~~)))

**Muzzleloader Area No. 961 Hoko River (Clallam County):** Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park Boundary near Lake Ozette. ((See ~~Olympic National Forest map~~)))

**Muzzleloader Area No. 962 Elwha (Clallam County):** Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park Boundary; then along Olympic National Park Boundary to the section line between Sections 32 and 33 of T30N, R7 W.W.M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. ((See ~~Washington Atlas & Gazetteer~~)))

**Muzzleloader Area No. 963 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) beginning at the junction of Wright Canyon Road and South Shore Road; then north to the shoreline of Lake Quinault; then north along Lake Quinault to the Olympic National Park (ONP) boundary; then east along ONP boundary to its intersection with the South Shore Road and U.S. Forest Service boundary; then west along the U.S. Forest Service boundary to the Wright Canyon Road Junction with the South Shore Road and point of beginning.

**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 96-21-164  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02250 Game management units (GMUs)—Special game areas—Boundary descriptions—Goat units.

Purpose: To amend WAC 232-28-02250, goat units, to set special game areas for hunting purposes.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

Reasons Supporting Proposal: Amending special game areas directs hunters to damage areas and areas of game abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-02250 Game management units (GMUs)—Special game areas—Boundary descriptions—Goat units.**

**Goat Unit 2-1 Mount Chopaka:** Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down the Similkameen River and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up Toats Coulee Creek and north up the North Fork Toats Coulee Creek; then up Snowshoe Creek to



Snowshoe Mountain; then north to the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; **EXCEPT CLOSED** in T39N, R25EWM, which includes Grandview Mountain.

**Goat Unit 2-2 Methow Area:** Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

**Goat Unit 3-1 East Stevens Pass:** Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning **EXCEPT** those lands within 1/2 mile of Alpine Lookout.

**Goat Unit 3-2 North Wenatchee Mountains:** Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

**Goat Unit 3-3 Goat and Davis Mountains:** Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

**Goat Unit 3-4 Snoqualmie:** Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail 1322; then southwest along the Trail Creek Trail to the Waptus River Trail 1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

**Goat Unit 3-5 Cle Elum:** Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and point of beginning.

**Goat Unit 3-6 Naches Pass:** Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

**Goat Unit 3-7 Bumping River:** Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; **EXCEPT** Timberwolf Mountain, which is closed.

**Goat Unit 3-8 Bumping River:** Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; **EXCEPT** Timberwolf Mountain, which is closed.

**Goat Unit 3-9 Tieton River:** Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

**Goat Unit 3-10 Blazed Ridge:** Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork; Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

**Goat Unit 3-11 Kachess Ridge:** Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

**Goat Unit 4-1 Ruth Creek Area:** Permit Area: Whatcom County within the Mt. Baker Wilderness of the Mt. Baker-Snoqualmie National Forest north of the North Fork Nooksack River.

**Goat Unit 4-3 Chowder Ridge:** Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier

to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

**Goat Unit 4-4 Lincoln Peak:** Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail 603 (5,000 ft.); then west along Baker Pass Trail 603 to the Ridley Creek Trail (690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

**Goat Unit 4-6 Dillard Creek:** Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

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

**Goat Unit 4-8 East Ross Lake:** Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State

Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

**Goat Unit 4-9 Jack Mountain:** Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

**Goat Unit 4-10 Majestic Mountain:** Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park Boundary; then east along the park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

**Goat Unit 4-12 Mt. Tommy Thompson:** Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northernmost extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southernmost extension of Muchler Creek; then northeast down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

**Goat Unit 4-14 Mt. Buckindy:** Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suitttle River; then east up the Suitttle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek; then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then southwest up Muchler Creek to its

southernmost extension; then continue southwest over the ridgetop at 6,921 foot elevation to the northernmost extension of Buck Creek; then continue southwest down Buck Creek to the Suiate River and the point of beginning.

**Goat Unit 4-16 Glacier Peak:** Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately 1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiate River to Mill Creek; then up the Mill Creek Trail (790) and the Pacific Crest Trail (2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest; then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

**Goat Unit 4-18 Sauk River:** Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail 646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail 1051; then east along said trail to the Pacific Crest Trail (2000); then north along the Pacific Crest Trail past White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

**Goat Unit 4-21 Liberty Mountain:** Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then south along the Darrington-Clear Creek Road (USFS Road 20) to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail 712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

**Goat Unit 4-23 Twin Peaks:** Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail 645 to USFS Road 4060; then south down said road to the Mountain Loop Highway (Forest Road 20); then east and north on said highway to Falls Creek and the point of beginning.

**Goat Unit 4-24 Sloan Peak:** Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail 1051; then

southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail 708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

**Goat Unit 4-25 Vesper Peak:** Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail 707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmback Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the Mountain Loop Highway bridge over Bear Creek and the point of beginning.

**Goat Unit 4-30 Tolt River:** Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacled Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to the point of beginning.

**Goat Unit 4-32 Foss River:** Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail 1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail 1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down

said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

**Goat Unit 4-34 Pratt River:** Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

**Goat Unit 4-38 Corral Pass:** Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

**Goat Unit 5-2 Tatoosh:** Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

**Goat Unit 5-3 Smith Creek:** Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

**Goat Unit 5-4 Goat Rocks:** Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

~~((Goat Unit 6-1 Elwha River: Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.))~~

**Goat Unit 6-2 Quilcene River:** Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

**Goat Unit 6-3 Hamma Hamma River:** Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

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 96-21-165**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02260 Game management units (GMUs)—Special game areas—Boundary descriptions—Moose units.

Purpose: To amend WAC 232-28-02260, moose units, to set special game areas for hunting purposes.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

Reasons Supporting Proposal: Amending special game areas directs hunters to damage areas and areas of game abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 650, filed 5/10/94)]

**WAC 232-28-02260 Game management units (GMUs)—Special game areas—Boundary descriptions—Moose units.**

**Moose Unit 1 Selkirk Mountains:**

Permit Area: GMU 113.

**Moose Unit 2 Mt. Spokane:**

Permit Area: GMU 124.

**Moose Unit 3 Chewelah:**

Permit Area: GMU 118.

**Moose Unit 4 Boyer:**

Permit Area: GMU 119.

**Moose Unit 5 Alladin:**

Permit Area: GMU 108 and 111.

**Moose Unit 6 Hangman:**

Permit Area: GMUs 127 and 130.

**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.

**WSR 96-21-166  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:59 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-18-046.

**Title of Rule:** To amend WAC 232-28-02270 Game management units (GMUs)—Special game areas—Boundary descriptions—Bighorn sheep units.

**Purpose:** To amend WAC 232-28-02270, bighorn sheep units, to set special game areas for hunting purposes.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

**Reasons Supporting Proposal:** Amending special game areas directs hunters to damage areas and areas of game abundance.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

**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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

**Date of Intended Adoption:** December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-02270 Game management units (GMUs)—Special game areas—Boundary descriptions—Bighorn sheep units.**

**Sheep Unit 1 Okanogan:** Permit Area: Okanogan County west of the Okanogan River.

**Sheep Unit 2 Vulcan Mountain:** Permit Area: Ferry County north of the Kettle River.

**Sheep Unit 3 Tucannon River:** Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

**Sheep Unit 5 Umtanum:** Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of U.S. Highway 90 and west of Yakima River.

**Sheep Unit 4 Selah Butte:** Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and west of the Yakima Training Center.

**Sheep Unit 6 Murray:** Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of U.S. Highway 90.

**Sheep Unit 7 Clemon Mountain:** Permit Area: Yakima County within the following described area: Beginning at the mouth of Wenas Creek on the Yakima River; then Northwest up Wenas Creek to Malloy Road; then west on Malloy Road to USFS Road 1701; then west on USFS Road 1701 to State Highway 410; then southeast on Highway 410 to U.S. Highway 12; then southeast on Highway 12 to the

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Yakima River at Yakima; then north on the Yakima River to the mouth of Wenas Creek and point of beginning.

**Sheep Unit 8 Mountainview:** Permit Area: That part of Asotin County within the following described boundary: Beginning at Anatone; then west along the main Big Butte-Mount Misery Road to its junction with the Mountain Road (40); then south along the Mountain Road to the West Fork of Grouse Creek; then southeast down Grouse Creek to the Oregon-Washington boundary; then east along said boundary to State Highway 129; then north along State Highway 129 to Anatone and point of beginning.

**Sheep Unit 9 Blackbutte:** Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couze) that drains into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway 129.

**Sheep Unit 10 Mt. Hull:** Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

**Sheep Unit 11 Wenaha Wilderness:** Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

**Sheep Unit 12 Lincoln Cliffs:** Permit Area: That part of Lincoln County north of Highway 2.

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

**WSR 96-21-167  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions—Cougar areas.

Purpose: To amend WAC 232-28-02280, cougar areas, to set special game areas for hunting purposes.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special game areas are amended primarily for damage control, but in some cases population management is an important consideration.

Reasons Supporting Proposal: Amending special game areas directs hunters to damage areas and areas of game abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504;

and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule will specify the geographic area for hunting. The purpose is to control damage in most cases. The effect will be to reduce damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTIONS** [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions—Cougar areas.**

**COUGAR PERMIT AREA DESCRIPTIONS**

Unit No.	((Description)) Unit Name
1	<u>((Pend Oreille—GMU 113)) North Coast: 601-621, 636-648</u>
2	<u>South Coast: 501, 504, 506, 530, 651-663, 672-684</u>
<del>((2—</del>	<del>Colville—GMUs 108, 111, 118, and 119))</del>
3	<u>Puget Sound—407, 410, 454, 484, 624-633, 666, 667</u>
<del>((3—</del>	<del>Republic—GMUs 100, 103, 105, 200, and 206))</del>
4	<u>North Cascades: 418-437, 448-460</u>
<del>((4—</del>	<del>Spokane—GMUs 121 and 124))</del>
5	<u>South Cascades: 466-472, including PLWMA 401, 490, 505, 510-520, 524, 550-574</u>
<del>((5—</del>	<del>Blue Mountains—GMUs 145-154, 160-166 and 172-185))</del>
6	<u>East Cascades North: 203, 209, 215-242, 300-328, 335</u>
<del>((6—</del>	<del>Wenaha—GMU 169))</del>
7	<u>Columbia Basin: 136-142, 248, 254, 260-284, 329, 330, 371, 372</u>

- ~~(7) Okanogan GMUs 203, 209-242, and 300))~~
- ~~8 East Cascades South: 334, 336, 340-368, 578-588~~
- ~~(8 Chelan GMUs 301-335)~~
- ~~9 Northeast: 101-133, 204~~
- ~~(9 Yakima GMUs 336-372))~~
- ~~10 Blue Mountains: 145-154, 162-169, 172-186~~
- ~~((10 Nooksack GMUs 417, 418~~
- ~~11 Skagit GMUs 426, 433, 440-448, and 450~~
- ~~12 Snoqualmie GMUs 454, 460, 466, 472, and 490~~
- ~~13 North Olympic Peninsula GMUs 601-615, that portion of GMU 621 north of the Dosewallips River, and GMU 624~~
- ~~14 South Olympic Peninsula GMUs 618, 636, 638, 642, 648, and that portion of GMU 621 south of the Dosewallips River~~
- ~~15 Rainier GMUs 478 (including PLWMA 401), 484 (including PLWMA 401), 505, 510, 512, 514, 516, and 667~~
- ~~16 South Puget Sound GMUs 627, 633, 651, 663, and 666~~
- ~~17 Cowlitz GMUs 520, 550, 556, and 558~~
- ~~18 Skamania GMUs 560, 568, 572, 574, and 576~~
- ~~19 Pacific GMUs 658, 660, 669, 672, 678, 681, and 684))~~

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 96-21-168**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Wildlife)

[Filed October 23, 1996, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.

Purpose: To amend WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one, to clarify game management unit boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Separate game management unit boundaries are established to regulate hunting opportunities.

Reasons Supporting Proposal: Game management unit designations are important to manage game populations according to abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule defines game management unit boundaries. The purpose is to direct hunters to areas of game abundance. The effect will be to manage hunters by directing them to specific game management units.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending Order 639, filed 5/10/94)]

**WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.**

**GMU ((100-CURLEW)) 101-SHERMAN (Ferry and Okanogan counties):** Beginning at the Kettle River, Kipuna Road and the Canadian border near the Customs Office; then east on the border to the Kettle River near ((Danville; then south along the Kettle River to Curlew; then northeast on the Deer Creek Boulder Creek Road to the Kettle Crest Trail 13; then south on Kettle Crest Trail 13 to USFS Road 250; then south on USFS Road 250 to the northern boundary of the Colville Indian Reservation in southeast 1/4 of Section 32; then west on the reservation boundary to Highway 21; then north on Highway 21 to Republic and Highway 20; then northwest on Highway 20 to Wauconda and the Toroda Creek Road; then northeast on the Toroda Creek Road to Toroda, and the mouth of Toroda Creek on the Kettle River; then north on the Kettle River and the point of beginning. (See Colville National Forest map)

PROPOSED



**GMU 103-BOULDER (Ferry County):** ~~Beginning at the Kettle River and the Canadian border near Danville; then east on the border to the Kettle River near~~ Laurier; then south along the Kettle River and the Ferry County line to the mouth of the Kettle River and Lake Roosevelt; then south on the Ferry County line in Lake Roosevelt to the northern boundary of the Colville Indian Reservation; then west on the reservation boundary to State Highway 21; then north on Highway 21 to Republic and Highway 20; then northeast on Highway 20 to Wauconda and the Toroda Creek Road; then northeast on the Toroda Creek Road to Toroda and the mouth of Toroda Creek on the Kettle River; then north on the Kettle River to the Canadian border and point of beginning. ((USFS Road 250 in southeast 1/4 of Section 32; then north on Road 250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then north on the Deer Creek Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian border near Danville and the point of beginning. (See Colville National Forest map)))

**GMU 105-KELLYHILL (Stevens County):** Beginning at the Kettle River and the Canadian border near Laurier; then east on the border to Lake Roosevelt (Columbia River); then south along Lake Roosevelt to the mouth of the Kettle River; then north along the Kettle River and the Ferry County line to the Canadian border near Laurier and the point of beginning. ((See Colville National Forest map)))

**GMU ((108-DOUGLAS)) 109-THREEFORKS (Stevens and Pend Oreille counties ((County))):** Beginning at Colville, then northwest on Highway 395 ((the bridge over Lake Roosevelt near Northport; then through the town of Northport to the Colville Aladdin Northport Road; then east and south on the Colville Aladdin Northport Road to Colville and State Highway 20; then west on State Highway 20 and U.S. Highway 395 past Kettle Falls)) to the bridge over Lake Roosevelt; then north up Lake Roosevelt and the ((C)Columbia ((River)) river) to the Canadian border; then east along the Canadian border to the Pend Oreille River ((bridge over Lake Roosevelt near Northport and the point of beginning.)) ((See Washington Atlas & Gazetteer)))

~~((GMU 111-ALADDIN (Stevens and Pend Oreille counties): Beginning on Lake Roosevelt at the Canadian border; then east on the border to the Pend Oreille River)); then south along the Pend Oreille River near Tiger; then west and south on State Highway 20 to Colville((; then north on the Colville Aladdin Northport Road to Northport; then north on State Highway 25 to the bridge over Lake Roosevelt; then north up Lake Roosevelt to the Canadian border)) and the point of beginning. ((See Washington Atlas & Gazetteer)))~~

**GMU 113-SELKIRK (Pend Oreille County):** Beginning on the Pend Oreille River at the Canadian border; east on the border to the Idaho State line; then south on the Idaho-Washington State line to the Pend Oreille River near Newport; then northwest along the Pend Oreille River to the Canadian border and the point of beginning. ((See Washington Atlas & Gazetteer or Colville National Forest maps)))

**GMU ((118-CHEWELAH)) 117-49 Degrees North (Stevens and Pend Oreille counties):** Beginning at Colville and State Highway 20; then east on State Highway 20 to the

Pend Oreille River near Tiger; then south along the Pend Oreille River to ((the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and U.S. Highway 395 to Colville and the point of beginning. ((See Washington Atlas & Gazetteer)))

**GMU 119-BOYER (Stevens and Pend Oreille counties):** Beginning at Chewelah and the Flowery Trail Road; then east on the Flowery Trail Road and the West Side Calispell Road; then east on the McKenzie Road to Usk and the Pend Oreille River; then south along the Pend Oreille River to)) the Idaho State line; then south along the state line to U.S. Highway 2 in Newport; then southwest on U.S. Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and U.S. Highway 395; then northwest on U.S. Highway 395 to Loon Lake and State Highway 292; then west on State Highway 292 to Springdale and State Highway 231; then north on State Highway 231 through Valley to U.S. Highway 395; then north on U.S. Highway 395 to ((Chewelah)) Colville and the point of beginning. ((See Washington Atlas & Gazetteer)))

**GMU 121-HUCKLEBERRY (Stevens County):** Beginning at the bridge over Lake Roosevelt near Kettle Falls on U.S. Highway 395; then south on U.S. Highway 395 through Colville and Chewelah to State Highway 231; then south on State Highway 231 to the northeast corner of the Spokane Indian Reservation; then west on the north boundary of the reservation to Lake Roosevelt and the Stevens County line; then north along Lake Roosevelt (on the Stevens County line) to the bridge over Lake Roosevelt near Kettle Falls and the point of beginning. ((See Washington Atlas & Gazetteer)))

**GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties):** Beginning at Springdale on State Highway 292; then east on State Highway 292 to Loon Lake and U.S. Highway 395; then south on U.S. Highway 395 to Deer Park; then east on the Deer Park-Milan Road to U.S. Highway 2; then north on U.S. Highway 2 to Newport and the Idaho-Washington State line; then south on the state line to the Spokane River; then west along the Spokane River to the Spokane Indian Reservation; then north on the east boundary of the Indian reservation (Chamokane Creek) to State Highway 231; then north on State Highway 231 to Springdale and the point of beginning. ((See Washington Atlas & Gazetteer)))

**GMU 127-MICA PEAK (Spokane County):** Beginning at Spokane and following the Spokane River east to the Idaho-Washington border; then south on the border to the Spokane-Whitman County line (Whitman Road); then west on the county line to U.S. Highway 195; then north on U.S. Highway 195 to Spokane and the point of beginning. ((See Washington Atlas & Gazetteer)))

**GMU 130-CHENEY (Spokane and Lincoln counties):** Beginning on the Spokane-Lincoln County line at the Spokane River and State Highway 231; then east along the Spokane River to Spokane and U.S. Highway 195; then south on U.S. Highway 195 to the Spokane-Whitman County line; then west on the north boundary of Whitman and Adams counties to U.S. Highway 395; then northeast along



U.S. Highway 395 to Sprague and State Highway 231; then north on State Highway 231 to U.S. Highway 2; then east on U.S. Highway 2 to Reardan and State Highway 231; then north along State Highway 231 to the Spokane River and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

**GMU 133-ROOSEVELT (Lincoln County):** Beginning at Coulee Dam; then east along Lake Roosevelt and the Lincoln County line to State Highway 231; then south on State Highway 231 to Reardan and U.S. Highway 2; then west on U.S. Highway 2 to Wilbur and State Highway 174; then northwest on State Highway 174 to Coulee Dam and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

**GMU 136-HARRINGTON (Lincoln County):** Beginning at the town of Grand Coulee; then southeast on State Highway 174 to U.S. Highway 2 at Wilbur; then east on U.S. Highway 2 to U.S. Highway 231; then south on State Highway 231 to U.S. Highway 395 at Sprague; then southwest on U.S. Highway 395 to the Adams County line at Sprague Lake; then west on the Lincoln-Adams County line (Davis Road) to the Grant County line; then north on the Lincoln-Grant County line (X NE, W.7 NE Roads) to the town of Grand Coulee and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

**GMU 139-STEPTOE (Whitman County):** Beginning at the northwest corner of Whitman County near Fourth of July Lake; then east on the north Whitman County line to the Washington-Idaho border; then south on the Washington-Idaho border to State Highway 270 near Moscow, Idaho; then west on State Highway 270 through Pullman to U.S. Highway 195; then northwest on U.S. Highway 195 to Colfax; then southwest on State Highway 26 to the Palouse River and the west Whitman County line; then north on the Whitman-Adams County line to the north Whitman County line and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

**GMU 142-ALMOTA (Whitman County):** Beginning at Colfax and U.S. Highway 195; then southeast on U.S. Highway 195 to State Highway 270; then east on State Highway 270 through Pullman to the Washington-Idaho State border near Moscow Idaho; then south along the state line to the Snake River (Whitman County line) near Clarkston; then west along the Snake River (Whitman County line) to the mouth of the Palouse River (Whitman County line); then north on the Whitman County line to State Highway 26 (Washtucna-LaCrosse Highway); then east on State Highway 26 to Colfax and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

**GMU 145-MAYVIEW (Garfield and Asotin counties):** Beginning at the mouth of Deadman Creek on the Snake River (Garfield County line) at Central Ferry; then east along the Snake River to the mouth of Alpowa Creek and U.S. Highway 12; then west on U.S. Highway 12 to State Highway 127; then north on State Highway 127 (Central Ferry Highway) to the Snake River and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

~~((GMU 148-STARBUCK (Walla Walla, Columbia and Garfield counties): Beginning at Ayer on the Snake River; then east along the Snake River to Central Ferry; then south~~

~~on State Highway 127 (Central Ferry Highway) to Dodge Junction; then southwest on U.S. Highway 12 through Dayton to the town of Waitsburg and the Touchet River; then west along the Touchet River to the Ayers Road at Harsha; then north on the Ayers Road to the Snake River at Ayer and the point of beginning.)) ((See ~~Washington Atlas & Gazetteer~~))~~

**GMU ((~~151-EUREKA~~) 149-Prescott (Walla Walla, Columbia, and Garfield counties ((~~Walla Walla County~~)))**: Beginning on the Columbia River at the mouth of the Snake River (Walla Walla County line); then northeast and east along the Snake River to ((~~Ayer; then south along the Ayer Road to the Touchet River at Harsha; then east up the Touchet River to Waitsburg and U.S. Highway 12;~~)) Central Ferry; then south on State Highway 127 (Central Ferry Highway) to Dodge Junction; then southwest on U.S. Highway 12 through Dayton and Waitsburg; then southwest on Highway 12 to Walla Walla and State Highway 125; then south on State Highway 125 to the Washington-Oregon State line; then west on the state line to the Columbia River (Walla Walla County line); then north along the Columbia River to the mouth of the Snake River and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

**GMU 154-BLUE CREEK (Walla Walla and Columbia counties):** Beginning at Waitsburg on U.S. Highway 12; then northeast on U.S. Highway 12 to the Payne Hollow Road at Long Station; then south on the Payne Hollow Road-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south on the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail (3211); then southwest on the trail to the Washington-Oregon State line; then west on the state line to State Highway 125; then north on State Highway 125 to Walla Walla and the point of beginning. ((See ~~Washington Atlas & Gazetteer~~))

**GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties):** Beginning at the Mill Creek Watershed Intake Trail (3211) on the Washington-Oregon State line; then northeast on the Intake Trail (3211) to the Skyline Drive Road (USFS Road 64); then south on the Skyline Drive Road to the Washington-Oregon State line; then west on the state line to the Mill Creek Watershed Intake Trail (3211) and the point of beginning. ((See ~~Umatilla National Forest map~~))

~~((GMU 160-TOUCHET (Walla Walla and Columbia counties): Beginning at Dayton and the North Touchet River Road (USFS Road 64); then southeast on the North Touchet River Road to the Skyline Drive Road at Manila Springs; then southwest on the Skyline Drive Road to the Mill Creek Watershed Intake Trail (3211); then west on the Intake Trail to the Lewis Peak Trail; then north on the Lewis Peak Trail to the Mt. Pleasant Road; then north on the Mt. Pleasant Road to the Jasper Mountain Road; then north on the Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then northeast on U.S. Highway 12 to Dayton and the point of beginning.)) ((See ~~Washington Atlas & Gazetteer and Umatilla National Forest map~~))~~

**GMU ((~~161-ECKLER (Columbia County)~~) 162-DAY-TON (Walla Walla and Columbia counties)**: Beginning at Dayton and the Patit Creek Road; then east on the Patit

Creek Road to the Hartsock-Maloney Mountain Road; then south and west on the Maloney Mountain Road (USFS Road 4625) to the Skyline Drive Road (USFS Road 46); then south on the Skyline Drive Road to the Mill Creek Watershed Intake Trail (3211); then west on the Intake Trail to the Lewis Peak Trail; then north on the Lewis Peak Trail to the Mt. Pleasant Road; then north on the Mt. Pleasant Road to the Jasper Mountain Road; then north on the Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then northeast on U.S. Highway 12 to Dayton and the point of beginning. (~~((North Touchet River Road and Manila Springs; then north on the North Touchet River Road (USFS Road 64) to Dayton and U.S. Highway 12; then northeast along U.S. Highway 12 to the Patit Creek Road in Dayton and the point of beginning.))~~)) (~~((See Washington Atlas & Gazetteer and the Umatilla National Forest map))~~))

**GMU 163-MARENGO (Columbia and Garfield counties):** Beginning at Dayton and U.S. Highway 12; then north on U.S. Highway 12 to the Linville Gulch Road at Zumwalt; then south on the Linville Gulch Road to the Blind Grade Road; then southwest on the Blind Grade Road to the Tucannon Road; then north on the Tucannon Road to the Hartsock Grade Road; then south on the Hartsock Grade Road to the Patit Road; then west on the main Patit Road to Dayton and the point of beginning. (~~((See Washington Atlas & Gazetteer))~~))

**GMU 166-TUCANNON (Columbia and Garfield counties):** Beginning at the intersection of the Hartsock Grade Road and the Tucannon River Road; then southeast on the Tucannon River Road to the elk drift fence; then southeast along the elk drift fence and the U.S. Forest Boundary to the Mountain Road (USFS Road 40); then south on the Mountain Road to the Diamond Peak Road (USFS Road 4030); then west on the Diamond Peak Road past Diamond Peak to the Diamond Peak-Oregon Butte-Bullfrog Springs-Teepee Trail; then west along the trail to Teepee Camp and the Teepee Road (USFS Road 4608); then west on the Teepee Road to the Skyline Drive Road (USFS Road 46); then north on the Skyline Drive Road to the Maloney Mountain Road (USFS Road 4625); then north on the Maloney Mountain Road to the Hartsock Grade Road; then north on the Hartsock Grade Road to the point of beginning at the Tucannon River Road. (~~((See Washington Atlas & Gazetteer and the Umatilla National Forest map))~~))

**GMU 169-WENAHA (Columbia, Garfield and Asotin counties):** Beginning on the Washington-Oregon State line at the Skyline Drive Road; then north on the Skyline Drive Road to Godman Springs and the Teepee Road (USFS Road 4608); then east on the Teepee Road to Teepee Camp; then east on the Teepee-Oregon Butte-Bullfrog Springs-Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (USFS Road 4030) to the Mountain Road (USFS Road 40); then south along the Mountain Road to the South Boundary Road (USFS Road 4039); then west along the South Boundary Road to the Three Forks Trail (USFS Road 3133); then northwest on the trail to Crooked Creek; then south along Crooked Creek to the Washington-Oregon State line; then due west on the state line to the Skyline Road and the point of beginning. (~~((See Umatilla National Forest map))~~))

**GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):** Beginning on the Washington-Oregon State line at Crooked Creek; then north along Crooked Creek to Three Forks Trail (3133); then southeast on the trail to the South Boundary Road (USFS Road 4039) then northeast on the South Boundary Road to the Mountain Road (USFS Road 40); then north on the Mountain Road to Misery Springs and the Mt. Misery-Big Butte Road (USFS Roads 44, 43, 4304); then east on the Mt. Misery-Big Butte Road to the West Mountain Road (1290); then northeast on the West Mountain Road to the Bennett Ridge Road-Mill Road; then north and east on the Bennett Ridge Road-Mill Road to Anatone and State Highway 129; then southwest on State Highway 129 to the Washington-Oregon State line; then due west on the state line to Crooked Creek and the point of beginning. (~~((See Washington Atlas & Gazetteer))~~))

**GMU 175-LICK CREEK (Garfield and Asotin counties):** Beginning at the intersection of the Mountain Road (USFS 40) and the elk drift fence; then east along the elk drift fence to its end at the east section line of Section 2, T9N, R43E; then due south along said section line to Charley Creek, and east along Charley Creek to Asotin Creek; then south along Asotin Creek to the South Fork Asotin Creek Road; then south along South Fork of Asotin Creek Road to Campbell Grade Road; then east on the Campbell Grade Road to the Cloverland Road; then south on Cloverland Road to its junction with the U.S. Forest Boundary fence; then east and south on the U.S. Forest Boundary fence past Big Butte to the Big Butte-Mt. Misery Road (USFS 4304, 43, 44) then west on the Big Butte-Mt. Misery Road to the Mountain Road (USFS 40); then northwest on the Mountain Road to the National Forest Boundary, and the point of beginning. (~~((See Washington Atlas & Gazetteer))~~))

**GMU 178-PEOLA (Garfield and Asotin counties):** Beginning at Zumwalt on U.S. Highway 12; then east on U.S. Highway 12 to the mouth of Alpowa Creek on the Snake River; then east and south along the Snake River to the mouth of Asotin Creek; then west along Asotin Creek to Charley Creek; then west along Charley Creek to the unit boundary marker at the east section line of Section 2, T9N, R43E; then north on said section line to the end of the elk drift fence; then west along the elk drift fence to the Tucannon River Road; then north on the Tucannon River Road to Blind Grade; then up Blind Grade to the Linville Gulch Road; then north on the Linville Gulch Road to Highway 12 at Zumwalt and the point of beginning. (~~((See Washington Atlas & Gazetteer))~~))

**GMU 181-COUSE (Asotin County):** Beginning at Asotin and the mouth of Asotin Creek on the Snake River; then south along the Snake River (Washington-Idaho State line) to the Grande Ronde River; then west along the Grande Ronde River to State Highway 129; then northwest on State Highway 129 to Anatone; then west and south on the Mill Road-Bennett Ridge Road-West Mountain Road (1290) to the National Forest Boundary at Big Butte; then north along the U.S. Forest Boundary fence to the Cloverland Road; then northeast on the Cloverland Road to the Campbell Grade Road; then west on the Campbell Grade Road to the South Fork Asotin Creek Road; then northeast on the South Fork Asotin Creek Road to Asotin Creek; then northeast along

Asotin Creek to the Snake River at Asotin and the point of beginning. ~~((See Washington Atlas & Gazetteer))~~

~~((GMU 184 JOSEPH (Asotin County): Beginning on the Washington-Oregon State line and the Joseph Creek Road; then northeast on the Joseph Creek Road to the second bridge on Joseph Creek; then northeast along Joseph Creek to the mouth of Joseph Creek and the Grande Ronde River; then east along the Grande Ronde River to the Snake River (Washington-Idaho State line) then south along the Snake River to the Washington-Oregon State line; then west on the state line to the Joseph Creek Road and the point of beginning.)) ((See Washington Atlas & Gazetteer))~~

**GMU ((185-BLACK BUTTE)) 186-GRANDE RONDE (Asotin County):** Beginning on the Washington-Oregon State line and State Highway 129; then north on State Highway 129 to the Grande Ronde River; then east along the Grande Ronde River to the Snake River (Washington-Idaho State line) then south along the Snake River to the Washington-Oregon State line; then west on the state line to Highway 129 and the point of beginning. ~~((mouth of Joseph Creek; then southwest along Joseph Creek to the first bridge and the Joseph Creek Road; then southwest on the Joseph Creek Road to the Washington-Oregon State line; then east on the state line to State Highway 129 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 96-21-169  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:59 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-18-046.

**Title of Rule:** To amend WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

**Purpose:** To amend WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two, to clarify game management unit boundary descriptions.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** Separate game management unit boundaries are established to regulate hunting opportunities.

**Reasons Supporting Proposal:** Game management unit designations are important to manage game populations according to abundance.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504;

and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

**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 rule defines game management unit boundaries. The purpose is to direct hunters to areas of game abundance. The effect will be to manage hunters by directing them to specific game management units.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

**Date of Intended Adoption:** December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 95-121, filed 9/1/95)]

**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 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 south on the Pasayten Wilderness Boundary to Trail 341; then west and south on Trail 341 to 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; then north on the wilderness boundary to the Washington-Canadian border near Princess Creek and the point of beginning. (~~See Okanogan National Forest Travel Plan~~))

**GMU (~~206-BONAPARTE~~) 204 OKANOGAN EAST (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~~) east on State Highway 20 to Republic; then south on State Route 21 to the north boundary of the Colville Indian Reservation; then west on the reservation boundary to the Okanogan River; (~~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 (4371); then 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 Pacific Crest Trail; then 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 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 where the Pacific Crest Trail crosses State Highway 20; then south and east on State Highway 20; south through the Methow Valley, south through Winthrop to the Twisp River Road at Twisp; then west 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 Pacific Crest Trail; then north on the Pacific Crest Trail to 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 the junction of the Pacific Crest Trail and Trail 426; then east and south along Trail 426 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 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 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 Road R SW (Beverly-Burke Road) then south along Road R SW to Road 7 SW (Frenchman Hills Road); then east along Road 7 SW to State Highway 262 (O'Sullivan Dam Road); then east along State Highway 262 ~~((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))~~

**GMU 290-Desert (Grant County):** Beginning at the town of George on Interstate 90; then east along Interstate 90 to State Highway 17; then south along State Highway 17 to State Highway 262 (O'Sullivan Dam Road); then west along State Highway 262 to Road 7 SW (Frenchman Hills Road); then west along Road 7 SW to Road R SW (Beverly-Burke Road); then north along Road R SW to Interstate 90; then east along Interstate 90 to the point of beginning.

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

**WSR 96-21-170  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

Title of Rule: To amend WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

Purpose: To amend WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three, to clarify game management unit boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Separate game management unit boundaries are established to regulate hunting opportunities.

Reasons Supporting Proposal: Game management unit designations are important to manage game populations according to abundance.



**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

**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 rule defines game management unit boundaries. The purpose is to direct hunters to areas of game abundance. The effect will be to manage hunters by directing them to specific game management units.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

**Date of Intended Adoption:** December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**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 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 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. ~~(((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 (WDFW Road 10) to the Naneum Ridge Road (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 (WDFW Road 9); then southeast on the Naneum Ridge Road to the Colockum Pass Road (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 USFS Trail 694 (T17N, R15E, NW 1/4 of Section 12) near the USFS fence; then northwest on ORV Trail 694 to ORV Trail 688 near Rocky Saddle; then northwest on ORV Trail 688 to USFS 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 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 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 ORV Trail 688 to Rocky Saddle; then east on USFS ORV Trail 694 to USFS Road 1701 near the USFS fence (T17N, R15E, NW 1/4 of Section 12); 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 Road 1500 and Highway 410 at Nile; then southeast on Highway 410 to Highway 12; then southwest on Highway 12 to USFS Road 1500; then north and east on USFS Road 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 Jump Off Lookout; then south on Divide Ridge Crest to Darland Mountain and 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 crest of Divide Ridge 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 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 Priest Rapids Dam and the Yakima Training Center (YTC) boundary; then south and west along the YTC boundary to the main gate at Firing Center Road; then west along Firing Center Road and Harrison Road to the Yakima River; then north along the Yakima River to the East High Canal and the point of beginning. (~~See Washington Atlas & Gazetteer~~)

**GMU 372 KIONA (Benton and Yakima counties):** Beginning at Priest Rapids Dam and the Columbia River; 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 Harrison Road; then east along Harrison Road and Firing Center Road to the main gate of the Yakima Training Center (YTC); then south and east along the YTC boundary to Priest Rapids Dam and the Columbia River 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.

**WSR 96-21-171  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed October 23, 1996, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

**Title of Rule:** To amend WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

**Purpose:** To amend WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary

descriptions—Region four, to clarify game management unit boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Separate game management unit boundaries are established to regulate hunting opportunities.

Reasons Supporting Proposal: Game management unit designations are important to manage game populations according to abundance.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

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 rule defines game management unit boundaries. The purpose is to direct hunters to areas of game abundance. The effect will be to manage hunters by directing them to specific game management units.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.**

**GMU (~~405-CHUCKANUT~~) 407-North Sound (Whatcom (~~and~~), Skagit, Snohomish and King 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

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 Juniper Beach and through West Pass; 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 State Street 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 intersee-~~

~~tion 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))~~

**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 Highway 20 (at Concrete) ((the Skagit River)); then west along Highway 20 ((the main channel of the Skagit River)) to Highway 9 (at Sedro Woolley); 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))~~ to 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)) 437-Sauk (Skagit and Snohomish counties):** Beginning at the intersection of State Highway 9 and Highway 20; then east along Highway 20 to

~~((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))~~ south on State Highway 530 to ~~((Rockport and State Highway 20;))~~ Darrington; then west on State Highway ~~((20))~~ 530 to ~~((Jackman Creek))~~ Highway 9 at Arlington; then north on State Highway 9 to Highway 20 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 east along East Passage and north along Colvos Passage (including Vashon and Maury Islands) to Puget Sound; then north ~~((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 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 and Pierce-Thurston county lines) to ~~((Weyerhaeuser 1000 (Main Line); then northeast on the Weyerhaeuser 1000 to Highway 161 (Eatonville-LaGrande Road);))~~ the mouth of the Mashel River; then up the Mashel River to the Highway 161 Bridge (Eatonville-LaGrande Road); then north(east) 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 Puyallup River and the Orville Road East; then south on the Orville Road East to State Highway 161; then ~~((south on the Weyerhaeuser 1000 line))~~ down the Mashel River 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))~~ Nisqually Reach, Drayton Passage, Pitt Passage, including Anderson Island, McNeil Island and Ketron Island 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~~

PROPOSED

~~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.

**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 96-21-172**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-046.

**Title of Rule:** To amend WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

**Purpose:** To amend WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five, to clarify game management unit boundary descriptions.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** Separate game management unit boundaries are established to regulate hunting opportunities.

**Reasons Supporting Proposal:** Game management unit designations are important to manage game populations according to abundance.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

**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 rule defines game management unit boundaries. The purpose is to direct hunters to areas of game abundance. The effect will be to manage hunters by directing them to specific game management units.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

**Date of Intended Adoption:** December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending WSR 96-04-027, filed 2/1/96)]

**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 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)~~ 513-South Rainier (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 Pacific Crest Trail; then south along the Pacific Crest Trail to U.S. Highway 12; then ~~((north))~~west ~~((and south-west))~~ on U.S. Highway 12 to the Silver Creek bridge ((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 Pacific Crest Trail; then north along the Pacific 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 N.E. Grinnel Road; N.E. Grinnel Road to N.E. Pup Creek Road; N.E. Pup Creek Road to N.E. Cedar Creek Road through Amboy and Yacolt to Railroad Avenue; southeast to Sunset Falls Road; east 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 Sunset Falls Road; then northwest to Railroad Avenue through Yacolt; then northwest on N.E. Cedar Creek Road through Amboy to N.E. Pup Creek Road; Pup Creek Road to N.E. Grinnel Road to the transmission lines; then north on the transmission lines 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")))~~)

PROPOSED

**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 Old State Road; then east on Old State Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to USFS Road 60; then northeast on USFS Road 60 to State Highway 141; continue east on 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 Columbia River; then west along the state line to Sundale and the point of beginning.)) ((See Washington Atlas & Gazetteer))

**GMU 578-West Klickitat (Klickitat, Yakima, and Skamania counties):** Beginning on the Columbia River at the mouth of the Little White Salmon River; then up the Little White Salmon River to Willard; then north on USFS 18 Road (Oklahoma Road) to USFS 1840 Road; then north on USFS 1840 Road to State Highway 141; then northeast on State Highway 141 to Trout Lake and Mt. Adams Recreational Area Road; then north on Mt. Adams Recreational Area Road to USFS 82 Road; then northeast on USFS 82 Road to the Yakama 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 reservation boundary (approximately one mile) to the end of

King Mountain Road; then north along the reservation boundary to Section 2 T7N, R11E; then east along the reservation boundary to the northeastern corner of Section 4 T7N, R12E; then southeast along the reservation boundary to Summit Creek Boundary Road; then south to the Glenwood/Goldendale Road; then northwest on the Glenwood/Goldendale Road to the Gravel Pit Road; then south on the Gravel Pit Road to Fisher Hill Road (P-2000); then south on Fisher Hill Road to the Fisher Hill Bridge; then south down the Klickitat River to the Columbia River; then west down the Columbia River to the mouth of the Little White Salmon river and point of beginning.

**GMU ((584-Goodnoe)) 582-East Klickitat (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)) Yakama Indian Reservation; then east along south reservation boundary to the Yakima County line; then east on the Yakima/Klickitat County line to Alderdale Road; then southeast and south on Alderdale Road to Alderdale and the Columbia River; then west down the Columbia River to US Highway 97 Bridge and the point of beginning. ((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 Yakama 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 Yakama 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 96-21-173**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed October 23, 1996, 11:59 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-18-046.

**Title of Rule:** To amend WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

**Purpose:** To amend WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six, to clarify game management unit boundary descriptions.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** Separate game management unit boundaries are established to regulate hunting opportunities.

**Reasons Supporting Proposal:** Game management unit designations are important to manage game populations according to abundance.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

**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 rule defines game management unit boundaries. The purpose is to direct hunters to areas of game abundance. The effect will be to manage hunters by directing them to specific game management units.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** Allied Arts Multi-Use Facility, 1418 Cornwall Avenue, Bellingham, WA 98225, on December 6-7, 1996, at 8 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by November 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by November 20, 1996.

Date of Intended Adoption: December 6, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 94-139, filed 1/10/95)]

**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

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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):** Beginning at the boundary junction of Olympic National Park and the Quinault Indian Reservation near the Queets River Road; then north, east, south, and west along the Olympic National Park Boundary to the Park and Reservation boundary junction just west of Lake Quinault; then northwest along the Quinault Indian Reservation boundary to its junction with the boundary of Olympic National Park near the Queets River Road, and the point of beginning. ~~((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 (includes Hartstene Island) 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 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 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; 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 and USFS 2204 Road (DeLorme Road 2302); then south on this range line on 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 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 Hunting 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)) 673 Williams Creek (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 and 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 ((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 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 96-21-174**  
**PROPOSED RULES**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**

[Filed October 23, 1996, 11:59 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-13-009.

**Title of Rule:** WAC 326-02-030, definitions; 326-30-051, counting participation toward education institution goals; and 326-40-060, determining goals and counting participation at time of bid opening.

**Purpose:** To implement 1996 amendment to RCW 39.19.030 which requires a new procedure for counting participation of certified firms toward Minority and Women's Business Enterprises' goals in state contracting.

**Statutory Authority for Adoption:** RCW 39.19.030(7).

**Statute Being Implemented:** RCW 39.19.030.

**Summary:** This rule will establish a maximum level for counting participation of brokers in state procurement.

**Reasons Supporting Proposal:** To increase the accuracy of reports on the direct benefits derived by certified firms from the state's program.

**Name of Agency Personnel Responsible for Drafting:** Juan Huey-Ray, 406 South Water, (360) 586-1228; Implementation: Cathy V. Canorro, 406 South Water, (360) 586-1236; and Enforcement: James A. Medina, 406 South Water, (360) 753-9679.

**Name of Proponent:** Office of Minority and Women's Business Enterprises, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule sets forth the methodology for determining the value of participation by certified firms that will be counted toward annual and contract goals. Its purpose is to give direction to agencies and educational institutions.

**Proposal Changes the Following Existing Rules:** Recent amendments to chapter 39.19 RCW carve out a new category of firm from the supplier group, provide a definition for the new category, and establishes a ceiling for counting the participation of such firms on state contracts. This proposal implements those changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt pursuant to

RCW 34.05.310 (4)(c), (e), and (f) because the content of the rule is specified by statute, and because the rates which are set in the rule are also adopted pursuant to the standard set by the statute.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Exempt by subsection (5)(b)(iii), (v) and (vi) of section 201, chapter 403, Laws of 1995, because the content of the rule is specified by statute, and because the rates which are set in the rule are also adopted pursuant to the standard set by the statute.

**Hearing Location:** Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, 98504, on November 26, 1996, at 1:00 p.m.

**Assistance for Persons with Disabilities:** Contact Tammi Hazlitt by November 19, 1996, (360) 753-9691.

**Submit Written Comments to:** Juan Huey-Ray, Rules Coordinator, FAX (360) 586-7079, by November 26, 1996.

**Date of Intended Adoption:** December 3, 1996.

October 23, 1996

James A. Medina

Director

**AMENDATORY SECTION** (Amending WSR 94-11-116, filed 5/18/94, effective 6/18/94)

**WAC 326-02-030 Definitions.** Words and terms used in this title shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in this title, or the context in which they are used clearly indicates that they should be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Broker" means a person that provides a bona fide service, such as professional, technical, consultant, brokerage, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, or supplies required for performance of a contract.

(3) "Certified business" or "certified" means a business or the status of a business that has been examined by the Washington state office of minority and women's business enterprises and deemed to be a minority business enterprise (MBE), a women's business enterprise (WBE), a minority woman's business enterprise (MWBE), or a combination business enterprise (CBE).

((3)) (4) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

((4)) (5) "Combination business enterprise" or "CBE" means a small business concern organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by the office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by the office. The owners must be United States citizens or lawful permanent residents.

((5)) (6) "Commercially useful function" means the performance of real and actual services which are integral and necessary in the discharge of any contractual endeavor,

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and not solely for the purpose of obtaining certification or obtaining credit for participation goal attainment.

~~((6))~~ (7) "Common industry practices" means those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

~~((7))~~ (8) "Conduit" means a certified business which agrees to be named as a subcontractor on a contract in which such certified business does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other noncertified business.

~~((8))~~ (9) "Contract" means a mutually binding legal relationship (including a purchase order, lease, or any modification thereof), which obligates the seller to furnish goods or services (including construction), and the buyer to pay for them.

~~((9))~~ (10) "Contract by contract basis" means a single contract within a specific class of contracts.

~~((10))~~ (11) "Contractor" means a party who enters into a contract directly with a state agency or educational institution.

~~((11))~~ (12) "Corporate-sponsored dealership" means a business that does not meet the requirements for certification but is participating in a program specifically developed by a national or regional corporation to address the present-day issue of lack of opportunities for minorities or women in the dealership industry.

~~((12))~~ (13) "Director" means the director of the office of minority and women's business enterprises.

~~((13))~~ (14) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

~~((14))~~ (15) "Front" means a business which purports to be eligible for certification but is not in fact legitimately owned and controlled by minorities, women, or a combination thereof.

~~((15))~~ (16) "Goods and/or services" means all goods and services, including professional services.

~~((16))~~ (17) "Heavy construction" means construction other than building construction; e.g., highway or street, sewer and pipeline, railroad, communication and power line, flood control, irrigation, marine, etc.

~~((17))~~ (18) "Joint venture" means a partnership of two or more persons or businesses created to carry out a single business enterprise for profit, for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

~~((18))~~ (19) "Legitimately owned and controlled" means that minorities, women, or a combination thereof, own at least fifty-one percent interest in the business (unless the business qualifies as a corporate sponsored dealership under the provisions of subsection ~~((11))~~ (12) of this section and WAC 326-20-050(4)); and the minorities, women, or combination thereof, possess and exercise sufficient expertise specifically in the firm's field of operation to make decisions governing the long-term direction and the day-to-day operations of the firm.

~~((19))~~ (20) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that

produces or creates goods from raw materials or substantially alters goods before reselling them.

~~((20))~~ (21) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

~~((21))~~ (22) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority individuals or minority business enterprises certified by the office. The minority owners must be United States citizens or lawful permanent residents.

~~((22))~~ (23) "Minority women's business enterprise" or "MWBE" means a small-business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority women and is certified by the office. The owners must be United States citizens or lawful permanent residents.

~~((23))~~ (24) "Office" means the office of minority and women's business enterprises of the state of Washington.

~~((24))~~ (25) "Pass-through" means a certified business which buys goods from a noncertified business and simply resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

~~((25))~~ (26) "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

~~((26))~~ (27) "Procurement" means the purchase, lease, or rental of any goods or services.

~~((27))~~ (28) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

~~((28))~~ (29) "Regular dealer" means a certified business that owns, operates, or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

~~((29))~~ (30) "Services," in the context of "goods and/or services," means all services including, but not limited to, client services, personal services, and purchased services as defined in RCW 39.29.006.

~~((30))~~ (31) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or



legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

~~((31))~~ (32) "Subcontractor" means a party that indirectly provides goods or services, including but not limited to construction, to a state agency or educational institution through a contractor.

~~((32))~~ (33) "Supplier" means a manufacturer~~((r))~~ or regular dealer~~((r, broker, or packager))~~ that~~((r))~~ :

- (a) Provides or furnishes goods or materials;
- (b) Performs a commercially useful function; and
- (c) Is not considered a conduit, front, ~~((r))~~ pass-through or broker.

~~((33))~~ (34) "Switch business" means a business which was previously owned and controlled by a man, men or non-minorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

~~((34))~~ (35) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more women or women's business enterprises certified by the office. The women owners must be United States citizens or lawful permanent residents.

**AMENDATORY SECTION** (Amending WSR 94-07-064, filed 3/14/94, effective 4/14/94)

**WAC 326-30-051 Counting participation toward agency and educational institution goals.** ~~((1))~~ The office will count an agency's or educational institution's expenditures to certified businesses toward goal attainment ~~((only when the work performed by the business on a contract is within the scope of work included in the standard industrial classification (SIC) codes under which the business is listed in the directory of certified businesses published by, or in the records of, the office.))~~ as follows:

~~((2))~~ (1) Prime contractors and consultants.

(a) Where a certified business performs a commercially useful function in the work of the contract, the dollar value of expenditures to the business for such work will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(b) Where a certified business is a partner in a joint venture, and the business performs a commercially useful function in the work of the contract, only the dollar value of expenditures to the certified business which is commensurate with its interest in the joint venture will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

~~((3))~~ (2) Subcontractors and subconsultants.

(a) Where a certified business performs a commercially useful function in the work of a subcontract, the dollar value of expenditures to the business for such work will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(b) Where a certified business is a subcontractor on a heavy construction, highway, or street construction project,

expenditures to the certified business shall not be counted toward goal attainment if the business subcontracts more than twenty-five percent of the total amount of its own subcontract to a noncertified business.

~~((4))~~ (3) Suppliers.

~~((a))~~ Where a certified business is the manufacturer or a regular dealer of goods or materials required under a contract, one hundred percent of the dollar value of expenditures to the business for such materials or supplies will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

~~((b))~~ (4) Where a certified business is a broker ~~((or a packager))~~ of goods or materials required under a contract, ~~((one hundred percent of the dollar value of expenditures to the business))~~ effective June 6, 1996, the value of the goods or materials will not be counted. Only the dollar value of the fee or commission charged or twenty percent (five percent in the case of food brokers) of the dollar value of expenditures to the business, whichever is greater, will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(5) Where a certified business is a hauler, trucker, or delivery service, but is not also a regular dealer or the manufacturer of the goods or materials required on the job site, the dollar value of expenditures to the business for fees charged to deliver the goods or materials required will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(6) Where a certified business provides bonds or insurance specifically required for the performance of a contract, the dollar value of expenditures to the business for the fee or commission charged for providing the bonds or insurance will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(7) Where a certified business is a travel agency~~((r, shipping or transportation broker.))~~ or other business performing similar functions, twenty percent of the dollar value of expenditures to the business to provide a bona fide service in the procurement of transportation will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

**AMENDATORY SECTION** (Amending WSR 94-07-064, filed 3/14/94, effective 4/14/94)

**WAC 326-40-060 Determining compliance and counting participation at time of bid opening.** (1) When a contract is to be awarded to a certified business that performs a commercially useful function as the prime contractor/consultant/vendor, the total contract value may be counted toward the contract goal according to the certification status of the business as follows:

(a) Minority business enterprise (MBE): One hundred percent toward the MBE goal;

(b) Women's business enterprise (WBE): One hundred percent toward the WBE goal;

PROPOSED

(c) Minority woman business enterprise (MWBE): One hundred percent toward the MBE goal or the WBE goal, but not both;

(d) Combination business enterprise (CBE): Fifty percent toward the MBE goal and fifty percent toward the WBE goal. This procedure is to be used when the contract contains an either/or goal or separate goal requirements. When the contract contains only an MBE requirement or a WBE requirement, only one-half of the dollar value of the CBE's total participation may be counted toward the single goal. A state agency or educational institution will receive credit for the remaining fifty percent toward its annual goal attainment.

(2) When a contract is to be awarded to a joint venture that is approved pursuant to WAC 326-40-100, the dollar value of the portion of the work performed by the certified business may be counted, on a percentage basis, toward the contract goal as set forth in subparagraphs (1)(a-d) of this section; provided, the certified business performs a commercially useful function in the work of the contract.

(3) Subcontractors and subconsultants.

(a) When a certified business performs a commercially useful function as a subcontractor or subconsultant, the dollar value of the work performed by the certified business may be counted toward the contract goal as set forth in subparagraphs (1)(a-d) of this section.

(b) When a certified business is awarded a subcontract on a heavy construction, highway, or street construction project, expenditures to the certified business shall not be counted toward the contract goal if the business subcontracts more than twenty-five percent of the total amount of its own subcontract to a noncertified business.

(4) Suppliers.

~~((a))~~ Where a certified business is the manufacturer or a regular dealer of materials or supplies required under a contract, one hundred percent of the dollar value of the materials or supplies to be provided may be counted toward the contract goal according to the certification status of the business.

(5) Brokers.

~~((b))~~ Where a certified business is a broker ~~((or a packager))~~ of goods, materials or supplies required under a contract, ((one hundred percent of the dollar value charged for the commercially useful function it performs in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract)) effective June 6, 1996, the value of the goods, materials, or supplies will not be counted. Only the dollar value of the fee or commission charged or twenty percent of the total dollar value (five percent for food brokers) of the goods, materials, or supplies required for performance of the contract, whichever is greater, may be counted toward the contract goal according to the certification status of the business.

~~((5))~~ (6) Where a certified business is a hauler, trucker, or delivery service, but not also a regular dealer or the manufacturer of the materials or supplies required on the job site, only the dollar value of the fees charged to deliver the materials or supplies required may be counted toward the contract goal according to the certification status of the business.

~~((6))~~ (7) Where a certified business is a travel agency, ~~((shipping or transportation broker,))~~ or other business performing similar functions, twenty percent of the dollar value charged for providing a bona fide service in the procurement of transportation may be counted toward the contract goal according to the certification status of the business.

~~((7))~~ (8) Where a certified business provides bonds or insurance specifically required for the performance of a contract, the dollar value charged for providing the bonds or insurance may be counted toward the contract goal according to the certification status of the business.

**WSR 96-20-073**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**  
 [Filed September 30, 1996, 9:30 a.m.]

Date of Adoption: October [September] 17, 1996.

Purpose: The purpose of this regulation is to control asbestos emissions from renovation and demolition activities that disturb or have the potential to disturb asbestos containing material. This regulation establishes local requirements consistent with the federal requirements under 40 CFR 61 Subpart M.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 476 Standards for Asbestos Control, Demolition, and Renovation.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-14-075 on June 28, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 3, amended 4, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 3, amended 4, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 September 25, 1996

Robert D. Elliott  
 Executive Director

**SWAPCA 476**

**STANDARDS FOR ASBESTOS CONTROL,  
 DEMOLITION, AND RENOVATION**

**SWAPCA**

- 476-010 Purpose
- 476-020 Applicability
- 476-030 Definitions
- 476-040 Asbestos Survey Requirements
- 476-050 Notification Requirements and Fees
- 476-060 Procedures for Asbestos Emission Control
- 476-070 Disposal of Asbestos-Containing Waste Material
- 476-080 Demolition By Intentional Burning
- 476-090 Severability

**SWAPCA 476-010 Purpose**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

The purpose of this regulation is to control asbestos emissions from the removal, encapsulation, salvage, disposal, or disturbance of asbestos-containing materials in order to protect public health.

**NEW SECTION**

**SWAPCA 476-020 Applicability**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

This regulation shall apply to all demolition and renovation activities, removal of asbestos containing material, storage, transport, and disposal of asbestos containing materials and other specific activities as referenced in 40 CFR 61.140 et seq. (Subpart M).

**AMENDATORY SECTION**

**SWAPCA 476-030 Definitions**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

(1) "Adequately wet" means sufficiently mixed, saturated, penetrated, or coated with a fine mist of water or aqueous solution to prevent emissions.

(2) "**AHERA Building Inspector**" means a person who has successfully completed the training requirements for a building inspector established by the EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR 763, Appendix C to Subpart E, I.B.3) and whose certification is current. (Asbestos Hazard Emergency Response Act - AHERA)

(3) "**AHERA Project Designer**" means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.

(24) "**Asbestos**" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

(35) "**Asbestos-Containing Material**" means any material containing at least one percent (1%) asbestos as determined by polarized light microscopy using the interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763. This term does not include nonfriable asbestos-containing roofing materials, regardless of asbestos content, when the following conditions are met:

(a) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and

(b) The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and

(c) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and

(d) The building, vessel, or structure containing the asbestos-containing roofing material, will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.

PERMANENT

(46) "**Asbestos-Containing Waste Material**" means any waste that contains, or is contaminated with, asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-containing waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos containing material taken for testing or enforcement actions.

(57) "**Asbestos Project**" means the construction, demolition, maintenance, repair, remodeling, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, encapsulation, salvage, disposal, or disturbance of any asbestos-containing material. This term includes the removal and disposal of asbestos-containing waste material from manufacturing operations that combine asbestos-containing material with any other material(s) to produce a product and the removal and disposal of stored asbestos-containing material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other nonasbestos materials to seal or fill exposed areas where asbestos fibers may be released. Nor does this include routine maintenance and other non-abatement projects that may minimally disturb ACM.

(68) "**Asbestos Survey**" means an inspection using the procedures contained in 40 CFR 763.86, or an alternate method that has received prior approval from the Authority, to determine whether materials or structures to be worked on, removed, remodeled, renovated or demolished, (including material on the outside of structures) contain asbestos. ~~In residential dwellings, asbestos samples may be taken by the resident owner of the dwelling.~~

(79) "**Authority**" or "**Agency**" means the Southwest Air Pollution Control Authority (SWAPCA).

(810) "**Certified Asbestos Worker/Supervisor**" means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010, 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.

(911) "**Collected for Disposal**" means sealed in a leak-tight container while adequately wet.

(12) "**Competent Person**" means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate them, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

(103) "**Component**" means any equipment, pipe, structural member, or other item covered with, coated with, or ~~manufactured from~~ containing asbestos-containing material.

(144) "**Controlled Area**" means an area to which only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access. For ~~residential~~ owner-occupied, single-family

residence dwellings, the controlled area is the interior of the dwelling.

(125) "**Demolition**" means the wrecking, dismantling, removal of any load-supporting structural member on, or burning of, any building, vessel, structure, or portion thereof. For ~~residential~~ owner-occupied, single-family residence dwellings, a demolition means the wrecking, dismantling, or removal of any load bearing structural member by the use of heavy equipment (such as a backhoe) or the burning of the building thereby rendering as permanently uninhabitable, that portion of the building being demolished.

(136) "**Emergency Asbestos Project**" or "**Emergency Renovation Project**" means an unplanned asbestos project necessitated by a sudden and unexpected event that will imminently endanger human health and safety either through exposure to asbestos fibers or of vital utilities. Such events may include earthquakes, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.

(147) "**Encapsulant**" means a compound that creates a membrane over a surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

(158) "**Encapsulation**" means the application of an encapsulant on surfaces that are covered, coated or manufactured from asbestos containing material to control the release of asbestos fibers into the air. For purposes of this regulation, encapsulation includes the construction of enclosures.

(169) "**Enclosure**" means an ~~permanent~~ airtight protective overlay, such as a ceiling, floor, or wall or a plastic wrapper or barrier, covering surfaces that are coated with, covered with, or ~~manufactured from~~ containing asbestos-containing material to control the release of asbestos fibers into the air.

(20) "**Friable Asbestos-Containing Material**" means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

(4721) "**HEPA Filter**" means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.7% efficiency or greater.

(4822) "**Leak Tight Container**" means a dust tight container, at least 6 mil thick, that encloses the asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and polyethylene plastic.

(4923) "**Local Exhaust Ventilation and Collection System**" means a system as described in Appendix J of EPA 560/565-024, *Guidance for Controlling Asbestos-Containing Materials in Buildings*.

(24) "**Nonfriable Asbestos-Containing Material**" means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(205) "**Owner**" or "**Operator**" means any person who owns, leases, operates, controls, or is responsible for activi-

ties at an ~~asbestos~~ project site, or an ~~asbestos~~ project operation, or both.

(26) "Owner-Occupied, Single-Family Residence" means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is currently used or was once used, occupied, or designed to be occupied by one family who owns the property as their domicile. This term includes houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(27) "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(28) "Presumed Asbestos Containing Material" means thermal system insulation and surfacing material found in buildings constructed no later than 1980 (29 CFR 1926.1101).

(29) "Project" means an asbestos project, maintenance activity, renovation, or demolition activity.

(1930) "Renovation" means the modification of any existing building, vessel, structure, component, or portion thereof, involving the removal, encapsulation, alteration, disposal, or disturbance of any asbestos-containing material, or a project that is releasing, or likely to release asbestos fibers into the air. A renovation project is only covered under this regulation if the renovation involves asbestos-containing material or the potential to disturb asbestos-containing material. If no asbestos-containing material is present on the project, there are no notification requirements or special handling procedures.

(22) "Residential dwelling" means any nonmultiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and homes with a "mother-in-law apartment" or "guest room". This term does not include structures that are demolished or renovated as part of a commercial or public project. Nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(31) "Suspect Asbestos-Containing Material" means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding.

(2332) "Visible Emissions" means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.

(2433) "Waste Generator" means any owner or operator of a source whose act or process produces asbestos-containing waste material.

(2534) "Waste Shipment Record" means the shipping document required to be originated and signed by the owner or operator, used to track and substantiate the disposition of asbestos-containing waste material.

(2635) "Working Day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

## NEW SECTION

### **SWAPCA 476-040 Asbestos Survey Requirements**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

#### **(1) Renovation**

(a) Prior to performing any renovation activity the property owner or the owner's agent shall determine whether there are suspect asbestos-containing materials in the work area. The property owner or the owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector. An asbestos survey at a single family resident is not required to be performed by an AHERA building inspector when the renovation project is performed by the owner/occupant.

(b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-containing material shall be handled as though it was asbestos-containing material.

(d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos except for renovations of an owner-occupied, single-family residence performed by the owner/occupant, however, must handle all presumed asbestos-containing material as provided in SWAPCA 476-050.

#### **(2) Demolition**

(a) Prior to performing any demolition project the property owner or the owner's agent shall obtain an asbestos survey of the facility or part of the facility where the demolition will occur for the presence of asbestos. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector.

(b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-containing material shall be handled as though it was asbestos-containing material.

(d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos-containing materials.

(e) Regardless of the amount of asbestos-containing material present (including none), a Notification of a Demolition activity must be submitted to the Authority on Authority approved forms prior to commencing a demolition accordance with SWAPCA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification.

(f) If the facility is to be demolished by intentional burning, all the asbestos-containing material shall be re-

moved as an asbestos project in accordance with SWAPCA 476-080.

### AMENDATORY SECTION

#### **SWAPCA 476-04050 Notification Requirements and Fees**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

(1) Applicability. It shall be unlawful for any No person to shall cause or allow work on an asbestos project, maintenance, renovation, or demolition activity involving asbestos containing material unless the owner or operator has filed submitted with the Authority a complete written noticeefication to the Authority on Authority approved forms, in accordance with the advance notification period requirements and fees as provided in SWAPCA 476-050(2). as follows:

(a) A written "Notice of Intent to Remove or Encapsulate Asbestos" shall be submitted on Authority provided forms by the owner or operator for the approval by the Authority before any work on an asbestos project begins; An Asbestos Notification is not required for any asbestos project involving less than 10 linear feet or 48 square feet (per structure, per year) of any asbestos-containing material unless the facility is to be demolished by intentional burning. If the facility is to be demolished by intentional burning, all asbestos-containing material shall be removed as an asbestos project. An Asbestos Notification is not required for removal of nonfriable roofing material. The owner/operator shall maintain documentation to substantiate qualification for the exemption;

(b) Regardless of the amount of asbestos-containing material present (including none), a Notification of Demolition activity must be submitted to the Authority on Authority approved forms prior to commencing a demolition accordance with SWAPCA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification;

(bc) A written "Notice of Intent to Remove or Encapsulate Asbestos" The approval date to perform a project will be from the date that all required submittals and fees are received at SWAPCA;

(d) The duration of the asbestos project, maintenance activity, renovation, or demolition activity or project shall not exceed one (1) year beyond the original project starting date, and shall have a The project starting and completion date for an asbestos project shall be that is commensurate with the amount of asbestos-containing material involved. In no event shall a project or activity start or end on a date other than the date contained on the notification;

(ee) The written noticeefication shall expire on the project completion date as specified by the owner or operator and shall be accompanied by the appropriate fee at the time of the submittal in accordance with SWAPCA 476-040(2);

(ef) A copy of the approved written noticeefication, all amendments and the asbestos survey shall be available for inspection at the asbestos project site at all times until completion of the project; and

(f) Each written notice shall include the following information:

(i) The scheduled starting and completion dates of the asbestos project;

(ii) The complete street address or location(s) of the asbestos project, including the city, zip code, and county;

(iii) The description, specific location(s) at the project site, and amount (in linear feet for pipes and square feet for other components) of asbestos-containing material involved in the project. If an asbestos project involves a volume amount, then each cubic foot of asbestos-containing material must be converted to twelve (12) square feet of asbestos-containing material;

(iv) The complete name, mailing address, and telephone number of the owner or operator of the facility and the asbestos project;

(v) The description, size (total square feet and number of floors), and approximate age of the structure, vessel, or building;

(vi) The type of asbestos project involved and the method that will be used to accomplish it;

(vii) The procedures that will be used to comply with the asbestos emission control and disposal requirements of SWAPCA 476-050 and 476-060; and

(viii) The name and location of the waste disposal site where asbestos-containing waste material will be deposited.

(g) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date later than the date contained in the original notification, the owner/operator or the owner's agent shall notify SWAPCA by telephone as soon as possible before the original start date and provide written notification (facsimile acceptable) to SWAPCA of the new start date no later than the original start date. In no event shall a project or activity begin on a date other than the date indicated in the revised notification;

(h) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date earlier than the one contained in the original notification, the owner/operator or owner's agent shall provide written notification (facsimile acceptable) to SWAPCA of the new start date at least 10 working days before commencement of the project or activity. In no event shall a project or activity begin on a date other than the date indicated in the revised notification; and

(g) Upon completion of an asbestos project, the owner or operator shall provide written confirmation to the Authority within 30 days of completion. This written confirmation of project completion shall contain as a minimum the project name and location, date of completion, actual quantity of asbestos-containing material removed, and the name of the disposal facility.

(i) All asbestos projects, maintenance, renovation or demolition activities shall be completed on the date identified on the notification. When a project or activity will be completed prior to the date specified on the notification, the owner or operator shall notify SWAPCA by telephone as soon as possible but in no event later than the actual completion date. The owner or operator shall provide SWAPCA with written notification (facsimile acceptable) of actual completion within 5 calendar days if the completion date is before the date on the notification. If the actual completion date will be after the date indicated on the notification, the owner or operator shall submit an amendment to the written notification with the new completion date (facsimile accept-

able) to SWAPCA prior to the completion date on the original or amended previous notification.

(2) **Advance Notification Period and Fee.** Any notification required by SWAPCA 476-040050(1) shall be considered incomplete until all the information required by SWAPCA 476-040050(1) is received by the Authority and

accompanied by the appropriate fee. A facsimile of the completed notification form shall be acceptable documentation for the start of the notification period, but the appropriate fee shall be received before the project can proceed be approved. The advance notification period and appropriate fee shall be determined as follows:

<u>Asbestos Project Type</u>	<u>Notification Period</u>	<u>Notification Fee</u>	<u>Forms Required</u>
<u>Owner-Occupied, Single Family Asbestos - Occupant Performed Residential</u>	<u>Prior Notification</u>	<u>\$ 25</u>	<u>Asbestos Notification to Perform an Asbestos Project</u>
<u>&lt; 10 linear ft &lt; 11 square ft Asbestos</u>	<u>Prior Notification None</u>	<u>\$ 25 None</u>	<u>Notification to perform an Asbestos Project None</u>
<u>10-26059 linear ft 11-16059 square ft Asbestos</u>	<u>10 Working Days</u>	<u>\$ 100</u>	<u>Asbestos Notification to Perform an Asbestos Project</u>
<u>&gt;260-999 linear ft &gt;160-4999 square ft</u>	<u>10 Working Days</u>	<u>\$ 250</u>	<u>Asbestos Notification to Perform an Asbestos Project</u>
<u>&gt; 1000 linear ft &gt;5,000 square ft</u>	<u>10 Working Days</u>	<u>\$ 500</u>	<u>Asbestos Notification</u>

<u>Amendments to All Projects</u>	<u>Prior Notification Required</u>	<u>\$ 25 3rd amendment &amp; after</u>	<u>Amended Copy of Asbestos <del>Approved</del> Notification</u>
<u>Annual Asbestos Notification</u>	<u>10 Working Days</u>	<u>\$ 500</u>	<u>Annual Asbestos Notification</u>
<u>Renovation With Asbestos</u>	<u>10 Working Days</u>	<u>Normal Asbestos Fee</u>	<u>Asbestos Notification</u>
<u>Renovation Without Asbestos</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Demolition With Asbestos</u>	<u>10 Working Days</u>	<u>\$ 50 Plus Normal Asbestos Fee</u>	<u>Asbestos Notification &amp; Demolition Notification</u>
<u>Demolition Without Asbestos</u>	<u>10 Working Days</u>	<u>\$ 50</u>	<u>Demolition Notification</u>
<u>Temporary Asbestos Storage Facility</u>	<u>Prior Notification</u>	<u>\$ 50</u>	<u>Temporary Storage Facility Application</u>
<u>Emergencies All projects that normally require a 10 working day notification period</u>	<u>Prior Notification Required</u>	<u>\$ 25 Plus Normal Double the Normal Notification Fee</u>	<u>Emergency Waiver Request Letter (submitted by property owner)</u>

PERMANENT

(3) **Annual notification.** In addition to lieu of the notification requirements of SWAPCA 476-040050(1) and 476-040050(2), the owner or operator of a facility may ~~file for approval by~~ submit to the Authority an annual written notification to conduct asbestos projects (not including demolition or renovation) on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs for removal of small quantities of asbestos-containing material as identified below. The requirements of SWAPCA 476-040050(1)(a) through 476-040(1)(d), 476-040(1)(g) and 476-040(2) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(a) **Conditions.**

(i) Annual written notifications shall be submitted to the Authority for approval before commencing work on any asbestos projects specified in an annual application.

(ii) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section shall be limited to less than 260 linear feet on pipes and 160 square feet on other components.

(iii) ~~The notification requirements of SWAPCA 476-040(1) and 476-040(2) shall apply to a~~ Any asbestos project involving at least 260 linear feet on pipes or 160 square feet or more on other components for each building, vessel, or structure at the facility, including residential dwellings shall be subject to the notification requirements of SWAPCA 476-050(1) and 476-050(2) in addition to the annual notification requirements.

(iv) A copy of the ~~approved~~ annual notice shall be available for inspection at the property owner's or operator's office until the end of the calendar year.

(v) Asbestos-containing waste material generated from asbestos projects filed under an annual notification may be stored for disposal at the facility if all of the following conditions are met:

(A) All asbestos-containing waste material shall be treated in accordance with SWAPCA 476-060070(1)(a), 476-060(1)(b), and 476-060(1)(e); and

(B) Accumulated asbestos-containing waste materials collected during each calendar quarter shall be kept in a controlled storage area posted with one (1) or more asbestos warning signs and accessible only to authorized persons; and

(C) For storage of asbestos-containing waste material longer than 10 days, the owner/operator or owner's agent shall apply to SWAPCA for a Temporary Asbestos Storage Facility Authorization. All stored asbestos-containing waste material shall be deposited at a waste disposal site within ninety (90) calendar days after collection for disposal, except as otherwise approved by the Authority unless the asbestos-containing waste material is handled as dangerous waste in accordance with WAC 173-303. Asbestos-containing waste material shall only be disposed of at sites. The waste disposal site shall be operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction.

(b) ~~Reporting Requirements and Fees.~~ Annual written notifications ~~required by Section 476-040(3)(a)~~ shall be submitted by the facility owner or operator on forms provided by the Authority. Notifications shall be submitted

for approval by to the Authority at least 10 days in advance of the start date and shall be accompanied by an annual fee of \$500 as identified in SWAPCA 476-050(2).

(g) ~~Quarterly Reporting Requirements.~~ In addition to the ~~written annual notification requirements of Section 476-040(3)(e),~~ the facility owner or operator shall submit quarterly written reports to the Authority within fifteen (15) days after the end of each calendar quarter. Each quarterly report shall be submitted on forms provided by the Authority or an alternate format approved by the Authority.

(4) **Amendments.** ~~It shall be unlawful for any person to cause or allow any deviation from the information contained in a written notice unless a~~ An amended notification has been received and approved by shall be submitted to the Authority prior to deviating from any of the information contained in a notification. Amended notifications addressed by this section shall be filed by the original applicant, received by the Authority no later than the last filed completion date, and are limited to the following revisions:

(a) A change in the job size category because of identification of additional asbestos-containing material. In this case, the fee shall be increased accordingly and the total fee shall be equal to, but not exceed, the fee amount provided for each the new job size category as specified in Section SWAPCA 476-040050(2);

(b) ~~The asbestos or demolition project starting or completion date, provided the total duration of the work does not exceed one (1) calendar year beyond the original starting date. The commencement date of the original advance notification period shall apply with no additional waiting period required for amended notifications applications filed in accordance with SWAPCA 476-040(4) and approved by the Authority.~~ If an amended notification application results in a job size category that requires a waiting period as specified in SWAPCA 476-040050(2) and the original notification application did not require a waiting period, the advance notification period shall commence on the approval date of the original application was submitted;

(c) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;

(d) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction;

(e) Method of removal or compliance procedures, provided the revised work plan meets the asbestos emission control and disposal requirements of SWAPCA 476-050060 and 450-060070;

(f) Description, size (total square feet or number of floors), and approximate age of the building, vessel, or structure at the original address or location; and

(g) Any other information requested by the Authority.

(5) **Exemptions Emergencies.**

(a) The Authority may waive the required ten (10) working day advance notification period in SWAPCA 476-040(b) for an asbestos project if the facility owner demonstrates to the Authority that there is an emergency as follows if the property owner or occupant demonstrates in writing to the Authority that an asbestos project or maintenance, renovation or demolition activity must be conducted immediately because of any of the following:



~~(ai) There was a sudden, unexpected event that resulted in a public health or safety hazard; or Emergency Asbestos Removal Renovation. The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an asbestos project. The request shall be submitted for approval by the Authority and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).~~

~~(bji) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or Emergency Asbestos Removal Demolition. The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an emergency demolition operation if the request is accompanied by a copy of an order from a federal, state, or local government agency that requires demolition before the ten (10) working day advance notification period has elapsed. The request and copy of the order shall be submitted to the Authority for approval and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).~~

~~(iii) The project must proceed to avoid imposing an unreasonable burden.~~

~~(b) Each emergency waiver request shall include a fee as identified in SWAPCA 476-050(2).~~

~~(c) If the emergency asbestos project occurs during nonbusiness hours, notification to SWAPCA must occur no later than the next business day.~~

## AMENDATORY SECTION

### SWAPCA 476-050060 Procedures for Asbestos Emission Control

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

~~(1) Project requirements. It shall be unlawful for any person to No person shall cause or allow work on an asbestos project unless the following procedures are employed, except as provided in SWAPCA 476-060(2):~~

~~(a) Any work on an asbestos project shall be performed by certified asbestos workers under the direct, on-site supervision of a certified asbestos supervisor. This requirement shall not apply to certain limited asbestos projects conducted in accordance with SWAPCA 400-050060(2) for residential owner-occupied, single-family dwellings performed by the owner/occupant.~~

~~(b) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.~~

~~(bc) All asbestos containing material shall be kept adequately wet while being removed from any structure, building, vessel, or component.~~

~~(ed) No visible emissions shall result from an asbestos project.~~

~~(de) All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project shall be:~~

~~(i) Kept adequately wet until collected for disposal;~~

~~(ii) Collected for disposal at the end of each working day;~~

~~(iii) Contained in a controlled area at all times until transported to a waste disposal site; and~~

~~(iv) Carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise handled in such a manner that may risk further damage to them; or~~

~~(v) Transported to the ground via dust tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as a unit or in sections.~~

~~(ef) Mechanical assemblies or components covered with, coated with, or manufactured from containing asbestos-containing material, removed as a unit or in sections, shall be contained in a leak-tight wrapping after wetting and shall be labeled in accordance with SWAPCA 476-060070 (1)(a)(iii).~~

~~(i) For large components such as boilers, steam generators, and large tanks, the asbestos-containing material is not required to be removed or stripped if the component can be removed, stored, transported, and deposited at a waste disposal site or reused without disturbing or damaging the asbestos.~~

~~(ii) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material may avoid wetting and leak tight wrapping if:~~

~~(A) All access to the asbestos-containing material is welded shut; or~~

~~(B) The component has mechanical seals in place that separate the asbestos-containing material from the environment and these seals cannot be removed by hand; and~~

~~(C) The components are labeled in accordance with SWAPCA 476-060070 (1)(a)(iii).~~

~~(f) Local exhaust ventilation and collection systems used on an asbestos project shall:~~

~~(i) Be maintained to ensure the integrity of the system; and~~

~~(ii) When feasible, have one or more transparent plastic or glass viewing ports installed on the walls of the enclosure in such a manner that will allow for viewing of all components inside the enclosure. When available, existing windows may be utilized for viewing ports.~~

~~(g) Local exhaust ventilation and collection systems, control devices, and vacuum systems, used on an asbestos project shall be equipped with a HEPA exhaust filter, maintained in good working order, and shall allow no visible emissions.~~

~~(2) Exemptions for residential Owner-Occupied, Single-Family Dwellings. The requirements of SWAPCA 476-050060 (1)(a) shall not apply to asbestos projects conducted in a residential owner-occupied, single-family dwelling by the resident owner of the dwelling.~~

~~(3) Demolition requirements. It shall be unlawful for any person to cause or allow the demolition of any building, vessel, structure, or portion thereof, unless all asbestos-containing materials have been removed from the area to be demolished. It shall be unlawful for any person to cause or allow any demolition that would disturb asbestos-containing material or prevent access to the asbestos-containing material for removal and disposal.~~

### Alternate Means of Compliance.

**(a) Friable Asbestos-Containing Material Alternative Removal Methods**

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Authority that the planned control method will be effective as the work practices contained in SWAPCA 476-060(1) in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8 hour average.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternate removal method for cause.

**(b) Nonfriable Asbestos-Containing Material Alternative Removal Methods**

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the authority that the planned control method will be equally as effective as the work practices in SWAPCA 476-060(1) in controlling asbestos emissions.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternative removal method for cause.

**(c) Leaving Nonfriable Asbestos-Containing Material in Place During Demolition**

Nonfriable asbestos-containing material may be left in place during demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to the Authority that the asbestos-containing material will remain nonfriable during all demolition activities and subsequent disposal of the debris. No asbestos-containing material shall remain in place if the demolition involves burning or other activities that would result in the potential release of asbestos-containing material to the ambient air.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the asbestos-containing material remains nonfriable, and may revoke the Alternate Approval Notification for cause.

**(4) Demolition removal exemptions.** Asbestos-containing material need not be removed before the demolition of any building, vessel, structure, or portion thereof, if:

(a) The asbestos-containing material is on a component that is encased in concrete or other material determined by the Control Officer to be equally effective in controlling

asbestos emissions. In this case, the notification requirements of SWAPCA 476-040 shall apply and these materials shall be kept adequately wet whenever exposed during demolition until disposed of in accordance with SWAPCA 476-060 (1)(b); or

(b) The asbestos-containing material could not be removed prior to demolition because it was not accessible until after demolition began. In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos containing material and asbestos contaminated debris shall be kept adequately wet at all times until disposed of in accordance with SWAPCA 476-060 (1)(b); or

(c) The material was not accessible for removal because of hazardous conditions. Such conditions may include environments that are contaminated by toxic substances, structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. Under such conditions, the facility owner or operator may submit a signed written request for conditional approval to the Authority for approval to waive the requirements of SWAPCA 476-050(3). In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos-containing material and asbestos contaminated debris shall be kept adequately wet at all times unless otherwise approved by the Authority until disposed of in accordance with SWAPCA 476-060 (1)(b). Evidence of the hazardous condition, as documented by a state or local government agency, shall accompany the written request in addition to the completed notification and appropriate fee as identified in SWAPCA 476-040. The request for exemption from SWAPCA 476-050(3) shall include, at a minimum:

(i) The complete name, mailing address, and telephone number of the owner or operator of the facility, including the city, zip code, and county;

(ii) The complete street address or location of the demolition site, including the city, zip code, and county;

(iii) The name, title, and authority of the state or local government representative who has determined the hazardous condition;

(iv) A description of the hazardous condition that prevents the removal of asbestos-containing material prior to demolition, including the amount, type, and specific location(s) within the structure of such materials; and

(v) The procedures that will be used to prevent the release of asbestos fibers into the ambient air.

**(5) Alternative control measures.** The owner or operator of an asbestos project may submit a signed written request to use an alternative control measure that is equally effective in controlling asbestos emissions for conditional approval by the Control Officer. The written request shall include, at a minimum:

(a) The complete name, mailing address, and telephone number of the owner or operator of the asbestos project, including the city and zip code;

(b) The complete street address or location of the site, including the city, zip code, and county;

(c) A description of the material, including the type and percentage of asbestos in the material, total amount of material involved, and the specific location(s) of the material on the site; and

~~(d) The reason why an alternative control measure is required and a description of the proposed alternative control measure to be employed, including the procedures that will be used to prevent the release of asbestos fibers into the ambient air.~~

**Exceptions for Hazardous Conditions.** Asbestos-containing material need not be removed prior to a demolition if the property owner demonstrates to the Authority that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and may immediately collapse, or other conditions that are dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing material.

### AMENDATORY SECTION

#### **SWAPCA 476-060070 Disposal of Asbestos-Containing Waste Material**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

~~(1) Disposal Requirements. It shall be unlawful for any person to~~ No person shall cause or allow work on an asbestos project unless the following procedures are employed during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material:

(a) Treat all asbestos-containing waste material as follows:

(i) Adequately wet all asbestos-containing waste material and mix asbestos waste from control devices, vacuum systems, or local exhaust ventilation and collection systems with water to form a slurry;

(ii) After wetting, seal all asbestos-containing waste material in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal site;

(iii) Permanently (indelible markers or labels made with indelible ink) label wrapped materials and each container with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. Permanently mark the label with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor, and the location at which the waste was generated;

(iv) Ensure that the exterior of each container is free of all asbestos residue; and

(v) Exhibit no visible emissions during any of the operations required by this section.

(b) All asbestos-containing waste material shall be deposited within ten (10) calendar days after collection ~~for disposal~~ at a waste disposal site operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction. ~~This requirement is modified by SWAPCA 476-040(3) for asbestos-containing waste material from asbestos projects conducted under annual applications.~~ Asbestos-containing waste material may

remain onsite longer than 10 if the facility has a current Temporary Asbestos Storage Facility Authorization and the asbestos-containing waste material is stored within that temporary storage facility as provided in SWAPCA 476-070(2).

(c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of SWAPCA 476-060070 (1)(a)(iii) and 476-060070 (1)(b).

(2) **Alternative Storage Method - Temporary Asbestos Storage Facility.** The owner or operator of a licensed asbestos abatement company or disposal facility may apply to the Authority to establish a temporary facility for the purpose of collecting and temporarily storing asbestos-containing waste material.

(a) ~~It is unlawful to~~ No person shall cause or allow the operation of a temporary asbestos storage facility without the prior written approval of the Authority.

(b) The owner or operator must submit a completed notice application for establishment of an temporary asbestos storage facility on forms provided by the Authority. When approved, an Asbestos Storage Facility Authorization will be returned to the owner or operator by SWAPCA to be posted at the entrance to the facility or on file at the facility office.

(c) An asbestos storage facility shall meet the following general conditions:

(i) Asbestos-containing waste material must be stored in a container with a single piece liner at least 6 mil in thickness; and

(ii) Said container must be in a secured building or in a secured exterior enclosure; and

(iii) ~~The container and enclosure must be locked except during transfer of asbestos-containing waste material; and~~

(iv) ~~Storage, transportation, disposal, and~~ Return of the waste shipment record to the waste generator shall not exceed the 45-day requirement of 40 CFR Part 61.150, except as otherwise approved by the Authority.

(3) **Alternative Disposal Method - Asbestos-Cement Water Pipe.** Asbestos-cement water pipe used on public right-of-ways or public easements shall be excluded from the disposal requirements of SWAPCA 476-060070 (1)(b) if the following conditions are met:

(a) Any asbestos-cement water pipe greater than one (1) linear foot in size may be buried on public right-of-ways or public easements if covered with at least three (3) feet or more of non-asbestos fill material; and

(b) All asbestos-containing waste material, including asbestos-cement water pipe fragments that are one (1) linear foot or less, protective clothing, HEPA filters, or other asbestos contaminated material, debris, or containers, shall be subject to the requirements of SWAPCA 476-010 through 476-060070.

### NEW SECTION

#### **SWAPCA 476-080 Demolition by Intentional Burning**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

Prior to performing any fire training exercise involving intentional burning as a method of demolition, the following steps shall be completed:

1) The owner or owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials (including non-friable roofing materials). The asbestos survey shall be performed by an AHERA building inspector as provided in SWAPCA 476-040.

2) If asbestos-containing material is present, regardless of amount, the asbestos-containing material shall be removed as an asbestos project in accordance with SWAPCA 476-050.

3) If there is no asbestos-containing material in the work area, this determination shall either be posted at the work area or communicated in writing to all persons involved in the demolition project by the owner or owner's agent.

4) A summary of the results of the asbestos survey shall be submitted to SWAPCA by the owner or owner's agent along with the Demolition Notification as provided in SWAPCA 476-050.

5) The fire district or other organization involved in the fire training exercise as a method of demolition shall notify SWAPCA of the date, time, and location of the proposed exercise and the fire district contact person and phone number for that exercise at least five calendar days in advance of the exercise.

6) The owner or owner's agent shall provide notice of the fire to the owners of property adjoining the property on which the fire will occur at least five calendar days in advance of the exercise.

7) No fire training exercise that involves intentional burning as a method of demolition shall be allowed without prior written approval from SWAPCA.

#### NEW SECTION

#### **SWAPCA 476-090 Severability**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

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

**WSR 96-20-093  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services)

(Public Assistance)

[Filed October 1, 1996, 2:10 p.m.]

Date of Adoption: September 30, 1996.

Purpose: To editorially correct sections, clarify department's purpose and intent, clarify task definitions, and incorporate training requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-030, 388-15-196, 388-15-202, 388-15-203, 388-15-204, 388-15-206, 388-15-209, 388-15-219, 388-15-610, 388-15-620, 388-15-690, 388-15-695 through 388-15-715, 388-15-880, 388-15-890; and new WAC 388-15-198.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030, section 5, chapter 302, Laws of 1996.

Adopted under notice filed as WSR 96-13-107 on June 19, 1996.

Changes Other than Editing from Proposed to Adopted Version: (1) In WAC 388-15-196 the date required for current care givers to complete training is extended to October 31, 1997. (2) In WAC 388-15-890 the limitation on providing supervision in residential settings is clarified.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 7, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 18, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 18, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

September 30, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 1640, filed 4/20/81)

#### **WAC 388-15-030 Rights of applicant for services.**

(1) Any individual has the right to request services from the department, make a service application and have his eligibility for services determined.

(2) Eligible individuals shall be given requested services, or other needed services, that are offered by the department, and included in the department's service plan, to meet the goal appropriate to his service need.

(3) Applicants or recipients may request a fair hearing concerning the denial, (~~reduction~~) change, suspension, or termination of a service, or failure to act upon a request for services with reasonable promptness. The form of the request shall comply with WAC 388-08-413.

(4) Services may not be provided prior to the date of application, nor if federal matching is to be received, provided prior to the date of determination of eligibility unless the determination is made within thirty days of the date of application and the individual was found to be eligible when service was initiated.

(5) Eligibility must be determined on an individual basis for each person in a family, unless specifically designated otherwise as in group eligibility.

(6) Adequate notice shall be given to applicants for or recipients of services to indicate that they have been found eligible or ineligible for services. Advance and adequate notice shall be given to a recipient of the department's planned action to (~~reduce~~) change, suspend, or terminate; such notices shall follow and be in accord with WAC (~~388-33-376, 388-33-382, and 388-33-385~~) 388-245-1000, 388-245-1400, 388-245-1410, 388-245-1500, 388-245-1700, 388-245-1710, 388-245-1720, and 388-245-1730.

(7) Service applications may be made by the individual, or others acting in his behalf, or may be the result of referral from another agency or member of the community. Where the individual is unable, too incompetent, or in a protective service case unwilling, to sign his own application, another responsible or appropriate individual may sign on his behalf, including a member of agency staff.

(8) Services may be only provided to accomplish the specific goals for the particular services as designated in the state service plan and rules.

(9) WAC (~~388-33-377~~) 388-245-1740 is incorporated by reference to determine the circumstances under which services will be continued pending a hearing when a recipient of services requests a fair hearing to appeal the department's planned action to reduce, suspend, or terminate services.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-196 Home and community services—Minimum qualifications for care providers in home and community settings.** To protect the health and welfare of a long-term care service client receiving (~~home and community services~~) an AASA administered service, the adult client's (~~department paid~~) care provider shall:

- (1) Be eighteen years of age or older;
- (2) Complete and submit a criminal history background inquiry form prescribed by the department;
- (3) Possess the following minimum standards of knowledge and experience:

(a) General knowledge of acceptable standards of performance, including the necessity to perform dependably, report punctually, maintain flexibility, and to demonstrate kindness and caring to the client;

(b) Knowledge of when and how to contact the client's representative and the client's case manager.

(4) Have the following required skills:

(a) Adequate skills to read, either directly or through an interpreter, understand and implement the client's service plan;

(b) Adequate communication skills to convey and understand either directly or through an interpreter information required to implement the client's written service plan and verbal instructions;

(c) Adequate skills to maintain provider records of services performed and payments received.

(5) Be able to:

(a) Understand specific directions for providing the care which the individual client requires;

(b) Observe the client for change in health status, including weakness, confusion, and loss of appetite;

(c) Identify problem situations and take appropriate action;

(d) Respond to emergencies without direct supervision;

(e) Perform authorized housework functions competently;

(f) Perform authorized direct personal care functions competently;

(g) Accept the client's individual differences and preferences when performing routine tasks; and

(h) Work independently and perform responsibly within the boundaries of the nonmedical personal care task limits.

(6)(a) Complete the department's fundamentals of caregiving training according to the following schedule:

(i) All in-home personal care providers hired on or after the effective date of this section shall successfully complete the department-designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (6)(c);

(ii) All in-home care providers hired prior to the effective date of this section successfully complete the department designated fundamentals of caregiving training prior to October 31, 1997, unless he or she meets the requirements in subsection (6)(c).

(b) Complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include, but are not limited to:

(A) Residents' rights;

(B) Personal care (such as transfers or skin care);

(C) Dementia;

(D) Mental illness;

(E) Developmental disabilities;

(F) Depression;

(G) Medication assistance;

(H) Communication skills;

(I) Alternatives to restraints; and

(J) Activities for clients.

(ii) Caregivers are required to earn a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(c) A provider who is a registered or licensed practical nurse, a physical or occupational therapist, a certified nursing assistant, a Medicare-certified home health aide, or who has successfully completed department-approved adult family home training, or department-approved personal care training from an area agency on aging or their subcontractor, is exempt from the fundamentals of caregiving training in subsection (6)(a) of this section if the provider successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (6)(a) of this section. A provider who has successfully completed the division of developmental disabilities staff training as required by chapter 275-26 WAC is exempt from the fundamentals of caregiving training in subsection (6)(a) of this section as long as the provider continues to work for a division of developmental disabili-

ties-contracted agency. This exemption no longer applies if the provider leaves the DDD-contracted agency.

(d) The provider shall provide documentation upon request that the provider has met the education and training requirements.

(e) The department shall not continue to authorize reimbursement for services rendered by a care provider who does not meet the educational requirement in subsection (6) of this section.

#### NEW SECTION

**WAC 388-15-198 Home and community services—Client and provider responsibilities.** (1) A client receiving home and community services shall:

(a) Hire a qualified individual provider as described in WAC 388-15-196;

(b) Be present for all scheduled provider appointments or give twenty-four hour advance notification to the provider when the appointment cannot be kept; and

(c) Pay the provider department determined participation in the correct amount and on time each month as indicated on the client's award letter.

(2) Individual providers shall give to all parties listed in subsection (4) of this section written advance notice two weeks prior to terminating personal care services.

(3) Home care agencies shall have a written policy establishing procedures and timelines for providing reasonable notice when terminating services to clients.

(4) All providers shall give written notification of termination to the client or the client's legal representative, the department's designated case manager or social worker, and other persons or organizations who have requested notification when:

(a) The provider chooses to terminate employment; or

(b) The client fails to keep two or more scheduled appointments with the provider unless the client has provided advance notification of at least eight hours to the provider; or

(c) The client failed to pay the participation amount to the provider according to the department's calculation and schedule.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-202 Long-term care services—Definitions.** The department shall use the definition in subsections (1) through (50) of this section for long-term care services. "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

(1) "Aged person" means a person sixty-five years of age or older.

(2) "Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

(3) "Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized

representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

(4) "Assessment" means an inventory and evaluation of abilities and needs.

(5) "Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

(a) Assistance with personal care; or

(b) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

(6) "Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

(7) "Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.

(8) "Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(9) "Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

(10) "Client" means an applicant for service or a person currently receiving services.

(11) "Community residence" means:

(a) The client's "own home" as defined in this section;

(b) Licensed adult family home under department contract;

(c) Licensed boarding home under department contract;

(d) Licensed children's foster home;

(e) Licensed group care facility, as defined in WAC 388-73-014(8); or

(f) Shared living arrangement as defined in this section.

(12) "Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

(13) "Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

(14) "Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

(15) "COPES" means community options program entry system.

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

(17) "Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined under WAC 388-15-202 ~~((36))~~ (38)(a) through (e), (j) through (l), (n), and (o).

(18) "Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of

disability determination services of the medical assistance administration.

(19) "Disabling condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

(20) "Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-15-192.

~~((20))~~ (21) "Grandfathered client" means a chore personal care services client approved for either:

(a) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(b) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(c) The client was receiving the same services as of June 30, 1989.

~~((21) "Handicapping condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.))~~

(22) "Home health agency" means a licensed:

(a) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved Medicaid waiver program.

(23) "Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

(24) "Income" means "income" as defined under WAC 388-500-0005.

(25) "Individual provider" means a person employed by a community options program entry system (COPES) or Medicaid personal care client when the person:

(a) Meets or exceeds the qualifications as defined under WAC 388-15-196;

(b) Has signed an agreement to provide personal care services to a client; and

(c) Has been authorized payment for the services provided in accordance with ~~((he))~~ the client's service plan.

(26) "Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

(27) "Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(28) "Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315. "Institutionalized client" means the same as defined in WAC 388-513-1365(f).

(29) "Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

(30) "Medicaid" means the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined under WAC 388-503-0310; and

(b) Medically needy as defined under WAC 388-503-0320.

(31) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

(32) "Medical institution" means as institution defined under WAC 388-500-0005.

(33) "Medically necessary" and "medical necessity" mean the same as defined under WAC 388-500-0005.

(34) "Medically oriented tasks" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

(35) "Mental health professional" means a person defined under WAC 275-57-020(25).

(36) "Own home" means the client's present or intended place of residence:

(a) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(b) In a building the client owns; or

(c) In a relative's established residence; or

(d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

(37) "Personal care aide" means a person meeting the department's qualification and training requirements and providing direct Medicaid personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the Medicaid personal care client.

(38) "Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in subdivisions (a) through (q) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance with tasks performed by a licensed health professional.

(a) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if



client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(c) "Body care" means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, ~~((or))~~ changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. "Body care" excludes ~~((foot care beyond washing of feet and filing toenails;))~~;

(i) Foot care for clients who are diabetic or have poor circulation~~((;))~~; or

(ii) Changing bandages or dressings when sterile procedures are required. ~~((Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.))~~

(d) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(e) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(f) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(g) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(h) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(i) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be autho-

rized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(j) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(k) "Positioning" means assisting the client to assume a desired position~~((Positioning includes))~~, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. ~~((Range of motion ordered as part of a physical therapy treatment is not included.))~~

(l) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(m) "Supervision" means being available to:

(i) Help the client with personal care tasks that cannot be scheduled, ~~((including))~~ such as toileting, ambulation, transfer, positioning, some medication assistance; and

(ii) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(n) "Toileting" means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(o) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(p) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(q) "Wood supply" means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

(39) "Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

(40) "Plan of care" means a "service plan" as described under WAC 388-15-205.



(41) "Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

(42) "Provider" or "provider of service" means an institution, agency, or person:

(a) Having a signed department agreement to furnish long-term care client services; and

(b) Qualified and eligible to receive department payment.

(43) "Relative" means:

(a) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(b) For Medicaid personal care service:

(i) "Legally responsible relative" means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(ii) "Nonresponsible relative" means a parent caring for an adult child and an adult child caring for a parent.

(44) "Service plan" means a plan for long-term care service delivery as described under WAC 388-15-205.

(45) "Shared living arrangement" for purposes of Medicaid personal care means an arrangement where ~~((two or more adults for purposes other than or in addition to the provision and receipt of care, reside together in one of the adult's))~~ a nonresponsible relative is the personal care provider and resides in the same residence((s)) with common facilities, such as living, cooking, and eating areas.

(46) "SSI-related" means a person who is aged, blind, or disabled.

(47) "Supervision" means a person available to a long-term care client as defined under WAC 388-15-202 (36)(m).

(48) "Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

(49) "Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

(50) "Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

(51) "Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

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 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance.** (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the person's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff or designee while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in-person interview with the client.

(e) When ~~((administering))~~ performing the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and

(iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:

(i) Independent. The client is mobile, with or without an assistive device, both inside and outside the household without the assistance of another person.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The

client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from department programs after alternative resources have been taken into account.

(b) The assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0=none, M=minimal, S=substantial, and T=total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping				
With client	0	5	10	15
or				
For client	0	1	3	5
Meal preparation				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry				
Facilities in home	0	1	2	3
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply	0	3	5	7

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(c) The assessor shall add together the points awarded for each task to obtain the total score for the applicant or client.

(5) Hour computation. The assessor shall:

(a) Convert the total score into maximum hours per month which may be authorized using the scoring conversion chart.

Scoring Conversion Chart

MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	Hours
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

(b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

(6) The assessor shall determine the client's additional hours of supervision needed:

- (a) Due to impaired judgment; and
- (b) For standby assistance necessary for unscheduled tasks defined under WAC 388-15-202~~((50))~~(51); and
- (c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

(7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

(8) Department staff or the department designee shall be responsible for representing the department at any hearing involving the assessment or decisions made relating to such assessment.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-204 Home and community services—Reassessment.** (1) The assessor shall perform a ~~((n-interim reassessment or))~~ full reassessment based on an in-person interview of the client's strengths, physical health, functional and cognitive abilities, social resources, emotional and social functioning, preferences, need for informal and community support and services, and need for department paid services:

- (a) As required by the program standards in which the client has been authorized services; and
  - (b) When deemed necessary because of a change in the client's condition or situation.
- (2) The department or the department's designee shall continue, deny, or alter services to correspond with the client's present need. The department shall notify the client of the right to contest a denial or reduction of services.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-206 Volunteer chore services.** ~~((The department shall refer))~~ Referral shall be made to the volunteer chore service program when an applicant for Medicaid personal care, COPEs or chore personal care services ~~((to the volunteer chore service program when the applicant))~~ is:

- (1) Eighteen years of age or older; and
- (2) Living at home unless the person is moving from a residential facility to home and needs assistance moving; and
- (3) Unable to perform certain household or personal care tasks due to functional or cognitive impairment; and
- (4) Financially unable to purchase services from a private provider; and
- (5) Not receiving Medicaid personal care, COPEs or chore personal care services because the person:
  - (a) Does not meet the eligibility ~~((criteria for chore personal care services))~~ requirements; or
  - ~~((2))~~ (b) Is on the waiting list for chore personal care services; or
  - (c) Is eligible for five ~~((hours))~~ or less ~~((per month))~~ hours of chore personal care services per month; or

~~((3))~~ (d) Declines Medicaid personal care, COPEs or chore personal care services because of income participation or estate recovery; or

(e) Needs ~~((help))~~ assistance with ~~((household))~~ tasks ~~((only or tasks that are))~~ not available in the Medicaid personal care, COPEs or chore personal care services program~~((, or both))~~.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-209 Chore personal care services—Eligibility.** A chore personal care eligible person shall:

- (1) Be eighteen years of age and over;
- (2) Be assessed under WAC ~~((388-150-203 [388-15-203]))~~ 388-15-203 through 388-15-205 and found at risk of placement in a long-term care facility as evidenced by:
  - (a) The need for assistance with one or more direct personal care tasks defined under WAC 388-15-202~~((16))~~(17); and
  - (b) The lack of persons willing and able to provide unpaid assistance with the required personal care tasks.
  - (3) Not be eligible for Medicaid personal care or community options program entry system (COPEs) services, and the person's needs cannot be met through Medicare home health or another program for which the person is eligible.
  - (4) Meet the following chore personal care service financial eligibility requirements:
    - (a) Have net household income as described in WAC 388-505-0590 (3) and (4) and WAC 388-511-1130 and 388-511-1140 not exceeding the sum of the cost of the client's chore personal care services and one hundred percent of the federal poverty level adjusted for family size; and
    - (b) Participate in the cost of chore personal care services as described under WAC 388-15-219; and
    - (c) Have financial resources as described under WAC 388-511-1150 and 388-511-1160 with a value not exceeding:
      - (i) Ten thousand dollars for a one-person family;
      - (ii) Fifteen thousand dollars for a two-person family;
      - (iii) A sum calculated by adding an additional one thousand dollars for each additional family member; and
      - (d) ~~((Has))~~ Be subject to transfer of assets penalties as described in WAC 388-513-1365 for assets transferred on or after November 1, 1995; and
      - (e) Not be within a period of ineligibility due to assets transferred ~~((assets))~~ on or after ~~((July))~~ November 1, 1995 for less than fair market value as described under WAC 388-513-1365.
    - (5) Be deemed to meet the financial eligibility requirements set forth in subsection (4) if the person is an adult protective service client at risk of placement in a long-term care facility; and the chore personal care services are:
      - (a) An integral but subordinate part of the adult protective services plan; and
      - (b) Provided only until the situation necessitating the service has stabilized; and
      - (c) Limited to a maximum of ninety days during any twelve-month period; and
      - (d) Provided without regard to the client's income or resources.

(6) Be reassessed at least every eighteen months or more often as deemed necessary, per WAC 388-15-204.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-219 Chore personal care service—Payment and client participation.** The department shall:

(1) Pay licensed and contracted home care agencies for in-home personal care services provided to eligible clients by the agencies' employees; or

(2) Pay an eligible client who shall pay the individual personal care provider, employed by the eligible client, for services provided in the client's own home; or

(3) Pay an eligible chore personal client's spouse for personal care services at a rate not to exceed the amount of a one-person standard for a continuing general assistance grant per WAC 388-250-135;

(4) Pay qualified providers at a rate not to exceed the amount in the most recently published rate schedule, contingent upon receipt of documentation that the authorized services were provided;

(5) Require a client to participate in the cost of chore personal care services as a necessary precondition to receiving chore personal care services paid for by the state.

~~((2))~~ (6) Calculate the participation in the cost of the client's services as follows:

(a) Allow the client and the client's at-home spouse to retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance.

(b) Exempt the following amounts from the client's and the client's at-home spouse's combined incomes:

(i) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational institution;

(ii) Earned income tax credit;

(iii) Other income exemptions as described under WAC 388-513-1340; and

(iv) Employment expenses:

(A) Personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid;

(B) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(C) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(D) Expenses necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job.

(v) Employed disabled incentive exemption as defined under WAC 388-15-222;

(vi) Unearned income deductions required by law in the amounts actually withheld;

(vii) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPES) services; and

(viii) Amounts paid for:

(A) Medical expenses not subject to third-party payment; and

(B) Health insurance premiums, coinsurance, or deductible charges.

~~((3))~~ (7) Consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under WAC 388-15-222.

(8) Not require clients to participate in the cost of chore personal care services as a precondition to receiving the service for up to ninety days when the chore personal care services are essential to, and a subordinate part of, the adult protective services plan.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-610 COPES—Eligibility.** A COPES-eligible person shall:

(1) Be an aged, blind, or disabled client, as defined under WAC 388-511-1105 (1)(a), (b), and (c)(i) and (ii);

(2) Be eighteen years of age or older;

(3) Be assessed as defined under WAC 388-15-202 through 388-15-205; and

(4) Have medical problems or cognitive impairment and be unable to maintain or coordinate the treatment plan; and

(5) Is likely to need the level of care provided in a nursing facility as defined under WAC 388-97-005(20) within the next thirty days, but for the provision of COPES payments for home or community-based waiver services as defined under WAC 388-15-620;

~~(and)~~

(6) Require services that must be provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis; or

(7) Require substantial or total assistance with two or more of the following critical self-care tasks as defined under WAC 388-15-202~~((36))~~(38) and 388-15-203(3):

(a) Eating;

(b) Toileting;

(c) Ambulation;

(d) Transfer;

(e) ~~(Body care)~~ Positioning;

(f) Bathing;

(g) Self-medication; or

~~((7))~~ (8)(a) Have cognitive supervision needs due to one or more of the following:

(i) Disorientation;

(ii) Memory impairment;

(iii) Impaired judgment; or

(iv) Wandering; and

(b) Require substantial or total assistance with one or more of the critical self-care tasks in subsection (6)(a) through (f) of this section; or

~~((8))~~ (9) Require minimal, substantial or total assistance in three or more of the critical self-care tasks in subsection (6)(a) through (f) of this section; or

~~((9))~~ (10) Currently reside in a nursing facility, as defined under WAC 388-97-005(20), and be unable to return to and remain in the community without assistance with one or more of the services provided by the COPES program as defined under WAC 388-15-620; or

~~((10))~~ (11) Meet the definition of a person functionally or clinically eligible for nursing facility care as defined under WAC 388-97-235;

(12) Have a feasible written plan of care. The department shall ensure the plan:

(a) Is sufficient to safeguard the client's health and safety and the plan's costs, including the department's published COPEs maintenance allowance; and

(b) Is less than ninety percent of the average state-wide nursing facility rate; and

~~((11))~~ (13) Prefer to receive home or community-based waiver services as described in the department's plan of care, as an alternative to department placement in a nursing facility;

~~((12))~~ (14)(a) Not be financially eligible for Medicaid personal care services; or

(b) Be financially eligible for Medicaid personal care services; however, the department determines the Medicaid personal care services are not sufficient in amount, duration, or scope to meet the person's needs.

~~((13))~~ (15) Have gross monthly income not exceeding three hundred percent of the Supplemental Security Income (SSI) program, Title XVI federal grant excluding the supplementary state money payment (SSP) as described under WAC 388-500-0005;

~~((14))~~ (16) Have resources at or below the Medicaid standard as defined under WAC 388-513-1315 (1)(b) and (c) and 388-513-1350; and

~~((15))~~ (17) Meet the COPEs waiver target group requirements as specified in the department's approved waiver request.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-620 COPEs—Services.** The department may authorize:

(1) One of the home and community-based services listed in subsection (2) through (4) of this section, and one or more of the home and community-based services listed in subsection (5) through (13) of this section when the department:

(a) Determines the service is necessary to prevent the client's institutionalization or enable an institutionalized client to return to the community; and

(b) Includes the service in the client's service plan.

(2) ~~((Congregate))~~ Adult residential care, enhanced adult residential care and assisted living services as defined under WAC ~~((388-15-560))~~ 388-110-005 through ~~((388-15-568 and adult residential care/assisted living as defined under WAC 388-15-900 through 388-15-955))~~ 388-110-280.

(3) Adult family home care as defined under WAC 388-15-551.

(4) Personal care service tasks as defined under WAC 388-15-202~~((36))~~ (38), which are performed in the client's own home.

(5) Environmental modifications when the minor physical adaptations to the client's own home:

(a) Are necessary to ensure the client's health, welfare, and safety; or

(b) Enable the client to function with greater independence in the home; and

(c) Are of direct medical or remedial benefit to the client; and

(d) Are in accord with applicable state or local building codes.

(6) Skilled nursing when the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration, or scope of Medicaid-reimbursed home health services as provided under WAC 388-86-045.

(7) Transportation service when the service:

(a) Provides the client access to community services and resources provided in accordance with a therapeutic goal in the client's plan of care; and

(b) Is not merely diversional in nature. The department shall ensure this service:

(i) Is in addition to the Medicaid brokered transportation to medical services; and

(ii) Does not replace the Medicaid brokered transportation in the client's plan of care.

(8) Personal emergency response system (PERS) when the service is necessary to enable a client to secure help in the event of an emergency and when the client:

(a) Lives alone, or is alone for significant parts of the day and has no regular care provider for extended periods of time; and

(b) Would otherwise require extensive department-paid routine supervision.

(9) Home health aide service tasks beyond the amount, duration, or scope of the Medicaid-reimbursed home health service provided under WAC 388-86-045. The department shall authorize this service in addition to those available under WAC 388-86-045. The aide may perform some incidental services, for example, meal preparation in conjunction with providing a health-related service. However, the client's need for an incidental service shall not be the sole purpose of the aide's visit. Health-related service tasks include assistance with ambulation and exercise, self-administered medications, and hands-on personal care.

(10) Adult day care or day health service provided in an adult day care or day health center when the client:

(a) Is ineligible for or is not receiving Medicaid state plan covered adult day health services sufficient in amount, duration or scope; and

(b) Is chronically ill or disabled, socially isolated and/or confused, or has mild to moderate dementia; and

(c) Requires adult day care or day health service including:

(i) Provision of personal care as defined under WAC 388-15-202(35);

(ii) Basic health monitoring with consultation from a registered nurse;

(iii) Therapeutic activities;

(iv) Supervision or protection for at least four hours a day but less than twenty-four hours a day in a group setting on a continuing, regularly scheduled basis;

(v) Provision of a meal, not replacing or substituting for a full day's nutritional regimen; and

(vi) Programming and activities designed to meet clients' physical, social, and emotional needs.

(11) Client training when the training need is identified in the comprehensive assessment as defined under WAC

388-15-203 (1) and (2); and, provided in accordance with a therapeutic goal in the client's service plan such as adjustment to a serious impairment, management of personal care needs, or development of skills to deal with care providers.

(12) Night support service when overnight assistance, supervision, and monitoring is required for a client:

(a) Unable to be alone at night due to the client's substantial care needs; or

(b) Whose physical or cognitive impairments result in sleep care needs that do not allow the primary care provider to sleep eight hours and receive at least five undisturbed hours of sleep during the eight-hour period; and

(c) Who has no family or other household members who can provide this service.

(13) Home delivered meals when:

(a) The client:

(i) Is homebound;

(ii) Is unable to prepare the meal; and

(iii) Has no other paid or unpaid person available to prepare the meal.

(b) Provision of one meal per day is more cost effective than having a department-paid personal care provider prepare the meal in the client's own home.

(14) The department may not authorize sterile procedures and administration of medications as COPES-paid personal care tasks, unless the provider is a licensed health practitioner or a member of the client's immediate family.

**AMENDATORY SECTION** (Amending Order 2570, filed 1/12/88)

**WAC 388-15-690 Respite care services—Definitions.**

Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section.

(1) "Adult" means a person ((48)) eighteen years of age or older.

(2) "Caregiver" means a spouse, relative, or friend who has primary responsibility for the care of a functionally disabled adult, who does not receive financial compensation for the care, and who is assessed as being at risk of placing the eligible participant in a long-term care facility if respite care is not available.

(3) "Continuous care" means assistance provided on a daily basis.

(4) "Dementing illness" means an illness characterized by the progressive loss of cognitive ability and increasing dependency on others for performance of the activities of daily living.

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

(6) "Eligible participant" means an adult who:

(a) Needs substantially continuous care or supervision by reason of the person's functional disability; and

(b) Is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care.

(7) "Functionally disabled" includes requiring assistance in completing activities of daily living and community living skills. It also includes individuals with dementing illnesses or neurological disorders, including traumatic brain injury (TBI).

(8) "Institutionalization" means placement in a long-term care facility.

(9) "Respite care services" means relief care for families or other caregivers of disabled adults, eligibility for which shall be determined by the department by rule. The services provide temporary care or supervision of disabled adults in substitution for the caregiver. The term includes social day care.

(10) "Service provider" means an individual, agency, or organization under contract to the area agency on aging (AAA) or its subcontractor.

(11) "Sliding fee schedule" means a fee schedule developed by the department using the state median income, adjusted for family size, and used to determine share of the cost of respite care services. The amount of the cost of respite care services shared by the eligible participant is a percentage of the total cost of the service as determined by the schedule, graduated to full recovery of the cost of the service provided.

(12) "Social day care" means nonmedical services to persons who live with their families, cannot be left unsupervised, and are at risk of being placed in a ((24)) twenty-four-hour care facility if their families do not receive some relief from constant care.

(13) "State median income" means that income amount established by the Department of Health and Human Services and adjusted to a calendar year basis where one-half of the state's population for a family of four has income above that amount and one-half of the state's population for a family of four has income below that amount.

(14) "Traumatic brain injury (TBI)" means an insult to the brain, not of a congenital nature or related to degenerative or aging processes. It may result from direct or indirect trauma, infection, anoxia, or vascular lesions. It may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning. It can also result in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

**AMENDATORY SECTION** (Amending Order 2570, filed 1/12/88)

**WAC 388-15-695 Respite care services—Caregiver eligibility.** To be eligible to receive respite care services, the caregiver shall:

(1) Have primary responsibility for the care of a functionally disabled adult, including individuals with dementing illnesses, neurological disorders, or traumatic brain injury (TBI); and

(2) Not receive financial compensation for the care; and

(3) Be assessed as being at risk of placing the eligible participant in a long-term care facility if assistance by home and community support services, including respite care, is not available.

**AMENDATORY SECTION** (Amending Order 2570, filed 1/12/88)

**WAC 388-15-700 Respite care services—Distribution of cost.** (1) The department shall provide for participation by the eligible participant in the cost of respite care services.

(2) The department shall administer a sliding fee schedule, which shall be updated annually, to determine the eligible participant's share of the cost of respite care services.

(3) The department shall determine the eligible participant's income as follows:

(a) If the caregiver and eligible participant are married, all monthly income received in either or both names shall be combined and one-half of the total shall be considered the participant's income.

(b) If the caregiver is a friend or relative other than the spouse, only the monthly income received by the eligible participant in the participant's name shall be considered the participant's income.

(4) In determining the amount the eligible participant shall pay, the following shall apply:

(a) The department shall not charge the participant if the participant's income is at or below ~~((40))~~ forty percent of the state median income.

(b) The department shall charge a percentage of the cost of respite care calculated from the sliding fee schedule to participants whose income is between ~~((40))~~ forty percent and ~~((99))~~ ninety-nine percent of the state median income.

(c) The department shall charge the full cost of respite care services if the participant's income is ~~((100))~~ one hundred percent or more of the state median income, as calculated from the sliding fee schedule.

(d) The department shall determine the full cost of respite care by the number of hours or days of service used and the rate of the service, as negotiated between the area agency on aging and the respite care service provider.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-705 Respite care services—Rates of payment.** (1) The department shall not pay respite care service providers more than the rate paid to other service providers for the same level of care.

(2) The department shall pay Medicaid certified nursing homes providing respite care services the Medicaid rate approved for that facility. The rate paid to non-Medicaid certified nursing homes providing respite care services may not exceed the average Medicaid rate in that county. The eligible participant shall pay all charges for services not included in the Medicaid rate.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-710 Respite care services—Service priorities.** (1) To ensure that respite care is made generally available, the department shall establish priorities for service. Requests for respite care which are of an emergent nature shall have first priority. A request for respite care shall be considered an emergency if the caregiver becomes ill or injured to the extent that the caregiver's ability to care for the disabled adult is impaired.

(2) In nonemergency situations, respite care shall be available on a first-come, first-served basis: *Provided*, That sufficient resources are available to fill the requests each month. If respite care cannot be provided when requested, a waiting list shall be used. If a cancellation occurs, respite

care shall be made available to those on the waiting list according to the service priority categories shown in WAC 388-15-715.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-715 Respite care services—Service priority categories.** (1) The following service priority categories shall be used when decisions must be made about who can receive services.

<u>Caregiver Situation</u>	<u>How Does Each Statement Correspond to Caregiver's Situation</u>	
	<u>YES</u>	<u>NO</u>
A. Caregiver has documented chronic health problems.	---	---
B. Caregiver provides substantial time and attention to other family members.	---	---
C. Caregiver has provided care without prior use of a support system.	---	---

	<u>PRIORITY CATEGORIES</u>
Priority 1:	"Yes" to A, B, & C
Priority 2:	"Yes" to A & B; "No" to C
Priority 3:	"Yes" to A & C; "No" to B
Priority 4:	"Yes" to A; "No" to B & C
Priority 5:	"Yes" to B & C; "No" to A
Priority 6:	"Yes" to B; "No" to A & C
Priority 7:	"Yes" to C; "No" to A & B
Priority 8:	"No" to A, B, & C

(2) Prior use of a support system refers to a caregiver using another type of respite care program, other community-based programs, or receiving assistance from church, family, and friends during the period of time the caregiver is providing continuous care to the functionally disabled adult. A caregiver who meets conditions A, B, and C, under WAC 388-15-715, ranks as a Priority 1. A caregiver who meets conditions B and C only, under WAC 388-15-715, ranks as a priority 5. A caregiver with priority 1 has higher priority to receive respite care services than a caregiver with priority 5. For example:

- (a) PRIORITY 1
  - (i) A. - Has high blood pressure;
  - (ii) B. - Is caring for an infant; and
  - (iii) C. - Has not used some other assistance program during the period of caring for the disabled adult.
- (b) PRIORITY 5
  - (i) B. - Does spend time caring for other family members; and
  - (ii) C. - Has not used another support system during the period of caring for the disabled adult.

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**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-880 Medicaid personal care services—Payment procedures.** The department shall:

(1) Pay for Medicaid personal care services provided in accordance with a client's approved plan of care, a sum not to exceed the Medicaid personal care rates as set forth in the most recent schedule of department-established and published rates.

(2) Pay contracted congregate care facilities licensed under chapter 18.20 RCW and chapters 246-316 and 212-36 WAC for authorized personal care services.

(3) Pay contracted adult family homes licensed under chapters 70.128 RCW and 388-76 WAC for authorized personal care services.

(4) Pay for personal care services provided to an adult by home care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home health agencies licensed under chapters 70.126 RCW and 246-327 WAC. The department (~~shall~~):

(a) Shall make agency payments directly to the agency or through a factor.

(b) May authorize agency services when the adult client's service plan requires eighty-five or fewer hours personal care service per month.

(c) Shall ensure the contractor pays service providers performing Medicaid personal care services five dollars and fifteen cents or more per hour.

(5) Pay an individual personal care provider providing personal care when the provider:

(a) Meets or surpasses the department's minimum qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services must meet the same standards as providers who are unrelated to the client;

(b) Has a department-approved individual personal care provider agreement and service payment authorization;

(c) Has been interviewed, hired, supervised, and retained by a client eligible for Medicaid personal care or the client's representative; and

(d) Has provided the authorized services defined under WAC 388-15-202 in accordance with the client's service plan.

(6) Pay for personal care services when authorized for a child and provided by:

(a) A foster parent or group care facility defined under WAC 388-73-014(8);

(b) An agency which meets the qualifications in subsection (4) of this section and is contracted by the division of children and family services or the division of developmental disabilities for services provided in:

(i) A foster or group home; or

(ii) The child's own home; or

(iii) The home of a child's relative under a relative placement.

(c) An individual provider who meets the qualifications in subsection (5) of this section without regard to the number of hours of service.

(7) Not pay a Medicaid personal care client's spouse nor pay a Medicaid personal care eligible child's parent or step-

parent, when the child is seventeen years of age or younger, for providing care to the client.

(8) Not make payment for services provided exceeding the department's authorization.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-890 Medicaid personal care services—Program limitations.** (1) Because Medicaid services are specific to the eligible client and based on medical necessity, the department shall not authorize Medicaid personal care services for:

(a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;

(b) Personal care services provided over the telephone;

(c) Services provided at a site other than the client's residence, unless authorized by the department in the written service plan;

(d) Developing social, behavioral, recreational, communication, or other types of skills;

(e) Companionship;

(f) Travel to medical services, essential shopping, meal preparation, housework, laundry, wood supply, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing assistance with one or more direct personal care tasks as described in WAC 388-15-202(~~(16)~~) (17), i.e., personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, (~~(e)~~) body care, or self-medication; or

(g) Assisting or supporting other household members not eligible for Medicaid personal care.

(2) The department shall adjust payment for services according to department established rates which take into account the provision of household tasks done at the same time for all of the household clients by a personal care provider, e.g., essential shopping, meal preparation, laundry, housework, wood supply, travel to medical services and supervision when:

(a) More than one client lives in the same household; (~~and~~) or

(b) The client is in a shared living arrangement.

(3) The department shall not authorize the following as Medicaid personal care tasks to clients who live in an adult family home, licensed boarding home, or childrens foster/group home:

(a) Meal preparation,

(b) Wood supply,

(c) Laundry, (~~(e)~~)

(d) Housework (~~as a Medicaid personal care task to clients who live in an adult family home, licensed boarding home, or childrens foster/group home~~), or

(e) Supervision, unless the supervision is directly related to an unscheduled task as defined in WAC 388-15-202(51).

(4) Personal care tasks do not include assistance requiring a licensed health professional.

**WSR 96-20-095**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed October 1, 1996, 2:19 p.m.]

Date of Adoption: September 30, 1996.

Purpose: Implements provisions of chapter 302, Laws of 1995, to strengthen enforcement of child care licensing requirements and exempting friends and neighbors from child care licensing.

Citation of Existing Rules Affected by this Order: Amending WAC 388-155-020.

Statutory Authority for Adoption: RCW 74.15.030.

Adopted under notice filed as WSR 96-14-027 on June 24, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-155-020 (3)(b)(ii).

Currently Reads: (ii) "Engaging in business" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earnings from child care will not exceed \$1,000 in any one quarter or year consistent with the Internal Revenue Services earning standard for tax liability related to household employees;

Revised to Read: (ii) "Engaging in business" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earning from child care will not exceed \$1,000 in any one calendar year.

WAC 388-150-092, 388-151-092, and 388-155-092.

(1) Currently Reads: (1) Before imposing a civil penalty, the department shall provide written notification by personal service or registered mail which shall include:

Revised to Read: (1) Before imposing a civil penalty, the department shall provide written notification by personal service including by the licensor or by certified mail which shall include:

(2) Currently Reads: (2) The length of time in which to comply shall depend on:

- (a) The seriousness of the violation;
- (b) The potential threat to health, safety and welfare of children in care; and
- (c) Previous opportunities to correct the deficiency.

Revised to Read: (2) The length of time in which to comply shall depend on:

- (a) The seriousness of the violation;
- (b) The potential threat to health, safety and welfare of children in care; or
- (c) Previous opportunities to correct the deficiency.

(3) Currently Reads: (3) The department may impose a civil penalty based on but not limited to these reasons:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) The violation has the probability of placing a child in danger of death or bodily harm.

Revised to Read: (3) The department may impose a civil penalty based on but not limited to these reasons:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) The violation has a potential threat to the health, safety and/or welfare of children in care.

(4) No change to this subsection.

(5) Currently Reads: (5) The civil fine shall be payable twenty-eight days after receipt of the notice.

Revised to Read: The civil fine shall be payable twenty-eight days after the receipt of the notice or later as specified by the department.

(6) New (6) Inserted: (6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) Formerly (6) and Reads: (7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding.

Revised to Read: (7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

WAC 388-150-093, all of the text is deleted and the section is revised to read: Whenever the department imposes a civil monetary penalty per WAC 388-150-092(3), the department shall impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of non-compliance.

WAC 388-151-093, all of the text is deleted and the section is revised to read: Whenever the department imposes a civil monetary penalty per WAC 388-151-092(3), the department shall impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of non-compliance.

WAC 388-155-093, all of the text is deleted and the section is revised to read: Whenever the department imposes a civil monetary penalty WAC 388-155-092(3), the department shall impose a penalty of seventy-five dollars per violation per day. The department may assess and collect the penalty with interest for each day of non-compliance.

WAC 388-150-095, 388-151-095, and 388-155-095, these WAC sections are revised as follows: Where the department has determined that an agency is operating without a license, the department shall send written notification by certified mail or other means showing proof of service. This notification shall contain the following:

(1) Advising the agency of the bases of determination of providing children care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty of each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;

(4) How to contact the Office of Child Care Policy;

(5) The need to submit an application to the Office of Child Care Policy within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

WAC 388-150-096, 388-151-096, and 388-155-096.

Currently Reads: Each violation of a law or rule constitutes a separate violation and may be penalized as

such. A penalty may be imposed as a flat amount of the maximum allowable, or may be imposed up to the maximum allowable for each day the violation continues.

Revised to Read: Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed for each day the violation continues.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 24, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

September 30, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-150-085 Initial license.** (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

- (i) Staff-child interactions,
- (ii) Group size and staff-child ratios,
- (iii) Behavior management and discipline,
- (iv) Activity programs,
- (v) Child records and information, and
- (vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department shall evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department shall not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

#### NEW SECTION

**WAC 388-150-092 Civil penalties.** (1) Before imposing a civil penalty, the department shall provide written notification by personal service, including by the licensor, or certified mail which shall include:

(a) A description of the violation and citation of the applicable requirement or law;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance;

(d) The maximum allowable penalty if timely compliance is not achieved;

(e) The means to contact any technical assistance services provided by the department or others; and

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The length of time in which to comply shall depend on:

(a) The seriousness of the violation;

(c) The potential threat to the health, safety and welfare of children in care; or

(c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The child care center has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) The child care center has previously been given notice of the same or similar type of violation of the same statute or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine shall be payable twenty-eight days after receipt of the notice or later as specified by the department.

(6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

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

#### NEW SECTION

**WAC 388-150-093 Civil penalties—Amount of penalty.** Whenever the department imposes a civil monetary penalty per WAC 388-150-092(3), the department shall impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of noncompliance.

NEW SECTION

**WAC 388-150-094 Civil penalties—Posting of notice of penalty.** (1) The licensee shall post the final notice of a civil penalty in a conspicuous place in the facility.

(2) The notice shall remain posted until payment is received by the department.

NEW SECTION

**WAC 388-150-095 Civil penalties—Unlicensed programs.** Where the department has determined that an agency is operating without a license, the department shall send written notification by certified mail or other means showing proof of service. This notification shall contain the following:

(1) Advising the agency of the basis of determination of providing child care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty of each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;

(4) How to contact the office of child care policy;

(5) The need to submit an application to the office of child care policy within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

NEW SECTION

**WAC 388-150-096 Civil penalties—Separate violations.** Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed as a flat amount of the maximum allowable, or may be imposed for each day the violation continues.

NEW SECTION

**WAC 388-150-097 Civil penalties—Penalty for nonpayment.** Penalty for nonpayment. The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

NEW SECTION

**WAC 388-150-098 Probationary license** (1) The department shall base the decision as to whether a probationary license will be issued upon the following factors:

(a) Willful or negligent noncompliance by the licensee,

(b) History of noncompliance,

(c) Extent of deviation from the requirements,

(d) Evidence of a good faith effort to comply,

(e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat to the health and well-being of the children but would be

likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

(a) Substantiation that a child (or children) was abused or neglected while in the care of the center,

(b) Disapproved fire safety or sanitation report,

(c) Use of unauthorized space for child care,

(d) Inadequate supervision of children,

(e) Understaffing for the number of children in care,

(f) Noncompliance with requirements addressing:

(i) Children's health,

(ii) Proper nutrition,

(iii) Discipline,

(iv) Emergency medical plan,

(v) Sanitation and personal hygiene practices.

(3) Licensee required to notify parents when a probationary licensed is issued:

(a) The licensee shall notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification shall be in writing and shall be approved by the department prior to being sent;

(c) The licensee shall provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

NEW SECTION

**WAC 388-151-085 Initial license.** (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

(i) Staff-child interactions,

(ii) Group size and staff-child ratios,

(iii) Behavior management and discipline,

(iv) Activity programs,

(v) Child records and information, and

(vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department shall evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department shall not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

#### NEW SECTION

**WAC 388-151-092 Civil penalties.** (1) Before imposing a civil penalty, the department shall provide written notification by personal service, including by the licensor, or certified mail which shall include:

- (a) A description of the violation and citation of the applicable requirement or law;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance;
- (d) The maximum allowable penalty if timely compliance is not achieved;
- (e) The means to contact any technical assistance services provided by the department or others; and
- (f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with department.

(2) The length of time in which to comply shall depend on:

- (a) The seriousness of the violation;
  - (b) The potential threat to the health, safety and welfare of children in care; or
  - (c) Previous opportunities to correct the deficiency.
- (3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The child care center has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) The child care center has previously been given notice of the same or similar type of violation of the same statute or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine shall be payable twenty-eight days after receipt of the notice or later as specified by the department.

(6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

#### NEW SECTION

**WAC 388-151-093 Civil penalties—Amount of penalty.** Whenever the department imposes a civil monetary penalty per WAC 388-151-092(3), the department shall impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of noncompliance.

#### NEW SECTION

**WAC 388-151-094 Civil penalties—Posting of notice of penalty.** (1) The licensee shall post the final notice of a civil penalty in a conspicuous place in the facility.

(2) The notice shall remain posted until payment is received by the department.

#### NEW SECTION

**WAC 388-151-095 Civil penalties—Unlicensed programs.** Where the department has determined that an agency is operating without a license, the department shall send written notification by certified mail or other means showing proof of service. This notification shall contain the following:

(1) Advising the agency of the basis of determination of providing child care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty for each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;

(4) How to contact the office of child care policy;

(5) The need to submit an application to the office of child care policy within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

#### NEW SECTION

**WAC 388-151-096 Civil penalties—Separate violations.** Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed for each day the violation continues.

#### NEW SECTION

**WAC 388-151-097 Civil penalties—Penalty for nonpayment.** Penalty for nonpayment. The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

#### NEW SECTION

**WAC 388-151-098 Probationary license** (1) The department shall base the decision as to whether a probationary license will be issued upon the following factors:

(a) Willful or negligent noncompliance by the licensee,

(b) History of noncompliance,

(c) Extent of deviation from the requirements,

(d) Evidence of a good faith effort to comply,

(e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing law does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be

issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the center,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
  - (i) Children's health,
  - (ii) Proper nutrition,
  - (iii) Discipline,
  - (iv) Emergency medical plan,
  - (v) Sanitation and personal hygiene practices.

(3) Licensee required to notify parents when a probationary license is issued:

(a) The licensee shall notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification shall be in writing and shall be approved by the department prior to being sent;

(c) The licensee shall provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

**AMENDATORY SECTION** (Amending Order 3745, filed 6/22/94, effective 7/23/94)

**WAC 388-155-020 Scope of licensing.** (1) The person operating a family child care home shall be subject to licensing by authority under chapter 74.15 RCW, unless exempted by RCW 74.15.020(4).

(2) The person operating a family child care home and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person claiming an exemption shall provide the department proof of entitlement to the exemption on the department's request.

(3)(a) RCW 74.15.020 (4)(c)(i) exempts from licensing persons who care for a neighbor's or friend's child or children, with or without compensation, where:

(i) Care is provided for less than twenty-four hours; and  
(ii) Such activity is not conducted on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to advertising such care.

(b) For purposes of this section:

(i) "Advertising" means attempting to solicit child care clients, either directly or indirectly, through written, or electronic means;

(ii) "Engaging in business" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earnings from child care will not exceed \$1,000 in any one calendar year;

(iii) "Friend" means someone with whom the care provider had a personal relationship prior to the time care was sought, offered, or provided;

(iv) "Neighbor" means a person with whom the care provider has relationship by virtue of living in close proximity to the person;

(v) "Ongoing" means that care is provided for a number of consecutive weeks or months or there is no specific time frame for ending child care;

(vi) "Regularly scheduled" means that the child comes at usually planned times and/or days and/or the provider makes her/himself available to provide care at fixed or planned intervals.

(4) The department shall not license the home legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the home as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

((4)) (5) The department may certify a family day care home for payment without further investigation if the home is:

(a) Licensed by an Indian tribe; or

(b) Certified by the Federal Department of Defense.

The home must be licensed or certified in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

((5)) (6) The person or organization desiring to serve state-paid children shall:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in *Child Day Care Subsidies, A Booklet for Providers*, DSHS 22-877(X); and

(c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

#### NEW SECTION

**WAC 388-155-085 Initial license.** (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

(i) Provider-child interactions,

(ii) Capacity,

(iii) Behavior management,

(iv) Activity and routines,

(v) Child records and information, and

(vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department shall evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department shall not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

#### NEW SECTION

**WAC 388-155-092 Civil penalties.** (1) Before imposing a civil penalty, the department shall provide written notification by personal service, including by the licensor, or certified mail which shall include:

(a) A description of the violation and citation of the applicable requirement or law;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance;

(d) The maximum allowable penalty if timely compliance is not achieved;

(e) The means to contact any technical assistance services provided by the department or others; and

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The length of time in which to comply shall depend on:

(a) The seriousness of the violation;

(b) The potential threat to the health, safety and welfare of children in care; or

(c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The child care home has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) The child care home has previously been given notice of the same or similar type of violation of the same statute or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine shall be payable twenty-eight days after receipt of the notice or later as specified by the department.

(6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

#### NEW SECTION

**WAC 388-155-093 Civil penalties—Amount of penalty.** Whenever the department imposes a civil monetary penalty per WAC 388-155-092(3), the department shall impose a penalty of seventy-five dollars per violation per

day. The department may assess and collect the penalty with interest for each day of noncompliance.

#### NEW SECTION

**WAC 388-155-094 Civil penalty—Posting of notice of penalty.** (1) The licensee shall post the final notice of a civil penalty in a conspicuous place in the facility.

(2) The notice shall remain posted until payment is received by the department.

#### NEW SECTION

**WAC 388-155-095 Civil penalties—Unlicensed programs.** Where the department has determined that an agency is operating without a license, the department shall send written notification by certified mail or other means showing proof of service. This notification shall contain the following:

(1) Advising the agency of the basis of determination of providing child care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty for each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;

(4) How to contact the office of child care policy;

(5) The need to submit an application to the office of child care policy within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

#### NEW SECTION

**WAC 388-155-096 Civil penalties—Separate violations.** Each violation of a law or rule constitutes a separate violation and may be penalized as such.

#### NEW SECTION

**WAC 388-155-097 Civil penalties—Penalty for nonpayment.** The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

#### NEW SECTION

**WAC 388-155-098 Probationary license** (1) The department shall base the decision as to whether a probationary license will be issued upon the following factors:

(a) Willful or negligent noncompliance by the licensee,

(b) History of noncompliance,

(c) Extent of deviation from the requirements,

(d) Evidence of a good faith effort to comply,

(e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat

to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the center,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
  - (i) Children's health,
  - (ii) Proper nutrition,
  - (iii) Discipline,
  - (iv) Emergency medical plan,
  - (v) Sanitation and personal hygiene practices.
- (3) Licensee required to notify parents when a probationary licensed is issued:

(a) The licensee shall notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification shall be in writing and shall be approved by the department prior to being sent;

(c) The licensee shall provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

#### WSR 96-21-008

##### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Order 6002—Filed October 3, 1996, 3:08 p.m.]

Date of Adoption: October 1, 1996.

Purpose: To adopt rules being put into effect by the federal government.

Citation of Existing Rules Affected by this Order: New chapter 16-233 WAC, WAC 16-233-001 through 16-233-255.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Adopted under notice filed as WSR 96-14-108 on July 3, 1996; and WSR 96-17-081 on August 21, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 29, amended 0, repealed 0; or Recently Enacted State Statutes: New 29, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 29, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 29, amended 0, repealed 0.

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

October 1, 1996

Jim Jesernig

Director

#### Chapter 16-233 WAC

#### WORKER PROTECTION STANDARDS

#### GENERAL PROVISIONS

##### NEW SECTION

**WAC 16-233-001 Federal worker protection standards—Washington state department of labor and industries.** This chapter contains the federal Environmental Protection Agency worker protection standards as listed in 40 CFR, Part 170. Revisions to the federal language have been incorporated into this chapter in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of labor and industries in chapter 296-306A WAC.

##### NEW SECTION

**WAC 16-233-005 Scope and purpose—Worker protection standards—40 CFR, § 170.1.** This chapter contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

##### NEW SECTION

**WAC 16-233-010 Definitions—Worker protection standards—40 CFR, § 170.3.** Terms used in this chapter have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this chapter, shall have the following meanings:

(1) "Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

(2) "Agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.



(3) "Agricultural establishment" means any farm, forest, nursery, or greenhouse.

(4) "Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

(5) "Animal premise" means the actual structure used to house, cage, or confine animals such as barns, poultry houses, mink sheds, corrals or structures used for shelter.

(6) "Chemigation" means the application of pesticides through irrigation systems.

(7) "Commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:

(a) Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

(b) Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

(8) "Crop advisor" means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants and who holds a current Washington state department of agriculture commercial consultant license in the agricultural areas in which they are advising. The term does not include any person who is performing hand labor tasks.

(9) "Early entry" means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

(10) "Farm" means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

(11) "Forest" means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

(12) "Fumigant" means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

(13) "Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

(14) "Hand labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

(15) "Handler" means any person, including a self-employed person:

(a) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which WAC 16-233-200 applies and who is:

(i) Mixing, loading, transferring, or applying pesticides.

(ii) Disposing of pesticides or pesticide containers.

(iii) Handling opened containers of pesticides.

(iv) Acting as a flagger.

(v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(vi) Assisting with the application of pesticides.

(vii) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met:

(A) To operate ventilation equipment.

(B) To adjust or remove coverings used in fumigation.

(C) To monitor air levels.

(viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(ix) Performing tasks as a crop advisor:

(A) During any pesticide application.

(B) Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met.

(C) During any restricted-entry interval.

(b) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

(16) "Handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

(17) "Immediate family" includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

(18) "Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

(19) "Owner" means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this chapter. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this chapter.

(20) "Restricted-entry interval" means the time after the end of a pesticide application during which entry into the treated area is restricted.

(21) "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous

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years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

(22) "Treated area" means any area to which a pesticide is being directed or has been directed.

(23) "Worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which WAC 16-233-100 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of WAC 16-233-100.

#### NEW SECTION

##### **WAC 16-233-020 General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7.**

(1) General duties. The agricultural employer or the handler employer, as appropriate, shall:

(a) Assure that each worker subject to WAC 16-233-100 or each handler subject to WAC 16-233-200 receives the protections required by this chapter.

(b) Assure that any pesticide to which WAC 16-233-200 applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this chapter.

(c) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by this chapter. Such information and directions shall specify which persons are responsible for actions required to comply with this chapter.

(d) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this chapter and to assure that the worker or handler receives the protections required by this chapter.

(2) Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this chapter or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this chapter.

#### NEW SECTION

##### **WAC 16-233-025 Violations of this chapter—Worker protection standards—40 CFR, § 170.9.**

(1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person ". . . to use or cause to be used any pesticide contrary to label directions . . ." When 40 CFR, Part 170 is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product specific instructions on the labeling. For purposes of this chapter, the term "use" is interpreted to include:

(a) Preapplication activities, including, but not limited to:

- (i) Arranging for the application of the pesticide;
- (ii) Mixing and loading the pesticide; and
- (iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and

care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(2) A person who has a duty under this chapter, as referenced on the pesticide product label, and who fails to perform that duty, violates RCW 15.58.330 and 17.21.315, and is subject to civil penalties under RCW 15.58.335, 15.58.260 and 17.21.315.

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this chapter, including the decontamination requirements, shall not, for the purposes of section 653(b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the WISHA Field Sanitation Standard, WAC 296-24-120, or other agricultural, nonpesticide hazards.

### STANDARD FOR WORKERS

#### NEW SECTION

**WAC 16-233-100 Applicability of this chapter—Standards for workers—40 CFR, § 170.102.** Requirement. Except as provided by WAC 16-233-105 and 16-233-110, this section applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

#### NEW SECTION

**WAC 16-233-105 Exceptions—Standards for workers—40 CFR, § 170.103.** This section does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

(9) On the harvested portions of agricultural plants or on harvested timber.

(10) For research uses of unregistered pesticides.

**NEW SECTION**

**WAC 16-233-110 Exemptions—Standards for workers—40 CFR, § 170.104.** The workers listed in this section are exempt from the specified provisions of WAC 16-233-100 through 16-233-155.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) WAC 16-233-120 (3)(e) through (i);

(ii) WAC 16-233-120 (3)(e) through (i); as referenced in WAC 16-233-120 (4)(b)(iii) and (5);

(iii) WAC 16-233-125;

(iv) WAC 16-233-130;

(v) WAC 16-233-140;

(vi) WAC 16-233-145;

(vii) WAC 16-233-150;

(viii) WAC 16-233-155.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 16-233-150.

(ii) WAC 16-233-155.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his/her direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

**NEW SECTION**

**WAC 16-233-115 Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110.** (1) Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.

(2) Nurseries. In a nursery, during any pesticide application described in column A of Table 1 of this subsection, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this subsection. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

Table 1.—Entry-Restricted Areas in Nurseries During Pesticide Applications

A. During Application of a Pesticide:	B. Workers are Prohibited in:
(1)(a) Applied: (i) Aerially, or (ii) In an upward direction, or (iii) Using a spray pressure greater than 150 psi, or	Treated area plus 100 feet in all directions on the nursery
(b) Applied as a: (i) Fumigant, or (ii) Smoke, or (iii) Mist, or (iv) Fog, or (v) Aerosol.	
(2)(a) Applied downward using: (i) A height of greater than 12 inches from the planting medium, or (ii) A fine spray, or	Treated area plus 25 feet in all directions on the nursery

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- (iii) A spray pressure greater than 40 psi and less than 150 psi.
- (b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling.
- (3) Applied otherwise.

Treated area

(3) Greenhouses.

(a) When a pesticide application described in column A of Table 2 under (d) of this subsection takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 2 until the time specified in column C of Table 2 has expired.

ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue until after:

- (i) Ten air exchanges are completed; or
- (ii) Two hours of ventilation using fans or other mechanical ventilating systems; or
- (iii) Four hours of ventilation using vents, windows or other passive ventilation; or
- (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation; or
- (v) Eleven hours with no ventilation followed by two hours of passive ventilation; or
- (vi) Twenty-four hours with no ventilation.

(b) After the time specified in column C of Table 2 under (d) of this subsection has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 2 under (d) of this subsection, except as provided in WAC 16-233-120.

(d) The following Table 2 applies to (a), (b) and (c) of this subsection.

(c) When column C of Table 2 under (d) of this subsection specifies that ventilation criteria must be met,

Table 2.—Greenhouse Entry Restrictions Associated With Pesticide Applications

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of (c) of this subsection are met	No entry restrictions after criteria in column C are met
(2) As a:	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Entire enclosed area is the treated area
(i) Smoke, or			
(ii) Mist, or			
(iii) Fog, or			
(iv) Aerosol			
(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Treated area
(4) Not in 1, 2, or 3 above, and:	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(i) From a height of greater than 12 in. from the planting medium, or			
(ii) As a fine spray, or			
(iii) Using a spray pressure greater than 40 psi			
(5) Otherwise	Treated area	Application is complete	Treated area

**NEW SECTION**

**WAC 16-233-120 Entry restrictions—Standards for workers—40 CFR, § 170.112.** (1) General restrictions.

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area

before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(b) Entry-restricted areas in greenhouses are specified in column D in Table 2 under WAC 16-233-115 (3)(d).

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(c) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(d) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by subsections (3), (4), and (5) of this section uses the personal protective equipment specified in the product labeling for early entry workers and follows any other requirements on the pesticide labeling regarding early entry.

(2) Exception for activities with no contact. A worker may enter a treated area during a restricted-entry interval if the agricultural employer assures that both of the following are met:

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(b) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(3) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities if the agricultural employer assures that the following requirements are met:

(a) No hand labor activity is performed.

(b) The time in treated areas under a restricted-entry interval for any worker does not exceed one hour in any twenty-four-hour period.

(c) No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(d) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: Chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: Goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(e) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.

(f) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

(x) Each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(g) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(h) During any early entry activity, the agricultural employer shall provide a decontamination site in accordance with WAC 16-233-150.

(i) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(4) Declaration of an agricultural emergency.

(a) The director may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(b) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(c) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(d) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(e) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

(5) Agricultural activities permitted under an agricultural emergency.

(a) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(i) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(ii) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(iii) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(iv) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use;

(v) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness;

(vi) A decontamination site has been provided in accordance with WISHA regulations;

(vii) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(b) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

(6) Recordkeeping required for agricultural emergencies.

(a) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the worker protection standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(i) Date of the agricultural emergency;

(ii) Time of the agricultural emergency, start and end;

(iii) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(iv) Crop/site;

(v) Pesticide(s) - name, EPA number, REI;

(vi) Name, date, time of entry and exit of early entry person(s);

(vii) Estimated potential of economic loss which would have occurred had no early entry been allowed.

(b) Records shall be completed within twenty-four hours of the early entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

(7) Exception to entry restrictions requiring EPA approval. EPA may in accordance with 40 CFR, Part 170.112(e) grant an exception from the requirements of this section. A request for an exception must be submitted to the

Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 "M" Street SW, Washington, DC 20460 and must be accompanied by two copies of the information specified in 40 CFR, Part 170.112(e).

### NEW SECTION

**WAC 16-233-125 Notice of applications—Standards for workers—40 CFR, § 170.120.** (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

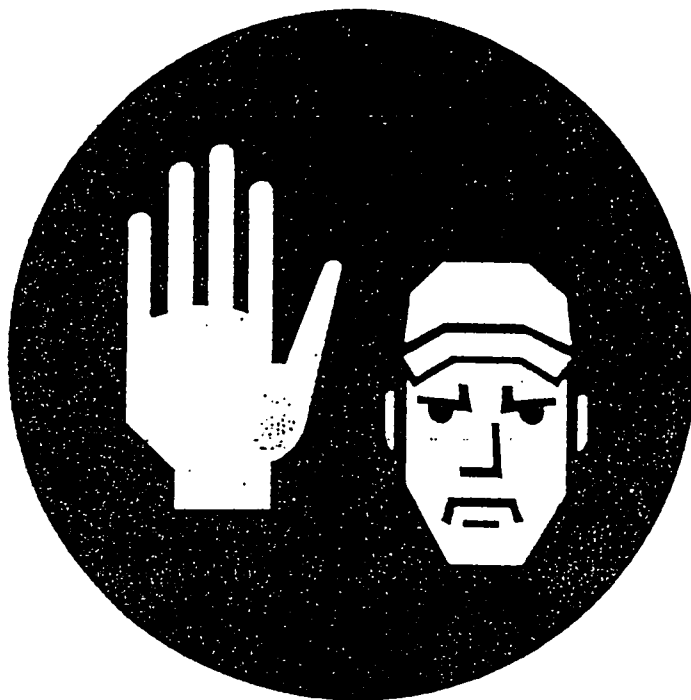
(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

(a) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black and white example of a warning sign meeting these requirements, other than the size requirements, follows:

PERMANENT

**DANGER  
PESTICIDES**

**PELIGRO  
PESTICIDAS**



**KEEP OUT  
NO ENTRE**

PERMANENT

(b) The standard sign shall be at least fourteen inches by sixteen inches with letters at least one inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and green houses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting

distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least 1/2 inch in height and a red circle at least three inches in diameter containing an upraised hand and a stern face, the signs shall be no further than fifty feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least 1/4 inch in height



and a red circle at least 1 1/2 inches in diameter containing an upraised hand and a stern face, the signs shall be no further than twenty-five feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than 1/4 inch in height or a red circle smaller than 1 1/2 inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of (a) of this subsection.

(c) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.

(d) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(e) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(f) The signs shall:

(i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 16-233-120.

(g) The signs shall remain visible and legible during the time they are posted.

(h) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 16-233-120, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

(a) The location and description of the treated area.

(b) The time during which entry is restricted.

(c) Instructions not to enter the treated area until the restricted-entry interval has expired.

#### NEW SECTION

**WAC 16-233-130 Providing specific information about applications—Standards for workers—40 CFR, § 170.122.** When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the location specified for the pesticide safety poster in WAC 16-233-145(4) and shall be accessible and legible, as specified in WAC 16-233-145 (4) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

#### NEW SECTION

**WAC 16-233-135 Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124.** Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(1) Specific location and description of any such areas; and

(2) Restrictions on entering those areas.

#### NEW SECTION

**WAC 16-233-140 Pesticide safety training—Standards for workers—40 CFR, § 170.130.** (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this

section during the last five years, counting from the end of the month in which the training was completed.

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 16-233-120 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect.

(2) Exceptions. The following persons need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A worker who satisfies the handler training requirements of WAC 16-233-225(3).

(c) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225 (3)(d).

(3) Pesticide safety information. The pesticide safety information required by subsection (1)(c)(i) of this section shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

(a) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(b) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

(ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showing with soap and water, shampoo hair, and put on clean clothes after work.

(v) Washing work clothes separately from other clothes before wearing them again.

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(c) Other information as required in WISHA, WAC 296-62-054 through 296-62-05427, hazardous communication program.

(4) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iv) Satisfy the training requirements in WAC 16-233-225(3).

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

(d) The training materials shall convey, at a minimum, the following information:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including emergency eyeflushing techniques.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this chapter designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(5) Verification of training.

(a) Except as provided in subsection (5)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved worker protection standard worker training card, then the requirements of subsection (1) of this section will have been met. Employers must still comply with the

requirements of subsection (3)(c) of this section, hazardous communication program.

(b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that card does not meet the requirements of subsection (1) of this section.

#### NEW SECTION

**WAC 16-233-145 Posted pesticide safety information—Standards for workers—40 CFR, § 170.135.** (1) Requirement. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers, including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

#### NEW SECTION

**WAC 16-233-150 Decontamination—Standards for workers—40 CFR, § 170.150.** (1) Requirement. The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(a) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last thirty days; and

(b) The worker contacts anything that has been treated with the pesticide, including, but not limited to soil, water, plants, plant surfaces, and plant parts;

(c) *Exception.* The thirty-day time period established in (a) of this subsection shall not apply if the only pesticides used in the treated area are products with an REI of four hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less than seven days following the expiration of any applicable REI.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is immediately available to each worker who is performing early entry activities permitted by WAC 16-233-120 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(c) The decontamination supplies shall not be maintained in an area being treated with pesticides.

(d) The decontamination supplies shall not be maintained in an area that is under a restricted-entry interval, unless the workers for whom the supplies are provided are performing early entry activities permitted by WAC 16-233-120 and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 16-233-120 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

#### NEW SECTION

**WAC 16-233-155 Emergency assistance—Standards for workers—40 CFR, § 170.160.** If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(1) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) The circumstances of application or use of the pesticide on the agricultural establishment.

(d) The circumstances of exposure of that person to the pesticide.

#### **STANDARD FOR PESTICIDE HANDLERS**

#### NEW SECTION

**WAC 16-233-200 Applicability of this subpart—Standards for pesticide handlers—40 CFR, § 170.202.** (1) Requirement. Except as provided by subsection (2) of this section and WAC 16-233-205, this chapter applies when any pesticide is handled for use on an agricultural establishment.

(2) Exceptions. This chapter does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(b) On livestock or other animals, or in or about animal premises.

(c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(f) For control of vertebrate pests.

(g) As attractants or repellents in traps.

(h) On the harvested portions of agricultural plants or on harvested timber.

(i) For research uses of unregistered pesticides.

(j) Exemptions. Except as provided by WAC 16-233-200 and 16-233-205, this chapter applies when a pesticide is handled for an agricultural establishment.

#### NEW SECTION

**WAC 16-233-205 Exemptions—Standards for handlers—40 CFR, § 170.204.** The handlers listed in this section are exempt from the specified provisions of this chapter.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

(i) WAC 16-233-210 (2) and (3).

(ii) WAC 16-233-215.

(iii) WAC 16-233-225.

(iv) WAC 16-233-230.

(v) WAC 16-233-235.

(vi) WAC 16-233-240.

(vii) WAC 16-233-245 (5) through (7).

(viii) WAC 16-233-250.

(ix) WAC 16-233-255.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 16-233-230.

(ii) WAC 16-233-245.

(iii) WAC 16-233-250.

(iv) WAC 16-233-255.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) of this subsection. Direct supervi-

sion does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted-entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

#### NEW SECTION

**WAC 16-233-210 Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210.** (1) Contact with workers and other persons. The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.

(2) Handlers handling highly toxic pesticides. The handler employer shall assure that any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every two hours.

(3) Fumigant applications in greenhouses. The handler employer shall assure:

(a) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(b) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

#### NEW SECTION

**WAC 16-233-215 Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222.** When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in WAC 16-233-240(4) and shall be accessible and legible, as specified in WAC 16-233-240 (5) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

#### NEW SECTION

**WAC 16-233-220 Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224.** Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

(1) Specific location and description of the treated area.

(2) Time and date of application.

(3) Product name, EPA registration number, and active ingredient(s).

(4) Restricted-entry interval.

(5) Whether posting and oral notification are required.

(6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

NEW SECTION

**WAC 16-233-225 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230.** (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

(2) Exceptions. The following persons need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapters 15.58 or 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction.

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard handler training card must assure that the handler who receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this chapter that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved worker protection standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

NEW SECTION

**WAC 16-233-230 Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232.** (1) Knowledge of labeling information.

(a) The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(b) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(2) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

NEW SECTION**WAC 16-233-235 Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234.**

(1) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(2) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(3) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

(a) That such equipment may be contaminated with pesticides.

(b) Of the potentially harmful effects of exposure to pesticides.

(c) Of the correct way to handle such equipment.

NEW SECTION**WAC 16-233-240 Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235.**

(1) Requirement. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Handlers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

NEW SECTION**WAC 16-233-245 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240.**

(1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.



(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

- (i) Chemical-resistant shoes.
- (ii) Chemical-resistant boots.
- (iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

- (i) Goggles.
- (ii) Face shield.
- (iii) Safety glasses with front, brow, and temple protection.
- (iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071. The respiratory protection requirements of the general occupational health standards, WAC 296-62-071, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(ii) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(b) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(c) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide

to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

(i) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(ii) Persons using a closed system to mix or load pesticides other than those in (d)(i) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

(e) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (e)(i) through (iv) of this subsection.

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such



as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(5) Use of personal protective equipment.

(a) The handler employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(b) The handler employer shall assure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(6) Cleaning and maintenance.

(a) The handler employer shall assure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thorough-

ly before being stored or shall be put in a well ventilated place to dry.

(e) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

(i) At the first indication of odor, taste, or irritation.

(ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iii) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(h) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

(i) Store personal clothing not in use.

(ii) Put on personal protective equipment at the start of any exposure period.

(iii) Remove personal protective equipment at the end of any exposure period.

(j) The handler employer shall not allow or direct any handler to wear home or to take home personal protective equipment contaminated with pesticides.

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

#### NEW SECTION

**WAC 16-233-250 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250.** (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, decontamination supplies for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eye-

flushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls, for use in an emergency.

(3) Location. The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, decontamination supplies shall be at the mixing site.

(b) Exception for pilots. Decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(d) Decontamination supplies in treated areas. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or

applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

#### NEW SECTION

**WAC 16-233-255 Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260.** If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(1) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) The circumstances of handling of the pesticide.

(d) The circumstances of exposure of that person to the pesticide.

#### **WSR 96-21-017**

#### **PERMANENT RULES**

#### **STATE BOARD OF EDUCATION**

[Filed October 4, 1996, 10:55 a.m.]

Date of Adoption: September 20, 1996.

Purpose: This amendment to WAC 180-78-145 will assist preparation programs to adapt to new program approval standards and improvement of student achievement legislation.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78-145.

Statutory Authority for Adoption: RCW 28A.305.130.

Adopted under notice filed as WSR 96-16-048 on August 1, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

October 4, 1996

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 95-12-055, filed 6/2/95, effective 7/3/95)

**WAC 180-78-145 Evidence of compliance with professional education advisory board approval standard.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the program approval standard of WAC 180-78-140(1).

(1) The professional education advisory board has been established in accordance with WAC 180-78-075 through 180-78-120.

(2) The professional education advisory board has carried out the following responsibilities:

(a) Elect a chair of the professional education advisory board.

(b) Adopt bylaws which are consistent with the provisions of this chapter.

(c) Meet at the call of the chair of the professional education advisory board or as provided in the bylaws of the professional education advisory board which, in either case, shall be at least four meetings per calendar year.

(d) Advise the superintendent of public instruction of needed changes in the administrative code affecting the professional preparation programs for which the professional education advisory board has responsibility.

(e) Advise the quality review team as provided in WAC 180-78-190(3).

(f) Report alternative professional programs, if developed.

(3) In determining compliance with this subsection, written documentation must be available for review indicating that the following have been reviewed annually:

(a) One or more program approval standards of WAC 180-78-140 and, as needed, formally notify the college or university in writing of changes the professional education advisory board believes are necessary or required to bring the college or university into compliance with the program approval standards for the professional preparation program and, based upon such review, provide formal recommendations pursuant to subsection (2)(d) of this section.

(b) The plan to provide all candidates for certification with field experiences with ethnic, racial, and cultural populations and with special education and highly capable students.

(c) The evaluation data, including course, field experience (WAC 180-78-165(2)), and follow-up data (WAC 180-78-175 (4) and (5)).

(4) In determining compliance with this subsection, written documentation must be available indicating that the

following have been reviewed at least once every three years:

(a) The policies used to develop agreements between the college/universities and agencies providing field sites for field experience.

(b) The curriculum materials and media collection.

(c) Proposed revisions in the professional preparation program to reflect local district policies related to changing demographics, curriculum, organization, and federal and state laws, including administrative rules and case law.

(d) Recent professional developments which may impact the design of the professional preparation program.

(5) Written minutes are available for each meeting of each professional education advisory board which shall include the following items for each meeting listed in the college or university's annual report (WAC 180-78-047): Attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change.

(6) Documentation from the college or university is available showing that each recommendation from each professional education advisory board during each academic year has been considered and acted upon by faculty committees or administrators—depending upon college or university governance—and, if delayed, modified, or not adopted, a rationale provided to the professional education advisory board as to why a recommendation was delayed, modified, or not adopted. All recommendations from professional education advisory boards shall be forwarded to appropriate faculty committees or administrators within two months of formal receipt by the chief administrator of the professional preparation program.

(7) The state board of education recognizes that the "improvement in student learning" legislation may require significant revisions in programs for the preparation of teachers, administrators, and educational staff associates and that reviews of existing programs and the development of revisions, where appropriate, need to begin as soon as possible. Therefore:

(a) The state board of education directs ~~((the teacher))~~ all professional education advisory boards, in lieu of the activities and documentation required in subsections (2) through (6) of this section, to ~~((complete))~~ review during the ~~((1995-96))~~ 1996-97 fiscal year ~~((a review of their existing preparation programs to identify revisions that will be needed in approved programs based on the commission on student learning's recommendations for essential learning requirements in reading, writing, communications, and mathematics;~~

~~((b))~~ In completing this review, the teacher professional education advisory boards may also consider related activities such as proposed revisions in the program approval standards;

~~((c))~~ College/university academic faculty, where appropriate, and/or other knowledgeable persons from the subject matter fields identified in the legislation should be included in the review process;

~~((d))~~ the proposed standards for the preservice preparation of teachers, administrators, and educational staff associates in order to begin revisions in policies and programs that may be required after state board of education adoption, proposed for January, 1997;

(b) The state board of education also directs teacher professional education advisory boards to:

(i) Continue their efforts to review the alignment of their preservice preparation programs with the commission on student learning's essential academic learning requirements in reading, writing, communication, and math, as well as to begin a review of the essential academic learning requirements in science, social studies, arts, health, and fitness; and

(ii) Prepare recommendations to their respective colleges and universities to incorporate into their preservice preparation programs opportunities for all future teachers to be able to successfully provide the instruction needed for school students to demonstrate the essential learnings in reading;

(c) Professional education advisory boards shall be required to meet at least four times during the ((1995-96)) 1996-97 fiscal year and ((submit written minutes for each professional education advisory board meeting as part of the college/university's annual report (WAC 180-78-047) including the attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change;

(e)) include in the executive summary any recommendations for changes to their programs. College/universities must still complete, if necessary, any "compliance plans," required by the state board of education for their previous year's programs.

((8) Professional education advisory boards for administrators and educational staff associates may request the state board of education for a waiver from subsections (2) through (6) of this section for the 1995-96 fiscal year to review their existing preparation programs in order to determine if revisions will be needed in approved programs based on the improvement in student learning legislation.))

**WSR 96-21-018  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed October 4, 1996, 3:48 p.m.]

Date of Adoption: October 4, 1996.

Purpose: To fulfill veto message and requirements in E2SSB 5439, and to create greater consistency between the minimum licensing requirements for overnight youth shelters and those for group care facilities for children.

Citation of Existing Rules Affected by this Order: Amending WAC 388-160-050, 388-160-080, 388-160-430, 388-160-460, 388-160-480, 388-160-490, 388-160-500, and 388-160-530.

Statutory Authority for Adoption: RCW 74.15.030.

Adopted under notice filed as WSR 96-14-099 on July 2, 1996.

Changes Other than Editing from Proposed to Adopted Version: In response to public input, the Department of Social and Health Services clarified the staffing requirements in WAC 388-160-460.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 6, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 4, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-050 Fire standards.** Overnight youth shelters shall conform to the rules and regulations adopted by the Washington state fire marshal's office establishing minimum standards for fire prevention and the protection of life and property against fire as required under RCW 74.15.050 and WAC 212-12-001. The Washington state fire marshal's standards are contained in the current state building code.

AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-080 Limitations on licenses and dual licensure.** The department shall not issue a license to an applicant for both an overnight youth shelter and another category of residential care which the department licenses or is licensed by another department. The department may authorize an exception only if it is clearly evident that care of one category of client does not interfere with the safety and quality of care provided to other client categories.

AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-430 Intake.** (1) An overnight youth shelter shall provide an intake consisting of an initial assessment of entering youth and shall include, but not be limited to:

- (a) Recent history;
- (b) Outstanding warrants;
- (c) ~~((Where the youngster has been;~~
- ~~(d))~~ Physical and medical needs, including medication;

~~((and~~  
~~(e))~~ (d) Whether parents are aware of the youth's whereabouts(~~-~~

~~(2) If the youth returns to the overnight shelter, the shelter shall provide a second intake to evaluate the youth's needs including:~~

- ~~(a) Family and living situation (Does parent want youth at home?);~~
- ~~(b) Criminal involvement;~~
- ~~(c) Behavioral problems;~~

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~~(d))~~ and want the youth at home;

(e) School status;

~~((e))~~ (f) Adult to contact, if one is available;

~~((f))~~ (g) Immediate need for counseling(~~(;~~

~~(g)~~ Capability for self-care); and

(h) Options for the near future.

~~((3))~~ (2) The overnight youth shelter shall notify the department of social and health services (DSHS) or the police of an unaccompanied child (~~under thirteen years of age~~) twelve years of age or younger who is requesting service.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-460 Staffing.** (1) An overnight youth shelter shall adhere to the following staff/child ratios:

(a) A shelter licensed for youths thirteen through seventeen years of age exclusively shall have a staff/child ratio of ~~((1:8))~~ one staff person to every eight youth or major fraction (five or more) thereof;

(b) A shelter caring for youths sixteen through twenty years of age on the premises shall have a staff/child ratio of ~~((1:6))~~ one staff person to every six youth or major fraction (four or more) thereof.

~~(2) ((All shelters shall have two or more adult staff on the premises at all times (-))~~ Within the ratios in subsection (1) of this section:

(a) At least one ((of whom is a)) fully trained lead counselor(~~(- when))~~ shall be on the premises at all times children are present(~~(-~~

~~(3) All shelters shall have two or more); and~~

(b) At least one staff person shall remain awake ((staff present)) while youths are asleep(~~(-~~

~~(4) If fewer than six youths are in care, there may be only one awake staff on duty provided that the staff is a fully trained lead counselor)). Other staff persons may be asleep, but shall be available in the shelter in case of emergency;~~

(c) Whenever only one staff person is on duty, there shall be a second staff person on call.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-480 Child care workers—Qualifications.** (1) All overnight youth shelter child care staff and volunteers shall:

(a) Be ~~((twenty one or more))~~ eighteen years of age or older. Staff twenty years of age or younger shall be under the immediate supervision of staff twenty-one years of age or older;

(b) Have completed a criminal history check;

(c) Have completed a TB test, as required under WAC 388-73-142; and

(d) Have completed HIV/AIDS training as required under WAC 388-73-143 within sixty days of beginning employment or volunteer service at the shelter.

(2) Overnight youth shelter child care workers shall be of both sexes to reflect the population in care.

(3) One person with full training plus having one year's experience with high-risk adolescents shall be present at all

times that youths are in care as described under section 500 (1) and (2) of this chapter.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-490 Program supervision.** (1) The department shall require every overnight youth shelter to have a program supervisor.

(a) The program supervisor shall have a:

(i) Master's degree in social work or a related field and one year's experience with high-risk adolescents; or

(ii) Bachelor's degree and three years' experience with high-risk adolescents.

(b) The program supervisor shall provide two hours of supervision to youth shelter child care staff or volunteers for each forty hours that staff work.

(2) A master's degree level person with counseling experience with high-risk/troubled adolescents or a bachelor's degree level person with at least three years counseling experience with high risk/troubled adolescents shall be on call at all times when the overnight youth shelter is open or when children are present. This person may be on staff, or on contract, or available by written agreement.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-500 Training.** (1) All overnight youth shelter staff and volunteers shall receive training before providing care for youth. The overnight youth shelter shall ensure this training includes, but is not limited to:

(a) Job responsibilities;

(b) Agency administration;

(c) Supervision of youths;

(d) Basic behavior management;

(e) Fire safety procedures; and

(f) ~~((AIDS training;~~

~~(g) Cultural sensitivities; and~~

~~(h))~~ Handling emergency situations.

(2) The overnight youth shelter shall ensure that staff receive training in the following areas within sixty days of beginning employment or volunteer service:

(a) AIDS/HIV;

(b) Cultural sensitivity; and

(c) Behavior management.

(3) New overnight youth shelter staff shall work shifts with fully trained staff until the new staff's own training has been completed.

(4) An overnight youth shelter shall ~~((also))~~ offer or make available to staff and volunteers in-service training to cover policies appropriate to each position, to include supervisory skills, adolescent development and problems, and meeting the needs of youths. The shelter's training should include, but not be limited to:

(a) Sexual abuse((;);

(b) Predatory behavior((;);

(c) Substance abuse((;);

(d) Depression((;);

(e) Mental health(~~(- and));~~

(f) Teen suicide; and

(g) Injurious or assaultive behavior toward oneself or others.

AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-530 Personnel policies and records—Overnight youth shelters.** (1) Each overnight youth shelter employee and volunteer having unsupervised or regular access to the youth or child in care shall complete and submit to the licensee or director by the date of hire:

(a) An employment application on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check.

(ii) The department shall discuss the inquiry information with the licensee or director, when applicable.

(2) The overnight youth shelter licensee employing five or more persons shall have written personnel policies describing staff benefits, if any, duties, and qualifications.

(3) The overnight youth shelter licensee shall maintain a personnel recordkeeping system, having on file for the licensee, staff person, and volunteer:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or an exemption to the skin test or X-ray;

(d) Documentation of HIV/AIDS education and training;

(e) A record of participation in staff development training;

(f) Documentation of orientation program completion;

(g) Documentation of a valid food handler permit, when applicable;

(h) Documentation of current first aid and CPR training, when applicable; and

(i) Telephone number of "on-call" master or bachelor degree level person with other emergency telephone numbers.

#### NEW SECTION

**WAC 388-160-550 Reporting runaway youth.** (1) Within eight hours of learning a youth staying at the shelter is away from home without parental permission, shelter staff shall report the location of the youth to:

(a) The parent;

(b) The law enforcement agency having jurisdiction in the shelter's area; or

(c) The department.

(2) The shelter staff shall:

(a) Make the report by telephone or any other reasonable means; and

(b) Document the report in writing in the youth's file.

Purpose: Chapters 246-10 and 246-11 WAC prescribe the means of holding administrative hearings. The proposed changes expand the coverage of the rules, and clarify/standardize some of the technical aspects of conducting an adjudicative hearing.

Citation of Existing Rules Affected by this Order: Amending chapters 246-10 and 246-11 WAC.

Statutory Authority for Adoption: RCW 18.130.050.

Other Authority: RCW 43.70.040.

Adopted under notice filed as WSR 96-14-069 on June 28, 1996.

Changes Other than Editing from Proposed to Adopted Version: Chapter 246-10 WAC, Administrative procedure—Adjudicative proceedings: WAC 246-10-403(12), the last sentence regarding service by FAX, conditioned upon agreement of the other side, was found to be inconsistent with WAC 246-10-109(4) which allows FAX service of motions unconditionally. As a result, this sentence was deleted.

WAC 246-10-403(14), the proposed subsection was determined to be too narrowly defined. The changes will allow for the exemption of all departmental motions for summary action.

WAC 246-10-502(5), housekeeping change; changes "subsection" to "section" in the first line.

Chapter 246-11 WAC, Model procedural rules for boards: WAC 246-11-380(14), the proposed subsection was determined to be too narrowly defined. The changes will allow for the exemption of all departmental motions for summary action.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 2, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 10, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 10, repealed 0.

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

October 7, 1996

Bruce A. Miyahara  
Secretary

AMENDATORY SECTION (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-107 Persons who may request adjudicative proceedings.** The persons indicated may request an adjudicative proceeding under this chapter.

(1)(a) With respect to the denial of applications made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, ((and)) 246-290-140, 246-291-100, 246-291-110, 246-291-120, 246-291-130, 246-291-140, and 246-295-040, the denied applicant may request an adjudicative proceeding.

WSR 96-21-027

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed October 7, 1996, 11:00 a.m.]

Date of Adoption: September 10, 1996.

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(b) A person whose application for the approval of a new public water system is denied under WAC 246-293-190, a purveyor whose license is adversely affected by a departmental decision under WAC 246-293-190 or the county legislative authority having jurisdiction in the area affected by the decision may request an adjudicative proceeding under this chapter.

(c) A purveyor affected by the decision of the department under WAC 246-293-430 or the county legislative authority having jurisdiction in the area may request an adjudicative proceeding with respect to a decision made under WAC 246-293-430.

(d) A person upon whom a civil penalty is imposed under RCW 70.119A.040 may request an adjudicative proceeding.

(2) With respect to all other matters involving the issuance, denial of, or adverse action against, a license, the applicant or licensee may request an adjudicative proceeding.

(3) With respect to matters involving receipt of benefits or application therefor, the recipient of or applicant for the benefits may request an adjudicative proceeding.

(4) With respect to an application for approval of a school or curriculum, the person or authority that applied for such approval may request an adjudicative proceeding.

(5) With respect to the department's final threshold determination that an environmental impact statement (EIS) is or is not necessary and with respect to the adequacy of a final EIS, any person may request an adjudicative proceeding who:

(a) Is seeking to protect an interest within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question; and

(b) Will be specifically and perceptibly harmed by the proposed action.

(6) Any application for an adjudicative proceeding that on its face demonstrates that the person making the application does not have standing under this rule may be summarily dismissed by entry of a decision pursuant to RCW 34.05.416. A motion to dismiss a matter for lack of standing may be made at any time prior to entry of the final order.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-124 Preliminary requirements.** (1) An applicant for an initial license or renewal of an existing license shall not be entitled to an adjudicative proceeding unless the applicant has submitted:

(a) A completed initial application or renewal application, as appropriate; and

(b) All applicable application, examination, or renewal fees payable in connection with such application or license.

(2) An aggrieved applicant shall not be entitled to an adjudicative proceeding with respect to the denial of an application submitted under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, ~~((or))~~ 246-290-140, 246-291-100, 246-291-110, 246-291-120, 246-291-130, 246-291-140, or 246-295-040, unless the applicant has submitted to the district engineer or other departmental employee responsible for reviewing the submittal, a certification that, to the best of the applicant's knowledge and belief, the submittal is

complete and demonstrates compliance with the state's drinking water regulations. Certification with respect to water system plans, project reports, construction documents and other submittals requiring preparational review by a licensed professional engineer shall be provided on behalf of the applicant by the licensed professional engineer preparing or reviewing the submittal. Failure to comply with these preliminary requirements shall result in the denial of the application for adjudicative proceeding without further review.

(3) An affected party shall not be entitled to an adjudicative proceeding with respect to a decision made under WAC 246-293-190 unless:

(a) Except with respect to a county legislative authority, the applicant shall have complied with all preliminary requirements established under the coordinated water system plan approved by the county legislative authority and the department or, if the critical water supply service area's external boundaries have been approved but a coordinated water system plan has not been approved and adopted, then with any interim requirements imposed by the county legislative authority; and

(b) Within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant submits copies of the complete record of all proceedings conducted under the applicable coordinated water system plan or interim requirements. If such proceedings were taped or otherwise recorded, the record submitted to the department shall include a transcript of the hearing or hearings which shall be prepared and certified as correct by a registered professional court reporter.

(c) Failure to comply with the preliminary requirements outlined herein shall result in a denial of the hearing application without further review.

(4) WAC 246-293-430.

(a) An adjudicative proceeding shall not be conducted with respect to a departmental decision made under WAC 246-293-430 unless, within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant has, at his or her own expense, submitted a transcript of the hearing conducted under WAC 246-293-430 from tapes or other record of the hearing which the department shall make available for that purpose. The transcript shall be prepared and certified as correct by a registered professional court reporter. Failure to comply with preliminary requirements established under this section shall result in the dismissal of the hearing application without further review.

(b) If a request for an adjudicative proceeding has been timely filed under this section and a transcript of the record has been timely submitted, the department shall promptly provide the presiding officer with copies of all documents and exhibits admitted at the hearing conducted under WAC 246-293-430.

(c) The departmental employee responsible for the department's decision under WAC 246-293-430 shall provide a copy of his or her decision to the presiding officer and may submit documents or evidence not made part of the record at the hearing conducted under WAC 246-293-430. Copies of all such documents shall be provided to all other parties involved in the proceeding.



**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-204 Default.** (1) If a party fails to respond to initiating documents according to WAC 246-10-203, that party will be deemed to have waived the right to a hearing, and the secretary shall enter a final order without further contact with that party.

(2) If a party requests an adjudicative proceeding but fails to appear, without leave to do so, at a scheduled prehearing conference, the presiding officer may issue an order of default. The order shall include notice of opportunity to request that the default order be vacated pursuant to RCW 34.05.440(3). Unless vacated, a default order under this subsection shall be grounds for the presiding officer to proceed to decide the matter in the absence of the respondent and without additional notice to the respondent and to issue a final order.

(3) If a party requests an adjudicative proceeding but fails to appear at the hearing, the presiding officer may issue an order of default in the same manner as subsection (2) of this section, or may proceed to hear the matter in the absence of the party and issue a final order.

(4) Final orders entered under this section shall meet the requirements of WAC 246-10-702 and shall contain:

(a) Findings of fact and conclusions of law based upon prima facie proof of the allegations contained in the initiating documents;

(b) Proof of service of or a good faith attempt to serve initiating documents and appropriate notices;

(c) A finding that there is no reason to believe that the party in default is in active military service;

(d) The penalties or conditions imposed by the order; and

(e) Notice of the opportunity to request reconsideration pursuant to RCW 34.05.470.

(5) Final and default orders entered under this section shall be served upon the parties in accordance with WAC 246-10-109.

(6) Notwithstanding subsections (1) through (5) of this section, if a party fails to respond to an initiating document issued consistent with the requirements of RCW 43.70.095 or 43.70.115, the initiating document shall become a final order upon its effective date unless the initiating document otherwise provides.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-403 Motions.** (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing and filed with the presiding officer prior to the dates set in the scheduling order.

(3) Motions for continuance must be made in writing and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than twenty days from service of the scheduling order,

motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section for good cause.

(5) The following is the recommended format for motions:

(a) A succinct statement of the facts contended to be material;

(b) A concise statement of the issue, issues or law upon which the presiding officer is requested to rule;

(c) The specific relief requested by the moving party;

(d) If the motion requires the consideration of facts or evidence not appearing on the record, the moving party shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion;

(e) The legal authority upon which the motion is based;  
and

(f) A proposed order may accompany the motion, and should contain findings of fact and conclusions of law.

(6) The moving party shall file the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, with the presiding officer and shall serve the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, on all other parties.

(7) The opposing party shall file with the presiding officer, and serve upon the moving party, a responsive memorandum, and accompanying affidavits and photographic or documentary evidence when necessary, no later than eleven days following service of the motion, unless otherwise ordered by the presiding officer.

(8) The moving party may file with the presiding officer, and serve upon the opposing party, a reply memorandum no later than five days following service of the responsive memorandum, unless otherwise ordered by the presiding officer.

(9) Unless otherwise ordered by the presiding officer, all motions shall be decided without oral argument. A party requesting oral argument on a motion shall so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of the motion or the responsive memorandum. If a request for oral argument is granted, the presiding officer shall notify the parties of the date and time of the argument and whether the argument will be in person or by telephone conference.

(10) Motions to shorten time or emergency motions shall be exceptions to the rule, and a party may only make such motions in exigent or exceptional circumstances. When making such a motion, the moving party shall:

(a) Suggest a date and time when the moving party seeks to have the presiding officer hear the motion to shorten time, which should be at least forty-eight hours after filing;

(b) Suggest a date and time when the moving party seeks to have the presiding officer consider the merits of the underlying motion;

(c) Describe the exigent or exceptional circumstances justifying shortening of time in an affidavit or a memorandum accompanying the motion;



(d) Certify that the motion to shorten time and the underlying motion have been served on all other parties prior to the filing of the motion with the presiding officer. Any opposition to the motion to shorten time must be served and filed within twenty-four hours of the service of the motion. If the presiding officer grants the motion to shorten time, the presiding officer shall notify the parties of the date by which the responsive memorandum to the underlying motion shall be served and filed.

(11) All motions will be decided as soon as practical, but not more than thirty days following the filing of the motion. If the presiding officer will not decide the motion within this time, the presiding officer shall notify the parties in writing of the date by which the motion will be decided.

(12) If a party serves a motion or responsive memorandum by mail, pursuant to WAC 246-10-109, then three days shall be added to the time within which the opposing party must file and serve the responsive or reply memorandum.

(13) All computations of time shall be calculated pursuant to WAC 246-10-105.

(14) Departmental motions for summary actions are exempted from all requirements of this rule.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-501 Application of brief adjudicative proceedings.** (1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination whether an applicant for a professional, business, or facility license meets the minimum criteria for an unrestricted license and the department proposes to deny such a license or to issue a restricted license;

(b) An application to approve a water system plan under WAC 246-290-100;

(c) An application to approve a project report under WAC 246-290-110;

(d) An application for source approval under WAC 246-290-130;

(e) An application to approve construction documents under WAC 246-290-120;

(f) An application to approve an existing Group A water system under WAC 246-290-140;

(g) An application for source approval under WAC 246-291-100 or 246-291-110;

(h) An application to approve a design report under WAC 246-291-120;

(i) An application to approve an existing Group B water system under WAC 246-291-130;

(j) An application to approve a water system plan under WAC 246-291-140;

(k) A decision under WAC 246-293-190;

~~((h))~~ (l) A decision with respect to service area conflicts under WAC 246-293-430;

~~((i))~~ (m) An application for approval as a satellite management agency under WAC 246-295-040;

(n) A civil penalty imposed under RCW 70.119A.040 when the amount of the civil penalty does not exceed two thousand five hundred dollars;

(o) A request to bank nursing home beds under RCW 70.38.111(8) and 70.38.115(13);

(p) A determination as to whether a person is in compliance with the terms and conditions of a final order previously issued by the department;

~~((q))~~ (q) Any approval of a school or curriculum when such approval by the department is required or authorized by statute or rule;

~~((r))~~ (r) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for license renewal; or

~~((s))~~ (s) A decision to deny, modify, or impose conditions upon an operating permit under WAC 246-294-050.

(2) If an adjudicative proceeding is requested, in a matter not listed in subsection (1) of this section, a brief adjudicative proceeding may be conducted in the discretion of the presiding officer when it appears that protection of the public interest does not require that the department provide notice and an opportunity to participate to persons other than the parties and:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief proceeding.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-502 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for a professional, business, or facility license, or for approval of a school or curriculum shall consist of the following:

(a) The application for the license or approval and all associated documents;

(b) All documents relied on by the program in proposing to deny the application;

(c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) Preliminary record.

(a) The preliminary record with respect to decisions made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, ~~((and))~~ 246-290-140, 246-291-100, 246-291-110, 246-291-120, 246-291-130, and 246-291-140 shall consist of the decision document, all documents constituting the applicant's submittal and such other documents as the applicant or the departmental employee reviewing the submittal may wish to include in the preliminary record.

(b) WAC 246-293-190.

(i) If proceedings are required and have been conducted by local agencies under the applicable coordinated water system plan, the preliminary record shall consist of the record submitted to the department under WAC 246-10-124(3).

(ii) If hearings are not required or have not been conducted by local agencies under the applicable coordinated water system plan or if the external boundaries of the coordination act area have been approved but a coordinated water system plan has not been adopted, then the preliminary record shall consist of such documents as the presiding officer may solicit from the affected parties.

(c) The preliminary record with respect to a decision made under WAC 246-293-430 shall consist of the record

submitted to the presiding officer under WAC 246-10-124(4).

(d) The preliminary record with respect to a decision under WAC 246-294-050 shall consist of:

(i) The permit, if any;

(ii) All documents relied upon by the program in proposing to deny, modify, or impose conditions upon the permit; and

(iii) The decision document.

(e) The preliminary record with respect to decisions made under WAC 246-295-040 shall consist of the decision document, all documents constituting the applicant's submittal, comments submitted by the county, and such other documents as the applicant or the department may wish to include in the preliminary record.

(f) The preliminary record with respect to civil penalties imposed under RCW 70.119A.040 shall consist of the notice of imposition of penalties, the departmental order, if any, all documentation of communication between the program and the person or persons incurring the civil penalties regarding the violation or violations for which the civil penalties were imposed, and such other documents as the person or persons incurring the civil penalties or the department may wish to include in the preliminary record.

(3) The preliminary record with respect to compliance with prior department orders shall consist of:

(a) The official department file of the proceeding in which the order was issued;

(b) All matters submitted by the person to whom the order is directed purporting to demonstrate compliance with the order;

(c) All documents relied on by the department in asserting noncompliance; and

(d) All correspondence between the department and the person to whom the order is directed respecting compliance.

(4) The preliminary record with respect to matters submitted to a brief adjudicative proceeding under WAC 246-10-501(2) shall be as agreed by the parties.

(5) For the purposes of this section, "decision document" shall mean one or more documents that provide notice to the affected party of the department's action, and that contain(s) the information provided by an initiating document.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-503 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the assistant secretary having responsibility for the program that issued the initiating document that is the subject of the proceeding. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation in addition to the preliminary record. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives, at a time and place designated by the presiding officer for brief adjudicative proceedings.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within (~~fifteen~~) ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order in accordance with WAC 246-10-608.

**AMENDATORY SECTION** (Amending WSR 94-04-078, filed 1/31/94, effective 3/3/94)

**WAC 246-11-380 Motions.** (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing and filed prior to the dates set in the scheduling order. Filing shall be at the board's office, unless filing is directed in writing to be made at another address.

(3) Motions for continuance must be made in writing and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than twenty days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section for good cause.

(5) The following is the recommended format for motions:

(a) A succinct statement of the facts contended to be material;

(b) A concise statement of the issue, issues or law upon which the presiding officer is requested to rule;

(c) The specific relief requested by the moving party;

(d) If the motion requires the consideration of facts or evidence not appearing on the record, the moving party shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion;

(e) The legal authority upon which the motion is based;  
and

(f) A proposed order may accompany the motion, and should contain findings of fact and conclusions of law.

(6) The moving party shall file the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, with the board's office and with the presiding officer, and shall serve the motion, and the

accompanying affidavits and photographic or documentary evidence when necessary, on all other parties.

(7) The opposing party shall file with the board's office and with the presiding officer, and serve upon the moving party, a responsive memorandum, and accompanying affidavits and photographic or documentary evidence when necessary, no later than eleven days following service of the motion, unless otherwise ordered by the presiding officer.

(8) The moving party may file with the board's office and with the presiding officer, and serve upon the opposing party, a reply memorandum no later than five days following service of the responsive memorandum, unless otherwise ordered by the presiding officer.

(9) Unless otherwise ordered by the presiding officer, all motions shall be decided without oral argument. A party requesting oral argument on a motion shall so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of the motion or the responsive memorandum. If a request for oral argument is granted, the presiding officer shall notify the parties of the date and time of the argument and whether the argument will be in person or by telephone conference.

(10) Motions to shorten time or emergency motions shall be exceptions to the rule, and a party may only make such motions in exigent or exceptional circumstances. When making such a motion, the moving party shall:

(a) Suggest a date and time when the moving party seeks to have the presiding officer hear the motion to shorten time, which should be at least forty-eight hours after filing;

(b) Suggest a date and time when the moving party seeks to have the presiding officer consider the merits of the underlying motion;

(c) Describe the exigent or exceptional circumstances justifying shortening of time in an affidavit or a memorandum accompanying the motion;

(d) Certify that the motion to shorten time and the underlying motion have been served on all other parties prior to the filing of the motion with the presiding officer. Any opposition to the motion to shorten time must be served and filed within twenty-four hours of the service of the motion. If the presiding officer grants the motion to shorten time, the presiding officer shall notify the parties of the date by which the responsive memorandum to the underlying motion shall be served and filed.

(11) All motions will be decided as soon as practical, but not more than thirty days following the filing of the motion. If the presiding officer will not decide the motion within this time, the presiding officer shall notify the parties in writing of the date by which the motion will be decided.

(12) If a party serves a motion or responsive memorandum by mail, pursuant to WAC 246-11-080, then three days shall be added to the time within which the opposing party must file and serve the responsive or reply memorandum. Service by electronic telefacsimile transmission (FAX) upon each party is permitted upon agreement of the parties, with proof of confirmation of service to be filed with the presiding officer.

(13) All computations of time shall be calculated pursuant to WAC 246-11-040.

(14) Departmental motions for summary actions are exempted from all requirements of this section.

AMENDATORY SECTION (Amending WSR 94-04-078, filed 1/31/94, effective 3/3/94)

**WAC 246-11-430 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the board. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ~~((fifteen))~~ ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order in accordance with WAC 246-11-540.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-550 Appeal from initial order.** (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-11-430 or WAC 246-11-540 stating the specific grounds upon which exception is taken and the relief requested.

(2) Petitions for administrative review must be served upon the opposing party and filed with the office of the board within ~~((twenty))~~ twenty-one days of service of the initial order.

(3) ~~((Within twenty days of service of a petition for administrative review is filed as provided in this section.))~~ The opposing party may file a response to a petition for administrative review as provided in this section. The response shall be filed at the place specified in subsection (2) of this section. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-11-430, the response will be filed within ten days of service of the petition. In all other matters, the response will be filed within twenty days of service of the petition.

**WSR 96-21-029**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 95-11—Filed October 9, 1996, 10:35 a.m.]

Date of Adoption: October 9, 1996.

Purpose: Permit new inspection procedures, expand Vancouver test area and clarify program requirements.

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Citation of Existing Rules Affected by this Order: Amending chapter 173-422 WAC, Motor vehicle emission inspection.

Statutory Authority for Adoption: Chapter 70.120 RCW.

Adopted under notice filed as WSR 96-12-023 on May 29, 1996.

Changes Other than Editing from Proposed to Adopted Version: Revised wording that exempts a vehicle from emission testing if it had already been tested during the same licensing period.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
October 9, 1996  
Mary Riveland  
Director

**AMENDATORY SECTION** (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

**WAC 173-422-030 Vehicle emission inspection requirement.** All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. In addition, the department may require an emission inspection of a motor vehicle, except military tactical vehicles, operated for more than sixty days a year on a federal installation located within an emission contributing area, or a vehicle garaged at a location within an emission contributing area, or a vehicle which has previously passed an emission inspection but has been identified using on road testing as likely to no longer comply with the inspection standards. Neither the department of licensing nor its agents may change the registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.150, unless the application for issuance or renewal is: (1) accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.080 or 70.120.170 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). The certificates must have a date of validation which is within six months of the date of application for the vehicle license, license renewal or registered owner change. However, (a) an emission inspection used to

change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner. Certificates for fleet or owner tested vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

**AMENDATORY SECTION** (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

**WAC 173-422-050 Emission contributing areas.** Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of September 1, 1994, set forth below:

(1) Puget Sound Region

98001	98036	98083
98002	98037	98092
98003	98038	98093
98004	98039	98101 thru 98199
98005	98040	inclusive except 98110
98006	98041	98201 thru 98208
98007	98042	98258
98008	98043	98270
98009	98046	98271
98011	98047	98275
98012	98052	98290
98015	98053	98291
98020	98054	98327
98021	98055	98332
98023	98056	98335
98025	98057	98338
98026	98058	98344
98027	98059	98352
98028	98062	98354
98031	98063	98371 thru 98374
98032	98064	98387
98033	98071	98388
98034	98072	98390
98035	98073	98401 thru 98499

(2) Spokane Region

99001
99005
99014
99016
99019
99021
99025
99027
99037
99201 thru 99299

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(3) Vancouver Region

- 98604 except north of N.E. 279th Street
- 98606
- 98607
- 98629 except east of N.E. 50th Avenue
- 98642
- 98660 thru 98668
- 98671 except Skamania County
- 98682-86

<u>3125</u>	<u>4.2</u>	<u>400</u>
<u>3250</u>	<u>4.0</u>	<u>400</u>
<u>3375</u>	<u>3.9</u>	<u>400</u>
<u>3500</u>	<u>3.7</u>	<u>400</u>
<u>3635</u>	<u>3.6</u>	<u>400</u>
<u>cars 3750 &amp; greater</u>	<u>3.5</u>	<u>400</u>
<u>trucks 3750 &amp; greater</u>	<u>4.0</u>	<u>500</u>

1975-1980 cars and trucks (0-8500 lbs. GVWR)

<u>1750</u>	<u>4.2</u>	<u>400</u>	<u>None</u>
<u>1875</u>	<u>4.0</u>	<u>380</u>	
<u>2000</u>	<u>3.8</u>	<u>350</u>	
<u>2125</u>	<u>3.6</u>	<u>340</u>	
<u>2250</u>	<u>3.4</u>	<u>320</u>	
<u>2375</u>	<u>3.2</u>	<u>300</u>	
<u>2500</u>	<u>3.0</u>	<u>290</u>	
<u>2625</u>	<u>2.9</u>	<u>270</u>	
<u>2750</u>	<u>2.8</u>	<u>260</u>	
<u>2875</u>	<u>2.7</u>	<u>250</u>	
<u>3000</u>	<u>2.6</u>	<u>240</u>	
<u>3125</u>	<u>2.5</u>	<u>230</u>	
<u>3250</u>	<u>2.4</u>	<u>220</u>	
<u>3375</u>	<u>2.3</u>	<u>220</u>	
<u>3500</u>	<u>2.2</u>	<u>210</u>	
<u>3625</u>	<u>2.1</u>	<u>200</u>	
<u>cars 3750 &amp; greater</u>	<u>2.1</u>	<u>200</u>	
<u>trucks 3750 &amp; greater</u>	<u>2.5</u>	<u>300</u>	

AMENDATORY SECTION (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

**WAC 173-422-060 Gasoline vehicle emission standards.** Gasoline motor vehicles subject to this chapter shall:

(1) When tested using the exhaust emission testing procedures described in (II) Two Speed Idle Test or (III) Loaded Test of Appendix B Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of Chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, meet the applicable exhaust emission standards from the following table during both the idle and higher speed mode prior to receiving a certificate of compliance.

(2) When tested using the acceleration simulation mode (ASM) procedure specified in WAC 173-422-070 meet the following standards during that mode and the applicable standard from WAC 173-422-060(1) during the idle mode to receive a certificate of compliance. ASM testing will not start in a region until ecology has considered all comments on the need for ASM testing obtained at a public hearing held in that region.

Compliance with the NOx standards will not be required of vehicles tested in a region until the following conditions are met:

(a) Ecology has determined that a reduction of NOx emissions in that region will assist in attaining or maintaining the national air quality standard for ozone.

(b) Ecology has considered all comments received at a public hearing held in that region.

(c) For at least twenty-four months prior, the vehicle emission test reports have included the NOx reading.

ASM Mode Exhaust Emission Standards

<u>Model Year Test Weight (lbs.)</u>	<u>CO(%)*</u>	<u>HC(ppm)</u>	<u>NOx(ppm)*</u>
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1968-1974 cars and trucks (0-8500 lbs. GVWR)

<u>1750</u>	<u>7.3</u>	<u>690</u>	<u>None</u>
<u>1875</u>	<u>6.8</u>	<u>650</u>	
<u>2000</u>	<u>6.5</u>	<u>620</u>	
<u>2125</u>	<u>6.1</u>	<u>580</u>	
<u>2250</u>	<u>5.8</u>	<u>550</u>	
<u>2375</u>	<u>5.5</u>	<u>520</u>	
<u>2500</u>	<u>5.2</u>	<u>500</u>	
<u>2625</u>	<u>5.0</u>	<u>470</u>	
<u>2750</u>	<u>4.7</u>	<u>450</u>	
<u>2875</u>	<u>4.5</u>	<u>430</u>	
<u>3000</u>	<u>4.3</u>	<u>410</u>	

1981 & newer cars and trucks (0-8500 lbs. GVWR)

<u>1750</u>	<u>1.8</u>	<u>250</u>	<u>1500</u>
<u>1875</u>	<u>1.7</u>	<u>240</u>	<u>1500</u>
<u>2000</u>	<u>1.6</u>	<u>220</u>	<u>1500</u>
<u>2125</u>	<u>1.5</u>	<u>210</u>	<u>1500</u>
<u>2250</u>	<u>1.5</u>	<u>200</u>	<u>1500</u>
<u>2375</u>	<u>1.4</u>	<u>190</u>	<u>1500</u>
<u>2500</u>	<u>1.3</u>	<u>180</u>	<u>1500</u>
<u>2625</u>	<u>1.3</u>	<u>180</u>	<u>1500</u>
<u>2750</u>	<u>1.2</u>	<u>170</u>	<u>1500</u>
<u>2875</u>	<u>1.2</u>	<u>160</u>	<u>1500</u>
<u>3000</u>	<u>1.1</u>	<u>160</u>	<u>1500</u>
<u>3125</u>	<u>1.1</u>	<u>150</u>	<u>1500</u>
<u>3250</u>	<u>1.0</u>	<u>150</u>	<u>1500</u>
<u>3375</u>	<u>1.0</u>	<u>150</u>	<u>1500</u>
<u>3500</u>	<u>1.0</u>	<u>150</u>	<u>1500</u>
<u>3625</u>	<u>1.0</u>	<u>150</u>	<u>1500</u>
<u>cars 3750 &amp; greater</u>	<u>1.0</u>	<u>150</u>	<u>1500</u>
<u>trucks 3750 &amp; greater</u>	<u>1.5</u>	<u>200</u>	<u>2000</u>

\* The concentration of the gases, carbon monoxide (CO) and hydrocarbons (HC), oxides of nitrogen (NOx) measured as either a percentage (%) or parts per million (ppm) of the exhaust volume.

(3) If a 1971 or newer model year vehicle, the gasoline filler cap must not leak more than 60 cubic centimeters per minute at a pressure of 30 inches of water. Gas cap checking will not start in a region until ecology has considered all comments on the need for gas cap checking obtained at a public hearing held in that region.

(4) If a 1996 or newer model vehicle is equipped with an Environmental Protection Agency certified on-board diagnostic (OBD) system, the information stored in the on-board computer must indicate that all emission-related

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functional checks have been completed and no malfunctions detected.

#### Exhaust Emission Standards

Model Year	CO(%)*	HC (ppm)*
68-74	6.0	900
75-80	3.0	600
81-99 (0-8500 GVWR)	1.2	220
81-99 (Greater than 8500 GVWR)	3.0	400

\* The concentration of the gases, carbon monoxide (CO) and hydrocarbons (HC), measured as either a percentage (%) or parts per million (ppm) of the exhaust volume.

**AMENDATORY SECTION** (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

**WAC 173-422-070 Gasoline vehicle exhaust emission testing procedures.** All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the exhaust emission testing procedures described in (II) Two Speed Idle Test; or (III) Loaded Test of Appendix B-Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, ~~((unless))~~ except that the department may require that the following Acceleration Simulation Mode (ASM) test procedure replace the cruise mode of the loaded test. Equivalent procedures ~~((have been))~~ may be approved by the department.

Variations to the procedures specified may be established by the department for all or certain vehicles. Vehicles, not repaired as required by an emission recall for which owner notification was attempted after January 1, 1995, shall not be inspected until compliance with the recall is established.

#### Acceleration Simulation Mode (ASM)

1. Dynamometer Load: Set dynamometer horsepower load equal to [Vehicle Weight (lbs.) + 300]/300. An Environmental Protection Agency specified loading may also be used.
2. Vehicle Gear Selection: Vehicles with automatic transmissions use Drive (not Overdrive), vehicles with manual transmissions use second gear unless the engine speed exceeds 2500 revolutions per minute (measured by the vehicle's tachometer or by an evaluation of the vehicle's sound) then use third gear.
3. Vehicle Speed: Set vehicle speed at 25 miles per hour (mph) 1.5± mph.
4. Pass or Fail Determinations: Once the vehicle has been operating at 25 mph for 15 seconds, begin measuring exhaust HC, CO, CO<sub>2</sub>, and NO<sub>x</sub> each second. The reading for pass or fail determinations is the running average of five measurements. When a final pass or fail determination is made, this mode will be stopped and the final readings recorded.
5. Fast Pass (HC, CO): When NO<sub>x</sub> is not measured, the vehicle will pass after 15 or more seconds of measurements if: Both HC and CO readings are passing, and three successive one second measurements are equal to

or less than the HC and CO standards and are within 20 ppm HC and 0.20% CO of each other.

6. Fast Pass (HC, CO, NO<sub>x</sub>): When NO<sub>x</sub> is measured, the vehicle will pass after 45 or more seconds of measurements if the HC, CO and NO<sub>x</sub> readings are equal to or less than the standards.
7. Fast Fail: The vehicle will fail after 15 or more seconds of measurements when: HC reading exceeds 1800 ppm, or the CO reading exceeds 9.0 percent.
8. Full Term Pass/Fail: The vehicle will pass or fail after 90 seconds of measurements unless emission readings are declining at a rate that indicates that failing vehicle will pass within the next 30 seconds. Then up to an additional 30 seconds of measurements will be taken before the vehicle fails.

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

**AMENDATORY SECTION** (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

**WAC 173-422-170 Exemptions.** The following motor vehicles are exempt from the inspection requirement:

- (1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.
- (2) Vehicles whose model year is 1967 or earlier.
- (3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.
- (4) Motor vehicles that use propulsion units powered exclusively by electricity.
- (5) Motor-driven cycles as defined in chapter 46.04 RCW as amended.
- (6) Farm vehicles as defined in chapter 46.04 RCW as amended.
- (7) Vehicles not required to be licensed.
- (8) Mopeds as defined in chapter 46.04 RCW as amended.
- (9) Vehicles garaged and operated out of the emission contributing area.
- (10) Vehicles registered with the state but not for highway use.
- (11) Used vehicles at the time of sale by a Washington licensed motor vehicle dealer.
- (12) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so registered by the department of licensing.
- (13) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and or inspection procedures may be established.
- (14) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.
- (15) To ensure a biennial inspection of vehicles registered in the emission contributing areas, motor vehicles with model year matching (even to even, odd to odd) the expiration year of the license being purchased. This exemption

does not apply to vehicles being inspected because the registered owner is being changed. However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner.

(16) When the model year of the vehicle is the same as or greater than the year in which the vehicle's license expires.

**AMENDATORY SECTION** (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

**WAC 173-422-190 Emission specialist authorization.**

(1) To become an authorized emission specialist an individual shall:

(a) Pass a course of study, approved by the department; and

(b) Agree in writing to meet the requirements of subsection (2) of this section and all requirements of law or regulation regarding the serving of motor vehicle emission control systems or the motor vehicle emission inspection program.

(2) To maintain certification, an authorized emission specialist shall:

(a) Successfully complete a department-approved course on emission repair within ~~((twelve months))~~ ninety days of being required to do so by the department unless an extension has been granted in writing by the department; and

(b) Sign, including the specialist identification number, all receipts and other forms required by the department for emission repairs or adjustments performed. These receipts must be prenumbered, preprinted with the business's name and address and clearly itemize all appropriate repairs performed by the specialist; and

(c) Record on all receipts:

(i) The vehicle's emission readings after appropriate repairs; and

(ii) A vehicle description including the license number and vehicle identification number (VIN); and

(iii) Any missing or inoperative primary emission control components; and

(iv) Any further recommended appropriate repairs; and

(d) Not tamper with emission control systems, including adjusting an engine outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Not obtain or attempt to obtain a certificate of compliance, a certificate of acceptance (repair waiver) or an exemption from the inspection requirements by providing false information or by any fraudulent means (chapter 173-422 WAC); and

(f) Not aid or abet any individual in committing a violation of chapter 173-421 or 173-422 WAC.

(3) The certification of an authorized emission specialist may be revoked for a first violation of chapter 173-421 WAC or WAC 173-422-145, for a period of no more than one year, and may be permanently revoked for a second violation of chapter 173-421 or 173-422 WAC.

The certification of an authorized emission specialist may be temporarily revoked for violation of subsection (2) of this section and may be permanently revoked for continued willful violation of subsection (2) of this section.

An authorized emission specialist whose certification is revoked permanently or temporarily may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

(4) An authorized emission specialist whose certification has been temporarily revoked may reapply for certification twelve months after the date of revocation by applying to the department and meeting all requirements of subsection (1) of this section. An application for certification by a permanently revoked authorized emission specialist will be denied.

**WSR 96-21-031**

**PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed October 9, 1996, 4:20 p.m.]

Date of Adoption: October 9, 1996.

Purpose: The medical assistance administration will adopt payment methodology, reimbursement methodology for compounded drugs, and a definitions section to chapter 388-530 WAC and repeal current rules in chapter 388-91 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-91 WAC, Drugs.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 96-16-088 on August 7, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-530-1700(4) has been changed as follows: MAA may pay AAC to family planning clinics for birth control pills and contraceptive supplies the clinics ~~((dispense))~~ distribute to clients. ~~((The clinic may submit its))~~ MAA may request an invoice for the actual cost of the drug. If an invoice is requested, ~~((T))~~ the clinic shall ensure the invoice shows the name of the drug manufacturer, drug strength, and dosage.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 20, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 9, 1996

Sydney Doré

for Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

PERMANENT

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-22 issue of the Register.

**WSR 96-21-036**

**PERMANENT RULES**

**PERSONNEL RESOURCES BOARD**

[Filed October 10, 1996, 4:00 p.m.]

Date of Adoption: October 10, 1996.

Purpose: These rules pertain to personal holiday, sick leave and shared leave usage.

Citation of Existing Rules Affected by this Order: Amending WAC 251-22-045, 251-22-124, 251-22-260, 251-22-280, and 251-22-290.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 96-18-018 on August 26, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 5, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 5, repealed 0.

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

October 10, 1996

Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 87-02-036 (Order 154), filed 1/2/87, effective 2/1/87)

**WAC 251-22-045 Personal holiday.** (1) Each employee may select one personal holiday each calendar year, as indicated in WAC 251-22-040(10) and the institution/related board must grant the day, provided:

(a) The employee has been continuously employed by the institution for more than four months.

(b) The employee has given not less than fourteen calendar days written notice to the supervisor; provided, however, the employee and the supervisor may agree upon an earlier date; and

(c) The number of employees selecting a particular day off does not prevent providing continued public service.

(2) Entitlement to the holiday will not lapse when denied under (1)(c) above.

(3) Full-time alternate work schedule employees shall receive eight hours of regular holiday pay for the personal holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(4) Part-time classified employees shall be entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

(5) Part or all of a personal holiday may be donated to another employee for shared leave as provided in WAC 251-22-250 and WAC 251-22-280.

(a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence subject to request and approval as described in subsection (1) and (2) of this section.

(b) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(c) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

**AMENDATORY SECTION** (Amending WSR 79-10-055 (Order 80), filed 9/17/79)

**WAC 251-22-124 Sick leave—Compensation for.** (1) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year, may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the retirement system.

(2) Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

(3) An employee who separates from the classified service for any reason other than retirement or death shall not be paid for accrued sick leave.

**AMENDATORY SECTION** (Amending WSR 89-22-019, filed 10/24/89, effective 12/1/89)

**WAC 251-22-260 Shared leave receipt.** An employee may be eligible to receive shared leave if the employee's



agency/institution head has determined the employee meets the following criteria:

(1) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to go on leave without pay status or terminate state employment; and

(2) The employee has depleted or will shortly deplete his or her annual and sick leave reserves; and

(3) The employee's absence and the use of shared leave are justified; and

(4) ~~(The employee is not eligible for time loss compensation under chapter 51.32 RCW. If a time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any excess moneys received to the agency/institution. The employee is required to file a workers' compensation claim only in the event he or she is requesting shared leave due to a condition caused by an industrial injury or occupational disease.)~~ For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW; and

(5) The employee has abided by agency/institution policy regarding the use of sick leave.

**AMENDATORY SECTION** (Amending WSR 96-11-059, filed 5/10/96, effective 6/6/96)

**WAC 251-22-280 Leave donation.** An employee may donate annual leave, sick leave, or personal holiday to another employee for purposes of the Washington state leave sharing program under the following conditions:

(1) The employee's agency/institution head approves the employee's request to donate a specified amount of annual leave to an employee authorized to receive shared leave; and

(a) The full-time employee's request to donate leave will not cause his/her annual leave balance to fall below ~~(ten days)~~ eighty hours. For part-time employees, requirements for annual leave balances will be prorated; and

(b) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date; and

(2) The employee's agency/institution head approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave; and

(a) The employee's request to donate leave will not cause his/her sick leave balance to fall below four hundred eighty hours after the transfer; and

(b) In no event will a donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(3) The employee's agency/institution head approves the employee's request to donate all or part of his or her personal holiday to an employee authorized to receive shared leave.

(a) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(b) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

(4) No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

**AMENDATORY SECTION** (Amending WSR 96-11-059, filed 5/10/96, effective 6/6/96)

**WAC 251-22-290 Shared leave administration.** (1) The calculation of the recipient's leave value shall be in accordance with applicable office of financial management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All compensatory time, sick leave, and annual leave accrued must be used prior to using shared leave.

(2) An employee on leave transferred under these rules shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(3) All salary and wage payments made to employees while on leave transferred under these rules shall be made by the agency/institution employing the person receiving the leave.

(4) Where agency/institution heads have approved the transfer of leave by an employee of one agency/institution to an employee of another agency/institution, the agencies/institutions involved shall arrange for the transfer of funds and credit for the appropriate value of leave in accordance with office of financial management policies, regulations, and procedures.

(5) Leave transferred under this section shall not be used in any calculation to determine an agency's/institution's allocation of full-time equivalent staff positions.

(6) Any shared leave not used by the recipient shall be returned to the donor(s).

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned shall be prorated back based on the donor's original donation.

(7) Unused shared leave may not be cashed out under WAC 251-22-090 but shall be returned to the donors per subsection (6) of this section.

(8) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

**WSR 96-21-037**  
**PERMANENT RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed October 10, 1996, 4:02 p.m.]

Date of Adoption: October 10, 1996.

Purpose: These rules pertain to personal holiday, sick leave and shared leave usage.

Citation of Existing Rules Affected by this Order:  
Amending WAC 356-18-025, 356-18-050, and 356-18-112.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 96-18-019 on August 26, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 3, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

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

October 10, 1996

Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 89-06-028 (Order 314), filed 2/24/89, effective 4/1/89)

**WAC 356-18-025 Holidays—Selected personal holiday—Regulations governing.** (1) An employee may select one workday as a personal holiday each calendar year provided:

(a) The employee has been continuously employed by the state for more than four months, or is scheduled to be continuously employed by the state for more than four months, and

(b) The employee who is scheduled to work less than six continuous months over a period covering two calendar years shall receive only one personal holiday during this period.

(2) The agency shall release the employee from work on the day selected as the personal holiday provided:

(a) The employee has given not less than fourteen calendar days' written notice to the supervisor, provided, however, the employee and the supervisor may agree upon an earlier date, and

(b) The number of employees selecting a particular day off does not prevent an agency from providing continued public service.

(3) The personal holiday must be taken during the calendar year or entitlement to the day will lapse, except that the entitlement shall carry over to the following year when an otherwise qualified employee has requested a personal holiday and the request has been denied.

(4) Agencies may also establish qualifying policies for determining which of the requests for a particular day will or will not be granted when the number of requests for a personal holiday would impair operational necessity.

(5) Part-time employees who were employed during the month in which the personal holiday is taken will be compensated for the personal holiday in an amount proportionate to the time in pay status during the month to that required for full-time employment.

(6) A personal holiday for full-time employees shall be equivalent to their workshift on ~~((that))~~ the day selected for personal holiday absence.

(7) For purposes of shared leave donation, part or all of a personal holiday may be donated to another employee in accordance with WAC 356-18-112.

(a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence, not to exceed the workshift on the day of the absence. Such absence is subject to request and approval as described in this section.

(i) For part-time employees, the amount of time an employee is entitled to for a personal holiday is calculated proportionate to full time as provided in (5) of this section. The amount of personal holiday remaining after donation is determined based on the proportionate hours earned minus any personal holiday hours donated.

(ii) For full-time employees, the amount of personal holiday remaining after donation is determined based on the employee's regular assigned workshift originally selected by that employee minus any personal holiday hours donated.

(b) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

**AMENDATORY SECTION** (Amending WSR 89-15-028 (Order 325), filed 7/14/89, effective 8/14/89)

**WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.** (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) Full-time employees shall be credited monthly with eight hours of sick leave under the following conditions:

(a) The employee must be employed for fifteen calendar days or more during the month.

(b) Any leave without pay taken during the month will not be counted toward the fifteen calendar day eligibility requirement.

(c) Holidays for which the employee is otherwise eligible that fall within the qualifying fifteen days count toward the minimum requirement.

Sick leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year, may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) of this subsection, nor shall such payments be reported to DRS as compensation.

(4) Employees who separate for any reason other than retirement or death shall not be paid for their accrued sick leave.

(5) Former employees who are again employed within five years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-49-040 shall be credited with their sick leave accumulated with the higher education system.

AMENDATORY SECTION (Amending WSR 96-11-058, filed 5/10/96, effective 6/6/96)

**WAC 356-18-112 Shared leave.** (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall

include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(d) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below four hundred eighty hours after the transfer. In no event will the donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(e) The donating employee may donate all or part of a personal holiday in accordance with WAC 356-18-025. Any portion of a personal holiday that is not used shall be returned to the donating employee.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) Nine months or 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extend-

ed by the director per WAC 356-30-065(4), 356-30-067(6), and 356-30-140(6).

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

**WSR 96-21-041**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed October 11, 1996, 9:10 a.m.]

Date of Adoption: August 7, 1996.

Purpose: The board of pharmacy cites the American Druggist Blue Book as the official listing of legend drugs in the state of Washington. This amendment updates the rule to reflect the most current edition of the Blue Book and the current price.

Citation of Existing Rules Affected by this Order: Amending WAC 246-883-020.

Statutory Authority for Adoption: RCW 69.41.075.

Adopted under notice filed as WSR 96-11-041 on May 8, 1996.

Changes Other than Editing from Proposed to Adopted Version: Typographical error corrected. The rule as published, referenced effective dates that overlapped.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

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

October 2, 1996

Arthur Yeoman

Chair

**AMENDATORY SECTION** (Amending Order 264B, filed 4/14/92, effective 5/15/92)

**WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW.** (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the ~~((1991-92))~~ 1995-96 edition of the *American Druggist Blue Book*. For the period May 31, 1995, through June 1, 1996, the board adopts the 1995 edition of the *Blue Book*. For the period June 1, 1996, through May 31, 1997, the board adopts the 1996 edition of the *Blue Book*. For the period June 1, 1997, through May 31, 1998, the board adopts the 1997 edition of the *Blue Book*. Copies of the list of legend drugs as contained in the *American Druggist Blue Book* shall be available for public inspection at the headquarters office of the State Board of Pharmacy, 1300 Quince Street S.E., P.O. BOX 47863, Olympia, Washington 98504-7863. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of ~~((fifty-five))~~ seventy-six dollars per copy.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. Such determinations will be made after public hearing and will be published as an amendment to this chapter.

**WSR 96-21-043**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed October 11, 1996, 9:31 a.m.]

Date of Adoption: October 11, 1996.

Purpose: Implement chapter 244, Laws of 1996 (SSB 6699) by amending procedures to apply for special ride-sharing license plates and adoption of new procedures for transportation providers providing ride sharing for persons with special transportation needs.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-175.

Statutory Authority for Adoption: RCW 46.01.110 and 46.74.010.

Other Authority: Chapter 244, Laws of 1996.

Adopted under notice filed as WSR 96-16-030 on August 1, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 1, repealed 0.

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

October 7, 1996

Katherine Baros Friedt

Director

**AMENDATORY SECTION** (Amending WSR 94-17-044, filed 8/10/94, effective 9/10/94)

**WAC 308-96A-175 Ride-sharing vehicles.** (1) ~~((Any))~~ ~~The owner of~~ a passenger motor vehicle used ~~((primarily))~~ as a commute ride-sharing vehicle ~~((pursuant to chapter 46.74 RCW))~~ defined in RCW 46.74.010(1) may be issued ~~((a))~~ special ride share license plates ~~((designating ride share))~~ by satisfying the provisions of RCW 46.16.023. Any person ~~((, organization or government agency))~~ desiring the special ride share license plates shall make application ~~((with))~~ on a form provided by the department and:

(a) ~~((On a form provided by the department;~~

~~(b)))~~ Pay all ~~((initial licensing))~~ fees required pursuant to chapter 46.12 RCW and the special ride share license plate fee required by RCW 46.16.023; and

~~((e))~~ (b) For privately owned vehicles ~~((qualifying under chapter 46.74 RCW))~~, provide a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures thereof. For five and six passenger vehicles being used in a commute trip reduction program, the list shall be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or

~~((d))~~ (c) For ~~((a))~~ vehicles operated by ~~((a))~~ public transportation ~~((agency))~~ agencies or by ~~((a))~~ major employers defined in RCW 70.94.524 in ~~((its))~~ commute trip reduction programs, provide a written statement the vehicle is ~~((primarily))~~ used as a commuter ride-sharing vehicle.

(2) A passenger motor vehicle owned, rented or leased by a government agency will be issued ~~((a))~~ special ride share license plates ~~((in the ride share configuration))~~ for the vehicle described on the approved ride-sharing application. The license plates may not be transferred to any other vehicle without obtaining an approved ride-sharing application for the other passenger motor vehicle and payment of a five dollar license plate transfer fee and appropriate licensing fees.

(3) When ~~((a))~~ special ride share license plates ~~((is))~~ are removed from or transferred to another vehicle, a replacement license plate fee and vehicle excise tax abated for the remaining license registration period for the vehicle from which exemption is being removed shall be collected. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amounts originally exempted shall be due and payable to the department of revenue. An application for exemption for the vehicle on which the special license plates ~~((is))~~ are to be transferred must be filed pursuant to subsection (1) of this section with payment of ~~((a five dollar))~~ the license plate transfer fee provided in RCW 46.16.023(2).

(4) When a ride-sharing vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle ~~((primarily))~~ as a commuter ride-sharing vehicle ~~((pursuant to chapter 46.74 RCW))~~, the new owner shall make application for certificate of ownership pursuant to chapter 46.12 RCW, and commuter ride-sharing exemption as provided herein and pay all required fees and taxes including the special license plate fee.

(5) Upon application for registration renewal, the owners of ~~((a privately owned))~~ nongovernment ride share plated vehicles must recertify that the vehicle is ~~((primarily))~~ used as a commuter ride-sharing vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW. The department will provide recertification forms to ride-sharing vehicle registered owners for filing with registration renewal applications. A completed recertification form, including names, addresses, and signatures of current passengers and drivers, is required to renew ~~((the))~~ registration of a ride-sharing vehicle. Failure to file a completed recertification form will cause the special ride share license plates to be canceled and replacement plates will need to be purchased and applicable fees and taxes paid to complete registration renewal. ~~((Government owned ride-sharing vehicles are exempt from annual recertification.))~~

**NEW SECTION**

**WAC 308-96A-176 Transportation needs ride-sharing vehicles.** (1) Private, nonprofit transportation providers providing ride sharing for persons with special transportation needs pursuant to chapter 81.66 RCW, may be issued special ride share license plates pursuant to RCW 46.16.023 for passenger motor vehicles. Application for special ride share license plates shall be made on forms provided by the department and shall include:

(a) A copy of the certificate authorizing the organization to operate in this state;

(b) Payment of all fees required pursuant to chapter 46.12 RCW; and

(c) Payment for the special ride share license plate fee as provided in RCW 46.16.023.

(2) For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motorhome;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motorhome; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motorhome.

(3) When special ride share license plates are removed from or transferred to another vehicle owned by the transportation provider, a replacement license plate fee and vehicle excise tax abated for the remaining license registration period for the vehicle from which exemption is being removed shall be collected. An application for exemption for the vehicle on which the special license plates are to be transferred must be filed pursuant to subsection (1) of this section with payment of the license plate transfer fee provided in RCW 46.16.023(2).

(4) Upon application for registration renewal, the transportation provider must recertify that the vehicle is still being used to provide transportation for persons with special transportation needs to continue to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to ride-sharing vehicle registered owners for filing with registration renewal applications.

#### WSR 96-21-044

##### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed October 11, 1996, 9:34 a.m.]

Date of Adoption: October 11, 1996.

Purpose: Implement chapter 139, Laws of 1996 (EHB 2254) by fully establishing procedures to apply for foreign organization special license plates. Adoption of new rules numbered WAC 308-96A-063 and 308-96A-064.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: Chapter 139, Laws of 1996.

Adopted under notice filed as WSR 96-16-031 on August 1, 1996.

Changes Other than Editing from Proposed to Adopted Version: Removed session citations and inserted codified RCW citations in WAC 308-96A-063 (4) and (6).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 2, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 2, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 7, 1996

Katherine Baros Friedt

Director

#### NEW SECTION

**WAC 308-96A-063 Foreign organization special license plate.** (1) Applications for foreign organization special license plates by officer of the Taipei Economic and Cultural Office created pursuant to RCW 46.16.301 (1)(b) shall be made in writing to the department, and accompanied by the following:

(a) A copy of an official document issued by the Taipei Economic and Cultural Office recognizing the applicant as an officer in that organization.

(b) A copy of the certificate of ownership for the motor vehicle issued, pursuant to chapter 46.12 RCW, in the name of the applicant.

(c) Any other documentation that the department may reasonably require.

(2) The application shall be in the English language and signed by the applicant.

(3) The costs for production of the foreign organization special license plates for officers of the Taipei Economic and Cultural Office have been paid by the Taipei Economic and Cultural Office. Additional special license plate fees are not required with application for the special plate.

(4) The department may reject or refuse any application which does not conform to the provisions of RCW 46.16.-374, and rules adopted by the director.

(5) For purposes of this section, "passenger vehicles having manufacturers' rated carrying capacities of one ton or less" means a motor vehicle having a declared gross weight of twelve thousand pounds or less.

(6) Upon satisfactory application, the department shall issue foreign organization special license plates to the applicant. The special license plates may be retained and used by the officer of the Taipei Economic and Cultural Office as provided in RCW 46.16.374.

#### NEW SECTION

**WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates.** (1) Whenever the owner or lessee transfers his/her interest in the motor vehicle to which the foreign organization special license plates are issued, the plates shall be removed. The removed plates shall be immediately forwarded to the department, or the special plates may be held for use on, or transferred to another motor vehicle owned by the officer of the Taipei Economic and Cultural Office. Immediately upon transfer

of the plates to another motor vehicle the holder of the special plates shall submit an application to the department as provided in WAC 308-96A-063 to transfer the special plates to the other motor vehicle, including payment of the transfer fee provided in RCW 46.16.316.

(2) Whenever a foreign organization special license plate is lost or destroyed, the officer of the Taipei Economic and Cultural Office to whom the special license plate is issued shall make application for a replacement foreign organization special license plate. The replacement special license plates shall be issued without cost to the applicant.

**WSR 96-21-050**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed October 11, 1996, 3:25 p.m.]

Date of Adoption: October 10, 1996.

Purpose: To give the department the same enforcement authority over adult residential care as it has over enhanced adult residential care and assisted living services. To make technical and editorial changes to clarify language in the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 388-110-040 (5)(e), 388-110-110(2), and 388-110-260(1).

Statutory Authority for Adoption: RCW 74.39A.010 and 74.39A.020.

Other Authority: RCW 74.39A.080.

Adopted under notice filed as WSR 96-18-102 on September 4, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 10, 1996

Sidney Doré

for Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-040 Contract qualifications.** (1) The department shall consider separately and jointly as applicants each person and entity named in the application for a

contract for assisted living services, enhanced adult residential care, or adult residential care. If the department finds any person or entity unqualified, the department shall deny the contract.

(2) In making a determination whether to grant a contract, the department shall review:

(a) The information in the application; and

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated.

(3) The applicant and the facility for which a contract is sought shall comply with all requirements established by chapter 74.39A RCW and this chapter. The department may deny a contract for noncompliance with any such requirements.

(4) The department shall deny a contract if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant applying for a contract has a history of significant noncompliance with federal or state regulations in providing care or services to frail elders, vulnerable adults or children. The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a contract:

(a) Revocation or suspension of a license for the care of children, frail elders or vulnerable adults;

(b) Enjoined from operating a facility for the care of children, frail elders or vulnerable adults; or

(c) Termination, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults.

(5) The department shall deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or 43.43.842;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842;

(c) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused, neglected, or exploited any minor or vulnerable adult;

(e) Found in any dependency action under chapter 13.34 RCW ((13.34.030 (2)(b))) to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor.

(6) The department may deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:



(a) Obtained or attempted to obtain a license or contract by fraudulent means or misrepresentation;

(b) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to contract with the department;

(c) Had sanction, corrective or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children, frail elders or vulnerable adults;

(d) A poor credit history;

(e) Engaged in the illegal use of drugs or the excessive use of alcohol;

(f) Operated a facility for the care of children or adults without a license;

(g) Failed to meet financial obligations as the obligations fell due in the normal course of business;

(h) Misappropriated property of residents;

(i) Filed for bankruptcy, reorganization, or receivership;

(j) Been denied a license or license renewal to operate a facility that was licensed for the care of children, frail elders or vulnerable adults;

(k) Relinquished or returned a license in connection with the operation of any facility for the care of children, frail elders or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license; or

(l) Had resident trust funds or assets of an entity providing care to children, frail elders or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes.

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-110 Caregiver education and training requirements.** (1) The contractor shall ensure that:

(a) All caregivers hired on or after July 1, 1996 successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (2) below;

(b) All caregivers hired prior to July 1, 1996 successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (2) below; and

(c) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;

(ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(2) A caregiver who is a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aide from a ((Medicaid)) Medicare-certified home health agency or who has successfully completed a department approved adult family home training, or department approved personal care training from an area agency on aging or its subcontractor, is exempt from the fundamentals of caregiving training in subsection (1) above if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (1) above.

(3) Contractors who meet the prescribed criteria may be approved by the department to provide the department's designated caregiver training programs within the facility.

(4) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

(5) The contractor shall document that caregivers have met the education and training requirements.

## PART V

### REMEDIES FOR ASSISTED LIVING ((AND)), ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-260 Remedies.** (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services ((or)), enhanced adult residential care services, or adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter, the department may provide consultation and shall allow the contractor a reasonable opportunity to correct before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:



- (i) Refusal to enter into a contract;
  - (ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;
  - (iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;
  - (iv) Suspension, termination, or refusal to renew a contract; or
  - (v) Order stop placement of persons under the contract.
- (b) When the department orders stop placement, the facility shall not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:
- (i) The violations necessitating the stop placement have been corrected; and
  - (ii) The provider exhibits the capacity to maintain adequate care and service.
- (c) Conditions the department may impose on a contract include, but are not limited to the following:
- (i) Correction within a specified time;
  - (ii) Training related to the violations; and
  - (iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.
- (d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

#### WSR 96-21-054

#### PERMANENT RULES

#### HUMAN RIGHTS COMMISSION

[Filed October 14, 1996, 11:00 a.m.]

Date of Adoption: September 26, 1996.

Purpose: To implement and administer the state law against discrimination in employment with respect to fair and unfair preemployment inquiries.

Citation of Existing Rules Affected by this Order: Amending chapter 162-12 WAC, Preemployment inquiry guide; WAC 162-12-100 (1), (2), 162-12-110, 162-12-120 (1), (2), 162-12-130, 162-12-135, 162-12-140 (1), (2)(a), (b), (c), and (d), (3)a, b, c, d, f, g, i, j, n, o, p, q, s, 162-12-150, 162-12-160 (1), (2), 162-12-170 (1), (2), (3), and 162-12-180.

#### EXPLANATORY STATEMENT REGARDING ADOPTION OF PERMANENT RULES CHAPTER 162-12 WAC PURSUANT TO RCW 34.05.325

Reason for Adoption of Rules: The commission proposed changes to this regulation, which governs the enforcement of the parts of the law against discrimination which declares certain preemployment inquiries to be unfair practices, to (1) streamline and/or clarify the meaning of existing rules, and (2) update the regulations to reflect recent judicial decisions and to be consistent with applicable state and federal statutes and regulations.

Differences Between Proposed Rules and Adopted Rules: The commission voted to adopt the amendments to the rules as proposed, without exception.

Summary of Comments Received and Commission Response:

#### Written Comments

The following individuals and organizations submitted written comments on the proposed amendments to the preemployment inquiry guide regulation: Abraham A. Ardit (A.A.A.), Association of Washington Business (AWB), Boise Cascade Corporation (BCC), City of Vancouver (CoV), Governor's Committee on Disability Issues and Employment (GCODIE), Independent Business Association (IBA), Peterson, Bracelin, Young, Putra, Fletcher and Zender (P,B,Y,P,F, & Z), and State Farm Insurance Companies (SFIC). The comments are summarized below by section with the abbreviated name of the person or organization providing the comment noted. Commission response follows each comment.

WAC 162-12-100(2): 1. States that the proposed amendment is unnecessary - our law is sui generis. Cites a case that made it clear that federal law will be looked at but not blindly. States the purpose of the law set forth in RCW 49.60.010 and [49.60].020 must be adhered to. The WSLAD was enacted before the federal law. (P,B,Y,P,F, & Z)

2. Does not see any good reason for these changes. Federal law is often in a state of flux. Federal circuit courts frequently interpret the same statute differently. A rule that commits the commission (even tentatively) to unknown future interpretations is unwise. (A.A.A.)

**Discussion: This amendment was proposed to delineate the commission's general approach to federal court decisions interpreting comparable state statutes and rules and to be consistent with other chapters of our regulations. Language makes it clear that the commission will not "blindly" follow federal law or interpretations.**

WAC 162-12-140 (3)b: 1. Inquiries should be limited to convictions only and not arrest records. Questions why the inquiries are permitted back to ten years when current regulations allow going back only to seven years. (A.A.A.)

**Discussion: Proposed amendment clarifies that an arrest record in and of itself is not a protected class and recognizes that there are business necessity situations for employers that may necessitate the soliciting of this information. The change from seven years to ten years was made because the ten-year limitation is consistent with a state statute on the use of convictions.**

2. Supports the revision allowing preemployment inquiries regarding arrests, however, believes the rules as written are inconsistent with efforts of other agencies to reduce workplace violence. Recommends the insertion of the following language to the current draft: "...or create a risk of harm to other employees,..." The revision is proposed to protect other employees from individuals who may have exhibited violent behavior during or resulting in an arrest. (IBA)

**Discussion: It is not the intent of this regulation to address the issue of violence in the workplace and therefore, the comments are outside the scope of the rule.**

WAC 162-12-140 (3)c: States that several Washington civil service statutes makes United States citizenship a requirement for applicants: City police, RCW 41.12.070; city fire personnel, RCW 41.08.070; and county sheriff's officers, RCW 41.14.100. Suggests that the citizenship preemployment inquiry regulation be revised to reflect that city police and fire civil service applicants may be required to provide proof of citizenship pursuant to chapters 41.08 and 41.12 RCW. (CoV)

**Discussion: Comment raises the issue of why there is a citizenship requirement in these statutes for these positions and whether it is consistent with chapter 49.60 RCW. While this issue is outside the current amendatory process of this rule, it is an issue that staff will examine.**

WAC 162-12-140 (3)d: 1. Objects to limiting inquiry of applicant to only convictions that are reasonably related to their potential job duties because any omission would be explained by the applicant as not thinking that the conviction was reasonably related. Also, the employer, not the applicants, should be making the determination as to what is reasonably related, subject to limitation of Washington and federal law. (BCC)

**Discussion: Proposed amendment clarifies that a conviction record in and of itself is not a protected class and recognizes that there are business necessity situations for employers that may require the soliciting of this information. Inquiries must be job related in order to support a business necessity reason for the inquiry, otherwise an employer may be exposing itself to possible disparate impact discrimination on the basis of race.**

2. Supports the revision, however, believes the rule as written is inconsistent with efforts of other agencies to reduce workplace violence. Recommends the following insertions to the current draft under Fair Employment Inquiries: "...to the safety of other employees..."; "..., or in the case of violent crimes within the past 20 years." Under Unfair Employment Inquiries: "...safety of other workers..."; "... (twenty years for violent crimes)..." States further that without this type of revision, employers are put in a totally untenable position of having the responsibility to protect workers from violence in the workplace, but yet being prohibited from doing so due to this state rule. (IBA)

**Discussion: It is not the intent of this regulation to address the issue of violence in the workplace and therefore, the comments are outside the scope of the rule.**

3. Eliminate section because the issue is more appropriately addressed in a revision of WAC 162-16-060. With current emphasis on elimination of workplace violence, the test in this inquiry is too narrow and ambiguous with regard to the broad range of job-related concerns. Inquiries on convictions should be permitted and the potential disparate impact should be addressed in the context of hiring practices under chapter 162-16 WAC. The proposed rule has the effect of shifting the burden of proof to the employer on too

many valid concerns. Recommends the deletion of this inquiry and revision of WAC 162-16-060. (AWB)

**Discussion: It is not the intent of this regulation, nor the proposed amendment, to address the issue of disparate impact discrimination. The proposed amendatory language is intended to clarify that a conviction in and of itself is not a protected class and apprise the employer that the conviction must reasonably relate to the job in order to support a business necessity reason to preclude any potential disparate impact discrimination charges by applicants.**

WAC 162-12-140 (3)f: Recommends the addition of a prohibition on inquiries to health conditions and/or disabilities of family members. (GCODIE)

**Discussion: The recommendation is unnecessary as this has not been an issue with the agency. The last sentence in the unfair inquiry column is broad enough that it arguably covers this prohibition, although not specifically.**

WAC 162-12-140 (3)i: Not clear what type of disparate analysis would permit an employer to ask about reasons for terminations from all types of employers except military employers. Also, defense contractors need to ascertain at an early stage of the employment process if an applicant is disqualified from obtaining a security clearance. Recommends deletion of the prohibition of the type of discharge. (AWB)

**Discussion: Comment raises the issue of the basis for the rule that allows an employer to inquire about the nature of an applicant's termination from all types of employers while prohibiting such an inquiry (type of discharge) from the military. Staff will address this issue outside of the current amendatory process.**

WAC 162-12-140 (3)j: Appreciates clarification of this proposed regulation with respect to whether the name under which the applicant is known to references, if different from the present name, includes alias's. This is important in conducting background checks of applicants for law enforcement employment. (CoV)

**Discussion: No discussion is necessary. Comments reflect an appreciation for the clarification provided by the proposed amendment to this regulation.**

WAC 162-12-140 (3)k: Recommends the insertion of the following language to the current draft: "...English or any other (foreign)..." for clarification purposes. (IBA)

**Discussion: It is not the intent of this rule to assess or determine the proficiency of an applicant in any language. The intent is to prohibit inquiries regarding the ability to speak, write or read foreign languages, unless job related, because the divulging of such information would tend to reveal the national origin, ancestry or place of birth of the applicant. The inclusion of English in this rule is not appropriate as it is outside the scope of the intent of this rule.**

WAC 162-12-140 (3)p: Section is internally inconsistent and inconsistent with WAC 162-16-150 which delineates employer actions regarding relatives which are not prohibit-

ed, but which the limitations of the proposed amendment would prevent an employer from discovering. Spouses are protected on the basis of marital status and other relatives are not. The law does not prohibit company policies governing employment of relatives other than spouses. Recommends revision of this section to be consistent with the comments submitted. (AWB)

**Discussion:** Comment raises an issue that will be reviewed in the context of a broader discussion of marital status, and is beyond the current amendatory process.

WAC 162-12-140 (3)r: Cites this as an example of stretching disparate impact concerns beyond reasonable limits to create another protected class. It is important for some employers to determine, at the preemployment stage, the cost of relocation benefits in hiring a particular worker. The unfair inquiry language seems to affect relatives other than spouses, but the law does not prohibit company policies regarding relatives other than spouses. Makes the following recommendations: Under the fair inquiries add "Inquiries regarding the current residence of the applicant or whether an applicant will be seeking relocation benefits related to the sale of a residence." Under the unfair inquiries, delete the "Names or relationship of persons with whom applicant resides." (AWB)

**Discussion:** Although this section is not being amended, the comment raises an issue for further discussion in the future, and is beyond the current amendatory process.

WAC 162-12-160(2): States section has one unnecessarily ambiguous word which should be clarified. Recommends the deletion of the word "process" and the addition of "screen or evaluate." (AWB)

**Discussion:** Suggested recommendation would restrict access to this information only to those who screen or evaluate the application, but the intent of the regulation is more inclusive, i.e., to include others who may have a role in the selection process, but are not necessarily involved in the screening or evaluating of the application.

WAC 162-12-170(3): Writer currently asks for the race, date of birth and gender of the applicant for research and not for any discriminatory purpose. This section requires that when such information is being solicited, it must provide a written policy and proposed form to the commission for approval. Questions why the commission has such a requirement when the company, in good faith, has complied with state and federal laws. This requirement is overly burdensome and implies that the commission does not trust them to comply with the laws of the state. (SFIC)

**Discussion:** Comment raises an issue that will be examined for possible action in the future, and is beyond the current amendatory process.

WAC 162-12-180: Feels the section prohibits copies of security badge photos and driver's licenses from personnel files. The stigma attached to these and other common forms from the files would offset any benefit which might be achieved. Medical and general work restrictions, lifting restrictions, and light duty restrictions which may or may not reveal a disability are deliberately kept in many personnel files to ensure supervisors are aware of the limitations and

assess new job requirements. Recommends the deletion of the second sentence of the section or that it be clarified. (AWB)

**Discussion:** This section does not prohibit the keeping of any of the items or records listed in the comments in the personnel file, with the exception of medical records. Medical information must be kept in a separate file for confidentiality purposes and to be consistent with the requirements of the ADA.

Hearing Testimony

There was no testimony at the public hearing on the proposed amendments to this regulation.

Statutory Authority for Adoption: RCW 49.60.120(3). Adopted under notice filed as WSR 96-08-055 on April 2, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 9, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 9, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
October 11, 1996  
Merritt D. Long  
Executive Director

AMENDATORY SECTION (Amending Order 16, filed 5/22/74)

**WAC 162-12-100 Purpose.** ~~((1) This regulation, which may be called the preemployment inquiry guide, is issued to inform employers, employment agencies, and the public of the interpretation given by the Washington state human rights commission to the parts of the law against discrimination which declare certain preemployment inquiries to be unfair practices.)~~ (1) These regulations are intended to carry out the purposes of the law against discrimination as stated generally in RCW 49.60.010 and 49.60.030, and to inform employers, employment agencies, and the public of the commission's interpretation of RCW 49.60.180 and 49.60.200 which declare certain preemployment inquiries to be unfair practices.

(2) The commission will generally follow, in its interpretation of statutory provisions in chapter 49.60 RCW and rules contained in Title 162 WAC, federal court decisions interpreting comparable statutes and rules. The commission will not follow such federal precedents, however, where it believes that a different interpretation of state statutes and rules will better carry out the purposes of chapter 49.60 RCW.

PERMANENT

(3) This regulation cannot cover every question which might arise in connection with inquiries prior to ~~((the))~~ employment. The commission ~~((hopes))~~ expects that in most cases ~~((the given))~~ these rules, either directly or by analogy, will guide those who are covered by the law. Employers and employment agencies that ~~((still))~~ have questions are invited to call the commission's staff for advice and assistance, or, if necessary, to petition the commission for a declaratory ruling under ~~((RCW 34.04.080 and WAC 162-08-620 [162-08-700] on))~~ RCW 34.05.240 and WAC 162-08-700 concerning the application of the law to particular facts.

AMENDATORY SECTION (Amending Order 16, filed 5/22/74)

WAC 162-12-120 ((Rationale and policy.)) General approach. ~~((1) The portions of RCW 49.60.180 and 49.60.200 quoted in WAC 162-12-110 forbid preemployment inquiries which convey to the applicant the impression that persons in a protected class will be discriminated against. Inquiries which would convey this impression to a reasonable person are prohibited whether or not they are made in connection with a discriminatory purpose.~~

~~((2) The Washington state human rights commission recognizes that an employer's interest in the race, etc., of the applicants may be consistent with the purposes of the law against discrimination, as where the employer wants to see whether his or her employment office or employment agency is properly carrying out the employer's policy of nondiscrimination. The commission at the same time recognizes that in the absence of safeguards records of race, etc., can easily be misused. Taking both of these facts into account, the commission has concluded that the best approach is to establish fixed rules which characterize particular preemployment inquiries as fair or not, but to draw the line so that those who intend to make proper use of data on protected classes have maximum freedom to do so.)) (1) Inquiries which would convey the impression to a reasonable person that applicants in a protected class will be discriminated against are prohibited whether or not they are made in connection with a discriminatory purpose.~~

(2) The commission recognizes the legitimate interests of employers with respect to the protected class status of applicants which are consistent with the purpose of the law against discrimination, or where required by government or to carry out an employer's policy of nondiscrimination. However, the commission also recognizes that in the absence of safeguards, the records of race, sex, etc., can be misused for discriminatory purposes. To address this conflict, the commission has established fixed rules in WAC 162-12-140 which characterize particular preemployment inquires as fair or unfair in such a way that employers and employment agencies who intend to make legitimate use of such data have maximum freedom to do so without conveying the impression that protected class applicants will be discriminated against.

AMENDATORY SECTION (Amending Order 16, filed 5/22/74)

WAC 162-12-130 Inquiries for purposes of discrimination prohibited. It is an unfair practice to make any inquiry or keep any record of race, creed, color, national origin, age, sex, marital status, or ~~((handicap))~~ disability, before, during, or after employment, for the purpose of discriminating on these grounds, unless the particular quality inquired about is a bona fide occupational qualification.

AMENDATORY SECTION (Amending Order 16, filed 5/22/74)

WAC 162-12-135 Bona fide occupational qualifications. The statutes construed in this chapter recognize an exception when inquiries are based upon a "bona fide occupational qualification." For guidance on the meaning of that term see WAC 162-16-020. The provisions of this preemployment guide do not apply where age, sex, race, creed, color, marital status, ~~((or))~~ national origin, or freedom from a disability is a bona fide occupational qualification and is identified as such to the applicant or other person. See WAC 162-16-040.

AMENDATORY SECTION (Amending Order 19, filed 1/20/75)

WAC 162-12-140 Preemployment inquiries. ~~((1) The rules in the following chart of fair and unfair inquiries to job application forms, preemployment interviews, or any other type of interrogation of persons seeking to be employed. The rules also apply when the inquiries are made to persons other than the applicant or employee, and when the inquiries are made by third parties such as a credit reporting service on behalf of the employer or employment agency.)) (1) The following chart of fair and unfair inquiry rules apply when made in reference to job application forms, preemployment interviews, or any other type of inquiry made of persons seeking to be employed. The rules also apply to inquiries made to persons other than an applicant and to inquiries made by third parties such as a credit reporting service. The rules do not apply after a person is employed. See WAC 162-12-180.~~

(2) Employers and employment agencies shall observe these preemployment rules except where one or more of the following conditions exist:

~~((a-))~~ (a) A "bona fide occupational qualification" as explained in chapter 162-16 WAC.

~~((b. An approved corrective employment program as provided for in chapter 162-18 WAC.~~

e. An affirmative action plan approved or required by a government agency or competent jurisdiction.

~~((d-))~~ (b) A voluntary affirmative action plan to address past or current discriminatory conditions or an affirmative action plan that is in compliance with the requirements of a government agency or other competent authority such as a court, and if made in a manner provided in WAC 162-12-160 and 162-12-170.

(c) A contrary requirement of federal law, as explained in WAC 162-12-150.

If one or more of the above conditions apply, the employer or employment agency may use appropriate inquiries that

would otherwise be unfair. Inquiries made under these exceptions must always be accompanied by ~~((an))~~ a written explanation of their purpose. See WAC 162-12-135, 162-12-170, and 162-16-040(~~, and 162-18-090~~).

(3) The examples in the following chart of fair and unfair preemployment inquiries are intended to define what is an unfair practice under RCW 49.60.180(4) and 49.60.200 ~~((and to have the force of law where they apply))~~. These examples, however, are not ~~((exhaustive, however))~~ all inclusive. ~~((The statutes prohibit))~~ All preemployment inquiries which unnecessarily ~~((reveal))~~ elicit the race, sex, or membership in other protected classes~~(s))~~ are prohibited by these statutes irrespective of whether or not the particular inquiry is covered in this regulation.

SUBJECT	FAIR PREEMPLOYMENT INQUIRIES	UNFAIR PREEMPLOYMENT INQUIRIES
a. Age	Inquiries as to birth date and proof of true age are permitted by RCW 49.44.090.	Any inquiry not in compliance with RCW 49.44.090 which implies a preference for persons under 40 years of age.

(For age discrimination, RCW 49.44.090 must be read in conjunction with RCW 49.60.180 and 49.60.200. ~~((#))~~ RCW 49.44.090 limits age discrimination coverage to persons ~~((between the ages of 40 and 65))~~ 40 years of age and older, and makes other limitations and exceptions to the age discrimination law.)

b. Arrests (see also Convictions)	<del>((None. (Law enforcement agencies are exempt for this rule. See WAC 162-16-050, discrimination in employment because of arrests.))</del> Because statistical studies regarding arrests have shown a disparate impact on some racial and ethnic minorities, and an arrest by itself is not a reliable indication of criminal behavior, inquiries concerning arrests must include whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior which would adversely affect job performance, and the arrest occurred within the last ten years. Exempt from this rule are law enforcement agencies and state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or	<del>((All inquiries relating to arrests.))</del> Any inquiry which does not meet the requirements for fair preemployment inquiries.
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c. Citizenship	Whether applicant is prevented from lawfully becoming employed in this country because of visa or immigration status. Whether applicant can provide proof of <del>((citizenship, visa, alien registration number after being hired))</del> a legal right to work in the United States after hire.	Whether applicant is citizen. Requirement before hiring that applicant present birth certificate, naturalization or baptismal record. Any inquiry into citizenship which would tend to divulge applicant's lineage, ancestry, national origin, descent, or birthplace.
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d. Convictions (see also Arrests)	<del>((1))</del> Inquiries concerning specified convictions which relate reasonably to fitness to perform the particular job <del>(s)</del> being applied for. <u>Provided, That such inquiries be limited to convictions for which the date of conviction or prison release, whichever is more recent, is within 7 years of the date of the job application.</u> <del>((2))</del> Where the employer believes, after careful consideration, that it is not practicable to inquire about specified convictions, the employer may inquire generally about all convictions for which the date of the conviction or prison release, whichever is more recent, is within 7 years of the date of the job application. <u>Provided, That such general inquiries be accompanied by a disclaimer informing the applicant that a conviction record will not necessarily bar him or her from employment. (Law enforcement agencies are exempt from this rule. See WAC 162-16-060 for further guidance on proper use of conviction records.))</u> Statistical studies on convictions and imprisonment have shown a disparate impact on some racial and ethnic minority groups. Inquiries concerning convictions (or imprisonment) will be considered to be justified by business necessity if the crimes	<del>((Any inquiry which does not meet the requirements for fair preemployment inquiries.))</del> Inquiries concerning convictions and imprisonment which either do not relate reasonably to job duties or did not occur within the last ten years will not be considered justified by business necessity.
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inquired about relate reasonably to the job duties, and if such convictions (or release from prison) occurred within the last ten years. Law enforcement agencies, state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults are exempt from this rule. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.

office as may be able to assist them.

(Inquiries as to ability to perform actual job requirements- Being of a certain height or weight will not be considered to be a job requirement unless the employer can show that no employee with the ineligible height or weight could do the work.) Being of a certain height or weight will not be considered to be a job requirement unless the employer can show that all or substantially all employees who fail to meet the requirement would be unable to perform the job in question with reasonable safety and efficiency.

Any inquiry which is not based on actual job requirements and not consistent with business necessity.

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e. Family

Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may prevent him or her from meeting work attendance requirements.

Specific inquiries concerning spouse, spouse's employment or salary, children, child care arrangements, or dependents.

g. Height and Weight

h. Marital Status (see also Name and Family)

None.

- ( ) Mr.
( ) Mrs.
( ) Miss
( ) Ms.

((f. Handicap

Whether applicant has certain specified sensory, mental or physical handicaps which relate reasonably to fitness to perform the particular job. Whether applicant has any handicaps or health problems which may effect work performance or which the employer should take into account in determining job placement-))

Over general inquiries (e.g. "Do you have any handicaps?") which would tend to divulge handicaps or health conditions which do not relate reasonably to fitness to perform the job.

i. Military

Inquiries concerning education, training, or work experience in the armed forces of the United States.

Type or condition of military discharge. Applicant's experience in military other than U.S. armed forces. Request for discharge papers.

f. Disability

Whether applicant is able to perform the essential functions of the job for which the applicant is applying, with or without reasonable accommodation. Inquiries as to how the applicant could demonstrate or describe the performance of these specific job functions with or without reasonable accommodation. Note: Employers are encouraged to include a statement on the application form apprising applicants that if they require accommodation to complete the application, testing or interview process, to please contact the employment office, personnel or human resources department or other

Inquiries about the nature, severity or extent of a disability or whether the applicant requires reasonable accommodation. Whether applicant has applied for or received worker's compensation. Also any inquiry that is not job related or consistent with business necessity.

j. Name

Whether applicant has worked for this company or (~~a competitor~~) another employer under a different name and, if so, what name. Name under which applicant is known to references if different from present name.

Inquiry into original name where it has been changed by court order or marriage. Inquiries about a name which would divulge marital status, lineage, ancestry, national origin or descent.

k. National Origin

Inquiries into applicant's ability to read, write and speak foreign languages, when such inquiries are based on job requirements.

Inquiries into applicant's lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant's parents or spouse.

l. Organizations

Inquiry into organization memberships, excluding any organization the name or character of which indicates the race, color, creed, sex, marital status,

Requirement that applicant list all organizations, clubs, societies, and lodges to which he or she belongs.

	religion, or national origin or ancestry of its members.	Request that applicant submit a photograph, mandatorily or optionally, at any time before hiring.
m. Photographs	May be requested <i>after</i> hiring for identification purposes.	
n. Pregnancy (see also <del>(Handicap)</del> Disability)	Inquiries as to a duration of stay on job or anticipated absences which are made to males and females alike.	All questions as to pregnancy, and medical history concerning pregnancy and related matters.
o. Race or Color	None. See WAC 162-12-150, 162-12-160, and 162-12-170.	Any inquiry concerning race or color of skin, hair, eyes, etc., not specifically permitted by WAC 162-12-150, 162-12-160, and 162-12-170.
p. Relatives	Name of applicant's relatives already employed by this company or by any competitor.	<del>(Names and addresses of any relative other than those listed as proper-)</del> Any other inquiry regarding marital status, identity of one's spouse, or spouse's occupation are considered unfair practices in accordance with WAC 162-12-150.

(While the law does not ~~(directly)~~ prohibit company policies governing the employment of relatives, any policy which has the effect of disadvantaging minorities, women, married couples, or other protected classes, would be in violation of the law unless it is shown to serve a necessary business purpose.) See WAC 162-12-150, 162-12-160, and 162-12-170.

q. Religion or Creed	None.	Inquiries concerning applicant's religious preference, denomination, religious affiliations, church, parish, pastor, or religious holidays observed.
r. Residence	Inquiries about address to the extent needed to facilitate contacting the applicant.	Names or relationship of persons with whom applicant resides. Whether applicant owns or rents own home.
s. Sex	None.	Any inquiry concerning gender is prohibited.

**AMENDATORY SECTION** (Amending Order 16, filed 5/22/74)

**WAC 162-12-150 Inquiries required by United States.** Because of the supremacy of federal law over state law, an employer or employment agency may ask applicants to state their race, creed, color, age, sex, marital status, disability, or national origin to the extent that the employer is required to do so by the United States government or a federal or state court decree. When the United States government asks only for data on race, creed, color, national

origin, age, marital status, disability, or sex of applicants, the information shall be acquired by means other than inquiry to the applicants, unless the United States expressly requires the inquiries or unless the inquiries are made in conformity with WAC 162-12-160 and 162-12-170.

**AMENDATORY SECTION** (Amending Order 18, filed 1/20/75)

**WAC 162-12-160 Data for legitimate purposes.** (1) It is not an unfair practice to make inquiries as to race, ~~((creed, color,))~~ sex, ~~((marital status, national origin))~~ or ~~((handicap))~~ disability for purposes of affirmative action to ~~((eliminate))~~ correct or prevent discrimination against persons in protected classes, when the inquiries are made in the manner provided in WAC 162-12-170.

(2) Data on race, creed, color, national origin, sex, age, disability, or marital status shall not be recorded on any ~~((paper))~~ record which is kept in the applicant's ~~((personnel))~~ preemployment file, nor shall such data be kept in any other place or form where it is available to those who process the application. Records which identify the race, etc., of a particular person shall be kept confidential, except to the extent necessary to implement ~~((a corrective employment program as authorized by chapter 162-18 WAC))~~ an affirmative action program as authorized by law, to permit the compilation of statistics, and to permit verification of the statistics by top management of the employer, or by the Washington state human rights commission or other concerned governmental agencies.

**AMENDATORY SECTION** (Amending Order 18, filed 1/20/75)

**WAC 162-12-170 Conditions for inquiries to applicants.** An employer or employment agency may ask an applicant to voluntarily state his or her race, creed, color, national origin, sex, marital status, age, or ~~((handicap))~~ disability for a nondiscriminatory purpose, and then only if it has satisfied all of the following conditions:

(1) The employer shall have adopted a written equal employment policy which authorizes the inquiries as a means of monitoring its enforcement, and which sets out detailed procedures for keeping the responses confidential and separate from other ~~((papers))~~ records relating to applicants, in fulfillment of the requirements of WAC 162-12-160(2)(-);

(2) The form on which the question appears contains statements clearly informing the applicant ~~((of))~~ the information is strictly voluntary, the reasons for asking for the information, the uses to which the information will be put, and the safeguards which will prevent use of the information by those who will process the application(-); and

(3) The written policy and proposed form shall have been submitted to and have been approved by the executive ~~((secretary))~~ director of the commission or his or her designate, or they have been required or approved by an agency of the United States government which has jurisdiction to do so.

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AMENDATORY SECTION (Amending Order 16, filed 5/22/74)

**WAC 162-12-180 Post employment records.** RCW 49.60.180 and 49.60.200 and these rules do not prohibit making or keeping records of the race, creed, color, national origin, sex, marital status, disability or age of persons after they are employed, unless the records are used (~~(in connection with)~~) for the purpose of discrimination. To prevent improper use, records of an employee's race, (~~(creed,)~~) color (~~((or national origin should))~~), or disability must be kept separate from the employee's personnel file.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 162-12-110 Statutes interpreted.

**WSR 96-21-073**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Order 301—Filed October 15, 1996, 3:32 p.m., effective January 1, 1997]

Date of Adoption: October 11, 1996.

Purpose: To clarify the deadlines and requirements for submitting items to be included on the commission's public meeting agenda.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 9.46.070.

Adopted under notice filed as WSR 96-17-010 on September 4 [August 12], 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: January 1, 1997.

October 15, 1996

David D. Shaw

Rules and Policy Coordinator

NEW SECTION

**WAC 230-50-815 Deadlines for submitting items to be included in the commission meeting agenda — Exceptions.** To ensure that the public and the commission has sufficient notice of public agenda items, the following deadline applies regarding submission of such items to the commission for action:

(1) Items for inclusion in the commission's monthly public meeting agenda must be in proper form and received at the commission headquarters' office at least fourteen (14) days prior to the regularly scheduled commission meeting.

(2) The commission meeting agenda will be published and mailed within seven (7) days of the regularly scheduled commission meeting.

(3) All items submitted after the time frame set forth in section one (1) above shall require approval by the commission in order to be included on the commission meeting agenda.

**WSR 96-21-081**  
**PERMANENT RULES**  
**BOARD OF BOILER RULES**  
 [Filed October 16, 1996, 11:11 a.m.]

Date of Adoption: October 16, 1996.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-104-195 and 296-104-225 (renumbered with no change); and amending WAC 296-104-010, 296-104-025, 296-104-065, 296-104-102, 296-104-140, 296-104-151, 296-104-170, 296-104-200, 296-104-205, 296-104-210, 296-104-273, 296-104-256, 296-104-220, 296-104-215, 296-104-245, 296-104-255, 296-104-260, 296-104-230, 296-104-235, and 296-104-240.

Statutory Authority for Adoption: RCW 70.79.030 and 70.79.040.

Adopted under notice filed as WSR 96-16-063 on August 6, 1996.

Changes Other than Editing from Proposed to Adopted Version: Changes are editorial only for clarification.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 3, amended 17, repealed 2.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 17, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 3, amended 17, repealed 2.

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

October 16, 1996

Charles Butros

Chairman

AMENDATORY SECTION (Amending WSR 94-21-002, filed 10/5/94, effective 11/5/94)

**WAC 296-104-010 Definitions.** "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such



crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"ASME Code" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" shall mean the board created by law and empowered under RCW 70.79.010.

"Certificate of competency" shall mean a certificate issued by the state board of boiler rules to a person who has passed an examination prescribed by the board of boiler rules.

"Chief inspector" shall mean the inspector appointed under RCW 70.79.100.

"Commission" shall mean an annual state commission/commission card issued to a person in the employ of the state, an insurance company or a company owner/user inspection agency holding a certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Condemned boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Deputy inspector" shall mean an inspector appointed under RCW 70.79.120.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

"External inspection" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

"Internal inspection" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open

or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels 36" inside diameter and under, shall constitute an internal inspection.

"Low pressure heating boiler" shall mean a steam or vapor boiler (~~constructed to Section IV ASME Code and includes~~) operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

"NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Nonstandard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.

"Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or "assembly hall" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Power boiler" shall mean a boiler (~~constructed to Section I of the ASME Code and includes high pressure, high temperature water boilers~~) in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.

"Reinstalled boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.

"Rental boiler" shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.

"Second hand boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

"Special inspector" shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

"Standard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.

"Unfired pressure vessel" shall mean a closed vessel ~~((constructed to Section VIII ASME Code))~~ under pressure excluding:

(a) Fired process tubular heaters;

(b) Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;

(c) Piping whose primary function is to transport fluids from one location to another;

(d) Those vessels defined as low pressure heating boilers or power boilers.

"Unfired steam boiler" shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

**AMENDATORY SECTION** (Amending WSR 95-19-058, filed 9/15/95, effective 10/16/95)

**WAC 296-104-025 Administration—Owner to notify chief inspector of accidents.** When an accident occurs which renders a boiler or unfired pressure vessel inoperative, the owner or user shall ~~((immediately))~~ notify the chief inspector, and submit a detailed report of the accident. In cases of ~~((serious))~~ accidents, such as explosions or those resulting in personal injury, notice to the chief inspector shall be given immediately by telephone or electronic means designed to assure its earliest possible receipt. Neither the boiler or unfired pressure vessel nor any parts thereof shall be removed or disturbed before an inspection has been made by the chief inspector, or his designee except for the purpose of saving life or limiting consequential damage. The inspector making the investigation and inspection shall report to the chief inspector as soon as possible. The boiler or pressure vessel owner shall be responsible for all costs of the department's investigation.

**AMENDATORY SECTION** (Amending WSR 94-21-002, filed 10/5/94, effective 11/5/94)

**WAC 296-104-065 Administration—Reciprocal commissions.** Upon the request of a boiler insurance company authorized to insure and insuring against loss from explosion of boilers and pressure vessels in this state, or a company with an owner/user inspection agency, a commission as a special inspector of boilers and/or unfired pressure vessels shall be issued by the chief inspector to an inspector in the employ of such company provided the inspector has had the experience prescribed in RCW 70.79.130 and:

(1) Holds a certificate of competency or commission issued by a state which has adopted one or more sections of the ASME Code, or a national board commission, in either case having taken and ~~((which holds))~~ passed a written

examination equivalent to that required by the state of Washington ~~((and a national board commission))~~; or

(2) Is certified by the American Petroleum Institute in accordance with API-510, having taken and passed a written examination equivalent to that required by the state of Washington.

Application for a reciprocal commission shall be made on a form to be furnished by the chief inspector, and shall be accompanied by a copy of the applicant's certificate of competency or a National Board Commission; or an API certificate and evidence of having passed the API examination.

**AMENDATORY SECTION** (Amending WSR 94-21-002, filed 10/5/94, effective 11/5/94)

**WAC 296-104-102 Inspection—Standards for in-service inspection.** The standard for nonnuclear inspection of boilers, unfired pressure vessels, and safety devices is the ~~((1992))~~ NBIC, 1995 edition, with addenda ~~((of the NBIC))~~. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).

The standard for nuclear inspection is the ASME section XI code. The ASME section XI code year and addenda shall be as specified in the owner in-service inspection program plan.

Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510, March 1992 seventh edition, with supplements ~~((1, dated September 1993, with addenda, of API-510))~~. This code may be used on or after the date of issue.

Where a conflict exists between the requirements of the above standards and this chapter, this chapter shall prevail.

**AMENDATORY SECTION** (Amending WSR 95-19-058, filed 9/15/95, effective 10/16/95)

**WAC 296-104-140 Inspection—State stamp.** Upon completion of the installation, all boilers and unfired pressure vessels shall be inspected by the chief inspector, a deputy inspector, or a special inspector. At the time of this inspection, each boiler or unfired pressure vessel shall be marked with a serial number of the state of Washington followed by the letter "W," said letter and figures to be not less than 5/16 in. in height. The marking shall not be concealed by lagging or paint and shall be exposed at all times.

Data sheets shall be made available at the time of first inspection if not filed with the national board.

Washington special numbers when assigned by the chief inspector shall be preceded by the letters: WS.

All rental boilers used in the state of Washington shall be marked with the serial number of the state of Washington followed by the letters "WR." This will indicate that the boiler is a rental unit. The numbers and letters shall not be less than 5/16 inch in height. The marking shall not be concealed by lagging or paint and shall be exposed at all times.

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**WAC 296-104-151 Inspection—Rental boilers.** Any rental boiler used in the state of Washington will have an internal inspection completed once a year. An operating inspection under pressure shall be conducted by the chief inspector, a deputy inspector, or a special inspector at each and every rental location before being placed into service.

Any rental boiler which has never been in rental service in the state of Washington will have a satisfactory hydrostatic test completed along with an initial internal inspection prior to having a state number issued. Each operating inspection will be reported to the state of Washington using the standard inspection form and a copy of report posted on the rental boiler.

Inspections will be the responsibility of the rental boiler owner but may be completed by the user's special inspector.

AMENDATORY SECTION (Amending WSR 90-20-029, filed 9/24/90, effective 10/25/90)

**WAC 296-104-170 Inspection ((of systems))—Shop inspections.** Shop inspections shall be as ~~((outlined))~~ required in the applicable sections of the ASME Code. Only inspectors holding a national board commission with the appropriate endorsements and a commission issued by the state of Washington shall make shop inspections in this state. Supervisors of inspectors who perform shop inspections in the state need only a National Board Commission with the appropriate endorsements.

Upon request from a boiler or pressure vessel manufacturer holding an ASME Certificate of Authorization within the jurisdiction, the department shall provide inspection services as required by the ASME Code. The manufacturer receiving such inspection services shall reimburse the department for the time and expenses in accordance with the fee schedule established in WAC 296-104-700.

AMENDATORY SECTION (Amending WSR 93-12-014, filed 5/21/93, effective 6/21/93)

**WAC 296-104-200 Construction—Standards for new construction.** The standards for new construction are the ~~((1992 edition, with addenda, of))~~ ASME Boiler and Pressure Vessel Code, Sections I, III, IV, VIII, and X, 1995 edition, with addenda and the ((+1987 edition of)) ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy), 1987 edition. These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. Also, in circumstances such as nuclear systems, the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending Part IV, filed 3/23/60)

**WAC 296-104-205 ((Inspection of systems)) Construction—Nonstandard ((regulations)) new construction.** Those boilers and unfired pressure vessels that are ~~((not~~

~~considered to be within the jurisdiction of the ASME Code and those of special design and construction require a special certificate, section VIII, U-1, and section 1, power boilers preamble of the ASME Code))~~ exempted by the codes adopted in WAC 296-104-200 due to volume, temperature or pressure requirements, and are not to be constructed to those codes, must be certified by a nationally recognized testing agency or constructed to WAC 296-104-230.

Other boilers and unfired pressure vessels that are not to be constructed to the codes adopted in WAC 296-104-200 may be treated as special designs at the discretion of the board. Nonstandard construction shall not be permitted to avoid standard construction.

AMENDATORY SECTION (Amending Order 86-02, filed 3/19/86)

**WAC 296-104-210 ((Inspection of systems)) Construction—Special designs.** Boilers and unfired pressure vessels of special design require a special certificate granted by the board. At a minimum the following shall be supplied to obtain board approval for special designs: Prints ((and)), calculations ((shall be supplied for special designs or construction)), and a Washington state professional engineer's evaluation of the design. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular ((annual)) inspections ((in the case of boilers, and biennial inspection in the case of unfired pressure vessels)) required by WAC 296-104-100 and any additional conditions as required by the board.

AMENDATORY SECTION (Amending Part IV, filed 3/23/60)

**WAC 296-104-215 ((Inspection of systems)) Construction—Nonstandard boilers and unfired pressure vessels.** Nonstandard boilers and unfired pressure vessels constructed prior to January 1, 1952, may be used provided they have not been moved from their original setting since January 1, 1952, or ownership has not changed since January 1, 1952.

AMENDATORY SECTION (Amending Order 87-25, filed 12/17/87)

**WAC 296-104-220 ((Inspection of systems)) Construction—Nonstandard second hand boilers or unfired pressure vessels.** Nonstandard second hand boilers or unfired pressure vessels constructed after January 1, 1952, cannot be used in this state without prior approval of the board of boiler rules. At a minimum the following shall be supplied to obtain board approvals: Prints, a history, calculations, and a Washington state professional engineer's evaluation of the design and present condition. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular inspections required by WAC 296-104-100 and any additional conditions as required by the board.

AMENDATORY SECTION (Amending Order 74-37, filed 11/8/74)

~~WAC 296-104-230 ((Inspection of systems—Hot water supply boilers and tanks.) Construction—New vessels exempted from code requirements for volume, pressure or temperature. ((Hot water supply boilers and tanks for operation below all of the following limitations; 200,000 btu input, 200°F. temperature, 160 psi pressure, and 120 gal. capacity.) Boilers or unfired pressure vessels that are not required by the codes adopted in WAC 296-104-200 to be built to those codes (except those exempted in the RCWs), shall be tested as follows:~~

One boiler or ((tank)) vessel of each design and size taken from the manufacturer's stock at random, shall be subjected to a hydrostatic test in the presence of an inspector holding a national board commission. The boiler or ((tank)) vessel shall withstand a pressure of ((300 psi)) 150% of its design pressure without leaks or excessive distortion. Samples shall be taken from the longitudinal seam and tests made as outlined in Section IX ASME Code for root and face bends and reduced tensile coupons. Upon successfully passing the above tests, a maximum allowable working pressure of ((150 psi)) its design pressure will be allowed for all boilers or ((tanks)) vessels constructed to identical specifications. The company name, serial number, working pressure, and energy input (if applicable) shall be stamped or marked in a permanent manner on each boiler or ((tank)) vessel. A retest shall be made at the inspector's discretion or by the request of the chief inspector. ((Hot water supply boilers or tanks for operation exceeding any of the above limitations shall be constructed in accordance with the ASME Code.) Any vessels containing water and an air cushion designed for less than 300 psi and 210 degree F, in use prior to January 1, 1997, may be accepted by hydrostatically testing them to twice their maximum allowable working pressure.

AMENDATORY SECTION (Amending Order 78-3, filed 2/22/78)

~~WAC 296-104-235 ((Inspection of systems) Construction—Boiler and unfired pressure vessel safety relief valves. The boilers and ((tanks)) unfired pressure vessels covered by WAC 296-104-230 shall be protected by the installation of ASME Code relief valves with trial levers, set pressure not to exceed ((160 psi)) the boiler's or the vessel's design pressure. Relief valves shall be installed on top of ((tank)) the boiler or the vessel or on outlet piping as close as possible to the boiler or ((tank)) vessel, with a minimum of fittings and no valves intervening. The outlet of the relief valve shall be run full size to a safe place.~~

AMENDATORY SECTION (Amending Part IV, filed 3/23/60)

~~WAC 296-104-240 ((Inspection of systems) Construction—Unfired pressure vessels ((fabricated of pipe or pipe fittings) piping components. ((Pressure vessels may be constructed of pipe or pipe fittings, the material complying with the specifications in the applicable sections of the ASME Code.) When ((the part)) a portion of pipe has significant duties other than the transportation of~~

a liquid, gas, or other material((τ)); such as storage, catch basin, scrubber, snubber, absorber, or ((pulsating)) pulsation dampener, it shall be deemed to be an unfired pressure vessel and shall conform to the rules governing the design, construction, inspection, and stamping of unfired pressure vessels.

AMENDATORY SECTION (Amending Order 78-3, filed 2/22/78)

~~WAC 296-104-245 ((Inspection of systems—Oil) Construction—Combustible fluid heaters. Steam or hot water ((oñ)) combustible fluid heaters shall be so designed and constructed that in the event of failure of any part, ((oñ)) the combustible fluid cannot enter the boiler water.~~

AMENDATORY SECTION (Amending Part IV, filed 3/23/60)

~~WAC 296-104-255 ((Inspection of systems) Installation—Clearance at top of boilers. When boilers are replaced or new boilers installed in either existing or new buildings, a minimum clearance as specified below shall be provided between the top of boiler proper and ceiling:~~

(1) Power boilers having a steam generating capacity in excess of 5,000 pounds per hour or having a heating surface in excess of 1,000 sq.ft. or input in excess of 5,000,000 btu per hour. Clearance shall be . . . . . 7 feet.

(2) Low pressure heating boilers which exceed any one of the following limits: 5,000,000 btu input; 5,000 lbs. steam per hour capacity or 1,000 sq.ft. heating surface; and power boilers which do not exceed any of the following limits: 5,000,000 btu input; 5,000 lbs. steam per hour capacity or 1,000 sq. ft. heating surface; and all boilers with manholes on top of boiler except those described in paragraph (1) above . . . . . 3 feet.

(3) Low pressure heating boilers which do not exceed the above limits and miniature boilers . . . . . 2 feet.

NEW SECTION

~~WAC 296-104-256 Installation—Reinstalled standard boiler or unfired pressure vessel. When a stationary standard boiler or unfired pressure vessel is moved and reinstalled it must be inspected by an inspector. The following will be required:~~

(1) The fittings and appliances must comply with the latest codes adopted in WAC 296-104-200.

(2) For standard vessels moved to Washington state a complete history of inspection, operation and repairs shall be available for all boilers exceeding 200,000 btu/hr and any pressure vessels exceeding 100 cubic feet.

(3) For any power boiler an evaluation by a Washington state professional engineer or an organization holding a valid ASME Certificate of Authorization is required.

The following are required unless waived by the inspector:

- (a) A hydrostatic test up to 150% of the MAWP.
- (b) Nondestructive testing of any parts.
- (c) An operational test.
- (d) Any repairs deemed necessary.

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AMENDATORY SECTION (Amending Order 89-05, filed 7/13/89, effective 8/13/89)

**WAC 296-104-260** (~~(Inspection of systems)~~)

**Installation—Clearance front, back and sides.** When boilers are replaced or new boilers installed in either existing or new buildings, minimum clearance shall be provided as specified below:

(1) Minimum clearance at sides and back wall shall be one and one-half feet or at the discretion of the inspector the manufacturers recommended clearances may be used if they allow sufficient room for inspection. Boilers having manholes shall have five feet clearance from the manhole opening and any wall, ceiling, or piping that will prevent a person from entering the boiler.

(2) Clearance in front and back shall be sufficient for operation, maintenance, and repair.

NEW SECTION

**WAC 296-104-273 Installation—Pressure vessel clearances.** When pressure vessels are replaced or new vessels are installed in either existing or new buildings, a minimum height of eighteen inches shall be provided between the top of the pressure vessel proper and the ceiling and adjacent walls or other structures. All pressure vessels having manholes shall have five feet clearance from manhole openings and any wall, ceiling, or piping that will prevent a person from entering the vessel. Lesser clearances may be acceptable at the discretion of the inspector.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-104-195 Pressure vessel clearances.
- WAC 296-104-225 Inspection of systems—Rein-stalled boiler or unfired pressure vessel.

**WSR 96-21-082**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed October 16, 1996, 1:14 p.m.]

Date of Adoption: October 14, 1996.

Purpose: To allow escrow agents to comply with the supreme court's rules governing limited practice officers; to define who is responsible for tending to matters when an escrow agent closes a main or branch office; and to simplify and update the language and internal references.

Citation of Existing Rules Affected by this Order: Repealing WAC 208-680A-010; and amending WAC 208-680A-020, 208-680A-030, 208-680A-040, 208-680B-080, 208-680D-030, 208-680D-060, 208-680E-011, 208-680F-040 and 208-680F-050.

Statutory Authority for Adoption: RCW 42.320.040, 18.44.320.

Adopted under notice filed as WSR 96-15-129 on July 24, 1996.

Changes Other than Editing from Proposed to Adopted Version: Proposed changes to WAC 208-680D-050 were dropped because they were unnecessary to accomplish the purposes of these amendments and imposed a hardship on the industry.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 9, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 9, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 9, repealed 1.

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

October 14, 1996

John L. Bley

Director

AMENDATORY SECTION (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680A-020 Organization.** The ~~((escrow program of the))~~ department of ~~((licensing))~~ financial institutions administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director ~~((of the department of licensing))~~ or designee and five board members, appointed by the ~~((governor))~~ director, approve examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. ~~((Information regarding escrow licenses, the escrow commission or the escrow program may be obtained by writing to the Program Manager, Escrow Program, Department of Licensing, P.O. Box 9015, Olympia, Washington 98507.))~~

AMENDATORY SECTION (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680A-030 Meeting notice.** Individuals desiring to be informed as to date, time, place and agenda of the escrow commission meetings must make a written request to the ~~((Program Manager Escrow Program,))~~ Department of ~~((Licensing, P.O. Box 9015, Olympia, Washington 98507))~~ Financial Institutions.

AMENDATORY SECTION (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680A-040 Definitions.** ~~((+))~~ The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

~~((+))~~ "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized

Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

"Closing" means the transfer of title of real or personal property or execution of a real estate contract whichever event occurs first.

~~((3)) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.~~

~~(4) "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.~~

~~(5)) "Completed escrow" means a transaction in which the escrow agent has fully discharged its duties to the principals to the transaction. This includes obtaining all necessary documents, obtaining required signatures, completing reconveyance or title elimination, and disbursing funds to the principals to the transaction and to third parties as agreed by the principals in the escrow instructions or on the settlement form.~~

"Securities" means any stock, treasury bill, bond, debenture or collateral-trust certificate tendered in lieu of an errors and omissions policy. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

~~((6)) "Transfer of title" occurs at the time the seller executes a deed or bill of sale and such is delivered to the purchaser or recorded.~~

"Unclaimed funds" are those funds for which the rightful owner is unknown, or the location of payee is unknown, or stale-dated checks which have not been cashed.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 208-680A-010 Promulgation—Authority.

**AMENDATORY SECTION** (Amending WSR 91-11-066, filed 5/16/91, effective 6/16/91)

**WAC 208-680B-080 Escrow officer and agent fees.** ~~((On July 1, 1991,)) The director shall charge the following fees ((shall be charged by the professional licensing division of the department of licensing)):~~

Title of Fee	Fee
Escrow officer:	
First examination	\$150.00
Reexamination	150.00
Original license	160.00
License renewal	160.00
Transfer of license, name or address change or license activation	25.00
Duplicate license	25.00

Escrow agent:

Application and original certificate	345.00
Renewal	345.00
Late renewal with penalty	517.50
Transfer of certificate, name or address change	25.00
Duplicate certificate	25.00

Escrow agent branch office:

Application and original license	345.00
Renewal	345.00
Late renewal with penalty	517.50
Transfer of license, name or address change	25.00
Duplicate license	25.00

**NEW SECTION**

**WAC 208-680C-045 Closure of office.** (1) **Effect of closure.** When the main office of an escrow agent closes, all branch offices must close. When a branch office closes and the main office remains licensed, the responsibility for records maintenance and trust accounting reverts to the main office.

(2) **Notification.** When either the main office or a branch office of an escrow agent closes, all responsible persons are jointly and severally obliged to notify the department within thirty days of closure.

(a) "Responsible person" means: The designated escrow officer; the owner of the firm; a controlling person as defined in RCW 18.44.010(9); and the officers, owners and partners of the entity. The department may allow a person other than a responsible person as defined in this subsection to assume these duties.

(b) The official notification to the department shall include:

(i) All original escrow licenses for offices being closed. All licenses returned must be dated and signed. If a branch office is closing, the branch office license must be returned to the department. If the main office is closing, all licenses issued to the main and all branch offices must be returned.

(ii) An itemized accounting of funds held in trust at the time of closure, including the principal(s) to the transaction, the escrow number, the amount of funds held and the purpose of the funds. If the trust bank account balance is zero, the escrow agent must provide a reconciliation of the trial balance supporting the zero balance.

(iii) The name, residence address and telephone number of the person responsible for the records.

(iv) The street address where the records are located.

(c) All responsible persons are jointly and severally obliged to notify the department within thirty days of any change in the person responsible for the records or the place the records are maintained.

(3) **Maintenance of records after closure.** When an escrow office closes, the records must be maintained in the state of Washington for at least six years. The records shall be available upon demand of the department during business hours and maintained in a manner to be readily retrievable.

(4) **Trust account.** If the trust bank account contains client funds at the time of closure, the person responsible for the records shall provide the department with quarterly reconciliations of the trust bank account to the trial balance

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until the trust bank account balance is zero. The responsible person shall submit the reconciliations for the periods ending March, June, September and December. These reconciliations are due within thirty days of the end of the preceding period.

AMENDATORY SECTION (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680D-030 Accuracy and accessibility of records.** (1) Accuracy. All records shall be accurate, posted and kept up to date.

(2) Location. The escrow agent must maintain all records (~~shall be kept~~) available for inspection by the department for a minimum of six years at an address where the escrow agent is licensed to maintain an escrow office. (~~Such records shall be retained and available for inspection by the department for a minimum of six years. Provided, however, That~~) Records of transactions (closed or completed for one year or more) may be stored at a remote location after the escrow has been completed for at least one year. (~~If the~~) Records (are) stored at a remote location (~~the records~~) shall be available upon demand of the department during business hours and maintained in a manner to be readily retrievable.

(~~Upon closing,~~) (3) Permanent storage. After completion of the escrow transaction records may be stored on (~~magnetic~~) permanent storage media, such as optical disk or microfilm, provided the retrieval process does not permit modification of the documents. "Retrieval process" (~~is defined as~~) means the on-site ability to view and print the document in its original form. The escrow agent must have in its records a statement signed by the supplier of the permanent storage system that the (~~program~~) system does not permit the user to modify a document after it has been permanently stored (~~on the media~~).

(4) Restrictions on storage. Transactions and accounting records may not be stored at a remote location or on permanent storage media as described in subsection (2) or (3) of this section if there are funds relating to the transaction, such as reconveyance on holdbacks, remaining in the trust bank account.

AMENDATORY SECTION (Amending Order PM 790, filed 11/14/88)

**WAC 208-680D-060 Disbursement of funds.** The escrow agent shall disburse funds as set forth in the escrow instructions. Disbursement of any money or other items in violation of the trust or before the happening of the conditions of the escrow agreement or escrow instructions is a violation of RCW 18.44.260(5). If the ownership of the funds is in dispute or is unclear based on the written agreement of the parties, the escrow agent may interplead the funds into a court of competent jurisdiction pursuant to chapter 4.08 RCW.

Funds and other items or documents must be paid and/or disbursed immediately upon closing of the transaction or as specifically agreed to in writing by the principals: *Provided, That* disbursement of funds may be withheld to allow for checks to clear.

AMENDATORY SECTION (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680E-011 Administration of funds held in trust.** The designated escrow officer or branch designated escrow officer on behalf of the escrow agent shall be responsible for all funds received from any principal or any party to an escrow transaction or escrow collection account and shall hold the funds in trust for the purposes of the transaction or agreement and shall not utilize such funds for the benefit of the agent or any person not entitled to such benefit. The escrow agent shall establish a trust bank account(s) in a recognized Washington state depository. The escrow agent is responsible for depositing, holding, disbursing, and accounting for funds in trust as provided herein.

(1) The trust bank account(s) shall be designated as a trust account in the name of the escrow agent as certified. Trust bank accounts shall be noninterest bearing demand deposit accounts except as follows:

(a) Interest-bearing trust bank accounts or dividend earning investment accounts containing funds pertaining to an individual escrow transaction or escrow collection account may be established by the agent if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an owner, vendor, lessor, etc., involving escrow collections may be established by the agent when directed by written agreement or directive signed by the principals: *Provided, That* all interest or earnings shall accrue to the principals as directed in the agreement.

(c) Interest-bearing trust bank accounts containing funds pertaining to transactions in which a limited practice officer has prepared documents under authorization set forth in APR 12(h).

(2) The agent shall establish and maintain a system of records and procedures as provided in this section. Any alternative records or procedures proposed for use by the escrow agent shall be approved in advance by the department.

(3) The agent is responsible for the disbursement of all funds received and held in trust, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the agents behalf. The designated escrow officer must have signatory authority on all trust bank accounts. At the discretion of the designated escrow officer, branch designated escrow officers may be delegated signature authority for trust bank accounts at their branch.

(4) All funds received for any reason pertaining to an escrow transaction or collection account shall be deposited in the escrow agents trust bank account(s) not later than the first banking day following receipt thereof except funds owned exclusively by the agent.

(5) All funds received shall be identified by the day received and by the amount, source, and purpose on either a cash receipts journal or duplicate receipt which shall be retained as a permanent record.

(6) All deposits to the trust bank account(s) shall be documented by a duplicate bank deposit slip, validated by bank imprint or attached deposit receipt which shall bear the



signature of the authorized representative of the agent indicating that the funds were actually deposited into the proper trust bank account. Receipt of funds by wire transfer are to be posted in the same manner as other receipts and there shall be a traceable identifying name or number supplied by the financial institution or transferring entity. The agent must also make arrangements for a follow-up "hard copy" receipt for the deposit.

(7) An individual client's ledger sheet shall be established and maintained for each escrow transaction for which funds are received in trust and to which all receipts and disbursements shall be posted.

(a) Credit entries must show the date of deposit or wire transfer, amount, and name of remitter.

(b) Debit entries must show the date of check, check number, amount of check, and name of payee.

(8) The reconciled trust bank account(s) must equal at all times the outstanding trust liability to clients. The outstanding trust liability to clients must equal the trial balance of all escrows with undisbursed balances.

(9) The agent shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account receipts and disbursement records. The reconciliation will be signed by the designated escrow officer or branch designated escrow officer. Such reconciliations are to be retained as permanent records.

(10) All disbursement of trust funds shall be made by check, drawn on the trust bank account, and identified on the check as pertaining to a specific escrow transaction or collection account except as provided in (a) through (e) of this subsection. The number of each check, amount, date, payee, and the specific client's ledger sheet debited must be shown in the cash register or cash disbursement journal and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipt until the deposit has been verified.

(b) The escrow agent must make arrangements with the financial institution in which the trust bank account is located to provide a follow-up "hard copy" debit memo when funds are disbursed via wire transfer.

(c) The escrow agent shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(d) Transfers between closing escrows may be made by ledger entries alone provided a transfer form is used containing the date of the transfer, the amount of the funds being transferred, the identity of the escrow accounts being debited and credited, and the signature of the person authorized to sign checks on the escrow bank account. Intra-bank debit memo transfer forms may be used only where the escrow accounts involved in the transfer are closed through the same bank account. The authorization for the transfer must be placed in each escrow file involved.

(e) Transfers between collection escrows of a recurring nature must be authorized by standing instructions on file from the appropriate parties.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12)(a) A separate check shall be drawn on the trust bank account payable to the escrow agent for escrow and service fees for which the escrow agent is authorized payment therefor as provided in the escrow instructions. All such fees relating to the transaction may be withdrawn by a single check provided such check is supported by an itemization of the charges on the closing or settlement statement. Each check shall bear the escrow or transaction number.

(b) Collection account fees may be withdrawn by a single check provided such check is supported by a schedule of fees identified to each individual account. Such fees shall be withdrawn at least once monthly or as provided in the collection contract agreement if the fees are payable for a greater term than monthly.

(13) No deposits to the trust bank accounts shall be made of funds that do not pertain to an escrow transaction or not received in connection with an escrow collection account, or that belong to the agent, including fees to "open" the bank account or to keep the account from being closed.

(14) No disbursement from the trust bank account shall be made:

(a) For items not pertaining to a specific escrow transaction or escrow collection account;

(b) In advance of the closing of an escrow transaction, or before the happening of a condition set forth in the escrow instructions, to any person or for any reason without a written release from all principals of the escrow transaction or collection account, except that if the earnest money agreement terminates according to its own terms prior to closing, disbursement of earnest money funds shall be made as provided by the earnest money agreement without a written release unless the funds are handled as provided in WAC ((308-128D-060)) 208-680D-060;

(c) Pertaining to a specific escrow transaction or collection account in excess of the actual amount held in the trust bank account in connection with such account;

(d) In payment of a fee owed to any employee of an agent or in payment of any business expense of the agent. Payment of fees to employees of an agent or of any business expense of the agent shall be paid from the regular business bank account of the agent;

(e) For bank charges of any nature. Arrangements must be made with the bank to have any such charges applicable to the trust bank accounts charged to the regular business bank account, or to provide a separate statement of bank charges so that they may be paid from the agents regular business bank account: Provided, That bank charges may be paid from the interest on accounts allowed under subsection (1)(c) of this section;

(f) For preauthorization of payments by the financial institution for recurring expenses such as mortgage payments on behalf of the owner if the account contains tenant security deposits or funds belonging to more than one client;

(g) Of funds received as a damage or security deposit involving a lease or rental contract, to the property owner or to any person(s) without the written authority of the lessee. Such funds are to be held until the end of the tenancy when they are to be disbursed to the person(s) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.



(h) If the financial institution's automated system does not have the ability to charge fees to another account, or does not provide a separate statement for the service fees as required by (e) of this subsection, and the account is debited for service fees, the escrow agent shall deposit within one banking day after receipt of notice funds from the general business or other nontrust account to cover the service fee charged.

(15) The provisions of this section are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files;

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record;

(c) The escrow agent will maintain a printed, dated source document file to support any changes to existing accounting records;

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier (printer). The program may assign suffixes or subaccount codes before or after the check number for identification purposes;

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution's computer;

(f) All checks written must be included within the computer accounting system.

(16) Unclaimed funds are governed by the Uniform Unclaimed Property Act of 1983, chapter 63.29 RCW. If the agent has funds classified as unclaimed, the designated escrow officer or branch designated escrow officer shall contact the department of revenue for disposition instructions. The agent shall maintain a record of the correspondence relating to unclaimed funds for a period of five years.

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

**WAC 208-680F-040 Return of cash deposit or securities.** (1) The cash deposit or securities shall be returned to the escrow agent upon the date of expiration, cancellation, or revocation of the escrow agent's certificate of registration: *Provided*, That the director may hold the cash deposit or securities for a longer period in order to satisfy any actions commenced under WAC ((~~308-128F-050~~) 208-680F-050) prior to the expiration, cancellation, or revocation of the escrow agents certificate of registration.

(2) The cash deposit or securities shall be returned to an applicant within thirty days of the director's denial of an initial application for an escrow agent's certificate of registration.

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

**WAC 208-680F-050 Claim on cash deposit or securities.** (1) Upon receipt of notification of a legal action for which notice is required to be given to the department under WAC ((~~308-128D-070~~) 208-680D-070), the department shall notify the complaining party of the existence of

any cash deposit or securities and the provisions of this chapter.

(2) A claim against the cash deposit or securities shall be in the form of certified copy of a final judgment from a court of competent jurisdiction. Upon receipt of a claim, the department shall release the cash deposit or securities sufficient to pay the final judgment.

(3) The department shall notify the agent of the receipt of the claim and advise the agent that the agent must deposit cash or securities with the department to maintain the principal amount of \$50,000 after payment of the claim.

**WSR 96-21-094**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Filed October 18, 1996, 3:50 p.m.]

Date of Adoption: October 15, 1996.

Purpose: Regulate industrial operations which may cause a fire to start on or adjacent to forest land.

Citation of Existing Rules Affected by this Order: Amending WAC 332-24-301.

Statutory Authority for Adoption: RCW 76.04.015 (4)(6).

Adopted under notice filed as WSR 96-16-037 on August 1, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 18, 1996  
Kaleen Cottingham  
Supervisor

AMENDATORY SECTION (Amending Order 583, filed 9/24/91, effective 10/16/91)

**WAC 332-24-301 Industrial restrictions.** (1) When in the opinion of the regional manager, for the department's administrative region, weather conditions arise which present a hazard to lands protected by the department, whereby life and property may be endangered, the regional manager, through the authority granted the department in RCW 76.04.015 and 76.04.325, may designate industrial precaution levels thereby regulating logging, land clearing or other industrial operations which may cause a fire to start on or adjacent to forest lands. The restrictions shall be for periods

designated and shall only affect those portions of the state under the administrative jurisdiction of the area manager.

(2) In making a decision as to when restrictions or shutdowns should occur, the area manager shall utilize available information as to current and projected fire danger, current and projected weather, current fire activity and available resources for fire suppression.

(3) All persons performing logging, land clearing or other operations which may cause a fire to start on or adjacent to forest lands shall comply with the restrictions described in the designated industrial precaution level.

(a) The industrial fire precaution levels shall be:

(i) Level 1. Closed season - Fire precaution requirements are in effect. A fire watch/security is required at this and all higher levels unless otherwise waived.

(ii) Level 2. Partial hootowl - The following may operate only between the hours of 8 p.m. and 1 p.m. local time:

- Power saws except at loading sites;
- Cable yarding;
- Blasting;
- Welding or cutting of metal.

(iii) Level 3. Partial shutdown - The following are prohibited except as indicated:

● Cable yarding - except that gravity operated logging systems employing nonmotorized carriages may operate between 8 p.m. and 1 p.m. when all block and moving lines, except for the line between the carriage and the chokers, are suspended ten feet above the ground;

● Power saws - except power saws may be used at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m. local time.

In addition, the following are permitted to operate between the hours of 8 p.m. and 1 p.m. local time:

● ~~((Tractor/skidder operations;))~~ Tractor, skidder, feller-buncher, forwarder, or shovel logging operations where tractors, skidders, or other equipment with a blade capable of constructing fireline, are immediately available to quickly reach and effectively attack a fire start;

● Mechanized loading and hauling of any product or material;

- Blasting;
- Welding or cutting of metal(~~;~~);
- ~~Any other spark emitting operation not specifically mentioned).~~

(iv) Level 4. General shutdown - All operations are prohibited.

(b) The following definitions shall apply to these industrial fire precaution levels:

(i) "Loading sites" means a place where any product or material, including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc., is placed in or upon a truck or other vehicle.

(ii) "Cable yarding systems" means a yarding system employing cables and winches in a fixed position.

(iii) "Low hazard area" means any area where the department has determined the combination of elements reduces the probability of fire starting and/or spreading.

(iv) "Closed season" is that season of the year when a fire hazard exists as declared by the department or other responsible agency.

~~((~~(v) "Tractor/skidder operations" include a harvesting operation, or portion of a harvesting operation, where tractors, skidders, or other harvesting equipment capable of constructing fireline, are actively yarding forest products and can quickly reach and effectively attack a fire start.~~))~~

(c) A written waiver may be issued by the department for fire-safe activities in low-hazard areas.

(d) Where hauling involves transit through more than one shutdown/regulated use area, the precaution level at the woods loading site shall govern the level of haul restriction, unless otherwise prohibited by other than the industrial precaution level system.

**WSR 96-21-098**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**  
 [Filed October 21, 1996, 10:05 a.m.]

Date of Adoption: October 15, 1996.

Purpose: Changes in this rule revision include new definitions, clarifications to wording, updating federal rule adoption dates, adopting additional federal rules, and providing reference to new sections for provisions regarding maintenance plan areas.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 400-010, 400-020, 400-030, 400-040, 400-050, 400-052, 400-060, 400-070, 400-074, 400-075, and 400-076.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-17-034 on August 16, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 7, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 7, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 October 18, 1996  
 Robert D. Elliott  
 Executive Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-22 issue of the Register.

PERMANENT

**WSR 96-21-099**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed October 21, 1996, 10:10 a.m.]

Date of Adoption: October 15, 1996.

**Purpose:** This rule establishes general emission requirements for all air pollution sources within SWAPCA jurisdiction. These requirements include permitting, monitoring, testing and reporting requirements. Changes in this revision include a new section to address requirements for a maintenance plan area, clarification to exemptions, reference to SEPA (chapter 197-11 WAC), reference to recent federal changes.

**Citation of Existing Rules Affected by this Order:** Amending SWAPCA 400-101, 400-105, 400-107, 400-109, 400-110, 400-111, 400-112, 400-113, 400-114, 400-115, and 400-116.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-17-035 on August 16, 1996.

**Changes Other than Editing from Proposed to Adopted Version:** Incorporated by reference two new subsections in SWAPCA 400-105 as (7) and (8), the language from WAC 173-400-105 (7) and (8) regarding material false statements and falsifying monitoring records or devices.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; **or Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 0, amended 0, repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 2, amended 8, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; **or Other Alternative Rule Making:** New 2, amended 8, repealed 0.

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

October 18, 1996

Robert D. Elliott  
 Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-22 issue of the Register.

**WSR 96-21-100**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed October 21, 1996, 10:12 a.m.]

Date of Adoption: October 15, 1996.

**Purpose:** This rule establishes general emission requirements for all air pollution sources within SWAPCA jurisdiction.

tion. These requirements include permitting, monitoring, testing and reporting requirements. Changes incorporated into this rule include reference to the maintenance plan area, publication of preliminary approvals and reference to federal requirements for public information.

**Citation of Existing Rules Affected by this Order:** Amending SWAPCA 400-136, 400-171, 400-190, 400-230, 400-270, and 400-290.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-17-036 on August 16, 1996.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; **or Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 1, amended 5, repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; **or Other Alternative Rule Making:** New 1, amended 5, repealed 0.

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

October 18, 1996

Robert D. Elliott  
 Executive Director

**AMENDATORY SECTION**

**SWAPCA 400-136 Use of Emission Reduction Credits**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.331 RCW, and 70.94.850 RCW. Original Board adoption as 400-125 4/17/84; renumbered to 400-136 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) **Permissible use.** An ERC may be used to satisfy the requirements for authorization of a bubble under SWAPCA 400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per SWAPCA 400-111, 400-112, SWAPCA 400-113(3) or SWAPCA 400-113(6), or to satisfy requirements for PSD review per SWAPCA 400-113(4).

(2) **Surrender of ERC certificate.** When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the Authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) **Conditions of use.** An ERC may be used only for the contaminant(s) for which it was issued. The Authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

(4) **Sale of an ERC.** An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the

Authority. After receiving the certificate, the Authority shall reissue the certificate to the new owner. The Authority shall update the ERC bank to reflect the availability of ERCs.

(5) **Time of use.** An unused ERC and any unused portion thereof shall expire ten years after the date of original issue. The ten year time period shall restart with each ERC transaction involving the use, lease or sale of emission reduction credits. The emission reduction credits shall be discounted at the applicable ratio, if any, on a one time basis at the time of original issue. Emission reduction credits shall not be discounted each time a transaction is completed.

(6) **Discount due to change in SIP.** If reductions in emissions beyond those identified in the Washington State Implementation Plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by the Authority after public involvement per SWAPCA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

## AMENDATORY SECTION

### **SWAPCA 400-171 Public Involvement**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) **Applicability.** The Authority shall provide public notice for a preliminary determination of a regulatory order prior to issuance of the final approval or denial of any of the following types of applications or other actions:

(a) Notice of Construction application for any new or modified source or emissions unit that results in a significant increase in emissions (actual or potential to emit) of any pollutant regulated by state or federal law (significant as defined in SWAPCA 400-030). Furthermore, public notice for each regulatory order for a non-significant increase may be provided at the discretion of the Control Officer; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or

(d) Any order to establish a compliance schedule or a variance;

(e) The establishment, disestablishment or redesignation of a nonattainment area, or the changing of the boundaries thereof; or

(f) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) Any order to authorize a bubble; or

(h) An order issued under SWAPCA 400-091 which establishes limitations on a source's potential to emit for the purpose of opting out of the Title V Air Operating Permit program (SWAPCA 401); or

(i) Any Notice of Construction application or other proposed action made pursuant to this regulation in which there is a substantial public interest according to the discretion of the Control Officer;

except:

(j) Any Notice of Construction application or other proposed action which results in a reduction of emissions from a previously established emission limit in an order issued by the Authority that has previously been subjected to public notice, or other permitting authority, may not require public notice in accordance with this section. This exemption does not apply to those sources opting out of the Title V Air Operating Permit program (SWAPCA 401).

(k) Any Notice of Construction application or other proposed action which does not result in a net emissions increase (actual or potential to emit) unless otherwise required by the Authority.

(1) Public notice for a preliminary determination of a regulatory order may run concurrently with immediate approval to operate provided that a corporate officer of the source submits an affidavit that they understand the liability associated with the action and agree to implement any necessary changes that would have otherwise resulted from the public comment process.

(2) **Public notice.** Public notice shall be made only after all information required by the Authority has been submitted and after applicable preliminary determinations, if any, have been made. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to the Authority;

(iv) Advising that a public hearing may be held if the Authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice shall be sent to the EPA Regional Administrator.

(d) Public participation procedures for Notice of Construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in SWAPCA 401.

(3) **Public comment.** No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public hearings.** The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Authority may, at the discretion of the Control Officer, hold a public hearing if it determines significant public interest exists.

Any such hearing(s) shall be held upon such notice and at a time(s) and place(s) as the Authority deems reasonable.

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) **Public information.** Copies of Notices of Construction, regulatory orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at the Authority.

#### AMENDATORY SECTION

##### **SWAPCA 400-190 Requirements for Nonattainment Areas**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board Adoption 93-21-005 filed 10/7/93, effective 11/8/93]

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per SWAPCA 400-171. Requirements for new or modified sources in nonattainment areas are found in SWAPCA 400-110 and SWAPCA 400-112.

#### AMENDATORY SECTION

##### **SWAPCA 400-230 Regulatory Actions & Civil Penalties**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.211 RCW, 70.94.331 RCW, 70.94.332 RCW, 70.94.425 RCW, 70.94.431, and 70.94.435 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2 & 3); Amended by Board renumbered to 400-130 12/18/79; Amended by Board renumbered to 400-200 4/17/84; Amended by Board 12/16/86; Amended by Board 1/21/92 92-04-030 filed 1/28/92; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The Authority shall have the power to issue such orders as necessary to effectuate the purpose of RCW 70.94 as provided in, including but not limited to: RCW 70.94.141, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.332. The Authority may issue orders for establishing limits and controls for sources of emissions to the ambient air or otherwise controlling activities that may violate any ambient air quality regulations, including but not limited to the following:

(a) **Order of Approval.** An Order of Approval may be issued by the Authority to provide approval for a Notice of Construction application. An Order of Approval shall contain the following, as appropriate: reference to applicable regulations, emissions limitations, control and process equipment operating conditions and limits, testing requirements, monitoring and reporting requirements, and other conditions considered necessary by the Authority. An Order of Approval which constitutes the final determination of the Authority, shall be issued within sixty (60) calendar days of a complete application or for those projects subject to public notice, as promptly as possible after the 30 calendar day public notice requirements have been satisfied. An Order of Approval may not identify all applicable regulations. All Orders of Approval may be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(b) **Order of Denial.** An Order of Denial may be issued by the Authority in response to a Notice of Construction application that is incomplete, not feasible, proposes inadequate control technology, or otherwise would result in

violation of any ambient air quality regulation, control technology requirement, or emission standards in the area in which the equipment would be located and operated. All Orders of Denial shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(c) **Order of Violation.** An Order of Violation may be issued by the Authority to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation. An Order of Violation may be prepared by the Authority only after formal written notice has been served on the source as provided in (2) below. The Order of Violation shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(d) **Order of Prevention.** An Order of Prevention may be issued by the Authority to a source to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior Authority review and approval or actions are being conducted in addition to a previous Authority approval without prior approval. An Order of Prevention shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(e) **Consent Order.** A Consent Order may be issued by the Authority to establish emission limits, operation and maintenance limits or controls, monitoring or reporting requirements, testing requirements, or other limits or controls as necessary that are determined by the Authority to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a source may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. The Consent Order shall be agreed to and signed by an appropriate officer of the company or source for which the Consent Order is prepared and the Control Officer, or designee, of the Authority. Installation, construction, modification or operation of a source shall be subject to the New Source Review requirements of SWAPCA 400-110. A Consent Order shall not be subject to the public notice and comment period set forth in SWAPCA 400-171 at the discretion of the Control Officer.

(f) **Compliance Schedule Order.** A Compliance Schedule Order may be issued by the Authority to a source to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed. All Compliance Schedule Orders shall be subject to the public notice and comment period set forth in SWAPCA 400-171 (2), (3), and (4). Refer to SWAPCA 400-161 for further guidance.

(g) **Order of Discontinuance.** The Authority may issue an Order of Discontinuance for any source that has discontinued operations and/or has not maintained their source registration for emission units. (Refer to SWAPCA 400-100 (2)(d)). An Order of Discontinuance may also be issued to a source that continues to operate in violation of applicable regulations and requirements. Such issuance may require that the source cease operations that result in emissions to

the ambient air that are in violation of applicable regulatory orders, requirements and regulations.

(i) Any source that fails to maintain registration fees (i.e., payment of registration fees by July 31 of each year), may be issued an Order of Discontinuance. The Order of Discontinuance shall identify the source location and emission units and identify the most current registration activity.

(ii) The Order of Discontinuance shall provide for discontinuance of operations at that source or facility and all previous authorizations, orders, agreements or stipulations shall be superseded, directly or indirectly, by the Order of Discontinuance without specific identification in the Order of Discontinuance.

(iii) The Order of Discontinuance shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(iv) For sources that have ceased doing business in SWAPCA jurisdiction, or the state of Washington, the Authority shall make a reasonable effort to establish contact with the source. If the Authority is unable to establish contact with the source, the Authority shall issue an Order of Discontinuance via certified mail, return receipt requested, to the last known address. Lack of response by the source or return of the notification by the US Postal Service shall be considered de facto evidence that the source has discontinued operations.

(v) The source shall have 30 calendar days from the date of the final regulatory order after public notice in which to pay past due and current registration fees. If the source fails to pay current registration fees, the source or facility shall be considered discontinued and shall be required to submit a Notice of Construction application under the New Source Review procedures of SWAPCA 400-110 prior to resuming or restarting operations.

(vi) Facilities that terminate operations and discontinue paying registration fees, and are later sold with the intent of restart, in whole or in part, shall be subject to the New Source Review requirements of SWAPCA 400-110.

(vii) Sources that continue to operate in violation of established regulatory orders and regulations, the Authority may issue an Order of Discontinuance that is effective immediately.

(h) **Corrective Action Order.** The Authority may issue a Corrective Action Order to any source within its jurisdiction, including an unregistered source, to provide measures to correct or rectify a situation that has immediate or eminent threat to person(s) or the public or that may be in violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property. The Corrective Action Order may specify specific actions that must be implemented to demonstrate compliance with applicable regulations and identify dates by which these actions must be completed. All actions and dates identified in the Corrective Action Order shall be fully enforceable. Corrective Action Orders shall be issued to correct immediate problems. Corrective Action Orders shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(i) **Administrative Order.** An Administrative Order may be issued to a source by the Authority to provide for

implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the Authority. All Administrative Orders shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(j) **Resolutions.** A Resolution may be issued by the Authority as a means to document or record a Board of Directors decision, authorize or approve budget transactions, establish policies, or other actions as determined by the Authority. Resolutions shall not be subject to the public notice and comment procedures set forth in SWAPCA 400-171.

(2) The Authority may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.

(a) **Enforcement Actions by the Authority—Notice of Violation.** At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation, or the rule, regulation, regulatory order or permit requirement alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Authority may require that the alleged violator or violators appear before it for the purpose of providing the Authority information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action. Enforcement action may be commenced by the Authority by issuance of a regulatory order as provided in SWAPCA 400-230(1).

(b) **Civil Penalties.**

(i) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 or 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(ii) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal. The maximum penalty amounts established in RCW 70.94.431 may be increased

annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.

(iii) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300. Section 113 (e)(2) of the 1990 Clean Air Act Amendments provides that the number of "days of violation" is to be counted beginning on the first proven day of violation and continuing every day until the violator demonstrates that it achieved continuous compliance, unless the violator can prove by preponderance of the evidence that there were intervening days on which no violation occurred. This definition applies to all civil and administrative penalties.

(iv) All penalties recovered under this section by the Authority, shall be paid into the treasury of the Authority and credited to its funds.

(v) To secure the penalty incurred under this section, the Authority shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Authority shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.

(vi) In addition to other penalties provided by this regulation, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) **Assurance of Discontinuance.** The Control Officer may accept an assurance of discontinuance as provided in RCW 70.94.435 of any act or practice deemed in violation of this regulation as written and certified to by the source. Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of its regulations or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.

(4) **Restraining Orders & Injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) **Emergency Episodes.** The Authority may issue such orders as authorized by SWAPCA (~~WAC 173-~~)435 via Chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

(6) **Compliance Orders.** The Authority may issue a compliance order in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated and completed.

## AMENDATORY SECTION

### **SWAPCA 400-270 Confidentiality of Records and Information**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.205 RCW, and 70.94.331 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 2.05); Amended by Board 12/18/79 recodified and removed; new section 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The owner or operator (or person submitting the information) is responsible for clearly identifying the information that is considered proprietary and confidential prior to submittal to the Authority. Information submitted to the Authority that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

(2) Confidential information submitted to the Authority by an owner or operator shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the Authority, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW 70.94.205. Requests for such information under the Freedom of Information Act shall be released only after:

- (a) Legal opinion by the Authority's legal counsel, and
- (b) Notice to the source of the intent to either release or deny the release of information.

(3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, related to processes or production unique to the owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority as provided in RCW 70.94.205, Title 18 USC 1905, Section 114 of the 1990 Federal Clean Air Act Amendments, and 40 CFR 2 "Public Information".

(4) Emissions data furnished to or obtained by the Authority shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Authority.

## NEW SECTION

### **SWAPCA 400-290 Severability**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.331 RCW and RCW 43.21B.001 notes. Original Board adoption 12/17/68 (Regulation 1 Sec 2.08); Amended by Board 10/29/69 (Regulation 2 Sec 2.02); Amended by Board 12/18/79 renumbered to 400-175; Amended by Board 4/17/84 removed section;]

The provisions of this regulation are severable. If any provision, meaning phrase, clause, subsection or section, or its application to any person or circumstance is held to be invalid by any court of competent jurisdiction, the application of such provision to other circumstances and the remainder of the regulation to other persons or circumstances will not be affected.

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

PERMANENT



**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 96-21-101**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed October 21, 1996, 10:14 a.m.]

Date of Adoption: October 15, 1996.

Purpose: Changes incorporated into this revision include clarification to words, new definitions, applicability to address maintenance plan area, incorporation of Federal requirements for gas tanker testing, and providing reference to other applicable regulations.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 490-010, 490-020, 490-025, 490-030, 490-040, 490-080, 490-090, 490-200, 490-201, 490-202, 490-203, 490-204, 490-205, 490-207, and 490-208.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-17-041 on August 19, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 15, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 15, repealed 0.

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

October 18, 1996  
 Robert D. Elliott  
 Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-22 issue of the Register.

**WSR 96-21-102**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed October 21, 1996, 10:16 a.m.]

Date of Adoption: October 15, 1996.

Purpose: Changes in this revision include clarification to existing language and definitions, removal of obsolete compliance dates, changes to Stage I throughput to be consistent with chapter 173-490 WAC and provide reference to testing and reporting requirements, removed Skamania

County from Stage II requirements, increased throughput for Cowlitz, Lewis and Wahkiakum to 1.2 million gallons.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 491-010, 491-015, 491-020, 491-030, 491-040, 491-050, and 491-060.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-17-042 on August 19, 1996.

Changes Other than Editing from Proposed to Adopted Version: Minor clarification to SWAPCA 491-040(5) that Stage II for Clark County is required by December 31, 1998, or at the time of upgrade. One sentence was moved and slightly changed to read properly. Changes provide for consistency with SHB 2376.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 6, repealed 0.

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

October 18, 1996  
 Robert D. Elliott  
 Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-22 issue of the Register.

**WSR 96-21-103**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed October 21, 1996, 10:24 a.m.]

Date of Adoption: October 15, 1996.

Purpose: Revisions incorporated under this change include applicability to refer to Clark County as a maintenance plan area for CO, clarification to definitions, changes to control area for oxygenated fuel to trigger as provided in CO maintenance plan.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 492-020, 492-030, and 492-070.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-17-043 on August 19, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or



Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 18, 1996

Robert D. Elliott  
Executive Director

## SWAPCA 492 OXYGENATED FUELS

### SWAPCA

- 492-010 Policy and purpose
- 492-020 Applicability
- 492-030 Definitions
- 492-040 Compliance requirements
- 492-050 Registration requirements
- 492-060 Labeling requirements
- 492-070 Control area and control period
- 492-080 Enforcement and compliance
- 492-090 Unplanned conditions
- 492-100 Severability

### SWAPCA 492-010 Policy and Purpose

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines in areas that are either known or expected to exceed health-based air quality standards for carbon monoxide.

### AMENDATORY SECTION

#### SWAPCA 492-020 Applicability

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

This regulation is only applicable to Clark County when the Carbon Monoxide Maintenance Plan Contingency Measure is triggered as a result of a confirmed violation of the carbon monoxide National Ambient Air Quality Standard (NAAQS) in the Vancouver air quality management area (AQMA). The Vancouver AQMA is described in the Carbon Monoxide Maintenance Plan. When triggered, this regulation shall apply to all gasoline offered for sale in the control area and over the control period defined in section SWAPCA 492-070. This regulation and the discontinuance of the oxygenated fuel requirements shall be effective upon EPA approval of the Vancouver Carbon Monoxide Maintenance Plan.

### AMENDATORY SECTION

#### SWAPCA 492-030 Definitions

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The following words and phrases shall have the following meanings:

(1) "Authority" means the Southwest Air Pollution Control Authority.

(2) "Blender" means a person who owns oxygenated gasoline which is sold or dispensed from an oxygenate blending facility for use in a control area during a control period.

(3) "Control area" means an area in which only oxygenated gasoline under the oxygenated gasoline program may be sold or dispensed. Each control area is a county or group of counties administered by the Authority.

(4) "Control period" means the period during which oxygenated gasoline must be sold or dispensed within the control area which is November 1 through February 29.

(5) "Ecology" or "WDOE" means the Washington State Department of Ecology.

(6) "Gasoline" means any fuel sold for use in motor vehicles equipped with internal combustion engines, and commonly known or sold as gasoline. Blended and oxygenated fuels are considered gasoline.

(7) "Large Volume Blender" means blenders that blend and offer for sale or sell one million gallons or more, but less than 15 million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.

(8) "Medium Volume Blender" means blenders that blend and offer for sale or sell 100 thousand gallons or more, but less than one million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.

(9) "Oxygenate" means any substance which, when added to gasoline, increases the amount of oxygen in the gasoline blend. Lawful use of any combination of these substances requires that they be substantially similar under section 211 (f)(1) of the Federal Clean Air Act (CAA), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of section 211 (f)(4) of the CAA.

(10) "Oxygenated gasoline" means gasoline which contains a measurable amount of oxygenate, generally an alcohol or ether.

(11) "Small Volume Blender" means blenders that blend and offer for sale or sell less than 100 thousand gallons of oxygenated gasoline per month, on average, during a control period within a control area.

(12) "Southwest Air Pollution Control Authority (SWAPCA)" means the regional agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7410, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(13) "Very Large Volume Blender" means blenders that blend and offer for sale or sell 15 million gallons or more of oxygenated gasoline per month, on average, during a control period within a control area.

**SWAPCA 492-040 Compliance Requirements**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

(1) Retail Sales. No gasoline intended as a final product for fueling of motor vehicles within the control area and control period defined in SWAPCA 492-070 shall be offered for sale, sold or dispensed by any person unless the gasoline has at least 2.0% oxygen content by weight.

(2) Average Blend Requirements. Over each two-month interval during the control period, gasoline intended as a final product for fueling of motor vehicles within the Authority's control area defined in SWAPCA 492-070 supplied by blenders to purchasers within the Authority's control area defined in SWAPCA 492-070 shall average at least 2.7% oxygen by weight, and in no case be less than 2.0% oxygen content by weight.

(3) Reports. Blenders shall provide periodic reports, as stipulated in the blenders registration, to the Authority summarizing how the requirements of SWAPCA 492-040(2) were met. With prior approval from the Authority, a credit trading program may be used to comply with these requirements. Such reports shall be on forms provided by the Authority.

**SWAPCA 492-050 Registration Requirements**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93; WSR 95-10-003 filed 4/20/95, effective 5/21/95]

(a) Each blender who offers for sale, sells, or dispenses gasoline in the Authority's control area shall register with the Authority each year. Each request for registration shall be on forms supplied by the Authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee for a control area shall be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of SWAPCA 492-040. Applicable fees are required to be paid in full by October 1 of each

year or within 30 days after becoming a blender, whichever occurs later. The following fee table shall apply to blenders:

Small Volume Blender	\$ 500
Medium Volume Blender	\$ 1,000
Large Volume Blender	\$10,000
Very Large Volume Blender	\$25,000

(b) The total annual oxygenated fuel fees collected and retained by the Authority under this program shall not exceed \$40,000. When the total fees submitted by all blenders on October 1 of each year exceeds \$40,000, there shall be a refunding of the excess fees collected by the Authority. The refund provided to each blender shall be derived by prorating the excess fees based on that company's ratio of its volume of oxygenate blended to the total volume of all oxygenate blended. Such refund shall be issued by the Authority by December 1 of each year and is applicable to all types of oxygenates.

**SWAPCA 492-060 Labeling Requirements**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

In addition to other labeling requirements, fuel dispensing systems delivering oxygenated gasoline shall be conspicuously labeled during the control period and in the control area stated in SWAPCA 492-070 as follows:

"The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

AMENDATORY SECTION

**SWAPCA 492-070 Control Area and Control Period**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

((Beginning in 1992, t)) The oxygenated gasoline requirements of this regulation shall apply to the following control area during the minimum following control period. The control period may begin earlier if there is a violation of the ambient air quality standard outside of the control period:

CONTROL AREA	COUNTIES	CONTROL PERIOD	
		BEGINNING	ENDING
Southwest	Clark	November 1	February 29

**SWAPCA 492-080 Enforcement and Compliance**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

(1) Compliance with the requirements of this regulation shall be monitored and enforced by the Authority. Non-compliance shall be subject to the penalties and other remedies provided in 70.94 RCW.

(2) The Authority may designate any appropriate agency of the State to assist in the compliance monitoring of this regulation.

(3) Compliance with the standards set forth in this regulation shall be determined by use of testing methods approved by Ecology or the Authority. The maximum accuracy tolerance of this method shall be limited to +/- 0.3% oxygen by weight, or an equivalent tolerance when measured by volume.

**SWAPCA 492-090 Unplanned Conditions**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

PERMANENT

An unplanned condition, such as an unforeseen emergency or "act of God", which may interfere with compliance to this regulation, shall be reported to the Authority as soon as possible. The responsible party shall also submit a full written report within ten days to the Authority, including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence. Compliance with the requirements of SWAPCA 492-090 does not relieve the responsible party from the responsibility to maintain continuous compliance with all the requirements of this regulation nor from the resulting liabilities for failure to comply. The Authority shall consider the circumstances of the unplanned condition, and may use the circumstances when determining enforcement.

### SWAPCA 492-100 Severability

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

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

**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 96-21-141**  
PERMANENT RULES  
**DEPARTMENT OF REVENUE**  
[Filed October 23, 1996, 11:06 a.m.]

Date of Adoption: October 23, 1996.

Purpose: To repeal chapter 458-24 WAC, regarding the Unfair Cigarette Sales Below Cost Act rules and regulations. The statutes upon which these rules were based were mostly repealed by section 14, chapter 321, Laws of 1986, which took effect July 1, 1991.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-24-010 General, 458-24-020 Unlawful practices, 458-24-030 Licenses, bond, 458-24-040 Legal action, remedies, 458-24-050 Administrative remedies, 458-24-060 Form and contents of complaint, 458-24-070 Penalties, 458-24-080 Cigarette wholesalers and . . . , and 458-24-090 Basic cost of cigarettes.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 96-14-049 on June 27, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 23, 1996

Russell W. Brubaker  
Assistant Director  
Legislation and Policy

**WSR 96-21-142**  
PERMANENT RULES  
**DEPARTMENT OF REVENUE**  
[Filed October 23, 1996, 11:07 a.m.]

Date of Adoption: October 23, 1996.

Purpose: To repeal WAC 458-20-232 Sales of intoxicating liquor. The subject matter of this rule is of limited value. The activities described in this rule (sales of spirits, wine, beer) are covered in other rules of this agency (see WAC 458-20-119 and 458-20-124). There is no need to have a separate rule describing the tax consequences of selling liquor.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-20-232 Sales of intoxicating liquor.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 96-14-051 on June 27, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 23, 1996

Russell W. Brubaker  
Assistant Director  
Legislation and Policy

**WSR 96-21-143**  
PERMANENT RULES  
**DEPARTMENT OF REVENUE**  
[Filed October 23, 1996, 11:08 a.m.]

Date of Adoption: October 23, 1996.

PERMANENT

Purpose: To repeal the rules administering the gift tax, chapter 458-56 WAC, which was repealed by Initiative 402 in the November 1981 election.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-56-010 Scope of rules, 458-56-020 Imposition of tax, 458-56-030 Requirement of return, 458-56-040 Joint accounts and trusts, 458-56-050 Annual exclusion, 458-56-060 Time and place for filing, 458-56-070 Gifts during prior calendar years, 458-56-080 Gross gifts made during calendar year, 458-56-090 Description of property, 458-56-100 Valuation of property, 458-56-110 Exempt gifts, 458-56-120 Specific exemptions, 458-56-130 Community property and separate property, 458-56-140 (Reserved), 458-56-150 Penalties, 458-56-160 Payment of tax, 458-56-170 Gifts taxable as inheritance, 458-56-180 Gift tax returns, 458-56-190 Liens, 458-56-200 Valuation of securities and accounts, 458-56-210 Federal audits, 458-56-220 Receipts, and 458-56-230 Appeals and appellate procedure.

Statutory Authority for Adoption: RCW 34.05.354.

Under preproposal statement of inquiry filed as WSR 96-14-050 on June 27, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 23.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 23, 1996

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**WSR 96-21-145**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 23, 1996, 11:36 a.m., effective November 25, 1996]

Date of Adoption: October 23, 1996.

Purpose: Rules need to be revised to reflect 1996 statutory changes (SB 6222) and to complete the consensus agreement reached by the self-insurance review team.

Citation of Existing Rules Affected by this Order: Amending WAC 296-15-070 Accident reports and claims procedures, 296-15-190 Notification of rights and obligations, 296-15-255 Hearings for corrective action or withdrawal of certification, and 296-15-260 Corrective action or withdrawal of certification.

Statutory Authority for Adoption: RCW 51.32.190, 51.14.090.

Adopted under notice filed as WSR 96-16-057 on August 2, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 4, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 4, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: November 25, 1996.

October 23, 1996

Mark O. Brown  
Director

AMENDATORY SECTION (Amending WSR 94-17-069, filed 8/15/94, effective 9/15/94)

**WAC 296-15-070 Accident reports and claims procedures.** (1) Reporting of accidents shall be on a form prescribed by the department, entitled the self-insurer accident report (SIF-2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department for compensable claims immediately and medical only claims monthly after closing by the self-insured employer shall satisfy the initial accident reporting responsibility and statistical reporting responsibility under the law.

(2) A self-insurer, on denying any claim, shall provide to the claimant, the department, and the attending physician, a notice of denial of claim, substantially similar to the example SIF-4 in WAC 296-15-21002. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer shall file a complete and accurate (~~supplemental or final~~) report on injury or occupational disease claims resulting in time loss payments, on a form substantially similar to labor and industries Form No. F207-005-000, self-insurer's report (~~of~~) on occupational injury or disease (SIF-5) at the following times:

(a) Within five working days following the date the first time loss compensation is paid. Upon first payment of time loss compensation, the self-insurer shall notify the worker and the department how the time loss was calculated on a form substantially similar to labor and industries Form No. F207-156-000, time loss calculation rate (SIF-5A).

(b) (~~Within five working days following the date the time loss compensation is terminated, reinstated, or the rate thereof changed. If time loss compensation is terminated due to the self-insurer's finding that the injured worker is not eligible for vocational rehabilitation services, the self-insurer must attach the employability notification to the supplement~~)

~~tal SIF-5-))~~ Within ten working days from the date of receipt of a written request by the department.

(c) On the date a determination is requested or date temporary disability claim is closed.

(d) On all claims where vocational rehabilitation services have been provided, a rehabilitation outcome report must be submitted with the final SIF-5.

All medical reports and other pertinent information in the self-insurer's possession not previously forwarded to the department must be submitted with the request for all determinations.

(4)(a) A self-insured employer shall, upon notice of an industrial injury, provide the injured worker with the opportunity to file a self-insurer accident report (SIF-2) and shall notify the worker of his/her rights and responsibilities under Title 51 RCW. A completed copy of the self-insurer accident report (SIF-2), with an assigned department claim number, is to be provided to the worker within five working days of the date an injured worker submits the SIF-2 to the employer.

(b) Within five working days following the date time loss compensation is terminated due to the self-insurer's finding that the worker is not eligible for vocational rehabilitation services, the self-insurer must submit the employability notification to the department.

(c) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (F207-020-111), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

The self-insurer shall submit monthly statistical information on medical only claims closed during the month by copy of the accident report (SIF-2). In medical only claims where vocational rehabilitation services have been provided, the self-insurer shall submit a rehabilitation outcome report with the self-insurer accident report (SIF-2) at the time of reporting claim closure.

~~((e))~~ (d) A self-insurer, upon closure of a temporary disability claim, shall issue an order on a format substantially similar to labor and industries Form No. F207-070-000, self-insured employers' time loss claim closure order and notice. The self-insurer shall send a copy of the closing order and final SIF-5 to the claimant and the department at the time of closure of a temporary disability claim.

~~((e))~~ (e) When the department requests claim information by certified mail, the self-insurer shall submit all information in its possession dealing with the claim in question, within ten working days from the date of receipt of such certified mail.

~~((e))~~ (f) In any case where the department or the self-insured employer has issued an appealable order on a medical only claim, all subsequent orders in that claim shall be issued by the department.

~~((f))~~ (g) When an application for reopening of claim for aggravation of condition is received by a self-insured employer or its authorized representative, it shall be the responsibility of the self-insured employer to forward it to the department within five working days from the date of receipt.

AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

**WAC 296-15-190 Notification of rights and obligations.** (1) Self-insurers shall develop and maintain a comprehensive program designed to inform their employees about self-insurance and their rights and obligations. Such a program must include all present employees. Newly hired employees must be thoroughly advised of their industrial insurance rights and obligations during the first thirty calendar days of employment. ~~((The method and manner of advising employees of this program must have the approval of the department.~~

~~(2-This program))~~ Notification to newly hired employees shall be on a form substantially similar to labor and industries Form No. F207-155-000, workers' compensation filing information.

(2) When a worker files a claim, additional information must be provided. The method and manner of advising employees of this program must have the approval of the department. The additional information shall include, but not be limited to the following:

(a) An explanation of the employees' industrial insurance rights and obligations.

(b) An explanation of the employer's claim processing system.

(c) A statement telling which employees are covered and under what circumstances coverage is provided.

(d) A complete explanation of the payment of all medical bills and the time loss compensation an injured worker can expect to receive if forced to lose time from work due to an injury, or occupational disease sustained at work and an explanation of the method used to periodically determine continued time loss certification.

(e) The extent of the coverage provided and the procedure for closing a claim.

(f) An explanation of the law and rules of the department relating to the payment of medical expenses incurred by an on-the-job injury or occupational disease and the procedure for making an application for reopening a closed claim.

(g) An explanation of the role of the department in claims processing. Such explanation shall include a description of the method and manner of requesting reconsideration of department orders and appealing orders of the department to the Board of Industrial Insurance Appeals. Further, the mailing address and phone number of the self-insurance offices shall be made known and available to all employees.

(h) An explanation of the supplemental pension fund assessment and the deduction made for that purpose.

(i) An explanation of the way an injured worker, or someone in his/her behalf, must file a claim. Such an explanation must include the statutory requirement that a claim be filed within one year of the date of the injury or within two years following the date the worker received written notice from a physician of the existence of an occupational disease and that the injured worker is responsible for filing the claim with his/her employer along with the certification of a licensed physician as stated in RCW 51.28.020.

(j) An explanation of both scheduled and unscheduled permanent partial disability (PPD) awards.

(3) A self-insurer shall designate a person or persons reasonably accessible to the work locations to whom an injured worker or any employee may direct questions about industrial insurance matters. This individual should have sufficient knowledge to answer routine questions and have the responsibility of seeking answers to more complex problems.

AMENDATORY SECTION (Amending Order 86-35, filed 8/28/86)

**WAC 296-15-255 Hearings for corrective action or withdrawal of certification.** (1) This section applies only to proceedings to withdraw certification or for corrective action instituted by the director in response to a petition filed with the department pursuant to RCW 51.14.090. This section shall not apply to actions instituted by the director to withdraw certification pursuant to RCW 51.14.080 nor to corrective action instituted by the director pursuant to RCW 51.14.095.

~~(2) ((The director is authorized to institute proceedings which may result in corrective action or decertification of a self-insured employer))~~ When there is a petition for such action by any employee or union or association having a substantial number of employees in the employ of the self-insured

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~~When such proceedings are instituted in response to a petition filed under RCW 51.14.090, there shall be a hearing before))~~, the director ~~((to review and))~~ or the director's designee may, in the director's or designee's sole discretion, hold a hearing to determine ((findings pertaining to the alleged)) whether or not there are grounds for action. In reviewing such a petition, the director or the designee may require additional information from a petitioner before deciding whether to hold a hearing under this section.

(3) Any such hearing shall be conducted in accordance with the department's rules governing administrative hearings. The director will notify all parties at least twenty days prior to the date of the hearing. The notice shall include the following:

- (a) Nature of proceedings;
- (b) Legal authority for holding the hearing;
- (c) Reference to the section of statutes and rules involved;
- (d) A description of matters asserted;
- (e) The date, time, and place of the hearing.

All parties will be allowed to respond and present evidence and arguments on the issues involved.

Within thirty days of the hearing date, the department will provide written notification of the proceedings, findings, and conclusions to all hearing participants.

~~((3))~~ (4) If, following the hearing, the decision is to withdraw certification or take corrective action, such action shall comply with the provisions of RCW 51.14.090 ~~((2) and (3) in the case of withdrawal of certification,))~~ and/or ~~((RCW))~~ 51.14.095 ~~((1), (2), and (3) in the case of corrective action)).~~

AMENDATORY SECTION (Amending Order 86-35, filed 8/28/86)

**WAC 296-15-260 Corrective action or withdrawal of certification.** (1) Corrective action against a self-insured employer shall be by order and notice. A notice of corrective action shall include the nature and specifics of the findings and may include the following:

(a) Probationary certification status for the self-insured employer for a period not to exceed one year;

(b) Mandatory training to correct areas of program deficiency to be approved by the department.

The subject matter to be covered shall be specified in the notice of corrective action. Personnel required to attend and the time period within which the training is to be conducted will also be identified.

(c) Monitoring activities of the self-insured employer for a specified period of time to determine progress regarding correction of program deficiencies may be required. The department may require submission of complete and accurate records and/or conduct an audit to verify program compliance.

(d) If there is a contract between the self-insured employer and a service organization which has been filed with the department (WAC 296-15-110), the corrective action order may specify and require that the service organization be subject to mandatory training and monitoring of activity provisions of the order.

(e) The corrective action order shall specify a time frame for submission of progress reports to the department's self-insurance ~~((administrator))~~ section.

(f) During the first thirty days following the corrective action order, the self-insured employer shall submit a plan for the implementation of corrective action which shall include specific completion dates. If the plan is determined to be incomplete or inadequate, the department's self-insurance administrator shall notify the self-insurer of the necessary requirements or changes needed, and shall specify the date by which an amended plan shall be submitted.

(2) If sufficient grounds for decertification exist, an order and notice will be issued. The order and notice will include the following:

(a) The grounds upon which the determination is based.

(b) The period of time within which the grounds existed or arose.

~~((A statement to the self-insurer specifying the means by which the program deficiencies may be corrected.~~

~~((d))~~ The date, not less than ~~((thirty))~~ ninety days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn ~~((in absence of satisfactory remedial action)).~~

~~((e))~~ (d) Provisions as stipulated by RCW 51.14.090.

(3) Upon conclusion of the probationary certification period in the case of corrective action, ~~((or the remedial action period in the case of decertification,))~~ the program deficiencies requiring corrective ~~((or remedial))~~ action by the self-insured employer shall be evaluated by the department and a written report sent to affected parties. Program activities may be reaudited beyond the stated time period in order to assess continuing compliance with the objectives of the corrective action directives.

(4) If, at the conclusion of the probationary period (~~or remedial action period~~), program deficiencies continue to exist, the department shall decide whether to extend the period of probation, require additional corrective action or proceed with decertification of the self-insured employer. An order and notice stating the decision shall be issued.

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 294, amended 0, repealed 0.

Effective Date of Rule: November 25, 1996.

October 23, 1996

Mark O. Brown

Director

**WSR 96-21-146**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 23, 1996, 11:45 a.m., effective November 25, 1996]

Date of Adoption: October 23, 1996.

Purpose: Repeal of chapter 296-150A WAC, Rules and regulations for factory-built housing and commercial structures and the Governor's Advisory Board and chapter 296-150B WAC, Standards for mobile homes, commercial coaches, and recreational vehicles. These rules are being replaced with four new rules. The new rules are chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; chapter 296-150M WAC, Manufactured homes; and chapter 296-150R WAC, Recreational vehicles and park trailers.

The purpose of the new rules is to: (1) Establish standards to allow licensed professionals to approve design plans for factory-built homes, commercial structures, and commercial coaches; (2) establish standards which clarify what a recreational vehicle and park trailer manufacturer must do to self certify; (3) update the standards that govern commercial coaches, factory-built homes, commercial structures, manufactured homes, recreational vehicles, and park trailers in Washington state; and (4) write rules for the user that are easier to read and use.

Citation of Existing Rules Affected by this Order: Repealing chapters 296-150A and 296-150B WAC.

Statutory Authority for Adoption: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440, and [43.22.]480.

Adopted under notice filed as WSR 96-15-089 on August 7, 1996.

Changes Other than Editing from Proposed to Adopted Version: **Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-22 issue of the Register.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 294, amended 0, repealed 235.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 294, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

**Chapter 296-150C WAC**  
**COMMERCIAL COACHES**

NEW SECTION

**WAC 296-150C-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.340 through 43.22.435 covering the construction, alteration and approval of commercial coaches sold, leased, or used in Washington state.

(2) This chapter applies to the approval of commercial coach manufacturers, dealers and to any person who manufactures or alters the plumbing, mechanical, or electrical system or the body or frame of a commercial coach.

NEW SECTION

**WAC 296-150C-0020 What definitions apply to this chapter? "Alteration"** is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, fire and life safety, or the plumbing, mechanical, and electrical systems of a commercial coach.

The following are not considered alterations:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"**Approved**" is approved by the department of labor and industries.

"**Building site**" is a tract, parcel, or subdivision of land on which a commercial coach will be installed.

"**Consumer**" is a person or organization, excluding a manufacturer or dealer of commercial coaches, who buys or leases a commercial coach.

"**Commercial coach**" is a structure (referred to as a unit) that:

- Can be transported in one or more sections;
- Is used for temporary commercial purposes;
- Is built on a permanent chassis;
- Conforms to the construction standards of this chapter;
- May include plumbing, mechanical, electrical and other systems; and
- Includes Type A and Type B vendor units.

*Type A vendor unit* is a commercial coach vehicle such as, but not limited to, a truck, van, or step van. The maximum dimensions of a Type A vendor unit are 8 feet wide by 24 feet long in the set-up mode.

*Type B vendor unit* is a commercial coach structure such as, but not limited to, a recreational vehicle as defined by the American National Standards Institute, Inc. that is being converted to a vendor unit. The maximum dimensions of a Type B vendor unit are 8 feet wide by 24 feet long in the set-up mode.



Note: A commercial coach may not be used as a single-family dwelling. A commercial coach does not have to be placed on a permanent foundation.

**"Damaged in transit"** means damage that affects the integrity of a structural design or any of the systems.

**"Dealer"** is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading commercial coaches.

**"Department"** is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

**"Design plan"** is a plan for the construction or alteration of a commercial coach or conversion of a vehicle to a commercial coach including floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

**"Design option"** is a design that a manufacturer may use as an option to its commercial coach design plan.

**"Equipment"** is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a commercial coach.

**"Factory assembled structure (FAS) advisory board"** is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to commercial coaches. (See RCW 43.22.420.)

**"Insignia"** is a label that we attach to a commercial coach to verify that the structure meets the requirements of this chapter and the applicable codes.

**"Install"** is to erect, construct, assemble, or set a commercial coach in place.

**"Labeled"** is to bear the department's insignia.

**"Listed"** is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

**"Local enforcement agency"** is an agency of city or county government with power to enforce local regulations governing the installation of a commercial coach.

**"Master design plan"** is a design plan that expires when a new state building code has been adopted.

**"One-year design plan"** is a design plan that expires one year after approval or when a new state building code has been adopted.

**"System"** is part of a commercial coach designed to serve a particular function. Examples include structural, plumbing, electrical, or mechanical systems.

**"Vendor unit"** is a type of commercial coach (referred to as a unit) that:

- Is transported in only one section;
- Is designed for highway use;
- Is temporarily occupied for distribution of items (e.g., food);
- Is built on a permanent chassis;
- Includes at least one of the following systems: Plumbing, mechanical, or electrical;
- Is a converted structure, not a newly manufactured structure; and
- Is a Type A vendor unit or a Type B vendor unit.

Note: Newly manufactured units must comply with the commercial coach construction requirements of this chapter. Unoccupied vendor units are exempt from the requirements of this chapter.

For example, those vehicles where food is sold and distributed by standing alongside it.

#### NEW SECTION

##### **WAC 296-150C-0030 How is this chapter enforced?**

(1) To enforce this chapter, we or another governmental inspection agency will inspect each commercial coach manufactured, sold, leased, or used in Washington state as required by this chapter. (See WAC 296-150C-0070 - reciprocal agreements.)

(2) We will inspect all commercial coach alterations.

(3) We will conduct inspections during normal work hours or at other reasonable times.

#### NEW SECTION

**WAC 296-150C-0040 Will you keep my manufacturing information confidential?** We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act. (See RCW 42.17.310 (1)(h).)

#### NEW SECTION

**WAC 296-150C-0050 Can you prohibit the sale or lease of my commercial coach?** (1) We may prohibit the sale or lease of your commercial coach because it is unlawful for any person to sell, lease, or offer for sale a commercial coach within this state if it violates any of the requirements of this chapter. (See RCW 43.22.345.)

(2) If an inspection reveals that a commercial coach violates this chapter, we may post a notice prohibiting the sale or lease of a commercial coach.

#### NEW SECTION

**WAC 296-150C-0060 Who handles consumer complaints about commercial coaches?** (1) Consumer may file complaints within one year of the date of manufacture.

(2) The complaint should be in writing and describe the item(s) that may not comply with this chapter.

(3) After we receive the complaint, we will send the manufacturer and the dealer a copy of the complaint.

(4) The manufacturer and/or dealer have thirty days to respond. We shall base our actions on the response.

#### NEW SECTION

**WAC 296-150C-0070 Do you have reciprocal agreements with other states to inspect commercial coaches?** (1) We have entered into reciprocal agreements with states who have inspection standards equal or greater than our standard.

(2) When we have a reciprocal agreement with another state:

(a) The reciprocal state inspects the commercial coaches manufactured in that state before shipment into Washington to ensure compliance with our laws. After inspection, the reciprocal state applies our insignia.

(b) The department inspects commercial coaches manufactured in Washington before shipment into the reciprocal state to ensure compliance with their laws. After inspection, we apply the insignia of the reciprocal state.



(3) We have reciprocal agreements on file.

#### NEW SECTION

**WAC 296-150C-0080 Do you allow a local enforcement agency to inspect commercial coaches at the manufacturing location?** (1) A local enforcement agency (city or county), under contract with us, can inspect commercial coaches. In some cases, their contract may be limited to specific portions of an inspection at specified manufacturing locations.

(2) After approving a unit, the local enforcement agency will attach the insignia, which indicates that the unit has passed inspection.

#### NEW SECTION

**WAC 296-150C-0100 What happens if I disagree with your decision regarding my compliance with this chapter?** (1) If we determine that you are in violation of this chapter, you will receive a notice of noncompliance. (See WAC 296-150C-0560.)

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

#### NEW SECTION

**WAC 296-150C-0110 Do you have an advisory board to address commercial coach issues?** The factory assembled structures (FAS) board advises us on issues relating to body and frame design, construction, alterations, plumbing, mechanical, electrical, installation, inspections, and rule adoption for commercial coaches. (See RCW 43.22.420.)

#### NEW SECTION

**WAC 296-150C-0120 Where can I obtain technical assistance regarding commercial coaches?** We offer field technical service to commercial coach manufacturers for an hourly fee. (See WAC 296-150C-3000.) Field technical service may include evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

### INSIGNIA

#### NEW SECTION

**WAC 296-150C-0200 Who must obtain commercial coach insignia?** (1) You must obtain an insignia from us for each commercial coach manufactured, sold, leased, or used in Washington state.

(2) You do not need an insignia for a commercial coach:

(a) When a unit has been used outside of the state for six months before being brought into Washington state (see RCW 43.22.380); or

(b) If a unit was manufactured prior to July 1, 1968. (See RCW 43.22.370.)

**Note:** All commercial coaches must have insignia if they are altered, this includes the exceptions in subsection (1)(a) and (b) of this section.

(3) You must obtain an insignia when commercial coaches are altered in Washington state.

(4) You must obtain an alteration insignia when a commercial coach is damaged in transit after leaving the manufacturing location or during an on-site installation, and an alteration or repair is necessary. The insignia indicates the commercial coach was altered or repaired.

(5) You must have an approved design plan and pass our inspection before we will attach an insignia.

#### NEW SECTION

**WAC 296-150C-0210 What are the insignia requirements?** (1) If you are applying for insignia, you must have your design plan approved and your commercial coach inspected and approved by us.

(2) If you are a manufacturer, dealer or owner applying for an alteration insignia, your alteration must be inspected and approved by us. Approval of the design plan may also be required.

(3) We will attach the insignia to your commercial coach after:

(a) We receive the required forms and fees from you (see WAC 296-150C-3000); and

(b) Your commercial coach has passed final inspection.

#### NEW SECTION

**WAC 296-150C-0220 How do I obtain insignia information and the required forms?** Upon request, we will provide you with a packet of information that includes the required forms.

#### NEW SECTION

**WAC 296-150C-0230 What are the insignia application requirements?** (1) If you are requesting insignia for commercial coaches that you intend to manufacture under a *new design plan*, your completed application must include:

(a) A completed design-plan approval request form;

(b) One complete set of design plans, specifications, engineering analysis, and test procedures and results, plus one additional set for each manufacturing location where the design plan will be used.

(c) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. We will retain the set with the original wet stamp; and

(d) A one-time initial filing fee, the design-plan fee (if you want us to approve your design plan), and the fee for each insignia. (See WAC 296-150C-3000.)

(2) If you are requesting insignia under an *approved design plan*, your completed application must include:

(a) A completed insignia application form; and

(b) The fee for each commercial coach insignia (see WAC 296-150C-3000).

#### NEW SECTION

**WAC 296-150C-0240 What documentation do you need to perform an alteration inspection?** (1) If you alter a commercial coach, we must inspect the alteration.

(2) Before we perform an alteration inspection and attach an alteration insignia, you must send us:

- (a) A description of the proposed alteration;
- (b) Applicable specifications, engineering analysis, test procedures and results for design-plan review;
- (c) The plan review fee (if you want us to approve your design plan);
- (d) The inspection fee; and
- (e) The insignia application and fee. (See WAC 296-150C-3000.)

(3) A design plan review is not required if the alteration can be made without altering any of the existing structure.

#### NEW SECTION

**WAC 296-150C-0250 How do I replace lost or damaged insignia?** (1) If an insignia is lost or damaged after it is placed on a commercial coach, you may obtain a replacement insignia.

(2) You should contact us and provide the following information:

- (a) Your name, address, and telephone number;
- (b) The name of the manufacturer or person converting the vendor unit;
- (c) The serial number;
- (d) The manufacturer number (CC#) if available;
- (e) The insignia number if available; and
- (f) The required fee. (See WAC 296-150C-3000.)

(3) If we can determine that your unit previously had an insignia, we will:

- (a) Perform an inspection to ensure that no unauthorized remodeling has occurred;

Note: If unauthorized remodeling has occurred see WAC 296-150C-0200;

(b) Attach an insignia to your unit once we receive your insignia fee. (See WAC 296-150C-3000.)

### DESIGN PLAN

#### NEW SECTION

**WAC 296-150C-0300 When is design-plan approval required?** Design plans for commercial coaches are required for units that are sold, leased, or used in Washington state and must be approved when:

- (1) You build a new unit;
- (2) You modify an approved design plan through addendums;
- (3) You add options to an approved design plan through addendums; or
- (4) You change the occupancy classification of the building.

#### NEW SECTION

**WAC 296-150C-0310 Who can approve design plans?** (1) Design plans can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150C-0420 and 296-150C-0430.)

(2) All electrical design plans for new or altered electrical installations for educational institutions, health care facilities, and other buildings (see chapters 296-46, 296-130, 296-140, and 296-150 WAC Table 1 or 2) must be reviewed and approved by us.

### DESIGN-PLAN APPROVAL BY THE DEPARTMENT

#### NEW SECTION

**WAC 296-150C-0320 What must I provide with my request for commercial coach design-plan approval by the department?** All requests for design-plan approval must include:

- (1) A completed design-plan approval request form;
- (2) Two sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design; (See WAC 296-150C-0340 and 296-150C-0350.)

(3) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. We will retain the set with the original wet stamp;

(4) Receipt of a one-time initial design plan filing fee and the initial design plan fee (see WAC 296-150C-3000);

(5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules;

(6) The occupancy class of the commercial coach according to the occupancy classifications in The Uniform Building Code.

#### NEW SECTION

**WAC 296-150C-0330 What must I provide with my request for a commercial coach vendor unit design-plan approval by the department?** All requests for design-plan approval must include:

- (1) A completed design-plan approval request form;
- (2) Two sets of design plans, engineering analysis, or test results and procedures for a complete evaluation of the design plan; (See WAC 296-150C-0340 and 296-150C-0350.)

(3) An original wet stamp from a professional engineer or architect licensed in Washington state, if an engineering analysis is used to substantiate the structural requirements instead of test results; and

(4) Receipt of the design plan fee. (See WAC 296-150C-3000.)

#### NEW SECTION

**WAC 296-150C-0340 What must an engineering analysis for design plans include?** (1) The engineering analysis must show that the structural design meets the requirements of this chapter.

(2) An engineering analysis must be conducted according to accepted engineering practices and must be signed by

a professional engineer or architect licensed in Washington. (See WAC 296-150C-3000.)

#### NEW SECTION

**WAC 296-150C-0350 What must test procedures and results for design plans include?** (1) Tests to a design must be witnessed by a professional engineer or architect licensed in Washington or by a departmental employee.

(2) Test reports must contain the following items:

(a) A description of the methods or standards that applied to the test;

(b) Drawings and a description of the item tested;

(c) A description of the test set-up;

(d) The procedure used to verify the correct load;

(e) The procedure used to measure each condition;

(f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested; and

(g) Analysis, comments, and conclusion.

(3) The written test procedures and conclusions must reference the applicable design plan.

#### NEW SECTION

**WAC 296-150C-0380 What happens if you approve my design plan?** (1) Your design plan will be approved if it meets the requirements of this chapter.

(2) We will send you an approved copy of the design plan with the design-plan approval number.

(3) You must keep copies of the approved design plan available for inspection at each location where the commercial coach is built.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us. (See WAC 296-150C-3000.)

#### NEW SECTION

**WAC 296-150C-0390 If my design plan is not approved, how much time do I have to submit a corrected design plan?** (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, the initial design plan fee is required instead of the resubmittal fee. (See WAC 296-150C-3000.)

#### NEW SECTION

**WAC 296-150C-0400 What happens after my design plan is approved?** Once your design plan is approved, we will inspect each commercial coach.

#### NEW SECTION

**WAC 296-150C-0410 When does my design plan expire?** *Commercial Coach - Master Design Plan:*

(1) Your commercial coach master design plan expires when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your approved master design plans to

order insignia as long as they comply with the applicable codes.

*Commercial Coach - One-Year Design Plan:*

(2) Your commercial coach one-year design plan expires either one year after approval or when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your design plans to order insignia as long as they comply with the applicable codes.

(3) All National Electrical Code amendments may be incorporated by an addendum to your design plan.

**Note:** The State Building Code is on a three-year code cycle which coincides with the State Building Code Council amendment cycle. The National Electrical Code (NEC) cycle, however, does not coincide with the other code cycles.

*Commercial Coach Vendor Unit:*

(4) Your vendor unit design plan expires after the unit is converted or altered. You can only use this design plan once.

(5) The effective date of this rule is November 25, 1996. Manufacturers who have approved design plans can continue production under the old rules for one hundred twenty days after the effective date of these rules. Manufacturers who are submitting new design plans after the effective date of these rules can submit and produce under the old rules for one hundred twenty days after the effective date of these rules.

#### NEW SECTION

**WAC 296-150C-0415 Who approves addendums to design plans approved by the department?** You must have us approve an addendum to a design plan, if we initially approved your design plan.

### **DESIGN-PLAN APPROVAL BY A LICENSED PROFESSIONAL OR FIRM**

#### NEW SECTION

**WAC 296-150C-0420 Who can be authorized to approve design plans?** (1) A professional engineer, architect or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

#### NEW SECTION

**WAC 296-150C-0430 What information must a professional or firm provide to be authorized to approve design plans?** (1) Name, a copy of your certificate of registration, and address of the professional engineer or architect; or

(2) Name, a copy of your certificate of authority, and address of the firm; and

(3) A description of the services the professional engineer, architect, or firm will provide; and

(4) A description of the professional's area(s) of expertise and qualifications which include:

(a) A summary of the professional's or firm's experience; and

(b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality.

#### NEW SECTION

**WAC 296-150C-0440 How will I know whether I am authorized to approve design plans?** Within sixty days after you submit the information requested in WAC 296-150C-0430, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150C-0100.)

#### NEW SECTION

**WAC 296-150C-0450 How long is a licensed professional or firms authorization effective?** Your authorization to approve design plans is effective until your license expires, is revoked or is suspended.

(1) You must notify us of your license renewal at least fifteen days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

#### NEW SECTION

**WAC 296-150C-0460 What information must a manufacturer provide when a professional or firm does the design plan approval?** You must provide the following information with your approved design plans:

(1) A completed departmental design-plan approval request form;

(2) Two or more sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, be signed, and dated by the approving professional(s) (see WAC 296-150C-0340 and 296-150C-0350);

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us; and

(5) The design plan fee for design plans approved by professionals or firms. (See WAC 296-150C-3000.)

(6) A professional who designs and certifies that the commercial coach design meets state requirements cannot also approve the design plan in the plan approval process.

#### NEW SECTION

**WAC 296-150C-0470 What happens after we receive the professional or firm approved design plan and information?** (1) After we receive your approved design plans and information, we will review the information and assign a plan approval number. We will send a copy of the design plan with the plan approval number to the manufacturer.

(2) We may periodically audit design plans approved by a professional engineer, architect, or firm to ensure compliance with design plan requirements. The department's periodic audit should not be construed as certifying that the plans are safe.

(3) If the audit reveals that the design plans approved by the professionals and firms do not comply with this chapter, you will be notified and required to pay our fees for review and approval of the design plans. (See WAC 296-150C-3000.)

#### NEW SECTION

**WAC 296-150C-0480 Do you have a list of professionals or firms that are authorized to approve design plans?** We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for commercial coaches.

#### NEW SECTION

**WAC 296-150C-0490 Who approves addendums to design plans approved by a professional or firm?** (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list you may have us approve your addendum.

### **INSPECTIONS PRIOR TO ISSUANCE OF AN INSIGNIA**

#### NEW SECTION

**WAC 296-150C-0500 When is an inspection required?** (1) Before we issue an insignia, each unit manufactured or converted must be inspected as many times as required to show compliance with this chapter.

Note: Each commercial coach must have a serial number so we can track inspections.

(2) Before we issue an insignia, each commercial coach must be inspected at the manufacturing location as many times as required. Inspections may include but are not limited to:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required; and

(c) A final inspection after the commercial coach is complete.

(3) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(4) If a commercial coach is damaged in transit to the building site or during on-site installation, it must be inspected. This is considered an alteration inspection. (See WAC 296-150C-0240.)

(5) Approved design plans, specifications, engineering analysis and test results must be available during the inspection.

(6) Once your unit is inspected and approved we will attach the insignia.

#### *Commercial Coach Vendor Unit*

(7) Before we issue an insignia, each commercial coach vendor unit is inspected as follows:

(a) Inspection(s) during conversion or alteration of a commercial coach vendor unit; and

(b) A final inspection after the commercial coach vendor unit is complete.

#### NEW SECTION

**WAC 296-150C-0510 How do I request an inspection?** (1) You must contact us, and we will let you know where your request for inspection should be submitted. Our address is noted in the definition of department.

(2) We must receive in-state inspection requests at least seven calendar days prior to the date that you want the inspection.

(3) We must receive out-of-state inspection requests at least fourteen calendar days prior to the date that you want the inspection.

#### NEW SECTION

**WAC 296-150C-0520 What happens if my commercial coach passes inspection?** If your commercial coach passes inspection and you have met the other requirements of this chapter, we will attach the insignia.

#### NEW SECTION

**WAC 296-150C-0530 Am I charged if I request an inspection but I am not prepared?** (1) If you ask us to inspect a commercial coach within Washington state but you are not prepared when we arrive, you must pay the inspection fee and travel. (See WAC 296-150C-3000.)

(2) If you ask us to inspect a commercial coach outside Washington state but you are not prepared when we arrive, you must pay the inspection fee, travel, and per diem expenses. (See WAC 296-150C-3000.)

#### NEW SECTION

**WAC 296-150C-0540 Who inspects commercial coach installation at the building site?** The local enforcement agency (city or county) must approve the installation.

Note: The local enforcement agency may not open the concealed construction of a commercial coach to inspect it if our insignia is attached.

Note: Alterations to commercial coaches must be inspected and approved by us.

#### NEW SECTION

**WAC 296-150C-0550 Do you allow a commercial coach to be completed at the installation site?** Commercial coaches must be completed at the manufacturing location before an insignia is attached.

#### NEW SECTION

**WAC 296-150C-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my commercial coach?** (1) If your commercial coach alteration does not pass our inspection, you will receive a notice of noncompliance. The notice of noncompliance explains what items must be corrected.

(2) You have twenty days after receiving the notice of noncompliance to send us a written response to explain how you will correct the violations.

(3) You are not allowed to sell, lease, or offer for sale the altered commercial coach until you correct the violations. We must inspect and approve the corrections, and you must pay the inspection and insignia fees, if required (see WAC 296-150C-3000).

### **USED COMMERCIAL COACHES WITHOUT AN INSIGNIA**

#### NEW SECTION

**WAC 296-150C-0580 Must I obtain an insignia for used commercial coaches?** All used commercial coaches that are to be installed on a building site or used in Washington state must have an insignia of approval from us. (See exceptions WAC 296-150C-0200 (1)(a)(b).)

#### NEW SECTION

**WAC 296-150C-0590 How do I obtain insignia for used commercial coaches?** We consider used commercial coaches as new units for purposes of insignia approval. To obtain insignia, you must:

(1) Have the design plan approved (see WAC 296-150C-0300 through 296-150C-0480);

(2) Purchase insignia (see WAC 296-150C-0200 through 296-150C-0230); and

(3) Pass a unit inspection (see WAC 296-150C-0500 through 296-150C-0560).

Note: You will be required to open up as much of the construction of the unit as is necessary for inspection to show compliance with your approved design plan.

## MANUFACTURERS NOTICE TO THE DEPARTMENT

### NEW SECTION

**WAC 296-150C-0700 Must manufacturers of commercial coaches notify you if they manufacture at more than one location?** (1) If you are manufacturing commercial coaches at more than one location, approved design plans must be available at each manufacturing location.

(2) You must send us the following information for each manufacturing location:

- (a) Company name;
  - (b) Mailing and physical address; and
  - (c) Phone and FAX number if available.
- (3) You must update this information as it changes.

### NEW SECTION

**WAC 296-150C-0710 Must manufacturers of commercial coaches notify you of a change in business name or address?** (1) If you are moving you must notify us in writing prior to a change of business name or address.

(2) Your notice must include the change of name and address.

### NEW SECTION

**WAC 296-150C-0720 Must manufacturers of commercial coaches notify you of a change in business ownership?** (1) When a manufacturer changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture the units according to a prior approved design plan if the prior owner provides written releases of the design plan.

## COMMERCIAL COACH CONSTRUCTION CODE

### GENERAL

### NEW SECTION

**WAC 296-150C-0800 What manufacturing codes apply to commercial coaches?** (1) All design, construction, and installations of commercial coaches must conform with the following codes and the requirements of this chapter:

(a) The Washington State Ventilation and Indoor Air Quality Code, 1991 third edition as adopted by chapter 51-13 WAC;

(b) The structural and other requirements of this chapter;

(c) Occupancy classification only from chapter 3 of The Uniform Building Code, 1994 edition as adopted and amended by chapter 51-30 WAC, except commercial coaches must not be group H or R-3 occupancy;

(d) Accessibility requirements of chapter 11 of The Uniform Building Code, 1994 edition as adopted and amended by chapter 51-30 WAC;

(e) Table 16-A Uniform and concentrated floor loads and footnotes of The Uniform Building Code, 1994 edition as adopted and amended by chapter 51-30 WAC;

(f) The Uniform Mechanical Code, 1994 edition as adopted and amended by chapter 51-32 WAC except when

conflicting with the provisions of this chapter, this chapter controls;

(g) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC;

(h) The Washington State Energy Code, 1994 second edition as adopted by chapter 51-11 WAC;

(i) The Uniform Plumbing Code, 1991 edition as adopted and amended by chapters 51-26 and 51-27 WAC.

(j) Where there is a conflict between codes, an earlier named code takes precedent over a later named code. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a special requirement, the specific requirement must be applicable.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Note: The codes, RCW's and WAC's referenced in this rule are available to view at the Washington State Library, the Washington State Law Library, and may also be available at your local library.

### NEW SECTION

**WAC 296-150C-0810 Construction definitions.** The following definitions and the definitions in each of the state codes adopted in WAC 296-150C-0800 apply to commercial coach construction.

**"Anchoring system"** is the means used to secure a commercial coach to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, or other components.

**"Ceiling height"** is the clear vertical distance from the finished floor to the finished ceiling.

**"Dead load"** is the vertical load resulting from the weight of all permanent structural and nonstructural parts of a commercial coach including walls, floors, roof, partitions, and fixed service equipment.

**"Diagonal tie"** is a tie intended primarily to resist horizontal or shear forces and secondarily may resist vertical, uplift, and overturning forces.

**"Dormitory"** is a room designed to be occupied by more than two persons.

**"Exit"** is a continuous and unobstructed means of egress to a public way.

**"Glazed opening"** is a glazed skylight or an exterior window or glazing of a door of a commercial coach.

**"Gross floor area"** is the net floor area within the enclosing walls of a room where the ceiling is at least five feet high.

**"Habitable room"** is a room or enclosed floor space arranged for living, eating, food preparation, or dormitory sleeping purposes. It does not include bathrooms, toilet

compartments, foyers, hallways, or other accessory floor spaces. Any reference to "habitable dwelling" in this chapter means a temporary structure not used as a single family dwelling.

"**Interior finish**" is the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the commercial coach structure, including paint and wallpaper. Decorations or furnishings attached to the commercial coach structure are considered part of the interior finish.

"**Live load**" is the weight superimposed by the use and occupancy of the commercial coach, including wind load and snow load, but not including dead load.

"**Perimeter blocking**" is support placed under exterior walls.

"**Shear wall**" is a wall designed and constructed to transfer lateral loads.

"**Tiedown**" is a device designed to anchor a commercial coach to ground anchors.

"**Use**" or "**occupancy classification**" is the designed purpose of a commercial coach according to The Uniform Building Code.

"**Wind load**" is the lateral or vertical pressure or uplift created by wind blowing in any direction.

## STRUCTURAL

### NEW SECTION

**WAC 296-150C-0820 Structural analysis.** Each commercial coach must be designed and constructed as a completely integrated structure capable of sustaining the design-load requirements of this chapter. It shall be capable of:

(1) Transmitting these loads to stabilizing devices without causing unsafe deformation or abnormal structural movement; and

(2) Withstanding the adverse effects of transportation shock and vibration, both as an integrated structure and as to its parts.

### NEW SECTION

**WAC 296-150C-0830 Fastening of structural systems.** Roof framing must be securely fastened to wall framing, walls to floor structure, and floor structure to chassis. This must secure and maintain continuity between the floor and chassis and resist wind uplift, overturning, and sliding as imposed by design loads.

### NEW SECTION

**WAC 296-150C-0840 Live loads.** (1) The design live loads must be established according to this chapter and must be considered to be uniformly distributed.

(2) The roof live load must not be considered as acting simultaneously with the wind load. The roof and the floor live loads must not be considered as resisting the overturning moment due to wind. The roof live load and the floor live load must be considered to act both simultaneously and separately in order to determine the critical design loading for stresses and deflections.

### NEW SECTION

**WAC 296-150C-0850 Roof loads.** All roofs must be designed to sustain loads as follows:

(1) Dead loads plus a minimum unit live load of 30 lb/ft<sup>2</sup> (2 months load duration); and

(2) A vertical net uplift load of 9 lb/ft<sup>2</sup> (1 day load duration).

### NEW SECTION

**WAC 296-150C-0860 Snow loads.** The roof of a commercial coach must be designed for the loads to which it will be subjected in areas where snow records or experience indicate snow loads in excess of 30 lb/ft<sup>2</sup>.

### NEW SECTION

**WAC 296-150C-0870 Standard wind loads.** The commercial coach and each wind resisting part must be designed for the following wind loads:

Horizontal	15 lb/ft <sup>2</sup>	(1 day load duration)
Vertical upward	9 lb/ft <sup>2</sup>	(1 day load duration)
Vertical downward	(see WAC 296-150C-0850 Roof loads)	

A commercial coach must be designed for higher wind loads if area records or experience indicate that it will be subjected to wind loads in excess of the above loads if required by the local jurisdiction.

### NEW SECTION

**WAC 296-150C-0880 Windstorm protection—Provisions for support and anchoring.** (1) Each commercial coach must have provisions for support and anchoring systems that, when properly designed and installed, will resist overturning and lateral movement of the commercial coach as imposed by the respective design loads. Support and anchoring systems can be installed according to the Table in WAC 296-150C-1210 or designed by a professional engineer.

(2) The manufacturer of each commercial coach is required to make provision for the support and anchoring systems but is not required to provide the anchoring equipment or stabilizing devices.

(3) The manufacturer must provide printed instructions with each commercial coach specifying the location and required capacity of stabilizing devices on which the design is based.

#### **Single-Wide Commercial Coaches:**

(4) The provisions made for anchoring systems must be based on the following design criteria for single-wide commercial coaches:

(a) The minimum number of ties required per side is noted in WAC 296-150C-1210.

(b) Ties must be as evenly spaced as practicable along the length of the commercial coach. No more than eight feet open-end spacing must occur on each end.

(c) If continuous straps are provided as vertical ties, they must be positioned at rafters and studs. If a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, as long as, the anchor used is capable of carrying both loads.

(d) Add-on sections of expandable commercial coaches must have provisions for vertical ties at the exposed ends.

**Double-Wide Commercial Coaches:**

(5) Double-wide commercial coaches require only diagonal ties specified in the table in WAC 296-150C-1210. The ties must be placed along the outer side walls.

(6) Protection must be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection must also be provided to minimize damage to roofing or siding by the cable or strap.

(7) Anchoring equipment must be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and must be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the commercial coach.

(8) Exposed anchoring equipment must have a resistance to weather deterioration at least equal to that provided by a coating of zinc on steel of at least 0.30 ounces per square foot of surface coated.

(a) Slit or cut edges of zinc-coated steel strapping do not need to be zinc-coated.

(b) Type 1, Class B, Grade 1 steel strapping, 1 1/4 inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781-G, meets the requirements of this paragraph.

NEW SECTION

**WAC 296-150C-0900 Interior walls and partitions.** Interior walls and partitions must be:

(1) Constructed with structural capacity adequate for the intended purpose; and

(2) Capable of resisting a horizontal load of at least five pounds per square foot without exceeding the deflections specified in WAC 296-150C-0920.

NEW SECTION

**WAC 296-150C-0910 Minimum uniform and concentrated live loads.** See use or occupancy of the 1994 edition of The Uniform Building Code for group occupancy loads.

NEW SECTION

**WAC 296-150C-0920 Design load deflection.** When a structural assembly is subjected to total design live loads, the deflection for structural framing members must not exceed the following:

*L = The clear span between supports or two times the length of a cantilever.*

Floor	L/240
Roof and ceiling	L/180
Headers, beams, girders	L/180
Walls and partitions	L/180

NEW SECTION

**WAC 296-150C-0930 Structural load tests.** (1) A structural assembly or subassembly tested for qualification must sustain the design dead load plus the superimposed design live loads (see WAC 296-150C-0840) equal to 1.75

times the required live loads for a period of twelve hours without failure of the assembly or subassembly, unless otherwise specified in this chapter.

(2) An assembly or subassembly failure is defined as a rupture, fracture, or residual deflection which is greater than the limits set in WAC 296-150C-0920. The type and quality of material used in each test assembly or subassembly must be identified. The assembly or subassembly tested must represent the minimum quality of material.

(3)(a) Nationally recognized standards or engineering practices must be used for structural load tests for commercial coaches.

(b) Tests must be witnessed by a professional engineer or architect.

Note: We will provide test procedure forms upon request.

**CONSTRUCTION**

NEW SECTION

**WAC 296-150C-0940 Fastening of structural systems.** Roof framing must be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis and to resist wind uplift, overturning, and sliding as imposed by design loads.

NEW SECTION

**WAC 296-150C-0950 Roof coverings/membrane/weather resistant.** (1)(a) The roof covering must be securely fastened in an approved manner to the supporting roof construction and must provide weather protection for the commercial coach and the occupants. The roof covering must be installed according to the manufacturer's instructions and approved by us.

(b) Roofing membranes must be rigid enough to prevent deflection that would permit ponding of water or separation of seams due to snow or wind or during assembly or transportation.

(2) Exterior covering materials, including metal coverings, must be moisture and weather-resistant and contain corrosion resistant fasteners to prevent wind and rain deterioration.

Note: Electro-plated, electro-deposited zinc, and electro-galvanized staples are not considered corrosion resistant materials.

(3) All exterior openings or penetrations into the commercial coach around piping, ducts, plenums, or vents must be sealed with moisture resistant material.

NEW SECTION

**WAC 296-150C-0960 Roof trusses.** (1) The construction of roof trusses must be approved by a professional engineer. Roof trusses may be produced by one of the following methods:

(a) Use of stress graded materials when an approved testing agency certifies truss construction and load requirements are met; the testing agency must prepare an approved quality control program which allows them to test the trusses with appropriate testing procedures.

PERMANENT



(b) Use of nongraded materials, if each truss is tested in an approved testing jig at the manufacturer's site with a load equivalent to full design load (1.75 times the full design load sustained for twelve hours).

(2)(a) Representative trusses must be tested from the production line, when we request. The approved testing agency or engineer must submit the testing report to us.

(b) All test reports are to be stamped, signed, and dated by the approved testing agency or engineer who performs the test.

(c) These tests must not occur more than two times a year per design unless there are problems with the roof trusses.

(d) The manufacturer is required to maintain an acceptable quality level not exceeding 1% using acceptable sampling procedures.

Note: The acceptable quality level is defined as the maximum allowable percentage of defective units.

#### NEW SECTION

**WAC 296-150C-0970 Roof construction.** (1) All roofs must be framed and tied into the framework and supporting walls to form an integral part of the commercial coach.

(2) All trusses must be laterally braced.

(3) All roof decks must be designed and built with sufficient slope or camber to assure adequate drainage, or must be designed to support maximum loads including possible ponding of water due to deflection.

(4) Cutting roof framework members for passage of electrical, plumbing, or mechanical systems is prohibited except where substantiated by engineering analysis.

(5) Electrical, plumbing, or mechanical systems must not penetrate the roofing membrane unless the penetration point is adequately sealed.

#### NEW SECTION

**WAC 296-150C-0980 Wall coverings.** (1) The interior finish of all walls and partitions must have a flame-spread rating not exceeding two hundred except as otherwise specified in this section. The flame-spread limitation does not apply to:

(a) Molding, trim, windows, doors, or series of doors four feet wide or less;

(b) Permanently attached decorative items such as pictures or accent panels constituting not more than ten percent of the aggregate wall surface in any room or space or more than thirty-two square feet in surface area, whichever is less.

(2) Furnace and water heater spaces must be enclosed by walls, ceiling, and doors having an interior finish with a flame-spread rating not exceeding twenty-five.

(3) Combustible kitchen cabinet doors, countertops, exposed bottom and end panels must not exceed a flame-spread rating of twenty-five. Cabinet rails, stiles, mullions, and toe strips are exempted.

(4) Finish surfaces of plastic bath tubs, shower units and tub or shower doors must not exceed a flame-spread rating of two hundred.

#### NEW SECTION

**WAC 296-150C-0990 Sealing wall exterior openings.** All exterior wall openings or penetrations into the commercial coach around piping, ducts, plenums, or vents must be sealed with moisture-resistant material.

#### NEW SECTION

**WAC 296-150C-1000 Drilling or notching of wood wall structural members.** (1) **Cutting and notching.** In exterior walls and bearing partitions, any wood stud may be cut or notched to a depth not exceeding 25 percent of its width. Cutting or notching of studs to a depth not greater than 40 percent of the width of the stud is permitted in nonbearing partitions supporting no loads other than the weight of the partition.

(2) **Bored holes.** A hole not greater in diameter than 40 percent of the stud width may be bored in any wood stud. Bored holes not greater than 60 percent of the width of the stud are permitted in nonbearing partitions or in any wall where each bored stud is doubled, provided not more than two such successive doubled studs are so bored.

In no case shall the edge of the bored hole be nearer than 5/8 inch (16mm) to the edge of the stud. Bored holes shall not be located at the same section of stud as a cut or notch.

(3) Drilling or notching of studs greater than allowed in subsection (1) or (2) of this section must be substantiated by engineering analysis.

#### NEW SECTION

**WAC 296-150C-1020 Wall construction.** Walls must be of sufficient strength to withstand the load requirements of this chapter. The connections between the bearing walls, floor, and roof framework members must be fabricated to provide support for the material used to enclose the commercial coach and to provide for the transfer of all lateral and vertical loads to the floor and the chassis.

#### NEW SECTION

**WAC 296-150C-1030 Fire-blocking.** (1) Fire-blocking must be provided in commercial coaches to cut off all concealed draft openings in all stud walls and partitions, including furred spaces at the ceiling and floor levels and at ten foot intervals both vertical and horizontal.

(2) Fire-blocking must be provided around vents, pipes, ducts, chimneys, fireplaces, and similar openings which afford a passage for fire at ceiling and floor levels, with noncombustible material.

(3) Fire blocking must be two inch nominal lumber, gypsum board, cement asbestos board, mineral fiber or other approved materials securely fastened in place.

#### NEW SECTION

**WAC 296-150C-1040 Floors.** (1) Wood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments, and any other areas subject to excessive moisture must be moisture resistant; or they must be made moisture resistant by sealing

or by an overlay of nonabsorbent material applied with water-resistant adhesive.

(2) Carpeting cannot be used under a heat producing appliance unless the appliance is listed for such use.

#### NEW SECTION

**WAC 296-150C-1050 Drilling or notching of wood joist structural members.** (1) Notches on the ends of joists must not exceed one-fourth the joist depth, unless substantiated by engineering design or approved tests.

(2) Holes bored in joists must not be within two inches of the top or bottom of the joist, and the diameter of any such hole must not exceed one-third of the depth of the joist.

(3) Notches in the top or bottom of the joists must not exceed one-sixth the depth and must not be located in the middle third of the span.

(4) Joists in transverse floor framing systems, which do not have perimeter blocking, must not be drilled or notched, unless substantiated by engineering design or approved tests.

#### NEW SECTION

**WAC 296-150C-1060 Fastening of structural systems.** Roof framing must be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between these elements to resist wind uplift, overturning and sliding imposed by the design loads.

#### NEW SECTION

**WAC 296-150C-1070 Floor closure material.** Floor closure material around piping, ducts, plenums, or vents must prevent damage to the underside of the commercial coach due to air, water, insects, dust, and must be rodent resistant.

The closure material must meet ASTM D-781 standard or equal and be installed as follows:

(1) Fibrous material (with or without patches) must meet or exceed the level of 48 inch-pounds of puncture resistance as tested.

(2) The material must be installed according to installation instructions furnished by the supplier of the material.

(3) Patching material must be suitable for patches and the patch life must be equivalent to the material life.

#### NEW SECTION

**WAC 296-150C-1080 Chassis.** Each commercial coach chassis must be designed and constructed to be capable of:

(1) Effectively sustaining the design loads consisting of the dead load plus the live load of the floor and the superimposed dynamic load resulting from highway movement, in no case shall the dynamic load be required to exceed twice the dead load; and

(2) Accepting the shock and vibration from the roadway and towing vehicle through the use of adequate running gear assemblies. Running gear assemblies consist of axles, springs, spring hangers, hubs, bearings, tires, rims and their related hardware. Running gear assemblies must be capable of sustaining the loads in subsection (1) of this section.

## MATERIALS

#### NEW SECTION

**WAC 296-150C-1090 Standards for equipment and installations.** The manufacturer's equipment and installation specifications must be followed. Other approved standards are acceptable when:

- Installed according to the manufacturer's installation instructions; and
- Approved by a listing or testing agency.

#### NEW SECTION

**WAC 296-150C-1100 Flame-spread limitations.** (1) The interior finish of all walls and partitions must have a flame-spread rating not exceeding two hundred except as otherwise specified in this section. The flame-spread limitation does not apply to:

(a) Molding, trim, windows, doors, or series of doors four feet wide or less;

(b) Permanently attached decorative items such as pictures or accent panels constituting a maximum of ten percent of the aggregate wall surface in any room or space or more than thirty-two square feet in surface area, whichever is less.

(2) All ceiling interior finish must have a maximum flame-spread rating of two hundred, excluding molding and trim two inches wide or less.

(3) Furnace and water heater spaces must be enclosed by walls, ceiling, and doors having an interior finish with a maximum flame-spread of twenty-five.

(4) Combustible kitchen cabinet doors, countertops, exposed bottom and end panels must have a maximum flame-spread of twenty-five. Cabinet rails, stiles, mullions, and toe strips are exempted.

(5) Exposed interior finishes adjacent to the cooking range must have a flame-spread of fifty. Adjacent surfaces are the exposed vertical surfaces between the range top and the overhead cabinets or ceiling and within six horizontal inches of the cooking range.

(6) Finish surfaces of plastic bath tubs, shower units and tub or shower doors must have a flame-spread of two hundred.

#### NEW SECTION

**WAC 296-150C-1110 Combustible limitations.** (1) The exposed wall adjacent to the cooking range, must be fifty flame-spread or less, such as 5/16 inch gypsum board or material having equivalent fire protective properties.

(2) All openings for pipes and vents in furnace and water heater spaces shall be tight-fitted or fire-stopped.

#### NEW SECTION

**WAC 296-150C-1120 Kitchen cabinet protection.** The bottom and sides of combustible kitchen cabinets over cooking ranges or tops including a space of six inches from the edge of the burners must be protected with at least materials rated at 25 or less flame-spread covered with at least twenty-six gauge sheet metal (.017 stainless steel, .024 aluminum or .020 copper) or equivalent protection. The protective metal over the range must form a hood with at

least a three-inch eyebrow (measuring horizontally from face of cabinet). The hood must be centered over and at least as wide as the top of the cooking range.

#### NEW SECTION

**WAC 296-150C-1130 Insulation standards.** Insulation standards for commercial coaches must comply with the Washington State Energy Code, unless another state law supersedes the Washington State Energy Code.

#### NEW SECTION

**WAC 296-150C-1140 Room sizes.** (1) Every habitable room must have a minimum ceiling height of not less than seven feet.

(2) No habitable room, except a kitchen, must be less than five feet in any clear horizontal dimension.

#### NEW SECTION

**WAC 296-150C-1150 Hallways.** (1) Hallways in structures required to meet accessibility standards must have a minimum horizontal dimension that conforms to accessibility standards set by the Washington state Uniform Building Code.

(2) Hallways in nonaccessible construction site trailers must have a minimum horizontal dimension of 32 inches.

#### NEW SECTION

**WAC 296-150C-1160 Accessibility standards.** When applicable, a commercial coach must meet the accessibility standards set by the Washington State Building Code in RCW 19.27.030(5).

#### NEW SECTION

**WAC 296-150C-1170 Light and ventilation.** (1) Habitable rooms must be provided with exterior windows or doors having a total glazed area of at least ten percent of the floor area, or they must have artificial light.

(2) An area equal to a minimum of five percent of the floor area must be available for unobstructed ventilation. Glazed areas do not need to be opened if a mechanical ventilation system is provided. The mechanical ventilation system must be capable of producing a change of air in the room every thirty minutes with at least one-fifth of the air supply taken from outside the commercial coach.

(3) Each bathroom must be provided with artificial light and with external windows. The external window must have at least 1/2 square feet of glazed area fully able to open, except where a mechanical ventilation system capable of producing a change of air every twelve minutes is provided. Any mechanical ventilation system must exhaust directly to the outside of the commercial coach.

#### NEW SECTION

**WAC 296-150C-1180 Commercial coach exits.** When applicable, a commercial coach must comply with Uniform Building Code, Chapter 11 Accessibility and with the following requirements:

(1) Commercial coaches must have at least two exterior doors that are remote from each other. Remote means that in:

(a) Single-wide units the doors may not be less than twelve feet apart; and

(b) Multi-wide units the doors may not be less than twenty feet apart, center to center from each other measured in a straight line direction regardless of the length of travel between doors.

Exception: A commercial coach that is twenty-four feet long or less needs only one exit door, unless it has a dormitory sleeping area.

(2) Exterior doors must be constructed for exterior use. Exterior doors must provide at least a thirty-five inch wide by seventy-nine inch high clear opening (36" x 80" door). Each swinging exterior door must have a key-operated lock that has a deadlock latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism must be engaged or disengaged by the use of a lever or other device from the interior of the commercial coach. Locks must not require the use of a key for operation from the inside.

(3) Every room designed for dormitory sleeping, unless it has an exterior exit door, must have at least one window which can be opened from the inside without using tools. This window must provide a clear opening of at least twenty-two inches in its smallest dimension and five square feet in area with the bottom of the opening not more than three feet above the floor. If a screen or storm window is used it must be readily removable without using tools.

#### NEW SECTION

**WAC 296-150C-1190 Interior privacy.** If a commercial coach interior door, such as a bathroom door, has a privacy lock, the lock must contain an emergency release. The emergency release must be on the outside to permit entry when the door is locked from the inside.

#### NEW SECTION

**WAC 296-150C-1195 Fire warning equipment—Automatic smoke detectors.** (1) At least one smoke detector (which may be a single station smoke detector) must be installed in each commercial coach to protect each separate bedroom. Smoke detectors must meet the requirements of the Standard for Single and Multiple Station Smoke Detectors of the Underwriters Laboratories Inc. (UL 217). All dormitories must have at least one installed smoke detector.

(2) A smoke detector must be installed in the hallway or area next to the bedroom, and must be mounted, where possible, between the commercial area and the first bedroom door on an interior wall. Where mounting cannot be achieved due to limited interior wall space, the smoke detector must be located as close as practical to the first bedroom door on an interior wall. Commercial coaches having bedrooms separated by one or a combination of common use areas (such as a kitchen, dining area, or a commercial area, but, not a bathroom) must have at least two

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smoke detectors, one smoke detector protecting each bedroom.

(3) Smoke detectors must be installed per their listing. The smoke detector mounting must be attached to an electrical outlet box and the detector must be permanently wired into a general purpose electrical circuit. There must be no switches in the circuits to the detectors other than the circuit breaker serving the circuits.

(4) The commercial coach manufacturer must provide a copy of the testing and maintenance instructions supplied by the manufacturer of the smoke detector for the information of the consumer and users of the commercial coach.

**NEW SECTION**

**WAC 296-150C-1200 Installation instructions.** The manufacturer must provide printed instructions upon request for each commercial coach specifying the following:

- (1) The location and required capacity of stabilizing devices, such as tie downs, piers, and blocking;
- (2) Devices and methods used to connect all components and systems including, chassis and utilities; and
- (3) Leveling, including releveling.

**NEW SECTION**

**WAC 296-150C-1210 Table: Number of ties required per side of commercial coach.**

NUMBER OF TIES REQUIRED  
PER SIDE OF COMMERCIAL COACH

Note: This table is based on a minimum working load per anchor of three thousand one hundred fifty pounds with a fifty percent overload (four thousand seven hundred twenty-five pounds total).

Length of Commercial Coach (Feet)	No. of Vertical Ties	No. of Diagonal Ties
00-40	2	3
41-46	2	3
47-49	2	3
50-54	2	3
55-58	2	4
59-64	2	4
65-70	2	4

(1) Double-width commercial coaches require only the diagonal ties specified, and these must be placed along the outer side walls;

(2) Length of commercial coach (as used in this table) means length excluding draw bar;

(3) Diagonal ties in this method must deviate at least forty degrees from a vertical direction; or

(4) The number of ties required can be designed by a professional engineer.

**NEW SECTION**

**WAC 296-150C-1220 Electrical—General.** This chapter applies to the installation of electrical equipment in any commercial coach bearing or required to bear a department insignia.

**NEW SECTION**

**WAC 296-150C-1230 Electrical definitions.** Definitions contained in the current adopted edition National Electrical Code (NEC), and the following definitions apply to the commercial coach electrical standards in this chapter.

"**Converter**" is a device that changes electrical energy from one form to another, as from alternating current to direct current.

"**Feeder assembly**" or "**subpanel**" is the overhead or under-chassis feeder conductor, including the grounding conductor, fittings, and equipment, or power-supply cord approved for commercial coach.

The feeder assembly or subpanel is used in commercial coaches and designed to deliver energy from the source of electrical supply to the distribution panelboard within the commercial coach.

"**Low voltage**" is an electromotive force rated at thirty-two volts or less, supplied from a transformer, converter, or battery.

**NEW SECTION**

**WAC 296-150C-1240 Branch circuit and feeder calculations.** Branch circuit and feeder calculations must be determined according to the National Electrical Code.

**NEW SECTION**

**WAC 296-150C-1250 Disconnecting means and branch circuit protective equipment.** (1) The branch circuit equipment may be combined with the disconnecting means as a single assembly. Such a combination may be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size for the mains must be plainly marked with lettering at least 1/4 inch high and visible when fuses are changed.

Note: See the National Electrical Code concerning identification of each disconnecting means and each feeder or branch circuit at the point where it originated and type of marking needed.

(2) Plug fuses and fuseholders must be tamper-resistant, Type "S," enclosed in dead-front fuse panelboards.

(3) A single disconnecting means must be provided in each commercial coach. It must consist of a circuit breaker or a switch, fuses, and their accessories installed in a readily accessible location near the point of entrance of the supply cord or conductors into the commercial coach. The main circuit breakers or fuses must be plainly marked "main." This equipment must contain a solderless type of grounding connector or bar for the purposes of grounding, with sufficient terminals for all grounding conductors. The neutral bar termination of the grounded circuit conductors must be insulated.

PERMANENT

(4) The disconnecting equipment must have a rating suitable for the connected load. The distribution equipment, either circuit breaker or fused type, must be located a minimum of twenty-four inches from the bottom of such equipment to the floor level of the commercial coach. There must be an accessible space of at least thirty inches wide by thirty-six inches deep by seventy-eight inches high in front of the electrical disconnect equipment. The main circuit breakers or switches must be plainly marked "main." There must be a label attached to the panelboard stating:

"This panelboard must be connected by a feeder assembly having overcurrent protection rated at not more than \_\_\_\_\_ amperes." (The correct ampere rating must be marked in the blank space.)

(5) Branch circuit distribution equipment must be installed in each commercial coach and must include overcurrent protection for each branch circuit consisting of either circuit breakers or fuses.

(6) The branch circuit overcurrent devices must be rated:

(a) Not more than the circuit conductors; and

(b) Not more than one hundred fifty percent of the rating of a single appliance rated ten amperes or more; but

(c) Not more than the overcurrent protection rating marked on the motor-operated appliance. A device not approved for branch circuit protection, such as a thermal cutout or motor overload protective device, must not be considered as the overcurrent device protecting the circuit.

(7) A 20-ampere fuse or circuit breaker must be considered adequate protection for fixture leads, cords for portable appliances and No. 14 AWG (American Wire Gauge) tap conductors, not over six feet long, for recessed lighting fixtures.

(8) If more than one outlet or load is on a branch circuit, a 15-ampere receptacle must be considered protected by a 20-ampere fuse or circuit breaker.

(9) When circuit breakers are provided for branch circuit protection, 240-volt circuits must be protected by two-pole common or companion trip circuit breakers.

#### NEW SECTION

**WAC 296-150C-1260 Power supply—Feeder assembly equipment.** A commercial coach must be provided with feeder assembly equipment, installed by the manufacturer according to National Electrical Code and the provisions of this chapter. The assembly must be either:

(1) One overhead assembly containing the required number of insulated color-coded feeder conductors, one of which must be a grounding conductor; or

(2) One under-vehicle assembly consisting of conduit running from the commercial coach branch circuit panelboard to the underside of the commercial coach. Conduit must be sized in accordance with the National Electrical Code; or

(3) Other installations approved by the department.

#### NEW SECTION

**WAC 296-150C-1270 Identification of feeder assembly connection.** (1) Each commercial coach equipped with a 120-volt electrical system must have a label, permanently

attached on the outside wall adjacent to the point of entrance of the feeder assembly, that reads:

"THIS CONNECTION IS FOR 110/125 VOLT AC SERVICE. DO NOT CONNECT HIGHER VOLTAGE."

(2) Each commercial coach equipped with a 120/240-volt AC electrical system must have a label, permanently attached on the outside wall, adjacent to the point of entrance of the supply assembly or permanently installed feeders, that reads:

"THIS CONNECTION IS FOR 120/240 VOLT AC \_\_\_\_\_ AMPERE SERVICE." (The correct service rating shall be stamped in the blank space.)

(3) Each commercial coach equipped with a 480/277-volt electrical system must have a label, permanently attached on the outside wall, adjacent to the point of entrance of the supply assembly or permanently installed feeders, that reads:

"THIS CONNECTION IS FOR 480/277 VOLT AC \_\_\_\_\_ AMPERE SERVICE." (The correct service rating shall be stamped in the blank space.)

#### NEW SECTION

**WAC 296-150C-1280 Wiring methods—Wiring of expandable or multiple units.** (1) Where circuits in expandable or multiple units are designed to be energized from one main panelboard, permanent-type wiring methods and materials must be used for connecting the units to each other.

(2) Commercial coaches may have individual branch circuit panelboards installed in each unit subject to the requirements of this chapter.

#### NEW SECTION

**WAC 296-150C-1290 Under-chassis wiring.** Outdoor or under-chassis wiring (120/240 volts) exposed to moisture and mechanical damage must be protected by rigid metal conduit, electrical metallic tubing, liquid-tight flexible metal conduit, or nonmetallic conduit. The conductors shall be type RW, TW, or equivalent.

#### NEW SECTION

**WAC 296-150C-1300 Equipment mounting.** Electrical equipment must be securely mounted to prevent displacement during transit. Meter bases must not be mounted on commercial coaches.

#### NEW SECTION

**WAC 296-150C-1310 Grounding—General.** Grounding of both electrical and nonelectrical metal parts in a commercial coach must be through connection to a grounding bus in the commercial coach distribution panel. The grounding bus must be grounded through the green conductor in the supply cord. It may also be grounded through the feeder wiring to the service ground in the service-entrance equipment located adjacent to the commercial coach location. Do not connect either the frame of the commercial coach or the frame of any appliance to the neutral conductor in the commercial coach.

(1) The insulated neutral requirements are as follows:

(a) The grounded (neutral) circuit conductor must be insulated from the grounding conductors, from equipment enclosures, and from other grounded parts.

(b) The grounded (neutral) circuit terminals in the distribution panels and in ranges, clothes dryers, counter-mounted cooking units, and wall-mounted ovens must be insulated from the equipment enclosure.

(c) Bonding screws, straps, or buses in the distribution panel or in appliances *must be removed and discarded*.

(d) Connections of ranges and clothes dryers with 120/240 volt, 3-wire ratings must be made with 4-conductor cord and 3-pole, 4-wire grounding-type plugs or by type AC metalclad cable or individual conductors enclosed in flexible metal conduit.

(e) Type NM or type SE cable must not be used to connect a range or a dryer. This does not prohibit the use of type NM or type SE cable between the branch circuit overcurrent protective device and a junction box or range or dryer receptacle.

(f) For 120-volt rated devices, a 3-conductor cord and 2-pole, 3-wire grounding-type plug is permitted.

(2) The following equipment grounding means must be used:

(a) The green grounding wire in the supply cord or permanent feeder wiring must be connected to the grounding bus in the distribution panel or disconnecting means.

(b) In the electrical system, all exposed metal parts, enclosures, frames, lamp fixture canopies, etc., must be effectively bonded to the grounding terminal or enclosure of the distribution panel.

(c) Cord-connected appliances must be grounded by means of an approved cord with grounding conductor and grounding-type attachment plug.

(3) The following bonding requirements of noncurrent-carrying metal parts must apply:

(a) All exposed noncurrent-carrying metal parts that may become energized must be effectively bonded to the grounding terminal or enclosure of the distribution panelboard. A bonding conductor must be connected between each distribution panelboard and an accessible terminal on the chassis.

(b) Grounding terminals must be of the solderless type and approved as pressure-terminal connectors recognized for the wire size used.

(c) The bonding conductor must be solid or stranded, insulated or bare and must be No. 8 copper minimum or equal. It must be routed so as not to be exposed to physical damage.

(d) Metallic gas, water, and waste pipes and metallic air circulating ducts must be considered bonded if they are connected to the terminal on the chassis by clamps, solderless connectors or by suitable grounding-type straps.

(e) Any metallic roof and exterior covering must be considered bonded if:

(i) The metal panels overlap one another and are securely attached to the wood or metal frame parts by metallic fasteners;

(ii) The lower panel of the metallic exterior covering is secured at a cross member of the chassis by two metal fastener straps per commercial coach unit or section at opposite ends; and

(iii) The bonding strap must be a minimum of 30 gauge galvanized metal and must be a minimum of four inches wide.

#### NEW SECTION

**WAC 296-150C-1320 Dielectric strength test.** (1)(a) The wiring of each commercial coach must be subjected to a one-minute, 900-volt, dielectric strength test between live parts (including neutral) and the commercial coach ground. All switches must be closed during the test. (Closed switches are in the on position.)

(b) The test may also be performed at 1,080 volts for one second. This test must be performed after branch circuits are complete and after fixtures or appliances are installed.

Exception: Fixtures and appliances are not required to withstand the dielectric strength test.

(2) Each commercial coach designed with a 480-volt electrical system must be subjected to a one-minute 1,275-volt dielectric strength test between current-carrying conductors and the coach ground. The test may also be performed at 1,500 volts for one second.

(3) Low-voltage circuit conductors in each commercial coach must withstand the applied potential without electrical breakdown of a one-minute, 500-volt, or a one-second, 600-volt, dielectric strength test. The potential must be applied between live and grounded conductors.

(4) The test is to be performed by the manufacturer and witnessed by the inspector.

#### **Mechanical**

#### NEW SECTION

**WAC 296-150C-1330 Mechanical—General.** This chapter applies to the installation of mechanical, ventilation, and indoor air quality equipment in any commercial coach bearing or required to bear a department insignia. Mechanical, ventilation, and indoor air quality equipment and installations in or on a commercial coach shall be installed according to the requirements of the Uniform Mechanical Code, the Washington State Ventilation and Indoor Air Quality Code, the rules of this chapter, and the conditions of the equipment approval or listing agency.

#### NEW SECTION

**WAC 296-150C-1340 Mechanical definitions.** Definitions contained in the current adopted edition of the Uniform Mechanical Code, and the following definitions apply to the commercial coaches.

"**Accessible**" is having access to a fixture, connection, appliance, or equipment that requires the removal of an access panel, door, or similar obstruction.

"**Appliance compartment**" is a room having a floor area not in excess of twice the largest plan area of the room's appliance or appliances plus clearances required in this chapter.

"**Automatic pilot device**" is a device employed with gas-burning equipment that will either automatically shut off the gas supply to the burner being served or automatically

activate, electrically or otherwise, a gas shut-off device when the pilot flame is extinguished.

"**Btuh**" is British thermal units per hour.

"**Clearance**" is the distance between the appliance, chimney, vent, or chimney or vent connector, or plenum and the nearest surface.

"**Combustible material**" is a material adjacent to or in contact with a heat-producing appliance, vent connector, chimney, or steam and hot water pipes, made of or surfaced with wood, compressed paper, plant fibers, or other products that will ignite and burn. Such material must be considered combustible even though flame-proofed, fire-retardant treated, or plastered.

"**Connector-gas appliance**" is a flexible or semi-rigid connector listed as conforming to ANSI Standard Z21.24, Metal Connectors for Gas Appliances, used to convey fuel gas, three feet or less in length (six feet or less for gas ranges), between a gas outlet and a gas appliance in the same room.

"**Fuel gas piping system**" is the arrangement of piping, tubing, fittings, connectors, valves, and devices designed and intended to supply or control the flow of fuel gas to an appliance.

"**Gas**" is fuel gas, such as natural gas, manufactured gas, undiluted liquefied petroleum gas (vapor phase only), liquefied petroleum air-gas mixtures, or mixtures of these gases that would ignite in the presence of oxygen.

"**Gas-supply connection**" is the terminal end or connection to which a gas-supply connector is attached.

"**Input rating**" is the maximum fuel-burning capacity of any warm-air furnace, recessed heater, or burner expressed in British thermal units per hour.

"**Liquefied petroleum gases (LPG)**" is any material that is composed predominantly of propane, propylene, butanes (normal butane or isobutane), and butylenes, or any mixture of them.

"**Quick-disconnect device**" is a hand-operated means of connecting and disconnecting a gas supply or connecting gas systems and is equipped with an automatic device to shut off the gas supply when disconnected.

"**Readily accessible**" is having direct access without the necessity of removing any panel, door, or similar obstruction.

#### NEW SECTION

**WAC 296-150C-1350 LPG system enclosure and mounting.** (1) LPG containers must not be installed, nor stored temporarily, inside any commercial coach.

Exception: This prohibition does not apply to completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of two and one-half pounds (approximately one pound LPG capacity).

(2)(a) Containers, control valves and regulating equipment, when installed, must be mounted on the "A" frame of the commercial coach or installed in a compartment that is *vapor-tight* to the inside of the commercial coach and accessible only from the outside.

(b) The compartment must be ventilated at top and bottom to diffuse vapors. The compartment must be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment

and must open without restriction to the outside. The required vents must be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent shall be flush with the floor level of the compartment. The top vent must be located in the access door or wall with the bottom of the vent not more than twelve inches below the ceiling level of the compartment. All vents must have an unrestricted discharge to the outside atmosphere. Access doors or panels of compartments must not be equipped with locks or require special tools or knowledge to open.

(3) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for container replacement must incorporate means for clamping them firmly in place and preventing them from working loose during transit. Provisions must be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit.

(4) LPG containers must be mounted on a substantial support or a base secured firmly to the commercial coach chassis. Neither the container nor its support can extend below the commercial coach frame.

#### NEW SECTION

**WAC 296-150C-1360 Gas piping—Piping design.** Commercial coaches requiring fuel gas for any purpose must be equipped with a gas piping system that is designed for LPG only or combination LPG and natural gas.

#### NEW SECTION

**WAC 296-150C-1370 Gas piping—Expandable or multiple commercial coaches.** Where gas piping is to be installed in more than one portion of an expandable or multiple commercial coach, the design and construction must be as follows:

(1) There must be only one point of cross over, readily accessible from the exterior of the commercial coach.

(2) The connector between units must be a listed flexible gas connector approved for exterior use.

(3) A shut-off valve must be located on the supply side of the connection. Both a flexible gas connector that is approved for exterior use and a quick disconnect type of connector must be tested and approved to IAPMO TSC-9 standard or equal; and both must have a shut-off valve installed that is tested and approved to ANSI Z21.15 standard or equal.

(4) Protective caps or plugs must be permanently attached to the coach and used to seal the system when not in use.

#### NEW SECTION

**WAC 296-150C-1380 Concealed tubing.** (1) Tubing must not be run inside walls, floors, partitions, or roofs.

(2) If tubing passes through walls, floors, partitions, roofs, or similar installations, the tubing must be protected by the use of weather resistant grommets that snugly fit both the tubing and the hole through which the tubing passes.

NEW SECTION

**WAC 296-150C-1390 Gas piping—Pipe-joint compound.** (1) Screw joints must be made tight with pipe-joint compound that is insoluble in liquefied petroleum gas.

(2) Pipe-joint compound must be approved for the type of gas used. The pipe-joint compound must be applied to the male threads only.

NEW SECTION

**WAC 296-150C-1400 Gas piping—Hangers and supports.** (1) All gas piping must be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than four feet, except where adequate support and protection is provided by structural members.

(2) Gas pipe supply connections must be rigidly anchored to a structural member within six inches of the supply connections.

NEW SECTION

**WAC 296-150C-1410 Gas piping—Electrical ground.** (1) Gas piping must not be used for an electrical ground. (2) The gas line must be bonded.

NEW SECTION

**WAC 296-150C-1420 Identification of gas supply connections.** A label must be permanently attached on the outside of the exterior wall of the commercial coach adjacent to the gas supply connection which provides the following information:

(1) The type of system (i.e., liquid petroleum system or natural gas system or combination liquid petroleum and natural gas system);

(2) The appropriate Btuh input rating; and

(3) If excess ("or more") Btuh input is allowed.

*For example:      Natural Gas System  
                         250,000 Btuh  
                         Or More*

NEW SECTION

**WAC 296-150C-1430 Gas piping system openings.** All openings in the gas piping system must be closed gas-tight with threaded pipe plugs or pipe caps.

NEW SECTION

**WAC 296-150C-1440 Gas piping—Valves.** (1) In addition to any valve on the appliance, a shut-off valve must be installed in the fuel piping outside of each gas appliance but inside the commercial coach structure and upstream of the union or connector. The shut-off valve must be located within six feet of a cooking appliance and within three feet of any other appliance. A shut-off valve may serve more than one appliance if located as required above.

(2) Shut-off valves used in connection with gas piping must be of a type designed for use with liquefied petroleum gas. Shut-off valves must be tested and approved to ANSI Z21.15 standard or equal.

NEW SECTION

**WAC 296-150C-1450 Gas piping—Testing for leakage before appliances are connected.** (1) The piping system must stand a pressure of at least ten psi gauge for a period of not less than fifteen minutes without showing any drop in pressure.

(2) Pressure must be measured with a gauge calibrated to be read in increments of not greater than one-tenth pound.

(3) The source of pressure must be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping must be approximately the same, and constant air temperature must be maintained throughout the test.

NEW SECTION

**WAC 296-150C-1460 Gas piping—Testing for leakage after appliances are connected.** (1) After gas appliances have been connected, the gas-piping system must be subjected to a pressure test with the burner valves closed. The test consists of air at not less than ten inches nor more than fourteen inches pressure of water column (six to eight ounces). The system must hold this pressure for a period of not less than ten minutes with no leakage. Before beginning the test, the temperature of the gas-piping system and the test air must be equalized, and this shall be maintained throughout the test.

(2) Appliance shut-off valves ahead of gas cooking appliances may be closed for the performance of this test. When the test is satisfactorily performed, these valves must be opened and, while the system is under pressure, the appliance connectors must be tested with an approved leak detector or approved bubble solution.

**VENTILATION AND INDOOR AIR QUALITY**NEW SECTION

**WAC 296-150C-1470 Ventilation and indoor air quality—General.** Ventilation and indoor air quality equipment and installations in or on a commercial coach must be made according to the requirements of the Washington State Ventilation and Indoor Air Quality Code, the Uniform Mechanical Code, the rules of this chapter, and the conditions of the equipment approval.

NEW SECTION

**WAC 296-150C-1480 Ventilation and indoor air quality definitions.** Definitions contained in the current adopted edition of the Washington State Ventilation and Indoor Air Quality Code and the Uniform Mechanical Code and the following definitions apply to the commercial coach ventilation and indoor air quality rules in this chapter.

"Duct" is a conduit or passageway for conveying air to or from heating, cooling, air conditioning, or ventilation equipment, not including the plenum.

"Plenum" is an air compartment that is part of an air-distributing system to which one or more ducts are connected.

- A **furnace-supply plenum** is a plenum attached directly to, or an integral part of, the air-supply outlet of the furnace.



- A **furnace-return plenum** is a plenum attached directly to, or an integral part of, the return inlet of the furnace.

"**Vent connector**" is a pipe for conveying products of combustion from a fuel-burning appliance to a vent.

"**Water heater**" is an appliance for heating water for domestic purposes other than for space heating.

#### NEW SECTION

**WAC 296-150C-1490 Appliances—Installation.** In addition to requirements of the Washington State Ventilation and Indoor Air Quality Code:

(1) The installation of each appliance must conform to the manufacturer's installation instructions. The manufacturer's instructions must be attached to the appliance.

(2) Combustion air inlets and flue gas outlets must be listed as components of the appliance and must be completely separated. The required separation may be obtained by:

(a) The installation of direct vent system (sealed combustion system) appliances; or

(b) The installation of appliances within enclosures so that the appliance combustion system and venting system are separate from the interior atmosphere of the commercial coach. There must not be any door, removable access panel, or other opening into the enclosure from inside the commercial coach. Any openings for ducts, piping, wiring, etc., must be sealed.

#### NEW SECTION

**WAC 296-150C-1500 Safety devices—Water heater relief valves.** In addition to requirements of the Washington State Ventilation and Indoor Air Quality Code:

(1) All water heaters must be installed with approved fully automatic valve or valves designed to provide temperature and pressure relief. Temperature and pressure relief valves must be tested and approved to ANSI Z21.22 standard or equal.

(2) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose must have the temperature sensing element immersed in the hottest water within the upper six inches of the tank. It must be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank, whichever is lower, and at or below a water temperature of 210 degrees Fahrenheit.

(3) Relief valves must be provided with full-sized drains. Drains must be directed to the exterior sides of the unit, exiting at least six inches above the ground, and each drain pipe must exhaust with a ninety degree downward turn. Drain lines must be of a material approved for hot water distribution and must drain fully by gravity, must not be trapped, and must not have their outlets threaded.

#### NEW SECTION

**WAC 296-150C-1510 Air ducts—Expandable or multiple commercial coach connections.** In addition to the requirements of the Uniform Mechanical Code and the Washington State Energy Code air ducts for:

(1) An expandable or multiple commercial coach may have ducts of the heating system installed in the various

units. The points of connection must be so designed and constructed that when the commercial coach is fully expanded or coupled, the resulting duct joint will conform to the requirements of this chapter.

(2) Installation instructions for supporting the crossover duct from the commercial coach must be provided for on-site installation. The duct must not touch the ground.

#### NEW SECTION

**WAC 296-150C-1520 Air ducts—Duct and plenum insulation.** Every heating and cooling duct and plenum must be installed according to the Uniform Mechanical Code and the Washington State Energy Code.

### PLUMBING

#### NEW SECTION

**WAC 296-150C-1530 Plumbing—General.** This chapter also applies to the installation of plumbing equipment in any commercial coach bearing or required to bear a department insignia. Plumbing fixtures, equipment, and installations in commercial coaches must conform to the provisions of the Uniform Plumbing Code and the amendments adopted by the State Building Code Council, except part 1, unless specifically exempted or required by this section.

#### NEW SECTION

**WAC 296-150C-1540 Plumbing—Definitions.** The definitions listed below, in addition to the Uniform Plumbing Code definitions apply to this chapter.

"**Drain outlet**" is the discharge end of the commercial coach main drain to which a drain connector may be attached.

"**Main drain**" is the principal artery of the commercial coach drainage system to which drainage branches may be connected.

"**Water-supply connection**" is the fitting or point of connection of the commercial coach water distribution system designed for connection to a water connector.

#### NEW SECTION

**WAC 296-150C-1550 Drainage—Cap or plug.** Drain outlets must be equipped with a watertight cap or plug that is permanently attached to the vehicle.

#### NEW SECTION

**WAC 296-150C-1560 Drainage—Clearance from drain outlet.** The drain outlet and couplers must have a minimum clearance of three inches in any direction from all parts of the structure or appurtenances and at least eighteen inches unrestricted clearance directly in front of the drain outlet.

#### NEW SECTION

**WAC 296-150C-1570 Water supply connection.** (1) Each commercial coach equipped with a water distribution system must have a water-supply connection that terminates

within eighteen inches of the outside wall of the commercial coach.

(2) Water-supply connections must be equipped with a watertight cap or plug that is permanently attached to the commercial coach.

**VENDOR UNIT CONVERSION CODE**

**GENERAL**

NEW SECTION

**WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units?** (1) The conversion of a structure to a vendor unit must comply with the following codes:

(a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-32 WAC;

(b) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC, Installing Electric Wires and Equipment; and

(c) The Uniform Plumbing Code 1991 edition with the amendments under chapter 19.27 RCW.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The person converting a structure to a vendor unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

**STRUCTURAL**

NEW SECTION

**WAC 296-150C-1590 Structural analysis for acceptability.** (1) A "Type A vendor unit" is a commercial coach such as, but not limited to, a truck, van, or step van that meet the requirements of this chapter.

(2) A "Type B vendor unit" is a commercial coach such as, but not limited to, a recreational vehicle as defined by the American National Standard Institute, Inc. Conversion of a structure to a Type B vendor unit requires an engineering analysis or structural tests to determine whether it is structurally acceptable for use.

NEW SECTION

**WAC 296-150C-1600 Live loads.** (1) The design live loads for vendor units are:

- (a) Roof 25 psf
- (b) Floor 40 psf

(2) The roof live load must not be considered as acting simultaneously with the wind load. The roof and the floor live loads must not be considered as resisting the overturning moment due to wind.

(3) The roof live load and the floor live load must be considered to act both simultaneously and separately in order to determine the critical design loading for stresses and deflections.

NEW SECTION

**WAC 296-150C-1610 Design load deflection.** When a structural assembly is subjected to total design live loads, the deflection for structural framing members must not exceed the following:

*L = The clear span between supports or two times the length of a cantilever.*

Floor	L/240
Roof	L/180

NEW SECTION

**WAC 296-150C-1620 Structural load tests.** (1) A structural assembly tested for qualification must sustain the design dead load plus the superimposed design live loads for vendor units (see WAC 296-150C-1600) equal to 1.75 times the required live loads for a period of twelve hours without failure of the assembly.

(2) An assembly failure is defined as a rupture, fracture, or residual deflection which is greater than the limits set in WAC 296-150C-1610.

Note: We will provide test procedure forms upon request.

**CONSTRUCTION**

NEW SECTION

**WAC 296-150C-1630 Roof coverings/membrane/weather resistant.** (1) The roof covering must be securely fastened in an approved manner to the supporting roof construction and must provide weather protection for the vendor unit and the occupants.

(2) Exterior covering materials, including metal coverings, must be moisture and weather resistant and contain corrosion resistant fasteners to prevent wind and rain deterioration.

Note: Electro-plated, electro-deposited zinc, and electro-galvanized staples are not considered corrosion-resistant materials.

(3) All exterior openings or penetrations into the commercial coach around piping, ducts, plenums, or vents must be sealed with moisture-resistant material.

NEW SECTION

**WAC 296-150C-1640 Floors.** Wood floors must be made moisture resistant by an overlay of nonabsorbent material applied with water-resistant adhesive.

NEW SECTION

**WAC 296-150C-1650 Floor closure material.** (1) Floor closure material around piping, ducts, plenums, or vents must prevent damage to the underside of the vendor unit due to air, water, insects, dust, and be rodent resistant.

(2) The floor closure material must meet ASTM D-781 standard or equal and be installed as follows:

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(a) Fibrous material (with or without patches) must meet or exceed the level of forty-eight inch-pounds of puncture resistance as tested.

(b) Patching material must be installed according to installation instructions furnished by the supplier of the material.

(c) The material must be suitable for patches and the patch life must be equivalent to the material life.

#### NEW SECTION

**WAC 296-150C-1660 Chassis approval.** The vendor unit chassis and running gear can be approved by either:

(1) Engineering calculations done per WAC 296-150C-1080; or

(2) A letter from an engineer which certifies that the chassis will support the loads imposed upon the chassis. This letter must be sealed with a wet stamp and signed by the engineer who made the analysis.

### MATERIALS

#### NEW SECTION

**WAC 296-150C-1670 Standards for equipment and installations.** (1) The manufacturer's equipment and installation specifications must be followed. Other approved standards are acceptable when:

- Installed according to the manufacturer's installation instructions; and
- Approved by a listing or testing agency.

Note: Gas furnaces, gas water heaters, and gas refrigerators *must* be sealed combustion or completely separated from the interior of the vendor unit.

(2) No solid fuel (e.g., charcoal) appliances may be installed in a vendor unit.

#### NEW SECTION

**WAC 296-150C-1680 Flame-spread limitations.** For flame-spread requirements see WAC 296-150C-1100.

#### NEW SECTION

**WAC 296-150C-1690 Cabinet protection.** (1) The bottom and sides of combustible cabinets over cooking appliances or tops including a space of six inches from the edge of the burners must be protected with at least one-quarter inch thick asbestos millboard covered with at least 26 gauge sheet metal (.017 stainless steel, .024 aluminum or .020 copper) or equivalent protection. The protective metal over the range must form a hood with not less than a three-inch eyebrow (measuring horizontally from face of cabinet).

(2) The hood must be centered over and at least as wide as the top of the cooking appliance.

#### NEW SECTION

**WAC 296-150C-1700 Insulation standards.** When a source of heating or cooling is installed, the vendor unit must comply with the Washington State Energy Code, unless another state law supersedes the Washington State Energy Code.

#### NEW SECTION

**WAC 296-150C-1710 Light and ventilation.** Each bathroom must be provided with artificial light and with a window having at least 1/2 square feet of glazed area that can be fully opened, except where a mechanical ventilation system is installed. Any mechanical ventilation system must exhaust directly to the outside of the vendor unit.

#### NEW SECTION

**WAC 296-150C-1720 Vendor unit exits.** At least one vending unit exit must comply with the following:

(1) Exterior doors must be constructed for exterior use.  
 (2) The exterior door must be at least thirty-inches wide by seventy-two inches high.

(3) Each swinging exterior door must have a key-operated lock that has a deadlock latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism must be engaged or disengaged by the use of a lever, knob, button, handle, or other device from the interior of the vending unit.

(4) Locks must not require the use of a key for operation from the inside.

### ELECTRICAL

#### NEW SECTION

**WAC 296-150C-1730 Electrical for vendor units.** The electrical system in any vendor unit must comply with the National Electrical Code as referenced in chapter 19.28 RCW, Article 550 and the applicable portions of other Articles as required by this section.

(1) Appliances must be installed per Articles 422 - Appliances.

(2) Generators must be installed per Article 445 - Generators.

### MECHANICAL

#### NEW SECTION

**WAC 296-150C-1740 Mechanical for vendor units.** This chapter applies to the installation of mechanical, ventilation, and indoor air quality equipment in any vendor unit bearing or required to bear a department insignia. Mechanical, ventilation, and indoor air quality equipment is installed in or on a vendor unit, it must be installed according to the requirements of the Uniform Mechanical Code, the Washington State Ventilation and Indoor Air Quality Code, the rules of this chapter, and the conditions of the equipment approval or listing agency.

#### NEW SECTION

**WAC 296-150C-1770 Appliances—Installation.** In addition to requirements of the Washington State Ventilation and Indoor Air Quality Code:

(1) The installation of each appliance must conform to the manufacturer's installation instructions. The manufacturer's instructions must be attached to the appliance.

(2) Combustion air inlets and flue gas outlets must be listed as components of the appliance and must be completely separated. The required separation may be obtained by:

(a) The installation of direct vent system (sealed combustion system) appliances; or

(b) The installation of appliances within enclosures so that the appliance combustion system and venting system are separate from the interior atmosphere of the commercial coach. There must not be any door, removable access panel, or other opening into the enclosure from the inside of the commercial coach. Any openings for ducts, piping, wiring, etc., must be sealed.

(3) Ranges, cooktops, and ovens must not burn outside combustion air.

#### NEW SECTION

**WAC 296-150C-1780 Safety devices—Water heater relief valves.** (1) All water heaters must be installed with approved fully automatic valve or valves designed to provide temperature and pressure relief. Temperature and pressure relief valves must be tested and approved to ANSI Z21.22 standard or equal.

(2) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose must have the temperature sensing element immersed in the hottest water within the upper six inches of the tank. It must be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank, whichever is lower, and at or below a water temperature of 210 degrees Fahrenheit.

(3) Relief valves must be provided with full-sized drains. Drains must be directed to the exterior of the unit, exiting at least six inches above the ground, and must exhaust downward. Drain lines must be of a material approved for hot water distribution and must drain fully by gravity, must not be trapped, and must not have their outlets threaded.

### PLUMBING

#### NEW SECTION

**WAC 296-150C-1790 Plumbing—General.** This chapter also applies to the installation of plumbing equipment in any vendor unit bearing or required to bear a department insignia. Plumbing fixtures, equipment, and installations in vendor units must conform to the provisions of the Plumbing Code and the amendments adopted by the State Building Code Council, except part 1, unless specifically exempted or required by this section.

#### NEW SECTION

**WAC 296-150C-1800 Plumbing—Definitions.** Definitions contained in the Uniform Plumbing Code apply to this chapter:

**"Drain outlet"** is the discharge end of the commercial coach main drain to which a drain connector may be attached.

**"Main drain"** is the principal artery of the commercial coach drainage system to which drainage branches may be connected.

**"Water-supply connection"** is the fitting or point of connection of the commercial coach water distribution system to a water connector.

#### NEW SECTION

**WAC 296-150C-1810 Drainage—Cap or plug.** Drain outlets must be equipped with a watertight cap or plug that must be permanently attached to the vehicle.

#### NEW SECTION

**WAC 296-150C-1820 Drainage—Clearance from drain outlet.** The drain outlet and couplers must have a minimum clearance of three inches in any direction from all parts of the structure or appurtenances and with at least eighteen inches unrestricted clearance directly in front of the drain outlet.

#### NEW SECTION

**WAC 296-150C-1830 Water supply connection.** Water-supply connections must be equipped with a watertight cap or plug that must be permanently attached to the vehicle.

Note: The department of health may have more restrictive requirements. Before modifying your unit to comply with these requirements be sure to contact them.

**COMMERCIAL COACH FEES**

**NEW SECTION**

WAC 296-150C-3000 Commercial coach fees.

<b>INITIAL FILING FEE</b>	<b>\$ 25.00</b>
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<b>DESIGN PLAN FEES</b>	
INITIAL FEE-MASTER DESIGN	\$170.00
INITIAL FEE-ONE YEAR DESIGN	70.00
RENEWAL FEE	30.00
RESUBMIT FEE	50.00
ADDENDUM	50.00
PLANS APPROVED BY PROFESSIONALS	35.00

<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION/REINSPECTION*	\$ 50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

<b>DEPARTMENT AUDIT FEES</b>	
AUDIT (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

<b>INSIGNIA FEES</b>	
FIRST SECTION	\$ 15.00
EACH ADDITIONAL SECTION	10.00
ALTERATION	25.00
REISSUED-LOST/DAMAGED	10.00

<b>FIELD TECHNICAL SERVICE FEE (PER HOUR)</b>	<b>\$50.00</b>
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\* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments  
 \*\* Per state guidelines.  
 \*\*\*Actual charges incurred.

PERMANENT

**Chapter 296-150F WAC  
FACTORY-BUILT HOUSING AND COMMERCIAL  
STRUCTURES**

**NEW SECTION****WAC 296-150F-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.420, 43.22.434 and 43.22.450 through 43.22.490, covering the construction and approval of factory-built housing and commercial structures before occupancy.

(2) This chapter applies to the approval:

(a) Of factory-built structures used for residences or commercial purposes; and

(b) After occupancy of a factory-built house or commercial structure, all inspections are done by the local enforcement agency.

**NEW SECTION**

**WAC 296-150F-0020 What definitions apply to this chapter? "Approved"** is approved by the department of labor and industries.

**"Building site"** is a tract, parcel, or subdivision of land on which a factory-built house or commercial structure will be installed.

**"Closed construction"** is a factory-built house, commercial structure, or component that is not open for visible inspection at the building site. It may enclose factory-installed structural, mechanical, electrical, plumbing, or other systems and equipment.

**"Commercial structure"** is a structure designed or used for human habitation (such as a dormitory) or human occupancy for industrial, educational, assembly, professional, or commercial purposes. It may also include a component.

**"Component"** is a discrete element that cannot be inspected at the time of installation either in the factory or in a site-built unit, but is:

- Designed to be installed in a structure;
- Manufactured as a unit; and
- Designed for a particular function or group of functions.

A component may be a floor, wall panel, roof panel, plumbing wall, electrical service wall, or heating assembly.

It may also be a service core. A service core is a factory assembled, three-dimensional section of a building. It may include mechanical, electrical, plumbing, and related systems. It may be a complete kitchen, bathroom, or utility room. Service cores are referred to as "wet boxes," "mechanical cores," or "utility cores."

Note: A roof truss is not considered a component.

**"Damaged in transit"** is damage that effects the integrity of the structural design or damage to any other system referenced in the codes required by the State Building Code, or other applicable codes.

**"Department"** is the department of labor and industries. The department may also be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

**"Design plan"** is a plan for the construction of factory-built housing, commercial structures, or components that

includes floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

**"Design option"** is a design that a manufacturer may use as an option to its design plan.

**"Equipment"** is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of factory-built housing, commercial structures, and components.

**"Factory assembled structure (FAS) advisory board"** is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to factory-built housing, commercial structures and components. (See RCW 43.22.420.)

**"Factory-built housing"** is housing designed for human occupancy such as a single-family dwelling. The structure of any room is entirely or substantially prefabricated or assembled at a place other than a building site. It may also include a component. A factory-built house is also referred to as a "modular" structure. Factory-built housing does not include manufactured (mobile) housing. (See RCW 43.22.450(3).)

**"Insignia"** is a label that we attach to a structure to verify that a factory-built house or commercial structure meets the requirements of this chapter. It could also be a stamp or label attached to a component to verify that it meets the requirements of this chapter. See also the definition for temporary insignia.

**"Install"** is to erect or set in place a structure at a building site. It may also be the construction or assembly of a component as part of a factory-built house or commercial structure.

**"Listed"** is a piece of equipment, a component, or an installation that appears in a list published by a testing or listing agency and is suitable for use in a specified manner.

**"Listing agency"** is an organization whose business is approving equipment, components, or installations for publication.

**"Local enforcement agency"** is an agency of city or county government with power to enforce local regulations governing the installation of factory-built housing and commercial structures.

**"Master design plan"** is a design plan that expires when a new State Building Code has been adopted.

**"Manufacturing"** is making, fabricating, forming, or assembling a factory-built house, commercial structure, or component.

**"One-year design plan"** is a design plan that expires one year after approval or when a new State Building Code has been adopted.

**"Repair"** is the replacement, addition, modification, or removal of any construction, equipment, system, or installation to correct damage in transit or during on-site installation before occupancy.

**"Temporary insignia"** is a label that we attach to a structure to verify that the factory-built house or commercial structure meets the requirements of this chapter. A temporary insignia is used when the final destination of a structure has not been determined. This temporary insignia must be replaced with a permanent insignia prior to delivery of the structure to a building site. Fees for temporary insignia or

their replacement with permanent insignia are shown in WAC 296-150F-3000.

"Unit" is a factory-built house, commercial structure, or component.

#### NEW SECTION

##### **WAC 296-150F-0030 How is this chapter enforced?**

(1) To enforce this chapter, we or another governmental inspection agency will inspect each factory-built house and commercial structure that is sited in Washington. Inspections will be conducted during normal work hours or at other reasonable times. (See WAC 296-150F-0070.)

(2) We will inspect each unit as required by the codes. (See WAC 296-150F-0500.)

#### NEW SECTION

**WAC 296-150F-0040 Will you keep my manufacturing information confidential?** We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act. (See RCW 42.17.310 (1)(h).)

#### NEW SECTION

**WAC 296-150F-0070 Do you have reciprocal agreements with other states to inspect factory-built housing and commercial structures, and components?**

(1) We have entered into reciprocal agreements with states who have construction standards that are equal to or greater than our standards for factory-built housing and commercial structures.

(2) When we have a reciprocal agreement with another state:

(a) The reciprocal state inspects factory-built housing, commercial structures, and components manufactured in that state before shipment into Washington to ensure compliance with our laws. After inspection, the reciprocal state applies our insignia.

(b) The department inspects factory-built housing, commercial structures, and components manufactured in Washington before shipment into the reciprocal state to ensure compliance with their laws. After inspection, we apply the insignia of the reciprocal state.

(3) We have reciprocal agreements on file.

#### NEW SECTION

**WAC 296-150F-0080 Do you allow a local enforcement agency to inspect factory-built housing, commercial structures, and components at the manufacturing location?** (1) A local enforcement agency (city or county), under contract with us, can inspect factory-built housing, commercial structures, and components. In some cases their contract may be limited to specific portions of an inspection at specified manufacturing locations.

(2) After approving a unit, the local enforcement agency will attach the insignia, which indicates the unit has passed inspection.

#### NEW SECTION

**WAC 296-150F-0100 What happens if I disagree with your decision regarding my compliance with this chapter?** (1) If we determine you are in violation of this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

#### NEW SECTION

**WAC 296-150F-0110 Do you have an advisory board to address factory-built housing and commercial structure issues?** The factory assembled structures (FAS) board advises us on issues relating to structural, plumbing, mechanical, electrical, installation, inspections, and rules for factory-assembled structures. (See RCW 43.22.420.)

#### NEW SECTION

**WAC 296-150F-0120 Where can I obtain technical assistance regarding factory-built housing and commercial structures?** We provide field technical service to factory-built housing and commercial structure manufacturers for an hourly fee. Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

### INSIGNIA

#### NEW SECTION

**WAC 296-150F-0200 Who must purchase factory-built housing and commercial structure insignia?** (1) You must obtain insignia from us for each factory-built house and commercial structure sited in Washington state.

(2) You do not need to purchase our insignia if you manufacture factory-built housing and commercial structure in Washington for sale outside the state.

(3) You must have an approved design plan and have passed inspection before an insignia can be attached to your factory-built home or commercial structure by us or our authorized agent.

(4) If a unit is damaged in transit after leaving the manufacturing location or during an on-site installation, and a repair is necessary, you must purchase an insignia from us. The insignia indicates that the unit was repaired.

#### NEW SECTION

**WAC 296-150F-0210 What are the insignia requirements?** (1) If you are applying for insignia for factory-built housing and commercial structures you must have your design plan approved and your units inspected and approved by us.

(2) We will attach the insignia after:

(a) We receive the required forms and fees from you (see WAC 296-150F-3000); and

(b) Your unit has passed final inspection. (See WAC 296-150F-0500.)

#### NEW SECTION

**WAC 296-150F-0220 How do I obtain insignia information and the required forms?** Upon request, we will provide you with a packet of information that includes the required forms.

#### NEW SECTION

**WAC 296-150F-0230 What are the insignia application requirements?** (1) If you are requesting insignia for units that you intend to manufacture under a *new design plan*, your completed application must include:

(a) A completed design plan approval request form;

(b) One complete set of design plans, specifications, engineering analysis, test procedures and results, plus one additional set for each manufacturing location where the design plan will be used;

(c) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. We will retain the set with the original wet stamp; and

(d) A one-time initial filing fee, the design plan fee (if we approve your design plan) and the fee for each insignia. (See WAC 296-150F-3000.)

(2) If you are requesting insignia under an *approved design plan*, your completed application must include:

(a) A completed application for insignia form; and

(b) The fee for each insignia requested. (See WAC 296-150F-3000.)

#### NEW SECTION

**WAC 296-150F-0250 How do I replace lost or damaged insignia?** (1) If an insignia is lost or damaged after it is attached to your factory-built house, commercial structure, or component, you may obtain a replacement insignia.

(2) You should contact us and provide the following information:

(a) Your name, address, and telephone number;

(b) The name of the manufacturer;

(c) The serial number;

(d) The manufacturer number (M#), if available;

(e) The insignia number, if available; and

(f) The required fee. (See WAC 296-150F-3000.)

(3) If we can determine that your unit previously had an insignia, we will attach an insignia to your unit once we receive your insignia fee. (See WAC 296-150F-3000.)

### DESIGN PLAN

#### NEW SECTION

**WAC 296-150F-0300 When is design plan approval required?** Design plans for factory-built housing and commercial structures prior to installation at the building site in Washington must be approved when:

(1) You build a new unit;

(2) You modify an approved design plan through an addendum; or

(3) You add options to an approved design plan through an addendum.

#### NEW SECTION

**WAC 296-150F-0310 Who can approve design plans?** (1) Design plans can be approved by us or by a licensed professional or firm authorized by us (see WAC 296-150F-0420 and 296-150F-0430).

(2) All electrical design plans for new or altered electrical installations for educational institutions, health care facilities, and other buildings (see chapters 296-46, 296-130, 296-140, and 296-150 WAC Table 1 or 2) must be reviewed and approved by us.

### DESIGN-PLAN APPROVAL BY THE DEPARTMENT

#### NEW SECTION

**WAC 296-150F-0320 What must I provide with my request for design-plan approval by the department?** All requests for design-plan approval must include:

(1) A completed design-plan approval request form;

(2) One complete set of design plans, specifications, engineering analysis, test procedures and results plus one additional set for each manufacturing location where the design plan will be used (see WAC 296-150F-0340 and 296-150F-0350);

(3) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. We will retain the set with the original wet stamp;

(4) A one-time initial filing fee and the design-plan fee (see WAC 296-150F-3000); and

(5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules.

#### NEW SECTION

**WAC 296-150F-0340 What must an engineering analysis for design plans include?** (1) The engineering analysis must show that the structural design meets the requirements of this chapter.

(2) An engineering analysis must be conducted according to accepted engineering practices and must be signed by a professional engineer or architect licensed in Washington state.

#### NEW SECTION

**WAC 296-150F-0350 What must the test procedures and results for design plans include?** (1) Tests to a design for a factory-built home or commercial structure must be witnessed by a professional engineer or architect licensed in Washington state.

(2) Test reports must contain the following items:

(a) A description of the methods or standards that applied to the test;

(b) Drawings and a description of the item tested;

(c) A description of the test set-up;



- (d) The procedure used to verify the correct load;
  - (e) The procedure used to measure each condition;
  - (f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested; and
  - (g) Analysis, comments, and conclusion.
- (3) The written test procedures, results and conclusions must reference the applicable design plan.

**NEW SECTION**

**WAC 296-150F-0380 What happens if you approve my design plan?** (1) Your design plan will be approved if it meets the requirements of this chapter.

(2) We will send you an approved copy of the design plan with the design-plan approval number.

(3) You must keep copies of the approved design plan at each location where a factory-built house, commercial structure, or component is built.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us. (See WAC 296-150F-3000.)

**NEW SECTION**

**WAC 296-150F-0390 If my design plan is not approved, how much time do I have to submit a corrected design plan?** (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150F-3000.)

**NEW SECTION**

**WAC 296-150F-0400 What happens after my design plan is approved?** Once your design plan is approved, we will inspect each related factory-built house, commercial structure, or component.

**NEW SECTION**

**WAC 296-150F-0410 When does my design plan expire?** Master design plan:

(1) Your master design plan expires when there is a code change. You must submit new design plans for approval when there is a State Building Code cycle change. You may use your approved master design plans to order insignia as long as they comply with the applicable codes.

One-year design plan:

(2) Your factory-built home or commercial structure one-year design plan expires either one year after approval or when there is a code change. You must submit new design plans for approval when there is a State Building Code cycle change. You may use your design plan to order insignia as long as they comply with the applicable codes.

(3) All National Electrical Code amendments may be incorporated by an addendum to your design plan.

Note: The State Building Code is on a three-year code cycle which coincides with the State Building Code council amendment cycle. The National Electrical Code (NEC) cycle, however, does not coincide with the other code cycles.

**NEW SECTION**

**WAC 296-150F-0415 Who approves addendums to design plans approved by the department?** You must have us approve an addendum to a design plan, if we initially approved your design plan.

**DESIGN-PLAN APPROVAL BY A LICENSED PROFESSIONAL OR FIRM****NEW SECTION**

**WAC 296-150F-0420 Who can be authorized to approve design plans?** (1) A professional engineer, architect or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

**NEW SECTION**

**WAC 296-150F-0430 What information must a professional or firm provide to be authorized to approve design plans?** (1) Name, a copy of your certificate of registration, and address of the professional engineer or architect; or

(2) Name, a copy of your certificate of authority, and address of the firm; and

(3) A description of the services the professional engineer, architect, or firm will provide; and

(4) A description of the professional's area(s) of expertise and qualifications which include:

(a) A summary of the professional's or firm's experience; and

(b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality.

**NEW SECTION**

**WAC 296-150F-0440 How will I know whether I am authorized to approve design plans?** Within sixty days after you submit the information requested in WAC 296-150F-0430, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150F-0100.)

NEW SECTION

**WAC 296-150F-0450 How long is a licensed professional or firms authorization effective?** Your authorization to approve design plans is effective until your license expires, is revoked or is suspended.

(1) You must notify us of your license renewal at least fifteen days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

NEW SECTION

**WAC 296-150F-0460 What information must a manufacturer provide when a professional or firm does the design plan approval?** You must provide the following information with your approved design plan:

(1) A completed departmental design plan approval request form;

(2) Two or more sets of the design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, be signed, and dated by the approving professional(s) (see WAC 296-150F-0340 and 296-150F-0350);

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us;

(5) The design plan fee for design plans approved by professionals or firms (see WAC 296-150F-3000); and

(6) A professional who designs and certifies that the factory-built home or commercial structure design meets state requirements cannot also approve the design plan in the plan approval process.

NEW SECTION

**WAC 296-150F-0470 What happens after we receive the professional or firm approved design plan and information?** (1) After we receive your approved design plans and information, we will review the information and assign a plan approval number. We will send a copy of the design plan with the plan approval number to the manufacturer.

(2) We may periodically audit design plans approved by a professional engineer, architect, or firm to ensure compliance with design plan requirements. The department's periodic audit should not be construed as certifying that the plans are safe.

(3) If the audit reveals that the design plans approved by the professionals and firms do not comply with this chapter, you will be notified and required to pay our fees for review and approval of the design plans. (See WAC 296-150F-3000.)

NEW SECTION

**WAC 296-150F-0480 Do you have a list of professionals or firms that are authorized to submit design plans?** We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for factory-built housing and commercial structures.

NEW SECTION

**WAC 296-150F-0490 Who approves addendum's to design plans approved by a professional or firm?** (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list you may have us approve your addendum.

**INSPECTIONS PRIOR TO ISSUANCE OF AN INSIGNIA**NEW SECTION

**WAC 296-150F-0500 When is an inspection required?** (1) Before we issue an insignia, each factory-built house, commercial structure, and component must be inspected at the manufacturing location as many times as are required by the codes. (See WAC 296-150F-0600.) Inspections may include:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required;

(c) Other required code inspections;

(d) A final inspection after the factory-built house, commercial structure, or component is complete;

Note: Each factory-built house, commercial structure, and component must have a serial number to enable us to track inspections.

(2) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(3) After a unit is manufactured but before occupancy, we must inspect a factory-built house or commercial structure if it is damaged in transit to the building site or during on-site installation. This is considered a repair inspection. (See WAC 296-150F-0240.)

(4) Approved design plans, specifications, engineering analysis or test results must be available during the inspections.

(5) Once your unit is inspected and approved we will attach the insignia.

Note: We only inspect factory-built housing and commercial structures before occupancy. After occupancy, the local enforcement agency is the inspection agency.

NEW SECTION

**WAC 296-150F-0510 How do I request an inspection?** (1) You must contact us, and we will let you know where your request for inspection should be submitted. Our address is noted in the definition of department.

(2) We must receive in-state inspection requests at least seven calendar days prior to the date that you want the inspection.

(3) We must receive out-of-state inspection requests at least fourteen calendar days prior to the date that you want the inspection.

NEW SECTION

**WAC 296-150F-0520 What happens if my factory-built house or commercial structure passes inspection?**

(1) If your factory-built house or commercial structure passes inspection and you have met the other requirements of this chapter, we will attach the insignia.

(2) After our final inspection, we will send a notice to the local enforcement agency (NLEA) indicating whether further inspection is necessary. (See WAC 296-150F-0550.)

NEW SECTION

**WAC 296-150F-0530 Am I charged if I request an inspection but I am not prepared?** (1) If you ask us to inspect a factory-built house or commercial structure within Washington state but you are not prepared when we arrive, you must pay the minimum inspection fee and travel. (See WAC 296-150F-3000.)

(2) If you ask us to inspect a factory-built home, commercial structure, or component outside Washington state but you are not prepared when we arrive, you must pay the minimum inspection fee, travel, and per diem expenses. (See WAC 296-150F-3000.)

NEW SECTION

**WAC 296-150F-0540 Who inspects factory-built housing and commercial structures for installation at the building site?** (1) The local enforcement agency (city or county) must approve the installation.

(2) The local enforcement agency may also request a set of design plans and specifications for the unit from you.

(3) After the unit is manufactured but before occupancy, we must inspect a factory-built house or commercial structure if it is damaged in transit to the building site or during on-site installation. This is considered a repair inspection.

Note: The local enforcement agency may not open the concealed construction of a factory-built house or commercial structure to inspect if our insignia is attached.

NEW SECTION

**WAC 296-150F-0550 Do you notify the local enforcement agency after your final inspection of factory-built structures at a manufacturing location?** After we perform a final inspection of a factory-built, commercial structure, or component, we will send a notice to the local enforcement agency (NLEA) that:

(1) Specifies what connections, standards, and incomplete items the local enforcement agency must check when the unit is installed; and/or

(2) Estimates the expected time of arrival of the factory-built house or commercial structure to the site.

**USED FACTORY-BUILT STRUCTURES WITHOUT AN INSIGNIA**NEW SECTION

**WAC 296-150F-0580 Must I obtain an insignia for used factory-built structures?** All used factory-built housing and commercial structures that are to be installed on a building site in Washington state must have an insignia of approval from us prior to being installed on a building site.

NEW SECTION

**WAC 296-150F-0590 How do I obtain insignia for used factory-built structures?** We consider used factory-built housing and commercial structures as new structures for purposes of insignia approval. To obtain insignia, you must:

(1) Have the design plan approved by us (see WAC 296-150F-0300 through 296-150F-0480);

(2) Purchase insignia (see WAC 296-150F-0200 through 296-150F-0230); and

(3) Pass a unit inspection (see WAC 296-150F-0500 through 296-150F-0550).

Note: You will be required to open up as much of the construction of the unit as is necessary for inspection to show compliance with your approved design plan.

**CODES FOR FACTORY-BUILT HOUSING, COMMERCIAL STRUCTURES, AND COMPONENTS**NEW SECTION

**WAC 296-150F-0600 What manufacturing codes apply to factory-built housing and commercial structures?** (1) All design, construction, installations, and alterations of factory-built housing, commercial structures, and components must conform with the following codes and the requirements of this chapter:

(a) The State Building Code, chapter 19.27 RCW;

Note: The Uniform Building Code reference to "building official" means the chief prefabricated building specialist or authorized representative at the department of labor and industries.

(b) The Energy Related Building Standards, chapter 19.27A RCW;

(c) The National Electrical Code as referenced in chapter 19.28 RCW and chapters 296-46 and 296-401 WAC.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of factory-built structures and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these standards, provided the

deviation does not result in inferior installation or defeat the purpose and intent of the standard.

Note: The codes, RCW's, and WAC's referenced in this rule are available for reference at the Washington State Library, the Washington State Law Library, and may be available at your local library.

### MANUFACTURER'S NOTICE TO THE DEPARTMENT

#### NEW SECTION

**WAC 296-150F-0700 Must manufacturers of factory-built housing and commercial structures notify you if they manufacture at more than one location?** (1) If you are manufacturing factory-built housing and commercial structures at more than one location, approved design plans must be available at each manufacturing location.

(2) You are required to send us the following information for each manufacturing location:

- (a) Company name;
  - (b) Mailing and physical address; and
  - (c) Phone and FAX number if available.
- (3) You must update this information as it changes.

#### NEW SECTION

**WAC 296-150F-0710 Must manufacturers of factory-built housing and commercial structures notify you of a change in business name or address?** (1) If you are moving, notify us in writing prior to a change of business name or address.

(2) Your notice must include the change of name and address.

#### NEW SECTION

**WAC 296-150F-0720 Must manufacturers of factory-built housing and commercial structures notify you of a change in business ownership?** (1) When a manufacturer changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture the units according to a prior approved design plan if the prior owner releases the design plan.

## FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURE FEES

NEW SECTION

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

INITIAL FILING FEE	\$ 35.00
<b>DESIGN PLAN FEES</b>	
INITIAL FEE-MASTER DESIGN (CODE CYCLE)	\$170.00
INITIAL FEE-ONE YEAR DESIGN	100.00
RENEWAL FEE	35.00
RESUBMIT FEE	50.00
ADDENDUM	50.00
PLANS APPROVED BY PROFESSIONALS	35.00
<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION (PER HOUR)*	\$ 50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
NLEA CHARGE	21.00
<b>DEPARTMENT AUDIT FEES</b>	
AUDIT (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
<b>INSIGNIA FEES</b>	
FIRST SECTION	\$ 140.00
EACH ADDITIONAL SECTION	14.00
REISSUED-LOST/DAMAGED	35.00
<b>TEMPORARY INSIGNIA FEES</b>	
FIRST SECTION	\$ 140.00
EACH ADDITIONAL SECTION	14.00
REPLACEMENT FOR TEMPORARY INSIGNIA	35.00
FIELD TECHNICAL SERVICE FEE (PER HOUR)	\$50.00

\* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments

\*\* Per state guidelines.

\*\*\*Actual charges incurred.

**Chapter 296-150M WAC  
MANUFACTURED HOMES**

**NEW SECTION**

**WAC 296-150M-0010 Authority, purpose, and scope.** (1) This chapter is authorized by RCW 43.22.340 through 43.22.445. The law requires that any alteration to a manufactured home be approved by the department. A manufactured home with an approved alteration requires an alteration insignia. Alteration insignia can be purchased from us.

(2) The United States Department of Housing and Urban Development (HUD), manufactured housing standards division, has given us the authority to act as a manufactured home production Inspection Primary Inspection Agency (IPIA) and enforce 24 CFR 3280. As an IPIA:

(a) We are required to inspect every manufactured home built in Washington state sometime during production;

(b) We are authorized to audit the quality control program and the performance of quality control inspectors of manufactured home factories located in Washington state;

(c) We are authorized to supply a HUD label to the manufacturer following our inspection and approval of the manufactured home and the manufacturer's quality control program; and

(d) We are authorized to remove HUD labels according to the guidelines stated in the IPIA inspector's manual.

Note: A copy of our IPIA approval letter is on file at the department.

**NEW SECTION**

**WAC 296-150M-0020 What definitions apply to this chapter?** "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home.

The following are not considered alterations:

- Repairs to equipment with approved parts; or
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"DAPIA" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a design submitted to the department for approval of a manufactured home structural alteration.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the alteration or installation of a manufactured home.

"Footing" is the portion of a support system that transmits loads from the manufactured home to the ground.

"Foundation skirting" or "skirting" is the material that surrounds and encloses the space under the manufactured home.

"Homeowner" is an individual who owns a manufactured home for the purposes of this chapter.

"HUD" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"Installation" is the activity needed to prepare a building site and to set a manufactured home within that site. Site means a tract, parcel, or subdivision of land including a mobile home park.

"IPIA" is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington state.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

"Manufactured home" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet is based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

**Exception:** A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

**"Mobile home"** is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

**"Park site"** is the installation location of a manufactured home within a residential area for manufactured homes.

**"Structural alteration-custom design"** is a design that can only be used once.

**"Structural alteration-master design"** is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

**"System"** is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

#### NEW SECTION

**WAC 296-150M-0040 Will you keep my manufacturing information confidential?** We will only release manufacturing information such as design plans for structural alterations according to the requirements of the Public Records Act. (See RCW 42.17.310 (1)(h).)

#### NEW SECTION

**WAC 296-150M-0050 Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice?** (1) If we find your manufactured home violates this chapter or federal standards in 24 CFR 3280, we may attach a prohibited sale or lease notice to your unit.

(2) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.

(3) A prohibited sale or lease notice shall remain posted until the code violation is corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000.)

#### NEW SECTION

**WAC 296-150M-0060 Who handles consumer complaints about manufactured homes?** The Washington state department of community, trade and economic development (CTED), office of manufactured housing section, handles consumer complaints about manufactured homes. CTED is the state administrative agency (SAA) for the United States Department of Housing and Urban Development for the federal manufactured home program.

#### NEW SECTION

**WAC 296-150M-0100 What happens if I disagree with your decision regarding my compliance with the federal standards, ANSI, or this chapter?** (1) If we determine that you are in violation with the federal standards, ANSI A225.1, or this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can submit a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

#### INSIGNIA

#### NEW SECTION

**WAC 296-150M-0200 What labels or insignia are required on my manufactured home?** (1) A HUD label must be attached to the exterior of each section of a manufactured home built on or after June 15, 1976.

(2) An alteration insignia must be attached to the exterior of a manufactured home. It should be placed next to the HUD label or to the Washington state insignia.

(3) If your manufactured home does not have a HUD label or a Washington state insignia, we will attach the alteration insignia to the exterior end wall opposite the hitch end of the manufactured home. It must be placed approximately one foot above the floor line and one foot from the edge of the manufactured home.

#### NEW SECTION

**WAC 296-150M-0250 How do I replace a lost or damaged insignia?** (1) If an alteration insignia or a Washington state insignia is lost or damaged after it is placed on a manufactured home, you should notify us in writing immediately. You should provide the following information:

(a) Your name, address, and telephone number;

(b) The name and address of the previous owner and date of approval, if you are replacing an alteration insignia that was obtained before you purchased the manufactured home;

(c) The vehicle identification number or serial number and model;

(d) The insignia or label number if available;

(e) The design plan approval number, if available; and

(f) The insignia replacement fee and any inspection fees.

(See WAC 296-150M-3000.)

**Note:** Washington state insignia (not HUD insignia) were attached to manufactured homes prior to June 15, 1976.

(2) After we receive your notice and payment for replacing the insignia, we may inspect your manufactured home to assure that the replacement insignia reflects compliance with your original insignia.

(3) If your home complies with your original insignia approval, we will attach a replacement alteration insignia or Washington state insignia to your manufactured home.

#### NEW SECTION

**WAC 296-150M-0260 How do I replace a lost or damaged HUD label?** (1) If a HUD label is lost or damaged after it is placed on a manufactured home, you should notify the manufacturer's production Inspection Primary Inspection Agency (IPIA) in writing immediately. The department of labor and industries is the IPIA for builders of manufactured homes in Washington state.

(2) If your manufactured home complies with federal standards that were in effect the date your home was built, the IPIA may replace your lost or damaged HUD label.

### ALTERATIONS AND INSPECTIONS

#### ALTERATION APPROVAL

#### NEW SECTION

**WAC 296-150M-0300 What approval do I need to alter a manufactured home?** If you alter a manufactured home in Washington state, you must obtain our approval prior to making an alteration. This includes:

- (1) Alterations made by an owner, or contractor; and
- (2) Alterations made by a dealer after a manufactured home is sold.

#### NEW SECTION

**WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home?** If you alter a manufactured home without getting our approval and an alteration insignia, we may remove your Washington state insignia or HUD label and your manufactured home cannot be sold or leased.

#### NEW SECTION

**WAC 296-150M-0320 What must I provide to request approval of an alteration?** (1) For approval of an alteration, you must complete and return our alteration permit application form. The application must contain:

- (a) A description of the proposed alteration(s);
- (b) Applicable specifications, engineering data, test procedures and results; and
- (c) Payment of the alteration permit fee, alteration insignia fee, and any inspection fees. (See WAC 296-150M-3000.)

(2) For approval of a structural alteration, we must approve the design plan. This is in addition to the requirements stated in subsection (1) of this section. (See WAC 296-150M-0370.)

#### NEW SECTION

**WAC 296-150M-0330 How do I obtain alteration insignia information and the forms you require?** Upon request, we will provide you with the forms and the fee schedules needed to obtain an alteration insignia or you can

contact any department of labor and industries office for the forms. Our address is noted in the definition of department.

#### NEW SECTION

**WAC 296-150M-0340 What must an engineering analysis for design plans include?** (1) The engineering analysis must show that the structural design meets the requirements of this chapter.

(2) An engineering analysis must be conducted according to accepted engineering practices and must be signed by a professional engineer or architect licensed in Washington or by a DAPIA who approved the original design plan.

#### NEW SECTION

**WAC 296-150M-0350 What must the test procedures and results for design plans include?** (1) Tests to an alteration design must be performed and evaluated by a professional engineer or architect licensed in Washington or by a DAPIA who approved the original design plan.

(2) Test reports must contain the following items:

- (a) A description of the methods or standards that applied to the test;
- (b) Drawings and a description of the item tested;
- (c) A description of the test set-up;
- (d) The procedure used to verify the correct load;
- (e) The procedure used to measure each condition;
- (f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested;
- (g) Engineering data; and
- (h) Analysis, comments, and conclusion.

(3) The written test procedures, results, and conclusions must reference the applicable structural alteration design plan.

#### NEW SECTION

**WAC 296-150M-0360 When is design plan approval required for an alteration?** (1) Design plan approval is required when you make a structural alteration to your manufactured home.

(2) A structural alteration is a change to the body or frame of a manufactured home. For example:

- (a) An alteration is made if you change the size of a room or the pitch of a roof on your manufactured home.
- (b) Any addition such as a carport that adds structural load to the manufactured home and is not fully self-supporting is an alteration.

#### NEW SECTION

**WAC 296-150M-0370 How do I obtain alteration design plan approval?** (1) You must have your design plan approved by:

- (a) A Design Approval Primary Inspection Agency (DAPIA), if they approved the initial design plan; or
- (b) A professional engineer or architect who is licensed in Washington state.

(2) You must submit two copies of your alteration design plan with the appropriate fee to us for review and approval. (See WAC 296-150M-3000.)



**NEW SECTION**

**WAC 296-150M-0380 How will I know whether you have approved my design plan?** (1) Your design plan will be approved if it meets the requirements of this chapter and federal standards in 24 CFR 3280.

(2) We will send you an approved copy of your design plan with the plan approval number.

(3) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us. (See WAC 296-150M-3000.)

**NEW SECTION**

**WAC 296-150M-0390 If my design plan is not approved, how much time do I have to submit a corrected plan?** (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150M-3000.)

**NEW SECTION**

**WAC 296-150M-0400 How do I apply for alteration approval and obtain an alteration insignia?** (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms upon request.

(b) Submit the completed forms to us, with the inspection fee and alteration insignia fee. (See WAC 296-150M-3000.)

(2) Request inspection of your alteration at least five days before the date you want the inspection.

(3) Once we approve your alteration, we will attach the alteration insignia to your manufactured home.

Note: Specifications, engineering data, and test results should be available for our inspector. If applicable, your approved design plan must also be available during the inspection.

**INSPECTION****NEW SECTION**

**WAC 296-150M-0500 When must an inspection be requested?** (1) You must request an inspection by us, if you are altering a manufactured home.

(2) You must request an inspection by the local enforcement agency, for manufactured home installations.

(3) The installation of manufactured homes must be enforced and fees charged by the counties and cities in the same manner the State Building Code is enforced under RCW 19.27.050.

**NEW SECTION**

**WAC 296-150M-0530 Am I charged if I request an inspection but am not prepared when you arrive?** If you ask us to inspect your manufactured home or your alteration, but you are not prepared when we arrive, you must pay the minimum inspection fee. (See WAC 296-150M-3000.)

**INSTALLATION REQUIREMENTS****INSTALLATION, PERMIT, INSPECTION, DISPUTE****NEW SECTION**

**WAC 296-150M-0600 Who establishes standards for installation of manufactured homes?** (1) The director of labor and industries is responsible for establishing uniform installation standards where possible and practical for persons or entities engaged in performing the installation of manufactured homes within the state.

(2) Local jurisdictions may adopt additional installation requirements only for those special situations in hazardous areas as defined in WAC 296-150M-0620.

**NEW SECTION**

**WAC 296-150M-0610 What instructions are used for a manufactured home installation?** The following instructions must be used for an initial or relocated manufactured home installation:

(1) Installation of a new manufactured home.

(a) The initial manufactured home installation must be conducted according to the manufacturer's instructions.

(b) If the manufacturer's instructions do not address an aspect of the installation, you may request:

(i) Specific instructions from the manufacturer; or

(ii) Specific instructions from a professional engineer or architect licensed in Washington state.

For example: (A) A manufactured home is installed over a basement and the manufacturer's instructions do not address this application;

(B) A manufactured home is installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

(c) A manufactured home must be anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Washington.

(d) A manufactured home must have a skirting around its entire perimeter. It must be installed per the manufacturer's installation or if the manufacturer is not specific, to the standards in this section. It must be vented and allow access to the under floor area per the manufacturer's installation instructions or per the standards in subsection (3) of this section.

(e) A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1, 1994 edition, section 3.

(f) Heat duct crossovers must be installed per the manufacturer's installation instruction manual or per the standards in subsection (6) of this section.

(g) Dryer vents must exhaust to the exterior side of the wall or skirting.

(h) Hot water tank pressure relief lines must exhaust to the exterior side of the exterior wall or skirting and must exhaust downward.

(i) Water piping must be protected against freezing as per the manufacturer's installation instructions or by use of a heat tape listed for use with manufactured homes and installed per the heat tape manufacturer's installation instructions.

(j) The testing of water lines, waste lines, gas lines and electrical systems must be as per the manufacturer's installation instructions or per HUD standard CFR 3280.

(2) Relocation installation of a manufactured home.

(a) A relocated manufactured home installation should be conducted according to the manufacturer's instructions.

(b) If the manufacturer's instructions are unavailable, you may use:

(i) The American National Standard Institute (ANSI) standard ANSI A225.1-Manufactured Homes Installation, 1994 edition instructions; or

(ii) The instructions of a professional engineer or architect licensed in Washington state.

(c) A manufactured home must be anchored per the manufacturer's installation instructions. If the manufacturer's installation instructions are not available, you may use:

(i) The American National Standards Institute (ANSI) standard ANSI A225.1 - Manufactured Homes Installation, 1994 edition instructions; or

(ii) The instructions of a professional engineer or architect licensed in Washington state.

(d) A manufactured home must have a skirting around its entire perimeter. It must be installed per the manufacturer's installation instructions or if the manufacturer is not specific, to the standards in subsection (3) of this section.

(e) A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1, 1994 edition, section 3.

(f) Heat duct crossovers must be installed per the manufacturer's installation manual, ANSI A225.1, 1994 edition, or per subsection (6) of this section.

(g) Dryer vents must exhaust to the exterior side of the wall or skirting.

(h) Hot water tank pressure relief lines must exhaust to the exterior side of the exterior wall or skirting and must exhaust downward.

(i) Water piping must be protected against freezing as per the manufacturer's installation instructions or per ANSI A225.1, section 8.

(j) The testing of water lines, waste lines, gas lines and electrical systems must be per the manufacturer's installation instructions or per HUD standard CFR 3280.

(3) Skirting must be of materials suitable for ground contact. Metal fasteners must be galvanized, stainless steel or other corrosion resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, must be coated with an asphaltic emulsion. Skirting must not be attached in such a manner that can cause water to be trapped between the skirting and siding or trim. The skirting must be recessed behind the siding or trim.

(4) The skirting must be vented as follows except for manufactured homes sited in a flood plain. For homes sited in a flood plain, contact the local jurisdiction for proper ventilation. Skirting must be vented by openings protected from the entrance of rodents by being covered with corrosion-resistant wire mesh with mesh openings of 1/4 inch in dimension. Such openings must have a net area of not less than one square foot for each one hundred fifty square feet of under floor area. Ventilation openings must be located as

close to corners and as high as practical. Openings must be located to provide cross-ventilation on at least two opposite sides.

(5) Access to the under floor area of the manufactured home must have an opening not less than 18" x 24" and must be located so that all areas under the manufactured home are available for inspection. The cover must be of metal, pressure treated wood or vinyl.

(6) Heat duct crossovers installed to the standards in this section must be supported above the ground by strapping or blocking and be installed to avoid standing water. Heat ducts must also be installed to prevent compression and sharp bends and to minimize stress at the connections.

#### NEW SECTION

**WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas?** (1) Local enforcement agencies may have special installation requirements for manufactured homes installed in hazardous areas.

(2) A hazardous area is:

(a) An area recognized as a flood plain by the local jurisdiction; or

(b) An area considered hazardous due to the probability of earthquake. We recommend that in an earthquake area you use additional measures designed by an engineer to minimize the potential effects caused by an earthquake.

#### NEW SECTION

**WAC 296-150M-0630 Who may install a manufactured home?** (1) A manufactured home may be installed by:

- A homeowner;
- A certified installer;
- An individual who is supervised by an on-site certified installer; or
- A specialty trades person, for certain aspects of installation.

(2) A certified installer must be a registered contractor or his or her employee, or an employee of a registered dealership. (See chapter 43.63B RCW for details to which aspects of installation require the presence of a certified installer.)

#### NEW SECTION

**WAC 296-150M-0640 Does a person who installs a manufactured home need an installation permit?** (1) Any person who installs a manufactured home must obtain an installation permit from the local enforcement agency prior to installation.

(2) Any permit fees set by the local enforcement agency must be paid in full and included with the permit application.

(3) A dealer shall not deliver a manufactured home to its site without verifying that an installation permit has been obtained.

NEW SECTION

**WAC 296-150M-0650 Does a manufactured home installation require an inspection?** All manufactured home installations must be inspected and approved by the local enforcement agency.

NEW SECTION

**WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them?** On-site structures, sometimes referred to as auxiliary structures, such as, but not limited to, carports, decks and steps should be self-supporting.

(1) On-site self-supporting structures that do not use any of the systems in the manufactured home are inspected by the local enforcement agency and they should be contacted for specific on-site structure requirements.

(2) On-site structures that are not self-supporting or use one or more of the systems of the manufactured home require an inspection by us and by the local enforcement agency.

NEW SECTION

**WAC 296-150M-0670 What happens if a dispute arises concerning an installation requirement?** (1) If a dispute arises between any person, business, or local enforcement agency concerning an installation requirement of ANSI A225.1 or this chapter, the issue may be submitted to the factory assembled structures advisory (FAS) board.

(2) The board may provide an opinion on the requirement.

**ADDITIONAL INSTALLATION REQUIREMENTS**NEW SECTION

**WAC 296-150M-0700 Acceptable types of ground cover.** (1) You must use a minimum of six-mil *black* polyethylene sheeting or its equivalent (exception to ANSI A225.1 (3.5.2)); or

(2) The ground cover may be omitted if the under floor area of the manufactured home has a concrete slab floor with a minimum thickness of three and one-half inches.

NEW SECTION

**WAC 296-150M-0710 Clearance under manufactured homes.** You must have a minimum clearance of eighteen inches maintained beneath the lowest member of the main frame (I-beam or channel beam) and the ground or footing. No more than twenty-five percent of the lowest member of the main frame of the home shall be less than eighteen inches above the ground or footing, and in no case shall clearance be less than twelve inches anywhere under the home. (Exception to ANSI A225.1 (4.1.3.3).)

NEW SECTION

**WAC 296-150M-0720 Water heater relief lines.** Hot water tank pressure relief lines must be exhausted to the exterior of the foundation skirting and directed downward.

NEW SECTION

**WAC 296-150M-0730 Heat pump.** Heat pump condensation lines must be extended to the exterior.

**MANUFACTURED HOME FEES**

NEW SECTION

**WAC 296-150M-3000 Table of manufactured home fees.**

<b>INITIAL FILING FEE</b>	<b>\$25.00</b>
<b>DESIGN PLAN</b>	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$100.00
STRUCTURAL ALTERATION-ONE YEAR DESIGN	70.00
RENEWAL FEE	30.00
RESUBMIT FEE	50.00
ADDENDUM	50.00
<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION/REINSPECTION (PER HOUR)*	\$50.00
<b>INSIGNIA FEES</b>	
ALTERATION	\$25.00
REISSUED-LOST/DAMAGED	15.00
<b>FIELD TECHNICAL SERVICE FEES(PER HOUR)*</b>	<b>\$50.00</b>
<b>IPIA</b>	
<b>DEPARTMENT AUDIT FEES</b>	
PER SECTION(ONE TIME ONLY)	\$23.00
INCREASED FREQUENCY VISITS(PER HOUR)*	50.00
REINSPECTION(PER HOUR)*	50.00

NOTE: Local jurisdictions may have other fees that apply.

\* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments.

**Chapter 296-150R WAC  
RECREATIONAL VEHICLES  
AND PARK TRAILERS**

(b) Manufacturers, dealers, and individuals who alter recreational vehicles and park trailers for sale or lease in Washington state.

NEW SECTION

**WAC 296-150R-0020 What definitions apply to this chapter? "Alteration"** is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, plumbing systems, fuel systems and equipment or electrical systems of a recreational vehicle or park trailer.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a vehicle alteration was approved by the department.

NEW SECTION

**WAC 296-150R-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.340 through 43.22.434 and covers the requirements for:

(a) Obtaining state-plan or self-certified status if you manufacture recreational vehicles or park trailers for sale or lease in Washington state.

(b) Obtaining state-plan or self-certified insignia if you manufacture recreational vehicles or park trailers for sale or lease in Washington state.

(2) This chapter applies to:

(a) Manufacturers, dealers and individuals who build for sale, sell, or lease recreational vehicles or park trailers in Washington state; and

PERMANENT

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational vehicles and park trailers. For the purposes of this chapter, references to ANSI mean ANSI A119.2 Recreational Vehicles, 1996 edition, and ANSI A119.5 Park Trailers, 1993 edition, as appropriate.

"Approved" is approved by the department of labor and industries.

"Audit" by the department can be either a comprehensive audit or a performance audit. A comprehensive audit is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and vehicles. A performance audit is the department's review of the manufacturer's audit performed by the industry association or other independent auditor.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each vehicle.
- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.
- Electrical drawings. (See WAC 296-150R-0330 and 296-150R-0820.)

"Consumer" is a person or organization who buys or leases recreational vehicles or park trailers.

"Dealer" is a person or organization whose business is offering recreational vehicles or park trailers for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational vehicles or park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational vehicle or park trailer manufacturer.

"National Electrical Code" 1996 edition is the electrical code required for ANSI A119.2 compliance. The National Electrical Code 1993 edition is the electrical code required for ANSI A119.5 compliance.

"Park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area in the set-up mode of less than 400 square feet (37.2 square meters); and
- Certified by the manufacturer as complying with ANSI A119.5.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"Recreational vehicle" is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own

motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.

"Self-certification insignia" is an insignia which is obtained under the self-certification approval process.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational vehicle or park trailer that is designed to serve a particular function such as plumbing, electrical, heating, or mechanical system.

"Vehicle" for the purposes of this chapter, is a recreational vehicle or a park trailer.

#### NEW SECTION

##### **WAC 296-150R-0030 How is this chapter enforced?**

(1) We enforce this chapter through:

- (a) The state plan insignia approval process (see WAC 296-150R-0300 through 296-150R-0720); or
- (b) The self-certification insignia approval process (see WAC 296-150R-0800 through 296-150R-0930).

(2) Vehicle inspections occur where the recreational vehicles or park trailers are manufactured, sold, or leased. We conduct inspections during normal work hours or at other reasonable times. We may require you to remove a part of the recreational vehicle or park trailer in order to conduct our inspection.

#### NEW SECTION

**WAC 296-150R-0040 Will you keep my manufacturing confidential?** We will only release manufacturing information, such as design plans, specifications, test results, and manuals, according to the Public Records Act. (See RCW 42.17.310 (1)(h).)

#### NEW SECTION

##### **WAC 296-150R-0060 Who handles consumer complaints about recreational vehicles and park trailers?**

(1) Consumers may file complaints with us, if they have reason to believe a manufacturer and/or dealer is in violation of this chapter and ANSI.

(2) The complaint should be in writing and describe the items that may not comply with this chapter and ANSI.

(3) After we receive the complaint, we will send the manufacturer and/or the dealer a copy of the complaint. The manufacturer and/or dealer has thirty days to respond to the complaint.

(4) If we decide an inspection is warranted and specific code violation(s) are found during the inspection, the manufacturer or dealer is charged for the inspection.

#### NEW SECTION

##### **WAC 296-150R-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?**

(1) If we determine that you are in violation of this chapter and ANSI, you will receive a notice of noncompliance and we may withdraw your certification. (See WAC 296-150R-0710, 296-150R-0920.)

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

- (3) After we receive your hearing request, we will:
- (a) Schedule a hearing within thirty days after we receive your request.
  - (b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.
  - (c) Hear your case.
  - (d) Send you written notice of our decision.

**NEW SECTION**

**WAC 296-150R-0110 Do you have an advisory board to address recreational vehicle and park trailer issues?** The factory assembled structures (FAS) board advises us on issues relating to plumbing, heating, electrical, installation, alterations, inspections, and rules for recreational vehicles and park trailers. (See RCW 43.22.420.)

**NEW SECTION**

**WAC 296-150R-0120 Where can I obtain technical assistance regarding recreational vehicles and park trailers?** We provide field technical service to recreational vehicle and park trailer manufacturers for an hourly fee (see WAC 296-150R-3000). Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

**NEW SECTION**

**WAC 296-150R-0130 Do you allow recreational vehicles and park trailers to be displayed without an insignia?** We allow one recreational vehicle or park trailer to be displayed without an insignia, if you:

- (1) Get written approval from us in advance of displaying the unit; we should receive your written request at least thirty days prior to display of the unit. Your request must include:
  - (a) The model and serial number of the unit;
  - (b) The location where the unit will be displayed; and
  - (c) The date(s) the unit will be displayed.
- (2) Are licensed in Washington state through the department of licensing;
- (3) Have your approval letter available at the display;
- (4) Place three visible signs on the display unit:
  - (a) One at the main entry door;
  - (b) One inside the front of the unit; and
  - (c) One inside the back of the unit.
 The signs must read: *Not For Sale - Display Only*.  
The letters on the sign must be one inch or higher.

**REQUIREMENTS FOR INSIGNIA AND OTHER VEHICLE IDENTIFICATION****NEW SECTION**

**WAC 296-150R-0200 Who should obtain recreational vehicle and park trailer insignia?** (1) If you manufacture recreational vehicles or park trailers to be sold or leased in Washington, you must purchase either a state-plan or self-certified insignia for each vehicle.

(2) Individuals that build recreational vehicles or park trailers to sell or lease in Washington must purchase an insignia.

(3) If you have a vehicle with either a state-plan or self-certified insignia and you plan to alter or have another person alter it, you must obtain an alteration insignia from us.

NOTE: You do not need to purchase our insignia if you manufacture recreational vehicles or park trailers in Washington for sale outside the state.

**NEW SECTION**

**WAC 296-150R-0210 How do I obtain insignia information and the forms you require?** Upon request, we will provide you with a packet of information that includes required forms and fee schedule for obtaining the state-plan or self-certified insignia. Our address is noted in the definition of department.

**NEW SECTION**

**WAC 296-150R-0220 How do I obtain insignia based on state-plan approval?** (1) If you are approved to purchase insignia based on state-plan approval, you may purchase the insignia by submitting the insignia application with the required fees. (See WAC 296-150R-3000.)

(2) The application must include:

- (a) A signed statement from you certifying that you are manufacturing your units according to your approved design plans and your quality control program; and
- (b) A list of the approved design plans against which you will apply the insignia.

**NEW SECTION**

**WAC 296-150R-0230 How do I obtain insignia based on self-certification approval?** If you are approved to purchase insignia based on self-certification approval, you may purchase the insignia by submitting the insignia application with the required fees. (See WAC 296-150R-3000.) The application must include the design plan with a signed statement from you certifying that you are manufacturing your units according to your comprehensive design plans and your quality control program.

**NEW SECTION**

**WAC 296-150R-0250 How do I replace lost or damaged insignia?** (1) If an insignia is lost or damaged after it is placed on a recreational vehicle or park trailer and you are the manufacturer or owner, you must notify us in writing immediately.

(2) Your notification should include the following information:

- (a) Your name, address, and telephone number;
  - (b) The vehicle identification number or serial number and model;
  - (c) The insignia number and design-plan approval number, if applicable; and
  - (d) The required fee. (See WAC 296-150R-3000.)
- (3) If we can determine that your unit previously had an insignia, we will attach the insignia to your vehicle once we receive your insignia fee. (See WAC 296-150R-3000.)

NEW SECTION

**WAC 296-150R-0280 What other vehicle identification is required?** Every *new* recreational vehicle or park trailer manufactured, offered for sale or lease, or sold or leased in Washington must also have a vehicle identification number (VIN) label in compliance with the Federal Department of Transportation (DOT) safety standards.

Note: Truck campers do not require a vehicle identification number (VIN). They have a manufacturer's serial number.

NEW SECTION

**WAC 296-150R-0290 When and where should the insignia and the vehicle identification label be attached to the vehicle?** (1) Insignia must be attached to the finished vehicle before it leaves the approved manufacturer's location.

(2) The state-plan or self-certification insignia must be attached adjacent to the main door, on the strike side of the door, at least twelve inches above the floor line. The strike side of the door is opposite the hinge side of the door.

(3) The alteration insignia must be attached next to the certification insignia.

(4) The vehicle identification number (VIN) label must be attached on the vehicle as required by the Federal Department of Transportation. Any other vehicle identification label must be attached next to the certification insignia or on the exterior front half of the left side of the vehicle, at least six inches above the floor line.

**STATE PLAN**NEW SECTION

**WAC 296-150R-0300 What is required to obtain insignia based on state-plan approval?** If you want to obtain insignia based on state-plan approval, you must:

(1) Have your design plan and quality control manual approved by us; and

(2) Pass a quality control program comprehensive audit which includes a random inspection of your vehicles.

NEW SECTION

**WAC 296-150R-0310 What is required after I am approved as a state-plan manufacturer?** Once you have obtained approval as a state-plan manufacturer:

(1) You are required to submit comprehensive design plans to us for approval;

(2) You can inspect your own vehicles based upon your quality control manual specifications; and

(3) You are subject to an annual comprehensive audit at your manufacturing location(s).

**DESIGN PLAN**NEW SECTION

**WAC 296-150R-0320 How do I apply for design-plan approval?** Upon request, we will send you a design-plan approval request form.

NEW SECTION

**WAC 296-150R-0330 What is required for comprehensive design-plan approval?** If you are the manufacturer applying for state-plan approval:

(1) You must submit two sets of comprehensive design plans (do not send originals) to us for approval. Design plans must be accompanied by the initial filing fee, if appropriate, and the design plan fee. (See WAC 296-150R-3000.)

(2) Your comprehensive design plan must indicate compliance with the appropriate ANSI standards in the following plans and drawings:

(a) Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances, and air conditioning systems, if applicable, of each vehicle.

(b) Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

(c) Electrical drawings.

Note: We will provide a check list with detailed requirements for each type of plan upon request.

(3) Current comprehensive design plans must be available at each manufacturing location.

(4) You must have an approved quality control manual. (See WAC 296-150R-0400, 296-150R-0410.)

Note: You do not need a quality control manual if you are an individual asking us to inspect a vehicle.

NEW SECTION

**WAC 296-150R-0340 What happens if you approve my design plan?** (1) Your design plan will be approved if it complies with the requirements of this chapter and ANSI.

(2) We will send you an approved copy of the design plan with the approval number.

(3) You must keep copies of the approved design plan for all models produced at the manufacturing location.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us.

NEW SECTION

**WAC 296-150R-0350 If my design plan is not approved, how much time do I have to submit a corrected plan?** (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee once we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150R-3000.)

**QUALITY CONTROL PROGRAM/MANUAL**NEW SECTION

**WAC 296-150R-0400 What constitutes an acceptable quality control program/manual for state-plan insignia?** Your quality control program must implement your approved quality control manual. The quality control manual must provide instructions, procedures, and assign responsibilities to assure quality control requirements are met when vehicles are manufactured. The minimum quality control manual requirements are:

(1) An organization chart which identifies quality assurance positions and describes quality control responsibilities and accountability for the following plant personnel: General manager, plant production manager, plant foreperson, lead persons, production, quality control, sales, engineering, purchasing, and receiving staff;

(2) A method to distribute all comprehensive design plans and installation instructions or other documentation that ensures all products used are installed correctly in all recreational vehicle or park trailer models produced at each manufacturing location;

(3) Procedures for maintaining the quality assurance of each vehicle model;

(4) Drawings and procedures displaying manufacturing processes including a schematic plant layout;

(5) Descriptions of production stations, including surge-hold stations, on-site or off-site repair-rework locations, and off-line construction sites. Descriptions should identify by station and location the work, tests, or inspections performed and the job title of the person performing the quality control review;

(6) Inspection and equipment maintenance instructions, including jig maintenance, check-off lists, and other documentation verifying quality control performance and accountability;

(7) Coordination of staff duties ensuring smooth transition of manufacturing responsibilities during the shift change;

(8) Instructions regarding the identification, control, and handling of damaged goods or materials that do not comply with existing rules and ANSI;

(9) Information about recreational vehicle and park trailer material storage and environmental control including protection from the weather and the elimination of scrap and age-dated materials which have exceeded their life;

(10) Verification that testing equipment is properly calibrated and that your gauges are accurate;

(11) Information about production line testing which includes descriptions of procedures, test equipment, and the location of each test. The information should demonstrate accountability for test completion, for rework and repair, and for retesting;

(12) Instructions, procedures, descriptions, and responsibilities for insignia storage, security, application, and inventory;

(13) Procedures for mixed production lines, for variable production rates, for new or substitute personnel, and for new or changed inspections and tests;

(14) Instructions, procedures, and responsibilities for keeping vehicle records which include the unit serial number,

model, plan approval number, dealer location or destination, insignia number, inspection, and test results;

(15) Information about your quality control training program; and

(16) Procedures for introducing new designs, models, materials and equipment to staff that ensures products are built according to the standards and the manufacturer's instructions.

NEW SECTION

**WAC 296-150R-0410 How do I apply to have my quality control manual approved?** We will provide the form and instructions upon request.

NEW SECTION

**WAC 296-150R-0420 What happens if my quality control manual is approved?** (1) Your quality control manual will be approved if it meets the requirements of this chapter and ANSI.

(2) We will send you an approved copy of your quality control manual.

(3) If your quality control manual is not approved, you will be notified in writing of the deficiencies. You may send us a corrected quality control manual.

**DESIGN PLAN/QUALITY CONTROL MANUAL—  
REVIEW, CHANGE/ADDENDUM, EXPIRATION,  
AND RENEWAL**

NEW SECTION

**WAC 296-150R-0440 Do I need approval to change my design plan or quality control manual after I receive state-plan approval?** (1) Once you have received state-plan approval and you want to change your design plan or quality control manual, we must approve the changes/addendums.

(2) You should send design plan or quality control manual changes to us thirty days before you want the changes/addendums to take effect.

NEW SECTION

**WAC 296-150R-0450 When does state-plan insignia approval expire?** As a state-plan manufacturer, your approval for insignia is based upon approval of your design plan and quality control manual. Design plans are considered approved until a new ANSI code edition is adopted or unless revisions to ANSI prior to code changes would not support our design plan approval.

Note: ANSI codes are normally adopted for a three-year period.

**INSPECTION**NEW SECTION

**WAC 296-150R-0600 When does a manufacturer, individual builder, or a dealer need to request a vehicle inspection?** If you are a manufacturer, individual builder, or a dealer, you must request a vehicle inspection by us:

(1) If you have approval of your design plan and quality control manual and need to complete the state-plan process;



(2) If you are making a vehicle alteration which must be inspected and approved by us; or

(3) If you are correcting a violation which must be inspected and approved by us.

Note: An individual who is building a vehicle to own, sell, or lease must obtain a vehicle identification number from the state patrol prior to our issuance of certification insignia.

#### NEW SECTION

**WAC 296-150R-0610 How do I request a vehicle inspection and what documentation is required?** (1) Complete an inspection application which can be obtained from us.

(2) Send the completed application, application fee, and inspection fee to us prior to the date you would like an inspection performed. (See WAC 296-150R-3000.)

(3) During the inspection, have your approved design plans, specifications, and test results available for our inspector.

(4) A vehicle inspection will be completed in two phases. The "cover" inspection during the construction of the unit before the electrical, plumbing, mechanical, heating, and structural systems are covered. The final inspection takes place after the vehicle is complete.

#### NEW SECTION

**WAC 296-150R-0620 What happens if my vehicle passes inspection?** (1) If your vehicle passes inspection and you have met the other requirements of this chapter and ANSI, you will be approved to purchase state-plan insignia from us.

(2) If you send your insignia application and fee to us prior to the inspection, we will attach your insignia when we approve the vehicle.

#### NEW SECTION

**WAC 296-150R-0630 What happens if my vehicle does not pass inspection?** (1) If your vehicle does not pass inspection, you will receive a notice of noncompliance.

(2) You have ten days after receiving the notice of noncompliance to send us a written response explaining how you will correct the violation(s) and prevent its reoccurrence.

(3) You are not allowed to move, sell or lease a vehicle until:

- (a) You correct the violation(s);
- (b) We inspect and approve the correction(s); and
- (c) You pay the inspection fee and the insignia fee, if required. (See WAC 296-150R-3000.)

(4) If you fail to make the corrections, the sale or lease of your vehicle is prohibited by RCW 43.22.340 until the corrections are made.

Note: You will be allowed to return a vehicle to the manufacturing location or to another location for correction with our approval.

#### NEW SECTION

**WAC 296-150R-0640 Am I charged if I request an inspection but I am not prepared?** (1) If you ask us to inspect recreational vehicles or park trailers within Washington state but are not prepared when we arrive, you must pay the minimum inspection fee and travel.

(2) If you ask us to inspect recreational vehicles or park trailers outside Washington state but are not prepared when we arrive, you must pay the minimum inspection fee, travel, and per diem expenses.

### AUDIT

#### NEW SECTION

**WAC 296-150R-0700 What does our annual quality control program audit for state-plan insignia include?**

(1) During your annual comprehensive audit for state-plan insignia, we will review your quality control program and randomly inspect your vehicles.

(2) If our comprehensive audit indicates that you are complying with the requirements of this chapter and ANSI, you may purchase state-plan insignia.

(3) If we discover a quality control program deficiency or a vehicle violation during our comprehensive audit, you will receive a notice of noncompliance and cannot purchase state-plan insignia until the deficiency or violation is corrected.

(a) You can correct the deficiency or violation during the comprehensive audit; or

(b) You have fourteen days after receiving the notice of noncompliance to send us a written response explaining your correction of the deficiency or violation;

(c) You are subject to a follow-up comprehensive audit.

### LOSS OF STATE-PLAN APPROVAL

#### NEW SECTION

**WAC 296-150R-0710 Can you withdraw my state-plan insignia approval?** Should you fail to meet the requirements of this chapter and ANSI after you have been approved to purchase state-plan insignia, we will withdraw your certification.

#### NEW SECTION

**WAC 296-150R-0720 What happens if my state-plan insignia approval is withdrawn?** If your state-plan insignia approval is withdrawn because you have failed to comply with this chapter and ANSI:

(1) You must return any issued but unused insignia to us; and

(2) You cannot sell or lease vehicles in Washington.

### SELF-CERTIFICATION

#### AUDIT TO RECEIVE SELF-CERTIFICATION

#### NEW SECTION

**WAC 296-150R-0800 What is required for self-certification?** If you want to be self-certified, you must:

(1) Send us a written request for self-certification;

(2) Have us approve your self-certification quality control manual;

(3) Have us approve your comprehensive design plans for the current models you sell in Washington state if you do not already have approved design plans;

(4) Initially be audited by us, and then be audited at least every six months by an industry association or independent inspection auditor who conducts quality control audits;

(5)(a) The manufacturer must designate an industry association or other independent auditor to perform audits of the manufacturer at least every six months.

(b) The manufacturer must provide written approval from the auditor designated under (a) of this subsection and provide a copy of such approval to the department. The approval form must allow us to review all documentation and information collected by the auditor during the auditor's periodic audits of the manufacturer. The department shall conduct a performance audit of the industry association or other independent inspection auditor at least once every two years.

(c) If the designated auditor refuses to allow the department to conduct a performance audit, then the department may conduct a performance audit of the manufacturer's quality control program. If both the designated auditor and manufacturer refuse to allow a performance audit, then the department may conduct a comprehensive audit as authorized by RCW 43.22.355(4).

Note: If you do not use an industry association or independent inspection auditor to conduct your quality control audits, you may apply for insignia under the state-plan process for insignia approval.

#### NEW SECTION

**WAC 296-150R-0810 What does the initial self-certification audit include?** During the initial self-certification comprehensive audit, we will:

- (1) Review your quality control program;
- (2) Review your comprehensive design plans; and
- (3) Randomly inspect your vehicles.

#### NEW SECTION

**WAC 296-150R-0820 How will I know if I am approved for self-certification?** (1) If the initial self-certification comprehensive audit indicates that you are complying with this chapter and ANSI, we will send you a self-certification approval letter. Once you are approved as self-certified you may purchase self-certification insignia.

(2) If we discover a quality control program deficiency or a vehicle violation during our initial audit, you will receive a notice of noncompliance and cannot purchase the self-certification insignia until the deficiency or violation is corrected.

(a) You can correct the deficiency or violation during the audit; or

(b) You have fourteen days after receiving the notice of noncompliance to send us a written response explaining your correction of the deficiency or violation;

(c) You are subject to a follow-up comprehensive audit, to verify correction of the deficiency or violation.

#### NEW SECTION

**WAC 296-150R-0830 What are the self-certification fees?** (1) If you are a new manufacturer applying for self-certification, you must pay the initial filing fee, the quality

control manual fee, the audit fee, travel and per diem expenses.

(2) If you are a current state-plan manufacturer applying for self-certification who has approved design plans with the department, you must pay the self-certification quality control manual fee, the audit fee, travel and per diem expenses.

### **SELF-CERTIFICATION COMPREHENSIVE DESIGN PLAN/QUALITY CONTROL PROGRAM/QUALITY CONTROL MANUAL**

#### NEW SECTION

**WAC 296-150R-0840 What is required for comprehensive design plan approval for self-certification?** (1) If you are a *new manufacturer* applying for self-certification:

(a) You must send us two sets of comprehensive design plans (do not send originals) for approval. Design plans must be accompanied by the appropriate fees. (See WAC 296-150R-3000.)

(b) Your comprehensive design plan must indicate compliance with the appropriate ANSI standards in the following plans and drawings:

(i) Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances, and air conditioning systems, if applicable to the plan of each vehicle.

(ii) Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

(iii) Electrical drawings.

Note: We will provide you with a check list with detailed requirements for each type of plan upon request.

(c) Current comprehensive design plans must be available at each manufacturing location.

(2) If you are a state-plan approved manufacturer applying for self-certification, you must have approved comprehensive design plans on file with us and at each manufacturing location.

#### NEW SECTION

**WAC 296-150R-0850 What constitutes an acceptable quality control program/manual for self-certification?** Your quality control program must implement your approved quality control manual. The quality control manual must provide instructions, procedures, and assign responsibilities to assure quality control expectations are met when vehicles are manufactured. The minimum quality control manual requirements are:

(1) An organization chart which identifies quality assurance positions and describes quality control responsibilities and accountability for the following plant personnel: General manager, plant production manager, plant foreperson, lead persons, production, quality control, sales, engineering, purchasing and receiving staff;

(2) A method to distribute all comprehensive design plans and installation instructions or other documentation that ensures all products used are installed correctly in all recreational vehicle or park trailer models produced at each manufacturing location;

(3) Procedures for maintaining the quality assurance of each vehicle model;

(4) Drawings and procedures displaying manufacturing processes including a schematic plant layout;

(5) Descriptions of production stations, including surge-hold stations, on-site or off-site repair-rework locations, and off-line construction sites. Descriptions should identify by station and location the work, tests, or inspections performed and the job title of the person performing the quality control review;

(6) Inspection and equipment maintenance instructions, including jig maintenance, check-off lists, and other documentation verifying quality control performance and accountability;

(7) Coordination of staff duties ensuring smooth transition of manufacturing responsibilities during the shift change;

(8) Instructions regarding the identification, control, and handling of damaged goods or materials that do not comply with existing rules and ANSI;

(9) Information about recreational vehicle and park trailer material storage and environmental control including protection from the weather and the elimination of scrap and age-dated materials which have exceeded their life;

(10) Verification that testing equipment is properly calibrated and that your gauges are accurate;

(11) Information about production line testing which includes descriptions of procedures, test equipment, and the location of each test. The information should demonstrate accountability for test completion, for rework and repair, and for retesting;

(12) Instructions, procedures, descriptions, and responsibilities for insignia storage, security, application, and inventory;

(13) Procedures for mixed production lines, for variable production rates, for new or substitute personnel, and for new or changed inspections and tests;

(14) Instructions, procedures, and responsibilities for keeping vehicle records which include the unit serial number, model, plan approval number (if applicable), dealer location or destination, insignia number, inspection, and test results;

(15) Information about your quality control training program;

(16) Procedures for introducing new designs, models, materials and equipment to staff that ensures products are built according to the standards and the manufacturer's instructions; and

(17) Written authorization as required in WAC 296-150R-0800(5).

#### NEW SECTION

**WAC 296-150R-0860 After becoming self-certified, do I need approval to change my comprehensive design plan?** (1) Once you are self-certified, you are not required to send us your comprehensive design plans nor are we required to approve your comprehensive design plan changes.

(2) You are required to maintain your comprehensive design plans for each model at each manufacturing location where the models are produced.

#### NEW SECTION

**WAC 296-150R-0870 After becoming self-certified, do I need approval to change my quality control manual?** Once you are self-certified, you are required to have any changes to your quality control manual approved by us.

#### **AUDIT AFTER SELF-CERTIFICATION**

#### NEW SECTION

**WAC 296-150R-0900 When do you audit self-certified manufacturers?** (1) We audit self-certified manufacturers, if we have reason to believe, you are not complying with this chapter and ANSI.

(2) Reasons to believe that you may not be complying with this chapter and ANSI may include, but are not limited to:

(a) Consolidation of manufacturing locations or relocation of your manufacturing plant;

(b) Complaints from dealers, consumers, or other interested parties that you are not complying with this chapter and ANSI;

(c) Change of business ownership; or

(d) Noncompliance with the requirements of this chapter.

(3) A comprehensive or performance audit based on WAC 296-150R-0800 (5)(c).

#### NEW SECTION

**WAC 296-150R-0910 After I am self-certified, what does an audit include?** A performance audit after you are self-certified includes:

(1) A review of your quality control program;

(2) Verification that you are manufacturing vehicles according to this chapter and ANSI; and

(3) Verification that your comprehensive design plans are available at all locations where the vehicles are manufactured.

Note: Our audit may include a review of the comprehensive design plans at your manufacturing location.

#### **LOSS OF SELF-CERTIFICATION**

#### NEW SECTION

**WAC 296-150R-0920 Can you withdraw my self-certification?** Should you fail to meet the requirements of this chapter and ANSI after you have been approved for self-certification, your self-certification can be withdrawn.

#### NEW SECTION

**WAC 296-150R-0930 What happens if my self-certification is withdrawn?** If your self-certification is withdrawn because you have failed to comply with this chapter and ANSI:

(1) You must return any issued but unused insignia to us; and

(2) You cannot sell or lease vehicles in Washington.

**VEHICLE ALTERATIONS****NEW SECTION**

**WAC 296-150R-1000 Who needs approval to alter a recreational vehicle or park trailer?** (1) Any alteration by a manufacturer, dealer, or individual to a vehicle with state-certified insignia must be approved by us before the alteration is made. "Alteration" is defined in WAC 296-150R-0020.

(2) Any alteration by a manufacturer, dealer, or individual to a vehicle with self-certified insignia after it leaves the manufacturer's location must be approved by us before the alteration is made.

Note: We may remove your insignia if you alter or have someone alter a vehicle without our approval.

**NEW SECTION**

**WAC 296-150R-1010 Must I purchase a separate insignia for an alteration?** You are required to purchase an alteration insignia from us.

**NEW SECTION**

**WAC 296-150R-1020 How do I apply for alteration approval and obtain the alteration insignia?** (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms.

(b) Submit the completed forms, with the inspection fee and altered vehicle insignia fee, to us. (See WAC 296-150R-3000.)

(2) Our vehicle inspection of the alteration will be in two phases. The "cover" inspection during the alteration of the unit before the electrical, plumbing, mechanical, heating, or other systems are covered. The final inspection takes place after the vehicle is complete.

(3) Once we approve your alteration, we will attach the alteration insignia.

**MANUFACTURER'S NOTICE TO THE DEPARTMENT****NEW SECTION**

**WAC 296-150R-2000 Must state-plan and self-certified manufacturers notify you if they manufacture at more than one location?** (1) We must approve each recreational vehicle and park trailer manufacturing location producing units for sale or lease in Washington state.

(2) You must send us the following information for each manufacturing location when you are certified:

- (a) Company name;
  - (b) Mailing and physical address;
  - (c) Phone and FAX number if available;
  - (d) Type of recreational vehicle(s) manufactured;
  - (e) Contact person for plan review; and
  - (f) Contact person for plant audit.
- (3) You must update the information as it changes.

**NEW SECTION**

**WAC 296-150R-2010 Must state-plan and self-certified manufacturers notify you if they change a business name or address?** (1) If you are moving your business from an approved manufacturing location, the new location must be approved before shipping units from that location for sale or lease in Washington state.

(2) You must notify us in writing prior to a change of business name or address.

**NEW SECTION**

**WAC 296-150R-2020 Must state-plan and self-certified manufacturers notify you of a change in business ownership?** (1) When a recreational vehicle or park trailer manufacturing business changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture vehicles using approved design plans or comprehensive design plans according to this chapter.

(3) The department will perform a comprehensive audit of the manufacturer after the ownership change to ensure you are meeting the requirements of this chapter and ANSI.

**NEW SECTION**

**WAC 296-150R-2030 Must state-plan and self-certified manufacturers notify you of their Washington dealers?** (1) You must send us the following information about yourself and each of your Washington dealers when you are certified:

- (a) Dealership name;
  - (b) Mailing and physical address;
  - (c) Phone and FAX number if available;
  - (d) Type of recreational vehicle(s); and
  - (e) Contact person.
- (2) You must update this information as it changes.

**RECREATIONAL VEHICLE AND PARK TRAILER FEES**

**NEW SECTION**

**WAC 296-150R-3000 Table of recreational vehicle and park trailer fees for insignia approval.**

STATE PLAN		SELF CERTIFICATION	
INITIAL FILING FEE	\$25.00	INITIAL FILING FEE	\$25.00

DESIGN PLAN		DESIGN PLAN	
NEW PLAN REVIEW FEE	\$70.00	NEW PLAN REVIEW FEE (ONE TIME FEE)	\$70.00
RESUBMIT FEE	50.00	RESUBMIT FEE	50.00
ADDENDUM	50.00	ADDENDUM	50.00

STATE PLAN/MANUAL FEES		SELF CERTIFICATION/MANUAL FEES	
INITIAL APPROVAL	\$10.00	INITIAL APPROVAL	\$10.00
RESUBMITTAL	50.00	RESUBMITTAL	50.00
ADDENDUM	50.00	ADDENDUM	50.00

DEPARTMENT AUDIT FEES		DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$50.00	AUDIT (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00	TRAVEL (PER HOUR)*	50.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE**	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	

DEPARTMENT INSPECTION FEES		DEPARTMENT INSPECTION FEES	
INSPECTION (PER HOUR)*	\$50.00	INSPECTION (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00	TRAVEL (PER HOUR)*	50.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE**	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	

INSIGNIA FEES		INSIGNIA FEES	
STATE CERTIFIED	\$10.00	SELF CERTIFIED	\$10.00
ALTERATION	25.00	ALTERATION	25.00
REISSUED-LOST/DAMAGED	10.00	REISSUED-LOST/DAMAGED	10.00

FIELD TECHNICAL SERVICE FEE (PER HR.)	\$50.00
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- \* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments
- \*\* Per state guidelines.
- \*\*\*Actual charges incurred.

PERMANENT



**WSR 96-21-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Wildlife)

[Order 96-168—Filed October 2, 1996, 4:50 p.m.]

Date of Adoption: October 2, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 232-16-740.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: To conform with the hunting regulations of the Umatille [Umatilla] Wildlife Refuge.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 2, 1996  
 Bern Shanks  
 Director

**NEW SECTION**

**WAC 232-16-74000B Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.** Notwithstanding the provisions of WAC 232-16-740, effective immediately it shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Patterson (river channel marker 67). Except the

hunting of game birds is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (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.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to Lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

**WSR 96-21-019**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-174—Filed October 4, 1996, 4:10 p.m., effective October 11, 1996, 12:01 p.m.]

Date of Adoption: October 4, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-56-36000S; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Test results show that adequate clams remain and are available for harvest in Razor Clam Areas 1, 2, and those portions of Razor Clam Area 3 opened for harvest.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 11, 1996, 12:01 p.m.  
October 4, 1996  
Elyse Axell Kane  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-56-36000S Razor clams.** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 p.m. October 11, 1996 through 11:59 p.m. October 17, 1996, razor digging is allowed on that portion of Razor Clam Area 3 that is located between the Copalis River (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (Grays Harbor County). Digging is allowed from 12:01 p.m. to 11:59 p.m. on odd numbered days only.

(2) Effective 12:01 a.m. October 11, 1996 through 11:59 p.m. October 31, 1996, razor clam digging is allowed in Razor Clam Area 2 and that portion of Razor Clam Area 3 between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Olympic National Beach Trail 3 (Kalaloch area, Jefferson County). Digging is allowed from 12:01 p.m. to 11:59 p.m. on odd numbered days only.

(3) Razor Clam digging is allowed in Razor Clam Area 1 from 12:01 p.m. to 11:59 p.m. on the following days:  
October 26, 1996;  
November 24, 1996;  
December 14, 1996;  
January 12, 1997.

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam Sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. January 12, 1997.

WAC 220-56-36000S Razor clams.

**WSR 96-21-020  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-177—Filed October 4, 1996, 4:12 p.m.]

Date of Adoption: October 2, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-32-05500A; and amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Provides fishery for tribal subsistence. Harvestable salmon are available.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 2, 1996  
Elyse Axell Kane  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-32-05500A Columbia River tributaries—Subsistence.** Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River, except under the following provisions:

The Yakima River in the vicinity of Horn Rapids Dam and Prosser Dam and where the Yakima River borders the reservation is open from:

6:00 a.m. Tuesdays to 6:00 p.m. Saturdays, weekly from October 1, 1996 to November 23, 1996.

Allowable Gear: dipnets, setbag nets, or hook and line with bait or lures. Snagging of fish is prohibited.

It is unlawful to fish within 30 feet of any fish ladder, fishway, or fish bypass pipes.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. November 23, 1996:

WAC 220-32-05500A Columbia River tributaries—Subsistence.

EMERGENCY



**WSR 96-21-021**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-180—Filed October 4, 1996, 4:14 p.m., effective October 6, 1996, 12:01 a.m.]

Date of Adoption: October 4, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-704.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Openings in Area 6D provide opportunity to harvest the non-Indian allocation of coho salmon destined for the Dungeness River per preseason schedule. Nonretention of chinook and chum salmon [are] necessary to reduce impacts to local stocks.

Opening in Area 7B provides opportunity to harvest the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule.

Openings in Area 8D provide opportunity to harvest surplus coho salmon originating from the Tulalip hatchery per preseason schedule.

Openings in Area 9A provide opportunity to harvest the nontreaty allocation of Hood Canal hatchery-origin coho salmon according to the preseason schedule.

Openings in Area 12A provide opportunity to harvest the nontreaty allocation of hatchery-origin coho destined for the Quilcene National Fish Hatchery per preseason agreements. Experimental fishery permits have been issued to five persons according to the provisions of WAC 220-47-427. Beach seine gear specifications are defined in WAC 220-47-427(6).

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 6, 1996, 12:01 a.m.

October 4, 1996  
Elyse Axell Kane  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-47-705 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 6, 1996 until further notice, it is unlawful to take, fish for, or possess 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:

\* **Area 6D** - Skiff gill nets using 5-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. daily:

Monday October 7, 1996 through Friday October 11, 1996,

Monday October 14, 1996 through Friday October 18, 1996,

Monday October 21, 1996 through Friday October 25, 1996.

It is unlawful to retain chinook and chum salmon taken in area 6D.

\* **Area 7B** - Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 11:59 p.m. Saturday October 26, 1996.

\* **Area 8D** - Gillnets using 5-inch minimum mesh may fish from 6:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday, Wednesday and Thursday nights October 7, 8, 9 and 10, and from 5:00 p.m. to 8:00 a.m. nightly Monday, Tuesday, Wednesday and Thursday nights 14, 15, 16 and 17, 1996. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 7:00 p.m. daily, Tuesday, Wednesday, Thursday and Friday October 8, 9, 10, and 11 and from 7:00 a.m. to 6:00 p.m. daily Monday, Tuesday, Wednesday and Thursday October 14, 15, 16 and 17, 1996.

\* **Area 9A** - Gillnets using 5-inch minimum mesh may fish:

6:00 a.m. Monday October 7 to 4:00 p.m. Friday October 11, 1996,

6:00 a.m. Monday October 14 to 4:00 p.m. Friday October 18, 1996,

6:00 a.m. Monday October 21 to 4:00 p.m. Friday October 25, 1996,

6:00 a.m. Monday October 28 to 4:00 p.m. Friday November 1, 1996.

\* **Area 12A** - Holders of Quilcene Bay salmon beach seine Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily, Monday October 7, 1996 through Friday October 11, 1996. All provisions of WAC 220-47-427 apply.

\* Areas 4B, 5, 6, 6A, 6B, 6C, 7, 7A, 7C, 7D, 7E, 8, 8A, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 6, 1996:

WAC 220-47-704 Puget Sound all citizen commercial fishery. (96-171)

**WSR 96-21-025  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-179—Filed October 7, 1996, 10:25 a.m.]

Date of Adoption: October 4, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-33-01000K; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 coho, fall chinook salmon and sturgeon are available in the Columbia River. This rule is consistent with the actions of the October 4, 1996, Columbia River Compact decision.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 4, 1996  
Bern Shanks  
Director

(3) It is unlawful to fish for salmon, shad and sturgeon with gillnet gear that:

(a) Exceeds 1,500 feet in length along the corkline;

(b) Is constructed of monofilament webbing;

(c) Has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net; or

(d) Has mesh size greater than 9-1/4 inches stretch measure.

(4) It is unlawful to gaff a sturgeon.

(5) Sturgeon less than 48 inches or greater than 66 inches in length may not be retained. The length of a commercially caught sturgeon shall be defined as the shortest distance between the tip of the nose and the extreme tip of the tail while the fish lies on its side on a flat surface with it's tail in a normal position.

(6) A minimum carcass length for sturgeon (head and tail removed) of 28 inches at fish processing locations is required.

**SANCTUARIES**

(8) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

Grays River,

Cowlitz River,

Elokomin-A,

Kalama-A,

Lewis-B,

Washougal River,

Sandy River,

all tributaries flowing into the Columbia River.

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 repealed effective 6:01 p.m. October 17, 1996:

WAC 220-33-01000K Columbia River gillnet seasons below Bonneville.

**WSR 96-21-032  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)  
(Wildlife)**

[Order 96-181—Filed October 10, 1996, 10:12 a.m.]

Date of Adoption: October 9, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-57-17500E and 232-28-61900X; and amending WAC 220-57-175 and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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

EMERGENCY

**NEW SECTION**

**WAC 220-33-01000K Columbia River gillnet seasons below Bonneville.** Notwithstanding the provisions of WAC's 220-33-005, 220-33-010, 220-33-020, 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, 1D, and 1E except during the times and under conditions listed:

**FISHING PERIODS**

(1) 10:00 a.m. to 6:00 p.m. October 7, 1996

Allowable sale: Salmon and sturgeon

(2) 6:00 p.m. October 8, 1996 to 6:00 p.m. October 10, 1996

6:00 p.m. October 15, 1996 to 6:00 p.m. October 17, 1996

Allowable sale: Salmon. Sturgeon may not be retained and must be returned to the water immediately.

**GEAR**

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Retains boat fishing closure above Mill Creek. Opens hatchery steelhead fishing on south side of Barrier Dam.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 0, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 9, 1996  
Evan Jacoby  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-57-17500F Cowlitz River.** Notwithstanding the provisions of WAC 220-57-175, effective immediately until further notice, daily limit A in those waters of the Cowlitz River downstream from fishing boundary markers approximately 400 feet below barrier dam, except release chinook salmon greater than 28 inches in length caught upstream from Blue Creek October 1, 1996 through December 31, 1996. In the area from Mill Creek to Barrier Dam fishing from boats is prohibited at all times, and fishing from south side of the river is open.

**NEW SECTION**

**WAC 232-28-61900Y Regional exception to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is lawful to retain hatchery steelhead as part of the daily catch limit in waters of the Cowlitz River downstream from fishing boundary markers approximately 400 feet below the Barrier Dam, and fishing from the south side of the river is open.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-57-17500E Cowlitz River. (96-172)  
WAC 232-28-61900X Regional exception to permanent game fish rules. (96-172)

**WSR 96-21-035  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-178—Filed October 10, 1996, 3:12 p.m.]

Date of Adoption: October 7, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-31000M; and amending WAC 220-56-310.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This regulation is needed to be consistent with the current state/tribal crawfish management plan to comply with *United States v. Washington*, No. 9213, Subproceeding 89-3.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 10, 1996  
Dirk Brazil  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-56-31000N Shellfish—Daily limits.** Notwithstanding the provisions of WAC 220-56-310, effective immediately until further notice:

(1) In the waters of Clallam, Island, Jefferson, King, Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties:

(a) Only crawfish which measure 3-1/4 inches or greater from the tip of rostrum (nose) to the tip of the tail may be retained.

(b) Female crawfish with eggs or young attached to the abdomen must be released, In these waters, fishers must sort and return illegal crawfish to the waters from which taken immediately after the crawfish are removed.

(c) Effective 12:01 a.m. November 1, 1996 until further notice it is unlawful to fish for or possess crawfish.

EMERGENCY

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-56-31000M Shellfish—Daily limits.  
(96-91)

**WSR 96-21-038  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-183—Filed October 11, 1996, 8:00 a.m., effective October 11, 1996, 11:59 p.m.]

Date of Adoption: October 10, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-08000H; and amending WAC 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The harvest management plan for joint management of Puget Sound (excluding Hood Canal) Pandalid shrimp under Subproceeding 89-3 of *United States v. Washington* provides for regional harvest shares. These rules are necessary to ensure that the harvest shares are not exceeded.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 11, 1996, 11:59 p.m.  
October 10, 1996

Dirk Brazil  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-88A-08000I Emerging commercial fishery - Puget Sound shrimp trawl experimental fishery-Seasons and gear.** Notwithstanding the provisions of WAC 220-88A-080, effective 11:59 p.m. October 11, 1996 until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear except as provided for in this section:

(1) Area 20A, 22A (outside of Shrimp District 2 and outside of San Juan Channel), 23C, 23D (outside of Shrimp District 3), 25B and 29 open until further notice. San Juan Channel is that portion of Marine Fish/Shellfish Catch Area 22A north of a line projected true east west through Turn Rock Light from San Juan Island to Lopez Island, west of a line projected true north and south from the western tip of Crane Island, and south of the southern boundary of Marine Fish/Shellfish Catch Area 20B.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 11, 1996:

WAC 220-88A-08000H Emerging commercial fishery-Puget Sound shrimp trawl experimental fishery-Seasons and gear.  
(96-170)

**WSR 96-21-039  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-182—Filed October 11, 1996, 8:01 a.m.]

Date of Adoption: October 10, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-34000H; and amending WAC 220-57-340.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 coho are available in the upper North Fork of the Nemah River.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

EMERGENCY

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 10, 1996  
Dirk Brazil  
for Bern Shanks  
Director

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Immediately.

October 14, 1996  
Annette M. Sandberg  
Chief

**NEW SECTION**

**WAC 220-57-34000H Nemah River.** Notwithstanding the provisions of WAC 220-57-340, effective immediately until 11:59 p.m. October 31, 1996 it is unlawful to fish for salmon for personal use in or to possess salmon taken for personal use from those waters of the North Nemah River except Daily Limit A from the mouth to the lower bridge on dead end Lower Nemah Road and from a point 100 feet above the Nemah Hatchery rack upstream.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 1996:

WAC 220-57-34000H Nemah River.

**WSR 96-21-052  
EMERGENCY RULES**

**WASHINGTON STATE PATROL**

[Filed October 14, 1996, 8:35 a.m.]

Date of Adoption: October 14, 1996.

Purpose: Adds refuse haulers to chapter 204-60 WAC, Standards and specifications for additional lamps and flags for use on snow removal, highway maintenance equipment. This will allow refuse haulers to use alternate lights when vehicle equipment obscures regular headlamps.

Citation of Existing Rules Affected by this Order: Amending chapter 204-60 WAC, Standards and specifications for additional lamps and flags for use on snow removal, highway maintenance equipment.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.300.

Under 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

**Chapter 204-60 WAC  
STANDARDS AND SPECIFICATIONS FOR ADDITIONAL LAMPS AND FLAGS FOR USE ON SNOW REMOVAL ((AND)), HIGHWAY MAINTENANCE EQUIPMENT, AND REFUSE HAULERS**

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

**WAC 204-60-010 Promulgation.** By authority vested in the ~~((state commission on equipment))~~ Washington state patrol in RCW 46.37.005 and 46.37.300, the following standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and highway maintenance equipment, and refuse haulers, in lieu of the lamps otherwise required on motor vehicles, are hereby adopted.

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

**WAC 204-60-030 Standards for lights.** (1) Additional headlamps may be positioned sufficiently high enough to clear operating equipment provided they are aimed at an angle to avoid blinding oncoming traffic while on their routes, involved in construction, maintenance, and/or operations. Regular mounted headlamps must be used by refuse haulers when transporting refuse to the dump site. Auxiliary headlamps may be used if necessary.

(a) When the refuse haulers' collections container is in a position to obscure the headlamps, the truck will use the alternate lights and will not exceed twenty miles per hour.

(2) Additional operating lamps may be located on the top of the cab or at other locations to illuminate plowing, abrasive spreading or other equipment.

(3) Red lights on highway equipment: No flashing red warning signal except those required by RCW 46.37.150, shall be displayed or used on any highway equipment.

(4) Amber lamps on highway equipment: Amber colored lamps required on the following equipment shall comply with the specifications set forth in paragraph (6):

(a) Power shovels or other similar highway maintenance equipment shall be equipped with a flashing amber lamp and red flag on an extension designating the maximum danger limit created by the swing of the cab while operating along the traffic lane.

(b) A flashing amber lamp shall be used on all other equipment which creates a potential hazard to traffic in order to serve as a warning to the traveling public. This equip-

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ment includes those vehicles and trailers for construction, maintenance and operations.

(c) A flashing amber lamp shall be used on the knuckle of all manlift-type platform trucks with articulating boom, where the knuckle is capable of being rotated beyond the side of the truck.

(d) The minimum light intensity of the lamp filament shall not be less than twenty-one candle power.

(e) The lamp or lamps shall be mounted on the cab or other high point of the equipment so as to be visible at all times, at least from the front and rear of the vehicle, from a distance of five hundred feet in normal sunlight.

(6) The flashing amber lamp for use on highway construction, maintenance, refuse haulers, and operations equipment shall be illuminated only:

(a) When the equipment is actually involved in construction, maintenance collecting refuse, and/or operations.

(b) When the equipment is traveling to or from the job site and is unable to maintain, either because of equipment limitations, or other reasons, at least one-half posted or prevailing speed.

**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.

**WSR 96-21-072  
EMERGENCY RULES  
GAMBLING COMMISSION**

[Order 302—Filed October 15, 1996, 3:30 a.m.]

Date of Adoption: October 11, 1996.

Purpose: This rule clarifies the procedures for requesting a hearing regarding seizure of a gambling device and the rights involved in such hearing.

Statutory Authority for Adoption: RCW 9.46.231, 9.46.070 (14), (20).

Under 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; and 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: Federal and state procedural due process and the fair administration of justice dictate the offering of a reasonable opportunity to be heard regarding a claim of ownership or right of possession in a seized gambling device, as defined in RCW 9.46.0241. Further, such opportunity is not required to be offered by the current rule structure.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 15, 1996

David D. Shaw

Rules and Policy Coordinator

**NEW SECTION**

**WAC 230-50-005 Seizures - Hearings.** The Commission finds that the preservation of the public general welfare, in addition to the requirements of state and federal law, necessitate the immediate adoption of the following requirements.

In addition to the provisions of RCW 9.46.231, the following procedures apply to the seizure of gambling devices.

(1) For purposes of this rule, gambling devices are defined in RCW 9.46.0241 and includes, but is not limited to, slot machines, video poker, and other electronic games of chance.

(2) Upon seizure of a gambling device, any person claiming ownership or right to possession of the seized gambling device must notify the seizing agency in writing within 45 days of the seizure. Notification after 45 days will be deemed insufficient and result in forfeiture of the seized item.

(3) If a hearing is timely requested, such hearing will be held within 90 days of the agency's receipt of the request for a hearing.

(4) At a hearing, the only issues to be determined are:

(a) Whether the item seized is a gambling device; and

(b) Whether the item seized is an antique device as defined by RCW 9.46.235.

If a claimant is unable to prove (a) and (b) above, the item seized shall be summarily forfeited to the state.

**WSR 96-21-095  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-184—Filed October 18, 1996, 4:54 p.m., effective October 20, 1996, 12:01 a.m.]

Date of Adoption: October 18, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-705.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Openings in Areas 6D and 7B provide opportunity to harvest the non-Indian allocation of coho salmon destined for the Dungeness River and the Nooksack-Samish region of origin per preseason schedule.

Openings in Area 8A provide opportunity to harvest chum salmon destined for the Stillaguamish-Snohomish region of origin per preseason agreement. Modification of scheduled fishing hours provides separation of nontreaty gear and for reduced impacts to coho.

Openings in Area 8D provide opportunity to harvest surplus coho salmon originating from the Tulalip hatchery per preseason agreement. Modification of scheduled fishing hours provides separation of nontreaty gear.

Openings in Area 9A provide opportunity to harvest the nontreaty allocation of Hood Canal hatchery-origin coho salmon according to the preseason schedule.

Openings in Areas 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the south Puget Sound region of origin per 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 20, 1996, 12:01 a.m.  
 October 18, 1996  
 Bern Shanks  
 Director

**NEW SECTION**

**WAC 220-47-706 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 20, 1996 until further notice, it is unlawful to take, fish for, or possess 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:

\* **Area 6D** - Skiff gill nets using 5-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. daily, Monday

October 21, 1996 through Friday October 25, 1996. It is unlawful to retain chinook and chum salmon taken in area 6D.

- \* **Area 7B** - Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 11:59 p.m. Saturday October 26, 1996.
- \* **Area 8A** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. Monday October 21, 1996. Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. Tuesday October 22, 1996.
- \* **Area 8D** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. Monday October 21, 1996. Gillnets using 5-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. Tuesday October 22, 1996.
- \* **Area 9A** - Gillnets using 5-inch minimum mesh may fish:  
 6:00 a.m. Monday October 21 to 4:00 p.m. Friday October 25, 1996,  
 6:00 a.m. Monday October 28 to 4:00 p.m. Friday November 1, 1996.
- \* **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 21, 1996. Gillnets using 6 1/4-inch minimum mesh may fish from 5:00 p.m. Monday October 21, 1996 to 8:00 a.m. Tuesday October 22, 1996. 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, 7, 7A, 7C, 7D, 7E, 8, 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 herein modified - Closed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 20, 1996:

WAC 220-47-705 Puget Sound all-citizen commercial salmon fishery. (96-180)

**WSR 96-21-107  
 EMERGENCY RULES  
 DEPARTMENT OF  
 FISH AND WILDLIFE  
 (Fisheries)**

[Order 96-186—Filed October 21, 1996, 2:09 p.m.]

Date of Adoption: October 21, 1996.  
 Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-14000Q, 220-57-15500A and 220-57-41500B; and amending WAC 220-57-140, 220-57-155, and 220-57-415.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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

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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: For Grays Harbor, harvestable numbers of coho salmon are available in these waters. These rules are consistent with the Grays Harbor management plan adopted by the department and the Quinault Indian Nation. For the Clearwater River, harvestable numbers of chinook and coho salmon are available.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 0, repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 21, 1996  
Evan Jacoby  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-57-14000Q Chehalis River.** Notwithstanding the provisions of WAC 220-57-140, effective immediately through October 31, 1996, from the Mellen St. Bridge to high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek. Daily Limit A, except that chinook salmon must be released immediately.

NEW SECTION

**WAC 220-57-15500A Clearwater River.** Notwithstanding the provisions of WAC 220-57-155, effective immediately through November 30, 1996, those waters of the Clearwater River from its mouth to the mouth of the Snahapish River, Daily Limit A.

NEW SECTION

**WAC 220-57-41500B Satsop River.** Notwithstanding the provisions of WAC 220-57-415, effective immediately through November 30, 1996, those waters of the Satsop River from the mouth to the bridge at Schafer State Park, Daily Limit A, except that four adult salmon may be retained provided no more than two are chinook or chum salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 1996:

WAC 220-57-14000Q Chehalis River.

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. November 30, 1996:

WAC 220-57-15500A Clearwater River.  
WAC 220-57-41500B Satsop River.

**WSR 96-21-108  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-187—Filed October 21, 1996, 2:11 p.m., effective October 22, 1996, 6:00 a.m.]

Date of Adoption: October 21, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300S; and amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 coho, chinook and chum salmon are available in Grays Harbor.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 22, 1996, 6:00 a.m.  
October 21, 1996  
Evan Jacoby  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-36-02300S Grays Harbor salmon—Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**FISHING PERIOD**

(1) Gill net gear may be used to fish for salmon in SMCRA 2C from:

6:00 AM to 6:00 PM October 22, 1996;

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6:00 AM to 6:00 PM October 23, 1996;  
6:00 AM to 6:00 PM October 24, 1996; and  
6:00 AM to 6:00 PM October 25, 1996.

(2) Gill net gear may be used to fish for salmon in SMCRA 2D from:

NOON November 7 to NOON November 9, 1996;  
NOON November 11 to NOON November 15, 1996; and  
NOON November 18 to NOON November 22, 1996.

**GEAR**

(2) Gill net gear shall be used as provided in WAC 220-36-015.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective noon November 22, 1996:

WAC 220-36-02300S Grays Harbor salmon—Fall fishery.

**WSR 96-21-109  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-185—Filed October 21, 1996, 4:43 p.m., effective October 21, 1996, 6:00 p.m.]

Date of Adoption: October 21, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000L; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available. This season is consistent with actions of the October 18, 1996, Columbia River Compact hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 21, 1996, 6:00 p.m.

October 21, 1996

Evan Jacoby

for Bern Shanks

Director

**NEW SECTION**

**WAC 220-33-01000L Columbia River gillnet seasons below Bonneville.** Notwithstanding the provisions of WAC's 220-33-005, 220-33-010, 220-33-020, 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, 1D, and 1E except during the times and under conditions listed:

**FISHING PERIODS**

(1) 6:00 p.m. October 21, 1996 to 6:00 p.m. October 25, 1996

Allowable sale: Salmon. Sturgeon may not be retained and must be returned to the water immediately.

**GEAR**

(2) It is unlawful to fish for salmon, shad and sturgeon with gillnet gear that:

(a) Exceeds 1,500 feet in length along the corkline;

(b) Is constructed of monofilament webbing;

(c) Has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net; or

(d) Has mesh size greater than 9-1/4 inches stretch measure.

**SANCTUARIES**

(3) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

Grays River,

Cowlitz River,

Elokomin-A,

Kalama-A,

Lewis-B,

Washougal River,

Sandy River,

all tributaries flowing into the Columbia River.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. October 25, 1996:

WAC 220-33-01000L Columbia River gillnet seasons below Bonneville.

**WSR 96-21-110**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-188—Filed October 21, 1996, 4:44 p.m.]

Date of Adoption: October 21, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-88A-07000I.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The available harvest has been taken.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 21, 1996

Evan Jacoby

for Bern Shanks

Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-07000I	Emerging commercial fishery-Puget Sound shrimp pot experimental fishery-Seasons and gear-Spot prawn restriction. (96-183)
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**WSR 96-21-001**  
**OFFICE OF THE GOVERNOR**  
 [Filed October 2, 1996, 4:00 p.m.]

Executive Response to Petition  
 to Repeal or Amend a Rule  
 (Notification to the Code Reviser)

Enclosed herewith is a copy of my decision regarding the Petition to Repeal or Amend a Rule pursuant to RCW 34.05.330 (2)(3).

Name of Petitioner: Teresa Tangney-Kennedy.  
 Date Petition Received: August 16, 1996.  
 Agency: Washington State Transportation Commission.  
 Comments:

September 30, 1996

Dear Mrs. Tangney-Kennedy:

Pursuant to RCW 34.05.330(2) I have had under advisement your appeal of WAC 468-300-210, a rule adopted by the State Transportation Commission governing the transportation of hazardous cargo on Washington State Ferries (WSF). It is my practice to consider appeals brought to me under the provisions of RCW 34.05.330 on the basis of my understanding of the legal issues involved. This statute also permits me to suggest alternatives that fall short of requiring departments to institute new rule making procedures. While many of the issues included in your appeal to me raise questions concerning the practice of transporting gasoline on the ferries, I find nothing in the record that suggests that the rule was adopted illegally or is otherwise illegal or unconstitutional. Therefore, your petition is denied.

I have listed below all of the issues that you have raised in your petition with a specific response to each of them. In a separate section I have listed some alternative policy issues that I will ask the Transportation Commission to review.

**Issues in the appeal:**

On the first page of the document forwarded to my office on August 16, 1996, you list six reasons for your appeal. While the accompanying material does not offer any systematic explanation for any of these first six issues, I have attempted to answer each of them based on a general understanding of the case and other documentation acquired by my staff during the consideration of this appeal. After the listing of these first six issues you outline another seven based on the language of RCW 43.05.330(3). I have provided responses to each of these in the order in which they are raised.

1. The improper use of state credit. The contention in the appeal is that the state is lending its "faith and credit" by not charging the company using the ferry for the full cost of using Washington State Ferry facilities and vessels.

Response: The ferry system is a public service and it subsidizes virtually all of its ridership from state taxes. The appeal fails to establish why the practice of ferrying tanker trucks to San Juan Island must be based on a "non-subsidized" policy. The rule requires that "[a]t no time will the total fare be less than the calculated operational cost of a round trip...." The ferry system maintains that, while it is difficult to assess indirect costs such as those for capital facilities and insurance for each trip, by requiring reim-

bursement for direct costs, they charge proportionately more for this service than is charged to other types of customers. According to the WSF, they require a reimbursement of about 60 percent for the tanker truck service, while only obtaining about 40 percent reimbursement from their regular customers. I conclude that the contention that the WSF is lending the credit of the state is without merit.

2. The state is in competition with private enterprise. The contention here seems to be that, because one gasoline supplier can use the ferry to transport its product to San Juan Island while the other uses privately owned barges to do so, the state has become a partner in supporting one enterprise that is in competition with another.

Response: The WSF has expressed a willingness to extend this service to any company that chooses to transport gasoline to San Juan Island. I have asked the Transportation Commission to review, as a policy matter, the practicality of extending this service to other potential users (see below). However, I do not believe that, on the face of it, the rule itself places the state in competition with any of the companies involved.

3. Abuse of power by a Commissioner. I assume that it is related to the communications between yourself and Commissioner Alice Tawresey regarding the timeliness of submitting your petition requesting a revision of the rule. Conversations that you have had with my staff suggest that you feel that this Commissioner and the Transportation Commission as a whole denied you an opportunity to present your case in a fair and appropriate manner.

Response: I can find nothing in the record or in your appeal of this rule that validates the charge that any Commissioner abused any power of this office.

You maintain that the petition was not accepted during the June meeting because it was not timely and rejected at the July meeting as "not new"—the implication being that the petition was never heard by the Commission. According to the minutes of the Transportation Commission, you testified about your concerns during the March meeting of the Commission. You testified again on July 18th, albeit for only three minutes. The Commission rejected your petition with the explanation that they had received "no new information." The Commission had your petition under advisement for one month prior to rejecting it.

Based on the record, it is apparent that the petition was rejected because a majority of the Commission did not agree with it on policy grounds, not because they had failed to consider it. Commissioner Tawresey may have disagreed with you about the merits of your petition, but you have not established a basis for the allegation that she abused her power as a Commissioner.

4. Collusion among Commissioners: No argument supporting this charge is offered.

Response: It is impossible for me to use this contention as a basis for overturning the rule in question in that there is nothing in any documentation that you have submitted to my office to support this claim.

5. Mishandling of state funds: Again, I can find no specific argument in your petition to support this claim.

Response: Aside from the argument about the credit of the state dealt with above, nothing in your appeal purports to substantiate the suggestion that state funds have been lost, stolen, wasted, or otherwise misappropriated. In the absence of any validation of this claim, it is impossible for me to use this charge as a basis for invalidating this rule.

6. Violation of safety concerns in handling of hazardous material: While you do not outline the specific concern at this point in your petition, I presume that the entire practice of transporting gasoline in tanker trucks is being questioned, with specific emphasis on the fact that the trucks being transported have not been purged of volatile fumes.

Response: I do not agree with the assertion offered by the Transportation Commission that carrying hazardous materials on ferries is the same as transporting them on the highways of the state. The jeopardy to the vessels and crews in the case of an accident and the threat to the marine waters in the case of a spill add an element of danger that may not be present on a highway. In a separate policy recommendation outlined below, I have asked the Transportation Commission to review the safety and oil spill prevention requirements and procedures associated with this practice. However, while I have these concerns, I do not believe that they provide a legally compelling reason to invalidate this rule.

7. Is the rule authorized? The appeal maintains that the legislature has not authorized "loaning of the ferry at no cost..." maintaining that the fees to be charged do not cover costs of the ferry and the terminal.

Response: The WSF maintains that the authority to operate in this manner is authorized by the general statutes governing the ferry system as contained in RCW 47.38.020 and 47.01.071. I agree that sufficient authority for adoption of the rule is granted in these statutes. WSF further maintains that subsidization of traffic on the ferries is commonplace and no more a problem with these passengers than with any others. As is mentioned above (in #1), I do not agree that there is an unconstitutional lending of the state's credit.

8. Is the rule needed? The appeal maintains that the rules governing the chartering of ferries (WAC 466-07), and a 1987 "position paper" outlining WSF operating procedures regarding hazardous materials adequately deal with this issue and that the new rule is unnecessary.

Response: Since federal codes prohibit transporting gasoline on the ferries when other passengers are present, some rule governing the transportation of hazardous materials clearly is needed if the WSF is to provide this service. Furthermore, while it may not be the case on San Juan Island, Vashon Island is entirely reliant on the ferry for its gasoline supply. Furthermore, WSF maintains that the former rules were difficult to administer, that utilizing the rules governing charters would unnecessarily drive up the cost of gasoline on the islands, and that separate rules governing hazardous materials were needed in order to differentiate this kind of business from those who charter ferries for weddings and social events. I conclude that a rule of this type is necessary.

9. Does the rule conflict with or duplicate other federal, state, or local laws? The appeal maintains that the rule duplicates the separate rule governing the use of the ferries for charter purposes.

Response: Aside from the contention that the rules governing chartering of ferries are being duplicated by the rule that is the subject of this appeal, you do not cite any specific duplications of statutes — state, federal or local. Rules governing hazardous materials are clearly distinct from rules governing the chartering of ferries for weddings and social events. Therefore, I conclude that the rule is not duplicative.

10. Do alternatives to the rule exist that will serve the same purpose at less cost? The appeal maintains that the rules governing chartering ferries would serve the purpose and would add a 50 percent surcharge to the cost of the service, thus bringing more revenue to the state.

Response: The statute permitting the appeal of administrative rules is unclear about the meaning of the term "less cost." Assuming that this term concerns costs to the public, the alternative that is suggested by your appeal would actually cost more for the company transporting gasoline on the ferry. Adding a 50 percent surcharge to the cost of using the ferries would cost consumers more in the resulting price of gasoline either because the cost of transport would increase dramatically or because the competition for business on the island would be eliminated or seriously curtailed.

11. Does the rule apply differently to public and private entities? The appeal maintains that the ferry system makes this service available only to your competitors.

Response: WSF argues that it would make this same service available to others on a pro rata basis. (There are practical problems with this offer by WSF, given the limited availability of ferries and crew for these purposes. See the policy discussion, below.) More to the point, however, since there is no differentiation in the rule between the public and private transportation of hazardous cargo on the ferries it is impossible to justify overturning the rule based on this criterion.

12. Does the rule serve the purpose for which it was adopted? Using a 1987 staff memorandum as the basis for this contention, the appeal maintains that WAC 468-600-210 actually was adopted to discourage transportation of hazardous cargo on the ferries, but that the effect of the rule is to encourage such usage.

Response: The 1987 memorandum prepared by Department of Transportation staff seems to contain policy recommendations that are different from the policy adopted in 1987 by the Transportation Commission and amended this year. There is nothing in the record to suggest that the staff memorandum was ever adopted by the Transportation Commission as official policy. Therefore, one must conclude that the Commission had another purpose in mind for the rule that it did adopt. WSF maintains that the purpose of the rule is to separate hazardous cargo from passenger and automobile traffic and to provide for the payment for such a service. Since the intent was to provide for the transportation of these materials, rather than discourage this service, the conflict that you advance appears to be without merit.

Furthermore, WSF maintains that the amended rule better provides for the administration of this process. There does not appear to be any basis for maintaining that the rule does not perform the purpose for which it is intended.

13. Are the costs imposed by the rule unreasonable? The appeal maintains that the costs should be much higher, based on the presumption that the price should be used as a tool to discourage using the ferries for this purpose.

**Response:** As outlined in #1 and #10 above, I agree that the rule adequately recovers the added cost of this special service without unnecessarily driving up the price of gasoline on the islands. I conclude that the costs imposed are not unreasonable.

#### **Policy issues:**

In the course of this review, I have noted some policy issues relating to the practice in question that I will ask the Transportation Commission to review: 1) Could the appearance of unfair competition be eliminated or reduced if the ferries were to expand or otherwise alter the service provided to include other vessels or a revised schedule? 2) Should the policy of transporting unpurged gasoline trucks be revised? 3) Should the ferry system require additional liability coverage from companies that transport hazardous cargo on their vessels?

1) Unfair competition: The petition raises the question of equitable treatment of one company versus its competitors. The petition maintains that the service made available by WSF unfairly disadvantages one company because it brings its product to San Juan Island by barge while the competitor can bring its product there by the cheaper method of using the ferries. An added concern is that the ferry service is further subsidizing a business in a competitive situation because the full cost of operating the ferry runs in question is not charged to the gasoline transporter.

As was mentioned above, the WSF maintains that subsidization of passengers transported on their system is virtually universal. Furthermore, they have changed their procedures following questions raised concerning costs charged for transporting gasoline, with the effect of increasing costs to their current customer. However, WSF contends that going beyond the costs outlined in the new rule is unnecessary and would simply add to the cost of gasoline on San Juan Island.

At the same time, WSF maintains that it is willing to make this service available to any other company requesting such service. Is there sufficient capacity to carry the volumes of gasoline needed to supply the market on San Juan Island as long as WSF maintains the practice of providing this service only one night a week? Is it appropriate for the ferry system to suggest that a service is available to all companies when, as a practical matter, there is not enough ferry space to accommodate all companies?

The service to tanker trucks is provided only on Friday nights. WSF provides this service then because the ferry employees have guaranteed pay periods of 80 hours and, because of the way the schedules are established, a crew is available for this service Friday nights. Adding one or more additional ferries to this service is not something that the

ferry system believes is possible, particularly in times of heavy usage.

The time available to review this rule does not permit any detailed analysis of who might be right about when service of this kind should be available or whether or not the WSF can expand the service beyond the customer now using it. However, since the petitioner brings to San Juan Island a volume of gasoline that cannot be supplied by only one ferry on one run per week, the current application of the rule may advantage one company. Given the concern that the current practice has the appearance of an intervention in the marketplace, WSF should undertake a review of this practice in order to determine whether or not the scheduling of these special services could be changed.

**Recommendation:** That WSF examine the possibility of making their services available to all who might potentially use them for purposes of transporting gasoline to San Juan Island.

2) Safety: At several points in the petition, issue is taken with the practice of transporting gasoline on ferries, especially the practice of hauling "empty" but unpurged tankers. Prior practice of the WSF permitted tanker trucks to use the regular ferry runs if they were purged of volatile fumes. (A tanker truck containing only fumes may be more dangerous than a full tanker because of the increased chance of an explosion.) If purging the tanks would reduce potential hazards to the ferries and crews and can be achieved without unreasonable expense or delay, WSF would be prudent to consider instituting such a practice. Furthermore, since a properly purged tanker truck can use the regular ferry runs, instituting this practice might have the effect of making more space available on special runs established to haul gasoline to the islands.

State statutes governing oil spills differentiate passenger and cargo vessels from tankers and from tank barges (RCW 88.40.011 and 88.46.010). Office of Marine Safety (OMS) rules set out different standards for the handling of petroleum products by passenger and cargo vessels (WAC 317-30). Passenger and cargo vessels are subject to different standards on the presumption that the petroleum that they carry is for use in their own propulsion systems or in the cars they carry. A careful reading of the relevant statutes suggests that it may be unclear whether or not a ferry that has no passengers and is carrying only gasoline as a cargo is actually a "tanker" and therefore subject to higher spill prevention standards. Given the environmental and economic importance of the waters where on the ferries transport this gasoline, a review of the adequacy of the oil spill standards applied to the ferries would seem to be prudent.

**Recommendation:** That the WSF review its operating procedures regarding the transportation of hazardous cargo in order to assure that these practices are prudent and adequately protect vessels and crew. The Transportation Commission and WSF should review the standards now in use regarding protection from petroleum spills and the responses to such spills in order to be certain that the waters of Puget sound are being protected adequately.

3) Liability insurance: Because of the potentially high losses involved, ferries are not included in the state's self insurance

pool and are covered in a separate policy. Under this coverage, the first \$1M of replacement cost that would emerge if a ferry carrying gasoline were to burn would have to be paid by the ferry system. Since the rule that is being appealed here contemplates the transportation of hazardous cargo, it may be reasonable to require added liability coverage for this type of service. If there were a contract with the company that hauls gasoline, there probably would be a requirement in the contract that the state be named as an additional beneficiary of liability insurance carried by the trucking company, but no contract is written for this service.

**Recommendation:** That the WSF system, working in concert with the Risk Management Division of the Department of General Administration, undertake a review of the insurance coverage that should be associated with the transportation of hazardous cargo.

I will ask the Washington State Ferry System and the Transportation Commission to undertake a review of these policy questions and I expect that this review will be carried out in an expeditious and conscientious manner. I am very concerned that the practice of transporting gasoline poses dangers to the ferry workers, to the liability of the state and to the fragile environment of our marine waters. Furthermore, I am concerned that policies of our state be not only legal but fair.

Sincerely,

**MIKE LOWRY**  
Governor

Distribution: Secretary of the Senate; Chief Clerk, House of Representatives; Agency; Citizen's Response Unit; and Executive Policy Office.

Legal Counsel:  
Kent Caputo  
September 30, 1996

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

**WSR 96-21-002**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYEES BENEFITS BOARD**  
[Memorandum—October 2, 1996]

Public Employees Benefits Board  
Strategic Planning Session  
Attorney General Conference Center  
Rowesix, Building One  
4224 6th Avenue S.E.  
Lacey, WA 98504  
Phone (360) 438-8584  
October 8, 1996

**WSR 96-21-003**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**

[Memorandum—October 1, 1996]

The Interagency Committee for Outdoor Recreation (IAC) will meet Tuesday, November 12th, beginning at 8:30 a.m., and Wednesday, November 13th in Room 175 of the Natural Resources Building in Olympia, Washington.

This meeting is a funding recommendation session for projects for the nonhighway off-road vehicle (NOVA), Boating Facilities and National Recreational Trails Funding Act programs. Other issues the IAC will consider include 2nd year and unallocated funding for the Washington wildlife and recreation program (WWRP) and 1997 agency budget and legislation.

If you plan to participate or have materials for committee review, please submit information to IAC no later than October 22, 1996. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by October 22 at (360) 902-3000 or TDD (360) 902-1996.

**WSR 96-21-005**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**

[Memorandum—October 3, 1996]

**SCHEDULE OF REGULAR MEETING DATES AND LOCATIONS**  
**1997 CALENDAR YEAR**

January 22-24, 1997	New Market Vocational Skills Center 7299 New Market Street Tumwater, WA 98501 (360) 586-9397
March 19-21, 1997	ESD 189 (Mt. Vernon) 205 Stewart Road Mount Vernon, WA 98273 (360) 424-9573
May 14-16, 1997	Wenatchee School District 235 Sunset Avenue Wenatchee, WA 98807 (509) 663-8161
July 23-25, 1997	ESD 113 (Olympia) 601 McPhee Road S.W. Olympia, WA 98502 (360) 685-2933
September 24-26, 1997	ESD 105 (Yakima) 33 South 2nd Avenue Yakima, WA 98902 (509) 575-2885
November 19-21, 1997	Hyatt Regency 900 Bellevue Way N.E. Bellevue, WA (206) 462-1234

MISCELLANEOUS

**WSR 96-21-006**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Memorandum—October 3, 1996]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, October 17, 1996, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

**WSR 96-21-007**  
**INTERPRETIVE STATEMENT**  
**BOARD OF ACCOUNTANCY**  
 [Filed October 3, 1996, 11:04 a.m.]

On June 18, 1996, the Board of Accountancy issued an interpretive statement regarding portfolio management firms' proposals to share investment portfolio management fees with certified public accountants (CPAs) who "co-manage" clients' investments. To obtain a copy of the interpretive statement, please contact Cheryl Sexton, Confidential Secretary, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone (360) 664-9194, FAX (360) 664-9190.

Carey L. Rader  
 Executive Director

**WSR 96-21-011**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
 [EO 96-05]

DOMESTIC VIOLENCE AND THE WORKPLACE

**WHEREAS**, both employees and citizens of the state of Washington have a basic right to be safe from harm; and

**WHEREAS**, domestic violence is abusive behavior that is either physical, sexual, or psychological, and is intended to establish and maintain control over a partner; and

**WHEREAS**, domestic violence instills fear and harms victims and families and must not be tolerated; and

**WHEREAS**, domestic violence is criminal activity that statistics show affects everyone regardless of race, income, or age; occurs in every community of Washington State; and destroys relationships, families, and lives; and

**WHEREAS**, domestic violence is a major public policy concern of Washington State requiring a concentrated effort for its elimination; and

**WHEREAS**, domestic violence is not solely a private, family dispute that affects only the people immediately involved, but also crosses over to the workplace, adversely affecting the safety and productivity of victims and co-workers; and

**WHEREAS**, the state of Washington, as an employer, should provide needed support and assistance to employees who are victims of domestic violence; and

**WHEREAS**, the state of Washington, as an employer, is additionally affected by domestic violence in the loss of

productivity, increased health care costs, increased absenteeism, and increased employee turnover;

**NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by the authority vested in me, do hereby order and direct each state agency and institution of higher education to:**

1. Initiate actions to create a workplace environment that provides an avenue for assistance for domestic violence victims without fear of reproach.
2. Ensure that personnel policies and procedures are responsive to victims of domestic violence.
3. Develop and make available to all employees a policy that:
  - a) Clearly directs that the state will not tolerate domestic violence. This includes harassment or the display of violent or threatening behavior that may result in physical or emotional injury to any state employee while in state offices, facilities, work sites, vehicles, or while conducting state business.
  - b) Offers a method for providing assistance to domestic violence victims in a confidential setting.
  - c) Provides for immediate assistance to victims. This assistance shall, at a minimum, include: referral to the Department of Personnel's Employee Advisory Service or other available counseling services; information about community resources available to assist victims of domestic violence; development of workplace safety plans that seek to minimize the risk to the victim, other employees, and clients; and information on the methods to obtain civil orders of protection.
  - d) Following any applicable rules or statutes, assures that every reasonable effort will be made to adjust work schedules and/or grant accrued or unpaid leave to allow employees who are victims of domestic violence to obtain medical treatment, counseling, legal assistance, to leave the area, or to make other arrangements to create a safer situation for themselves.
  - e) Assures that every reasonable effort will be made to assist employees who are victims of domestic violence to find continued state employment when there is a need for the employee to relocate for safety reasons.
  - f) Encourages state employees who are perpetrators of domestic violence to seek assistance.
  - g) Provides for assistance to perpetrators. This assistance shall, at a minimum, include: referral to the Department of Personnel's Employee Advisory Service or other available counseling services; and information about available certified domestic violence perpetrator treatment programs.
  - h) Provides that corrective or disciplinary action may be taken against state employees who: misuse state resources to perpetrate domestic violence; harass, threaten, or commit an act of domestic violence in the workplace or while conducting state business; or are arrested, convicted, or issued a permanent injunction as a result of domestic violence when such action has a

direct connection to the employee's duties as a state employee.

- i) Provides that employees will not be penalized or disciplined solely because they have been victims of domestic violence.
- 4. Provide training on their respective policies and domestic violence awareness. The training shall include, at a minimum, information as to: what domestic violence is; what resources are available to victims and perpetrators; and what an employee can do if the employee believes a co-worker is a victim or perpetrator of domestic violence.
- 5. Have information about domestic violence and available resources posted in the worksite. Also, information needs to be available where employees can obtain it without having to request it or be seen removing it.

The Department of Personnel will provide training assistance and make a sample policy available for all agencies and institutions of higher education.

I am also requesting that the Health Care Authority and the Public Employees Benefits Board continue to make every effort to ensure that no victim of domestic violence has been or will be denied health, life, or disability insurance due solely to a history of domestic violence.

The provisions of this executive order are not intended to alter any existing collective bargaining agreements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 1st day of October, A.D., nineteen hundred and ninety-six.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR

Ralph Munro  
Secretary of State

WSR 96-21-012  
ATTORNEY GENERAL OPINION  
Cite as: AGO 1996 No. 17  
[September 26, 1996]

COUNTIES - ROADS - POLICE POWERS - INTERLOCAL COOPERATION ACT - AUTHORITY OF NON-CHARTER COUNTY TO MAINTAIN FEDERALLY-OWNED ROADS NOT OPEN TO THE GENERAL PUBLIC.

- 1. Federally-owned roads which are closed to the general public are not "county roads" and a non-charter county therefore lacks authority to maintain such roads with state and county funds.
- 2. A county has authority, if it chooses, to set and enforce traffic signals on federally-owned roads within the county, except where superseded by federal law; however, the county has no obligation to set and enforce

traffic signals on such roads because they are not "county roads" as defined in state law.

- 3. A county may contract with an agency of the United States to maintain federally-owned roads within the county, or to set and enforce traffic controls for such roads, in return for payment by the federal agency of the costs incurred by the county in performing such services.
- 4. A county may use "county road property tax revenues" as defined in statute, after diverting them to the current expense fund pursuant to law, for setting and enforcing traffic controls on federally-owned roads within the county.
- 5. For purposes of allocating the state motor vehicle fuel tax under RCW 46.68.120, .122, and .124, federally-owned roads in a county which are closed to the general public are not "county roads" and should not be considered in making the allocation.
- 6. A county which deposited revenues from the county road property tax levy into its current expense fund to pay the expenses related to setting and enforcing traffic controls on federally-owned roads within the county would not thereby lose its eligibility to receive state funding under such statutes as RCW 36.79.140.

Requested by:  
The Honorable Andy Miller  
Prosecuting Attorney  
Benton County  
7320 West Quinault  
Kennewick, WA 99336-7693

WSR 96-21-013  
NOTICE OF PUBLIC MEETINGS  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES  
[Memorandum—September 26, 1996]

1997 State Board Meeting Dates and Locations

Following is the revised meeting schedule for 1997 as adopted by the board at its September meeting.

January 22-23, 1997	State Board Office, Olympia
February 1997	No meeting
March 5-6, 1997	Pierce College at Puyallup
April 23-24, 1997	South Seattle Community College
May 21-22, 1997	Everett Community College
June 18-19, 1997	Renton Technical College
August 10-12, 1997	State board retreat — Location to be determined
September 17-18, 1997	Green River Community College, Auburn
October 29-30, 1997	Big Bend Community College, Moses Lake
November 1997	No meeting
December 10-11, 1997	Lake Washington Technical College, Kirkland

MISCELLANEOUS



**WSR 96-21-014**  
**DEPARTMENT OF CORRECTIONS**

[Filed October 4, 1996, 10:08 a.m.]

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The following enclosed Department of Corrections WAC rule, WAC 137-91-080 is submitted for publication in the Register and the Washington Administrative Code. WAC 137-91-070 is submitted for repeal. Pertinent information is as follows:

- a. WAC 137-91-080 is a new rule and is adopted as of November 5, 1996.
- b. The effective date of this rule is November 5, 1996.
- c. I certify pursuant to RCW 34.05.030(c) that WAC 137-91-080 is exempt from the Administrative Procedure Act.
- d. The purpose is to establish a process for offender copayment for medical visits in certain health related situations.

Tom Rolfs  
 for Chase Riveland  
 Secretary

**NEW SECTION**

**WAC 137-91-080 Copayment program.** Offenders shall pay a nominal amount as determined by the secretary in policy. Such copayments may be made by subsequent visits if they are related to the initial visit. Offenders will not be required to pay for emergency treatment, treatment of serious health care needs as defined by the secretary, or for services initiated by health care staff. No offender will be refused health care because of indigency. All copayments that are not able to be collected at the time of the visit will be debited to the offender's account.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 137-91-070 Supplemental care.

**WSR 96-21-016**  
**POLICY AND INTERPRETIVE STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 4, 1996, 10:46 a.m.]

POLICY AND INTERPRETIVE STATEMENT

Insurance Services  
 Interim Policy - Declaring Accounts Uncollectable  
 Provides guidelines to be used in declaring accounts uncollectable.

Contact: Phyllis Moss  
 Mailstop 4169  
 (360) 902-4854

Theresa Whitmarsh, Assistant Director  
 Insurance Services

**Interim Policy - Penalty and Interest Assessment and Waivers on Account Balances**

Provides guidelines to be used in the assessment and waiver of penalty and interest on employer account balances contained on the Employer Account System (EASE).

Contact: Phyllis Moss  
 Mailstop 4169  
 (360) 902-4854

Theresa Whitmarsh, Assistant Director  
 Insurance Services

**Interim Policy 14.45 - Determining Schedule of Benefits for Hearing Loss Claims**

Provides claim management staff with guidance in selecting appropriate schedule to award permanent partial disability for hearing loss claims.

Contact: Loretta Vosk  
 Mailstop 4270  
 (360) 902-4617

Ron Gray, Program Manager  
 Policy and Quality Coordination

**Interim Policy 6.71 - Authorizing Pre-Job Accommodations**  
 Provides claim management staff with guidelines for authorization of pre-job accommodations under RCW 51.32.0954(4).

Contact: Juanita Perry  
 Mailstop 4205  
 (360) 902-4260

Ron Gray, Program Manager  
 Policy and Quality Coordination

Marie Myerchin-Redifer  
 Rules Coordinator

**WSR 96-21-022**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—October 2, 1996]

The Eastern Washington University board of trustees meeting schedule for 1997 has been approved. The schedule is as follows:

Friday, January 24, 9:00 a.m., Pence Union Building, Banquet Room 265  
 Friday, February 28, 9:00 a.m., Spokane Center, Second Floor Mall  
 Friday, April 4, 9:00 a.m., Pence Union Building, Banquet Room 265  
 Friday, May 23, 9:00 a.m., Spokane Center, Second Floor Mall  
 Friday, June 27, 9:00 a.m., Pence Union Building, Banquet Room 265  
 Friday, July 25, 9:00 a.m., Spokane Center, Second Floor Mall  
 Friday, September 26, 9:00 a.m., Pence Union Building, Banquet Room 265  
 Friday, October 24, 9:00 a.m., Spokane Center, Second Floor Mall

Friday, December 5, 9:00 a.m., Pence Union Building, Banquet Room 265

**WSR 96-21-023**  
**NOTICE OF PUBLIC MEETINGS**  
**OLYMPIC COLLEGE**  
[Memorandum—October 2, 1996]

**Cancellation of Monthly Regular Board Meeting**

The board of trustees has canceled the regular board meeting that was scheduled to be held on October 22, 1996, at 7:30 p.m. in the Board Room at Olympic College, District No. 3, Bremerton, Washington.

**WSR 96-21-024**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**  
[Memorandum—October 4, 1996]

MEETING NOTICE FOR OCTOBER 1996  
TRANSPORTATION IMPROVEMENT BOARD  
OLYMPIA, WASHINGTON 98504-0901

Increase Committee, 1:00 p.m. - 3:00 p.m., Thursday, October 24, 1996, at the Red Lion Bay Shore Inn, 221 North Lincoln Street, Port Angeles.

Public Transportation Committee, 3:00 p.m. - 4:00 p.m., October 24, 1996, at the Red Lion Inn Bayshore Inn.

Work Session, 7:00 p.m., Thursday, October 24, 1996, at Clallam Transit, 830 West Lauridsen Boulevard.

Board Meeting, 9:00 a.m., Friday, October 25, 1996, at Clallam Transit.

Special Needs: For special accommodations or to request an auxiliary aid, please contact the Transportation Improvement Board office at (360) 705-7300 by October 15, 1996.

The next scheduled meeting is November 22, 1996, in Cheney. A notice with further detail of the November meeting will be mailed November 1, 1996.

**WSR 96-21-026**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed October 7, 1996, 10:50 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy: Closure of Cases Requiring Only Monetary Penalties.

Issuing Entity: Nursing Care Quality Assurance Commission.

Subject Matter: This policy gives staff the authority to determine closure of cases requiring only monetary penalties.

Effective Date: September 20, 1996.

Contact Person: Kendra Johnson, Compliance Officer, Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-4216.

**WSR 96-21-030**

**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed October 9, 1996, 4:15 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: #96-87.

Subject: Temporary discontinuation of prior authorization requirements for prosthetics, orthotics and braces.

Effective Date: October 1, 1996.

Document Description: Effective October 1, 1996, dates of service, the medical assistance administration (MAA) will be temporarily discontinuing authorization on certain prosthetic devices, orthotic devices, and related services. Specific procedure codes relating to this are listed within this memorandum. Fee schedule replacement pages for prosthetic and orthotic devices billing instructions are also attached.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

October 4, 1996  
Steven Wish, Section Head  
Division of Client Services

**WSR 96-21-034**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—October 8, 1996]

**BOARD OF TRUSTEES**  
**EDMONDS COMMUNITY COLLEGE**  
**NOTICE OF MEETINGS**  
**TO MEDIA/OTHER**

The Edmonds Community College board of trustees may attend the following functions during the month of October.

October 8, 1996\* 6 p.m. EdCC Foundation Scholarship Dinner  
Triton Union Building, Room 202  
20200 68th Avenue West  
Lynnwood, WA

October 15, 1996 4:30 p.m. EdCC Board of Trustees Meeting  
Sno-King Building Boardroom 103  
6600 196th S.W.  
Lynnwood, WA

October 17\* 7 p.m. American Federation of Teachers' Auction  
Triton Union Building, Mulligan's  
20200 68th Avenue West  
Lynnwood, WA

\*These events are being scheduled as special meetings where no action will be taken.

MISCELLANEOUS

**WSR 96-21-051**  
**NOTICE OF PUBLIC MEETINGS**  
**PENINSULA COLLEGE**  
 [Memorandum—October 10, 1996]

The board of trustees of Community College District #1, Peninsula College, has set their calendar for their 1997 regular meetings.

DATE	TIME	PLACE
January 14	2:00 p.m.	Port Angeles
February 11	2:00 p.m.	Port Angeles
March 11	2:00 p.m.	Port Angeles
April 8	2:00 p.m.	Forks
May 13	2:00 p.m.	Port Townsend
June 10	2:00 p.m.	Port Angeles
July	no meeting	
August	no meeting	
September 9	2:00 p.m.	Sequim
October 14	2:00 p.m.	Port Angeles
November 11	2:00 p.m.	Port Angeles
December	no meeting	

**WSR 96-21-056**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
 (Library Commission)  
 [Memorandum—October 11, 1996]

**WASHINGTON STATE LIBRARY COMMISSION MEETINGS**

The Washington State Library Commission will hold two meetings on Friday, November 8, 1996. Details are listed below:

**WASHINGTON STATE LIBRARY (WSL) COMMISSION WORKSHOP**

**DATE:** November 8, 1996  
**TIME:** 9:00 a.m. - noon  
**LOCATION:** Washington State Library  
 Olympia, Washington 98504

**WASHINGTON STATE LIBRARY COMMISSION AND WASHINGTON STATE ADVISORY COUNCIL OF LIBRARIES (WASCL) JOINT MEETING**

**DATE:** November 8, 1996  
**TIME:** 1:00  
**LOCATION:** Timberland Regional Library  
 415 Airdustrial Way S.W.  
 Olympia, WA 98501

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575, or e-mail [cstussy@wln.com](mailto:cstussy@wln.com).

**WSR 96-21-057**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—October 14, 1996]

Board of Trustees Meeting  
 October 15, 1996 (SPECIAL)  
 Sno-King Building  
 Boardroom 103  
 4:30 - 6:30

An executive session may be held for any of those items for which an executive session may be held under the Open Public Meetings Act. Action items as necessary in the discretion of the board as a result of any item properly considered in executive session.

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 96-21-059**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
 [Memorandum—October 10, 1996]  
**NOTICE OF PUBLIC MEETING**

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, October 16, 1996, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle, WA.

If you have any questions regarding this meeting, please call 447-5000.

**WSR 96-21-062**  
**NOTICE OF PUBLIC MEETINGS**  
**THE EVERGREEN STATE COLLEGE**  
 [Memorandum—October 10, 1996]

**1997 BOARD OF TRUSTEES MEETING SCHEDULE**

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in 1997 at 9:00 a.m. in Room 3112 of the Daniel J. Evans Library Building on The Evergreen State College campus.

- Wednesday, February 12
- Wednesday, April 9
- Wednesday, May 14
- Wednesday, June 11
- Wednesday, August 13
- Wednesday, October 8
- Wednesday, December 10

Notices of special meetings called, if any, will be published on campus and in the local newspapers.

In conjunction with each of the above meetings, there will be a work session the Tuesday afternoon preceding these regular meeting dates, beginning at 1:30 p.m.

MISCELLANEOUS

**WSR 96-21-066**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Advisory Board of Plumbers)  
 [Memorandum—October 14, 1996]

Frank Hickey  
 Assistant Secretary  
 Management Services

**Plumbers Advisory Board Meetings for 1997**

In accordance with chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meetings for the Plumbers Advisory Board for 1997 have been scheduled. The meetings are scheduled to begin at 9:00 a.m. on the third Tuesday of January, April, July and October at the following locations:

January 21 and April 15, 1997  
 Department of Labor and Industries  
 Rehabilitation Resource Center  
 12806 Gateway Drive  
 Seattle, WA (Tukwila)

July 15 and October 14, 1997  
 Department of Labor and Industries  
 7273 Linderson Way S.W.  
 Tumwater, WA

July 15, 1997, Room S119  
 October 14, 1997, Room S118

**WSR 96-21-067**  
**NOTICE OF PUBLIC MEETINGS**  
**PENINSULA COLLEGE**  
 [Memorandum—October 9, 1996]

The Peninsula College board of trustees voted unanimously to change the date of their regular November board meeting from November 12 to November 5, 1996. The time and place remain the same, 1:00 p.m. in the Peninsula College board room.

**WSR 96-21-074**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 16, 1996, 9:21 a.m.]

**ADOPTION OF POLICY**

The Department of Health has issued policy and procedure number 07.030, Return to Work After Temporary Disabling Injury. The effective date is August 1, 1996.

The policy was issued by the risk management office, within management services division. Copies may be obtained from Kathie Mueller, (360) 586-1970, P.O. Box 47903, Olympia, WA 98504-7903. Questions can be answered by Tom Harmon, Risk Manager, (360) 705-6143, P.O. Box 47816, Olympia, WA 98504-7903.

This policy states that the Department of Health will seek transitional return to work opportunities as early as medically possible for all employees who are temporarily disabled due to an on-the-job injury. Employees with off-the-job temporarily disabling injuries may voluntarily participate with approval of their supervisor.

**WSR 96-21-075**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 16, 1996, 9:22 a.m.]

**ADOPTION OF POLICY**

The Department of Health has issued policy and procedure number 10.008, Internet/World Wide Web Access and Use. The effective date is June 1, 1996.

The policy was issued by the director of information services, within management services division. Copies may be obtained from Kathie Mueller, (360) 586-1970, P.O. Box 47903. Questions can be answered by Tom Martin, Technical Services Manager, (360) 705-6110, P.O. Box 47904.

The policy is designed to allow Department of Health employees access to the internet to obtain information to better perform their jobs. The policy describes appropriate and inappropriate use of the internet, and provides for disciplinary action for misconduct.

Frank Hickey  
 Assistant Secretary  
 Management Services

**WSR 96-21-076**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 16, 1996, 9:25 a.m.]

**ADOPTION OF POLICY**

The Department of Health has issued a revision to policy and procedure number 11.002, Accounts Receivable. The effective date is July 25, 1996.

The policy was issued by the financial services office, within management services division. Copies may be obtained from Kathie Mueller, (360) 586-1970, P.O. Box 47903, Olympia, WA 98504-7903. Questions can be answered by Rick Woodruff, Accounting Manager, (360) 586-5933, P.O. Box 47901, Olympia, WA 98504-7901.

The policy states that records of accounts receivable for the Department of Health will be maintained by the Office of Financial Services. It sets timelines for sending late payment notices before an account will be turned over to a collection agency or written off.

Frank Hickey  
 Assistant Secretary  
 Management Services

**WSR 96-21-077**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 16, 1996, 9:26 a.m.]

**ADOPTION OF POLICY**

The Department of Health has issued a revision to policy and procedure number 11.003, Accounts Receivable Write Offs. The policy is dated July 25, 1996.

The policy was issued by the financial services office, within management services division. Copies may be obtained from Kathie Mueller, (360) 586-1970, P.O. Box 47903, Olympia, WA 98504-7903. Questions can be answered by Rick Woodruff, Accounting Manager, (360) 586-5933, P.O. Box 47901, Olympia, WA 98504-7901.

This policy establishes accounts receivable write-off procedures for the Department of Health. It sets time limits and dollar amounts for writing off accounts receivable when it would not be economical to further pursue collection. This policy was written with assistance from the State Auditor's Office.

Frank Hickey  
 Assistant Secretary  
 Management Services

**WSR 96-21-078**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 16, 1996, 9:27 a.m.]

**ADOPTION OF POLICY**

The Department of Health has issued a revision to policy and procedure number 07.030, Cash Receipts. The effective date is July 25, 1996.

The policy was issued by the financial services office, within management services division. Copies may be obtained from Kathie Mueller, (360) 586-1970, P.O. Box 47903, Olympia, WA 98504-7903. Questions can be answered by Rick Woodruff, Accounting Manager, (360) 586-5933, P.O. Box 47901, Olympia, WA 98504-7901.

This policy provides for the deposit of all monies received by the Department of Health, in a qualified public depository, within 24 hours of receipt. This policy was written with the assistance of the State Auditor's Office.

Frank Hickey  
 Assistant Secretary  
 Management Services

**WSR 96-21-079**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 16, 1996, 9:29 a.m.]

**ADOPTION OF POLICY**

The Department of Health has issued a revision to policy and procedure number 15.005, Violence in the Workplace. The effective date is September 25, 1996.

The policy was issued by the risk management office, within management services division. Copies may be

obtained from Kathie Mueller, (360) 586-1970, P.O. Box 47903, Olympia, WA 98504-7903. Questions can be answered by Tom Harmon, Risk Manager, (360) 705-6143, P.O. Box 47816, Olympia, WA 98504-7816.

The policy prohibits verbal or physical threats and/or violent acts against Department of Health employees. No member of the public, vendor, contractor, client, other person doing business with the department, or any Department of Health employee shall be allowed to harass or threaten employees or those conducting business with the department. The policy provides a suggested letter to be written to an offending person by the assistant secretary of the division experiencing a harassing situation.

Frank Hickey  
 Assistant Secretary  
 Management Services

**WSR 96-21-080**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 16, 1996, 9:30 a.m.]

**ADOPTION OF POLICY**

The Department of Health has issued a revision to policy and procedure number 17.003, Public Disclosure. The effective date is June 5, 1996.

The policy was issued by the information services office, within management services. Copies may be obtained from Kathie Mueller, (360) 586-1970, P.O. Box 47903, Olympia, WA 98504-7903. Questions can be answered by Cindy Lindley, Records Officer, (360) 705-6142, P.O. Box 47904, Olympia, WA 98504-7904.

This policy provides for compliance with chapter 42.17 RCW, the Public Disclosure Act. It provides information on what type of records are and are not exempt from disclosure.

Frank Hickey  
 Assistant Secretary  
 Management Services

**WSR 96-21-084**  
**NOTICE OF PUBLIC MEETINGS**  
**BUILDING CODE COUNCIL**  
 [Memorandum—October 14, 1996]

As required by the Energy Policy Act of 1992, the Washington State Building Code Council will be holding a public hearing to determine the equivalency of the Washington State Residential Energy Code (1994 second edition) to the 1995 Model Energy Code. The hearing is scheduled for 2:00 p.m. on November 13, 1996, in Hearing Room C, John L. O'Brien Building, Olympia, Washington.

Comments may also be made in writing to James R. Beaver, Chair, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, or by FAX to (360) 586-5880. All written comments must be received by November 10, 1996.

If you have any questions regarding this hearing or would like more information, please contact Judith Darst at (360) 586-2251.

October 24 will be held at Shuksan Golf Club, 1500 East Axton Road, Bellingham. The meeting scheduled December 12 will take place at the Harbor Center Building, 1801 Roeder Avenue, Bellingham.

**WSR 96-21-085**  
**POLICY STATEMENT**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**

[Filed October 16, 1996, 4:26 p.m.]

At its September 23-24, 1996 meeting in Olympia, the Interagency Committee for Outdoor Recreation adopted the following new policies or interpretation of existing policies.

Resolution No.	Subject Description
96-20	WWRP - Critical Habitat Ranked List (as amended)
96-21	WWRP - Natural Area Ranked List
96-22	WWRP - Urban Wildlife Ranked List
96-25	National Recreational Trails Funding Act (as amended)
96-26	WWRP - State Parks Category Ranked List (as amended)
96-27	WWRP - Trails Category Ranked List
96-28	WWRP - Water Access Category Ranked List
96-29	WWRP - Local Parks Category Ranked List
96-32	Redistribution of WWRP Prior Bienna Funds

These materials may be obtained by contacting Carolyn Hendricks at P.O. Box 40917, Natural Resources Building, 2nd Floor East, 1111 Washington Street S.E., Olympia, WA 98504-0917, (360) 902-3008.

Laura Eckert Johnson  
 Director

**WSR 96-21-087**  
**NOTICE OF PUBLIC MEETINGS**  
**WESTERN WASHINGTON UNIVERSITY**

[Memorandum—October 17, 1996]

The board of trustees of Western Washington University, Bellingham, Washington, approved the following meeting schedule for the 1997 calendar year:

- February 6-7, 1997
- April 3-4, 1997
- June 12-13, 1997
- August 21-22, 1997
- October 2-3, 1997
- December 4-5, 1997

**WSR 96-21-088**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Red Raspberry Commission)

[Memorandum—October 10, 1996]

The locations of upcoming Washington Red Raspberry Board meetings have changed. The meeting scheduled

**WSR 96-21-091**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**

(Southwest Air Pollution Control Authority)

[Memorandum—October 16, 1996]

**NOTICE OF PUBLIC HEARING**  
**Washington State Implementation Plan (SIP)**  
**November 19, 1996**

The Washington State Department of Ecology will be conducting a public hearing at the Southwest Air Pollution Control Authority (SWAPCA), 1308 N.E. 134th Street, Vancouver, WA, on Tuesday, November 19, 1996, at 3:00 p.m.

The purpose of the hearing will be to receive comments on submitting amendments to SWAPCA's regulations 400, *General Regulations for Air Pollution Sources*; 476, *Standards for Asbestos Control, Demolition, and Renovation*; 490, *Emission Standards and Controls for Sources Emitting Volatile Organic Compounds*; 491, *Emission Standards and Controls for Sources Emitting Gasoline Vapors*; and 492, *Oxygenated Fuels*, to the Environmental Protection Agency (EPA) with a request that these amendments be included in the Washington State Implementation Plan (SIP).

The major changes to these regulations are necessary to support the SWAPCA adopted Vancouver Carbon Monoxide Maintenance Plan and the Vancouver Maintenance Plan, and to provide consistency with federal requirements.

Interested persons may provide written or oral comments at the hearing. Written comments will be considered if postmarked no later than November 20, 1996, and should be sent to Lydia Cabeza, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For information on the SIP submittals, or for a list of locations where a copy of the amended regulations can be reviewed, please contact Lydia Cabeza at (360) 407-6860.

For information on the contents of the amended regulations, please contact Paul Mairose, SWAPCA, (360) 574-3058, ext. 30.

\*Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Cabeza at (360) 407-6860 (voice), or (360) 407-6006 (TDD only).

MISCELLANEOUS

**WSR 96-21-104**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—October 21, 1996]

**BOARD OF TRUSTEES**  
 October 25, 1996, 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 the Spokane Center Board Room.

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 96-21-106**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Nursing Home Administrators)  
 [Memorandum—October 21, 1996]

The Board of Nursing Home Administrators has canceled its meeting scheduled for October 24, 1996.

**WSR 96-21-127**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—October 18, 1996]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the University of Washington Public Records Office.

School of Pharmacy

Curriculum

Meeting Dates	Location	Time
November 1, 1996	Pharmacy Conference Room H Wing, 3rd Floor	12:30-2:30
February 13, 1997	Pharmacy Conference Room H Wing, 3rd Floor	10:30-12:30
May 15, 1997	Pharmacy Conference Room H Wing, 3rd Floor	10:30-12:30

**WSR 96-21-129**  
**NOTICE OF PUBLIC MEETINGS**  
**FOREST PRACTICES BOARD**  
 [Memorandum—October 22, 1996]

The Forest Practices Board will hold a two-day meeting on November 13 and 14 in Nespelem, Washington.

The first day, a field trip on the Colville Indian Reservation, will convene at 9 a.m. at the Colville Confederated Tribal Council Chambers. The board will then visit field sites to look at the effectiveness of certain forest practices rules. Members of the public who wish to attend the field trip should contact Don Strand, NE Region Forest Practices Coordinator, at (509) 684-7474. They must also provide their own transportation and lunch.

The board will hold their regular quarterly business meeting on Thursday, November 14 at the Nespelem Community Center, beginning at 9 a.m. The agenda will be distributed on November 6, 1996.

For more information, call Debbie Roper, Forest Practices Board Secretary at (360) 902-1413.

MISCELLANEOUS





**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:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 96-14

No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-530	PREP	96-05-081	12-10-230	PREP-X	96-13-023	12-10-440	REP	96-17-078
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4-25-530	AMD	96-12-060	12-10-240	PREP-X	96-13-023	12-10-442	REP	96-17-078
4-25-722	PREP	96-05-082	12-10-240	REP	96-17-078	12-10-444	PREP-X	96-13-023
4-25-722	AMD-P	96-09-064	12-10-245	PREP-X	96-13-023	12-10-444	REP	96-17-078
4-25-722	AMD	96-12-062	12-10-245	REP	96-17-078	12-10-450	PREP-X	96-13-023
4-25-750	PREP	96-05-083	12-10-260	PREP-X	96-13-023	12-10-450	REP	96-17-078
4-25-750	AMD-P	96-09-066	12-10-260	REP	96-17-078	12-10-455	PREP-X	96-13-023
4-25-750	AMD	96-12-061	12-10-270	PREP-X	96-13-023	12-10-455	REP	96-17-078
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12-10-010	REP	96-17-078	12-10-305	PREP-X	96-13-023	12-10-465	REP	96-17-078
12-10-020	PREP-X	96-13-023	12-10-305	REP	96-17-078	12-10-470	PREP-X	96-13-023
12-10-020	REP	96-17-078	12-10-310	PREP-X	96-13-023	12-10-470	REP	96-17-078
12-10-025	PREP-X	96-13-023	12-10-310	REP	96-17-078	12-10-480	PREP-X	96-13-023
12-10-025	REP	96-17-078	12-10-320	PREP-X	96-13-023	12-10-480	REP	96-17-078
12-10-030	PREP-X	96-13-023	12-10-320	REP	96-17-078	12-10-485	PREP-X	96-13-023
12-10-030	REP	96-17-078	12-10-330	PREP-X	96-13-023	12-10-485	REP	96-17-078
12-10-035	PREP-X	96-13-023	12-10-330	REP	96-17-078	12-10-490	PREP-X	96-13-023
12-10-035	REP	96-17-078	12-10-340	PREP-X	96-13-023	12-10-490	REP	96-17-078
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12-10-040	REP	96-17-078	12-10-345	PREP-X	96-13-023	12-10-495	REP	96-17-078
12-10-050	PREP-X	96-13-023	12-10-345	REP	96-17-078	12-10-500	PREP-X	96-13-023
12-10-050	REP	96-17-078	12-10-350	PREP-X	96-13-023	12-10-500	REP	96-17-078
12-10-055	PREP-X	96-13-023	12-10-350	REP	96-17-078	12-10-510	PREP-X	96-13-023
12-10-055	REP	96-17-078	12-10-355	PREP-X	96-13-023	12-10-510	REP	96-17-078
12-10-060	PREP-X	96-13-023	12-10-355	REP	96-17-078	12-10-520	PREP-X	96-13-023
12-10-060	REP	96-17-078	12-10-360	PREP-X	96-13-023	12-10-520	REP	96-17-078
12-10-100	PREP-X	96-13-023	12-10-360	REP	96-17-078	12-10-530	PREP-X	96-13-023
12-10-100	REP	96-17-078	12-10-365	PREP-X	96-13-023	12-10-530	REP	96-17-078
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12-10-170	REP	96-17-078	12-10-375	PREP-X	96-13-023	12-10-540	REP	96-17-078
12-10-180	PREP-X	96-13-023	12-10-375	REP	96-17-078	12-10-545	PREP-X	96-13-023
12-10-180	REP	96-17-078	12-10-390	PREP-X	96-13-023	12-10-545	REP	96-17-078
12-10-190	PREP-X	96-13-023	12-10-390	REP	96-17-078	12-10-550	PREP-X	96-13-023
12-10-190	REP	96-17-078	12-10-400	PREP-X	96-13-023	12-10-550	REP	96-17-078
12-10-200	PREP-X	96-13-023	12-10-400	REP	96-17-078	12-10-570	PREP-X	96-13-023
12-10-200	REP	96-17-078	12-10-405	PREP-X	96-13-023	12-10-570	REP	96-17-078
12-10-203	PREP-X	96-13-023	12-10-405	REP	96-17-078	12-10-580	PREP-X	96-13-023
12-10-203	REP	96-17-078	12-10-410	PREP-X	96-13-023	12-10-580	REP	96-17-078
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12-10-205	REP	96-17-078	12-10-420	PREP-X	96-13-023	12-10-600	REP	96-17-078
12-10-210	PREP-X	96-13-023	12-10-420	REP	96-17-078	12-10-650	PREP-X	96-13-023
12-10-210	REP	96-17-078	12-10-425	PREP-X	96-13-023	12-10-650	REP	96-17-078
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12-10-690	REP	96-17-078	12-24-150	DECOD	96-17-018	16-05-010	NEW-P	96-10-080
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12-10-695	REP	96-17-078	12-24-155	DECOD	96-17-018	16-05-015	NEW-P	96-10-080
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12-10-840	REP	96-17-078	12-24-190	DECOD	96-17-018	16-06-010	REP-P	96-06-082
12-10-900	PREP-X	96-13-023	12-24-195	DECOD-P	96-14-024	16-06-010	REP-C	96-11-119
12-10-900	REP	96-17-078	12-24-195	DECOD	96-17-018	16-06-010	REP	96-14-086
12-18-001	DECOD-P	96-14-024	12-24-200	DECOD-P	96-14-024	16-06-020	REP-P	96-06-082
12-18-001	DECOD	96-17-018	12-24-200	DECOD	96-17-018	16-06-020	REP-C	96-11-119
12-18-010	DECOD-P	96-14-024	12-24-205	DECOD-P	96-14-024	16-06-020	REP	96-14-086
12-18-010	DECOD	96-17-018	12-24-205	DECOD	96-17-018	16-06-030	REP-P	96-06-082
12-18-020	PREP	96-10-041	12-24-210	DECOD-P	96-14-024	16-06-030	REP-C	96-11-119
12-18-020	AMD-P	96-14-024	12-24-210	DECOD	96-17-018	16-06-030	REP	96-14-086
12-18-020	DECOD-P	96-14-024	12-24-215	DECOD-P	96-14-024	16-06-040	REP-P	96-06-082
12-18-020	AMD	96-17-018	12-24-215	DECOD	96-17-018	16-06-040	REP-C	96-11-119
12-18-020	DECOD	96-17-018	12-24-350	DECOD-P	96-14-024	16-06-040	REP	96-14-086
12-18-030	DECOD-P	96-14-024	12-24-350	DECOD	96-17-018	16-06-050	REP-P	96-06-082
12-18-030	DECOD	96-17-018	12-24-360	DECOD-P	96-14-024	16-06-050	REP-C	96-11-119
12-18-040	DECOD-P	96-14-024	12-24-360	DECOD	96-17-018	16-06-050	REP	96-14-086
12-18-040	DECOD	96-17-018	12-24-370	DECOD-P	96-14-024	16-06-060	REP-P	96-06-082
12-18-050	DECOD-P	96-14-024	12-24-370	DECOD	96-17-018	16-06-060	REP-C	96-11-119
12-18-050	DECOD	96-17-018	12-24-380	DECOD-P	96-14-024	16-06-060	REP	96-14-086
12-19-010	DECOD-P	96-14-024	12-24-380	DECOD	96-17-018	16-06-070	REP-P	96-06-082
12-19-010	DECOD	96-17-018	12-40-010	DECOD-P	96-14-024	16-06-070	REP-C	96-11-119
12-20-050	DECOD-P	96-14-024	12-40-010	DECOD	96-17-018	16-06-070	REP	96-14-086
12-20-050	DECOD	96-17-018	12-40-020	DECOD-P	96-14-024	16-06-080	REP-P	96-06-082
12-24-002	DECOD-P	96-14-024	12-40-020	DECOD	96-17-018	16-06-080	REP-C	96-11-119
12-24-002	DECOD	96-17-018	12-40-030	DECOD-P	96-14-024	16-06-080	REP	96-14-086
12-24-005	DECOD-P	96-14-024	12-40-030	DECOD	96-17-018	16-06-090	REP-P	96-06-082
12-24-005	DECOD	96-17-018	12-40-040	DECOD-P	96-14-024	16-06-090	REP-C	96-11-119
12-24-025	DECOD-P	96-14-024	12-40-040	DECOD	96-17-018	16-06-090	REP	96-14-086
12-24-025	DECOD	96-17-018	12-40-050	DECOD-P	96-14-024	16-06-100	REP-P	96-06-082
12-24-030	DECOD-P	96-14-024	12-40-050	DECOD	96-17-018	16-06-100	REP-C	96-11-119
12-24-030	DECOD	96-17-018	12-40-060	DECOD-P	96-14-024	16-06-100	REP	96-14-086
12-24-035	DECOD-P	96-14-024	12-40-060	DECOD	96-17-018	16-06-110	REP-P	96-06-082
12-24-035	DECOD	96-17-018	12-40-070	DECOD-P	96-14-024	16-06-110	REP-C	96-11-119
12-24-040	DECOD-P	96-14-024	12-40-070	DECOD	96-17-018	16-06-110	REP	96-14-086
12-24-040	DECOD	96-17-018	12-40-080	DECOD-P	96-14-024	16-06-120	REP-P	96-06-082
12-24-045	DECOD-P	96-14-024	12-40-080	DECOD	96-17-018	16-06-120	REP-C	96-11-119
12-24-045	DECOD	96-17-018	12-40-090	DECOD-P	96-14-024	16-06-120	REP	96-14-086
12-24-050	DECOD-P	96-14-024	12-40-090	DECOD	96-17-018	16-06-130	REP-P	96-06-082
12-24-050	DECOD	96-17-018	12-40-100	DECOD-P	96-14-024	16-06-130	REP-C	96-11-119
12-24-105	DECOD-P	96-14-024	12-40-100	DECOD	96-17-018	16-06-130	REP	96-14-086
12-24-105	DECOD	96-17-018	12-40-110	DECOD-P	96-14-024	16-06-140	REP-P	96-06-082
12-24-110	DECOD-P	96-14-024	12-40-110	DECOD	96-17-018	16-06-140	REP-C	96-11-119
12-24-110	DECOD	96-17-018	12-40-120	DECOD-P	96-14-024	16-06-140	REP	96-14-086
12-24-115	DECOD-P	96-14-024	12-40-120	DECOD	96-17-018	16-06-150	NEW-P	96-06-082
12-24-115	DECOD	96-17-018	12-40-130	DECOD-P	96-14-024	16-06-150	NEW-C	96-11-119
12-24-120	DECOD-P	96-14-024	12-40-130	DECOD	96-17-018	16-06-150	NEW	96-14-086
12-24-120	DECOD	96-17-018	12-40-140	DECOD-P	96-14-024	16-06-155	NEW-P	96-06-082
12-24-125	DECOD-P	96-14-024	12-40-140	DECOD	96-17-018	16-06-155	NEW-C	96-11-119
12-24-125	DECOD	96-17-018	12-40-150	DECOD-P	96-14-024	16-06-155	NEW	96-14-086
12-24-130	DECOD-P	96-14-024	12-40-150	DECOD	96-17-018	16-06-160	NEW-P	96-06-082
12-24-130	DECOD	96-17-018	12-40-160	DECOD-P	96-14-024	16-06-160	NEW-C	96-11-119
12-24-135	DECOD-P	96-14-024	12-40-160	DECOD	96-17-018	16-06-160	NEW	96-14-086
12-24-135	DECOD	96-17-018	12-40-170	DECOD-P	96-14-024	16-06-165	NEW-P	96-06-082
12-24-140	DECOD-P	96-14-024	12-40-170	DECOD	96-17-018	16-06-165	NEW-C	96-11-119
12-24-140	DECOD	96-17-018	16-05-001	NEW-P	96-10-080	16-06-165	NEW	96-14-086

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-06-170	NEW-P	96-06-082	16-101-430	REP	96-18-108	16-1019-020	NEW-P	96-18-037
16-06-170	NEW-C	96-11-119	16-101-440	PREP-X	96-14-009	16-1019-020	NEW-E	96-18-038
16-06-170	NEW	96-14-086	16-101-440	REP	96-18-108	16-1019-030	NEW-P	96-18-037
16-06-175	NEW-P	96-06-082	16-101-450	PREP-X	96-14-009	16-1019-030	NEW-E	96-18-038
16-06-175	NEW-C	96-11-119	16-101-450	REP	96-18-108	16-1019-040	NEW-P	96-18-037
16-06-175	NEW	96-14-086	16-101-455	PREP-X	96-14-009	16-1019-040	NEW-E	96-18-038
16-06-180	NEW-P	96-06-082	16-101-455	REP	96-18-108	16-1019-050	NEW-P	96-18-037
16-06-180	NEW-C	96-11-119	16-101-460	PREP-X	96-14-009	16-101X-030	NEW-S	96-21-138
16-06-180	NEW	96-14-086	16-101-460	REP	96-18-108	16-101X-040	NEW-S	96-21-138
16-06-185	NEW-P	96-06-082	16-101-465	PREP-X	96-14-009	16-114-001	PREP-X	96-14-017
16-06-185	NEW-C	96-11-119	16-101-465	REP	96-18-108	16-114-001	REP	96-18-110
16-06-185	NEW	96-14-086	16-101-470	PREP-X	96-14-009	16-114-010	PREP-X	96-14-017
16-06-190	NEW-P	96-06-082	16-101-470	REP	96-18-108	16-114-010	REP	96-18-110
16-06-190	NEW-C	96-11-119	16-101-475	PREP-X	96-14-009	16-114-015	PREP-X	96-14-017
16-06-190	NEW	96-14-086	16-101-475	REP	96-18-108	16-114-015	REP	96-18-110
16-06-195	NEW-P	96-06-082	16-101-480	PREP-X	96-14-009	16-114-020	PREP-X	96-14-017
16-06-195	NEW-C	96-11-119	16-101-480	REP	96-18-108	16-114-020	REP	96-18-110
16-06-195	NEW	96-14-086	16-101-490	PREP-X	96-14-009	16-114-025	PREP-X	96-14-017
16-06-200	NEW-P	96-06-082	16-101-490	REP	96-18-108	16-114-025	REP	96-18-110
16-06-200	NEW-C	96-11-119	16-101-500	PREP-X	96-14-009	16-114-030	PREP-X	96-14-017
16-06-200	NEW	96-14-086	16-101-500	REP	96-18-108	16-114-030	REP	96-18-110
16-06-205	NEW-P	96-06-082	16-101-510	PREP-X	96-14-009	16-114-040	PREP-X	96-14-017
16-06-205	NEW-C	96-11-119	16-101-510	REP	96-18-108	16-114-040	REP	96-18-110
16-06-205	NEW	96-14-086	16-101-520	PREP-X	96-14-009	16-114-045	PREP-X	96-14-017
16-06-210	NEW-P	96-06-082	16-101-520	REP	96-18-108	16-114-045	REP	96-18-110
16-06-210	NEW-C	96-11-119	16-101-530	PREP-X	96-14-009	16-114-050	PREP-X	96-14-017
16-06-210	NEW	96-14-086	16-101-530	REP	96-18-108	16-114-050	REP	96-18-110
16-06-215	NEW-P	96-06-082	16-101-540	PREP-X	96-14-009	16-114-055	PREP-X	96-14-017
16-06-215	NEW-C	96-11-119	16-101-540	REP	96-18-108	16-114-055	REP	96-18-110
16-06-215	NEW	96-14-086	16-101-550	PREP-X	96-14-009	16-114-060	PREP-X	96-14-017
16-06-220	NEW-P	96-06-082	16-101-550	REP	96-18-108	16-114-060	REP	96-18-110
16-06-220	NEW-C	96-11-119	16-101-560	PREP-X	96-14-009	16-114-065	PREP-X	96-14-017
16-06-220	NEW	96-14-086	16-101-560	REP	96-18-108	16-114-065	REP	96-18-110
16-06-225	NEW-P	96-06-082	16-101-570	PREP-X	96-14-009	16-114-070	PREP-X	96-14-017
16-06-225	NEW-C	96-11-119	16-101-570	REP	96-18-108	16-114-070	REP	96-18-110
16-06-225	NEW	96-14-086	16-101-580	PREP-X	96-14-009	16-114-075	PREP-X	96-14-017
16-06-230	NEW-P	96-06-082	16-101-580	REP	96-18-108	16-114-075	REP	96-18-110
16-06-230	NEW-C	96-11-119	16-101-590	PREP-X	96-14-009	16-114-080	PREP-X	96-14-017
16-06-230	NEW	96-14-086	16-101-590	REP	96-18-108	16-114-080	REP	96-18-110
16-06-235	NEW-P	96-06-082	16-101-600	PREP-X	96-14-009	16-114-085	PREP-X	96-14-017
16-06-235	NEW-C	96-11-119	16-101-600	REP	96-18-108	16-114-085	REP	96-18-110
16-06-235	NEW	96-14-086	16-101-610	PREP-X	96-14-009	16-114-090	PREP-X	96-14-017
16-09-001	PREP-X	96-14-072	16-101-610	REP	96-18-108	16-114-090	REP	96-18-110
16-09-001	REP	96-18-104	16-101-620	PREP-X	96-14-009	16-114-095	PREP-X	96-14-017
16-09-010	PREP-X	96-14-072	16-101-620	REP	96-18-108	16-114-095	REP	96-18-110
16-09-010	REP	96-18-104	16-101-630	PREP-X	96-14-009	16-114-100	PREP-X	96-14-017
16-09-020	PREP-X	96-14-072	16-101-630	REP	96-18-108	16-114-100	REP	96-18-110
16-09-020	REP	96-18-104	16-101-640	PREP-X	96-14-009	16-114-105	PREP-X	96-14-017
16-09-030	PREP-X	96-14-072	16-101-640	REP	96-18-108	16-114-105	REP	96-18-110
16-09-030	REP	96-18-104	16-101-650	PREP-X	96-14-009	16-114-110	PREP-X	96-14-017
16-09-040	PREP-X	96-14-072	16-101-650	REP	96-18-108	16-114-110	REP	96-18-110
16-09-040	REP	96-18-104	16-101-660	PREP-X	96-14-009	16-114-115	PREP-X	96-14-017
16-49-001	PREP-X	96-14-011	16-101-660	REP	96-18-108	16-114-115	REP	96-18-110
16-49-001	REP	96-18-105	16-101-670	PREP-X	96-14-009	16-114-120	PREP-X	96-14-017
16-49-010	PREP-X	96-14-011	16-101-670	REP	96-18-108	16-114-120	REP	96-18-110
16-49-010	REP	96-18-105	16-101-680	PREP-X	96-14-009	16-114-125	PREP-X	96-14-017
16-49-020	PREP-X	96-14-011	16-101-680	REP	96-18-108	16-114-125	REP	96-18-110
16-49-020	REP	96-18-105	16-101-700	PREP	96-13-093	16-114-130	PREP-X	96-14-017
16-49-030	PREP-X	96-14-011	16-101-700	AMD-P	96-18-084	16-114-130	REP	96-18-110
16-49-030	REP	96-18-105	16-101-705	NEW-P	96-18-085	16-114-135	PREP-X	96-14-017
16-49-040	PREP-X	96-14-011	16-101-711	NEW-P	96-18-085	16-114-135	REP	96-18-110
16-49-040	REP	96-18-105	16-101-715	REP-P	96-18-085	16-114-140	PREP-X	96-14-017
16-54-082	PREP	96-13-095	16-101-715	NEW-P	96-18-085	16-114-140	REP	96-18-110
16-54-082	AMD-P	96-16-080	16-101-716	NEW-P	96-18-085	16-116-001	PREP-X	96-14-012
16-54-125	PREP	96-13-096	16-101-720	REP-P	96-18-085	16-116-001	REP	96-18-111
16-54-125	AMD-P	96-16-079	16-101-721	NEW-P	96-18-085	16-116-010	PREP-X	96-14-012
16-86-015	PREP	96-13-095	16-101-725	REP-P	96-18-085	16-116-010	REP	96-18-111
16-86-015	AMD-P	96-16-080	16-101-726	NEW-P	96-18-085	16-116-020	PREP-X	96-14-012
16-101-410	PREP-X	96-14-009	16-101-730	REP-P	96-18-085	16-116-020	REP	96-18-111
16-101-410	REP	96-18-108	16-101-735	REP-P	96-18-085	16-116-030	PREP-X	96-14-012
16-101-420	PREP-X	96-14-009	16-101-740	REP-P	96-18-085	16-116-030	REP	96-18-111
16-101-420	REP	96-18-108	16-101-990	NEW-P	96-18-085	16-116-040	PREP-X	96-14-012
16-101-430	PREP-X	96-14-009	16-1019-010	NEW-P	96-18-037	16-116-040	REP	96-18-111
			16-1019-010	NEW-E	96-18-038			

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-120-001	PREP-X	96-14-014	16-132-040	PREP-X	96-14-014	16-168-010	NEW-P	96-05-027
16-120-001	REP	96-18-112	16-132-040	REP	96-18-112	16-168-010	NEW	96-09-037
16-120-005	PREP-X	96-14-014	16-132-050	PREP-X	96-14-014	16-168-020	NEW-P	96-05-027
16-120-005	REP	96-18-112	16-132-050	REP	96-18-112	16-168-020	NEW	96-09-037
16-120-010	PREP-X	96-14-014	16-132-060	PREP-X	96-14-014	16-168-030	NEW-P	96-05-027
16-120-010	REP	96-18-112	16-132-060	REP	96-18-112	16-168-030	NEW	96-09-037
16-120-020	PREP-X	96-14-014	16-136-001	PREP-X	96-14-013	16-168-040	NEW-P	96-05-027
16-120-020	REP	96-18-112	16-136-001	REP	96-18-107	16-168-040	NEW	96-09-037
16-120-030	PREP-X	96-14-014	16-136-010	PREP-X	96-14-013	16-168-050	NEW-P	96-05-027
16-120-030	REP	96-18-112	16-136-010	REP	96-18-107	16-168-050	NEW	96-09-037
16-120-040	PREP-X	96-14-014	16-136-020	PREP-X	96-14-013	16-168-060	NEW-P	96-05-027
16-120-040	REP	96-18-112	16-136-020	REP	96-18-107	16-168-060	NEW	96-09-037
16-120-050	PREP-X	96-14-014	16-138-010	NEW-E	96-11-001	16-168-070	NEW-P	96-05-027
16-120-050	REP	96-18-112	16-138-020	NEW-E	96-11-001	16-168-070	NEW	96-09-037
16-120-060	PREP-X	96-14-014	16-138-030	NEW-E	96-11-001	16-168-080	NEW-P	96-05-027
16-120-060	REP	96-18-112	16-138-035	NEW-E	96-11-001	16-168-080	NEW	96-09-037
16-120-070	PREP-X	96-14-014	16-138-040	NEW-E	96-11-001	16-168-090	NEW-P	96-05-027
16-120-070	REP	96-18-112	16-140-001	PREP-X	96-14-016	16-168-090	NEW	96-09-037
16-120-080	PREP-X	96-14-014	16-140-001	REP	96-18-113	16-168-100	NEW-P	96-05-027
16-120-080	REP	96-18-112	16-140-001	REP	96-18-113	16-168-100	NEW	96-09-037
16-120-090	PREP-X	96-14-014	16-140-010	PREP-X	96-14-016	16-168-100	NEW	96-09-037
16-120-090	REP	96-18-112	16-140-010	REP	96-18-113	16-200-640	REP-P	96-10-071
16-120-100	PREP-X	96-14-014	16-140-020	PREP-X	96-14-016	16-200-640	REP	96-15-018A
16-120-100	REP	96-18-112	16-140-020	REP	96-18-113	16-200-650	REP-P	96-10-071
16-120-110	PREP-X	96-14-014	16-140-030	PREP-X	96-14-016	16-200-650	REP	96-15-018A
16-120-110	REP	96-18-112	16-140-030	REP	96-18-113	16-200-650	REP	96-15-018A
16-120-120	PREP-X	96-14-014	16-140-040	PREP-X	96-14-016	16-200-750	AMD-P	96-10-071
16-120-120	REP	96-18-112	16-140-040	REP	96-18-113	16-200-750	AMD	96-15-018A
16-120-130	PREP-X	96-14-014	16-140-050	PREP-X	96-14-016	16-200-755	NEW-P	96-10-071
16-120-130	REP	96-18-112	16-140-050	REP	96-18-113	16-200-755	NEW	96-15-018A
16-122	PREP	96-13-092	16-140-060	PREP-X	96-14-016	16-200-760	AMD-P	96-10-071
16-122	AMD-P	96-18-086	16-140-060	REP	96-18-113	16-200-760	AMD	96-15-018A
16-122-001	AMD-P	96-18-086	16-140-070	PREP-X	96-14-016	16-200-770	AMD-P	96-10-071
16-124-011	PREP	96-13-091	16-140-070	REP	96-18-113	16-200-770	AMD	96-15-018A
16-124-011	AMD-P	96-18-087	16-140-080	PREP-X	96-14-016	16-200-780	REP-P	96-10-071
16-126-001	PREP-X	96-14-014	16-140-080	REP	96-18-113	16-200-780	REP	96-15-018A
16-126-001	REP	96-18-112	16-140-090	PREP-X	96-14-016	16-200-790	AMD-P	96-10-071
16-128-001	PREP-X	96-14-016	16-140-090	REP	96-18-113	16-200-790	AMD	96-15-018A
16-128-001	REP	96-18-113	16-140-100	PREP-X	96-14-016	16-200-795	NEW-P	96-10-071
16-128-010	PREP-X	96-14-016	16-140-100	REP	96-18-113	16-200-795	NEW	96-15-018A
16-128-010	REP	96-18-113	16-144-001	PREP-X	96-14-010	16-200-800	REP-P	96-10-071
16-128-020	PREP-X	96-14-016	16-144-001	REP	96-18-106	16-200-800	REP	96-15-018A
16-128-020	REP	96-18-113	16-144-020	PREP-X	96-14-010	16-200-805	AMD-P	96-10-071
16-128-030	PREP-X	96-14-016	16-144-020	REP	96-18-106	16-200-805	AMD	96-15-018A
16-128-030	REP	96-18-113	16-144-030	PREP-X	96-14-010	16-200-810	REP-P	96-10-071
16-128-040	PREP-X	96-14-016	16-144-030	REP	96-18-106	16-200-810	REP	96-15-018A
16-128-040	REP	96-18-113	16-144-040	PREP-X	96-14-010	16-200-815	AMD-P	96-10-071
16-128-050	PREP-X	96-14-016	16-144-040	REP	96-18-106	16-200-815	AMD	96-15-018A
16-128-050	REP	96-18-113	16-144-050	PREP-X	96-14-010	16-200-830	AMD-P	96-10-071
16-128-060	PREP-X	96-14-016	16-144-050	REP	96-18-106	16-200-830	AMD	96-15-018A
16-128-060	REP	96-18-113	16-144-060	PREP-X	96-14-010	16-200-850	REP-P	96-10-071
16-128-070	PREP-X	96-14-016	16-144-060	REP	96-18-106	16-200-850	REP	96-15-018A
16-128-070	REP	96-18-113	16-144-070	PREP-X	96-14-010	16-200-860	AMD-P	96-10-071
16-128-080	PREP-X	96-14-016	16-144-070	REP	96-18-106	16-200-860	AMD	96-15-018A
16-128-080	REP	96-18-113	16-144-080	PREP-X	96-14-010	16-200-865	NEW-P	96-10-071
16-128-090	PREP-X	96-14-016	16-144-080	REP	96-18-106	16-200-865	NEW	96-15-018A
16-128-090	REP	96-18-113	16-148-001	PREP-X	96-14-015	16-200-870	REP-P	96-10-071
16-128-100	PREP-X	96-14-016	16-148-001	REP	96-18-109	16-200-870	REP	96-15-018A
16-128-100	REP	96-18-113	16-148-010	PREP-X	96-14-015	16-200-885	NEW-P	96-10-071
16-128-110	PREP-X	96-14-016	16-148-010	REP	96-18-109	16-200-885	NEW	96-15-018A
16-128-110	REP	96-18-113	16-148-020	PREP-X	96-14-015	16-200-887	NEW-P	96-10-071
16-128-120	PREP-X	96-14-016	16-148-020	REP	96-18-109	16-200-887	NEW	96-15-018A
16-128-120	REP	96-18-113	16-148-030	PREP-X	96-14-015	16-230	PREP	96-20-110
16-128-130	PREP-X	96-14-016	16-148-030	REP	96-18-109	16-233-001	NEW-P	96-14-108
16-128-130	REP	96-18-113	16-156	PREP	96-08-074	16-233-001	NEW	96-21-008
16-132-001	PREP-X	96-14-014	16-156-001	REP-P	96-21-144	16-233-005	NEW-P	96-14-108
16-132-001	REP	96-18-112	16-156-004	NEW-P	96-21-144	16-233-005	NEW	96-21-008
16-132-010	PREP-X	96-14-014	16-156-010	AMD-P	96-21-144	16-233-010	NEW-P	96-14-108
16-132-010	REP	96-18-112	16-156-020	AMD-P	96-21-144	16-233-010	NEW	96-21-008
16-132-020	PREP-X	96-14-014	16-156-030	AMD-P	96-21-144	16-233-020	NEW-P	96-14-108
16-132-020	REP	96-18-112	16-156-035	AMD-P	96-21-144	16-233-020	NEW	96-21-008
16-132-030	PREP-X	96-14-014	16-156-040	AMD-P	96-21-144	16-233-025	NEW-P	96-14-108
16-132-030	REP	96-18-112	16-156-050	AMD-P	96-21-144	16-233-025	NEW	96-21-008
			16-156-060	AMD-P	96-21-144	16-233-100	NEW-P	96-14-108
						16-233-100	NEW	96-21-008

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-233-105	NEW-P	96-14-108	16-319-041	AMD	96-11-044	16-695-040	RESCIND	96-20-078
16-233-105	NEW	96-21-008	16-400-040	AMD-P	96-05-071	16-695-040	NEW-E	96-20-079
16-233-110	NEW-P	96-14-108	16-400-040	AMD	96-10-060	16-695-045	NEW-E	96-17-051
16-233-110	NEW	96-21-008	16-400-100	AMD-P	96-05-071	16-695-045	RESCIND	96-20-078
16-233-115	NEW-P	96-14-108	16-400-100	AMD	96-10-060	16-695-045	NEW-E	96-20-079
16-233-115	NEW	96-21-008	16-400-210	AMD-P	96-05-071	16-695-050	NEW-E	96-17-051
16-233-120	NEW-P	96-14-108	16-400-210	AMD	96-10-060	16-695-050	RESCIND	96-20-078
16-233-120	NEW	96-21-008	16-400-020	PREP	96-09-090	16-695-050	NEW-E	96-20-079
16-233-125	NEW-P	96-14-108	16-409-020	AMD-P	96-20-080	16-695-055	NEW-E	96-17-051
16-233-125	NEW-S	96-17-081	16-409-030	PREP	96-09-090	16-695-055	RESCIND	96-20-078
16-233-125	NEW	96-21-008	16-409-030	AMD-P	96-20-080	16-695-055	NEW-E	96-20-079
16-233-130	NEW-P	96-14-108	16-409-060	PREP	96-09-090	16-695-060	NEW-E	96-17-051
16-233-130	NEW	96-21-008	16-409-060	AMD-P	96-20-080	16-695-060	RESCIND	96-20-078
16-233-135	NEW-P	96-14-108	16-409-065	PREP	96-09-090	16-695-060	NEW-E	96-20-079
16-233-135	NEW	96-21-008	16-409-065	AMD-P	96-20-080	16-695-065	NEW-E	96-17-051
16-233-140	NEW-P	96-14-108	16-409-070	AMD-P	96-20-080	16-695-065	RESCIND	96-20-078
16-233-140	NEW	96-21-008	16-409-075	AMD-P	96-20-080	16-695-065	NEW-E	96-20-079
16-233-145	NEW-P	96-14-108	16-473-005	NEW-E	96-10-036	16-695-070	NEW-E	96-17-051
16-233-145	NEW	96-21-008	16-473-005	NEW-E	96-17-027	16-695-070	RESCIND	96-20-078
16-233-150	NEW-P	96-14-108	16-473-010	NEW-E	96-10-036	16-695-070	NEW-E	96-20-079
16-233-150	NEW-S	96-17-081	16-473-010	NEW-E	96-17-027	16-695-075	NEW-E	96-17-051
16-233-150	NEW	96-21-008	16-473-015	NEW-E	96-10-036	16-695-075	RESCIND	96-20-078
16-233-155	NEW-P	96-14-108	16-473-015	NEW-E	96-17-027	16-695-075	NEW-E	96-20-079
16-233-155	NEW	96-21-008	16-473-020	NEW-E	96-10-036	16-695-080	NEW-E	96-17-051
16-233-200	NEW-P	96-14-108	16-473-020	NEW-E	96-17-027	16-695-080	RESCIND	96-20-078
16-233-200	NEW	96-21-008	16-473-025	NEW-E	96-10-036	16-695-080	NEW-E	96-20-079
16-233-205	NEW-P	96-14-108	16-473-025	NEW-E	96-17-027	16-700-021	PREP	96-16-084
16-233-205	NEW	96-21-008	16-473-030	NEW-E	96-10-036	16-750	AMD-C	96-03-093
16-233-210	NEW-P	96-14-108	16-473-030	NEW-E	96-17-027	16-750	PREP	96-17-091
16-233-210	NEW	96-21-008	16-473-035	NEW-E	96-10-036	16-750-003	AMD-P	96-20-112
16-233-215	NEW-P	96-14-108	16-473-035	NEW-E	96-17-027	16-750-005	AMD	96-06-030
16-233-215	NEW	96-21-008	16-529-150	AMD	96-03-151	16-750-011	AMD	96-06-030
16-233-220	NEW-P	96-14-108	16-532-010	AMD-P	96-05-086	16-750-011	AMD-P	96-20-112
16-233-220	NEW	96-21-008	16-532-010	AMD	96-15-139	16-750-015	AMD	96-06-030
16-233-225	NEW-P	96-14-108	16-532-040	PREP	96-02-082	16-750-015	AMD-P	96-20-112
16-233-225	NEW	96-21-008	16-532-0402	NEW-P	96-05-086	16-750-020	AMD-P	96-20-112
16-233-230	NEW-P	96-14-108	16-532-0402	NEW	96-15-139	16-750-130	AMD-P	96-20-112
16-233-230	NEW	96-21-008	16-532-0404	NEW-P	96-05-086	36-08-010	PREP-X	96-13-021
16-233-235	NEW-P	96-14-108	16-532-0404	NEW	96-15-139	36-08-010	REP	96-17-040
16-233-235	NEW	96-21-008	16-532-0406	NEW-P	96-05-086	36-08-020	PREP-X	96-13-021
16-233-240	NEW-P	96-14-108	16-532-0406	NEW	96-15-139	36-08-020	REP	96-17-040
16-233-240	NEW	96-21-008	16-532-0408	NEW-P	96-05-086	36-08-030	PREP-X	96-13-021
16-233-245	NEW-P	96-14-108	16-532-0408	NEW	96-15-139	36-08-030	REP	96-17-040
16-233-245	NEW	96-21-008	16-532-0410	NEW-P	96-05-086	36-08-040	PREP-X	96-13-021
16-233-250	NEW-P	96-14-108	16-532-0410	NEW	96-15-139	36-08-040	REP	96-17-040
16-233-250	NEW-S	96-17-081	16-532-0412	NEW-P	96-05-086	36-08-050	PREP-X	96-13-021
16-233-250	NEW	96-21-008	16-532-0412	NEW	96-15-139	36-08-050	REP	96-17-040
16-233-255	NEW-P	96-14-108	16-532-0414	NEW-P	96-05-086	36-08-060	PREP-X	96-13-021
16-233-255	NEW	96-21-008	16-532-0414	NEW	96-15-139	36-08-060	REP	96-17-040
16-300-010	AMD	96-04-058	16-540-040	AMD	96-03-150	36-08-070	PREP-X	96-13-021
16-304-110	AMD-P	96-09-091	16-560-06001	AMD	96-07-054	36-08-070	REP	96-17-040
16-304-110	AMD	96-12-066	16-695-005	NEW-E	96-17-051	36-08-080	PREP-X	96-13-021
16-304-130	AMD-P	96-09-091	16-695-005	RESCIND	96-20-078	36-08-080	REP	96-17-040
16-304-130	AMD	96-12-066	16-695-005	NEW-E	96-20-079	36-08-090	PREP-X	96-13-021
16-316	PREP	96-07-085	16-695-010	NEW-E	96-17-051	36-08-090	REP	96-17-040
16-316	PREP	96-07-086	16-695-010	RESCIND	96-20-078	36-08-100	PREP-X	96-13-021
16-316-280	AMD-P	96-07-087	16-695-010	NEW-E	96-20-079	36-08-100	REP	96-17-040
16-316-280	AMD-C	96-11-121	16-695-015	NEW-E	96-17-051	36-08-110	PREP-X	96-13-021
16-316-280	AMD	96-14-088	16-695-015	RESCIND	96-20-078	36-08-110	REP	96-17-040
16-316-315	AMD-P	96-11-120	16-695-015	NEW-E	96-20-079	36-08-120	PREP-X	96-13-021
16-316-315	AMD	96-14-087	16-695-020	NEW-E	96-17-051	36-08-120	REP	96-17-040
16-316-327	AMD-P	96-07-087	16-695-020	RESCIND	96-20-078	36-08-130	PREP-X	96-13-021
16-316-327	AMD-C	96-11-121	16-695-020	NEW-E	96-20-079	36-08-130	REP	96-17-040
16-316-327	AMD	96-14-088	16-695-025	NEW-E	96-17-051	36-08-140	PREP-X	96-13-021
16-316-455	AMD-P	96-11-122	16-695-025	RESCIND	96-20-078	36-08-140	REP	96-17-040
16-316-455	AMD	96-14-089	16-695-025	NEW-E	96-20-079	36-08-150	PREP-X	96-13-021
16-316-474	AMD-P	96-11-124	16-695-030	NEW-E	96-17-051	36-08-150	REP	96-17-040
16-316-474	AMD	96-14-091	16-695-030	RESCIND	96-20-078	36-08-160	PREP-X	96-13-021
16-316-724	AMD-P	96-11-124	16-695-030	NEW-E	96-20-079	36-08-160	REP	96-17-040
16-316-724	AMD	96-14-091	16-695-035	NEW-E	96-17-051	36-08-170	PREP-X	96-13-021
16-316-921	AMD-P	96-11-123	16-695-035	RESCIND	96-20-078	36-08-170	REP	96-17-040
16-316-921	AMD	96-14-090	16-695-035	NEW-E	96-20-079	36-08-180	PREP-X	96-13-021
16-319-041	AMD-P	96-03-065	16-695-040	NEW-E	96-17-051	36-08-180	REP	96-17-040



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
50-08-300	REP	96-17-072	50-20-170	REP	96-04-013	50-30-100	AMD	96-03-059
50-08-310	PREP-X	96-14-037	50-20-180	DECOD	96-04-013	50-30-100	DECOD	96-03-059
50-08-310	REP	96-17-072	50-20-190	AMD	96-04-013	50-30-110	REP	96-03-059
50-08-320	PREP-X	96-14-037	50-20-190	DECOD	96-04-013	50-40-010	PREP-X	96-14-041
50-08-320	REP	96-17-072	50-20-200	REP	96-04-013	50-40-010	REP	96-17-072
50-08-330	PREP-X	96-14-037	50-24-010	PREP-X	96-14-040	50-40-020	PREP-X	96-14-041
50-08-330	REP	96-17-072	50-24-010	REP	96-17-072	50-40-020	REP	96-17-072
50-08-340	PREP-X	96-14-037	50-24-020	PREP-X	96-14-040	50-40-040	PREP-X	96-14-041
50-08-340	REP	96-17-072	50-24-020	REP	96-17-072	50-40-040	REP	96-17-072
50-08-350	PREP-X	96-14-037	50-24-030	PREP-X	96-14-040	50-40-050	PREP-X	96-14-041
50-08-350	REP	96-17-072	50-24-030	REP	96-17-072	50-40-050	REP	96-17-072
50-08-360	PREP-X	96-14-037	50-24-040	PREP-X	96-14-040	50-40-060	PREP-X	96-14-041
50-08-360	REP	96-17-072	50-24-040	REP	96-17-072	50-40-060	REP	96-17-072
50-08-370	PREP-X	96-14-037	50-24-050	PREP-X	96-14-040	50-40-070	PREP-X	96-14-041
50-08-370	REP	96-17-072	50-24-050	REP	96-17-072	50-40-070	REP	96-17-072
50-08-380	PREP-X	96-14-037	50-24-060	PREP-X	96-14-040	50-40-990	PREP-X	96-14-041
50-08-380	REP	96-17-072	50-24-060	REP	96-17-072	50-40-990	REP	96-17-072
50-08-390	PREP-X	96-14-037	50-24-070	PREP-X	96-14-040	50-44-020	AMD	96-04-022
50-08-390	REP	96-17-072	50-24-070	REP	96-17-072	50-44-025	NEW	96-04-022
50-08-400	PREP-X	96-14-037	50-24-080	PREP-X	96-14-040	50-60-010	DECOD	96-04-028
50-08-400	REP	96-17-072	50-24-080	REP	96-17-072	50-60-020	DECOD	96-04-028
50-08-410	PREP-X	96-14-037	50-24-090	PREP-X	96-14-040	50-60-030	DECOD	96-04-028
50-08-410	REP	96-17-072	50-24-090	REP	96-17-072	50-60-035	DECOD	96-04-028
50-08-420	PREP-X	96-14-037	50-24-100	PREP-X	96-14-040	50-60-040	DECOD	96-04-028
50-08-420	REP	96-17-072	50-24-100	REP	96-17-072	50-60-042	DECOD	96-04-028
50-08-430	PREP-X	96-14-037	50-24-110	PREP-X	96-14-040	50-60-045	DECOD	96-04-028
50-08-430	REP	96-17-072	50-24-110	REP	96-17-072	50-60-050	DECOD	96-04-028
50-08-440	PREP-X	96-14-037	50-24-120	PREP-X	96-14-040	50-60-060	DECOD	96-04-028
50-08-440	REP	96-17-072	50-24-120	REP	96-17-072	50-60-070	DECOD	96-04-028
50-08-450	PREP-X	96-14-037	50-24-130	PREP-X	96-14-040	50-60-080	DECOD	96-04-028
50-08-450	REP	96-17-072	50-24-130	REP	96-17-072	50-60-08005	DECOD	96-04-028
50-08-460	PREP-X	96-14-037	50-24-140	PREP-X	96-14-040	50-60-08010	DECOD	96-04-028
50-08-460	REP	96-17-072	50-24-140	REP	96-17-072	50-60-08015	DECOD	96-04-028
50-08-470	PREP-X	96-14-037	50-24-150	PREP-X	96-14-040	50-60-08020	DECOD	96-04-028
50-08-470	REP	96-17-072	50-24-150	REP	96-17-072	50-60-08025	DECOD	96-04-028
50-08-480	PREP-X	96-14-037	50-24-990	PREP-X	96-14-040	50-60-08030	DECOD	96-04-028
50-08-480	REP	96-17-072	50-24-990	REP	96-17-072	50-60-08035	DECOD	96-04-028
50-08-490	PREP-X	96-14-037	50-30-005	NEW	96-03-059	50-60-08040	DECOD	96-04-028
50-08-490	REP	96-17-072	50-30-005	DECOD	96-03-059	50-60-085	DECOD	96-04-028
50-08-500	PREP-X	96-14-037	50-30-010	AMD	96-03-059	50-60-090	DECOD	96-04-028
50-08-500	REP	96-17-072	50-30-010	DECOD	96-03-059	50-60-09005	DECOD	96-04-028
50-08-510	PREP-X	96-14-037	50-30-015	NEW	96-03-059	50-60-09010	DECOD	96-04-028
50-08-510	REP	96-17-072	50-30-015	DECOD	96-03-059	50-60-09015	DECOD	96-04-028
50-08-520	PREP-X	96-14-037	50-30-020	AMD	96-03-059	50-60-09020	DECOD	96-04-028
50-08-520	REP	96-17-072	50-30-020	DECOD	96-03-059	50-60-100	DECOD	96-04-028
50-08-530	PREP-X	96-14-037	50-30-025	NEW	96-03-059	50-60-110	DECOD	96-04-028
50-08-530	REP	96-17-072	50-30-025	DECOD	96-03-059	50-60-120	DECOD	96-04-028
50-08-540	PREP-X	96-14-037	50-30-030	AMD	96-03-059	50-60-125	DECOD	96-04-028
50-08-540	REP	96-17-072	50-30-030	DECOD	96-03-059	50-60-130	DECOD	96-04-028
50-08-550	PREP-X	96-14-037	50-30-035	NEW	96-03-059	50-60-140	DECOD	96-04-028
50-08-550	REP	96-17-072	50-30-035	DECOD	96-03-059	50-60-145	DECOD	96-04-028
50-08-560	PREP-X	96-14-037	50-30-040	AMD	96-03-059	50-60-150	DECOD	96-04-028
50-08-560	REP	96-17-072	50-30-040	DECOD	96-03-059	50-60-160	DECOD	96-04-028
50-08-570	PREP-X	96-14-037	50-30-050	AMD	96-03-059	50-60-165	DECOD	96-04-028
50-08-570	REP	96-17-072	50-30-050	DECOD	96-03-059	50-60-170	DECOD	96-04-028
50-08-580	PREP-X	96-14-037	50-30-060	AMD	96-03-059	50-60-190	DECOD	96-04-028
50-08-580	REP	96-17-072	50-30-060	DECOD	96-03-059	50-60-200	DECOD	96-04-028
50-08-590	PREP-X	96-14-037	50-30-065	NEW	96-03-059	50-60-210	DECOD	96-04-028
50-08-590	REP	96-17-072	50-30-065	DECOD	96-03-059	51-11	PREP	96-20-039
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50-20-110	DECOD	96-04-013	50-30-070	DECOD	96-03-059	51-32-1100	NEW-P	96-20-101
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50-20-120	DECOD	96-04-013	50-30-075	DECOD	96-03-059	51-32-1102	NEW-P	96-20-101
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50-20-130	DECOD	96-04-013	50-30-080	DECOD	96-03-059	51-32-1104	NEW-P	96-20-101
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50-20-140	DECOD	96-04-013	50-30-085	DECOD	96-03-059	51-32-1106	NEW-P	96-20-101
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51-34-6309	NEW-E	96-13-047	132N-276-005	AMD	96-12-041	132Z-104-010	NEW	96-14-098
51-34-6309	NEW-P	96-20-101	132N-276-010	AMD-P	96-07-029	132Z-104-020	NEW-P	96-09-074
55-01-001	REP-P	96-09-102	132N-276-010	AMD	96-12-041	132Z-104-020	NEW	96-14-098
55-01-001	REP-W	96-15-008	132N-276-020	AMD-P	96-07-029	132Z-104-030	NEW-P	96-09-074
55-01-001	REP	96-15-024	132N-276-020	AMD	96-12-041	132Z-104-030	NEW	96-14-098
55-01-010	AMD-E	96-03-104	132N-276-030	AMD-P	96-07-029	132Z-108-010	NEW-P	96-09-074
55-01-010	REP-P	96-09-102	132N-276-030	AMD	96-12-041	132Z-108-010	NEW	96-14-098
55-01-010	AMD-E	96-11-097	132N-276-040	AMD-P	96-07-029	132Z-108-020	NEW-P	96-09-074
55-01-010	REP-W	96-15-008	132N-276-040	AMD	96-12-041	132Z-108-020	NEW	96-14-098
55-01-010	REP	96-15-024	132N-276-050	AMD-P	96-07-029	132Z-108-030	NEW-P	96-09-074
55-01-020	AMD-E	96-03-104	132N-276-050	AMD	96-12-041	132Z-108-030	NEW	96-14-098
55-01-020	REP-P	96-09-102	132N-276-060	AMD-P	96-07-029	132Z-108-040	NEW-P	96-09-074
55-01-020	AMD-E	96-11-097	132N-276-060	AMD	96-12-041	132Z-108-040	NEW	96-14-098
55-01-020	REP-W	96-15-008	132N-276-070	AMD-P	96-07-029	132Z-108-050	NEW-P	96-09-074
55-01-020	REP	96-15-024	132N-276-070	AMD	96-12-041	132Z-108-050	NEW	96-14-098
55-01-030	AMD-E	96-03-104	132N-276-080	AMD-P	96-07-029	132Z-108-060	NEW-P	96-09-074
55-01-030	REP-P	96-09-102	132N-276-080	AMD	96-12-041	132Z-108-060	NEW	96-14-098
55-01-030	AMD-E	96-11-097	132N-276-090	AMD-P	96-07-029	132Z-108-070	NEW-P	96-09-074
55-01-030	REP-W	96-15-008	132N-276-090	AMD	96-12-041	132Z-108-070	NEW	96-14-098
55-01-030	REP	96-15-024	132N-276-100	AMD-P	96-07-029	132Z-108-080	NEW-P	96-09-074
55-01-040	AMD-E	96-03-104	132N-276-100	AMD	96-12-041	132Z-108-080	NEW	96-14-098
55-01-040	REP-P	96-09-102	132N-276-110	AMD-P	96-07-029	132Z-122-010	NEW-P	96-09-074
55-01-040	AMD-E	96-11-097	132N-276-110	AMD	96-12-041	132Z-122-010	NEW	96-14-098
55-01-040	REP-W	96-15-008	132N-276-120	AMD-P	96-07-029	132Z-122-020	NEW-P	96-09-074
55-01-040	REP	96-15-024	132N-276-120	AMD	96-12-041	132Z-122-020	NEW	96-14-098
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55-01-050	REP-P	96-09-102	132N-276-130	AMD	96-12-041	132Z-122-030	NEW	96-14-098
55-01-050	AMD-E	96-11-097	132N-276-140	AMD-P	96-07-029	132Z-133-010	NEW-P	96-09-074
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55-01-050	REP	96-15-024	132N-276-150	AMD-P	96-07-029	132Z-134-010	NEW-P	96-09-074
55-01-060	AMD-E	96-03-104	132N-276-150	AMD	96-12-041	132Z-134-010	NEW	96-14-098
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55-01-060	AMD-E	96-11-097	132V-12	PREP	96-21-068	132Z-276-010	NEW	96-14-098
55-01-060	REP-W	96-15-008	132V-15	PREP	96-09-050A	132Z-276-020	NEW-P	96-09-074
55-01-060	REP	96-15-024	132V-15-010	AMD-P	96-12-005	132Z-276-020	NEW	96-14-098
55-01-070	AMD-E	96-03-104	132V-15-010	AMD	96-16-034	132Z-276-030	NEW-P	96-09-074
55-01-070	REP-P	96-09-102	132V-15-020	AMD-P	96-12-005	132Z-276-030	NEW	96-14-098
55-01-070	AMD-E	96-11-097	132V-15-020	AMD	96-16-034	132Z-276-040	NEW-P	96-09-074
55-01-070	REP-W	96-15-008	132V-15-030	AMD-P	96-12-005	132Z-276-040	NEW	96-14-098
55-01-070	REP	96-15-024	132V-15-030	AMD	96-16-034	132Z-276-050	NEW-P	96-09-074
55-01-080	REP-W	96-15-008	132V-15-040	AMD-P	96-12-005	132Z-276-050	NEW	96-14-098
55-01-080	REP	96-15-024	132V-15-040	AMD	96-16-034	132Z-276-060	NEW-P	96-09-074
67-35-020	AMD-P	96-17-068	132V-15-050	AMD-P	96-12-005	132Z-276-060	NEW	96-14-098
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132K-20-020	REP-P	96-16-077	132V-24-090	AMD-P	96-12-006	132Z-300-020	NEW-P	96-09-074
132K-20-030	REP-P	96-16-077	132V-24-090	AMD	96-16-035	132Z-300-020	NEW	96-14-098
132K-20-040	REP-P	96-16-077	132V-24-120	AMD-P	96-12-006	132Z-300-030	NEW-P	96-09-074
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132Z-310-040	NEW-P	96-09-074	136-15-010	AMD	96-17-013	136-100-030	AMD-P	96-11-052
132Z-310-040	NEW	96-14-098	136-15-020	AMD-P	96-11-052	136-100-030	AMD	96-17-013
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136-01	AMD	96-17-013	136-16-010	AMD-P	96-11-052	136-110-010	AMD	96-17-013
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136-02-010	AMD	96-17-013	136-16-030	AMD-P	96-11-052	136-110-050	AMD	96-17-013
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136-02-020	AMD	96-17-013	136-16-042	AMD-P	96-11-052	136-120	AMD	96-17-013
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136-04	AMD	96-17-013	136-18	AMD-P	96-11-052	136-120-020	AMD	96-17-013
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136-04-010	AMD	96-17-013	136-18-010	AMD-P	96-11-052	136-120-030	AMD	96-17-013
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136-04-020	AMD	96-17-013	136-18-020	AMD-P	96-11-052	136-130	AMD	96-17-013
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136-04-030	AMD	96-17-013	136-18-030	AMD-P	96-11-052	136-130-010	AMD	96-17-013
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136-04-040	AMD	96-17-013	136-18-060	AMD-P	96-11-052	136-130-040	AMD	96-17-013
136-04-050	AMD-P	96-11-052	136-18-060	AMD	96-17-013	136-130-060	AMD-P	96-17-008
136-04-050	AMD	96-17-013	136-18-070	AMD-P	96-11-052	136-150-010	AMD-P	96-11-052
136-04-055	AMD-P	96-11-052	136-18-070	AMD	96-17-013	136-150-010	AMD	96-17-013
136-04-055	AMD	96-17-013	136-18-080	AMD-P	96-11-052	136-150-020	AMD-P	96-11-052
136-04-060	AMD-P	96-11-052	136-18-080	AMD	96-17-013	136-150-020	AMD	96-17-013
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136-04-090	AMD-P	96-11-052	136-20-020	AMD	96-17-013	136-161-060	AMD	96-17-013
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136-10	AMD-P	96-11-052	136-20-050	AMD	96-17-013	136-163-010	NEW	96-17-014
136-10	AMD	96-17-013	136-20-060	AMD-P	96-11-052	136-163-020	NEW-P	96-11-051
136-10-020	AMD-P	96-11-052	136-20-060	AMD	96-17-013	136-163-020	NEW	96-17-014
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136-10-030	AMD-P	96-11-052	136-24-010	REP	96-17-013	136-163-030	NEW	96-17-014
136-10-030	AMD	96-17-013	136-28-010	AMD-P	96-11-052	136-163-040	NEW-P	96-11-051
136-11-010	AMD-P	96-11-052	136-28-010	AMD	96-17-013	136-163-040	NEW	96-17-014
136-11-010	AMD	96-17-013	136-28-020	AMD-P	96-11-052	136-163-050	NEW-P	96-11-051
136-11-020	AMD-P	96-11-052	136-28-020	AMD	96-17-013	136-163-050	NEW	96-17-014
136-11-020	AMD	96-17-013	136-28-030	AMD-P	96-11-052	136-163-060	NEW-P	96-11-051
136-11-030	AMD-P	96-11-052	136-28-030	AMD	96-17-013	136-163-060	NEW	96-17-014
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136-12	AMD-P	96-11-052	136-40-030	AMD	96-17-013	136-170-010	AMD	96-17-013
136-12	AMD	96-17-013	136-40-040	AMD-P	96-11-052	136-170-030	AMD-P	96-11-052
136-12-010	AMD-P	96-11-052	136-40-040	AMD	96-17-013	136-170-030	AMD	96-17-013
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136-12-070	AMD	96-17-013	136-40-060	REP-P	96-11-052	136-180-030	AMD-P	96-11-052
136-12-080	AMD-P	96-11-052	136-40-060	REP	96-17-013	136-180-030	AMD	96-17-013
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136-14-030	AMD-P	96-11-052	136-60	AMD	96-17-013	136-180-040	AMD	96-17-013
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136-14-040	AMD-P	96-11-052	136-60-010	AMD	96-17-013	136-190-010	AMD	96-17-013
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136-210-020	AMD-P	96-11-052	154-04-070	REP	96-16-020	154-64-040	REP-P	96-13-100
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136-210-040	AMD-P	96-11-052	154-04-080	REP	96-16-020	154-64-060	REP-P	96-13-100
136-210-040	AMD	96-17-013	154-04-100	REP-P	96-13-100	154-64-060	REP	96-16-020
136-210-050	AMD-P	96-11-052	154-04-100	REP	96-16-020	154-68-010	REP-P	96-13-100
136-210-050	AMD	96-17-013	154-08-010	REP-P	96-13-100	154-68-010	REP	96-16-020
136-220-010	AMD-P	96-11-052	154-08-010	REP	96-16-020	154-68-020	REP-P	96-13-100
136-220-010	AMD	96-17-013	154-08-020	REP-P	96-13-100	154-68-020	REP	96-16-020
136-220-030	AMD-P	96-11-052	154-08-020	REP	96-16-020	154-110-010	REP-P	96-13-100
136-220-030	AMD	96-17-013	154-08-030	REP-P	96-13-100	154-110-010	REP	96-16-020
136-250-010	REP-P	96-11-052	154-08-030	REP	96-16-020	154-110-015	REP-P	96-13-100
136-250-010	REP	96-17-013	154-08-040	REP-P	96-13-100	154-110-015	REP	96-16-020
136-250-020	REP-P	96-11-052	154-08-040	REP	96-16-020	154-110-020	REP-P	96-13-100
136-250-020	REP	96-17-013	154-08-050	REP-P	96-13-100	154-110-020	REP	96-16-020
136-250-030	REP-P	96-11-052	154-08-050	REP	96-16-020	154-110-030	REP-P	96-13-100
136-250-030	REP	96-17-013	154-12-010	REP-P	96-13-100	154-110-030	REP	96-16-020
136-250-040	REP-P	96-11-052	154-12-010	REP	96-16-020	154-120-010	REP-P	96-13-100
136-250-040	REP	96-17-013	154-12-015	REP-P	96-13-100	154-120-010	REP	96-16-020
136-250-050	REP-P	96-11-052	154-12-015	REP	96-16-020	154-120-015	REP-P	96-13-100
136-250-050	REP	96-17-013	154-12-020	REP-P	96-13-100	154-120-015	REP	96-16-020
136-300	AMD-P	96-11-052	154-12-020	REP	96-16-020	154-120-020	REP-P	96-13-100
136-300	AMD	96-17-013	154-12-030	REP-P	96-13-100	154-120-020	REP	96-16-020
136-300-010	AMD-P	96-11-052	154-12-030	REP	96-16-020	154-120-025	REP-P	96-13-100
136-300-010	AMD	96-17-013	154-12-040	REP-P	96-13-100	154-120-025	REP	96-16-020
136-300-020	AMD-P	96-11-052	154-12-040	REP	96-16-020	154-120-030	REP-P	96-13-100
136-300-020	AMD	96-17-013	154-12-050	REP-P	96-13-100	154-120-030	REP	96-16-020
136-310-010	AMD-P	96-11-052	154-12-050	REP	96-16-020	154-120-035	REP-P	96-13-100
136-310-010	AMD	96-17-013	154-12-070	REP-P	96-13-100	154-120-035	REP	96-16-020
136-310-020	AMD-P	96-11-052	154-12-070	REP	96-16-020	154-120-040	REP-P	96-13-100
136-310-020	AMD	96-17-013	154-12-075	REP-P	96-13-100	154-120-040	REP	96-16-020
136-310-050	AMD-P	96-11-052	154-12-075	REP	96-16-020	154-120-045	REP-P	96-13-100
136-310-050	AMD	96-17-013	154-12-080	REP-P	96-13-100	154-120-045	REP	96-16-020
136-340	AMD-P	96-11-052	154-12-080	REP	96-16-020	154-120-050	REP-P	96-13-100
136-340	AMD	96-17-013	154-12-085	REP-P	96-13-100	154-120-050	REP	96-16-020
136-340-020	AMD-P	96-11-052	154-12-085	REP	96-16-020	154-120-055	REP-P	96-13-100
136-340-020	AMD	96-17-013	154-12-086	REP-P	96-13-100	154-120-055	REP	96-16-020
136-340-030	AMD-P	96-11-052	154-12-086	REP	96-16-020	154-130-010	REP-P	96-13-100
136-340-030	AMD	96-17-013	154-12-087	REP-P	96-13-100	154-130-010	REP	96-16-020
136-340-040	AMD-P	96-11-052	154-12-087	REP	96-16-020	154-130-020	REP-P	96-13-100
136-340-040	AMD	96-17-013	154-12-087	REP	96-16-020	154-130-020	REP	96-16-020
136-400-010	AMD-P	96-11-052	154-12-090	REP-P	96-13-100	154-130-030	REP-P	96-13-100
136-400-010	AMD	96-17-013	154-12-090	REP	96-16-020	154-130-030	REP	96-16-020
136-400-060	AMD-P	96-11-052	154-12-110	REP-P	96-13-100	154-140-010	REP-P	96-13-100
136-400-060	AMD	96-17-013	154-12-110	REP	96-16-020	154-140-010	REP	96-16-020
136-400-100	AMD-P	96-11-052	154-24-010	REP-P	96-13-100	154-140-020	REP-P	96-13-100
136-400-100	AMD	96-17-013	154-24-010	REP	96-16-020	154-140-020	REP	96-16-020
136-400-110	AMD-P	96-11-052	154-28-010	REP-P	96-13-100	154-140-030	REP-P	96-13-100
136-400-110	AMD	96-17-013	154-28-010	REP	96-16-020	154-140-030	REP	96-16-020
136-400-120	AMD-P	96-11-052	154-32-010	REP-P	96-13-100	154-150-010	REP-P	96-13-100
136-400-120	AMD	96-17-013	154-32-010	REP	96-16-020	154-150-010	REP	96-16-020
137-08	PREP	96-07-099	154-32-020	REP-P	96-13-100	154-150-020	REP-P	96-13-100
137-91-070	REP	96-21-014	154-32-020	REP	96-16-020	154-150-020	REP	96-16-020
137-91-080	NEW	96-21-014	154-36-010	REP-P	96-13-100	154-150-030	REP-P	96-13-100
139-01-810	AMD-P	96-03-025	154-36-010	REP	96-16-020	154-150-030	REP	96-16-020
139-01-810	AMD	96-08-008	154-40-010	REP-P	96-13-100	154-150-040	REP-P	96-13-100
154	PREP	96-06-079	154-40-010	REP	96-16-020	154-150-040	REP	96-16-020
154-01-010	REP-P	96-13-100	154-44-010	REP-P	96-13-100	154-150-050	REP-P	96-13-100
154-01-010	REP	96-16-020	154-44-010	REP	96-16-020	154-150-050	REP	96-16-020
154-04-010	REP-P	96-13-100	154-48-010	REP-P	96-13-100	154-160-010	REP-P	96-13-100
154-04-010	REP	96-16-020	154-48-010	REP	96-16-020	154-160-010	REP	96-16-020
154-04-020	REP-P	96-13-100	154-52-010	REP-P	96-13-100	154-160-020	REP-P	96-13-100
154-04-020	REP	96-16-020	154-52-010	REP	96-16-020	154-160-020	REP	96-16-020
154-04-030	REP-P	96-13-100	154-56-010	REP-P	96-13-100	154-170-010	REP-P	96-13-100
154-04-030	REP	96-16-020	154-56-010	REP	96-16-020	154-170-010	REP	96-16-020
154-04-041	REP-P	96-13-100	154-60-010	REP-P	96-13-100	154-180-010	REP-P	96-13-100
154-04-041	REP	96-16-020	154-60-010	REP	96-16-020	154-180-010	REP	96-16-020
154-04-050	REP-P	96-13-100	154-64-010	REP-P	96-13-100	154-180-020	REP-P	96-13-100
154-04-050	REP	96-16-020	154-64-010	REP	96-16-020	154-180-020	REP	96-16-020

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
154-180-030	REP-P	96-13-100	162-08-261	AMD	96-13-045	162-30-090	NEW-P	96-08-055
154-180-030	REP	96-16-020	162-08-268	AMD-P	96-06-087	162-30-090	NEW-W	96-21-064
154-180-040	REP-P	96-13-100	162-08-268	AMD	96-13-045	162-30-100	NEW-P	96-08-055
154-180-040	REP	96-16-020	162-08-288	AMD-P	96-06-087	162-30-100	NEW-W	96-21-064
154-180-050	REP-P	96-13-100	162-08-288	AMD	96-13-045	162-36	PREP	96-02-081
154-180-050	REP	96-16-020	162-08-298	AMD-P	96-06-087	162-36-001	NEW-P	96-06-087
154-180-060	REP-P	96-13-100	162-08-298	AMD	96-13-045	162-36-001	NEW	96-13-045
154-180-060	REP	96-16-020	162-08-305	AMD-P	96-06-087	162-36-005	NEW-P	96-06-087
154-180-070	REP-P	96-13-100	162-08-305	AMD	96-13-045	162-36-005	NEW	96-13-045
154-180-070	REP	96-16-020	162-12	AMD-C	96-21-053	162-36-006	NEW-P	96-06-087
154-190-010	REP-P	96-13-100	162-12-100	AMD-P	96-08-055	162-36-006	NEW	96-13-045
154-190-010	REP	96-16-020	162-12-100	AMD	96-21-054	162-36-010	AMD-P	96-06-087
154-200-010	REP-P	96-13-100	162-12-110	REP-P	96-08-055	162-36-010	AMD	96-13-045
154-200-010	REP	96-16-020	162-12-110	REP	96-21-054	162-36-020	AMD-P	96-06-087
154-200-020	REP-P	96-13-100	162-12-120	AMD-P	96-08-055	162-36-020	AMD	96-13-045
154-200-020	REP	96-16-020	162-12-120	AMD	96-21-054	162-38	PREP	96-02-081
154-200-030	REP-P	96-13-100	162-12-130	AMD-P	96-08-055	162-38-010	AMD-P	96-06-087
154-200-030	REP	96-16-020	162-12-130	AMD	96-21-054	162-38-010	AMD	96-13-045
154-200-040	REP-P	96-13-100	162-12-135	AMD-P	96-08-055	162-38-020	REP-P	96-06-087
154-200-040	REP	96-16-020	162-12-135	AMD	96-21-054	162-38-020	REP	96-13-045
154-300-005	REP-P	96-13-100	162-12-140	AMD-P	96-08-055	162-38-030	REP-P	96-06-087
154-300-005	REP	96-16-020	162-12-140	AMD	96-21-054	162-38-030	REP	96-13-045
154-300-010	REP-P	96-13-100	162-12-150	AMD-P	96-08-055	162-38-035	AMD-P	96-06-087
154-300-010	REP	96-16-020	162-12-150	AMD	96-21-054	162-38-035	AMD	96-13-045
154-300-020	REP-P	96-13-100	162-12-160	AMD-P	96-08-055	162-38-040	AMD-P	96-06-087
154-300-020	REP	96-16-020	162-12-160	AMD	96-21-054	162-38-040	AMD	96-13-045
154-300-030	REP-P	96-13-100	162-12-170	AMD-P	96-08-055	162-38-050	AMD-P	96-06-087
154-300-030	REP	96-16-020	162-12-170	AMD	96-21-054	162-38-050	AMD	96-13-045
154-300-040	REP-P	96-13-100	162-12-180	AMD-P	96-08-055	162-38-060	AMD-P	96-06-087
154-300-040	REP	96-16-020	162-12-180	AMD	96-21-054	162-38-060	AMD	96-13-045
154-300-050	REP-P	96-13-100	162-22	AMD-P	96-08-055	162-38-070	AMD-P	96-06-087
154-300-050	REP	96-16-020	162-22	AMD-C	96-21-053	162-38-070	AMD	96-13-045
154-300-060	REP-P	96-13-100	162-22-010	AMD-P	96-08-055	162-38-080	AMD-P	96-06-087
154-300-060	REP	96-16-020	162-22-010	AMD-W	96-21-064	162-38-080	AMD	96-13-045
154-300-070	REP-P	96-13-100	162-22-020	AMD-P	96-08-055	162-38-090	AMD-P	96-06-087
154-300-070	REP	96-16-020	162-22-020	AMD-W	96-21-064	162-38-090	AMD	96-13-045
154-300-080	REP-P	96-13-100	162-22-030	REP-P	96-08-055	162-38-100	AMD-P	96-06-087
154-300-080	REP	96-16-020	162-22-030	REP-W	96-21-064	162-38-100	AMD-W	96-13-044
154-300-090	REP-P	96-13-100	162-22-040	REP-P	96-08-055	162-38-110	AMD-P	96-06-087
154-300-090	REP	96-16-020	162-22-040	REP-W	96-21-064	162-38-110	AMD	96-13-045
154-300-100	REP-P	96-13-100	162-22-050	AMD-P	96-08-055	162-38-120	AMD-P	96-06-087
154-300-100	REP	96-16-020	162-22-050	AMD-W	96-21-064	162-38-120	AMD	96-13-045
154-300-110	REP-P	96-13-100	162-22-060	AMD-P	96-08-055	172-120	PREP	96-19-089
154-300-110	REP	96-16-020	162-22-060	AMD-W	96-21-064	172-120-015	NEW-E	96-19-090
154-300-120	REP-P	96-13-100	162-22-070	AMD-P	96-08-055	172-120-020	AMD-E	96-19-090
154-300-120	REP	96-16-020	162-22-070	AMD-W	96-21-064	172-120-030	AMD-E	96-19-090
162-04	PREP	96-02-081	162-22-080	AMD-P	96-08-055	172-120-040	AMD-E	96-19-090
162-08	PREP	96-02-081	162-22-080	AMD-W	96-21-064	172-120-050	AMD-E	96-19-090
162-08-061	AMD-P	96-06-087	162-22-090	AMD-P	96-08-055	172-120-060	AMD-E	96-19-090
162-08-061	AMD	96-13-045	162-22-090	AMD-W	96-21-064	172-120-070	AMD-E	96-19-090
162-08-062	AMD-P	96-06-087	162-22-100	NEW-P	96-08-055	172-120-080	AMD-E	96-19-090
162-08-062	AMD	96-13-045	162-22-100	NEW-W	96-21-064	172-120-090	AMD-E	96-19-090
162-08-071	AMD-P	96-06-087	162-30	AMD-P	96-08-055	172-120-100	AMD-E	96-19-090
162-08-071	AMD	96-13-045	162-30	AMD-C	96-21-053	172-120-110	AMD-E	96-19-090
162-08-072	AMD-P	96-06-087	162-30	AMD-W	96-21-064	172-120-120	AMD-E	96-19-090
162-08-072	AMD	96-13-045	162-30-010	AMD-P	96-08-055	172-120-130	AMD-E	96-19-090
162-08-093	AMD-P	96-06-087	162-30-010	AMD-W	96-21-064	172-120-140	AMD-E	96-19-090
162-08-093	AMD	96-13-045	162-30-020	AMD-P	96-08-055	172-120-150	REP-E	96-19-090
162-08-094	AMD-P	96-06-087	162-30-020	AMD-W	96-21-064	173-09-010	AMD-P	96-11-136
162-08-094	AMD	96-13-045	162-30-030	NEW-P	96-08-055	173-09-010	AMD	96-15-104
162-08-09401	NEW-P	96-06-087	162-30-030	NEW-W	96-21-064	173-09-020	AMD-P	96-11-136
162-08-09401	NEW	96-13-045	162-30-035	NEW-P	96-08-055	173-09-020	AMD	96-15-104
162-08-099	AMD-P	96-06-087	162-30-035	NEW-W	96-21-064	173-09-040	NEW-P	96-11-136
162-08-099	AMD	96-13-045	162-30-040	NEW-P	96-08-055	173-09-040	NEW	96-15-104
162-08-102	AMD-P	96-06-087	162-30-040	NEW-W	96-21-064	173-14-010	REP-P	96-13-103
162-08-102	AMD	96-13-045	162-30-050	NEW-P	96-08-055	173-14-010	REP	96-20-075
162-08-104	AMD-P	96-06-087	162-30-050	NEW-W	96-21-064	173-14-020	REP-P	96-13-103
162-08-104	AMD	96-13-045	162-30-060	NEW-P	96-08-055	173-14-020	REP	96-20-075
162-08-106	AMD-P	96-06-087	162-30-060	NEW-W	96-21-064	173-14-030	REP-P	96-13-103
162-08-106	AMD	96-13-045	162-30-070	NEW-P	96-08-055	173-14-030	REP	96-20-075
162-08-107	NEW-P	96-06-087	162-30-070	NEW-W	96-21-064	173-14-040	REP-P	96-13-103
162-08-107	NEW	96-13-045	162-30-080	NEW-P	96-08-055	173-14-040	REP	96-20-075
162-08-261	AMD-P	96-06-087	162-30-080	NEW-W	96-21-064	173-14-050	REP-P	96-13-103





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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-19-3916	REP	96-20-075	173-19-4606	REP-P	96-13-103	173-27-080	NEW-P	96-13-103
173-19-400	REP-P	96-13-103	173-19-4606	REP	96-20-075	173-27-080	NEW	96-20-075
173-19-400	REP	96-20-075	173-19-4607	REP-P	96-13-103	173-27-090	NEW-P	96-13-103
173-19-4001	REP-P	96-13-103	173-19-4607	REP	96-20-075	173-27-090	NEW	96-20-075
173-19-4001	REP	96-20-075	173-19-470	REP-P	96-13-103	173-27-100	NEW-P	96-13-103
173-19-4002	REP-P	96-13-103	173-19-470	REP	96-20-075	173-27-100	NEW	96-20-075
173-19-4002	REP	96-20-075	173-19-4701	REP-P	96-13-103	173-27-110	NEW-P	96-13-103
173-19-4003	REP-P	96-13-103	173-19-4701	REP	96-20-075	173-27-110	NEW	96-20-075
173-19-4003	REP	96-20-075	173-19-4702	REP-P	96-13-103	173-27-120	NEW-P	96-13-103
173-19-4004	REP-P	96-13-103	173-19-4702	REP	96-20-075	173-27-120	NEW	96-20-075
173-19-4004	REP	96-20-075	173-19-4703	REP-P	96-13-103	173-27-130	NEW-P	96-13-103
173-19-4005	REP-P	96-13-103	173-19-4703	REP	96-20-075	173-27-130	NEW	96-20-075
173-19-4005	REP	96-20-075	173-19-4704	REP-P	96-13-103	173-27-140	NEW-P	96-13-103
173-19-4006	REP-P	96-13-103	173-19-4704	REP	96-20-075	173-27-140	NEW	96-20-075
173-19-4006	REP	96-20-075	173-19-4705	REP-P	96-13-103	173-27-150	NEW-P	96-13-103
173-19-410	REP-P	96-13-103	173-19-4705	REP	96-20-075	173-27-150	NEW	96-20-075
173-19-410	REP	96-20-075	173-19-4706	REP-P	96-13-103	173-27-160	NEW-P	96-13-103
173-19-4101	REP-P	96-13-103	173-19-4706	REP	96-20-075	173-27-160	NEW	96-20-075
173-19-4101	REP	96-20-075	173-19-4707	REP-P	96-13-103	173-27-170	NEW-P	96-13-103
173-19-4102	REP-P	96-13-103	173-19-4707	REP	96-20-075	173-27-170	NEW	96-20-075
173-19-4102	REP	96-20-075	173-22	AMD-P	96-19-034	173-27-180	NEW-P	96-13-103
173-19-420	REP-P	96-13-103	173-22-015	REP-P	96-19-034	173-27-180	NEW	96-20-075
173-19-420	REP	96-20-075	173-22-030	AMD-P	96-19-034	173-27-190	NEW-P	96-13-103
173-19-4201	REP-P	96-13-103	173-22-035	NEW-P	96-19-034	173-27-190	NEW	96-20-075
173-19-4201	REP	96-20-075	173-22-040	AMD-P	96-19-034	173-27-200	NEW-P	96-13-103
173-19-4202	REP-P	96-13-103	173-22-070	AMD-P	96-19-034	173-27-200	NEW	96-20-075
173-19-4202	REP	96-20-075	173-22-080	NEW-P	96-19-034	173-27-210	NEW-P	96-13-103
173-19-4203	REP-P	96-13-103	173-26-010	NEW-P	96-13-103	173-27-210	NEW	96-20-075
173-19-4203	REP	96-20-075	173-26-010	NEW	96-20-075	173-27-220	NEW-P	96-13-103
173-19-4204	REP-P	96-13-103	173-26-020	NEW-P	96-13-103	173-27-220	NEW	96-20-075
173-19-4204	REP	96-20-075	173-26-020	NEW	96-20-075	173-27-240	NEW-P	96-13-103
173-19-4205	REP-P	96-13-103	173-26-030	NEW-P	96-13-103	173-27-240	NEW	96-20-075
173-19-4205	REP	96-20-075	173-26-030	NEW	96-20-075	173-27-250	NEW-P	96-13-103
173-19-4206	REP-P	96-13-103	173-26-040	NEW-P	96-13-103	173-27-250	NEW	96-20-075
173-19-4206	REP	96-20-075	173-26-040	NEW	96-20-075	173-27-260	NEW-P	96-13-103
173-19-430	REP-P	96-13-103	173-26-050	NEW-P	96-13-103	173-27-260	NEW	96-20-075
173-19-430	REP	96-20-075	173-26-050	NEW	96-20-075	173-27-270	NEW-P	96-13-103
173-19-4301	REP-P	96-13-103	173-26-060	NEW-P	96-13-103	173-27-270	NEW	96-20-075
173-19-4301	REP	96-20-075	173-26-060	NEW	96-20-075	173-27-280	NEW-P	96-13-103
173-19-440	REP-P	96-13-103	173-26-070	NEW-P	96-13-103	173-27-280	NEW	96-20-075
173-19-440	REP	96-20-075	173-26-070	NEW	96-20-075	173-27-290	NEW-P	96-13-103
173-19-4401	REP-P	96-13-103	173-26-080	NEW-P	96-13-103	173-27-290	NEW	96-20-075
173-19-4401	REP	96-20-075	173-26-080	NEW	96-20-075	173-27-300	NEW-P	96-13-103
173-19-4402	REP-P	96-13-103	173-26-090	NEW-P	96-13-103	173-27-300	NEW	96-20-075
173-19-4402	REP	96-20-075	173-26-090	NEW	96-20-075	173-27-310	NEW-P	96-13-103
173-19-450	REP-P	96-13-103	173-26-100	NEW-P	96-13-103	173-27-310	NEW	96-20-075
173-19-450	REP	96-20-075	173-26-100	NEW	96-20-075	173-27-990	NEW-P	96-13-103
173-19-4501	REP-P	96-13-103	173-26-110	NEW-P	96-13-103	173-27-990	NEW	96-20-075
173-19-4501	REP	96-20-075	173-26-110	NEW	96-20-075	173-28-010	PREP-X	96-14-031
173-19-4502	REP-P	96-13-103	173-26-120	NEW-P	96-13-103	173-28-010	REP	96-20-074
173-19-4502	REP	96-20-075	173-26-120	NEW	96-20-075	173-28-020	PREP-X	96-14-031
173-19-4503	REP-P	96-13-103	173-26-130	NEW-P	96-13-103	173-28-020	REP	96-20-074
173-19-4503	REP	96-20-075	173-26-130	NEW	96-20-075	173-28-030	PREP-X	96-14-031
173-19-4504	REP-P	96-13-103	173-26-140	NEW-P	96-13-103	173-28-030	REP	96-20-074
173-19-4504	REP	96-20-075	173-26-140	NEW	96-20-075	173-28-040	PREP-X	96-14-031
173-19-4505	REP-P	96-13-103	173-26-150	NEW-P	96-13-103	173-28-040	REP	96-20-074
173-19-4505	REP	96-20-075	173-26-150	NEW	96-20-075	173-28-050	PREP-X	96-14-031
173-19-4506	REP-P	96-13-103	173-26-160	NEW-P	96-13-103	173-28-050	REP	96-20-074
173-19-4506	REP	96-20-075	173-26-160	NEW	96-20-075	173-28-060	PREP-X	96-14-031
173-19-4507	REP-P	96-13-103	173-27-010	NEW-P	96-13-103	173-28-060	REP	96-20-074
173-19-4507	REP	96-20-075	173-27-010	NEW	96-20-075	173-28-070	PREP-X	96-14-031
173-19-460	REP-P	96-13-103	173-27-020	NEW-P	96-13-103	173-28-070	REP	96-20-074
173-19-460	REP	96-20-075	173-27-020	NEW	96-20-075	173-28-080	PREP-X	96-14-031
173-19-4601	REP-P	96-13-103	173-27-030	NEW-P	96-13-103	173-28-080	REP	96-20-074
173-19-4601	REP	96-20-075	173-27-030	NEW	96-20-075	173-145-100	AMD-E	96-09-007
173-19-4602	REP-P	96-13-103	173-27-040	NEW-P	96-13-103	173-224-040	AMD	96-03-041
173-19-4602	REP	96-20-075	173-27-040	NEW	96-20-075	173-224-050	AMD	96-03-041
173-19-4603	REP-P	96-13-103	173-27-050	NEW-P	96-13-103	173-224-070	REP	96-03-041
173-19-4603	REP	96-20-075	173-27-050	NEW	96-20-075	173-224-090	AMD	96-03-041
173-19-4604	REP-P	96-13-103	173-27-060	NEW-P	96-13-103	173-303-515	REP-W	96-05-020
173-19-4604	REP	96-20-075	173-27-060	NEW	96-20-075	173-330-010	REP-W	96-05-020
173-19-4605	REP-P	96-13-103	173-27-070	NEW-P	96-13-103	173-330-020	REP-W	96-05-020
173-19-4605	REP	96-20-075	173-27-070	NEW	96-20-075	173-330-030	REP-W	96-05-020

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-330-040	REP-W	96-05-020	173-422-060	AMD	96-21-029	180-20-055	AMD-P	96-16-096
173-330-050	REP-W	96-05-020	173-422-070	AMD-P	96-12-023	180-20-055	AMD	96-20-042
173-330-060	REP-W	96-05-020	173-422-070	AMD	96-21-029	180-20-060	AMD-P	96-16-096
173-330-070	REP-W	96-05-020	173-422-170	AMD-P	96-12-023	180-20-060	AMD	96-20-042
173-330-900	REP-W	96-05-020	173-422-170	AMD-P	96-19-093	180-20-065	REP-P	96-16-096
173-340-200	AMD	96-04-010	173-422-170	AMD	96-21-029	180-20-065	REP	96-20-042
173-340-440	AMD	96-04-010	173-422-190	AMD-P	96-12-023	180-20-070	AMD-P	96-16-096
173-340-530	AMD	96-04-010	173-422-190	AMD	96-21-029	180-20-070	AMD	96-20-042
173-340-700	AMD	96-04-010	173-430	PREP	96-12-081	180-20-075	AMD-P	96-16-096
173-340-706	AMD	96-04-010	173-430-040	AMD-E	96-08-041	180-20-075	AMD	96-20-042
173-340-740	AMD	96-04-010	173-430-040	AMD-E	96-16-013	180-20-090	AMD-P	96-16-096
173-340-745	AMD	96-04-010	173-430-040	AMD-P	96-16-014	180-20-090	AMD	96-20-042
173-354-008	NEW-W	96-05-020	173-430-040	AMD-E	96-16-024	180-20-095	AMD-P	96-16-096
173-354-010	NEW-W	96-05-020	173-492	PREP	96-11-135	180-20-095	AMD	96-20-042
173-354-020	NEW-W	96-05-020	173-492-010	AMD-P	96-14-084	180-20-101	AMD-P	96-16-096
173-354-050	NEW-W	96-05-020	173-492-010	AMD	96-19-094	180-20-101	AMD	96-20-042
173-354-070	NEW-W	96-05-020	173-492-050	AMD-P	96-14-084	180-20-111	AMD-P	96-16-096
173-354-090	NEW-W	96-05-020	173-492-050	AMD	96-19-094	180-20-111	AMD	96-20-042
173-354-100	NEW-W	96-05-020	173-492-070	AMD-P	96-14-084	180-20-115	AMD-P	96-16-096
173-354-150	NEW-W	96-05-020	173-492-070	AMD	96-19-094	180-20-115	AMD	96-20-042
173-354-200	NEW-W	96-05-020	173-806	PREP	96-06-018	180-20-120	AMD-P	96-16-096
173-354-230	NEW-W	96-05-020	174-120	PREP	96-03-138	180-20-120	AMD	96-20-042
173-354-300	NEW-W	96-05-020	174-120-010	REP-P	96-08-066	180-20-130	AMD-P	96-16-096
173-354-320	NEW-W	96-05-020	174-120-010	REP	96-13-086	180-20-130	AMD	96-20-042
173-354-340	NEW-W	96-05-020	174-120-015	NEW-P	96-08-066	180-20-145	AMD-P	96-16-096
173-354-360	NEW-W	96-05-020	174-120-015	NEW	96-13-086	180-20-145	AMD	96-20-042
173-354-380	NEW-W	96-05-020	174-120-025	NEW-P	96-08-066	180-20-150	AMD-P	96-16-096
173-354-400	NEW-W	96-05-020	174-120-025	NEW	96-13-086	180-20-150	AMD	96-20-042
173-354-440	NEW-W	96-05-020	174-120-030	REP-P	96-08-066	180-20-155	REP-P	96-16-096
173-354-460	NEW-W	96-05-020	174-120-030	REP	96-13-086	180-20-155	REP	96-20-042
173-354-500	NEW-W	96-05-020	174-120-035	NEW-P	96-08-066	180-20-160	REP-P	96-16-096
173-354-515	NEW-W	96-05-020	174-120-035	NEW	96-13-086	180-20-160	REP	96-20-042
173-354-525	NEW-W	96-05-020	174-120-040	REP-P	96-08-066	180-27-056	PREP	96-13-011
173-354-535	NEW-W	96-05-020	174-120-040	REP	96-13-086	180-40	PREP	96-10-003
173-354-545	NEW-W	96-05-020	174-120-045	NEW-P	96-08-066	180-40	PREP	96-16-064
173-354-555	NEW-W	96-05-020	174-120-045	NEW	96-13-086	180-40-205	AMD-P	96-12-088
173-354-600	NEW-W	96-05-020	174-120-050	REP-P	96-08-066	180-40-205	AMD	96-15-098
173-354-620	NEW-W	96-05-020	174-120-050	REP	96-13-086	180-40-240	AMD-P	96-08-061
173-354-640	NEW-W	96-05-020	174-120-055	NEW-P	96-08-066	180-40-240	AMD-W	96-09-025
173-354-660	NEW-W	96-05-020	174-120-055	NEW	96-13-086	180-40-240	AMD-P	96-12-088
173-354-670	NEW-W	96-05-020	174-120-060	REP-P	96-08-066	180-40-240	AMD	96-15-098
173-354-680	NEW-W	96-05-020	174-120-060	REP	96-13-086	180-40-245	AMD-P	96-20-102
173-354-700	NEW-W	96-05-020	174-120-065	NEW-P	96-08-066	180-40-255	AMD-P	96-08-061
173-354-720	NEW-W	96-05-020	174-120-065	NEW	96-13-086	180-40-255	AMD-W	96-09-025
173-354-800	NEW-W	96-05-020	174-120-070	REP-P	96-08-066	180-40-255	AMD-P	96-12-088
173-354-900	NEW-W	96-05-020	174-120-070	REP	96-13-086	180-40-255	AMD	96-15-098
173-354-990	NEW-W	96-05-020	174-120-075	NEW-P	96-08-066	180-40-260	AMD-P	96-20-102
173-400	PREP	96-12-080	174-120-075	NEW	96-13-086	180-40-310	AMD-P	96-08-061
173-400	AMD-C	96-13-081	174-120-080	REP-P	96-08-066	180-40-310	AMD-W	96-09-025
173-400-030	AMD-P	96-06-036	174-120-080	REP	96-13-086	180-40-310	AMD-P	96-12-088
173-400-030	AMD	96-19-054	174-120-085	NEW-P	96-08-066	180-40-310	AMD	96-15-098
173-400-045	AMD-P	96-06-036	174-120-085	NEW	96-13-086	180-40-315	AMD-P	96-08-061
173-400-045	AMD	96-19-054	174-120-090	REP-P	96-08-066	180-40-315	AMD-W	96-09-025
173-400-070	AMD-P	96-06-036	174-120-090	REP	96-13-086	180-40-315	AMD-P	96-12-088
173-400-070	AMD	96-19-054	174-122-010	PREP-X	96-14-007	180-40-315	AMD	96-15-098
173-400-075	AMD-P	96-06-036	174-122-020	PREP-X	96-14-007	180-40-317	NEW-P	96-08-061
173-400-075	AMD	96-19-054	174-122-030	PREP-X	96-14-007	180-40-317	NEW-W	96-09-025
173-400-105	AMD-P	96-06-036	174-122-040	PREP-X	96-14-007	180-40-317	NEW-P	96-12-088
173-400-105	AMD	96-19-054	180-08	PREP	96-21-136	180-40-317	NEW	96-15-098
173-400-115	AMD-P	96-06-036	180-16	PREP	96-16-043	180-40-320	AMD-P	96-08-061
173-400-115	AMD	96-19-054	180-16-238	PREP	96-04-070	180-40-320	AMD-W	96-09-025
173-400-116	AMD-P	96-06-036	180-16-238	NEW-P	96-07-046	180-40-320	AMD-P	96-12-088
173-400-116	AMD	96-19-054	180-16-238	NEW	96-11-111	180-40-320	AMD	96-15-098
173-400-141	AMD-P	96-06-036	180-16-238	PREP	96-21-028	180-51-050	AMD-P	96-04-071
173-400-141	AMD	96-19-054	180-20	PREP	96-08-060	180-51-050	AMD-C	96-09-010
173-401	PREP	96-11-134	180-20-005	AMD-P	96-12-089	180-51-050	AMD	96-09-027
173-401	PREP-W	96-14-052	180-20-035	AMD-P	96-16-096	180-75	PREP	96-16-040
173-422	PREP	96-15-134	180-20-035	AMD	96-20-042	180-75-047	AMD	96-08-022
173-422-030	AMD-P	96-12-023	180-20-040	AMD-P	96-16-096	180-77	PREP	96-16-042
173-422-030	AMD	96-21-029	180-20-040	AMD	96-20-042	180-77A	PREP	96-16-047
173-422-050	AMD-P	96-12-023	180-20-045	AMD-P	96-12-089	180-78	PREP	96-16-044
173-422-050	AMD	96-21-029	180-20-045	REP-P	96-16-096	180-78-145	PREP	96-13-051
173-422-060	AMD-P	96-12-023	180-20-045	REP	96-20-042	180-78-145	AMD-P	96-16-048

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180-78-145	AMD	96-21-017	182-08-195	REP	96-08-042	182-25-090	PREP	96-19-077
180-78-160	PREP	96-07-102	182-08-200	AMD-P	96-02-079	182-25-100	NEW-P	96-09-102
180-78-160	AMD-P	96-12-086	182-08-200	AMD	96-08-042	182-25-100	NEW-W	96-15-008
180-78-160	AMD	96-16-049	182-08-210	AMD-P	96-02-079	182-25-100	NEW	96-15-024
180-78A	PREP	96-16-045	182-08-210	AMD	96-08-042	182-25-105	NEW-P	96-09-102
180-79	PREP	96-16-040	182-08-220	AMD-P	96-02-079	182-25-105	NEW-W	96-15-008
180-79-086	AMD-P	96-04-047	182-08-220	AMD	96-08-042	182-25-105	NEW	96-15-024
180-79-086	AMD	96-08-023	182-08-300	REP-P	96-02-079	182-25-110	NEW-P	96-09-102
180-79-230	AMD	96-08-022	182-08-300	REP	96-08-042	182-25-110	NEW-W	96-15-008
180-79-311	AMD-P	96-04-048	182-12-110	AMD-P	96-02-080	182-25-110	NEW	96-15-024
180-79-311	AMD	96-08-024	182-12-110	AMD	96-08-043	184-10-140	NEW-C	96-03-033
180-79-334	AMD-P	96-04-049	182-12-111	AMD-P	96-02-080	192-12-300	PREP	96-03-158
180-79-334	AMD	96-08-025	182-12-111	AMD	96-08-043	192-12-300	AMD-P	96-12-082
180-79-340	AMD-W	96-15-007	182-12-115	AMD-P	96-02-080	192-12-300	AMD	96-16-018
180-79A	PREP	96-16-040	182-12-115	AMD	96-08-043	192-12-305	PREP	96-03-158
180-83-010	NEW	96-04-073	182-12-117	NEW-P	96-02-080	192-12-305	REP-P	96-12-082
180-83-020	NEW	96-04-073	182-12-117	NEW	96-08-043	192-12-305	REP	96-16-018
180-83-030	NEW	96-04-073	182-12-119	NEW-P	96-02-080	192-16-002	AMD-P	96-04-065
180-83-040	NEW	96-04-073	182-12-119	NEW	96-08-043	192-16-002	AMD	96-11-002
180-83-050	NEW	96-04-073	182-12-122	REP-P	96-02-080	192-16-002	NEW-P	96-04-065
180-83-060	NEW	96-04-073	182-12-122	REP	96-08-043	192-16-024	NEW	96-11-002
180-83-070	NEW	96-04-073	182-12-130	REP-P	96-02-080	192-16-051	AMD-P	96-04-065
180-85	PREP	96-16-046	182-12-130	REP	96-08-043	192-16-051	AMD	96-11-002
180-85-025	AMD-P	96-04-074	182-12-132	AMD-P	96-02-080	192-16-052	NEW-P	96-04-065
180-85-025	AMD	96-08-013	182-12-132	AMD	96-08-043	192-16-052	NEW	96-11-002
180-85-025	AMD-W	96-15-006	182-12-145	AMD-P	96-02-080	192-28-105	PREP	96-03-159
180-85-030	PREP	96-13-050	182-12-145	AMD	96-08-043	192-28-105	AMD-P	96-15-127
180-85-030	AMD-W	96-15-006	182-12-151	REP-P	96-02-080	192-28-120	AMD	96-20-051
180-85-032	NEW-P	96-04-074	182-12-151	REP	96-08-043	192-28-120	PREP	96-03-159
180-85-032	NEW	96-08-013	182-12-160	REP-P	96-02-080	192-28-120	AMD-P	96-15-127
180-86	PREP	96-06-038	182-12-160	REP	96-08-043	192-28-120	AMD	96-20-051
180-86	PREP	96-16-041	182-12-165	REP-P	96-02-080	192-33-001	NEW-E	96-09-004
180-86-080	NEW-P	96-16-087	182-12-165	REP	96-08-043	192-33-001	NEW-E	96-16-016
180-86-086	NEW-P	96-16-087	182-12-200	AMD-P	96-02-080	192-36-010	NEW-P	96-08-062
180-86-116	NEW-P	96-16-087	182-12-200	AMD	96-08-043	192-36-010	NEW	96-11-141
180-87-093	NEW-P	96-04-072	182-12-215	AMD-P	96-02-080	192-36-015	NEW-P	96-08-062
180-87-093	NEW	96-08-012	182-12-215	AMD	96-08-043	192-36-015	NEW	96-11-141
180-90	PREP	96-09-026	182-12-220	AMD-P	96-02-080	192-36-020	NEW-P	96-08-062
180-90-115	AMD-P	96-12-087	182-12-220	AMD	96-08-043	192-36-020	NEW	96-11-141
180-90-115	AMD	96-15-099	182-25-001	NEW-P	96-09-102	192-36-025	NEW-P	96-08-062
180-90-125	AMD-P	96-12-087	182-25-001	NEW-W	96-15-008	192-36-025	NEW	96-11-141
180-90-125	AMD	96-15-099	182-25-001	NEW	96-15-024	192-42-060	PREP-X	96-14-042
180-90-160	AMD-P	96-12-087	182-25-010	NEW-P	96-09-102	192-42-060	REP	96-18-035
180-90-160	AMD	96-15-099	182-25-010	NEW-W	96-15-008	196-16-005	REP-P	96-07-052
182-08-010	AMD-P	96-02-079	182-25-010	NEW	96-15-024	196-16-005	REP	96-11-086
182-08-010	AMD	96-08-042	182-25-010	PREP	96-19-075	196-16-007	AMD-P	96-07-052
182-08-015	NEW-P	96-02-079	182-25-020	NEW-P	96-09-102	196-16-007	AMD	96-11-086
182-08-015	NEW	96-08-042	182-25-020	NEW-W	96-15-008	196-16-010	AMD-P	96-07-052
182-08-020	AMD-P	96-02-079	182-25-020	NEW	96-15-024	196-16-010	AMD	96-11-086
182-08-020	AMD	96-08-042	182-25-020	PREP	96-19-075	196-16-010	AMD-P	96-07-052
182-08-030	REP-P	96-02-079	182-25-030	NEW-P	96-09-102	196-16-020	AMD	96-11-086
182-08-030	REP	96-08-042	182-25-030	NEW-W	96-15-008	196-16-020	AMD-P	96-07-052
182-08-040	REP-P	96-02-079	182-25-030	NEW	96-15-024	196-16-031	AMD	96-11-086
182-08-040	REP	96-08-042	182-25-030	PREP	96-19-075	196-16-031	AMD	96-11-086
182-08-060	REP-P	96-02-079	182-25-040	NEW-P	96-09-102	196-20-010	AMD-P	96-07-052
182-08-060	REP	96-08-042	182-25-040	NEW-W	96-15-008	196-20-010	AMD	96-11-086
182-08-090	NEW-P	96-02-079	182-25-040	NEW	96-15-024	196-20-020	AMD-P	96-07-052
182-08-095	NEW	96-08-042	182-25-040	PREP	96-19-075	196-20-020	AMD	96-11-086
182-08-110	REP-P	96-02-079	182-25-050	NEW-P	96-09-102	196-20-030	AMD-P	96-07-052
182-08-110	REP	96-08-042	182-25-050	NEW-W	96-15-008	196-20-030	AMD	96-11-086
182-08-120	AMD-P	96-02-079	182-25-050	NEW	96-15-024	196-21-010	NEW-P	96-07-052
182-08-120	AMD	96-08-042	182-25-060	NEW-P	96-09-102	196-21-010	NEW	96-11-086
182-08-160	AMD-P	96-02-079	182-25-060	NEW-W	96-15-008	196-21-020	NEW-P	96-07-052
182-08-160	AMD	96-08-042	182-25-060	NEW	96-15-024	196-21-020	NEW	96-11-086
182-08-165	AMD-P	96-02-079	182-25-070	NEW-P	96-09-102	196-21-030	NEW-P	96-07-052
182-08-165	AMD	96-08-042	182-25-070	NEW	96-15-008	196-21-030	NEW	96-11-086
182-08-170	REP-P	96-02-079	182-25-070	NEW-W	96-15-008	196-24-058	NEW-P	96-07-037
182-08-170	REP	96-08-042	182-25-070	NEW	96-15-024	196-24-058	NEW	96-11-085
182-08-180	AMD-P	96-02-079	182-25-080	NEW-P	96-09-102	204-10-035	PREP	96-20-108
182-08-180	AMD	96-08-042	182-25-080	NEW-W	96-15-008	204-10-045	PREP	96-14-077
182-08-190	AMD-P	96-02-079	182-25-080	NEW	96-15-024	204-10-045	NEW-P	96-18-075
182-08-190	AMD	96-08-042	182-25-090	NEW-P	96-09-102	204-10-045	NEW-W	96-19-088
182-08-195	REP-P	96-02-079	182-25-090	NEW-W	96-15-008	204-29-010	PREP	96-15-084
			182-25-090	NEW	96-15-024	204-29-010	REP-P	96-19-076

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
204-56	PREP	96-06-060	208-418-020	RECOD	96-06-011	208-464-040	RECOD	96-06-011
204-56-085	AMD-P	96-09-080	208-418-020	AMD-P	96-08-076	208-464-050	RECOD	96-06-011
204-56-085	AMD	96-14-008	208-418-020	AMD	96-12-058	208-464-050	AMD-P	96-14-122
204-60	AMD-E	96-21-052	208-418-030	RECOD	96-06-011	208-464-050	AMD	96-17-071
204-60	PREP	96-21-111	208-418-030	REP-P	96-08-076	208-464-060	RECOD	96-06-011
204-60-010	AMD-E	96-21-052	208-418-030	REP	96-12-058	208-464-060	AMD-P	96-14-122
204-60-010	PREP	96-21-111	208-418-040	RECOD	96-06-011	208-464-060	AMD	96-17-071
204-60-030	AMD-E	96-21-052	208-418-040	AMD-P	96-08-076	208-464-070	RECOD	96-06-011
204-60-030	PREP	96-21-111	208-418-040	AMD	96-12-058	208-464-070	AMD-P	96-14-122
204-91A-060	AMD-E	96-19-046	208-418-045	RECOD	96-06-011	208-464-070	AMD	96-17-071
204-91A-060	PREP	96-19-047	208-418-045	AMD-P	96-08-076	208-464-080	RECOD	96-06-011
204-91A-140	PREP	96-14-076	208-418-045	PREP-X	96-14-038	208-464-090	RECOD	96-06-011
204-91A-140	PREP-W	96-18-055	208-418-045	REP	96-17-072	208-472-010	RECOD	96-06-011
204-91A-140	AMD-E	96-19-046	208-418-045	AMD-W	96-21-063	208-472-012	RECOD	96-06-011
204-91A-140	PREP	96-19-047	208-418-050	RECOD	96-06-011	208-472-015	RECOD	96-06-011
204-95-030	PREP	96-15-117	208-418-050	AMD-P	96-08-076	208-472-015	AMD-P	96-14-123
204-95-030	NEW-E	96-15-119	208-418-050	AMD	96-12-058	208-472-015	AMD	96-17-070
204-95-080	PREP	96-15-117	208-418-060	RECOD	96-06-011	208-472-020	RECOD	96-06-011
204-95-080	NEW-E	96-15-119	208-418-060	AMD-P	96-08-076	208-472-020	AMD-P	96-14-122
208-08-010	NEW-P	96-06-085	208-418-060	AMD	96-12-058	208-472-020	AMD	96-17-071
208-08-010	NEW	96-11-035	208-418-070	RECOD	96-06-011	208-472-025	RECOD	96-06-011
208-08-020	NEW-P	96-06-085	208-418-070	AMD-P	96-08-076	208-472-025	AMD-P	96-14-122
208-08-020	NEW	96-11-035	208-418-070	AMD	96-12-058	208-472-025	AMD	96-17-071
208-08-030	NEW-P	96-06-085	208-418-080	RECOD	96-06-011	208-472-041	RECOD	96-06-011
208-08-030	NEW	96-11-035	208-418-080	REP-P	96-08-076	208-472-041	AMD-P	96-14-122
208-08-040	NEW-P	96-06-085	208-418-080	REP	96-12-058	208-472-041	AMD	96-17-071
208-08-040	NEW	96-11-035	208-436-010	RECOD	96-06-011	208-472-045	RECOD	96-06-011
208-08-050	NEW-P	96-06-085	208-436-010	AMD-P	96-14-122	208-472-045	AMD-P	96-14-122
208-08-050	NEW	96-11-035	208-436-010	AMD	96-17-071	208-472-045	AMD	96-17-071
208-08-060	NEW-P	96-06-085	208-436-020	RECOD	96-06-011	208-472-050	RECOD	96-06-011
208-08-060	NEW	96-11-035	208-436-020	AMD-P	96-14-122	208-472-060	RECOD	96-06-011
208-08-070	NEW-P	96-06-085	208-436-020	AMD	96-17-071	208-472-060	AMD-P	96-14-122
208-08-070	NEW	96-11-035	208-436-030	RECOD	96-06-011	208-472-060	AMD	96-17-071
208-08-080	NEW-P	96-06-085	208-436-030	AMD-P	96-14-122	208-472-065	RECOD	96-06-011
208-08-080	NEW	96-11-035	208-436-030	AMD	96-17-071	208-472-065	AMD-P	96-14-122
208-08-090	NEW-P	96-06-085	208-436-040	RECOD	96-06-011	208-472-065	AMD	96-17-071
208-08-090	NEW	96-11-035	208-436-040	AMD-P	96-14-122	208-472-070	RECOD	96-06-011
208-08-100	NEW-P	96-06-085	208-436-040	AMD	96-17-071	208-472-070	AMD-P	96-14-122
208-08-100	NEW	96-11-035	208-436-050	RECOD	96-06-011	208-472-070	AMD	96-17-071
208-08-110	NEW-P	96-06-085	208-436-050	AMD-P	96-14-122	208-472-075	RECOD	96-06-011
208-08-110	NEW	96-11-035	208-436-050	AMD	96-17-071	208-472-075	AMD-P	96-14-122
208-08-120	NEW-P	96-06-085	208-436-060	RECOD	96-06-011	208-472-075	AMD	96-17-071
208-08-120	NEW	96-11-035	208-436-060	AMD-P	96-14-122	208-472-080	RECOD	96-06-011
208-08-130	NEW-P	96-06-085	208-436-060	AMD	96-17-071	208-480-010	RECOD	96-06-011
208-08-130	NEW	96-11-035	208-436-070	RECOD	96-06-011	208-480-020	RECOD	96-06-011
208-08-140	NEW-P	96-06-085	208-436-070	AMD-P	96-14-122	208-480-030	RECOD	96-06-011
208-08-140	NEW	96-11-035	208-436-070	AMD	96-17-071	208-480-030	AMD-P	96-14-122
208-12-010	NEW-P	96-11-145	208-436-080	RECOD	96-06-011	208-480-030	AMD	96-17-071
208-12-010	NEW	96-14-082	208-436-080	AMD-P	96-14-122	208-480-040	RECOD	96-06-011
208-12-020	NEW-P	96-11-145	208-436-080	AMD	96-17-071	208-480-050	RECOD	96-06-011
208-12-020	NEW	96-14-082	208-436-090	RECOD	96-06-011	208-480-050	AMD-P	96-14-122
208-12-030	NEW-P	96-11-145	208-436-090	AMD-P	96-14-122	208-480-050	AMD	96-17-071
208-12-030	NEW	96-14-082	208-436-090	AMD	96-17-071	208-480-060	RECOD	96-06-011
208-12-040	NEW-P	96-11-145	208-440-010	RECOD	96-06-011	208-480-070	RECOD	96-06-011
208-12-040	NEW	96-14-082	208-440-010	AMD-P	96-14-122	208-620-010	NEW	96-04-013
208-12-050	NEW-P	96-11-145	208-440-010	AMD	96-17-071	208-620-020	NEW	96-04-013
208-12-050	NEW	96-14-082	208-440-020	RECOD	96-06-011	208-620-030	NEW	96-04-013
208-12-070	NEW-P	96-11-145	208-440-030	RECOD	96-06-011	208-620-040	NEW	96-04-013
208-12-070	NEW	96-14-082	208-440-030	PREP-X	96-14-071	208-620-050	NEW	96-04-013
208-12-080	NEW-P	96-11-145	208-440-030	AMD-P	96-14-122	208-620-060	NEW	96-04-013
208-12-080	NEW	96-14-082	208-440-030	REP	96-17-072	208-620-070	NEW	96-04-013
208-12-090	NEW-P	96-11-145	208-440-040	RECOD	96-06-011	208-620-080	NEW	96-04-013
208-12-090	NEW	96-14-082	208-440-050	RECOD	96-06-011	208-620-090	NEW	96-04-013
208-12-100	NEW-P	96-11-145	208-444-010	RECOD	96-06-011	208-620-100	RECOD	96-04-013
208-12-100	NEW	96-14-082	208-444-010	AMD-P	96-14-122	208-620-110	RECOD	96-04-013
208-12-110	NEW-P	96-11-145	208-444-010	AMD	96-17-071	208-620-120	RECOD	96-04-013
208-12-110	NEW	96-14-082	208-464-010	RECOD	96-06-011	208-620-130	RECOD	96-04-013
208-12-120	NEW-P	96-11-145	208-464-010	AMD-P	96-14-122	208-620-140	RECOD	96-04-013
208-12-120	NEW	96-14-082	208-464-010	AMD	96-17-071	208-620-150	NEW	96-04-013
208-12-130	NEW-P	96-11-145	208-464-020	RECOD	96-06-011	208-620-160	RECOD	96-04-013
208-12-130	NEW	96-14-082	208-464-030	RECOD	96-06-011	208-620-170	RECOD	96-04-013
208-418	AMD-P	96-08-076	208-464-030	AMD-P	96-14-122	208-620-180	NEW	96-04-013
208-418	AMD	96-12-058	208-464-030	AMD	96-17-071	208-620-190	RECOD	96-04-013

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
208-620-200	NEW	96-04-013	208-680A-040	AMD-P	96-15-129	212-17-203	REP-W	96-18-101
208-620-210	RECOD	96-04-013	208-680A-040	AMD	96-21-082	212-17-205	REP-E	96-11-068
208-620-220	NEW	96-04-013	208-680B	PREP	96-06-084	212-17-205	PREP	96-12-063
208-630-005	RECOD	96-03-059	208-680B-010	RECOD	96-05-018	212-17-205	REP-P	96-15-118
208-630-010	RECOD	96-03-059	208-680B-020	RECOD	96-05-018	212-17-205	REP-W	96-18-101
208-630-015	RECOD	96-03-059	208-680B-030	RECOD	96-05-018	212-17-210	REP-E	96-11-068
208-630-020	RECOD	96-03-059	208-680B-050	RECOD	96-05-018	212-17-210	PREP	96-12-063
208-630-025	RECOD	96-03-059	208-680B-070	RECOD	96-05-018	212-17-210	REP-P	96-15-118
208-630-030	RECOD	96-03-059	208-680B-080	RECOD	96-05-018	212-17-210	REP-W	96-18-101
208-630-035	RECOD	96-03-059	208-680B-080	AMD-P	96-15-129	212-17-215	AMD-E	96-11-068
208-630-040	RECOD	96-03-059	208-680B-080	AMD	96-21-082	212-17-215	PREP	96-12-063
208-630-050	RECOD	96-03-059	208-680B-090	RECOD	96-05-018	212-17-215	AMD-P	96-15-118
208-630-060	RECOD	96-03-059	208-680C	PREP	96-06-084	212-17-215	AMD-W	96-18-101
208-630-065	RECOD	96-03-059	208-680C-020	RECOD	96-05-018	212-17-21501	NEW-E	96-11-068
208-630-068	RECOD	96-03-059	208-680C-030	RECOD	96-05-018	212-17-21501	PREP	96-12-063
208-630-070	RECOD	96-03-059	208-680C-040	RECOD	96-05-018	212-17-21501	NEW-P	96-15-118
208-630-075	RECOD	96-03-059	208-680C-045	NEW-P	96-15-129	212-17-21501	NEW-W	96-18-101
208-630-080	RECOD	96-03-059	208-680C-045	NEW	96-21-082	212-17-21503	NEW-E	96-11-068
208-630-085	RECOD	96-03-059	208-680C-050	RECOD	96-05-018	212-17-21503	PREP	96-12-063
208-630-090	RECOD	96-03-059	208-680D	PREP	96-06-084	212-17-21503	NEW-P	96-15-118
208-630-095	RECOD	96-03-059	208-680D-010	RECOD	96-05-018	212-17-21503	NEW-W	96-18-101
208-630-100	RECOD	96-03-059	208-680D-020	RECOD	96-05-018	212-17-21506	NEW-E	96-11-068
208-660-010	RECOD	96-04-028	208-680D-030	RECOD	96-05-018	212-17-21506	PREP	96-12-063
208-660-020	RECOD	96-04-028	208-680D-030	AMD-P	96-15-129	212-17-21506	NEW-P	96-15-118
208-660-025	NEW-P	96-15-128	208-680D-030	AMD	96-21-082	212-17-21506	NEW-W	96-18-101
208-660-030	RECOD	96-04-028	208-680D-040	RECOD	96-05-018	212-17-21509	NEW-E	96-11-068
208-660-035	RECOD	96-04-028	208-680D-050	RECOD	96-05-018	212-17-21509	PREP	96-12-063
208-660-040	RECOD	96-04-028	208-680D-050	AMD-P	96-15-129	212-17-21509	NEW-P	96-15-118
208-660-042	RECOD	96-04-028	208-680D-060	RECOD	96-05-018	212-17-21509	NEW-W	96-18-101
208-660-045	RECOD	96-04-028	208-680D-060	AMD-P	96-15-129	212-17-21512	NEW-E	96-11-068
208-660-050	RECOD	96-04-028	208-680D-060	AMD	96-21-082	212-17-21512	PREP	96-12-063
208-660-060	RECOD	96-04-028	208-680D-070	RECOD	96-05-018	212-17-21512	NEW-P	96-15-118
208-660-070	RECOD	96-04-028	208-680D-080	RECOD	96-05-018	212-17-21512	NEW-W	96-18-101
208-660-080	RECOD	96-04-028	208-680E	PREP	96-06-084	212-17-21515	NEW-E	96-11-068
208-660-08005	RECOD	96-04-028	208-680E-011	RECOD	96-05-018	212-17-21515	PREP	96-12-063
208-660-08010	RECOD	96-04-028	208-680E-011	AMD-P	96-15-129	212-17-21515	NEW-P	96-15-118
208-660-08015	RECOD	96-04-028	208-680E-011	AMD	96-21-082	212-17-21515	NEW-W	96-18-101
208-660-08020	RECOD	96-04-028	208-680F	PREP	96-06-084	212-17-21518	NEW-E	96-11-068
208-660-08025	RECOD	96-04-028	208-680F-010	RECOD	96-05-018	212-17-21518	PREP	96-12-063
208-660-08030	RECOD	96-04-028	208-680F-020	RECOD	96-05-018	212-17-21518	NEW-P	96-15-118
208-660-08035	RECOD	96-04-028	208-680F-040	RECOD	96-05-018	212-17-21518	NEW-W	96-18-101
208-660-08040	RECOD	96-04-028	208-680F-040	AMD-P	96-15-129	212-17-21521	NEW-E	96-11-068
208-660-085	RECOD	96-04-028	208-680F-040	AMD	96-21-082	212-17-21521	PREP	96-12-063
208-660-090	RECOD	96-04-028	208-680F-050	RECOD	96-05-018	212-17-21521	NEW-P	96-15-118
208-660-09005	RECOD	96-04-028	208-680F-050	AMD-P	96-15-129	212-17-21521	NEW-W	96-18-101
208-660-09010	RECOD	96-04-028	208-680F-050	AMD	96-21-082	212-17-21525	NEW-E	96-11-068
208-660-09015	RECOD	96-04-028	208-680F-060	RECOD	96-05-018	212-17-21525	PREP	96-12-063
208-660-09020	RECOD	96-04-028	208-680F-070	RECOD	96-05-018	212-17-21525	NEW-P	96-15-118
208-660-100	RECOD	96-04-028	210-01-020	AMD-P	96-15-122	212-17-21525	NEW-W	96-18-101
208-660-110	RECOD	96-04-028	210-01-020	AMD	96-18-029	218-04-010	NEW-P	96-13-063
208-660-120	RECOD	96-04-028	210-01-030	AMD-P	96-15-122	218-04-010	NEW	96-16-062
208-660-125	RECOD	96-04-028	210-01-030	AMD	96-18-029	218-04-020	NEW-P	96-13-063
208-660-130	RECOD	96-04-028	210-01-120	AMD-P	96-15-122	218-04-020	NEW	96-16-062
208-660-140	RECOD	96-04-028	210-01-120	AMD	96-18-029	218-04-030	NEW-P	96-13-063
208-660-145	RECOD	96-04-028	212-17-185	REP-E	96-11-068	218-04-030	NEW	96-16-062
208-660-150	RECOD	96-04-028	212-17-185	PREP	96-12-063	218-04-040	NEW-P	96-13-063
208-660-160	RECOD	96-04-028	212-17-185	REP-P	96-15-118	218-04-040	NEW	96-16-062
208-660-165	RECOD	96-04-028	212-17-185	REP-W	96-18-101	218-04-050	NEW-P	96-13-063
208-660-170	RECOD	96-04-028	212-17-190	REP-E	96-11-068	218-04-050	NEW	96-16-062
208-660-190	RECOD	96-04-028	212-17-190	PREP	96-12-063	220-16-320	AMD-W	96-11-084
208-660-200	RECOD	96-04-028	212-17-190	REP-P	96-15-118	220-24-02000A	NEW-E	96-15-100
208-660-210	RECOD	96-04-028	212-17-185	REP-W	96-18-101	220-24-02000A	REP-E	96-16-051
208-680A	PREP	96-06-084	212-17-195	REP-E	96-11-068	220-24-02000B	NEW-E	96-16-051
208-680A-010	RECOD	96-05-018	212-17-195	PREP	96-12-063	220-24-02000B	REP-E	96-18-002
208-680A-010	REP-P	96-15-129	212-17-195	REP-P	96-15-118	220-24-02000C	NEW-E	96-18-002
208-680A-010	REP	96-21-082	212-17-185	REP-W	96-18-101	220-32-05100S	NEW-E	96-04-039
208-680A-020	RECOD	96-05-018	212-17-200	REP-E	96-11-068	220-32-05100S	REP-E	96-04-039
208-680A-020	AMD-P	96-15-129	212-17-200	PREP	96-12-063	220-32-05100T	NEW-E	96-18-027
208-680A-020	AMD	96-21-082	212-17-200	REP-P	96-15-118	220-32-05100T	REP-E	96-18-027
208-680A-030	RECOD	96-05-018	212-17-200	REP-W	96-18-101	220-32-05100U	NEW-E	96-19-024
208-680A-030	AMD-P	96-15-129	212-17-203	REP-E	96-11-068	220-32-05100U	REP-E	96-19-024
208-680A-030	AMD	96-21-082	212-17-203	PREP	96-12-063	220-32-05100V	NEW-E	96-19-059
208-680A-040	RECOD	96-05-018	212-17-203	REP-P	96-15-118	220-32-05100V	REP-E	96-19-059

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-32-05100W	NEW-E	96-20-035	220-47-411	AMD-P	96-09-105	220-56-124	AMD-C	96-05-005
220-32-05100W	REP-E	96-20-035	220-47-411	AMD	96-15-101	220-56-124	AMD	96-11-078
220-32-05500A	NEW-E	96-21-020	220-47-427	NEW-P	96-09-105	220-56-128	AMD-P	96-21-151
220-32-05500A	REP-E	96-21-020	220-47-427	NEW-S	96-15-137	220-56-180	AMD-P	96-21-151
220-32-05500V	NEW-E	96-10-015	220-47-427	NEW	96-19-049	220-56-189	AMD-W	96-11-084
220-32-05500V	REP-E	96-12-029	220-47-42700A	NEW-E	96-20-034	220-56-190	AMD-C	96-05-005
220-32-05500W	NEW-E	96-12-029	220-47-428	NEW-P	96-09-105	220-56-190	AMD	96-11-078
220-32-05500W	REP-E	96-12-069	220-47-428	NEW	96-15-101	220-56-19000E	NEW-E	96-15-097
220-32-05500X	NEW-E	96-12-069	220-47-701	NEW-E	96-19-021	220-56-19000E	REP-E	96-16-052
220-32-05500X	REP-E	96-14-060	220-47-702	NEW-E	96-19-053	220-56-19000F	NEW-E	96-16-052
220-32-05500Y	NEW-E	96-14-060	220-47-702	REP-E	96-20-033	220-56-19000F	REP-E	96-18-049
220-32-05500Z	NEW-E	96-20-123	220-47-703	NEW-E	96-20-033	220-56-19000G	NEW-E	96-18-049
220-32-05500Z	REP-E	96-20-123	220-47-703	REP-E	96-20-066	220-56-19000G	REP-E	96-19-022
220-32-05700S	NEW-E	96-08-064	220-47-704	NEW-E	96-20-066	220-56-19000H	NEW-E	96-19-022
220-32-05700S	REP-E	96-08-064	220-47-704	REP-E	96-21-021	220-56-191	AMD-C	96-05-005
220-32-05700T	NEW-E	96-11-092	220-47-705	NEW-E	96-21-021	220-56-191	AMD	96-11-078
220-32-05700T	REP-E	96-11-092	220-47-705	REP-E	96-21-095	220-56-19100Q	NEW-E	96-09-063
220-33-01000D	NEW-E	96-05-055	220-47-706	NEW-E	96-21-095	220-56-19100R	NEW-E	96-16-029
220-33-01000D	REP-E	96-05-055	220-48-015	AMD-P	96-21-147	220-56-19100R	REP-E	96-16-029
220-33-01000E	NEW-E	96-17-047	220-48-01500A	NEW-E	96-16-076	220-56-19100S	NEW-E	96-16-053
220-33-01000E	REP-E	96-17-047	220-48-01500A	REP-E	96-18-005	220-56-19100S	REP-E	96-16-053
220-33-01000F	NEW-E	96-17-049	220-48-01500B	NEW-E	96-18-005	220-56-19100T	NEW-E	96-17-050
220-33-01000F	REP-E	96-17-049	220-49-020001	NEW-E	96-10-002	220-56-19100T	REP-E	96-17-050
220-33-01000G	NEW-E	96-19-026	220-49-020001	REP-E	96-10-002	220-56-19100T	REP-E	96-20-032
220-33-01000G	REP-E	96-19-026	220-52-03000J	NEW-E	96-11-117	220-56-19100U	NEW-E	96-18-058
220-33-01000H	NEW-E	96-19-051	220-52-03000J	REP-E	96-11-117	220-56-19100U	REP-E	96-18-058
220-33-01000H	REP-E	96-19-051	220-52-04000B	NEW-E	96-20-065	220-56-192	AMD-W	96-11-084
220-33-01000I	NEW-E	96-19-062	220-52-04600L	REP-E	96-02-065	220-56-195	AMD-C	96-05-005
220-33-01000I	REP-E	96-19-062	220-52-04600M	NEW-E	96-03-055	220-56-195	AMD	96-11-078
220-33-01000J	NEW-E	96-20-067	220-52-04600N	NEW-E	96-06-006	220-56-19500A	NEW-E	96-18-058
220-33-01000J	REP-E	96-20-067	220-52-04600P	NEW-E	96-20-065	220-56-19500A	REP-E	96-18-058
220-33-01000K	NEW-E	96-21-025	220-52-04600P	REP-E	96-20-107	220-56-19500A	AMD-C	96-05-005
220-33-01000K	REP-E	96-21-025	220-52-04600Q	NEW-E	96-20-065	220-56-205	AMD	96-11-078
220-33-01000L	NEW-E	96-21-109	220-52-04600R	NEW-E	96-20-107	220-56-205	AMD-P	96-21-151
220-33-01000L	REP-E	96-21-109	220-52-06000A	NEW-E	96-10-046	220-56-20500A	NEW-E	96-11-039
220-33-03000J	NEW-E	96-11-032	220-52-06000A	REP-E	96-15-015	220-56-225	AMD-W	96-11-084
220-33-03000J	REP-E	96-11-032	220-52-06000B	NEW-E	96-15-015	220-56-225	AMD-P	96-21-151
220-33-04000B	NEW-E	96-04-026	220-52-06000B	REP-E	96-15-049	220-56-235	AMD	96-05-004
220-33-04000B	REP-E	96-04-026	220-52-07100Y	NEW-E	96-11-007	220-56-235	AMD-P	96-21-151
220-36-021	AMD-P	96-09-104	220-52-07100Y	REP-E	96-12-043	220-56-240	AMD	96-05-004
220-36-021	AMD	96-13-035	220-52-07100Z	NEW-E	96-12-043	220-56-240	AMD-P	96-21-151
220-36-023	AMD-P	96-09-104	220-52-07100Z	REP-E	96-14-073	220-56-24000B	NEW-E	96-08-063
220-36-023	AMD	96-13-035	220-52-07300C	REP-E	96-03-014	220-56-24000C	NEW-E	96-18-003
220-36-02300S	NEW-E	96-21-108	220-52-07300D	NEW-E	96-03-014	220-56-24000C	REP-E	96-19-050
220-36-02300S	REP-E	96-21-108	220-52-07300D	REP-E	96-03-014	220-56-24000D	NEW-E	96-19-050
220-40-021	AMD-P	96-09-104	220-52-07300E	NEW-E	96-04-038	220-56-24000D	REP-E	96-20-106
220-40-021	AMD	96-13-035	220-52-07300E	REP-E	96-04-038	220-56-24000E	NEW-E	96-20-106
220-40-027	AMD-P	96-09-104	220-52-07300F	NEW-E	96-05-019	220-56-250	AMD-W	96-11-084
220-40-027	AMD	96-13-035	220-52-07300F	REP-E	96-05-019	220-56-255	AMD-P	96-21-151
220-44-030	AMD-P	96-03-154	220-52-07300F	REP-E	96-05-033	220-56-25500C	NEW-E	96-12-012
220-44-030	AMD	96-11-055	220-52-07300G	NEW-E	96-05-033	220-56-25500C	REP-E	96-15-092
220-44-050	AMD-P	96-03-154	220-52-07300G	REP-E	96-05-033	220-56-25500D	NEW-E	96-15-092
220-44-050	AMD	96-11-055	220-52-07300H	NEW-E	96-06-005	220-56-28500G	NEW-E	96-06-052
220-44-05000A	NEW-E	96-18-047	220-52-07300H	REP-E	96-06-005	220-56-28500G	REP-E	96-06-052
220-44-05000A	REP-E	96-19-028	220-52-07500A	NEW-E	96-09-048	220-56-28500H	NEW-E	96-08-063
220-44-05000B	NEW-E	96-19-028	220-55-005	AMD	96-05-004	220-56-305	AMD-P	96-21-151
220-44-05000B	REP-E	96-20-084	220-55-010	AMD	96-05-004	220-56-310	AMD-C	96-05-005
220-44-05000C	NEW-E	96-20-084	220-55-050	AMD	96-05-004	220-56-310	AMD-W	96-11-084
220-44-05000W	REP-E	96-11-094	220-55-055	AMD	96-05-004	220-56-310	AMD-P	96-21-151
220-44-05000X	NEW-E	96-11-094	220-55-075	AMD	96-05-004	220-56-31000A	NEW-E	96-18-004
220-44-05000X	REP-E	96-14-066	220-55-110	AMD	96-05-004	220-56-31000L	NEW-E	96-14-059
220-44-05000Y	NEW-E	96-14-066	220-56-100	AMD-C	96-05-005	220-56-31000L	REP-E	96-15-014
220-44-05000Y	REP-E	96-17-048	220-56-100	AMD	96-11-078	220-56-31000M	NEW-E	96-15-014
220-44-05000Z	NEW-E	96-17-048	220-56-100	AMD-P	96-21-151	220-56-31000M	REP-E	96-21-035
220-44-05000Z	REP-E	96-18-047	220-56-103	AMD-P	96-21-151	220-56-31000N	NEW-E	96-21-035
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220-47-304	AMD	96-15-101	220-56-105	AMD-C	96-05-005	220-56-315	AMD-P	96-21-151
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220-47-311	AMD-P	96-09-105	220-56-10500A	NEW-E	96-11-039	220-56-325	AMD-P	96-21-151
220-47-311	AMD	96-15-101	220-56-115	AMD-W	96-11-084	220-56-32500E	NEW-E	96-09-049
220-47-401	AMD-P	96-09-105	220-56-115	AMD-P	96-21-151	220-56-32500F	NEW-E	96-11-034
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220-56-32500G	REP-E	96-14-061	220-57-17500D	NEW-E	96-08-045	220-57-41500B	REP-E	96-21-107
220-56-32500H	NEW-E	96-12-068	220-57-17500E	NEW-E	96-20-083	220-57-425	AMD-C	96-05-005
220-56-32500H	REP-E	96-12-068	220-57-17500F	REP-E	96-21-032	220-57-425	AMD	96-11-078
220-56-32500I	NEW-E	96-13-041	220-57-187	NEW-E	96-21-032	220-57-430	AMD-C	96-05-005
220-56-32500I	REP-E	96-13-041	220-57-187	NEW-C	96-05-005	220-57-430	AMD-W	96-11-084
220-56-32500J	NEW-E	96-13-085	220-57-187	NEW-W	96-11-084	220-57-435	AMD-C	96-05-005
220-56-32500J	REP-E	96-13-085	220-57-190	AMD-C	96-05-005	220-57-435	AMD	96-11-078
220-56-32500K	NEW-E	96-14-061	220-57-190	AMD-W	96-11-084	220-57-450	AMD-C	96-05-005
220-56-326	NEW	96-05-004	220-57-200	AMD-C	96-05-005	220-57-450	AMD	96-11-078
220-56-330	AMD-C	96-05-005	220-57-200	AMD	96-11-078	220-57-455	AMD-C	96-05-005
220-56-330	AMD	96-11-078	220-57-205	AMD-C	96-05-005	220-57-455	AMD	96-11-078
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220-56-350	AMD	96-11-078	220-57-215	AMD-C	96-05-005	220-57-465	AMD	96-11-078
220-56-350	AMD-P	96-21-151	220-57-215	AMD	96-11-078	220-57-473	AMD-C	96-05-005
220-56-35000J	REP-E	96-08-046	220-57-220	AMD-C	96-05-005	220-57-473	AMD	96-11-078
220-56-35000K	NEW-E	96-08-046	220-57-220	AMD-W	96-11-084	220-57-480	AMD-C	96-05-005
220-56-35000K	REP-E	96-11-008	220-57-230	AMD-C	96-05-005	220-57-480	AMD-W	96-11-084
220-56-35000L	NEW-E	96-11-008	220-57-230	AMD-W	96-11-084	220-57-495	AMD-C	96-05-005
220-56-35000L	REP-E	96-15-055	220-57-235	AMD-C	96-05-005	220-57-495	AMD	96-11-078
220-56-35000M	NEW-E	96-15-055	220-57-235	AMD	96-11-078	220-57-49500B	NEW-E	96-19-052
220-56-355	AMD-P	96-21-151	220-57-23500H	NEW-E	96-19-052	220-57-50500Y	NEW-E	96-08-045
220-56-35500A	NEW-E	96-18-004	220-57-240	AMD-C	96-05-005	220-57-51500L	NEW-E	96-08-045
220-56-36000Q	NEW-E	96-07-051	220-57-240	AMD	96-11-078	220-57-520	AMD-C	96-05-005
220-56-36000Q	REP-E	96-07-051	220-57-250	AMD-C	96-05-005	220-57-520	AMD-W	96-11-084
220-56-36000Q	REP-E	96-11-038	220-57-250	AMD-W	96-11-084	220-57-525	AMD-C	96-05-005
220-56-36000R	NEW-E	96-11-038	220-57-25000B	NEW-E	96-19-052	220-57-525	AMD-W	96-11-084
220-56-36000R	REP-E	96-11-038	220-57-260	AMD-C	96-05-005	220-57A-001	AMD	96-05-004
220-56-36000S	NEW-E	96-21-019	220-57-260	AMD-W	96-11-084	220-57A-035	AMD	96-05-004
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220-56-380	AMD-P	96-21-151	220-57-280	AMD-C	96-05-005	220-57A-17500B	REP-E	96-15-068
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220-56-38000E	NEW-E	96-08-046	220-57-285	AMD-C	96-05-005	220-57A-17500C	REP-E	96-17-002
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220-56-38000F	NEW-E	96-11-008	220-57-29000S	NEW-E	96-08-045	220-57A-17500D	REP-E	96-20-064
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220-56-38000G	NEW-E	96-15-055	220-57-29000T	NEW-E	96-12-067	220-57A-180	AMD-W	96-11-084
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220-57-130	AMD-C	96-05-005	220-57-310	AMD	96-11-078	220-88A-07000C	REP-E	96-11-054
220-57-130	AMD	96-11-078	220-57-31000S	NEW-E	96-08-045	220-88A-07000D	NEW-E	96-11-037
220-57-135	AMD-C	96-05-005	220-57-31000T	NEW-E	96-19-052	220-88A-07000D	REP-E	96-11-054
220-57-135	AMD	96-11-078	220-57-31500B	NEW-E	96-08-045	220-88A-07000E	NEW-E	96-11-054
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220-57-155	AMD	96-11-078	220-57-340	AMD-W	96-11-084	220-88A-07000I	NEW-E	96-20-068
220-57-15500A	NEW-E	96-21-107	220-57-34000H	NEW-E	96-21-039	220-88A-07000I	REP-E	96-21-110
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220-57-170	AMD-C	96-05-005	220-57-410	AMD-W	96-11-084	220-88A-08000G	NEW-E	96-20-049
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220-95-018	AMD-P	96-04-069	222-30-060	AMD-C	96-05-090	230-02-535	NEW-P	96-19-085
220-95-018	AMD-S	96-14-146	222-30-060	AMD-S	96-09-099	230-02-540	NEW-P	96-19-085
220-95-022	AMD-P	96-04-069	222-30-060	AMD	96-12-038	230-04-024	AMD-P	96-03-077
220-95-022	AMD-S	96-14-146	222-30-060	AMD-E	96-13-026	230-04-024	AMD	96-07-075
220-95-032	AMD-P	96-04-069	222-30-060	AMD-S	96-20-120	230-04-024	AMD-P	96-03-077
220-95-032	AMD-S	96-14-146	222-30-065	NEW-E	96-03-009	230-04-040	AMD	96-07-075
220-130-020	AMD-P	96-20-122	222-30-065	NEW-C	96-04-076	230-04-064	AMD-P	96-03-077
220-130-070	AMD-P	96-20-122	222-30-065	NEW-C	96-05-090	230-04-064	AMD	96-07-075
220-140-010	AMD-P	96-20-122	222-30-065	NEW-S	96-09-099	230-04-120	AMD-P	96-05-042
220-140-040	NEW-P	96-20-122	222-30-065	NEW	96-12-038	230-04-120	AMD	96-09-071
222-10-030	NEW-W	96-03-067	222-30-065	NEW-E	96-13-026	230-04-120	AMD	96-11-126
222-10-040	NEW-C	96-04-076	222-30-065	AMD-S	96-20-120	230-04-138	AMD-P	96-15-066
222-10-040	NEW-C	96-05-090	222-30-070	AMD-E	96-03-009	230-04-138	AMD	96-19-081
222-10-040	NEW-S	96-09-099	222-30-070	AMD-C	96-04-076	230-04-140	AMD-P	96-19-084
222-10-040	NEW	96-12-038	222-30-070	AMD-C	96-05-090	230-04-143	NEW-P	96-19-083
222-10-040	NEW	96-14-081	222-30-070	AMD-S	96-09-099	230-04-145	AMD-P	96-19-083
222-10-041	NEW-C	96-04-076	222-30-070	AMD	96-12-038	230-04-187	AMD-P	96-05-042
222-10-041	NEW-C	96-05-090	222-30-070	AMD-E	96-13-026	230-04-187	AMD	96-09-071
222-10-041	NEW-S	96-09-099	222-30-070	AMD-S	96-20-120	230-04-190	AMD-P	96-19-084
222-10-041	NEW	96-12-038	222-30-075	NEW-E	96-03-009	230-04-202	AMD-P	96-19-084
222-12-090	AMD-S	96-20-120	222-30-075	NEW-W	96-03-067	230-04-203	AMD-P	96-19-084
222-16-010	AMD-E	96-03-009	222-30-075	NEW-E	96-13-026	230-04-204	AMD-P	96-05-043
222-16-010	AMD-C	96-04-076	222-30-100	AMD-E	96-03-009	230-04-204	AMD	96-09-070
222-16-010	AMD-C	96-05-090	222-30-100	AMD-C	96-04-076	230-04-204	AMD-P	96-19-084
222-16-010	AMD-S	96-09-099	222-30-100	AMD-C	96-05-090	230-04-220	AMD-P	96-19-084
222-16-010	AMD	96-12-038	222-30-100	AMD-S	96-09-099	230-08-017	AMD-P	96-19-084
222-16-010	AMD-C	96-13-004	222-30-100	AMD	96-12-038	230-08-025	AMD-P	96-19-083
222-16-010	AMD-E	96-13-026	222-30-100	AMD-E	96-13-026	230-08-080	AMD-W	96-03-068
222-16-010	AMD-E	96-18-054	222-30-100	AMD-S	96-20-120	230-08-080	AMD-P	96-07-072
222-16-010	AMD-S	96-20-120	222-38-020	AMD-E	96-03-009	230-08-080	AMD	96-13-067
222-16-075	NEW-W	96-03-067	222-38-020	AMD-W	96-03-067	230-08-090	AMD-P	96-07-074
222-16-080	AMD-E	96-03-009	222-38-020	AMD-E	96-13-026	230-08-090	AMD-W	96-14-028
222-16-080	AMD-C	96-04-076	222-38-030	AMD-E	96-03-009	230-08-095	AMD-P	96-03-077
222-16-080	AMD-C	96-05-090	222-38-030	AMD-W	96-03-067	230-08-095	AMD	96-07-075
222-16-080	AMD-S	96-09-099	222-38-030	AMD-E	96-13-026	230-08-105	AMD-P	96-07-072
222-16-080	AMD	96-12-038	223-08-080	AMD-P	96-09-057	230-08-105	AMD	96-13-067
222-16-080	AMD-C	96-13-004	223-08-080	AMD	96-15-034	230-08-122	AMD-P	96-03-077
222-16-080	AMD-E	96-13-026	223-08-085	AMD-P	96-13-106	230-08-122	AMD	96-07-075
222-16-080	AMD-E	96-18-054	223-08-085	AMD	96-19-030	230-08-125	AMD-P	96-19-084
222-16-080	AMD-S	96-20-120	223-08-150	REP-P	96-09-057	230-08-255	AMD-P	96-03-077
222-16-081	NEW-S	96-20-120	223-08-150	REP	96-15-034	230-08-255	AMD	96-07-075
222-16-085	NEW-C	96-04-076	223-08-155	REP-P	96-09-057	230-12-005	NEW-P	96-13-072
222-16-085	NEW-C	96-05-090	223-08-155	REP	96-15-034	230-12-005	NEW	96-17-012
222-16-085	NEW-S	96-09-099	223-08-235	REP-P	96-13-106	230-12-020	AMD-P	96-04-085
222-16-085	NEW	96-12-038	223-08-235	REP	96-19-030	230-12-020	AMD-S	96-05-041
222-16-086	NEW-C	96-04-076	223-08-257	AMD-P	96-09-057	230-12-020	AMD	96-09-073
222-16-086	NEW-C	96-05-090	223-08-257	AMD	96-15-034	230-12-050	AMD-P	96-19-085
222-16-086	NEW-S	96-09-099	230-02-020	AMD-P	96-21-071	230-12-053	PREP	96-20-001
222-16-086	NEW	96-12-038	230-02-035	AMD-P	96-10-050	230-12-076	NEW-P	96-03-077
222-16-100	NEW-C	96-04-076	230-02-035	AMD	96-13-068	230-12-076	NEW	96-07-075
222-16-100	NEW-C	96-05-090	230-02-105	NEW-P	96-19-085	230-12-215	NEW-P	96-19-083
222-16-100	NEW-S	96-09-099	230-02-123	NEW-P	96-19-085	230-20-050	AMD-P	96-03-079
222-16-100	NEW	96-12-038	230-02-126	NEW-P	96-19-085	230-20-050	AMD	96-07-078
222-21-010	NEW-W	96-03-067	230-02-137	NEW-P	96-03-077	230-20-052	NEW-P	96-03-079
222-21-020	NEW-W	96-03-067	230-02-137	NEW	96-07-075	230-20-052	NEW	96-07-078
222-21-030	NEW-W	96-03-067	230-02-138	NEW-P	96-19-085	230-20-055	AMD-P	96-03-080
222-21-040	NEW-W	96-03-067	230-02-143	NEW-P	96-19-083	230-20-055	AMD	96-07-076
222-24-030	AMD-E	96-03-009	230-04-145	AMD-P	96-19-083	230-20-059	NEW-P	96-19-085
222-24-030	AMD-C	96-04-076	230-02-162	NEW-P	96-03-077	230-20-060	NEW-P	96-19-085
222-24-030	AMD-C	96-05-090	230-02-162	NEW	96-07-075	230-20-062	NEW-P	96-19-085
222-24-030	AMD-S	96-09-099	230-02-240	AMD-P	96-19-083	230-20-064	AMD-P	96-03-077
222-24-030	AMD	96-12-038	230-02-278	AMD-P	96-03-077	230-20-064	AMD	96-05-011
222-24-030	AMD-E	96-13-026	230-02-278	AMD	96-07-075	230-20-064	AMD	96-07-075
222-24-030	AMD-S	96-20-120	230-02-279	NEW-P	96-03-077	230-20-064	PREP	96-11-125
222-30-050	AMD-E	96-03-009	230-02-279	NEW	96-07-075	230-20-064	REP-P	96-19-085
222-30-050	AMD-C	96-04-076	230-02-362	NEW-P	96-19-085	230-20-101	AMD-P	96-07-072
222-30-050	AMD-C	96-05-090	230-02-364	NEW-P	96-19-085	230-20-101	AMD	96-13-067

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230-20-103	AMD	96-07-078	230-50-562	NEW-P	96-03-078	232-16-740	NEW-P	96-14-140
230-20-104	NEW-P	96-07-072	230-50-562	NEW	96-09-072	232-16-740	NEW	96-18-005
230-20-104	NEW	96-13-067	230-50-800	AMD-P	96-10-050	232-16-74000A	NEW-E	96-17-074
230-20-105	NEW-P	96-07-072	230-50-800	AMD	96-13-068	232-16-74000B	NEW-E	96-21-004
230-20-105	NEW	96-13-067	230-50-815	NEW-P	96-17-010	232-16-750	NEW-P	96-14-125
230-20-106	NEW-P	96-07-072	230-50-815	NEW	96-21-073	232-16-750	NEW	96-18-006
230-20-106	NEW	96-13-067	232-12-001	AMD-C	96-05-044	232-16-760	NEW-P	96-14-139
230-20-107	NEW-P	96-07-072	232-12-001	AMD	96-11-079	232-16-760	NEW	96-18-007
230-20-107	NEW	96-13-067	232-12-001	AMD-P	96-21-150	232-16-770	NEW-P	96-14-138
230-20-108	NEW-P	96-07-072	232-12-01701	NEW-P	96-06-063	232-16-770	NEW	96-18-008
230-20-108	NEW	96-13-067	232-12-01701	NEW	96-15-096	232-24-120	REP	96-04-027
230-20-115	NEW-P	96-03-079	232-12-018	AMD-P	96-21-150	232-28-02201	AMD-P	96-21-168
230-20-115	NEW	96-07-078	232-12-01800A	NEW-E	96-14-030	232-28-02202	AMD-P	96-21-169
230-20-120	AMD-P	96-19-085	232-12-019	AMD-P	96-21-150	232-28-02203	AMD	96-04-027
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230-20-165	PREP	96-20-003	232-12-025	AMD-P	96-06-062	232-28-02204	AMD	96-04-027
230-20-190	AMD-P	96-19-085	232-12-025	AMD-W	96-09-003	232-28-02204	AMD-P	96-21-171
230-20-230	AMD-P	96-03-079	232-12-026	NEW-P	96-06-062	232-28-02205	AMD	96-04-027
230-20-230	AMD	96-07-078	232-12-026	NEW-W	96-09-003	232-28-02205	AMD-P	96-21-172
230-20-230	PREP	96-20-003	232-12-064	AMD-P	96-14-131	232-28-02206	AMD-P	96-21-173
230-20-240	AMD-P	96-07-072	232-12-064	AMD	96-18-059	232-28-02210	AMD	96-04-027
230-20-240	AMD	96-13-067	232-12-068	AMD-P	96-14-142	232-28-02210	AMD-P	96-21-160
230-20-241	AMD-P	96-07-072	232-12-068	AMD	96-18-009	232-28-02210	AMD	96-04-027
230-20-241	AMD	96-13-067	232-12-101	AMD-P	96-14-129	232-28-02220	AMD-P	96-21-161
230-20-242	AMD-P	96-07-072	232-12-101	AMD	96-18-061	232-28-02230	AMD-P	96-21-162
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230-20-242	AMD-P	96-19-085	232-12-104	AMD	96-18-060	232-28-02240	AMD-P	96-21-163
230-20-246	AMD-P	96-07-072	232-12-107	AMD-P	96-14-134	232-28-02250	AMD	96-04-027
230-20-246	AMD	96-13-067	232-12-107	AMD	96-18-062	232-28-02250	AMD-P	96-21-164
230-20-247	NEW-P	96-11-074	232-12-114	AMD-P	96-14-127	232-28-02260	AMD-P	96-21-165
230-20-247	NEW	96-15-064	232-12-114	AMD	96-18-064	232-28-02270	AMD	96-04-027
230-20-247	PREP	96-20-003	232-12-121	AMD-P	96-14-135	232-28-02270	AMD-P	96-21-166
230-20-249	NEW-P	96-19-085	232-12-121	AMD	96-18-065	232-28-02280	AMD	96-04-027
230-20-270	PREP	96-20-003	232-12-124	AMD-P	96-14-128	232-28-02280	AMD-P	96-21-167
230-20-325	AMD-P	96-03-076	232-12-124	AMD	96-18-063	232-28-02290	AMD	96-04-027
230-20-325	AMD	96-07-077	232-12-128	NEW-P	96-14-136	232-28-02290	AMD-P	96-21-152
230-20-325	AMD-P	96-19-085	232-12-128	NEW-W	96-18-028	232-28-206	REP	96-04-027
230-20-335	AMD-P	96-03-076	232-12-131	AMD	96-04-027	232-28-209	REP	96-04-027
230-20-335	AMD	96-07-077	232-12-144	AMD-C	96-05-044	232-28-21201	REP	96-04-027
230-20-510	NEW-P	96-03-080	232-12-144	AMD-W	96-11-083	232-28-215	REP	96-04-027
230-20-510	NEW	96-07-076	232-12-147	AMD-C	96-05-044	232-28-216	REP	96-04-027
230-25-040	AMD-P	96-03-076	232-12-147	AMD-W	96-11-083	232-28-225	REP	96-04-027
230-25-040	AMD	96-07-077	232-12-147	AMD-P	96-21-150	232-28-240	AMD	96-04-027
230-25-220	AMD-P	96-03-076	232-12-168	AMD-C	96-05-044	232-28-240	AMD-P	96-12-093
230-25-220	AMD	96-07-077	232-12-168	AMD	96-11-079	232-28-240	AMD	96-15-102
230-25-330	AMD-P	96-05-042	232-12-168	AMD-P	96-06-063	232-28-240	AMD-P	96-15-116
230-25-330	AMD	96-09-071	232-12-168	AMD	96-15-096	232-28-240	AMD	96-18-051
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230-30-040	NEW-P	96-19-083	232-12-16800A	REP-E	96-10-070	232-28-241	AMD	96-04-027
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230-30-075	AMD-P	96-19-083	232-12-275	AMD	96-12-045	232-28-241	AMD	96-12-044
230-30-080	AMD-P	96-19-083	232-12-284	AMD-P	96-14-143	232-28-242	AMD	96-04-027
230-30-097	AMD-P	96-10-049	232-12-619	AMD-C	96-05-044	232-28-242	AMD-P	96-21-154
230-30-097	AMD	96-13-069	232-12-619	AMD	96-11-079	232-28-246	AMD	96-04-027
230-30-102	AMD-P	96-19-083	232-12-619	AMD-P	96-21-150	232-28-248	AMD	96-04-027
230-30-103	AMD-P	96-19-083	232-12-61900B	NEW-E	96-10-070	232-28-248	AMD-P	96-21-156
230-40-010	AMD-P	96-07-073	232-12-61900B	REP-E	96-10-070	232-28-249	AMD	96-04-027
230-40-010	AMD	96-11-073	232-12-827	REP	96-04-027	232-28-249	AMD-P	96-21-157
230-40-030	AMD-P	96-03-081	232-12-828	NEW	96-03-084	232-28-250	AMD-P	96-06-069
230-40-030	AMD-W	96-14-028	232-12-829	REP-E	96-03-083	232-28-250	AMD	96-12-047
230-40-050	AMD-P	96-15-065	232-12-829	REP	96-03-084	232-28-251	AMD-P	96-06-070
230-40-050	AMD	96-19-082	232-12-829	REP-P	96-06-065	232-28-251	AMD	96-12-048
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230-40-999	NEW-P	96-13-070	232-16-080	AMD-P	96-06-066	232-28-253	AMD-P	96-06-072
230-40-999	NEW-E	96-13-071	232-16-080	AMD	96-12-046	232-28-253	AMD	96-12-050
230-40-999	NEW	96-17-011	232-16-080	REP-P	96-14-126	232-28-254	AMD-P	96-06-073
230-46-100	AMD-P	96-07-073	232-16-080	REP-E	96-17-073	232-28-254	AMD	96-12-051
230-46-100	AMD	96-11-073	232-16-080	REP	96-18-010	232-28-256	AMD-P	96-06-074
230-50-005	NEW-P	96-21-070	232-16-410	REP-P	96-06-067	232-28-256	AMD	96-12-052
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232-28-260	AMD	96-18-066	236-12-362	REP	96-13-001	246-100-042	AMD	96-11-077
232-28-261	NEW-P	96-06-075	236-12-370	AMD-E	96-09-006	246-100-076	AMD-P	96-16-072
232-28-261	NEW	96-12-053	236-12-370	AMD-P	96-10-019	246-100-166	AMD	96-04-079
232-28-262	NEW-P	96-06-076	236-12-370	AMD	96-13-001	246-100-218	NEW-P	96-04-077
232-28-262	NEW	96-12-054	236-12-371	AMD-E	96-09-006	246-100-218	NEW	96-08-028
232-28-263	NEW-P	96-14-133	236-12-371	AMD-P	96-10-019	246-100-221	PREP-X	96-14-067
232-28-263	NEW	96-18-067	236-12-371	AMD	96-13-001	246-100-221	REP	96-19-043
232-28-264	NEW-P	96-21-158	236-24-010	PREP-X	96-13-040	246-100-226	PREP-X	96-14-067
232-28-265	NEW-P	96-21-159	236-24-010	REP	96-17-090	246-100-226	REP	96-19-043
232-28-404	REP	96-04-027	236-24-020	PREP-X	96-13-040	246-201-001	PREP-X	96-14-067
232-28-407	REP	96-04-027	236-24-020	REP	96-17-090	246-201-001	REP	96-19-043
232-28-419	REP-P	96-06-077	236-24-030	PREP-X	96-13-040	246-201-020	PREP-X	96-14-067
232-28-419	REP	96-12-055	236-24-030	REP	96-17-090	246-201-020	REP	96-19-043
232-28-420	NEW-P	96-14-124	236-48-095	PREP-X	96-13-038	246-201-030	PREP-X	96-14-067
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232-28-42000A	NEW-E	96-17-075	236-48-131	PREP-X	96-13-038	246-201-040	PREP-X	96-14-067
232-28-514	AMD-P	96-14-137	236-48-131	REP	96-17-088	246-201-040	REP	96-19-043
232-28-514	AMD	96-18-004	236-50-010	PREP-X	96-13-039	246-201-050	PREP-X	96-14-067
232-28-60101	REP	96-04-027	236-50-010	REP	96-17-089	246-201-050	REP	96-19-043
232-28-60102	REP	96-04-027	236-56-100	PREP-X	96-13-037	246-201-060	PREP-X	96-14-067
232-28-604	REP	96-04-027	236-56-100	REP	96-17-087	246-201-060	REP	96-19-043
232-28-60415	REP	96-04-027	236-60-001	PREP-X	96-13-036	246-201-070	PREP-X	96-14-067
232-28-605	REP	96-04-027	236-60-005	PREP-X	96-13-036	246-201-070	REP	96-19-043
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232-28-619	AMD-C	96-05-044	236-60-030	PREP-X	96-13-036	246-201-090	PREP-X	96-14-067
232-28-619	AMD	96-11-079	236-60-040	PREP-X	96-13-036	246-201-090	REP	96-19-043
232-28-619	AMD-P	96-21-150	236-60-050	PREP-X	96-13-036	246-201-100	PREP-X	96-14-067
232-28-61900K	NEW-E	96-03-053	236-60-060	PREP-X	96-13-036	246-201-100	REP	96-19-043
232-28-61900K	REP-E	96-03-053	236-60-070	PREP-X	96-13-036	246-201-110	PREP-X	96-14-067
232-28-61900L	NEW-E	96-03-054	236-60-080	PREP-X	96-13-036	246-201-110	REP	96-19-043
232-28-61900L	REP-E	96-03-054	236-60-090	PREP-X	96-13-036	246-201-120	PREP-X	96-14-067
232-28-61900M	NEW-E	96-04-043	236-60-100	PREP-X	96-13-036	246-201-120	REP	96-19-043
232-28-61900M	REP-E	96-04-043	245-02-040	PREP	96-04-059	246-201-130	PREP-X	96-14-067
232-28-61900P	NEW-E	96-06-007	245-02-040	AMD-P	96-08-090	246-201-130	REP	96-19-043
232-28-61900P	REP-E	96-06-007	245-02-040	AMD	96-11-133	246-201-140	PREP-X	96-14-067
232-28-61900P	REP-E	96-13-019	246-08-104	PREP-X	96-14-046	246-201-140	REP	96-19-043
232-28-61900Q	NEW-E	96-10-070	246-08-104	REP	96-19-041	246-201-150	PREP-X	96-14-067
232-28-61900Q	REP-E	96-10-070	246-08-105	PREP-X	96-14-046	246-201-150	REP	96-19-043
232-28-61900R	NEW-E	96-13-019	246-08-105	REP	96-19-041	246-201-160	PREP-X	96-14-067
232-28-61900R	NEW-P	96-14-145	246-10	PREP	96-06-048	246-201-160	REP	96-19-043
232-28-61900R	REP-P	96-14-145	246-10	AMD-W	96-20-086	246-201-170	PREP-X	96-14-067
232-28-61900R	NEW-W	96-18-028	246-10-107	AMD-P	96-14-069	246-201-170	REP	96-19-043
232-28-61900R	REP-W	96-18-028	246-10-107	AMD	96-21-027	246-201-180	PREP-X	96-14-067
232-28-61900S	NEW-E	96-15-120	246-10-124	AMD-P	96-14-069	246-201-180	REP	96-19-043
232-28-61900S	REP-E	96-15-120	246-10-124	AMD	96-21-027	246-201-190	PREP-X	96-14-067
232-28-61900T	NEW-E	96-15-121	246-10-204	AMD-P	96-14-069	246-201-190	REP	96-19-043
232-28-61900U	NEW-E	96-16-019	246-10-204	AMD	96-21-027	246-201-200	PREP-X	96-14-067
232-28-61900U	REP-E	96-16-019	246-10-403	AMD-P	96-14-069	246-201-200	REP	96-19-043
232-28-61900V	NEW-E	96-18-048	246-10-403	AMD	96-21-027	246-201-210	PREP-X	96-14-067
232-28-61900V	REP-E	96-18-048	246-10-501	AMD-P	96-14-069	246-201-210	REP	96-19-043
232-28-61900W	NEW-E	96-19-052	246-10-501	AMD	96-21-027	246-235-077	PREP-W	96-21-040
232-28-61900X	NEW-E	96-20-083	246-10-502	AMD-P	96-14-069	246-249-080	PREP	96-11-129
232-28-61900X	REP-E	96-21-032	246-10-502	AMD	96-21-027	246-249-090	AMD-P	96-21-120
232-28-61900Y	NEW-E	96-21-032	246-10-503	AMD-P	96-14-069	246-250-001	AMD-P	96-21-120
232-28-812	REP	96-04-027	246-10-503	AMD	96-21-027	246-250-010	AMD-P	96-21-120
236-12-015	AMD-E	96-09-006	246-11	PREP	96-06-048	246-250-050	AMD-P	96-21-120
236-12-015	AMD-P	96-10-019	246-11	AMD-W	96-20-086	246-252-010	AMD-P	96-21-119
236-12-015	AMD	96-13-001	246-11-380	AMD-P	96-14-069	246-252-030	AMD-P	96-21-119
236-12-18003	NEW-P	96-21-115	246-11-380	AMD	96-21-027	246-254-053	AMD-P	96-07-103
236-12-18005	NEW-P	96-21-115	246-11-430	AMD-P	96-14-069	246-254-053	AMD	96-11-043
236-12-18007	NEW-P	96-21-115	246-11-430	AMD	96-21-027	246-254-070	AMD-P	96-07-103
236-12-351	AMD-E	96-09-006	246-11-550	AMD-P	96-14-069	246-254-070	AMD	96-11-043
236-12-351	AMD-P	96-10-019	246-11-550	AMD	96-21-027	246-254-080	AMD-P	96-07-103
236-12-351	AMD	96-13-001	246-15-001	NEW-P	96-19-086	246-254-080	AMD	96-11-043
236-12-360	AMD-E	96-09-006	246-15-010	NEW-P	96-19-086	246-254-090	AMD-P	96-07-103
236-12-360	AMD-P	96-10-019	246-15-020	NEW-P	96-19-086	246-254-090	AMD	96-11-043
236-12-360	AMD	96-13-001	246-15-030	NEW-P	96-19-086	246-254-100	AMD-P	96-07-103
236-12-361	AMD-E	96-09-006	246-50-001	AMD-P	96-04-082	246-254-100	AMD	96-11-043
236-12-361	AMD-P	96-10-019	246-50-001	AMD	96-09-042	246-255	PREP-X	96-14-046
236-12-361	AMD	96-13-001	246-50-010	AMD-P	96-04-082	246-255	REP	96-19-041



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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-264-010	PREP-X	96-14-067	246-310-230	AMD-P	96-17-065	246-790-120	PREP	96-14-041
246-264-010	REP	96-19-043	246-310-262	AMD-P	96-17-065	246-790-130	PREP	96-14-043
246-264-020	PREP-X	96-14-067	246-310-280	AMD-P	96-17-065	246-800	PREP-W	96-09-018
246-264-020	REP	96-19-043	246-310-350	REP-P	96-17-065	246-806-010	REP-P	96-10-006
246-264-030	PREP-X	96-14-067	246-310-360	AMD-P	96-17-065	246-806-010	REP	96-16-074
246-264-030	REP	96-19-043	246-310-370	AMD-P	96-17-065	246-806-020	REP-P	96-10-006
246-264-040	PREP-X	96-14-067	246-310-380	AMD-P	96-17-065	246-806-020	REP	96-16-074
246-264-040	REP	96-19-043	246-310-390	AMD-P	96-17-065	246-806-030	REP-P	96-10-006
246-264-050	PREP-X	96-14-067	246-310-395	NEW-P	96-17-065	246-806-030	REP	96-16-074
246-264-050	REP	96-19-043	246-310-396	NEW-P	96-17-065	246-806-040	REP-P	96-10-006
246-264-060	PREP-X	96-14-067	246-310-397	NEW-P	96-17-065	246-806-040	REP	96-16-074
246-264-060	REP	96-19-043	246-310-400	REP-P	96-17-065	246-806-060	REP-P	96-10-006
246-264-070	PREP-X	96-14-067	246-310-410	AMD-P	96-17-065	246-806-060	REP	96-16-074
246-264-070	REP	96-19-043	246-310-470	AMD-P	96-17-065	246-806-070	REP-P	96-10-006
246-264-080	PREP-X	96-14-067	246-310-480	AMD-P	96-17-065	246-806-070	REP	96-16-074
246-264-080	REP	96-19-043	246-310-490	AMD-P	96-17-065	246-806-075	REP-P	96-10-006
246-264-090	PREP-X	96-14-067	246-310-500	AMD-P	96-17-065	246-806-075	REP	96-16-074
246-264-090	REP	96-19-043	246-310-560	AMD-P	96-17-065	246-806-080	REP-P	96-10-006
246-264-100	PREP-X	96-14-067	246-310-570	AMD-P	96-17-065	246-806-080	REP	96-16-074
246-264-100	REP	96-19-043	246-310-580	AMD-P	96-17-065	246-806-085	REP-P	96-10-006
246-264-110	PREP-X	96-14-067	246-310-590	AMD-P	96-17-065	246-806-085	REP	96-16-074
246-264-110	REP	96-19-043	246-310-600	AMD-P	96-17-065	246-806-090	REP-P	96-10-006
246-264-120	PREP-X	96-14-067	246-310-610	AMD-P	96-17-065	246-806-090	REP	96-16-074
246-264-120	REP	96-19-043	246-310-900	AMD-P	96-17-065	246-806-100	REP-P	96-10-006
246-264-130	PREP-X	96-14-067	246-310-990	AMD-P	96-17-065	246-806-100	REP	96-16-074
246-264-130	REP	96-19-043	246-316-990	AMD-P	96-09-084	246-806-110	REP-P	96-10-006
246-264-140	PREP-X	96-14-067	246-316-990	AMD	96-12-027	246-806-110	REP	96-16-074
246-264-140	REP	96-19-043	246-318	PREP	96-07-011	246-806-120	REP-P	96-10-006
246-264-150	PREP-X	96-14-067	246-321	PREP	96-17-060	246-806-120	REP	96-16-074
246-264-150	REP	96-19-043	246-327-990	AMD-P	96-09-082	246-806-130	REP-P	96-10-006
246-264-160	PREP-X	96-14-067	246-327-990	AMD	96-12-026	246-806-130	REP	96-16-074
246-264-160	REP	96-19-043	246-328-100	NEW-P	96-11-131	246-806-140	REP-P	96-10-006
246-264-170	PREP-X	96-14-067	246-328-100	NEW	96-14-070	246-806-140	REP	96-16-074
246-264-170	REP	96-19-043	246-328-150	NEW-P	96-11-131	246-806-160	REP-P	96-10-006
246-264-180	PREP-X	96-14-067	246-328-150	NEW	96-14-070	246-806-160	REP	96-16-074
246-264-180	REP	96-19-043	246-328-200	NEW-P	96-11-131	246-806-170	REP-P	96-10-006
246-264-190	PREP-X	96-14-067	246-328-200	NEW	96-14-070	246-806-170	REP	96-16-074
246-264-190	REP	96-19-043	246-328-990	NEW-P	96-11-131	246-806-180	REP-P	96-10-006
246-264-200	PREP-X	96-14-067	246-328-990	NEW	96-14-070	246-806-180	REP	96-16-074
246-264-200	REP	96-19-043	246-331-990	AMD-P	96-09-081	246-806-190	REP-P	96-10-006
246-282-005	AMD-P	96-14-110	246-331-990	AMD	96-12-025	246-806-190	REP	96-16-074
246-282-005	AMD	96-18-096	246-336-990	AMD-P	96-09-083	246-806-990	REP-P	96-10-006
246-282-990	AMD-P	96-12-074	246-336-990	AMD	96-12-028	246-806-990	REP	96-16-074
246-282-990	AMD	96-16-073	246-338-990	AMD-P	96-09-043	246-807-020	REP-P	96-10-006
246-292-030	PREP-X	96-14-046	246-338-990	AMD	96-12-011	246-807-020	REP	96-16-074
246-292-030	REP	96-19-041	246-378-010	PREP-X	96-14-067	246-807-030	REP-P	96-10-006
246-310	PREP	96-05-059	246-378-010	REP	96-19-043	246-807-030	REP	96-16-074
246-310-010	AMD-P	96-17-065	246-378-020	PREP-X	96-14-067	246-807-040	REP-P	96-10-006
246-310-020	AMD-P	96-17-065	246-378-020	REP	96-19-043	246-807-040	REP	96-16-074
246-310-035	AMD-P	96-17-065	246-378-030	PREP-X	96-14-067	246-807-050	REP-P	96-10-006
246-310-041	NEW-P	96-17-065	246-378-030	REP	96-19-043	246-807-050	REP	96-16-074
246-310-042	NEW-P	96-17-065	246-378-040	PREP-X	96-14-067	246-807-060	REP-P	96-10-006
246-310-043	NEW-P	96-17-065	246-378-040	REP	96-19-043	246-807-060	REP	96-16-074
246-310-044	NEW-P	96-17-065	246-378-050	PREP-X	96-14-067	246-807-070	REP-P	96-10-006
246-310-050	AMD-P	96-17-065	246-378-050	REP	96-19-043	246-807-070	REP	96-16-074
246-310-070	REP-P	96-17-065	246-430-030	AMD-P	96-04-081	246-807-080	REP-P	96-10-006
246-310-080	AMD-P	96-17-065	246-430-030	AMD	96-13-027	246-807-080	REP	96-16-074
246-310-090	AMD-P	96-17-065	246-610-010	PREP-X	96-14-067	246-807-090	REP-P	96-10-006
246-310-100	AMD-P	96-17-065	246-610-010	REP	96-19-043	246-807-090	REP	96-16-074
246-310-110	AMD-P	96-17-065	246-610-020	PREP-X	96-14-067	246-807-100	REP-P	96-10-006
246-310-120	AMD-P	96-17-065	246-610-020	REP	96-19-043	246-807-100	REP	96-16-074
246-310-130	AMD-P	96-17-065	246-610-030	PREP-X	96-14-067	246-807-110	REP-P	96-10-006
246-310-132	AMD-P	96-17-065	246-610-030	REP	96-19-043	246-807-110	REP	96-16-074
246-310-135	AMD-P	96-17-065	246-610-040	PREP-X	96-14-067	246-807-115	REP-P	96-10-006
246-310-136	AMD-P	96-17-065	246-610-040	REP	96-19-043	246-807-115	REP	96-16-074
246-310-140	AMD-P	96-17-065	246-790-010	PREP	96-14-037	246-807-120	REP-P	96-10-006
246-310-150	AMD-P	96-17-065	246-790-050	PREP	96-14-043	246-807-120	REP	96-16-074
246-310-160	AMD-P	96-17-065	246-790-060	PREP	96-14-043	246-807-125	REP-P	96-10-006
246-310-170	AMD-P	96-17-065	246-790-070	PREP	96-14-043	246-807-125	REP	96-16-074
246-310-180	AMD-P	96-17-065	246-790-080	PREP	96-14-043	246-807-130	REP-P	96-10-006
246-310-190	AMD-P	96-17-065	246-790-090	PREP	96-14-043	246-807-130	REP	96-16-074
246-310-200	AMD-P	96-17-065	246-790-100	PREP	96-14-043	246-807-135	REP-P	96-10-006
246-310-210	AMD-P	96-17-065	246-790-110	PREP	96-14-043	246-807-135	REP	96-16-074

TABLE





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246-808-695	NEW	96-16-074	246-904-060	NEW-P	96-17-066	246-919-130	NEW	96-03-073
246-808-700	NEW-P	96-10-006	246-904-070	NEW-E	96-11-103	246-919-140	NEW	96-03-073
246-808-700	NEW	96-16-074	246-904-070	NEW-P	96-17-066	246-919-150	NEW	96-03-073
246-808-710	NEW-P	96-10-006	246-904-080	NEW-E	96-11-103	246-919-200	NEW	96-03-073
246-808-710	NEW	96-16-074	246-904-080	NEW-P	96-17-066	246-919-200	PREP-X	96-14-045
246-808-720	NEW-P	96-10-006	246-904-090	NEW-E	96-11-103	246-919-200	REP	96-19-042
246-808-720	NEW	96-16-074	246-904-090	NEW-P	96-17-066	246-919-210	NEW	96-03-073
246-808-801	NEW-P	96-10-006	246-904-100	NEW-E	96-11-103	246-919-210	PREP-X	96-14-045
246-808-801	NEW	96-16-074	246-904-100	NEW-P	96-17-066	246-919-210	NEW	96-19-042
246-808-810	NEW-P	96-10-006	246-907-020	AMD-P	96-17-076	246-919-220	NEW	96-03-073
246-808-810	NEW	96-16-074	246-907-030	AMD-P	96-17-076	246-919-220	PREP-X	96-14-045
246-808-820	NEW-P	96-10-006	246-915-030	AMD-E	96-03-050	246-919-220	NEW	96-19-042
246-808-820	NEW	96-16-074	246-915-030	AMD-P	96-08-068	246-919-230	NEW	96-03-073
246-808-830	NEW-P	96-10-006	246-915-030	AMD	96-13-008	246-919-230	PREP-X	96-14-045
246-808-830	NEW	96-16-074	246-917-020	REP	96-03-073	246-919-230	NEW	96-19-042
246-808-990	NEW-P	96-10-006	246-917-025	REP	96-03-073	246-919-240	NEW	96-03-073
246-808-990	NEW	96-16-074	246-917-026	REP	96-03-073	246-919-240	PREP-X	96-14-045
246-810	PREP	96-16-071	246-917-030	REP	96-03-073	246-919-240	NEW	96-19-042
246-810-990	AMD	96-08-069	246-917-040	REP	96-03-073	246-919-300	NEW	96-03-073
246-826-070	PREP	96-15-072	246-917-050	REP	96-03-073	246-919-305	NEW	96-03-073
246-826-080	PREP	96-15-072	246-917-060	REP	96-03-073	246-919-310	NEW	96-03-073
246-830-005	AMD-P	96-18-095	246-917-070	REP	96-03-073	246-919-320	NEW	96-03-073
246-838-010	PREP-W	96-06-028	246-917-080	REP	96-03-073	246-919-330	NEW	96-03-073
246-838-130	PREP-W	96-06-028	246-917-090	REP	96-03-073	246-919-340	NEW	96-03-073
246-839-120	PREP-W	96-06-028	246-917-100	REP	96-03-073	246-919-350	NEW	96-03-073
246-840-910	NEW	96-05-060	246-917-110	REP	96-03-073	246-919-355	NEW	96-03-073
246-840-920	NEW	96-05-060	246-917-120	REP	96-03-073	246-919-360	NEW	96-03-073
246-840-930	NEW	96-05-060	246-917-121	REP	96-03-073	246-919-365	NEW	96-03-073
246-840-940	NEW	96-05-060	246-917-125	REP	96-03-073	246-919-370	NEW	96-03-073
246-840-950	NEW	96-05-060	246-917-126	REP	96-03-073	246-919-380	NEW	96-03-073
246-840-960	NEW	96-05-060	246-917-130	REP	96-03-073	246-919-390	NEW	96-03-073
246-840-970	NEW	96-05-060	246-917-135	REP	96-03-073	246-919-395	NEW	96-03-073
246-840-980	NEW	96-05-060	246-917-140	REP	96-03-073	246-919-400	NEW	96-03-073
246-841-405	NEW	96-06-029	246-917-150	REP	96-03-073	246-919-410	NEW	96-03-073
246-841-990	AMD	96-03-051	246-917-160	REP	96-03-073	246-919-420	NEW	96-03-073
246-851-080	PREP	96-11-049	246-917-170	REP	96-03-073	246-919-430	NEW	96-03-073
246-851-080	REP-P	96-14-044	246-917-180	REP	96-03-073	246-919-440	NEW	96-03-073
246-851-080	REP	96-20-087	246-917-190	REP	96-03-073	246-919-450	NEW	96-03-073
246-851-480	PREP	96-11-049	246-917-200	REP	96-03-073	246-919-460	NEW	96-03-073
246-851-480	REP-P	96-14-044	246-917-210	REP	96-03-073	246-919-470	NEW	96-03-073
246-851-480	REP	96-20-087	246-917-220	REP	96-03-073	246-919-480	NEW	96-03-073
246-851-490	PREP	96-11-049	246-917-300	REP	96-03-073	246-919-500	NEW	96-03-073
246-851-490	AMD-P	96-14-044	246-917-990	REP	96-03-073	246-919-510	NEW	96-03-073
246-851-490	AMD	96-20-087	246-918	AMD	96-03-073	246-919-600	NEW	96-03-073
246-851-500	PREP	96-11-049	246-918-005	AMD	96-03-073	246-919-610	NEW	96-03-073
246-851-500	AMD-P	96-14-044	246-918-006	AMD	96-03-073	246-919-620	NEW	96-03-073
246-851-500	AMD	96-20-087	246-918-007	AMD	96-03-073	246-919-700	NEW	96-03-073
246-851-990	AMD-P	96-15-033	246-918-008	AMD	96-03-073	246-919-710	NEW	96-03-073
246-851-990	AMD	96-20-088	246-918-009	AMD	96-03-073	246-919-720	NEW	96-03-073
246-861-040	AMD-P	96-04-080	246-918-030	AMD	96-03-073	246-919-730	NEW	96-03-073
246-861-040	AMD	96-11-042	246-918-035	AMD	96-03-073	246-919-740	NEW	96-03-073
246-869-240	REP	96-03-016	246-918-050	AMD	96-03-073	246-919-750	NEW	96-03-073
246-872	PREP	96-15-110	246-918-070	AMD	96-03-073	246-919-760	NEW	96-03-073
246-879	PREP	96-15-109	246-918-080	AMD	96-03-073	246-919-770	NEW	96-03-073
246-883-020	PREP	96-03-012	246-918-085	AMD	96-03-073	246-919-990	NEW	96-03-073
246-883-020	AMD-P	96-11-041	246-918-090	AMD	96-03-073	246-920-020	REP	96-03-073
246-883-020	AMD-C	96-14-109	246-918-095	AMD	96-03-073	246-920-030	REP	96-03-073
246-883-020	AMD	96-21-041	246-918-110	AMD	96-03-073	246-920-040	REP	96-03-073
246-885-030	NEW-P	96-03-134	246-918-120	AMD	96-03-073	246-920-120	REP	96-03-073
246-885-030	NEW	96-07-012	246-918-130	AMD	96-03-073	246-920-130	REP	96-03-073
246-887-170	PREP	96-10-038	246-918-140	AMD	96-03-073	246-920-140	REP	96-03-073
246-904	PREP	96-11-130	246-918-170	AMD	96-03-073	246-920-150	REP	96-03-073
246-904-010	NEW-E	96-11-103	246-918-180	AMD	96-03-073	246-920-160	REP	96-03-073
246-904-010	NEW-P	96-17-066	246-918-250	AMD	96-03-073	246-920-170	REP	96-03-073
246-904-020	NEW-E	96-11-103	246-918-260	AMD	96-03-073	246-920-180	REP	96-03-073
246-904-020	NEW-P	96-17-066	246-918-310	AMD	96-03-073	246-920-190	REP	96-03-073
246-904-030	NEW-E	96-11-103	246-918-990	AMD	96-03-073	246-920-200	REP	96-03-073
246-904-030	NEW-P	96-17-066	246-919-010	NEW	96-03-073	246-920-210	REP	96-03-073
246-904-040	NEW-E	96-11-103	246-919-020	NEW	96-03-073	246-920-220	REP	96-03-073
246-904-040	NEW-P	96-17-066	246-919-030	NEW	96-03-073	246-920-230	REP	96-03-073
246-904-050	NEW-E	96-11-103	246-919-100	NEW	96-03-073	246-920-240	REP	96-03-073
246-904-050	NEW-P	96-17-066	246-919-110	NEW	96-03-073	246-920-250	REP	96-03-073
246-904-060	NEW-E	96-11-103	246-919-120	NEW	96-03-073	246-920-260	REP	96-03-073

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-920-270	REP	96-03-073	246-976-076	NEW-P	96-14-111	251-12-099	AMD-C	96-07-091
246-920-280	REP	96-03-073	246-976-076	NEW	96-17-067	251-12-099	AMD	96-09-055
246-920-290	REP	96-03-073	246-976-077	PREP	96-06-049	251-12-100	AMD-P	96-04-053
246-920-300	REP	96-03-073	246-976-077	NEW-P	96-14-111	251-12-100	AMD-C	96-07-091
246-920-310	REP	96-03-073	246-976-077	NEW	96-17-067	251-12-100	AMD	96-09-055
246-920-320	REP	96-03-073	246-976-140	PREP	96-06-049	251-12-101	REP-P	96-04-053
246-920-330	REP	96-03-073	246-976-140	AMD-P	96-14-111	251-12-101	REP-C	96-07-091
246-920-340	REP	96-03-073	246-976-140	AMD	96-17-067	251-12-101	REP	96-09-055
246-920-350	REP	96-03-073	246-976-165	NEW	96-03-052	251-12-102	AMD-P	96-04-053
246-920-360	REP	96-03-073	246-976-181	PREP	96-06-049	251-12-102	AMD-C	96-07-091
246-920-370	REP	96-03-073	246-976-181	NEW-P	96-14-111	251-12-102	AMD	96-09-055
246-920-380	REP	96-03-073	246-976-181	NEW	96-17-067	251-12-104	NEW-P	96-04-053
246-920-390	REP	96-03-073	249A-01-010	NEW-P	96-20-061	251-12-104	NEW-C	96-07-091
246-920-400	REP	96-03-073	249A-02-010	NEW-P	96-20-062	251-12-104	NEW	96-09-055
246-920-410	REP	96-03-073	249A-02-020	NEW-P	96-20-062	251-12-105	NEW-P	96-04-053
246-920-420	REP	96-03-073	249A-02-030	NEW-P	96-20-062	251-12-105	NEW-C	96-07-091
246-920-430	REP	96-03-073	249A-02-040	NEW-P	96-20-062	251-12-105	NEW	96-09-055
246-920-440	REP	96-03-073	249A-02-050	NEW-P	96-20-062	251-12-106	NEW-P	96-04-053
246-920-450	REP	96-03-073	249A-02-060	NEW-P	96-20-062	251-12-106	NEW-C	96-07-091
246-920-460	REP	96-03-073	249A-02-080	NEW-P	96-20-062	251-12-106	NEW	96-09-055
246-920-470	REP	96-03-073	249A-02-100	NEW-P	96-20-062	251-12-106	AMD-P	96-04-053
246-920-480	REP	96-03-073	249A-02-200	NEW-P	96-20-062	251-12-180	AMD-C	96-07-091
246-920-490	REP	96-03-073	249A-02-210	NEW-P	96-20-062	251-12-180	AMD	96-09-055
246-920-500	REP	96-03-073	249A-02-220	NEW-P	96-20-062	251-12-232	AMD-P	96-04-053
246-920-510	REP	96-03-073	249A-02-250	NEW-P	96-20-062	251-12-232	AMD-C	96-07-091
246-920-520	REP	96-03-073	249A-02-300	NEW-P	96-20-062	251-12-232	AMD	96-09-055
246-920-530	REP	96-03-073	249A-02-350	NEW-P	96-20-062	251-14-110	AMD-P	96-04-053
246-920-540	REP	96-03-073	249A-02-360	NEW-P	96-20-062	251-14-110	AMD-C	96-07-091
246-920-550	REP	96-03-073	249A-02-410	NEW-P	96-20-062	251-14-110	AMD	96-09-055
246-920-560	REP	96-03-073	249A-02-420	NEW-P	96-20-062	251-14-110	AMD-E	96-19-079
246-920-570	REP	96-03-073	249A-02-430	NEW-P	96-20-062	251-14-130	NEW-P	96-04-053
246-920-580	REP	96-03-073	249A-02-440	NEW-P	96-20-062	251-14-130	NEW-C	96-07-091
246-920-590	REP	96-03-073	249A-02-450	NEW-P	96-20-062	251-14-130	NEW	96-09-055
246-920-600	REP	96-03-073	249A-02-460	NEW-P	96-20-062	251-17-010	AMD	96-02-072
246-920-610	REP	96-03-073	249A-02-470	NEW-P	96-20-062	251-17-150	AMD-P	96-08-086
246-920-620	REP	96-03-073	249A-02-510	NEW-P	96-20-062	251-17-150	AMD	96-11-061
246-920-630	REP	96-03-073	249A-02-520	NEW-P	96-20-062	251-17-170	AMD	96-02-072
246-920-640	REP	96-03-073	249A-02-540	NEW-P	96-20-062	251-19-105	REP-W	96-02-069
246-920-650	REP	96-03-073	249A-02-560	NEW-P	96-20-062	251-19-105	AMD-P	96-02-071
246-920-660	REP	96-03-073	249A-02-600	NEW-P	96-20-062	251-19-105	AMD	96-05-026
246-920-670	REP	96-03-073	249A-02-650	NEW-P	96-20-062	251-22-045	AMD-E	96-15-047
246-920-680	REP	96-03-073	249A-02-810	NEW-P	96-20-062	251-22-045	AMD-P	96-18-018
246-920-690	REP	96-03-073	249A-02-830	NEW-P	96-20-062	251-22-045	AMD	96-21-036
246-920-710	REP	96-03-073	249A-02-860	NEW-P	96-20-062	251-22-116	AMD-P	96-08-081
246-920-720	REP	96-03-073	249A-04-010	PREP	96-18-056	251-22-116	AMD-C	96-09-089
246-920-730	REP	96-03-073	250-20-021	AMD	96-04-019	251-22-116	AMD	96-13-077
246-920-740	REP	96-03-073	250-20-021	PREP	96-07-096	251-22-124	AMD-E	96-15-047
246-920-750	REP	96-03-073	250-20-021	AMD-P	96-11-101	251-22-124	AMD-P	96-18-018
246-920-760	REP	96-03-073	250-20-021	AMD	96-18-024	251-22-124	AMD	96-21-036
246-920-770	REP	96-03-073	250-65	PREP	96-07-095	251-22-167	AMD-P	96-08-081
246-920-780	REP	96-03-073	250-65-020	AMD-P	96-11-090	251-22-167	AMD-C	96-09-089
246-920-890	REP	96-03-073	250-65-020	AMD	96-18-023	251-22-167	AMD	96-13-077
246-924-040	PREP	96-16-007	250-65-060	AMD-P	96-11-090	251-22-195	AMD-P	96-08-081
246-924-080	AMD-P	96-02-086	250-65-060	AMD	96-18-023	251-22-195	AMD-C	96-09-089
246-924-080	AMD	96-08-007	250-74-010	PREP-X	96-13-028	251-22-195	AMD	96-13-077
246-924-240	PREP	96-16-009	250-74-010	REP	96-18-025	251-22-197	REP-P	96-08-081
246-924-250	AMD-P	96-02-086	250-74-020	PREP-X	96-13-028	251-22-197	REP-C	96-09-089
246-924-250	AMD	96-08-007	250-74-020	REP	96-18-025	251-22-197	REP	96-13-077
246-924-370	PREP	96-16-006	250-74-030	PREP-X	96-13-028	251-22-200	AMD-P	96-08-081
246-924-470	AMD-P	96-02-086	250-74-030	REP	96-18-025	251-22-200	AMD-C	96-09-089
246-924-470	AMD	96-08-007	250-74-040	PREP-X	96-13-028	251-22-200	AMD	96-13-077
246-924-480	PREP	96-16-008	250-74-040	REP	96-18-025	251-22-250	AMD-P	96-08-084
246-924-500	NEW-P	96-02-086	250-74-050	PREP-X	96-13-028	251-22-250	AMD	96-11-059
246-924-500	NEW	96-08-007	250-74-050	REP	96-18-025	251-22-260	AMD-E	96-15-047
246-924-500	PREP	96-16-009	250-74-060	PREP-X	96-13-028	251-22-260	AMD-P	96-18-018
246-924-990	AMD-P	96-02-085	250-74-060	REP	96-18-025	251-21-260	AMD	96-21-036
246-924-990	AMD	96-08-006	251-04-050	AMD-P	96-08-088	251-22-270	AMD-W	96-02-069
246-924-990	PREP	96-15-071	251-04-050	AMD	96-11-063	251-22-270	AMD-P	96-08-084
246-976	PREP	96-17-063	251-06-020	AMD-P	96-08-088	251-22-270	AMD	96-11-059
246-976	PREP	96-21-118	251-06-020	AMD	96-11-063	251-22-280	AMD-P	96-08-084
246-976-010	AMD	96-03-052	251-10-030	AMD-P	96-10-065	251-22-280	AMD	96-11-059
246-976-045	NEW	96-03-052	251-10-030	AMD	96-13-078	251-22-280	AMD-E	96-15-047
246-976-076	PREP	96-06-049	251-12-099	AMD-P	96-04-053	251-22-280	AMD-P	96-18-018

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
251-22-280	AMD	96-21-036	260-24-640	NEW-P	96-09-097	260-48-320	REP-P	96-04-066
251-22-290	AMD-P	96-08-084	260-24-650	NEW-P	96-09-097	260-48-320	REP	96-10-014
251-22-290	AMD	96-11-059	260-24-660	NEW-P	96-09-097	260-48-322	REP-P	96-04-066
251-22-290	AMD-E	96-15-047	260-24-670	NEW-P	96-09-097	260-48-322	REP	96-10-014
251-22-290	AMD-P	96-18-018	260-24-680	NEW-P	96-09-097	260-48-324	REP-P	96-04-066
251-22-290	AMD	96-21-036	260-24-690	NEW-P	96-09-097	260-48-324	REP	96-10-014
260-12	PREP	96-03-142	260-34	PREP	96-03-144	260-48-326	REP-P	96-04-066
260-12	PREP	96-12-084	260-48-010	REP-P	96-04-066	260-48-326	REP	96-10-014
260-20	PREP	96-03-143	260-48-010	REP	96-10-014	260-48-327	REP-P	96-04-066
260-24	PREP	96-06-086	260-48-020	REP-P	96-04-066	260-48-327	REP	96-10-014
260-24-010	REP-P	96-09-097	260-48-020	REP	96-10-014	260-48-328	REP-P	96-04-066
260-24-020	REP-P	96-09-097	260-48-030	REP-P	96-04-066	260-48-328	REP	96-10-014
260-24-030	REP-P	96-09-097	260-48-030	REP	96-10-014	260-48-330	REP-P	96-04-066
260-24-040	REP-P	96-09-097	260-48-035	REP-P	96-04-066	260-48-330	REP	96-10-014
260-24-050	REP-P	96-09-097	260-48-035	REP	96-10-014	260-48-331	REP-P	96-04-066
260-24-060	REP-P	96-09-097	260-48-040	REP-P	96-04-066	260-48-331	REP	96-10-014
260-24-070	REP-P	96-09-097	260-48-040	REP	96-10-014	260-48-340	REP-P	96-04-066
260-24-080	REP-P	96-09-097	260-48-050	REP-P	96-04-066	260-48-340	REP	96-10-014
260-24-090	REP-P	96-09-097	260-48-050	REP	96-10-014	260-48-350	REP-P	96-04-066
260-24-100	REP-P	96-09-097	260-48-060	REP-P	96-04-066	260-48-350	REP	96-10-014
260-24-110	REP-P	96-09-097	260-48-060	REP	96-10-014	260-48-500	NEW-P	96-04-066
260-24-120	REP-P	96-09-097	260-48-070	REP-P	96-04-066	260-48-500	NEW	96-10-014
260-24-130	REP-P	96-09-097	260-48-070	REP	96-10-014	260-48-510	NEW-P	96-04-066
260-24-140	REP-P	96-09-097	260-48-070	REP	96-10-014	260-48-510	NEW	96-10-014
260-24-140	REP-P	96-09-097	260-48-080	REP-P	96-04-066	260-48-510	NEW	96-10-014
260-24-150	REP-P	96-09-097	260-48-080	REP	96-10-014	260-48-520	NEW-P	96-04-066
260-24-160	REP-P	96-09-097	260-48-090	REP-P	96-04-066	260-48-520	NEW	96-10-014
260-24-170	REP-P	96-09-097	260-48-090	REP	96-10-014	260-48-530	NEW-P	96-04-066
260-24-180	REP-P	96-09-097	260-48-100	REP-P	96-04-066	260-48-530	NEW	96-10-014
260-24-190	REP-P	96-09-097	260-48-100	REP	96-10-014	260-48-540	NEW-P	96-04-066
260-24-200	REP-P	96-09-097	260-48-110	REP-P	96-04-066	260-48-540	NEW	96-10-014
260-24-210	REP-P	96-09-097	260-48-110	REP	96-10-014	260-48-540	NEW	96-10-014
260-24-220	REP-P	96-09-097	260-48-110	REP	96-10-014	260-48-550	NEW-P	96-04-066
260-24-220	REP-P	96-09-097	260-48-120	REP-P	96-04-066	260-48-550	NEW	96-10-014
260-24-230	REP-P	96-09-097	260-48-120	REP	96-10-014	260-48-560	NEW-P	96-04-066
260-24-240	REP-P	96-09-097	260-48-130	REP-P	96-04-066	260-48-560	NEW	96-10-014
260-24-250	REP-P	96-09-097	260-48-130	REP	96-10-014	260-48-570	NEW-P	96-04-066
260-24-260	REP-P	96-09-097	260-48-130	REP	96-10-014	260-48-570	NEW	96-10-014
260-24-270	REP-P	96-09-097	260-48-140	REP-P	96-04-066	260-48-570	NEW	96-10-014
260-24-270	REP-P	96-09-097	260-48-140	REP	96-10-014	260-48-580	NEW-P	96-04-066
260-24-280	REP-P	96-09-097	260-48-150	REP-P	96-04-066	260-48-580	NEW	96-10-014
260-24-290	REP-P	96-09-097	260-48-150	REP	96-10-014	260-48-590	NEW-P	96-04-066
260-24-300	REP-P	96-09-097	260-48-150	REP	96-10-014	260-48-590	NEW	96-10-014
260-24-310	REP-P	96-09-097	260-48-160	REP-P	96-04-066	260-48-600	NEW-P	96-04-066
260-24-320	REP-P	96-09-097	260-48-160	REP	96-10-014	260-48-600	NEW	96-10-014
260-24-330	REP-P	96-09-097	260-48-170	REP-P	96-04-066	260-48-600	NEW	96-10-014
260-24-340	REP-P	96-09-097	260-48-170	REP	96-10-014	260-48-610	NEW-P	96-04-066
260-24-350	REP-P	96-09-097	260-48-180	REP-P	96-04-066	260-48-610	NEW	96-10-014
260-24-360	REP-P	96-09-097	260-48-180	REP	96-10-014	260-48-620	NEW-P	96-04-066
260-24-370	REP-P	96-09-097	260-48-190	REP-P	96-04-066	260-48-620	NEW	96-10-014
260-24-380	REP-P	96-09-097	260-48-190	REP	96-10-014	260-48-620	NEW	96-10-014
260-24-390	REP-P	96-09-097	260-48-200	REP-P	96-04-066	260-48-630	NEW-P	96-04-066
260-24-400	REP-P	96-09-097	260-48-200	REP	96-10-014	260-48-630	NEW	96-10-014
260-24-410	REP-P	96-09-097	260-48-210	REP-P	96-04-066	260-48-640	NEW-P	96-04-066
260-24-420	REP-P	96-09-097	260-48-210	REP	96-10-014	260-48-640	NEW	96-10-014
260-24-430	REP-P	96-09-097	260-48-220	REP-P	96-04-066	260-48-650	NEW-P	96-04-066
260-24-440	REP-P	96-09-097	260-48-220	REP	96-10-014	260-48-650	NEW	96-10-014
260-24-450	REP-P	96-09-097	260-48-230	REP-P	96-04-066	260-48-660	NEW-P	96-04-066
260-24-460	REP-P	96-09-097	260-48-230	REP	96-10-014	260-48-660	NEW	96-10-014
260-24-460	REP-P	96-09-097	260-48-240	REP-P	96-04-066	260-48-670	NEW-P	96-04-066
260-24-465	REP-P	96-09-097	260-48-240	REP	96-10-014	260-48-670	NEW	96-10-014
260-24-470	REP-P	96-09-097	260-48-250	REP-P	96-04-066	260-48-800	NEW-P	96-04-066
260-24-480	REP-P	96-09-097	260-48-250	REP	96-10-014	260-48-800	NEW	96-10-014
260-24-500	NEW-P	96-09-097	260-48-260	REP-P	96-04-066	260-48-810	NEW-P	96-04-066
260-24-510	NEW-P	96-09-097	260-48-260	REP	96-10-014	260-48-810	NEW	96-10-014
260-24-520	NEW-P	96-09-097	260-48-260	REP	96-10-014	260-48-820	NEW-P	96-04-066
260-24-530	NEW-P	96-09-097	260-48-270	REP-P	96-04-066	260-48-820	NEW	96-10-014
260-24-540	NEW-P	96-09-097	260-48-270	REP	96-10-014	260-48-830	NEW-P	96-04-066
260-24-550	NEW-P	96-09-097	260-48-280	REP-P	96-04-066	260-48-830	NEW	96-10-014
260-24-560	NEW-P	96-09-097	260-48-280	REP	96-10-014	260-48-840	NEW-P	96-04-066
260-24-570	NEW-P	96-09-097	260-48-290	REP-P	96-04-066	260-48-840	NEW	96-10-014
260-24-580	NEW-P	96-09-097	260-48-290	REP	96-10-014	260-48-850	NEW-P	96-04-066
260-24-590	NEW-P	96-09-097	260-48-300	REP-P	96-04-066	260-48-850	NEW	96-10-014
260-24-600	NEW-P	96-09-097	260-48-300	REP	96-10-014	260-48-860	NEW-P	96-04-066
260-24-610	NEW-P	96-09-097	260-48-305	REP-P	96-04-066	260-48-860	NEW	96-10-014
260-24-620	NEW-P	96-09-097	260-48-305	REP	96-10-014	260-48-870	NEW-P	96-04-066
260-24-630	NEW-P	96-09-097	260-48-310	REP-P	96-04-066	260-48-870	NEW	96-10-014
			260-48-310	REP	96-10-014	260-48-890	NEW-P	96-04-066

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-48-890	NEW	96-10-014	260-60-390	NEW-P	96-09-098	260-70-220	REP	96-10-001
260-48-900	NEW-P	96-04-066	260-60-390	NEW	96-12-008	260-70-230	REP-P	96-04-067
260-48-900	NEW	96-10-014	260-60-400	NEW-P	96-09-098	260-70-230	REP	96-10-001
260-48-910	NEW-P	96-04-066	260-60-400	NEW	96-12-008	260-70-240	REP-P	96-04-067
260-48-910	NEW-W	96-19-006	260-60-410	NEW-P	96-09-098	260-70-240	REP	96-10-001
260-48-920	NEW-P	96-04-066	260-60-410	NEW	96-12-008	260-70-250	REP-P	96-04-067
260-48-920	NEW	96-10-014	260-60-420	NEW-P	96-09-098	260-70-250	REP	96-10-001
260-52	PREP	96-12-085	260-60-420	NEW	96-12-008	260-70-260	REP-P	96-04-067
260-60	PREP	96-03-145	260-60-430	NEW-P	96-09-098	260-70-260	REP	96-10-001
260-60-010	REP-P	96-09-098	260-60-430	NEW	96-12-008	260-70-270	REP-P	96-04-067
260-60-010	REP	96-12-008	260-60-440	NEW-P	96-09-098	260-70-270	REP	96-10-001
260-60-020	REP-P	96-09-098	260-60-440	NEW	96-12-008	260-70-280	REP-P	96-04-067
260-60-020	REP	96-12-008	260-60-450	NEW-P	96-09-098	260-70-280	REP	96-10-001
260-60-030	REP-P	96-09-098	260-60-450	NEW	96-12-008	260-70-290	REP-P	96-04-067
260-60-030	REP	96-12-008	260-60-460	NEW-P	96-09-098	260-70-290	REP	96-10-001
260-60-040	REP-P	96-09-098	260-60-460	NEW	96-12-008	260-70-300	REP-P	96-04-067
260-60-040	REP	96-12-008	260-60-470	NEW-P	96-09-098	260-70-300	REP	96-10-001
260-60-050	REP-P	96-09-098	260-60-470	NEW	96-12-008	260-70-500	NEW-P	96-04-067
260-60-050	REP	96-12-008	260-70-010	REP-P	96-04-067	260-70-500	NEW	96-10-001
260-60-060	REP-P	96-09-098	260-70-010	REP	96-10-001	260-70-510	NEW-P	96-04-067
260-60-060	REP	96-12-008	260-70-021	REP-P	96-04-067	260-70-510	NEW	96-10-001
260-60-070	REP-P	96-09-098	260-70-021	REP	96-10-001	260-70-520	NEW-P	96-04-067
260-60-070	REP	96-12-008	260-70-025	REP-P	96-04-067	260-70-520	NEW	96-10-001
260-60-080	REP-P	96-09-098	260-70-025	REP	96-10-001	260-70-530	NEW-P	96-04-067
260-60-080	REP	96-12-008	260-70-026	REP-P	96-04-067	260-70-530	NEW	96-10-001
260-60-090	REP-P	96-09-098	260-70-026	REP	96-10-001	260-70-540	NEW-P	96-04-067
260-60-090	REP	96-12-008	260-70-027	REP-P	96-04-067	260-70-540	NEW	96-10-001
260-60-100	REP-P	96-09-098	260-70-027	REP	96-10-001	260-70-550	NEW-P	96-04-067
260-60-100	REP	96-12-008	260-70-028	REP-P	96-04-067	260-70-550	NEW	96-10-001
260-60-110	REP-P	96-09-098	260-70-028	REP	96-10-001	260-70-560	NEW-P	96-04-067
260-60-110	REP	96-12-008	260-70-029	REP-P	96-04-067	260-70-560	NEW	96-10-001
260-60-115	REP-P	96-09-098	260-70-029	REP	96-10-001	260-70-570	NEW-P	96-04-067
260-60-115	REP	96-12-008	260-70-031	REP-P	96-04-067	260-70-570	NEW	96-10-001
260-60-120	REP-P	96-09-098	260-70-031	REP	96-10-001	260-70-580	NEW-P	96-04-067
260-60-120	REP	96-12-008	260-70-032	REP-P	96-04-067	260-70-580	NEW	96-10-001
260-60-130	REP-P	96-09-098	260-70-032	REP	96-10-001	260-70-590	NEW-P	96-04-067
260-60-130	REP	96-12-008	260-70-040	REP-P	96-04-067	260-70-590	NEW	96-10-001
260-60-140	REP-P	96-09-098	260-70-040	REP	96-10-001	260-70-600	NEW-P	96-04-067
260-60-140	REP	96-12-008	260-70-050	REP-P	96-04-067	260-70-600	NEW	96-10-001
260-60-150	REP-P	96-09-098	260-70-050	REP	96-10-001	260-70-610	NEW-P	96-04-067
260-60-150	REP	96-12-008	260-70-060	REP-P	96-04-067	260-70-610	NEW	96-10-001
260-60-160	REP-P	96-09-098	260-70-060	REP	96-10-001	260-70-620	NEW-P	96-04-067
260-60-160	REP	96-12-008	260-70-070	REP-P	96-04-067	260-70-620	NEW	96-10-001
260-60-170	REP-P	96-09-098	260-70-070	REP	96-10-001	260-70-630	NEW-P	96-04-067
260-60-170	REP	96-12-008	260-70-080	REP-P	96-04-067	260-70-630	NEW	96-10-001
260-60-180	REP-P	96-09-098	260-70-080	REP	96-10-001	260-70-640	NEW-P	96-04-067
260-60-180	REP	96-12-008	260-70-090	REP-P	96-04-067	260-70-640	NEW	96-10-001
260-60-190	REP-P	96-09-098	260-70-090	REP	96-10-001	260-70-650	NEW-P	96-04-067
260-60-190	REP	96-12-008	260-70-100	REP-P	96-04-067	260-70-650	NEW	96-10-001
260-60-200	REP-P	96-09-098	260-70-100	REP	96-10-001	260-70-660	NEW-P	96-04-067
260-60-200	REP	96-12-008	260-70-110	REP-P	96-04-067	260-70-660	NEW	96-10-001
260-60-210	REP-P	96-09-098	260-70-110	REP	96-10-001	260-70-670	NEW-P	96-04-067
260-60-210	REP	96-12-008	260-70-120	REP-P	96-04-067	260-70-670	NEW	96-10-001
260-60-230	REP-P	96-09-098	260-70-120	REP	96-10-001	260-70-680	NEW-P	96-04-067
260-60-230	REP	96-12-008	260-70-130	REP-P	96-04-067	260-70-680	NEW	96-10-001
260-60-300	NEW-P	96-09-098	260-70-130	REP	96-10-001	260-70-690	NEW-P	96-04-067
260-60-300	NEW	96-12-008	260-70-140	REP-P	96-04-067	260-70-690	NEW	96-10-001
260-60-310	NEW-P	96-09-098	260-70-140	REP	96-10-001	260-70-700	NEW-P	96-04-067
260-60-310	NEW	96-12-008	260-70-150	REP-P	96-04-067	260-70-700	NEW	96-10-001
260-60-320	NEW-P	96-09-098	260-70-150	REP	96-10-001	260-70-710	NEW-P	96-04-067
260-60-320	NEW	96-12-008	260-70-160	REP-P	96-04-067	260-70-710	NEW	96-10-001
260-60-330	NEW-P	96-09-098	260-70-160	REP	96-10-001	260-70-720	NEW-P	96-04-067
260-60-330	NEW	96-12-008	260-70-170	REP-P	96-04-067	260-70-720	NEW	96-10-001
260-60-340	NEW-P	96-09-098	260-70-170	REP	96-10-001	260-70-730	NEW-P	96-04-067
260-60-340	NEW	96-12-008	260-70-180	REP-P	96-04-067	260-70-730	NEW	96-10-001
260-60-350	NEW-P	96-09-098	260-70-180	REP	96-10-001	275-16-085	PREP	96-14-002
260-60-350	NEW	96-12-008	260-70-190	REP-P	96-04-067	275-16-085	AMD-P	96-15-057
260-60-360	NEW-P	96-09-098	260-70-190	REP	96-10-001	275-16-085	AMD	96-18-090
260-60-360	NEW	96-12-008	260-70-200	REP-P	96-04-067	275-26-010	AMD-P	96-07-090
260-60-370	NEW-P	96-09-098	260-70-200	REP	96-10-001	275-26-010	AMD	96-10-076
260-60-370	NEW	96-12-008	260-70-210	REP-P	96-04-067	275-26-074	NEW-P	96-07-090
260-60-380	NEW-P	96-09-098	260-70-210	REP	96-10-001	275-26-074	NEW	96-10-076
260-60-380	NEW	96-12-008	260-70-220	REP-P	96-04-067	275-26-076	NEW-P	96-07-090

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-26-076	NEW	96-10-076	284-04-030	NEW-P	96-19-066	284-43-610	NEW-P	96-20-118
275-26-077	NEW-P	96-07-090	284-04-030	NEW-S	96-21-128	284-43-620	NEW-P	96-20-118
275-26-077	NEW	96-10-076	284-04-035	NEW-P	96-19-066	284-43-630	NEW-P	96-20-118
275-27	PREP	96-12-015	284-04-035	NEW-S	96-21-128	284-43-640	NEW-P	96-20-118
275-27-020	PREP	96-12-034	284-04-045	NEW-P	96-19-066	284-43-650	NEW-P	96-20-118
275-27-026	PREP	96-12-034	284-04-045	NEW-S	96-21-128	284-44-140	AMD-P	96-07-081
275-27-030	PREP	96-12-034	284-04-050	NEW-P	96-19-066	284-44-140	AMD	96-11-004
275-27-031	PREP	96-12-034	284-04-050	NEW-S	96-21-128	284-44-240	REP-P	96-20-118
275-27-032	PREP	96-12-034	284-04-055	NEW-P	96-19-066	284-44-345	REP-P	96-05-091
275-27-033	PREP	96-12-034	284-04-055	NEW-S	96-21-128	284-44-345	REP-C	96-08-017
275-27-034	PREP	96-12-034	284-04-060	NEW-P	96-19-066	284-44-345	REP-C	96-09-046
275-27-035	PREP	96-12-034	284-04-060	NEW-S	96-21-128	284-44-345	REP-C	96-11-046
275-27-036	PREP	96-12-034	284-04-063	NEW-P	96-19-066	284-44-345	REP-C	96-17-033
275-27-037	PREP	96-12-034	284-04-063	NEW-S	96-21-128	284-44-345	REP	96-17-079
275-27-040	PREP	96-12-034	284-04-065	NEW-P	96-19-066	284-44-410	REP-P	96-20-118
275-27-050	PREP	96-12-034	284-04-065	NEW-S	96-21-128	284-46-025	NEW-P	96-07-081
275-27-220	PREP	96-12-016	284-04-080	NEW-P	96-19-066	284-46-025	NEW	96-11-004
275-27-221	PREP	96-12-016	284-04-080	NEW-S	96-21-128	284-46-060	REP-P	96-05-091
275-27-223	PREP	96-12-016	284-04-090	NEW-P	96-19-066	284-46-060	REP-C	96-08-017
275-30-020	PREP	96-10-058	284-04-090	NEW-S	96-21-128	284-46-060	REP-C	96-09-046
275-30-020	AMD-P	96-16-091	284-07	AMD-C	96-08-017	284-46-060	REP-C	96-11-046
275-30-020	AMD	96-20-017	284-07	AMD-C	96-09-046	284-46-060	REP-C	96-17-033
275-46-005	NEW-P	96-14-056	284-07	AMD-C	96-11-046	284-46-060	REP	96-17-079
275-46-005	NEW	96-18-041	284-07-050	AMD-P	96-05-091	284-46-575	REP-P	96-20-118
275-46-010	NEW-P	96-14-056	284-07-050	AMD-C	96-11-046	284-54-170	NEW-W	96-04-018
275-46-010	NEW	96-18-041	284-07-050	AMD-C	96-17-033	284-58-030	AMD-P	96-07-081
275-46-020	NEW-P	96-14-056	284-07-050	AMD	96-17-079	284-58-030	AMD	96-11-004
275-46-020	NEW	96-18-041	284-07-070	AMD-P	96-05-091	284-58-250	AMD-P	96-07-081
275-46-030	NEW-P	96-14-056	284-07-070	AMD-C	96-11-046	284-58-250	AMD	96-11-004
275-46-030	NEW	96-18-041	284-07-070	AMD-C	96-17-033	284-66	AMD-C	96-08-016
275-46-040	NEW-P	96-14-056	284-07-070	AMD	96-17-079	284-66-020	AMD-P	96-04-086
275-46-040	NEW	96-18-041	284-10-140	NEW-C	96-03-033	284-66-020	AMD	96-09-047
275-46-050	NEW-P	96-14-056	284-10-140	NEW-C	96-03-075	284-66-063	AMD-P	96-04-086
275-46-050	NEW	96-18-041	284-10-140	NEW	96-04-060	284-66-063	AMD	96-09-047
275-46-060	NEW-P	96-14-056	284-17	AMD-C	96-15-085	284-66-077	AMD-P	96-04-086
275-46-060	NEW	96-18-041	284-17	AMD-C	96-17-006	284-66-077	AMD	96-09-047
275-46-070	NEW-P	96-14-056	284-17-220	AMD-P	96-11-144	284-66-110	AMD-P	96-04-086
275-46-070	NEW	96-18-041	284-17-220	AMD	96-17-029	284-66-110	AMD	96-09-047
275-47	PREP	96-15-081	284-17-230	AMD-P	96-11-144	284-66-120	AMD-P	96-04-086
275-47-020	AMD-P	96-19-020	284-30-395	NEW-P	96-21-140	284-66-120	AMD	96-09-047
275-47-050	NEW-P	96-19-020	284-36A-005	NEW-P	96-19-067	284-66-130	AMD-P	96-04-086
275-56	PREP	96-12-015	284-36A-010	NEW-P	96-19-067	284-66-130	AMD	96-09-047
284-02	AMD-C	96-09-002	284-36A-020	NEW-P	96-19-067	284-66-135	NEW-P	96-04-086
284-02-010	AMD-P	96-04-087	284-36A-025	NEW-P	96-19-067	284-66-135	NEW	96-09-047
284-02-010	AMD	96-09-038	284-36A-030	NEW-P	96-19-067	284-66-142	AMD-P	96-04-086
284-02-020	AMD-P	96-04-087	284-36A-035	NEW-P	96-19-067	284-66-142	AMD	96-09-047
284-02-020	AMD	96-09-038	284-43	AMD-P	96-12-072	284-66-203	AMD-P	96-04-086
284-02-030	AMD-P	96-04-087	284-43	AMD	96-16-050	284-66-203	AMD	96-09-047
284-02-030	AMD	96-09-038	284-43-100	NEW-P	96-12-072	284-85	PREP	96-15-044
284-02-040	AMD-P	96-04-087	284-43-100	NEW	96-16-050	284-85	NEW-C	96-15-085
284-02-040	AMD	96-09-038	284-43-110	NEW-P	96-20-118	284-85	NEW-C	96-17-006
284-02-050	AMD-P	96-04-087	284-43-120	NEW-P	96-20-118	284-85-005	NEW-P	96-11-144
284-02-050	AMD	96-09-038	284-43-130	NEW-P	96-20-118	284-85-005	NEW	96-17-029
284-02-060	AMD-P	96-04-087	284-43-200	NEW-P	96-20-118	284-85-010	NEW-P	96-11-144
284-02-060	AMD	96-09-038	284-43-210	NEW-P	96-20-118	284-85-010	NEW	96-17-029
284-02-070	AMD-P	96-04-087	284-43-300	NEW-P	96-20-118	284-85-015	NEW-P	96-11-144
284-02-070	AMD	96-09-038	284-43-310	NEW-P	96-20-118	284-85-015	NEW	96-17-029
284-02-080	AMD-P	96-04-087	284-43-320	NEW-P	96-20-118	284-85-030	NEW-P	96-11-144
284-02-080	AMD	96-09-038	284-43-330	NEW-P	96-20-118	284-85-030	NEW	96-17-029
284-02-100	AMD-P	96-04-087	284-43-340	NEW-P	96-20-118	284-85-040	NEW-P	96-11-144
284-02-100	AMD	96-09-038	284-43-350	NEW-P	96-20-118	284-85-040	NEW	96-17-029
284-04-001	NEW-P	96-19-066	284-43-360	NEW-P	96-20-118	284-85-045	NEW-P	96-11-144
284-04-001	NEW-S	96-21-128	284-43-400	NEW-P	96-20-118	284-85-045	NEW	96-17-029
284-04-005	NEW-P	96-19-066	284-43-410	NEW-P	96-20-118	284-85-050	NEW-P	96-11-144
284-04-005	NEW-S	96-21-128	284-43-420	NEW-P	96-20-118	284-85-050	NEW	96-17-029
284-04-008	NEW-P	96-19-066	284-43-500	NEW-P	96-20-118	284-85-055	NEW-P	96-11-144
284-04-008	NEW-S	96-21-128	284-43-510	NEW-P	96-20-118	284-85-055	NEW	96-17-029
284-04-010	NEW-P	96-19-066	284-43-520	NEW-P	96-20-118	284-85-060	NEW-P	96-11-144
284-04-010	NEW-S	96-21-128	284-43-530	NEW-P	96-20-118	284-85-060	NEW	96-17-029
284-04-020	NEW-P	96-19-066	284-43-540	NEW-P	96-20-118	284-85-070	NEW-P	96-11-144
284-04-020	NEW-S	96-21-128	284-43-550	NEW-P	96-20-118	284-85-070	NEW	96-17-029
284-04-025	NEW-P	96-19-066	284-43-560	NEW-P	96-20-118	284-85-075	NEW-P	96-11-144
284-04-025	NEW-S	96-21-128	284-43-600	NEW-P	96-20-118	284-85-075	NEW	96-17-029

TABLE

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-85-080	NEW-P	96-11-144	286-27-055	NEW	96-08-044	292-06-200	NEW-W	96-17-053
284-85-080	NEW	96-17-029	286-27-065	NEW-P	96-04-054	292-06-210	NEW-P	96-04-083
284-85-085	NEW-P	96-11-144	286-27-065	NEW	96-08-044	292-06-210	NEW-W	96-17-053
284-85-085	NEW	96-17-029	286-27-070	REP-P	96-04-054	292-06-220	NEW-P	96-04-083
284-85-090	NEW-P	96-11-144	286-27-070	REP	96-08-044	292-06-220	NEW-W	96-17-053
284-85-090	NEW	96-17-029	286-27-075	NEW-P	96-04-054	292-06-230	NEW-P	96-04-083
284-85-100	NEW-P	96-11-144	286-27-075	NEW	96-08-044	292-06-230	NEW-W	96-17-053
284-85-100	NEW	96-17-029	286-27-080	REP-P	96-04-054	292-06-240	NEW-P	96-04-083
284-85-110	NEW-P	96-11-144	286-27-080	REP	96-08-044	292-06-240	NEW-W	96-17-053
284-85-110	NEW	96-17-029	286-30-010	AMD-P	96-04-054	292-06-250	NEW-P	96-04-083
284-85-900	NEW-P	96-11-144	286-30-010	AMD	96-08-044	292-06-250	NEW-W	96-17-053
284-85-900	NEW	96-17-029	286-30-020	REP-P	96-04-054	292-06-270	NEW-P	96-04-083
286-04-010	AMD-P	96-04-054	286-30-020	REP	96-08-044	292-06-270	NEW-W	96-17-053
286-04-010	AMD	96-08-044	286-30-030	AMD-P	96-04-054	292-06-280	NEW-P	96-04-083
286-04-030	AMD-P	96-04-054	286-30-030	AMD	96-08-044	292-06-280	NEW-W	96-17-053
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286-04-060	AMD-P	96-04-054	286-35	AMD	96-08-044	292-08-010	REP-P	96-05-006
286-04-060	AMD	96-08-044	286-35-020	REP-P	96-04-054	292-08-010	REP	96-17-024
286-04-070	AMD-P	96-04-054	286-35-020	REP	96-08-044	292-08-020	REP-P	96-05-006
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286-04-090	AMD	96-08-044	286-35-050	REP-P	96-04-054	292-08-040	REP	96-17-024
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286-13-060	AMD-P	96-04-054	286-40-030	AMD	96-08-044	292-12-030	REP-P	96-05-006
286-13-060	AMD	96-08-044	292-04-270	AMD-E	96-03-092	292-12-030	REP	96-17-024
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286-13-070	AMD	96-08-044	292-06-001	NEW-W	96-17-053	292-12-040	REP	96-17-024
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296-17-756	AMD-P	96-05-065	296-20-135	AMD	96-19-060	296-62-07306	AMD	96-09-030
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296-17-76209	AMD	96-12-039	296-23-185	AMD	96-10-086	296-62-07515	AMD	96-17-056
296-17-763	AMD-P	96-05-064	296-23-220	AMD-P	96-05-066	296-62-07521	AMD-P	96-03-024
296-17-763	AMD-P	96-05-065	296-23-220	AMD	96-10-086	296-62-07521	AMD	96-09-030
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296-62-07705	AMD-P	96-18-114	296-78-800	AMD-P	96-10-085	296-116-185	AMD	96-14-062
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296-62-07721	AMD-P	96-18-114	296-104-010	AMD	96-21-081	296-128-013	NEW-P	96-14-116
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296-62-07725	AMD-P	96-18-114	296-104-025	AMD	96-21-081	296-150A-005	REP	96-21-146
296-62-07727	AMD-P	96-18-114	296-104-065	PREP	96-09-086	296-150A-011	REP-P	96-15-089
296-62-07728	NEW-P	96-18-114	296-104-065	AMD-P	96-16-063	296-150A-011	REP	96-21-146
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296-62-07733	AMD-P	96-18-114	296-104-102	PREP	96-09-086	296-150A-016	REP	96-21-146
296-62-07735	AMD-P	96-18-114	296-104-102	AMD-P	96-16-063	296-150A-021	REP-P	96-15-089
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296-62-07739	AMD-P	96-03-024	296-104-140	AMD-P	96-16-063	296-150A-024	REP-P	96-15-089
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296-62-07741	AMD-P	96-18-114	296-104-151	NEW-P	96-16-063	296-150A-030	REP-P	96-15-089
296-62-07745	AMD-P	96-18-114	296-104-151	NEW	96-21-081	296-150A-030	REP	96-21-146
296-62-07747	AMD-P	96-18-114	296-104-170	PREP	96-09-086	296-150A-035	REP-P	96-15-089
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296-62-07751	AMD-P	96-18-114	296-104-170	AMD	96-21-081	296-150A-040	REP-P	96-15-089
296-62-07753	AMD-P	96-18-114	296-104-195	REP-P	96-16-063	296-150A-040	REP	96-21-146
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296-78-56513	AMD	96-17-056	296-104-220	AMD	96-21-081	296-150A-080	REP-P	96-15-089
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296-78-605	AMD-P	96-10-085	296-104-230	AMD	96-21-081	296-150A-090	REP	96-21-146
296-78-605	AMD	96-17-056	296-104-235	PREP	96-09-086	296-150A-095	REP-P	96-15-089
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296-78-620	AMD	96-17-056	296-104-235	AMD	96-21-081	296-150A-100	REP-P	96-15-089
296-78-635	AMD-P	96-10-085	296-104-240	PREP	96-09-086	296-150A-100	REP	96-21-146
296-78-635	AMD	96-17-056	296-104-240	AMD-P	96-16-063	296-150A-105	REP-P	96-15-089
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296-78-660	AMD	96-17-056	296-104-245	AMD	96-21-081	296-150A-115	REP-P	96-15-089
296-78-665	AMD-P	96-10-085	296-104-255	PREP	96-09-086	296-150A-115	REP	96-21-146
296-78-665	AMD	96-17-056	296-104-255	AMD-P	96-16-063	296-150A-120	REP-P	96-15-089
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296-78-70503	AMD	96-17-056	296-104-256	NEW	96-21-081	296-150A-130	REP-P	96-15-089
296-78-71003	AMD-P	96-10-085	296-104-260	PREP	96-09-086	296-150A-130	REP	96-21-146
296-78-71003	AMD	96-17-056	296-104-260	AMD-P	96-16-063	296-150A-135	REP-P	96-15-089
296-78-71015	AMD-P	96-10-085	296-104-260	AMD	96-21-081	296-150A-135	REP	96-21-146
296-78-71015	AMD	96-17-056	296-104-273	PREP	96-09-086	296-150A-140	REP-P	96-15-089
296-78-71017	AMD-P	96-10-085	296-104-273	NEW-P	96-16-063	296-150A-140	REP	96-21-146
296-78-71017	AMD	96-17-056	296-104-273	NEW	96-21-081	296-150A-145	REP-P	96-15-089
296-78-725	AMD-P	96-10-085	296-116-070	PREP	96-21-124	296-150A-145	REP	96-21-146
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296-150R-0030	NEW-P	96-15-089	296-150R-0830	NEW	96-21-146	296-305-010	REP	96-11-067
296-150R-0030	NEW	96-21-146	296-150R-0840	NEW-P	96-15-089	296-305-01001	NEW-C	96-03-026
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296-150R-0040	NEW	96-21-146	296-150R-0850	NEW-P	96-15-089	296-305-01002	NEW-C	96-03-026
296-150R-0060	NEW-P	96-15-089	296-150R-0850	NEW	96-21-146	296-305-01002	NEW	96-11-067
296-150R-0060	NEW	96-21-146	296-150R-0860	NEW-P	96-15-089	296-305-01003	NEW-C	96-03-026
296-150R-0100	NEW-P	96-15-089	296-150R-0860	NEW	96-21-146	296-305-01003	NEW	96-11-067
296-150R-0100	NEW	96-21-146	296-150R-0870	NEW-P	96-15-089	296-305-01005	NEW-C	96-03-026
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296-150R-0110	NEW	96-21-146	296-150R-0900	NEW-P	96-15-089	296-305-01007	NEW-C	96-03-026
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296-150R-0120	NEW	96-21-146	296-150R-0910	NEW-P	96-15-089	296-305-01009	NEW-C	96-03-026
296-150R-0130	NEW-P	96-15-089	296-150R-0910	NEW	96-21-146	296-305-01009	NEW	96-11-067
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296-150R-0200	NEW	96-21-146	296-150R-0930	NEW-P	96-15-089	296-305-01501	NEW-C	96-03-026
296-150R-0210	NEW-P	96-15-089	296-150R-0930	NEW	96-21-146	296-305-01501	NEW	96-11-067
296-150R-0210	NEW	96-21-146	296-150R-1000	NEW-P	96-15-089	296-305-01503	NEW-C	96-03-026
296-150R-0220	NEW-P	96-15-089	296-150R-1000	NEW	96-21-146	296-305-01503	NEW	96-11-067
296-150R-0220	NEW	96-21-146	296-150R-1010	NEW-P	96-15-089	296-305-01505	NEW-C	96-03-026
296-150R-0230	NEW-P	96-15-089	296-150R-1010	NEW	96-21-146	296-305-01505	NEW	96-11-067
296-150R-0230	NEW	96-21-146	296-150R-1020	NEW-P	96-15-089	296-305-01507	NEW-C	96-03-026
296-150R-0250	NEW-P	96-15-089	296-150R-1020	NEW	96-21-146	296-305-01507	NEW	96-11-067
296-150R-0250	NEW	96-21-146	296-150R-2000	NEW-P	96-15-089	296-305-01509	NEW-C	96-03-026
296-150R-0280	NEW-P	96-15-089	296-150R-2000	NEW	96-21-146	296-305-01509	NEW	96-11-067
296-150R-0280	NEW	96-21-146	296-150R-2010	NEW-P	96-15-089	296-305-01511	NEW-C	96-03-026
296-150R-0290	NEW-P	96-15-089	296-150R-2010	NEW	96-21-146	296-305-01511	NEW	96-11-067
296-150R-0290	NEW	96-21-146	296-150R-2020	NEW-P	96-15-089	296-305-01513	NEW-C	96-03-026
296-150R-0300	NEW-P	96-15-089	296-150R-2020	NEW	96-21-146	296-305-01513	NEW	96-11-067
296-150R-0300	NEW	96-21-146	296-150R-2030	NEW-P	96-15-089	296-305-01515	NEW-C	96-03-026
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296-150R-0310	NEW	96-21-146	296-150R-3000	NEW-P	96-15-089	296-305-01517	NEW-C	96-03-026
296-150R-0320	NEW-P	96-15-089	296-150R-3000	NEW	96-21-146	296-305-01517	NEW	96-11-067
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296-150R-0330	NEW	96-21-146	296-155-245	AMD-P	96-11-116	296-305-020	AMD-C	96-03-026
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296-150R-0350	NEW-P	96-15-089	296-155-24505	AMD-P	96-11-116	296-305-02001	NEW	96-11-067
296-150R-0350	NEW	96-21-146	296-155-24507	AMD-P	96-11-116	296-305-02003	NEW-C	96-03-026
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296-150R-0400	NEW	96-21-146	296-155-24515	AMD-P	96-11-116	296-305-02005	NEW-C	96-03-026
296-150R-0410	NEW-P	96-15-089	296-155-24519	AMD-P	96-11-116	296-305-02005	NEW	96-11-067
296-150R-0410	NEW	96-21-146	296-155-24520	AMD-P	96-11-116	296-305-02007	NEW-C	96-03-026
296-150R-0420	NEW-P	96-15-089	296-155-24521	AMD-P	96-11-116	296-305-02007	NEW	96-11-067
296-150R-0420	NEW	96-21-146	296-155-24522	AMD-P	96-11-116	296-305-02009	NEW-C	96-03-026
296-150R-0440	NEW-P	96-15-089	296-155-24523	AMD-P	96-11-116	296-305-02009	NEW	96-11-067
296-150R-0440	NEW	96-21-146	296-155-24524	AMD-P	96-11-116	296-305-02011	NEW-C	96-03-026
296-150R-0450	NEW-P	96-15-089	296-155-24525	AMD-P	96-11-116	296-305-02011	NEW	96-11-067
296-150R-0450	NEW	96-21-146	296-155-325	AMD-P	96-11-116	296-305-02013	NEW-C	96-03-026
296-150R-0600	NEW-P	96-15-089	296-155-429	AMD-P	96-10-085	296-305-02013	NEW	96-11-067
296-150R-0600	NEW	96-21-146	296-155-429	AMD	96-17-056	296-305-02015	NEW-C	96-03-026
296-150R-0610	NEW-P	96-15-089	296-155-477	AMD-P	96-11-116	296-305-02015	NEW	96-11-067
296-150R-0610	NEW	96-21-146	296-155-480	AMD-P	96-11-116	296-305-02017	NEW-C	96-03-026
296-150R-0620	NEW-P	96-15-089	296-155-485	AMD-P	96-11-116	296-305-02017	NEW	96-11-067
296-150R-0620	NEW	96-21-146	296-155-48533	AMD-P	96-11-116	296-305-02019	NEW-C	96-03-026
296-150R-0630	NEW-P	96-15-089	296-155-500	AMD-P	96-11-116	296-305-02019	NEW	96-11-067
296-150R-0630	NEW	96-21-146	296-155-505	AMD-P	96-11-116	296-305-025	AMD-C	96-03-026
296-150R-0640	NEW-P	96-15-089	296-155-50503	AMD-P	96-11-116	296-305-025	REP	96-11-067
296-150R-0640	NEW	96-21-146	296-155-515	AMD-P	96-11-116	296-305-02501	NEW-C	96-03-026
296-150R-0700	NEW-P	96-15-089	296-155-655	AMD-P	96-11-116	296-305-02501	NEW	96-11-067
296-150R-0700	NEW	96-21-146	296-155-715	AMD-P	96-11-116	296-305-030	AMD-C	96-03-026
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296-150R-0710	NEW	96-21-146	296-155-745	AMD-P	96-11-116	296-305-03001	NEW-C	96-03-026
296-150R-0720	NEW-P	96-15-089	296-305-001	AMD-C	96-03-026	296-305-03001	NEW	96-11-067
296-150R-0720	NEW	96-21-146	296-305-001	REP	96-11-067	296-305-035	AMD-C	96-03-026
296-150R-0800	NEW-P	96-15-089	296-305-003	AMD-C	96-03-026	296-305-035	REP	96-11-067
296-150R-0800	NEW	96-21-146	296-305-003	REP	96-11-067	296-305-040	AMD-C	96-03-026
296-150R-0810	NEW-P	96-15-089	296-305-005	AMD-C	96-03-026	296-305-040	REP	96-11-067
296-150R-0810	NEW	96-21-146	296-305-005	REP	96-11-067	296-305-04001	NEW-C	96-03-026
296-150R-0820	NEW-P	96-15-089	296-305-007	AMD-C	96-03-026	296-305-04001	NEW	96-11-067

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296-305-045	REP	96-11-067	296-305-07001	AMD-C	96-03-026	296-306-08503	REP-P	96-14-121
296-305-04501	NEW-C	96-03-026	296-305-07001	AMD	96-11-067	296-306-08505	REP-P	96-14-121
296-305-04501	NEW	96-11-067	296-305-07003	AMD-C	96-03-026	296-306-08507	REP-P	96-14-121
296-305-04503	NEW-C	96-03-026	296-305-07003	AMD	96-11-067	296-306-08509	REP-P	96-14-121
296-305-04503	NEW	96-11-067	296-305-07005	AMD-C	96-03-026	296-306-090	REP-P	96-14-121
296-305-04505	NEW-C	96-03-026	296-305-07005	AMD	96-11-067	296-306-09001	REP-P	96-14-121
296-305-04505	NEW	96-11-067	296-305-07007	AMD-C	96-03-026	296-306-09003	REP-P	96-14-121
296-305-04507	NEW-C	96-03-026	296-305-07007	AMD	96-11-067	296-306-095	REP-P	96-14-121
296-305-04507	NEW	96-11-067	296-305-07009	AMD-C	96-03-026	296-306-100	REP-P	96-14-121
296-305-04509	NEW-C	96-03-026	296-305-07009	AMD	96-11-067	296-306-105	REP-P	96-14-121
296-305-04509	NEW	96-11-067	296-305-07011	NEW-C	96-03-026	296-306-110	REP-P	96-14-121
296-305-04511	NEW-C	96-03-026	296-305-07011	NEW	96-11-067	296-306-115	REP-P	96-14-121
296-305-04511	NEW	96-11-067	296-305-07013	NEW-C	96-03-026	296-306-120	REP-P	96-14-121
296-305-05001	NEW-C	96-03-026	296-305-07013	NEW	96-11-067	296-306-125	REP-P	96-14-121
296-305-05001	NEW	96-11-067	296-305-07015	NEW-C	96-03-026	296-306-130	REP-P	96-14-121
296-305-05003	NEW-C	96-03-026	296-305-07015	NEW	96-11-067	296-306-135	REP-P	96-14-121
296-305-05003	NEW	96-11-067	296-305-07017	NEW-C	96-03-026	296-306-140	REP-P	96-14-121
296-305-05005	NEW-C	96-03-026	296-305-07017	NEW	96-11-067	296-306-145	REP-P	96-14-121
296-305-05005	NEW	96-11-067	296-305-07019	NEW-C	96-03-026	296-306-14501	REP-P	96-14-121
296-305-05007	NEW-C	96-03-026	296-305-07019	NEW	96-11-067	296-306-14503	REP-P	96-14-121
296-305-05007	NEW	96-11-067	296-305-075	AMD-C	96-03-026	296-306-14505	REP-P	96-14-121
296-305-05009	NEW-C	96-03-026	296-305-075	REP	96-11-067	296-306-14507	REP-P	96-14-121
296-305-05009	NEW	96-11-067	296-305-080	AMD-C	96-03-026	296-306-14509	REP-P	96-14-121
296-305-05011	NEW-C	96-03-026	296-305-080	REP	96-11-067	296-306-14511	REP-P	96-14-121
296-305-05011	NEW	96-11-067	296-305-08000	NEW-C	96-03-026	296-306-14513	REP-P	96-14-121
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296-305-05013	NEW	96-11-067	296-305-085	AMD-C	96-03-026	296-306-150	REP-P	96-14-121
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296-305-05501	NEW	96-11-067	296-305-090	AMD-C	96-03-026	296-306-160	REP-P	96-14-121
296-305-05503	NEW-C	96-03-026	296-305-090	REP	96-11-067	296-306-165	REP-P	96-14-121
296-305-05503	NEW	96-11-067	296-305-095	AMD-C	96-03-026	296-306-170	REP-P	96-14-121
296-305-060	AMD-C	96-03-026	296-305-095	REP	96-11-067	296-306-175	REP-P	96-14-121
296-305-060	REP	96-11-067	296-305-100	AMD-C	96-03-026	296-306-180	REP-P	96-14-121
296-305-06001	AMD-C	96-03-026	296-305-100	REP	96-11-067	296-306-200	REP-P	96-14-121
296-305-06001	AMD	96-11-067	296-305-105	AMD-C	96-03-026	296-306-250	REP-P	96-14-121
296-305-06003	AMD-C	96-03-026	296-305-105	REP	96-11-067	296-306-25003	REP-P	96-14-121
296-305-06003	AMD	96-11-067	296-305-110	AMD-C	96-03-026	296-306-25005	REP-P	96-14-121
296-305-06005	AMD-C	96-03-026	296-305-110	REP	96-11-067	296-306-25007	REP-P	96-14-121
296-305-06005	AMD	96-11-067	296-305-115	AMD-C	96-03-026	296-306-25009	REP-P	96-14-121
296-305-06007	AMD-C	96-03-026	296-305-115	REP	96-11-067	296-306-25013	REP-P	96-14-121
296-305-06007	AMD	96-11-067	296-306	PREP	96-06-034	296-306-25017	REP-P	96-14-121
296-305-06009	AMD-C	96-03-026	296-306	PREP	96-06-078	296-306-25019	REP-P	96-14-121
296-305-06009	REP	96-11-067	296-306-003	REP-P	96-14-121	296-306-25021	REP-P	96-14-121
296-305-06011	AMD-C	96-03-026	296-306-006	REP-P	96-14-121	296-306-25023	REP-P	96-14-121
296-305-06011	REP	96-11-067	296-306-009	REP-P	96-14-121	296-306-25095	REP-P	96-14-121
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296-305-064	REP	96-11-067	296-306-015	REP-P	96-14-121	296-306-270	REP-P	96-14-121
296-305-065	AMD-C	96-03-026	296-306-020	REP-P	96-14-121	296-306-27095	REP-P	96-14-121
296-305-065	REP	96-11-067	296-306-025	REP-P	96-14-121	296-306-275	REP-P	96-14-121
296-305-06501	AMD-C	96-03-026	296-306-030	REP-P	96-14-121	296-306-300	REP-P	96-14-121
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296-305-06507	AMD	96-11-067	296-306-061	REP-P	96-14-121	296-306A-006	NEW-P	96-14-121
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296-305-06511	AMD	96-11-067	296-306-06107	REP-P	96-14-121	296-306A-018	NEW-P	96-14-121
296-305-06513	AMD-C	96-03-026	296-306-06109	REP-P	96-14-121	296-306A-021	NEW-P	96-14-121
296-305-06513	AMD	96-11-067	296-306-065	REP-P	96-14-121	296-306A-024	NEW-P	96-14-121
296-305-06515	AMD-C	96-03-026	296-306-070	REP-P	96-14-121	296-306A-030	NEW-P	96-14-121
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296-305-06519	NEW	96-11-067	296-306-084	REP-P	96-14-121	296-306A-045	NEW-P	96-14-121
296-305-070	AMD-C	96-03-026	296-306-085	REP-P	96-14-121	296-306A-050	NEW-P	96-14-121

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296-306A-05501	NEW-P	96-14-121	296-306A-12030	NEW-P	96-14-120	296-306A-16019	NEW-P	96-14-121
296-306A-05503	NEW-P	96-14-121	296-306A-12030	NEW-S	96-17-093	296-306A-16021	NEW-P	96-14-121
296-306A-05505	NEW-P	96-14-121	296-306A-12030	NEW	96-20-082	296-306A-16023	NEW-P	96-14-121
296-306A-05507	NEW-P	96-14-121	296-306A-12035	NEW-P	96-14-120	296-306A-185	NEW-P	96-14-121
296-306A-060	NEW-P	96-14-121	296-306A-12035	NEW-S	96-17-093	296-306A-18503	NEW-P	96-14-121
296-306A-061	NEW-P	96-14-121	296-306A-12035	NEW	96-20-082	296-306A-18506	NEW-P	96-14-121
296-306A-065	NEW-P	96-14-121	296-306A-12040	NEW-P	96-14-120	296-306A-18509	NEW-P	96-14-121
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296-306A-07001	NEW-P	96-14-121	296-306A-12040	NEW	96-20-082	296-306A-18515	NEW-P	96-14-121
296-306A-07003	NEW-P	96-14-121	296-306A-12045	NEW-P	96-14-120	296-306A-190	NEW-P	96-14-121
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296-306A-07011	NEW-P	96-14-121	296-306A-12050	NEW-S	96-17-093	296-306A-19012	NEW-P	96-14-121
296-306A-07013	NEW-P	96-14-121	296-306A-12050	NEW	96-20-082	296-306A-19015	NEW-P	96-14-121
296-306A-073	NEW-P	96-14-121	296-306A-12055	NEW-P	96-14-120	296-306A-19018	NEW-P	96-14-121
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296-306A-08012	NEW-P	96-14-121	296-306A-13005	NEW-P	96-14-120	296-306A-20505	NEW-P	96-14-121
296-306A-08015	NEW-P	96-14-121	296-306A-13005	NEW-S	96-17-093	296-306A-20510	NEW-P	96-14-121
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296-306A-09506	NEW-P	96-14-121	296-306A-13015	NEW	96-20-082	296-306A-22015	NEW-P	96-14-121
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296-306A-09515	NEW-P	96-14-121	296-306A-13020	NEW	96-20-082	296-306A-22506	NEW-P	96-14-121
296-306A-09518	NEW-P	96-14-121	296-306A-13025	NEW-P	96-14-120	296-306A-22509	NEW-P	96-14-121
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296-306A-10005	NEW-P	96-14-121	296-306A-13025	NEW	96-20-082	296-306A-232	NEW-P	96-14-121
296-306A-10010	NEW-P	96-14-121	296-306A-13030	NEW-P	96-14-120	296-306A-240	NEW-P	96-14-121
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296-306A-11015	NEW-P	96-14-120	296-306A-13055	NEW-S	96-17-093	296-306A-25006	NEW-P	96-14-121
296-306A-11015	NEW-S	96-17-093	296-306A-13055	NEW	96-20-082	296-306A-25009	NEW-P	96-14-121
296-306A-11015	NEW	96-20-082	296-306A-145	NEW-P	96-14-121	296-306A-25012	NEW-P	96-14-121
296-306A-120	NEW-P	96-14-120	296-306A-14505	NEW-P	96-14-121	296-306A-25015	NEW-P	96-14-121
296-306A-120	NEW-S	96-17-093	296-306A-14510	NEW-P	96-14-121	296-306A-25018	NEW-P	96-14-121
296-306A-120	NEW	96-20-082	296-306A-14520	NEW-P	96-14-121	296-306A-25021	NEW-P	96-14-121
296-306A-12005	NEW-P	96-14-120	296-306A-150	NEW-P	96-14-121	296-306A-25024	NEW-P	96-14-121
296-306A-12005	NEW-S	96-17-093	296-306A-15003	NEW-P	96-14-121	296-306A-25027	NEW-P	96-14-121
296-306A-12005	NEW	96-20-082	296-306A-15006	NEW-P	96-14-121	296-306A-25030	NEW-P	96-14-121
296-306A-12010	NEW-P	96-14-120	296-306A-15009	NEW-P	96-14-121	296-306A-25033	NEW-P	96-14-121
296-306A-12010	NEW-S	96-17-093	296-306A-15012	NEW-P	96-14-121	296-306A-25036	NEW-P	96-14-121
296-306A-12010	NEW	96-20-082	296-306A-160	NEW-P	96-14-121	296-306A-25039	NEW-P	96-14-121
296-306A-12015	NEW-P	96-14-120	296-306A-16001	NEW-P	96-14-121	296-306A-25042	NEW-P	96-14-121
296-306A-12015	NEW-S	96-17-093	296-306A-16003	NEW-P	96-14-121	296-306A-260	NEW-P	96-14-121
296-306A-12015	NEW	96-20-082	296-306A-16005	NEW-P	96-14-121	296-306A-26003	NEW-P	96-14-121
296-306A-12020	NEW-P	96-14-120	296-306A-16007	NEW-P	96-14-121	296-306A-26006	NEW-P	96-14-121
296-306A-12020	NEW-S	96-17-093	296-306A-16009	NEW-P	96-14-121	296-306A-26009	NEW-P	96-14-121
296-306A-12020	NEW	96-20-082	296-306A-16011	NEW-P	96-14-121	296-306A-26012	NEW-P	96-14-121
296-306A-12025	NEW-P	96-14-120	296-306A-16013	NEW-P	96-14-121	296-306A-26015	NEW-P	96-14-121
296-306A-12025	NEW-S	96-17-093	296-306A-16015	NEW-P	96-14-121	296-306A-26018	NEW-P	96-14-121

TABLE





Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-306A-53001	NEW-P	96-14-121	308-13-110	REP	96-10-013	308-66-211	AMD	96-19-025
296-306A-53003	NEW-P	96-14-121	308-13-150	PREP	96-04-007	308-66-212	AMD-P	96-13-042
296-306A-53005	NEW-P	96-14-121	308-13-150	AMD-P	96-08-005	308-66-212	AMD	96-19-025
296-306A-53007	NEW-P	96-14-121	308-13-150	AMD	96-11-132	308-66-214	AMD-P	96-13-042
296-306A-53009	NEW-P	96-14-121	308-13-210	NEW-P	96-21-060	308-66-214	AMD	96-19-025
296-306A-53011	NEW-P	96-14-121	308-13-220	NEW-P	96-21-060	308-66-215	REP-P	96-13-042
296-306A-53013	NEW-P	96-14-121	308-13-230	NEW-P	96-21-060	308-66-215	REP	96-19-025
296-306A-53015	NEW-P	96-14-121	308-13-240	NEW-P	96-21-060	308-66-227	NEW-P	96-13-042
296-306A-53017	NEW-P	96-14-121	308-14-080	PREP-X	96-13-021	308-66-227	NEW	96-19-025
296-400	PREP	96-21-069	308-14-080	REP	96-17-040	308-66-230	REP-P	96-13-042
304-12-010	REP	96-04-045	308-14-110	PREP-X	96-13-021	308-66-230	REP	96-19-025
304-12-020	REP	96-04-045	308-14-110	REP	96-17-040	308-87-010	NEW-P	96-11-006
304-12-025	REP	96-04-045	308-20-020	PREP-X	96-13-021	308-87-010	NEW	96-16-032
304-12-145	AMD	96-04-045	308-20-020	REP	96-17-040	308-87-020	NEW-P	96-11-006
304-12-290	AMD	96-04-045	308-20-020	REP	96-17-040	308-87-020	NEW-E	96-12-076
304-12-350	REP	96-04-045	308-20-050	PREP-X	96-13-021	308-87-020	NEW-E	96-12-076
304-25-010	REP	96-04-045	308-20-050	REP	96-17-040	308-87-020	NEW	96-16-032
304-25-020	REP	96-04-045	308-20-060	PREP-X	96-13-021	308-87-030	NEW-P	96-11-006
304-25-030	REP	96-04-045	308-20-060	REP	96-17-040	308-87-030	NEW	96-16-032
304-25-040	REP	96-04-045	308-20-070	PREP-X	96-13-021	308-87-040	NEW-P	96-11-006
304-25-050	REP	96-04-045	308-20-070	REP	96-17-040	308-87-040	NEW	96-16-032
304-25-060	REP	96-04-045	308-20-095	PREP-X	96-13-021	308-87-050	NEW-P	96-11-006
304-25-110	REP	96-04-045	308-20-095	REP	96-17-040	308-87-050	NEW	96-16-032
304-25-120	REP	96-04-045	308-20-100	PREP-X	96-13-021	308-87-060	NEW-P	96-11-006
304-25-510	REP	96-04-045	308-20-100	REP	96-17-040	308-87-060	NEW-E	96-12-076
304-25-520	REP	96-04-045	308-20-109	PREP-X	96-13-021	308-87-060	NEW	96-16-032
304-25-530	REP	96-04-045	308-20-109	REP	96-17-040	308-87-070	NEW-P	96-11-006
304-25-540	REP	96-04-045	308-20-140	PREP-X	96-13-021	308-87-070	NEW	96-16-032
304-25-550	REP	96-04-045	308-20-140	REP	96-17-040	308-87-080	NEW-P	96-11-006
304-25-555	REP	96-04-045	308-20-175	PREP-X	96-13-021	308-87-080	NEW	96-16-032
304-25-560	REP	96-04-045	308-20-175	REP	96-17-040	308-89-010	AMD-P	96-11-006
304-25-570	REP	96-04-045	308-20-205	PREP-X	96-13-021	308-89-010	AMD	96-16-032
304-25-580	REP	96-04-045	308-20-205	REP	96-17-040	308-89-020	AMD-P	96-11-006
304-25-590	REP	96-04-045	308-20-208	PREP-X	96-13-021	308-89-020	AMD	96-16-032
308-04-001	PREP-X	96-13-021	308-20-208	REP	96-17-040	308-89-030	AMD-P	96-11-006
308-04-001	REP	96-17-040	308-20-208	REP	96-17-040	308-89-030	AMD	96-16-032
308-10-010	AMD	96-05-036	308-20-510	PREP-X	96-13-021	308-89-040	AMD-P	96-11-006
308-10-020	AMD	96-05-036	308-20-510	REP	96-17-040	308-89-040	AMD	96-16-032
308-10-025	AMD	96-05-036	308-20-540	PREP-X	96-13-021	308-89-040	AMD	96-16-032
308-10-030	AMD	96-05-036	308-20-540	REP	96-17-040	308-89-050	AMD-P	96-11-006
308-10-040	AMD	96-05-036	308-20-545	PREP-X	96-13-021	308-89-050	AMD	96-16-032
308-10-045	AMD	96-05-036	308-20-545	REP	96-17-040	308-89-060	AMD-P	96-11-006
308-10-067	AMD	96-05-036	308-48-140	PREP-X	96-13-021	308-89-060	AMD	96-16-032
308-12-025	AMD-P	96-20-113	308-48-140	REP	96-17-040	308-90-070	PREP	96-19-013
308-12-031	AMD-P	96-20-113	308-56A-030	AMD	96-04-004	308-90-070	AMD-P	96-21-090
308-12-040	AMD-P	96-20-113	308-56A-090	AMD	96-03-047	308-90-130	AMD-P	96-21-090
308-12-050	AMD-P	96-20-113	308-56A-210	AMD	96-03-047	308-90-160	AMD-P	96-21-090
308-12-140	REP-P	96-20-113	308-57	PREP	96-11-104	308-93-010	AMD-P	96-07-030
308-12-145	REP-P	96-20-113	308-66-110	AMD-P	96-13-042	308-93-010	AMD-S	96-11-128
308-12-210	NEW-P	96-20-113	308-66-110	AMD	96-19-025	308-93-010	AMD	96-16-038
308-12-220	NEW-P	96-20-113	308-66-120	AMD-P	96-13-042	308-93-050	AMD-P	96-07-030
308-12-230	NEW-P	96-20-113	308-66-120	AMD	96-19-025	308-93-050	AMD-S	96-11-128
308-12-240	NEW-P	96-20-113	308-66-150	AMD-P	96-13-042	308-93-050	AMD	96-16-038
308-12-250	NEW-P	96-20-113	308-66-150	AMD	96-19-025	308-93-050	AMD	96-04-004
308-12-260	NEW-P	96-20-113	308-66-155	AMD-P	96-13-042	308-93-070	AMD	96-03-046
308-12-270	NEW-P	96-20-113	308-66-155	AMD	96-19-025	308-93-088	AMD	96-03-046
308-12-320	AMD-P	96-20-077	308-66-160	AMD-P	96-13-042	308-93-174	REP-P	96-09-041
308-12-324	AMD-P	96-20-113	308-66-160	AMD	96-19-025	308-93-174	REP	96-13-055
308-12-326	AMD-P	96-20-077	308-66-160	AMD	96-19-025	308-93-440	AMD	96-03-046
308-13-005	AMD-P	96-04-009	308-66-170	AMD-P	96-13-042	308-93-670	AMD	96-03-046
308-13-005	AMD-C	96-04-040	308-66-170	AMD	96-19-025	308-93-700	NEW-P	96-07-030
308-13-005	AMD	96-10-013	308-66-175	NEW-P	96-21-089	308-93-700	NEW-S	96-11-128
308-13-015	AMD-P	96-04-009	308-66-180	AMD-P	96-13-042	308-93-700	NEW	96-16-038
308-13-015	AMD-C	96-04-040	308-66-180	AMD	96-19-025	308-93-710	NEW-P	96-07-030
308-13-015	AMD	96-10-013	308-66-180	AMD	96-19-025	308-93-710	NEW-S	96-11-128
308-13-024	AMD-P	96-04-009	308-66-182	NEW-P	96-21-089	308-93-710	NEW-S	96-11-128
308-13-024	AMD-C	96-04-040	308-66-182	NEW-P	96-21-089	308-93-710	NEW	96-16-038
308-13-024	AMD	96-10-013	308-66-190	AMD-P	96-13-042	308-93-720	NEW	96-07-030
308-13-050	AMD-P	96-04-009	308-66-190	AMD	96-19-025	308-93-720	NEW-P	96-07-030
308-13-050	AMD-C	96-04-040	308-66-200	AMD-P	96-13-042	308-93-720	NEW-S	96-11-128
308-13-050	AMD	96-10-013	308-66-200	AMD	96-19-025	308-93-720	NEW	96-16-038
308-13-050	AMD-P	96-04-009	308-66-205	AMD-P	96-13-042	308-93-730	NEW-P	96-07-030
308-13-050	AMD-C	96-04-040	308-66-205	AMD	96-19-025	308-93-730	NEW-S	96-11-128
308-13-050	AMD	96-10-013	308-66-206	REP-P	96-13-042	308-93-730	NEW	96-16-038
308-13-110	REP-P	96-04-009	308-66-206	REP	96-19-025	308-93-740	NEW-P	96-07-030
308-13-110	REP-C	96-04-040	308-66-210	AMD-P	96-13-042	388-93-740	NEW-S	96-11-128
			308-66-210	AMD	96-19-025	308-93-740	NEW	96-16-038
			308-66-211	AMD-P	96-13-042	308-93-750	NEW-P	96-07-030

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-93-750	NEW-S	96-11-128	308-126C-010	REP	96-17-040	308-129-110	NEW-W	96-08-057
308-93-750	NEW	96-16-038	308-126C-020	PREP-X	96-13-021	308-129-110	NEW-P	96-11-102
308-93-760	NEW-P	96-07-030	308-126C-020	REP	96-17-040	308-129-110	NEW	96-14-092
308-93-760	NEW-S	96-11-128	308-126C-030	PREP-X	96-13-021	308-129-111	NEW-E	96-09-056
308-93-760	NEW	96-16-038	308-126C-030	REP	96-17-040	308-129-120	NEW-W	96-08-057
308-93-770	NEW-P	96-07-030	308-126C-040	PREP-X	96-13-021	308-129-120	NEW-P	96-11-102
308-93-770	NEW-S	96-11-128	308-126C-040	REP	96-17-040	308-129-120	NEW	96-14-092
308-93-770	NEW	96-16-038	308-126C-050	PREP-X	96-13-021	308-129-130	NEW-W	96-08-057
308-94-030	AMD	96-04-004	308-126C-050	REP	96-17-040	308-129-130	NEW-P	96-11-102
308-94-035	REP-P	96-09-039	308-126C-060	PREP-X	96-13-021	308-129-130	NEW	96-14-092
308-94-035	REP	96-13-053	308-126C-060	REP	96-17-040	308-129-200	NEW-W	96-08-057
308-96A-035	AMD	96-04-004	308-126C-070	PREP-X	96-13-021	308-129-210	NEW-W	96-08-057
308-96A-063	NEW-P	96-16-031	308-126C-070	REP	96-17-040	308-129-220	NEW-W	96-08-057
308-96A-063	NEW	96-21-044	308-126C-080	PREP-X	96-13-021	308-129-230	NEW-W	96-08-057
308-96A-064	NEW-P	96-16-031	308-126C-080	REP	96-17-040	308-129-230	NEW-P	96-11-102
308-96A-064	NEW	96-21-044	308-126C-090	PREP-X	96-13-021	308-129-230	NEW	96-14-092
308-96A-175	AMD-P	96-16-030	308-126C-090	REP	96-17-040	308-129-240	NEW-W	96-08-057
308-96A-175	AMD	96-21-043	308-126C-100	PREP-X	96-13-021	308-129-300	NEW-W	96-08-057
308-96A-176	NEW-P	96-16-030	308-126C-100	REP	96-17-040	308-129-300	NEW-P	96-11-102
308-96A-176	NEW	96-21-043	308-126C-110	PREP-X	96-13-021	308-129-300	NEW	96-14-092
308-96A-505	AMD-P	96-09-040	308-126C-110	REP	96-17-040	308-129-310	NEW-W	96-08-057
308-96A-505	AMD	96-13-054	308-128A	PREP	96-06-084	308-129-310	NEW-P	96-11-102
308-102-006	PREP	96-14-095	308-128A-010	DECOD	96-05-018	308-129-310	NEW	96-14-092
308-102-006	AMD-P	96-17-069	308-128A-020	DECOD	96-05-018	308-129-320	NEW-P	96-11-102
308-102-006	AMD	96-20-089	308-128A-030	DECOD	96-05-018	308-129-320	NEW	96-14-092
308-104	PREP	96-14-095	308-128A-040	DECOD	96-05-018	308-129-320	REP-P	96-21-126
308-104-018	NEW-P	96-17-069	308-128B	PREP	96-06-084	308-129-335	NEW-P	96-21-126
308-104-018	NEW	96-20-089	308-128B-010	DECOD	96-05-018	308-129-340	NEW-P	96-21-126
308-124-005	AMD-P	96-21-113	308-128B-020	DECOD	96-05-018	308-129-350	NEW-P	96-21-126
308-124A-020	AMD-P	96-21-113	308-128B-030	DECOD	96-05-018	308-330-300	AMD-P	96-10-039
308-124A-422	AMD-P	96-21-113	308-128B-050	DECOD	96-05-018	308-330-300	AMD	96-13-089
308-124A-570	AMD-P	96-21-113	308-128B-070	DECOD	96-05-018	308-330-305	AMD-P	96-10-039
308-124A-600	AMD-P	96-21-113	308-128B-080	DECOD	96-05-018	308-330-305	AMD	96-13-089
308-124D-040	PREP	96-13-049	308-128B-090	DECOD	96-05-018	308-330-307	AMD-P	96-10-039
308-124D-040	AMD-P	96-21-113	308-128C	PREP	96-06-084	308-330-307	AMD	96-13-089
308-124H-025	AMD-P	96-21-113	308-128C-020	DECOD	96-05-018	308-330-316	AMD-P	96-10-039
308-126A-010	PREP-X	96-13-021	308-128C-030	DECOD	96-05-018	308-330-316	AMD	96-13-089
308-126A-010	REP	96-17-040	308-128C-040	DECOD	96-05-018	308-330-400	AMD-P	96-10-039
308-126A-020	PREP-X	96-13-021	308-128C-050	DECOD	96-05-018	308-330-400	AMD	96-13-089
308-126A-020	REP	96-17-040	308-128D	PREP	96-06-084	314-10-090	AMD-P	96-13-043
308-126A-030	PREP-X	96-13-021	308-128D-010	DECOD	96-05-018	314-10-090	AMD	96-19-018
308-126A-030	REP	96-17-040	308-128D-020	DECOD	96-05-018	314-10-100	PREP	96-15-042
308-126A-040	PREP-X	96-13-021	308-128D-030	DECOD	96-05-018	314-12-020	AMD	96-03-004
308-126A-040	REP	96-17-040	308-128D-040	DECOD	96-05-018	314-12-025	AMD	96-03-004
308-126B-010	PREP-X	96-13-021	308-128D-050	DECOD	96-05-018	314-12-035	AMD	96-03-004
308-126B-010	REP	96-17-040	308-128D-060	DECOD	96-05-018	314-12-070	AMD	96-03-004
308-126B-020	PREP-X	96-13-021	308-128D-070	DECOD	96-05-018	314-12-080	AMD	96-03-004
308-126B-020	REP	96-17-040	308-128D-080	DECOD	96-05-018	314-14-010	NEW	96-03-074
308-126B-030	PREP-X	96-13-021	308-128E	PREP	96-06-084	314-14-020	NEW	96-03-074
308-126B-030	REP	96-17-040	308-128E-011	DECOD	96-05-018	314-14-030	NEW	96-03-074
308-126B-040	PREP-X	96-13-021	308-128F	PREP	96-06-084	314-14-040	NEW	96-03-074
308-126B-040	REP	96-17-040	308-128F-010	DECOD	96-05-018	314-14-050	NEW	96-03-074
308-126B-050	PREP-X	96-13-021	308-128F-020	DECOD	96-05-018	314-14-060	NEW	96-03-074
308-126B-050	REP	96-17-040	308-128F-040	DECOD	96-05-018	314-14-070	NEW	96-03-074
308-126B-060	PREP-X	96-13-021	308-128F-050	DECOD	96-05-018	314-14-080	NEW	96-03-074
308-126B-060	REP	96-17-040	308-128F-060	DECOD	96-05-018	314-14-090	NEW	96-03-074
308-126B-070	PREP-X	96-13-021	308-128F-070	DECOD	96-05-018	314-14-090	NEW	96-03-074
308-126B-070	REP	96-17-040	308-129-010	NEW-W	96-08-057	314-14-100	NEW	96-03-074
308-126B-080	PREP-X	96-13-021	308-129-010	NEW-P	96-11-102	314-14-110	NEW	96-03-074
308-126B-080	REP	96-17-040	308-129-010	NEW	96-14-092	314-14-120	NEW	96-03-074
308-126B-090	PREP-X	96-13-021	308-129-011	NEW-E	96-09-056	314-14-130	NEW	96-03-074
308-126B-090	REP	96-17-040	308-129-020	NEW-W	96-08-057	314-14-140	NEW	96-03-074
308-126B-100	PREP-X	96-13-021	308-129-020	NEW-P	96-11-102	314-14-150	NEW	96-03-074
308-126B-100	REP	96-17-040	308-129-020	NEW	96-14-092	314-14-160	NEW	96-03-074
308-126B-110	PREP-X	96-13-021	308-129-021	NEW-E	96-09-056	314-14-170	NEW-W	96-13-087
308-126B-110	REP	96-17-040	308-129-021	NEW-E	96-09-056	314-16-190	PREP	96-21-055
308-126B-120	PREP-X	96-13-021	308-129-030	NEW-W	96-08-057	314-16-196	AMD	96-03-005
308-126B-120	REP	96-17-040	308-129-030	NEW-P	96-11-102	314-16-196	PREP	96-21-055
308-126B-130	PREP-X	96-13-021	308-129-030	NEW	96-14-092	314-20-100	AMD-P	96-07-101
308-126B-130	REP	96-17-040	308-129-031	NEW-E	96-09-056	314-20-100	AMD-W	96-11-075
308-126B-140	PREP-X	96-13-021	308-129-100	NEW-W	96-08-057	314-24-190	AMD-P	96-07-101
308-126B-140	REP	96-17-040	308-129-100	NEW-P	96-11-102	314-24-190	AMD-W	96-11-075
308-126C-010	PREP-X	96-13-021	308-129-100	NEW	96-14-092	314-24-220	AMD-P	96-07-100
			308-129-101	NEW-E	96-09-056	314-24-220	AMD	96-11-076

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314-70-010	AMD	96-03-004	315-11A-179	NEW	96-15-124	317-30-900	REP-P	96-03-071
314-70-030	AMD	96-03-004	315-11A-180	NEW-P	96-15-126	317-30-900	REP	96-12-077
315-04-220	AMD	96-03-039	315-11A-180	NEW	96-19-071	317-31	NEW-C	96-09-008
315-06	PREP	96-09-103	315-11A-181	NEW-P	96-15-126	317-31-010	NEW-P	96-03-071
315-06-120	PREP	96-12-095	315-11A-181	NEW	96-19-071	317-31-010	NEW	96-12-077
315-06-120	AMD-P	96-12-096	315-11A-182	NEW-P	96-15-126	317-31-020	NEW-P	96-03-071
315-06-120	AMD	96-15-124	315-11A-182	NEW	96-19-071	317-31-020	NEW	96-12-077
315-06-120	AMD-P	96-15-126	315-11A-183	NEW-P	96-15-126	317-31-030	NEW-P	96-03-071
315-06-120	AMD	96-19-071	315-11A-183	NEW	96-19-071	317-31-030	NEW	96-12-077
315-06-123	NEW-P	96-12-096	315-11A-184	NEW-P	96-19-072	317-31-100	NEW-P	96-03-071
315-06-123	NEW	96-15-124	315-11A-185	NEW-P	96-19-072	317-31-100	NEW	96-12-077
315-10	PREP	96-15-123	315-11A-186	NEW-P	96-19-072	317-31-110	NEW-P	96-03-071
315-10-050	PREP	96-03-156	315-34	PREP	96-08-004	317-31-110	NEW	96-12-077
315-10-050	REP-P	96-07-104	315-34-010	AMD-P	96-12-096	317-31-120	NEW-P	96-03-071
315-10-050	REP	96-11-107	315-34-010	AMD	96-15-054	317-31-120	NEW	96-12-077
315-10-070	PREP	96-15-123	315-34-020	AMD-P	96-12-096	317-31-130	NEW-P	96-03-071
315-11	PREP	96-15-123	315-34-020	AMD	96-15-054	317-31-130	NEW	96-12-077
315-11A	PREP	96-08-004	315-34-040	AMD-P	96-12-096	317-31-140	NEW-P	96-03-071
315-11A-157	NEW-W	96-03-038	315-34-040	AMD	96-15-054	317-31-140	NEW	96-12-077
315-11A-157	NEW-P	96-03-157	315-34-070	NEW-P	96-12-096	317-31-200	NEW-P	96-03-071
315-11A-157	NEW	96-07-015	315-34-070	NEW	96-15-054	317-31-200	NEW	96-12-077
315-11A-158	NEW	96-03-039	315-34-080	NEW-P	96-12-096	317-31-200	AMD-E	96-18-022
315-11A-159	NEW	96-03-039	315-34-080	NEW	96-15-054	317-31-210	NEW-P	96-03-071
315-11A-160	NEW	96-03-039	315-34-090	NEW-P	96-12-096	317-31-210	NEW	96-12-077
315-11A-161	NEW	96-03-039	315-34-090	NEW	96-15-054	317-31-220	NEW-P	96-03-071
315-11A-162	NEW-P	96-03-157	315-34-100	NEW-P	96-12-096	317-31-220	NEW	96-12-077
315-11A-162	NEW	96-07-015	315-34-100	NEW	96-15-054	317-31-220	AMD-E	96-18-022
315-11A-162	AMD-P	96-12-096	317-21-020	AMD	96-03-070	317-31-230	NEW-P	96-03-071
315-11A-162	AMD	96-15-124	317-21-030	AMD	96-03-070	317-31-230	NEW	96-12-077
315-11A-163	NEW-P	96-03-157	317-21-120	AMD	96-03-070	317-31-230	AMD-E	96-18-022
315-11A-163	NEW	96-07-015	317-21-200	AMD	96-03-070	317-31-240	NEW-P	96-03-071
315-11A-163	AMD-E	96-15-087	317-21-205	AMD	96-03-070	317-31-240	NEW	96-12-077
315-11A-163	AMD-P	96-15-126	317-21-210	AMD	96-03-070	317-31-250	NEW-P	96-03-071
315-11A-163	AMD	96-19-071	317-21-215	AMD	96-03-070	317-31-250	NEW	96-12-077
315-11A-164	NEW-P	96-03-157	317-21-235	AMD	96-03-070	317-31-300	NEW-P	96-03-071
315-11A-164	NEW	96-07-015	317-21-245	AMD	96-03-070	317-31-300	NEW	96-12-077
315-11A-164	PREP	96-08-071	317-21-265	AMD	96-03-070	317-31-310	NEW-P	96-03-071
315-11A-164	PREP	96-09-103	317-21-320	AMD	96-03-070	317-31-310	NEW	96-12-077
315-11A-164	AMD-P	96-12-096	317-21-345	AMD	96-03-070	317-31-900	NEW-P	96-03-071
315-11A-164	AMD	96-15-124	317-21-500	AMD	96-03-070	317-31-900	NEW	96-12-077
315-11A-165	NEW-P	96-03-157	317-21-530	AMD	96-03-070	317-50-999	NEW-E	96-08-002
315-11A-165	NEW	96-07-015	317-21-540	AMD	96-03-070	326-02-030	AMD-E	96-13-010
315-11A-166	NEW-P	96-03-157	317-30	REP-C	96-09-008	326-02-030	AMD-P	96-21-174
315-11A-166	NEW	96-07-015	317-30-010	REP-P	96-03-071	326-30-041	PREP	96-07-089
315-11A-167	NEW-P	96-03-157	317-30-010	REP	96-12-077	326-30-041	AMD-P	96-11-100
315-11A-167	NEW	96-07-015	317-30-020	REP-P	96-03-071	326-30-041	AMD	96-14-064
315-11A-167	AMD-P	96-12-096	317-30-020	REP	96-12-077	326-30-051	AMD-E	96-13-010
315-11A-167	AMD	96-15-124	317-30-030	REP-P	96-03-071	326-30-051	AMD-P	96-21-174
315-11A-168	NEW-P	96-07-104	317-30-030	REP	96-12-077	326-40-030	PREP	96-07-088
315-11A-168	NEW	96-11-107	317-30-040	REP-P	96-03-071	326-40-060	AMD-E	96-13-010
315-11A-169	NEW-P	96-07-104	317-30-040	REP	96-12-077	326-40-060	AMD-P	96-21-174
315-11A-169	NEW	96-11-107	317-30-050	REP-P	96-03-071	332-24-221	AMD-P	96-08-027
315-11A-169	AMD-P	96-12-096	317-30-050	REP	96-12-077	332-24-221	AMD	96-12-020
315-11A-169	AMD	96-15-124	317-30-060	REP-P	96-03-071	332-24-301	PREP	96-12-021
315-11A-170	NEW-P	96-07-104	317-30-060	REP	96-12-077	332-24-301	AMD-P	96-16-037
315-11A-170	NEW	96-11-107	317-30-070	REP-P	96-03-071	332-24-301	AMD	96-21-094
315-11A-171	NEW-P	96-07-104	317-30-070	REP	96-12-077	332-24-720	AMD	96-03-003
315-11A-171	NEW	96-11-107	317-30-080	REP-P	96-03-071	332-26-040	NEW-E	96-13-048
315-11A-172	NEW-P	96-07-104	317-30-080	REP	96-12-077	332-26-050	NEW-E	96-13-048
315-11A-172	NEW	96-11-107	317-30-090	REP-P	96-03-071	332-26-060	NEW-E	96-13-048
315-11A-173	NEW-P	96-07-104	317-30-090	REP	96-12-077	332-130-025	AMD-P	96-21-093
315-11A-173	NEW	96-11-107	317-30-100	REP-P	96-03-071	352-20-010	AMD-P	96-19-080
315-11A-174	NEW-P	96-12-096	317-30-100	REP	96-12-077	352-32-010	AMD-P	96-19-080
315-11A-174	NEW	96-15-124	317-30-110	REP-P	96-03-071	352-32-130	AMD-P	96-19-080
315-11A-175	NEW-P	96-12-096	317-30-110	REP	96-12-077	352-32-250	AMD-P	96-19-080
315-11A-175	NEW	96-15-124	317-30-120	REP-P	96-03-071	352-32-251	AMD-P	96-19-080
315-11A-176	NEW-P	96-12-096	317-30-120	REP	96-12-077	352-32-300	PREP	96-13-079
315-11A-176	NEW	96-15-124	317-30-130	REP-P	96-03-071	352-32-300	AMD-P	96-15-108
315-11A-177	NEW-P	96-12-096	317-30-130	REP	96-12-077	352-32-300	AMD	96-19-031
315-11A-177	NEW	96-15-124	317-30-140	REP-P	96-03-071	352-32-330	NEW-P	96-19-080
315-11A-178	NEW-P	96-12-096	317-30-140	REP	96-12-077	356-05-171	REP-P	96-08-082
315-11A-178	NEW	96-15-124	317-30-150	REP-P	96-03-071	356-05-171	REP-C	96-09-088
315-11A-179	NEW-P	96-12-096	317-30-150	REP	96-12-077	356-05-171	REP	96-13-076



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356-06-080	AMD-P	96-08-087	356-37-170	NEW	96-07-093	371-08-130	REP-P	96-10-063
356-06-080	AMD	96-11-062	356-42-020	AMD-P	96-06-059	371-08-130	REP	96-15-003
356-10-020	AMD-P	96-08-087	356-42-020	AMD-C	96-09-054	371-08-140	REP-P	96-10-063
356-10-020	AMD	96-11-062	356-42-020	AMD-C	96-11-057	371-08-140	REP	96-15-003
356-14-240	AMD	96-02-073	356-42-020	AMD	96-13-074	371-08-144	REP-P	96-10-063
356-14-260	AMD-P	96-08-082	356-42-045	AMD-P	96-10-066	371-08-144	REP	96-15-003
356-14-260	AMD-C	96-09-088	356-42-045	AMD-W	96-13-073	371-08-146	REP-P	96-10-063
356-14-260	AMD	96-13-076	356-42-055	AMD-P	96-04-052A	371-08-146	REP	96-15-003
356-15-030	AMD-P	96-08-082	356-42-055	AMD	96-07-093	371-08-147	REP-P	96-10-063
356-15-030	AMD-C	96-09-088	356-46-080	AMD	96-02-073	371-08-147	REP	96-15-003
356-15-030	AMD	96-13-076	356-56-115	AMD-P	96-08-089	371-08-148	REP-P	96-10-063
356-15-050	AMD	96-02-073	356-56-115	AMD	96-12-004	371-08-148	REP	96-15-003
356-15-060	AMD-P	96-02-070	359-07	AMD-P	96-20-038	371-08-150	REP-P	96-10-063
356-15-060	AMD-C	96-07-092	359-09	AMD-P	96-20-038	371-08-150	REP	96-15-003
356-15-060	AMD-W	96-09-053	359-39	AMD-P	96-20-038	371-08-155	REP-P	96-10-063
356-15-060	AMD-P	96-10-064	359-48	AMD-P	96-20-038	371-08-155	REP	96-15-003
356-15-060	AMD	96-13-075	365-135	PREP	96-19-014	371-08-156	REP-P	96-10-063
356-15-070	AMD	96-02-073	365-185-010	NEW-E	96-03-045	371-08-156	REP	96-15-003
356-15-090	AMD	96-02-073	365-185-010	NEW	96-04-046	371-08-162	REP-P	96-10-063
356-15-110	AMD	96-02-073	365-185-020	NEW-E	96-03-045	371-08-162	REP	96-15-003
356-18-025	AMD-E	96-15-046	365-185-020	NEW	96-04-046	371-08-165	REP-P	96-10-063
356-18-025	AMD-P	96-18-019	365-185-030	NEW-E	96-03-045	371-08-165	REP	96-15-003
356-18-025	AMD	96-21-037	365-185-030	NEW	96-04-046	371-08-165	REP-P	96-10-063
356-18-050	AMD-E	96-15-046	365-185-040	NEW-E	96-03-045	371-08-167	REP	96-15-003
356-18-050	AMD-P	96-18-019	365-185-040	NEW	96-04-046	371-08-167	REP	96-10-063
356-18-050	AMD	96-21-037	365-185-050	NEW-E	96-03-045	371-08-180	REP-P	96-10-063
356-18-060	AMD-P	96-08-082	365-185-050	NEW	96-04-046	371-08-180	REP	96-15-003
356-18-060	AMD-C	96-09-088	365-185-060	NEW-E	96-03-045	371-08-183	REP-P	96-10-063
356-18-060	AMD	96-13-076	365-185-060	NEW	96-04-046	371-08-183	REP	96-15-003
356-18-080	AMD-P	96-08-082	371-08-001	REP-P	96-10-063	371-08-184	REP-P	96-10-063
356-18-080	AMD-C	96-09-088	371-08-001	REP	96-15-003	371-08-184	REP	96-15-003
356-18-080	AMD	96-13-076	371-08-002	REP-P	96-10-063	371-08-185	REP-P	96-10-063
356-18-110	AMD-P	96-08-082	371-08-002	REP	96-15-003	371-08-185	REP	96-15-003
356-18-110	AMD-C	96-09-088	371-08-005	REP-P	96-10-063	371-08-186	REP-P	96-10-063
356-18-110	AMD	96-13-076	371-08-005	REP	96-15-003	371-08-186	REP	96-15-003
356-18-112	AMD-W	96-02-069	371-08-010	REP-P	96-10-063	371-08-187	REP-P	96-10-063
356-18-112	AMD-P	96-08-083	371-08-010	REP	96-15-003	371-08-187	REP	96-15-003
356-18-112	AMD	96-11-058	371-08-020	REP-P	96-10-063	371-08-188	REP-P	96-10-063
356-18-112	AMD-E	96-15-046	371-08-020	REP	96-15-003	371-08-188	REP	96-15-003
356-18-112	AMD-P	96-18-019	371-08-030	REP-P	96-10-063	371-08-189	REP-P	96-10-063
356-18-112	AMD	96-21-037	371-08-030	REP	96-15-003	371-08-189	REP	96-15-003
356-18-116	AMD	96-02-073	371-08-032	REP-P	96-10-063	371-08-195	REP-P	96-10-063
356-18-140	AMD-P	96-08-082	371-08-032	REP	96-15-003	371-08-195	REP	96-15-003
356-18-140	AMD-C	96-09-088	371-08-033	REP-P	96-10-063	371-08-196	REP-P	96-10-063
356-18-140	AMD	96-13-076	371-08-033	REP	96-15-003	371-08-196	REP	96-15-003
356-18-145	AMD-P	96-08-082	371-08-035	REP-P	96-10-063	371-08-197	REP-P	96-10-063
356-18-145	AMD-C	96-09-088	371-08-035	REP	96-15-003	371-08-197	REP	96-15-003
356-18-145	AMD	96-13-076	371-08-040	REP-P	96-10-063	371-08-200	REP-P	96-10-063
356-18-150	AMD-P	96-08-082	371-08-040	REP	96-15-003	371-08-200	REP	96-15-003
356-18-150	AMD-C	96-09-088	371-08-050	REP-P	96-10-063	371-08-215	REP-P	96-10-063
356-18-150	AMD	96-13-076	371-08-050	REP	96-15-003	371-08-215	REP	96-15-003
356-22-220	AMD-P	96-08-085	371-08-055	REP-P	96-10-063	371-08-220	REP-P	96-10-063
356-22-220	AMD	96-11-060	371-08-055	REP	96-15-003	371-08-220	REP	96-15-003
356-30-025	REP-W	96-02-069	371-08-061	REP-P	96-10-063	371-08-230	REP-P	96-10-063
356-30-050	AMD	96-02-073	371-08-061	REP	96-15-003	371-08-230	REP	96-15-003
356-30-065	AMD-W	96-02-069	371-08-065	REP-P	96-10-063	371-08-235	REP-P	96-10-063
356-30-067	AMD-W	96-02-069	371-08-065	REP	96-15-003	371-08-235	REP	96-15-003
356-30-230	AMD	96-02-073	371-08-071	REP-P	96-10-063	371-08-240	REP-P	96-10-063
356-30-315	AMD	96-02-073	371-08-071	REP	96-15-003	371-08-240	REP	96-15-003
356-30-330	AMD	96-02-073	371-08-075	REP-P	96-10-063	371-08-250	REP-P	96-10-063
356-37-020	AMD-P	96-04-052A	371-08-075	REP	96-15-003	371-08-250	REP	96-15-003
356-37-020	AMD	96-07-093	371-08-080	REP-P	96-10-063	371-08-255	REP-P	96-10-063
356-37-030	AMD-P	96-04-052A	371-08-080	REP	96-15-003	371-08-255	REP	96-15-003
356-37-030	AMD	96-07-093	371-08-085	REP-P	96-10-063	371-08-260	REP-P	96-10-063
356-37-040	AMD-P	96-04-052A	371-08-085	REP	96-15-003	371-08-260	REP	96-15-003
356-37-040	AMD	96-07-093	371-08-100	REP-P	96-10-063	371-08-300	NEW-P	96-10-063
356-37-050	AMD-P	96-04-052A	371-08-100	REP	96-15-003	371-08-300	NEW	96-15-003
356-37-050	AMD	96-07-093	371-08-104	REP-P	96-10-063	371-08-305	NEW-P	96-10-063
356-37-100	AMD-P	96-04-052A	371-08-104	REP	96-15-003	371-08-305	NEW	96-15-003
356-37-100	AMD	96-07-093	371-08-106	REP-P	96-10-063	371-08-310	NEW-P	96-10-063
356-37-160	NEW-P	96-04-052A	371-08-106	REP	96-15-003	371-08-310	NEW-S	96-13-065
356-37-160	NEW	96-07-093	371-08-125	REP-P	96-10-063	371-08-310	NEW	96-17-016
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371-08-320	NEW-P	96-10-063	371-08-500	NEW	96-15-003	388-11-215	AMD	96-09-036
371-08-320	NEW	96-15-003	371-08-505	NEW-P	96-10-063	388-11-220	AMD-P	96-06-039
371-08-325	NEW-P	96-10-063	371-08-505	NEW-S	96-13-065	388-11-220	AMD	96-09-036
371-08-325	NEW	96-15-003	371-08-505	NEW	96-17-016	388-11-280	NEW-P	96-06-039
371-08-330	NEW-P	96-10-063	371-08-510	NEW-P	96-10-063	388-11-280	NEW	96-09-036
371-08-330	NEW	96-15-003	371-08-510	NEW	96-15-003	388-11-285	NEW-P	96-06-039
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371-08-335	NEW-S	96-13-065	371-08-515	NEW	96-15-003	388-11-285	PREP	96-21-131
371-08-335	NEW	96-17-016	371-08-520	NEW-P	96-10-063	388-11-290	NEW-P	96-06-039
371-08-340	NEW-P	96-10-063	371-08-520	NEW	96-15-003	388-11-290	NEW	96-09-036
371-08-340	NEW	96-15-003	371-08-525	NEW-P	96-10-063	388-11-295	NEW-P	96-06-039
371-08-345	NEW-P	96-10-063	371-08-525	NEW	96-15-003	388-11-295	NEW	96-09-036
371-08-345	NEW-S	96-13-065	371-08-530	NEW-P	96-10-063	388-11-300	NEW-P	96-06-039
371-08-345	NEW	96-17-016	371-08-530	NEW	96-15-003	388-11-300	NEW	96-09-036
371-08-350	NEW-P	96-10-063	371-08-535	NEW-P	96-10-063	388-11-305	NEW-P	96-06-039
371-08-350	NEW	96-15-003	371-08-535	NEW	96-15-003	388-11-305	NEW	96-09-036
371-08-355	NEW-P	96-10-063	371-08-540	NEW-P	96-10-063	388-11-310	NEW-P	96-06-039
371-08-355	NEW	96-15-003	371-08-540	NEW	96-15-003	388-11-310	NEW	96-09-036
371-08-360	NEW-P	96-10-063	371-08-545	NEW-P	96-10-063	388-11-315	NEW-P	96-06-039
371-08-360	NEW	96-15-003	371-08-545	NEW	96-15-003	388-11-315	NEW	96-09-036
371-08-365	NEW-P	96-10-063	371-08-550	NEW-P	96-10-063	388-11-400	NEW-P	96-06-039
371-08-365	NEW	96-15-003	371-08-550	NEW	96-15-003	388-11-400	NEW	96-09-036
371-08-370	NEW-P	96-10-063	371-08-555	NEW-P	96-10-063	388-11-405	NEW-P	96-06-039
371-08-370	NEW	96-15-003	371-08-555	NEW	96-15-003	388-11-405	NEW	96-09-036
371-08-375	NEW-P	96-10-063	371-08-560	NEW-P	96-10-063	388-11-410	NEW-P	96-06-039
371-08-375	NEW	96-15-003	371-08-560	NEW	96-15-003	388-11-410	NEW	96-09-036
371-08-380	NEW-P	96-10-063	371-08-565	NEW-P	96-10-063	388-11-415	NEW-P	96-06-039
371-08-380	NEW	96-15-003	371-08-565	NEW	96-15-003	388-11-415	NEW	96-09-036
371-08-385	NEW-P	96-10-063	371-08-570	NEW-P	96-10-063	388-11-420	NEW-P	96-06-039
371-08-385	NEW	96-15-003	371-08-570	NEW	96-15-003	388-11-420	NEW	96-09-036
371-08-390	NEW-P	96-10-063	374-60-030	AMD	96-04-005	388-11-425	NEW-P	96-06-039
371-08-390	NEW	96-15-003	374-60-120	AMD	96-04-005	388-11-425	NEW	96-09-036
371-08-395	NEW-P	96-10-063	388-08-425	AMD-P	96-14-102	388-11-430	NEW-P	96-06-039
371-08-395	NEW	96-15-003	388-08-425	AMD	96-20-010	388-11-430	NEW	96-09-036
371-08-400	NEW-P	96-10-063	388-08-449	AMD-P	96-14-102	388-15	PREP	96-06-009
371-08-400	NEW	96-15-003	388-08-449	AMD	96-20-010	388-15	PREP	96-12-015
371-08-405	NEW-P	96-10-063	388-08-462	NEW	96-20-010	388-15-030	AMD-P	96-13-107
371-08-405	NEW	96-15-003	388-08-466	NEW	96-20-010	388-15-030	AMD	96-20-093
371-08-410	NEW-P	96-10-063	388-08-595	NEW-P	96-14-102	388-15-134	PREP	96-09-076
371-08-410	NEW	96-15-003	388-08-605	NEW-P	96-14-102	388-15-145	AMD-P	96-06-014
371-08-415	NEW-P	96-10-063	388-11-010	REP-P	96-06-039	388-15-145	AMD	96-09-035
371-08-415	NEW	96-15-003	388-11-010	REP	96-09-036	388-15-196	AMD-P	96-13-107
371-08-420	NEW-P	96-10-063	388-11-011	AMD-P	96-06-039	388-15-196	AMD	96-20-093
371-08-420	NEW	96-15-003	388-11-011	AMD	96-09-036	388-15-198	NEW-P	96-13-107
371-08-425	NEW-P	96-10-063	388-11-015	AMD-P	96-06-039	388-15-198	NEW	96-20-093
371-08-425	NEW	96-15-003	388-11-015	AMD	96-09-036	388-15-202	AMD-P	96-13-107
371-08-430	NEW-P	96-10-063	388-11-030	REP-P	96-06-039	388-15-202	AMD	96-20-093
371-08-430	NEW	96-15-003	388-11-030	REP	96-09-036	388-15-203	AMD-P	96-13-107
371-08-435	NEW-P	96-10-063	388-11-032	REP-P	96-06-039	388-15-203	AMD	96-20-093
371-08-435	NEW	96-15-003	388-11-032	REP	96-09-036	388-15-204	AMD-P	96-13-107
371-08-440	NEW-P	96-10-063	388-11-035	REP-P	96-06-039	388-15-204	AMD	96-20-093
371-08-440	NEW	96-15-003	388-11-035	REP	96-09-036	388-15-206	AMD-P	96-13-107
371-08-445	NEW-P	96-10-063	388-11-040	REP-P	96-06-039	388-15-206	AMD	96-20-093
371-08-445	NEW	96-15-003	388-11-040	REP	96-09-036	388-15-209	AMD-P	96-13-107
371-08-450	NEW-P	96-10-063	388-11-045	AMD-P	96-06-039	388-15-209	AMD	96-20-093
371-08-450	NEW	96-15-003	388-11-045	AMD	96-09-036	388-15-219	AMD-P	96-13-107
371-08-455	NEW-P	96-10-063	388-11-048	AMD-P	96-06-039	388-15-219	AMD	96-20-093
371-08-455	NEW	96-15-003	388-11-048	AMD	96-09-036	388-15-610	AMD-P	96-13-107
371-08-460	NEW-P	96-10-063	388-11-055	REP-P	96-06-039	388-15-610	AMD	96-20-093
371-08-460	NEW	96-15-003	388-11-055	REP	96-09-036	388-15-620	AMD-P	96-13-107
371-08-465	NEW-P	96-10-063	388-11-060	REP-P	96-06-039	388-15-620	AMD	96-20-093
371-08-465	NEW	96-15-003	388-11-060	REP	96-09-036	388-15-690	AMD-P	96-13-107
371-08-470	NEW-P	96-10-063	388-11-065	AMD-P	96-06-039	388-15-690	AMD	96-20-093
371-08-470	NEW	96-15-003	388-11-065	AMD	96-09-036	388-15-695	AMD-P	96-13-107
371-08-475	NEW-P	96-10-063	388-11-120	AMD-P	96-06-039	388-15-695	AMD	96-20-093
371-08-475	NEW	96-15-003	388-11-120	AMD	96-09-036	388-15-700	AMD-P	96-13-107
371-08-480	NEW-P	96-10-063	388-11-140	AMD-P	96-06-039	388-15-700	AMD	96-20-093
371-08-480	NEW	96-15-003	388-11-140	AMD	96-09-036	388-15-705	AMD-P	96-13-107
371-08-485	NEW-P	96-10-063	388-11-150	AMD-P	96-06-039	388-15-705	AMD	96-20-093
371-08-485	NEW	96-15-003	388-11-150	AMD	96-09-036	388-15-710	AMD-P	96-13-107
371-08-490	NEW-P	96-10-063	388-11-210	AMD-P	96-06-039	388-15-710	AMD	96-20-093
371-08-490	NEW	96-15-003	388-11-210	AMD	96-09-036	388-15-715	AMD-P	96-13-107

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-15-715	AMD	96-20-093	388-49-670	AMD-P	96-03-095	388-73-821	NEW-E	96-07-079
388-15-880	AMD-P	96-13-107	388-49-670	AMD	96-06-042	388-73-821	NEW	96-10-032
388-15-880	AMD	96-20-093	388-55-006	NEW	96-05-009	388-73-822	NEW-P	96-06-051
388-15-890	AMD-P	96-13-107	388-55-008	NEW	96-05-009	388-73-822	NEW-E	96-07-079
388-15-890	AMD	96-20-093	388-55-010	AMD	96-05-009	388-73-822	NEW	96-10-032
388-15-900	REP-P	96-04-084	388-55-020	AMD	96-05-009	388-73-823	NEW-P	96-06-051
388-15-900	REP	96-11-045	388-55-024	NEW	96-05-009	388-73-823	NEW-E	96-07-079
388-15-905	REP-P	96-04-084	388-55-027	NEW	96-05-009	388-73-823	NEW	96-10-032
388-15-905	REP	96-11-045	388-55-030	AMD	96-05-009	388-73-825	NEW-P	96-06-051
388-15-910	REP-P	96-04-084	388-55-040	AMD	96-05-009	388-73-825	NEW-E	96-07-079
388-15-910	REP	96-11-045	388-55-050	NEW	96-05-009	388-73-825	NEW	96-10-032
388-15-915	REP-P	96-04-084	388-55-060	NEW	96-05-009	388-76	AMD-C	96-11-106
388-15-915	REP	96-11-045	388-60-005	AMD-P	96-14-101	388-76	AMD-C	96-13-018
388-15-920	REP-P	96-04-084	388-60-120	AMD-P	96-14-101	388-76	AMD-C	96-13-058
388-15-920	REP	96-11-045	388-60-130	AMD-P	96-14-101	388-76	PREP	96-18-089
388-15-925	REP-P	96-04-084	388-60-140	AMD-P	96-14-101	388-76-010	REP-P	96-06-040
388-15-925	REP	96-11-045	388-60-150	AMD-P	96-14-101	388-76-010	REP	96-14-003
388-15-935	REP-P	96-04-084	388-60-160	AMD-P	96-14-101	388-76-020	REP-P	96-06-040
388-15-935	REP	96-11-045	388-60-190	NEW-P	96-14-101	388-76-020	REP	96-14-003
388-15-940	REP-P	96-04-084	388-60-200	NEW-P	96-14-101	388-76-030	REP-P	96-06-040
388-15-940	REP	96-11-045	388-60-210	NEW-P	96-14-101	388-76-030	REP	96-14-003
388-15-945	REP-P	96-04-084	388-60-220	NEW-P	96-14-101	388-76-040	REP-P	96-06-040
388-15-945	REP	96-11-045	388-60-230	NEW-P	96-14-101	388-76-040	REP	96-14-003
388-15-950	REP-P	96-04-084	388-60-240	NEW-P	96-14-101	388-76-045	REP-P	96-06-040
388-15-950	REP	96-11-045	388-60-250	NEW-P	96-14-101	388-76-045	REP	96-14-003
388-15-955	REP-P	96-04-084	388-70	PREP	96-12-015	388-76-050	REP-P	96-06-040
388-15-955	REP	96-11-045	388-70	PREP	96-15-107	388-76-050	REP	96-14-003
388-49-015	AMD-P	96-20-013	388-73	PREP	96-12-010	388-76-060	REP-P	96-06-040
388-49-015	AMD-E	96-20-014	388-73	PREP	96-12-015	388-76-060	REP	96-14-003
388-49-020	AMD-P	96-03-013	388-73-012	AMD-P	96-06-051	388-76-070	REP-P	96-06-040
388-49-020	AMD	96-06-031	388-73-012	AMD-E	96-07-079	388-76-070	REP	96-14-003
388-49-020	AMD-P	96-20-011	388-73-012	AMD	96-10-032	388-76-080	REP-P	96-06-040
388-49-020	AMD-E	96-20-012	388-73-014	AMD-P	96-06-051	388-76-080	REP	96-14-003
388-49-160	PREP	96-07-094	388-73-014	AMD-E	96-07-079	388-76-085	REP-P	96-06-040
388-49-160	AMD-E	96-10-059	388-73-014	AMD	96-10-032	388-76-085	REP	96-14-003
388-49-160	AMD-P	96-11-146	388-73-01950	AMD-P	96-06-051	388-76-087	REP-P	96-06-040
388-49-160	AMD	96-14-074	388-73-01950	AMD-E	96-07-079	388-76-087	REP	96-14-003
388-49-190	AMD-P	96-20-015	388-73-01950	AMD	96-10-032	388-76-090	REP-P	96-06-040
388-49-190	AMD-E	96-20-016	388-73-020	AMD-P	96-06-051	388-76-090	REP	96-14-003
388-49-310	AMD-P	96-20-056	388-73-020	AMD-E	96-07-079	388-76-095	REP-P	96-06-040
388-49-310	AMD-E	96-20-057	388-73-020	AMD	96-10-032	388-76-095	REP	96-14-003
388-49-310	AMD-E	96-20-091	388-73-030	AMD-C	96-03-105	388-76-100	REP-P	96-06-040
388-49-310	AMD-S	96-20-092	388-73-030	AMD-S	96-05-061	388-76-100	REP	96-14-003
388-49-330	AMD-P	96-04-036	388-73-030	RESCIND	96-05-067	388-76-110	REP-P	96-06-040
388-49-330	AMD	96-07-053	388-73-030	AMD-E	96-05-068	388-76-110	REP	96-14-003
388-49-410	AMD-P	96-04-008	388-73-030	AMD	96-10-043	388-76-130	REP-P	96-06-040
388-49-410	AMD	96-07-022	388-73-030	AMD-E	96-10-054	388-76-130	REP	96-14-003
388-49-430	AMD-P	96-20-021	388-73-036	AMD-S	96-05-061	388-76-140	REP-P	96-06-040
388-49-430	AMD-E	96-20-022	388-73-036	AMD-E	96-05-068	388-76-140	REP	96-14-003
388-49-460	PREP	96-15-090	388-73-036	AMD	96-10-043	388-76-155	REP-P	96-06-040
388-49-460	AMD-P	96-20-007	388-73-036	AMD-E	96-10-054	388-76-155	REP	96-14-003
388-49-460	AMD-E	96-20-008	388-73-048	AMD-P	96-06-051	388-76-160	REP-P	96-06-040
388-49-470	AMD-P	96-20-054	388-73-048	AMD-E	96-07-079	388-76-160	REP	96-14-003
388-49-470	AMD-E	96-20-055	388-73-048	AMD	96-10-032	388-76-170	REP-P	96-06-040
388-49-480	PREP	96-09-034	388-73-054	AMD-P	96-06-051	388-76-170	REP	96-14-003
388-49-500	AMD-P	96-03-097	388-73-054	AMD-E	96-07-079	388-76-180	REP-P	96-06-040
388-49-500	AMD	96-06-046	388-73-054	AMD	96-10-032	388-76-180	REP	96-14-003
388-49-500	AMD-P	96-21-135	388-73-606	AMD-P	96-06-051	388-76-185	REP-P	96-06-040
388-49-505	PREP	96-14-054	388-73-606	AMD-E	96-07-079	388-76-185	REP	96-14-003
388-49-505	AMD-P	96-20-020	388-73-606	AMD	96-10-032	388-76-190	REP-P	96-06-040
388-49-505	AMD-E	96-20-025	388-73-800	AMD-P	96-06-051	388-76-190	REP	96-14-003
388-49-510	AMD-P	96-20-018	388-73-800	AMD-E	96-07-079	388-76-200	REP-P	96-06-040
388-49-510	AMD-E	96-20-024	388-73-800	AMD	96-10-032	388-76-200	REP	96-14-003
388-49-515	AMD-P	96-15-038	388-73-803	NEW-P	96-06-051	388-76-220	REP-P	96-06-040
388-49-515	AMD	96-18-042	388-73-803	NEW-E	96-07-079	388-76-220	REP	96-14-003
388-49-520	AMD-P	96-11-082	388-73-803	NEW	96-10-032	388-76-240	REP-P	96-06-040
388-49-520	AMD	96-18-045	388-73-805	NEW-P	96-06-051	388-76-240	REP	96-14-003
388-49-530	REP-P	96-11-081	388-73-805	NEW-E	96-07-079	388-76-250	REP-P	96-06-040
388-49-530	REP	96-18-043	388-73-805	NEW	96-10-032	388-76-250	REP	96-14-003
388-49-535	AMD-P	96-11-080	388-73-815	AMD-P	96-06-051	388-76-260	REP-P	96-06-040
388-49-535	AMD	96-18-044	388-73-815	AMD-E	96-07-079	388-76-260	REP	96-14-003
388-49-550	AMD-P	96-20-019	388-73-815	AMD	96-10-032	388-76-280	REP-P	96-06-040
388-49-550	AMD-E	96-20-023	388-73-821	NEW-P	96-06-051	388-76-280	REP	96-14-003

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-76-290	REP-P	96-06-040	388-76-565	NEW	96-14-003	388-76-750	NEW-P	96-06-040
388-76-290	REP	96-14-003	388-76-570	NEW-P	96-06-040	388-76-750	NEW	96-14-003
388-76-300	REP-P	96-06-040	388-76-570	NEW	96-14-003	388-76-755	NEW-P	96-06-040
388-76-300	REP	96-14-003	388-76-575	NEW-P	96-06-040	388-76-755	NEW	96-14-003
388-76-310	REP-P	96-06-040	388-76-575	NEW	96-14-003	388-76-760	NEW-P	96-06-040
388-76-310	REP	96-14-003	388-76-580	NEW-P	96-06-040	388-76-760	NEW	96-14-003
388-76-320	REP-P	96-06-040	388-76-580	NEW	96-14-003	388-76-765	NEW-P	96-06-040
388-76-320	REP	96-14-003	388-76-585	NEW-P	96-06-040	388-76-765	NEW	96-14-003
388-76-325	REP-P	96-06-040	388-76-585	NEW	96-14-003	388-76-770	NEW-P	96-06-040
388-76-325	REP	96-14-003	388-76-590	NEW-P	96-06-040	388-76-770	NEW	96-14-003
388-76-330	REP-P	96-06-040	388-76-590	NEW	96-14-003	388-76-775	NEW-P	96-06-040
388-76-330	REP	96-14-003	388-76-595	NEW-P	96-06-040	388-76-775	NEW	96-14-003
388-76-340	REP-P	96-06-040	388-76-595	NEW	96-14-003	388-76-780	NEW-P	96-06-040
388-76-340	REP	96-14-003	388-76-600	NEW-P	96-06-040	388-76-780	NEW	96-14-003
388-76-350	REP-P	96-06-040	388-76-600	NEW	96-14-003	388-76-785	NEW-P	96-06-040
388-76-350	REP	96-14-003	388-76-605	NEW-P	96-06-040	388-76-785	NEW	96-14-003
388-76-360	REP-P	96-06-040	388-76-605	NEW	96-14-003	388-76-790	NEW-P	96-06-040
388-76-360	REP	96-14-003	388-76-610	NEW-P	96-06-040	388-76-790	NEW	96-14-003
388-76-370	REP-P	96-06-040	388-76-610	NEW	96-14-003	388-76-795	NEW-P	96-06-040
388-76-370	REP	96-14-003	388-76-615	NEW-P	96-06-040	388-76-795	NEW	96-14-003
388-76-380	REP-P	96-06-040	388-76-615	NEW	96-14-003	388-86	PREP	96-07-042
388-76-380	REP	96-14-003	388-76-620	NEW-P	96-06-040	388-86	PREP	96-07-043
388-76-390	REP-P	96-06-040	388-76-620	NEW	96-14-003	388-86	PREP	96-07-044
388-76-390	REP	96-14-003	388-76-625	NEW-P	96-06-040	388-86	PREP	96-07-045
388-76-400	REP-P	96-06-040	388-76-625	NEW	96-14-003	388-86	PREP	96-12-015
388-76-400	REP	96-14-003	388-76-630	NEW-P	96-06-040	388-87	PREP	96-07-042
388-76-405	REP-P	96-06-040	388-76-630	NEW	96-14-003	388-87	PREP	96-07-043
388-76-405	REP	96-14-003	388-76-635	NEW-P	96-06-040	388-87	PREP	96-07-044
388-76-410	REP-P	96-06-040	388-76-635	NEW	96-14-003	388-87	PREP	96-07-045
388-76-410	REP	96-14-003	388-76-640	NEW-P	96-06-040	388-87-020	PREP	96-08-091
388-76-420	REP-P	96-06-040	388-76-640	NEW	96-14-003	388-91-005	REP-P	96-16-088
388-76-420	REP	96-14-003	388-76-645	NEW-P	96-06-040	388-91-005	REP	96-21-031
388-76-430	REP-P	96-06-040	388-76-645	NEW	96-14-003	388-91-010	REP-P	96-16-088
388-76-430	REP	96-14-003	388-76-650	NEW-P	96-06-040	388-91-010	REP	96-21-031
388-76-435	REP-P	96-06-040	388-76-650	NEW	96-14-003	388-91-013	REP-P	96-16-088
388-76-435	REP	96-14-003	388-76-655	NEW-P	96-06-040	388-91-013	REP	96-21-031
388-76-440	REP-P	96-06-040	388-76-655	NEW	96-14-003	388-91-015	REP-P	96-16-088
388-76-440	REP	96-14-003	388-76-660	NEW-P	96-06-040	388-91-015	REP	96-21-031
388-76-450	REP-P	96-06-040	388-76-660	NEW	96-14-003	388-91-016	REP-P	96-16-088
388-76-450	REP	96-14-003	388-76-665	NEW-P	96-06-040	388-91-016	REP	96-21-031
388-76-460	REP-P	96-06-040	388-76-665	NEW	96-14-003	388-91-020	REP-P	96-16-088
388-76-460	REP	96-14-003	388-76-670	NEW-P	96-06-040	388-91-020	REP	96-21-031
388-76-465	REP-P	96-06-040	388-76-670	NEW	96-14-003	388-91-030	REP-P	96-16-088
388-76-465	REP	96-14-003	388-76-675	NEW-P	96-06-040	388-91-030	REP	96-21-031
388-76-467	REP-P	96-06-040	388-76-675	NEW	96-14-003	388-91-035	REP-P	96-16-088
388-76-467	REP	96-14-003	388-76-680	NEW-P	96-06-040	388-91-035	REP	96-21-031
388-76-470	REP-P	96-06-040	388-76-680	NEW	96-14-003	388-91-040	REP-P	96-16-088
388-76-470	REP	96-14-003	388-76-685	NEW-P	96-06-040	388-91-040	REP	96-21-031
388-76-475	REP-P	96-06-040	388-76-685	NEW	96-14-003	388-91-050	REP-P	96-16-088
388-76-475	REP	96-14-003	388-76-690	NEW-P	96-06-040	388-91-050	REP	96-21-031
388-76-480	REP-P	96-06-040	388-76-690	NEW	96-14-003	388-96	PREP	96-07-024
388-76-480	REP	96-14-003	388-76-695	NEW-P	96-06-040	388-96-221	AMD-P	96-11-010
388-76-490	REP-P	96-06-040	388-76-695	NEW	96-14-003	388-96-221	AMD	96-15-056
388-76-490	REP	96-14-003	388-76-700	NEW-P	96-06-040	388-96-534	AMD-P	96-11-010
388-76-500	REP-P	96-06-040	388-76-700	NEW	96-14-003	388-96-534	AMD	96-15-056
388-76-500	REP	96-14-003	388-76-705	NEW-P	96-06-040	388-96-585	AMD-P	96-11-010
388-76-520	REP-P	96-06-040	388-76-705	NEW	96-14-003	388-96-585	AMD	96-15-056
388-76-520	REP	96-14-003	388-76-710	NEW-P	96-06-040	388-96-708	NEW-P	96-11-010
388-76-530	REP-P	96-06-040	388-76-710	NEW	96-14-003	388-96-708	NEW	96-15-056
388-76-530	REP	96-14-003	388-76-715	NEW-P	96-06-040	388-96-735	AMD-P	96-11-010
388-76-535	NEW-P	96-06-040	388-76-715	NEW	96-14-003	388-96-735	AMD	96-15-056
388-76-535	NEW	96-14-003	388-76-720	NEW-P	96-06-040	388-96-745	AMD-P	96-11-010
388-76-540	NEW-P	96-06-040	388-76-720	NEW	96-14-003	388-96-745	AMD	96-15-056
388-76-540	NEW	96-14-003	388-76-725	NEW-P	96-06-040	388-96-762	AMD-P	96-11-010
388-76-545	NEW-P	96-06-040	388-76-725	NEW	96-14-003	388-96-762	AMD	96-15-056
388-76-545	NEW	96-14-003	388-76-730	NEW-P	96-06-040	388-96-774	AMD-P	96-11-010
388-76-550	NEW-P	96-06-040	388-76-730	NEW	96-14-003	388-96-774	AMD	96-15-056
388-76-550	NEW	96-14-003	388-76-735	NEW-P	96-06-040	388-96-776	AMD-P	96-11-010
388-76-555	NEW-P	96-06-040	388-76-735	NEW	96-14-003	388-96-776	AMD	96-15-056
388-76-555	NEW	96-14-003	388-76-740	NEW-P	96-06-040	388-96-810	AMD-P	96-11-010
388-76-560	NEW-P	96-06-040	388-76-740	NEW	96-14-003	388-96-810	AMD	96-15-056
388-76-560	NEW	96-14-003	388-76-745	NEW-P	96-06-040	388-96-904	AMD-P	96-11-010
388-76-565	NEW-P	96-06-040	388-76-745	NEW	96-14-003	388-96-904	AMD	96-15-056

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388-110	NEW-C	96-09-032	388-150-090	AMD-W	96-20-094	388-155-605	NEW-P	96-07-010
388-110	NEW-C	96-10-010	388-150-092	NEW-P	96-14-027	388-155-605	NEW	96-10-042
388-110	NEW-C	96-10-077	388-150-092	NEW	96-20-095	388-155-610	NEW-P	96-07-010
388-110-005	NEW-P	96-04-084	388-150-093	NEW-P	96-14-027	388-155-610	NEW	96-10-042
388-110-005	NEW	96-11-045	388-150-093	NEW	96-20-095	388-155-620	NEW-P	96-07-010
388-110-010	NEW-P	96-04-084	388-150-094	NEW-P	96-14-027	388-155-620	NEW	96-10-042
388-110-010	NEW	96-11-045	388-150-094	NEW	96-20-095	388-155-630	NEW-P	96-07-010
388-110-020	NEW-P	96-04-084	388-150-095	NEW-P	96-14-027	388-155-630	NEW	96-10-042
388-110-020	NEW	96-11-045	388-150-095	NEW	96-20-095	388-155-640	NEW-P	96-07-010
388-110-030	NEW-P	96-04-084	388-150-095	NEW	96-20-095	388-155-640	NEW	96-10-042
388-110-030	NEW	96-11-045	388-150-096	NEW-P	96-14-027	388-155-650	NEW-P	96-07-010
388-110-040	NEW-P	96-04-084	388-150-096	NEW	96-20-095	388-155-650	NEW	96-10-042
388-110-040	NEW	96-11-045	388-150-097	NEW-P	96-14-027	388-155-660	NEW-P	96-07-010
388-110-040	AMD-P	96-18-102	388-150-097	NEW	96-20-095	388-155-660	NEW	96-10-042
388-110-040	AMD	96-21-050	388-150-098	NEW-P	96-14-027	388-155-670	NEW-P	96-07-010
388-110-050	NEW-P	96-04-084	388-150-098	NEW	96-20-095	388-155-670	NEW	96-10-042
388-110-050	NEW	96-11-045	388-151	PREP	96-12-010	388-155-680	NEW-P	96-07-010
388-110-060	NEW-P	96-04-084	388-151-085	NEW-P	96-14-027	388-155-680	NEW-P	96-07-010
388-110-060	NEW-P	96-04-084	388-151-085	NEW	96-20-095	388-155-680	NEW	96-10-042
388-110-060	NEW	96-11-045	388-151-090	AMD-C	96-03-105	388-160	PREP	96-05-057
388-110-070	NEW-P	96-04-084	388-151-090	AMD-S	96-05-061	388-160	PREP	96-12-010
388-110-070	NEW	96-11-045	388-151-090	RESCIND	96-05-067	388-160-050	PREP	96-05-057
388-110-080	NEW-P	96-04-084	388-151-090	AMD-E	96-05-068	388-160-050	AMD-P	96-14-099
388-110-080	NEW	96-11-045	388-151-090	AMD	96-10-043	388-160-050	AMD	96-21-018
388-110-090	NEW-P	96-04-084	388-151-090	AMD-E	96-10-054	388-160-080	PREP	96-05-057
388-110-090	NEW	96-11-045	388-151-090	AMD-P	96-14-027	388-160-080	AMD-P	96-14-099
388-110-100	NEW-P	96-04-084	388-151-090	AMD-W	96-20-094	388-160-080	AMD	96-21-018
388-110-100	NEW	96-11-045	388-151-092	NEW-P	96-14-027	388-160-090	AMD-C	96-03-105
388-110-110	NEW-P	96-04-084	388-151-092	NEW	96-20-095	388-160-090	AMD-S	96-05-061
388-110-110	NEW	96-11-045	388-151-093	NEW-P	96-14-027	388-160-090	RESCIND	96-05-067
388-110-110	AMD-P	96-18-102	388-151-093	NEW	96-20-095	388-160-090	AMD-E	96-05-068
388-110-110	AMD	96-21-050	388-151-094	NEW-P	96-14-027	388-160-090	AMD	96-10-043
388-110-120	NEW-P	96-04-084	388-151-094	NEW	96-20-095	388-160-090	AMD-E	96-10-054
388-110-120	NEW	96-11-045	388-151-095	NEW-P	96-14-027	388-160-120	AMD-S	96-05-061
388-110-140	NEW-P	96-04-084	388-151-095	NEW	96-20-095	388-160-120	AMD-E	96-05-068
388-110-140	NEW	96-11-045	388-151-096	NEW-P	96-14-027	388-160-120	AMD	96-10-043
388-110-150	NEW-P	96-04-084	388-151-096	NEW	96-20-095	388-160-120	AMD-E	96-10-054
388-110-150	NEW	96-11-045	388-151-097	NEW-P	96-14-027	388-160-430	PREP	96-05-057
388-110-170	NEW-P	96-04-084	388-151-097	NEW	96-20-095	388-160-430	AMD-P	96-14-099
388-110-170	NEW	96-11-045	388-151-098	NEW-P	96-14-027	388-160-430	AMD	96-21-018
388-110-180	NEW-P	96-04-084	388-151-098	NEW	96-20-095	388-160-460	PREP	96-05-057
388-110-180	NEW	96-11-045	388-155	PREP	96-12-010	388-160-460	AMD-P	96-14-099
388-110-190	NEW-P	96-04-084	388-155-020	AMD-P	96-14-027	388-160-460	AMD	96-21-018
388-110-190	NEW	96-11-045	388-155-020	AMD	96-20-095	388-160-480	PREP	96-05-057
388-110-200	NEW-P	96-04-084	388-155-060	AMD-P	96-07-010	388-160-480	AMD-P	96-14-099
388-110-200	NEW	96-11-045	388-155-060	AMD	96-10-042	388-160-480	AMD	96-21-018
388-110-210	NEW-P	96-04-084	388-155-070	AMD-P	96-07-010	388-160-490	PREP	96-05-057
388-110-210	NEW	96-11-045	388-155-070	AMD	96-10-042	388-160-490	AMD-P	96-14-099
388-110-220	NEW-P	96-04-084	388-155-085	NEW-P	96-14-027	388-160-490	AMD	96-21-018
388-110-220	NEW	96-11-045	388-155-085	NEW	96-20-095	388-160-500	PREP	96-05-057
388-110-230	NEW-P	96-04-084	388-155-090	AMD-C	96-03-105	388-160-500	AMD-P	96-14-099
388-110-230	NEW	96-11-045	388-155-090	AMD-S	96-05-061	388-160-500	AMD	96-21-018
388-110-240	NEW-P	96-04-084	388-155-090	RESCIND	96-05-067	388-160-530	AMD-P	96-14-099
388-110-240	NEW	96-11-045	388-155-090	AMD-E	96-05-068	388-160-530	AMD	96-21-018
388-110-250	NEW-P	96-04-084	388-155-090	AMD	96-10-043	388-160-550	NEW-P	96-14-099
388-110-250	NEW	96-11-045	388-155-090	AMD-E	96-10-054	388-160-550	NEW	96-21-018
388-110-260	NEW-P	96-04-084	388-155-090	AMD-P	96-14-027	388-200	PREP	96-07-041
388-110-260	NEW	96-11-045	388-155-090	AMD-W	96-20-094	388-200-1050	AMD-P	96-13-056
388-110-260	AMD-P	96-18-102	388-155-092	NEW-P	96-14-027	388-200-1100	AMD-P	96-13-056
388-110-260	AMD	96-21-050	388-155-092	NEW	96-20-095	388-200-1150	AMD-P	96-13-056
388-110-270	NEW-P	96-04-084	388-155-093	NEW-P	96-14-027	388-200-1160	AMD-P	96-13-056
388-110-270	NEW	96-11-045	388-155-093	NEW	96-20-095	388-200-1300	PREP	96-07-041
388-110-280	NEW-P	96-04-084	388-155-094	NEW-P	96-14-027	388-200-1300	NEW-P	96-13-056
388-110-280	NEW	96-11-045	388-155-094	NEW	96-20-095	388-200-1350	PREP	96-07-041
388-150	PREP	96-12-010	388-155-095	NEW-P	96-14-027	388-200-1350	NEW-P	96-13-056
388-150-085	NEW-P	96-14-027	388-155-095	NEW	96-20-095	388-201-200	AMD-P	96-04-034
388-150-085	NEW	96-20-095	388-155-096	NEW-P	96-14-027	388-201-200	AMD	96-07-021
388-150-090	AMD-C	96-03-105	388-155-096	NEW	96-20-095	388-201-300	AMD-P	96-04-034
388-150-090	AMD-S	96-05-061	388-155-097	NEW-P	96-14-027	388-201-300	AMD	96-07-021
388-150-090	RESCIND	96-05-067	388-155-097	NEW	96-20-095	388-201-400	AMD-P	96-04-034
388-150-090	AMD-E	96-05-068	388-155-098	NEW-P	96-14-027	388-201-400	AMD	96-07-021
388-150-090	AMD	96-10-043	388-155-098	NEW	96-20-095	388-201-410	AMD-P	96-04-034
388-150-090	AMD-E	96-10-054	388-155-600	NEW-P	96-07-010	388-201-410	AMD	96-07-021

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-201-420	AMD-P	96-04-034	388-330-035	NEW	96-10-043	388-518-1805	AMD	96-16-092
388-201-420	AMD	96-07-021	388-330-035	NEW-E	96-10-054	388-518-1810	AMD-E	96-10-033
388-201-430	AMD-P	96-04-034	388-500	PREP	96-12-015	388-518-1810	PREP	96-10-034
388-201-430	AMD	96-07-021	388-501-0130	AMD-P	96-03-066	388-518-1810	AMD-P	96-14-035
388-201-440	AMD-P	96-04-034	388-501-0130	AMD	96-06-041	388-518-1810	AMD	96-16-092
388-201-440	AMD	96-07-021	388-503-0310	PREP	96-04-025	388-518-1820	AMD-P	96-04-037
388-201-450	AMD-P	96-04-034	388-503-0310	AMD-P	96-09-077	388-518-1820	AMD	96-07-023
388-201-450	AMD	96-07-021	388-503-0310	AMD	96-12-001	388-519-1905	PREP	96-07-004
388-201-460	AMD-P	96-04-034	388-503-0310	PREP	96-16-090	388-519-1905	AMD-E	96-10-033
388-201-460	AMD	96-07-021	388-505-0520	AMD-P	96-10-012	388-519-1905	PREP	96-10-034
388-201-470	AMD-P	96-04-034	388-505-0520	AMD-E	96-10-053	388-519-1905	AMD-P	96-14-035
388-201-470	AMD	96-07-021	388-505-0520	AMD	96-13-002	388-519-1905	AMD	96-16-092
388-201-480	AMD-P	96-04-034	388-505-0540	PREP	96-08-091	388-519-1910	PREP	96-04-056
388-201-480	AMD	96-07-021	388-506-0630	PREP	96-19-039	388-519-1910	AMD-P	96-11-011
388-215-1375	AMD-E	96-19-040	388-507-0710	AMD-P	96-06-010	388-519-1910	AMD	96-14-057
388-215-1375	AMD-P	96-20-009	388-507-0710	AMD-E	96-08-036	388-519-1930	PREP	96-04-056
388-215-1385	PREP	96-19-019	388-507-0710	AMD	96-09-033	388-519-1930	AMD-P	96-11-011
388-215-1390	PREP	96-03-096	388-507-0740	AMD-P	96-04-037	388-519-1930	AMD	96-14-057
388-215-1390	AMD-E	96-04-001	388-507-0740	AMD	96-07-023	388-521-2106	PREP	96-11-071
388-215-1390	AMD-P	96-07-009	388-508-0805	PREP	96-08-019	388-521-2106	NEW-P	96-15-067
388-215-1390	AMD	96-10-045	388-508-0805	AMD-E	96-08-021	388-521-2106	NEW	96-18-091
388-215-1390	AMD-E	96-19-040	388-508-0805	AMD-P	96-12-009	388-522-2230	PREP	96-07-004
388-215-1390	AMD-P	96-20-009	388-508-0805	AMD	96-15-029	388-522-2230	AMD-E	96-10-033
388-215-1600	AMD-P	96-03-099	388-509-0920	PREP	96-05-035	388-522-2230	PREP	96-10-034
388-215-1600	AMD	96-06-045	388-509-0920	AMD-E	96-08-021	388-522-2230	AMD-P	96-14-035
388-215-1610	AMD-P	96-03-099	388-509-0920	AMD-P	96-12-009	388-522-2230	AMD	96-16-092
388-215-1610	AMD	96-06-045	388-509-0920	AMD	96-15-029	388-528-2810	PREP	96-04-024
388-218-1510	AMD	96-03-040	388-509-0960	AMD-E	96-08-021	388-528-2810	PREP	96-16-021
388-219-3000	AMD-P	96-07-014	388-509-0960	AMD-P	96-12-009	388-530-1000	NEW-P	96-16-088
388-219-3000	AMD-E	96-09-075	388-509-0960	AMD	96-15-029	388-530-1000	NEW	96-21-031
388-219-3000	AMD	96-10-031	388-511-1105	PREP	96-16-090	388-530-1050	NEW-P	96-16-088
388-235-5050	PREP	96-08-041A	388-511-1130	PREP	96-19-039	388-530-1050	NEW	96-21-031
388-235-5050	AMD-P	96-13-066	388-511-1140	AMD	96-05-010	388-530-1100	NEW-P	96-16-088
388-235-5050	AMD-E	96-14-036	388-511-1140	PREP	96-19-039	388-530-1100	NEW	96-21-031
388-235-5050	AMD	96-16-022	388-511-1160	PREP	96-16-089	388-530-1150	NEW-P	96-16-088
388-235-7500	AMD-P	96-13-056	388-513-1315	AMD-P	96-08-037	388-530-1150	NEW	96-21-031
388-245-1170	AMD-P	96-13-056	388-513-1315	AMD	96-11-072	388-530-1200	NEW-P	96-16-088
388-245-1300	AMD-P	96-13-056	388-513-1320	AMD-P	96-08-037	388-530-1200	NEW	96-21-031
388-245-1350	AMD-P	96-13-056	388-513-1320	AMD	96-11-072	388-530-1250	NEW-P	96-16-088
388-245-1700	AMD-P	96-13-056	388-513-1330	PREP	96-19-039	388-530-1250	NEW	96-21-031
388-245-1715	AMD-P	96-13-056	388-513-1350	AMD-P	96-06-010	388-530-1300	NEW-P	96-16-088
388-245-1720	AMD-P	96-13-056	388-513-1350	AMD-E	96-08-020	388-530-1300	NEW	96-21-031
388-245-2020	AMD-P	96-04-035	388-513-1350	AMD	96-09-033	388-530-1350	NEW-P	96-16-088
388-245-2020	AMD	96-07-025	388-513-1360	PREP	96-04-055	388-530-1350	NEW	96-21-031
388-250-1250	AMD-E	96-19-098	388-513-1360	AMD-P	96-09-079	388-530-1400	NEW-P	96-16-088
388-250-1250	AMD-P	96-19-099	388-513-1360	AMD	96-12-002	388-530-1400	NEW	96-21-031
388-250-1300	AMD-E	96-19-098	388-513-1365	PREP	96-05-034	388-530-1450	NEW-P	96-16-088
388-250-1300	ADM-P	96-19-099	388-513-1380	AMD-P	96-06-010	388-530-1450	NEW	96-21-031
388-250-1400	AMD	96-04-002	388-513-1380	AMD-E	96-08-020	388-530-1500	NEW-P	96-16-088
388-250-1700	AMD-P	96-07-008	388-513-1380	AMD	96-09-033	388-530-1500	NEW	96-21-031
388-250-1700	AMD-E	96-10-030	388-513-1380	PREP	96-11-105	388-530-1550	NEW-P	96-16-088
388-250-1700	AMD	96-10-044	388-513-1395	AMD-E	96-10-033	388-530-1550	NEW	96-21-031
388-265-1250	AMD-P	96-13-056	388-513-1395	PREP	96-10-034	388-530-1600	NEW-P	96-16-088
388-270-1125	PREP	96-06-008	388-513-1395	AMD-P	96-14-035	388-530-1600	NEW	96-21-031
388-270-1125	AMD-P	96-11-127	388-513-1395	AMD	96-16-092	388-530-1650	NEW-P	96-16-088
388-270-1125	AMD	96-17-032	388-515-1505	PREP	96-03-098	388-530-1650	NEW	96-21-031
388-290	PREP	96-11-047	388-515-1505	AMD-P	96-11-012	388-530-1700	NEW-P	96-16-088
388-290-135	AMD-P	96-06-026	388-515-1505	AMD	96-14-058	388-530-1700	NEW	96-21-031
388-290-135	AMD	96-09-058	388-517-1720	PREP	96-08-019	388-530-1750	NEW-P	96-16-088
388-301	PREP	96-11-047	388-517-1720	AMD-E	96-08-021	388-530-1750	NEW	96-21-031
388-320-140	AMD-P	96-15-028	388-517-1720	AMD-P	96-12-009	388-530-1800	NEW-P	96-16-088
388-320-140	AMD	96-18-092	388-517-1720	AMD	96-15-029	388-530-1800	NEW	96-21-031
388-330	PREP	96-12-010	388-517-1740	PREP	96-08-019	388-530-1850	NEW-P	96-16-088
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388-330-010	AMD	96-10-043	388-517-1760	AMD-E	96-08-021	388-530-1950	NEW	96-08-018
388-330-010	AMD-E	96-10-054	388-517-1760	AMD-P	96-12-009	388-530-2050	NEW-P	96-16-088
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388-330-035	NEW-S	96-05-061	388-518-1805	AMD-E	96-10-033	388-531	PREP	96-07-045
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392-103-020	REP	96-18-014	392-127-011	AMD	96-05-022	392-140-180	PREP-X	96-14-018
392-103-025	PREP-X	96-14-018	392-127-015	AMD-P	96-02-077	392-140-180	REP	96-18-014
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392-109-058	AMD	96-08-001	392-130	PREP	96-17-005	392-140-222	PREP-X	96-14-018
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392-109-090	AMD	96-08-001	392-139-154	AMD-P	96-15-091	392-140-230	PREP-X	96-14-018
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392-109-100	AMD	96-08-001	392-139-154	AMD	96-19-037	392-140-231	PREP-X	96-14-018
392-109-105	AMD-P	96-04-033	392-139-156	AMD-P	96-15-091	392-140-231	REP	96-18-014
392-109-105	AMD	96-08-001	392-139-156	AMD	96-19-037	392-140-232	PREP-X	96-14-018
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392-109-120	AMD	96-08-001	392-139-158	AMD	96-19-037	392-140-233	PREP-X	96-14-018
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392-122-110	AMD	96-03-002	392-139-168	AMD-P	96-15-091	392-140-337	REP	96-18-014
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392-140-438	REP	96-18-014	392-140-483	AMD-P	96-02-078	392-140-530	REP	96-18-014
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392-140-439	REP	96-18-014	392-140-483	PREP-X	96-14-018	392-140-531	REP	96-18-014
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392-140-441	REP	96-18-014	392-140-485	PREP-X	96-14-018	392-140-533	REP	96-18-014
392-140-442	PREP-X	96-14-018	392-140-485	REP	96-18-014	392-140-535	PREP-X	96-14-018
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392-140-443	PREP-X	96-14-018	392-140-486	REP	96-18-014	392-140-536	PREP-X	96-14-018
392-140-443	REP	96-18-014	392-140-490	AMD-P	96-02-078	392-140-536	REP	96-18-014
392-140-444	PREP-X	96-14-018	392-140-490	AMD	96-05-021	392-140-537	PREP-X	96-14-018
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392-140-445	REP	96-18-014	392-140-491	AMD-P	96-02-078	392-140-538	REP	96-18-014
392-140-446	PREP-X	96-14-018	392-140-491	AMD	96-05-021	392-140-540	PREP-X	96-14-018
392-140-446	REP	96-18-014	392-140-491	PREP-X	96-14-018	392-140-540	REP	96-18-014
392-140-447	PREP-X	96-14-018	392-140-491	REP	96-18-014	392-140-542	PREP-X	96-14-018
392-140-447	REP	96-18-014	392-140-492	AMD-P	96-02-078	392-140-542	REP	96-18-014
392-140-450	AMD-P	96-02-078	392-140-492	AMD	96-05-021	392-140-543	PREP-X	96-14-018
392-140-450	AMD	96-05-021	392-140-492	PREP-X	96-14-018	392-140-543	REP	96-18-014
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392-140-451	PREP-X	96-14-018	392-140-493	REP	96-18-014	392-140-545	PREP-X	96-14-018
392-140-451	REP	96-18-014	392-140-494	AMD-P	96-02-078	392-140-545	REP	96-18-014
392-140-452	PREP-X	96-14-018	392-140-494	AMD	96-05-021	392-140-548	PREP-X	96-14-018
392-140-452	REP	96-18-014	392-140-494	PREP-X	96-14-018	392-140-548	REP	96-18-014
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392-140-460	REP	96-18-014	392-140-495	PREP-X	96-14-018	392-140-549	REP	96-18-014
392-140-461	AMD-P	96-02-078	392-140-495	REP	96-18-014	392-140-551	PREP-X	96-14-018
392-140-461	AMD	96-05-021	392-140-496	PREP-X	96-14-018	392-140-551	REP	96-18-014
392-140-461	PREP-X	96-14-018	392-140-496	REP	96-18-014	392-140-552	PREP-X	96-14-018
392-140-461	REP	96-18-014	392-140-497	AMD-P	96-02-078	392-140-552	REP	96-18-014
392-140-462	AMD-P	96-02-078	392-140-497	AMD	96-05-021	392-140-553	PREP-X	96-14-018
392-140-462	AMD	96-05-021	392-140-497	PREP-X	96-14-018	392-140-553	REP	96-18-014
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392-140-466	REP	96-18-014	392-140-505	PREP-X	96-14-018	392-140-601	NEW	96-19-095
392-140-470	AMD-P	96-02-078	392-140-505	REP	96-18-014	392-140-602	NEW-P	96-15-114
392-140-470	AMD	96-05-021	392-140-506	PREP-X	96-14-018	392-140-602	NEW	96-19-095
392-140-470	PREP-X	96-14-018	392-140-506	REP	96-18-014	392-140-605	NEW-P	96-15-114
392-140-470	REP	96-18-014	392-140-507	PREP-X	96-14-018	392-140-605	NEW	96-19-095
392-140-471	PREP-X	96-14-018	392-140-507	REP	96-18-014	392-140-608	NEW-P	96-15-114
392-140-471	REP	96-18-014	392-140-508	PREP-X	96-14-018	392-140-608	NEW	96-19-095
392-140-472	PREP-X	96-14-018	392-140-508	REP	96-18-014	392-140-609	NEW-P	96-15-114
392-140-472	REP	96-18-014	392-140-509	PREP-X	96-14-018	392-140-609	NEW	96-19-095
392-140-473	PREP-X	96-14-018	392-140-509	REP	96-18-014	392-140-610	NEW-P	96-15-114
392-140-473	REP	96-18-014	392-140-510	PREP-X	96-14-018	392-140-610	NEW	96-19-095
392-140-474	PREP-X	96-14-018	392-140-510	REP	96-18-014	392-140-613	NEW-P	96-15-114
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392-140-475	REP	96-18-014	392-140-512	PREP-X	96-14-018	392-140-616	NEW	96-19-095
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392-140-643	NEW-P	96-15-114	392-163-105	REP	96-18-014	392-163-270	PREP-X	96-14-019
392-140-643	NEW	96-19-095	392-163-110	PREP-X	96-14-019	392-163-270	REP	96-18-014
392-140-646	NEW-P	96-15-114	392-163-110	REP	96-18-014	392-163-275	PREP-X	96-14-019
392-140-646	NEW	96-19-095	392-163-115	PREP-X	96-14-019	392-163-275	REP	96-18-014
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392-140-650	NEW	96-19-095	392-163-120	PREP-X	96-14-019	392-163-280	REP	96-18-014
392-140-653	NEW-P	96-15-114	392-163-120	REP	96-18-014	392-163-285	PREP-X	96-14-019
392-140-653	NEW	96-19-095	392-163-125	PREP-X	96-14-019	392-163-285	REP	96-18-014
392-140-656	NEW-P	96-15-114	392-163-125	REP	96-18-014	392-163-290	PREP-X	96-14-019
392-140-656	NEW	96-19-095	392-163-130	PREP-X	96-14-019	392-163-290	REP	96-18-014
392-140-660	NEW-P	96-15-114	392-163-130	REP	96-18-014	392-163-295	PREP-X	96-14-019
392-140-660	NEW	96-19-095	392-163-135	PREP-X	96-14-019	392-163-295	REP	96-18-014
392-140-665	NEW-P	96-15-114	392-163-135	REP	96-18-014	392-163-299	PREP-X	96-14-019
392-140-665	NEW	96-19-095	392-163-140	PREP-X	96-14-019	392-163-299	REP	96-18-014
392-140-670	NEW-P	96-15-114	392-163-140	REP	96-18-014	392-163-300	PREP-X	96-14-019
392-140-670	NEW	96-19-095	392-163-142	PREP-X	96-14-019	392-163-300	REP	96-18-014
392-140-675	NEW-P	96-15-114	392-163-142	REP	96-18-014	392-163-305	PREP-X	96-14-019
392-140-675	NEW	96-19-095	392-163-145	PREP-X	96-14-019	392-163-305	REP	96-18-014
392-140-680	NEW-P	96-15-114	392-163-145	REP	96-18-014	392-163-306	PREP-X	96-14-019
392-140-680	NEW	96-19-095	392-163-150	PREP-X	96-14-019	392-163-306	REP	96-18-014
392-140-685	NEW-P	96-15-114	392-163-150	REP	96-18-014	392-163-310	PREP-X	96-14-019
392-140-685	NEW	96-19-095	392-163-155	PREP-X	96-14-019	392-163-310	REP	96-18-014
392-141	PREP	96-09-067	392-163-155	REP	96-18-014	392-163-315	PREP-X	96-14-019
392-141-115	AMD-P	96-11-137	392-163-160	PREP-X	96-14-019	392-163-315	REP	96-18-014
392-141-115	AMD	96-16-010	392-163-160	REP	96-18-014	392-163-320	PREP-X	96-14-019
392-141-125	REP-P	96-11-137	392-163-165	PREP-X	96-14-019	392-163-320	REP	96-18-014
392-141-125	PREP-X	96-14-018	392-163-165	REP	96-18-014	392-163-322	PREP-X	96-14-019
392-141-125	REP	96-16-010	392-163-170	PREP-X	96-14-019	392-163-322	REP	96-18-014
392-141-125	REP	96-18-014	392-163-170	REP	96-18-014	392-163-325	PREP-X	96-14-019
392-141-135	AMD-P	96-11-137	392-163-175	PREP-X	96-14-019	392-163-325	REP	96-18-014
392-141-135	AMD	96-16-010	392-163-175	REP	96-18-014	392-163-330	PREP-X	96-14-019
392-141-140	AMD-P	96-11-137	392-163-180	PREP-X	96-14-019	392-163-330	REP	96-18-014
392-141-140	AMD	96-16-010	392-163-180	REP	96-18-014	392-163-335	PREP-X	96-14-019
392-141-151	REP-P	96-11-137	392-163-185	PREP-X	96-14-019	392-163-335	REP	96-18-014
392-141-151	REP	96-16-010	392-163-185	REP	96-18-014	392-163-340	PREP-X	96-14-019
392-141-155	AMD-P	96-11-137	392-163-186	PREP-X	96-14-019	392-163-340	REP	96-18-014
392-141-155	AMD	96-16-010	392-163-186	REP	96-18-014	392-163-345	PREP-X	96-14-019
392-141-160	AMD-P	96-11-137	392-163-190	PREP-X	96-14-019	392-163-345	REP	96-18-014
392-141-160	AMD	96-16-010	392-163-190	REP	96-18-014	392-163-350	PREP-X	96-14-019
392-141-170	AMD-P	96-11-137	392-163-195	PREP-X	96-14-019	392-163-350	REP	96-18-014
392-141-170	AMD	96-16-010	392-163-195	REP	96-18-014	392-163-355	PREP-X	96-14-019
392-141-175	REP-P	96-11-137	392-163-200	PREP-X	96-14-019	392-163-355	REP	96-18-014
392-141-175	PREP-X	96-14-018	392-163-200	REP	96-18-014	392-163-360	PREP-X	96-14-019
392-141-175	REP	96-16-010	392-163-205	PREP-X	96-14-019	392-163-360	REP	96-18-014
392-141-175	REP	96-18-014	392-163-205	REP	96-18-014	392-163-362	PREP-X	96-14-019
392-141-176	REP-P	96-11-137	392-163-210	PREP-X	96-14-019	392-163-362	REP	96-18-014
392-141-176	PREP-X	96-14-018	392-163-210	REP	96-18-014	392-163-363	PREP-X	96-14-019
392-141-176	REP	96-16-010	392-163-215	PREP-X	96-14-019	392-163-363	REP	96-18-014
392-141-176	REP	96-18-014	392-163-215	REP	96-18-014	392-163-364	PREP-X	96-14-019
392-141-185	AMD-P	96-11-137	392-163-220	PREP-X	96-14-019	392-163-364	REP	96-18-014
392-141-185	AMD	96-16-010	392-163-220	REP	96-18-014	392-163-365	PREP-X	96-14-019
392-142	PREP	96-09-068	392-163-225	PREP-X	96-14-019	392-163-365	REP	96-18-014
392-142-155	AMD-P	96-11-138	392-163-225	REP	96-18-014	392-163-370	PREP-X	96-14-019
392-142-155	AMD	96-16-011	392-163-230	PREP-X	96-14-019	392-163-370	REP	96-18-014
392-143	PREP	96-09-069	392-163-230	REP	96-18-014	392-163-375	PREP-X	96-14-019
392-143-010	AMD-P	96-11-139	392-163-235	PREP-X	96-14-019	392-163-375	REP	96-18-014
392-143-010	AMD	96-16-012	392-163-235	REP	96-18-014	392-163-385	PREP-X	96-14-019
392-151	PREP	96-15-048	392-163-236	PREP-X	96-14-019	392-163-385	REP	96-18-014
392-151-025	AMD-P	96-19-096	392-163-236	REP	96-18-014	392-163-390	PREP-X	96-14-019
392-151-030	AMD-P	96-19-096	392-163-237	PREP-X	96-14-019	392-163-390	REP	96-18-014
392-153	PREP	96-11-108	392-163-237	REP	96-18-014	392-163-400	PREP-X	96-14-019
392-153-020	AMD-P	96-18-039	392-163-240	PREP-X	96-14-019	392-163-400	REP	96-18-014
392-153-025	AMD-P	96-18-039	392-163-240	REP	96-18-014	392-163-405	PREP-X	96-14-019
392-153-032	AMD-P	96-18-039	392-163-245	PREP-X	96-14-019	392-163-405	REP	96-18-014
392-162	PREP	96-13-033	392-163-245	REP	96-18-014	392-163-410	PREP-X	96-14-019
392-162-005	AMD-P	96-20-050	392-163-250	PREP-X	96-14-019	392-163-410	REP	96-18-014
392-162-060	AMD-P	96-20-050	392-163-250	REP	96-18-014	392-163-415	PREP-X	96-14-019
392-162-120	NEW-P	96-20-050	392-163-255	PREP-X	96-14-019	392-163-415	REP	96-18-014
392-163	AMD-P	96-16-056	392-163-255	REP	96-18-014	392-163-420	PREP-X	96-14-019
392-163	AMD	96-19-097	392-163-260	PREP-X	96-14-019	392-163-420	REP	96-18-014



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-193-045	PREP-X	96-14-019	415-04	AMD	96-16-020	415-104-3403	NEW-P	96-18-074
392-193-045	REP	96-18-014	415-04-010	AMD-P	96-13-100	415-104-3404	NEW-P	96-18-074
392-193-050	PREP-X	96-14-019	415-04-010	AMD	96-16-020	415-104-3405	NEW-P	96-18-074
392-193-050	REP	96-18-014	415-04-020	AMD-P	96-13-100	415-104-3406	NEW-P	96-18-074
392-193-055	PREP-X	96-14-019	415-04-020	AMD	96-16-020	415-104-350	NEW-P	96-18-074
392-193-055	REP	96-18-014	415-04-030	NEW-P	96-13-100	415-104-360	NEW-P	96-18-074
392-193-060	PREP-X	96-14-019	415-04-030	NEW	96-16-020	415-104-363	NEW-P	96-18-074
392-193-060	REP	96-18-014	415-04-040	NEW-P	96-13-100	415-104-365	NEW-P	96-18-074
392-196	PREP	96-11-140	415-04-040	NEW	96-16-020	415-104-367	NEW-P	96-18-074
392-196-086	AMD-P	96-15-113	415-04-050	NEW-P	96-13-100	415-104-370	NEW-P	96-18-074
392-196-086	AMD	96-19-038	415-04-050	NEW	96-16-020	415-104-373	NEW-P	96-18-074
392-196-100	AMD-P	96-15-113	415-08-010	AMD-P	96-07-080	415-104-375	NEW-P	96-18-074
392-196-100	AMD	96-19-038	415-08-010	AMD	96-11-036	415-104-377	NEW-P	96-18-074
392-300-001	NEW-P	96-14-093	415-08-015	NEW	96-16-020	415-104-379	NEW-P	96-18-074
392-300-001	NEW	96-17-045	415-08-020	AMD-P	96-07-080	415-104-380	NEW-P	96-18-074
392-300-005	NEW-P	96-14-093	415-08-020	AMD	96-11-036	415-104-383	NEW-P	96-18-074
392-300-005	NEW	96-17-045	415-08-023	NEW-P	96-07-080	415-104-385	NEW-P	96-18-074
392-300-010	NEW-P	96-14-093	415-08-023	NEW	96-11-036	415-104-387	NEW-P	96-18-074
392-300-010	NEW	96-17-045	415-08-025	AMD-P	96-07-080	415-104-390	NEW-P	96-18-074
392-300-015	NEW-P	96-14-093	415-08-025	AMD	96-11-036	415-104-393	NEW-P	96-18-074
392-300-015	NEW	96-17-045	415-08-027	NEW-P	96-07-080	415-104-395	NEW-P	96-18-074
392-300-020	NEW-P	96-14-093	415-08-027	NEW	96-11-036	415-104-397	NEW-P	96-18-074
392-300-020	NEW	96-17-045	415-08-030	AMD-P	96-07-080	415-104-401	NEW-P	96-18-074
392-300-025	NEW-P	96-14-093	415-08-030	AMD	96-11-036	415-104-405	NEW-P	96-18-074
392-300-025	NEW	96-17-045	415-08-040	AMD-P	96-07-080	415-108-340	AMD	96-03-100
392-300-030	NEW-P	96-14-093	415-08-040	AMD	96-11-036	415-112-0152	AMD-P	96-21-048
392-300-030	NEW	96-17-045	415-08-050	AMD-P	96-07-080	415-112-0160	NEW-P	96-18-073
392-300-035	NEW-P	96-14-093	415-08-050	AMD	96-11-036	415-112-040	AMD	96-03-100
392-300-035	NEW	96-17-045	415-08-080	AMD-P	96-07-080	415-112-330	AMD-E	96-18-072
392-300-040	NEW-P	96-14-093	415-08-080	AMD	96-11-036	415-112-335	NEW-E	96-18-072
392-300-040	NEW	96-17-045	415-08-090	AMD-P	96-07-080	415-112-410	REP-P	96-18-073
392-300-045	NEW-P	96-14-093	415-08-090	AMD	96-11-036	415-112-411	REP-P	96-18-073
392-300-045	NEW	96-17-045	415-08-100	AMD-P	96-07-080	415-112-414	REP-P	96-18-073
392-300-050	NEW-P	96-14-093	415-08-100	AMD	96-11-036	415-112-444	NEW-P	96-18-073
392-300-050	NEW	96-17-045	415-08-105	AMD-P	96-07-080	415-112-445	NEW-P	96-18-073
392-300-055	NEW-P	96-14-093	415-08-105	AMD	96-11-036	415-112-450	NEW-P	96-18-073
392-300-055	NEW	96-17-045	415-08-280	AMD-P	96-07-080	415-112-460	NEW-P	96-18-073
392-300-060	NEW-P	96-14-093	415-08-280	AMD	96-11-036	415-112-4601	NEW-P	96-18-073
392-300-060	NEW	96-17-045	415-08-420	AMD-P	96-07-080	415-112-4603	NEW-P	96-18-073
392-310-010	PREP-X	96-14-019	415-08-420	AMD	96-11-036	415-112-4604	NEW-P	96-18-073
392-310-010	REP	96-18-014	415-10-010	NEW-P	96-21-047	415-112-4605	NEW-P	96-18-073
392-310-015	PREP-X	96-14-019	415-10-020	NEW-P	96-21-047	415-112-4607	NEW-P	96-18-073
392-310-015	REP	96-18-014	415-10-030	NEW-P	96-21-047	415-112-4608	NEW-P	96-18-073
392-310-020	PREP-X	96-14-019	415-10-040	NEW-P	96-21-047	415-112-4609	NEW-P	96-18-073
392-310-020	REP	96-18-014	415-10-050	NEW-P	96-21-047	415-112-470	NEW-P	96-18-073
392-310-025	PREP-X	96-14-019	415-10-060	NEW-P	96-21-047	415-112-471	NEW-P	96-18-073
392-310-025	REP	96-18-014	415-10-070	NEW-P	96-21-047	415-112-473	NEW-P	96-18-073
392-320	PREP	96-07-050	415-10-080	NEW-P	96-21-047	415-112-475	NEW-P	96-18-073
392-320-005	AMD-P	96-12-075	415-10-090	NEW-P	96-21-047	415-112-477	NEW-P	96-18-073
392-320-005	AMD	96-15-115	415-10-100	NEW-P	96-21-047	415-112-480	NEW-P	96-18-073
392-320-015	AMD-P	96-12-075	415-104-0125	NEW	96-04-003	415-112-482	NEW-P	96-18-073
392-320-015	AMD	96-15-115	415-104-108	AMD	96-03-100	415-112-483	NEW-P	96-18-073
392-320-025	AMD-P	96-12-075	415-104-298	NEW-P	96-18-074	415-112-485	NEW-P	96-18-073
392-320-025	AMD	96-15-115	415-104-299	NEW-P	96-18-074	415-112-487	NEW-P	96-18-073
392-320-040	AMD-P	96-12-075	415-104-301	NEW-P	96-18-074	415-112-489	NEW-P	96-18-073
392-320-040	AMD	96-15-115	415-104-305	NEW-P	96-18-074	415-112-490	NEW-P	96-18-073
392-320-045	AMD-P	96-12-075	415-104-311	NEW-P	96-18-074	415-112-491	NEW-P	96-18-073
392-320-045	AMD	96-15-115	415-104-3200	NEW-P	96-18-074	415-112-540	AMD-P	96-21-048
392-320-050	AMD-P	96-12-075	415-104-3201	NEW-P	96-18-074	415-112-545	NEW-P	96-21-048
392-320-050	AMD	96-15-115	415-104-3202	NEW-P	96-18-074	415-113-0306	AMD-P	96-15-080
400-12	PREP	96-16-094	415-104-3203	NEW-P	96-18-074	415-113-0306	AMD	96-20-004
400-12-100	AMD-P	96-20-121	415-104-3204	NEW-P	96-18-074	415-113-055	AMD-P	96-15-080
400-12-120	AMD-P	96-20-121	415-104-3205	NEW-P	96-18-074	415-113-055	AMD	96-20-004
400-12-200	AMD-P	96-20-121	415-104-330	NEW-P	96-18-074	415-113-059	AMD-P	96-15-080
400-12-525	AMD-P	96-20-121	415-104-3301	NEW-P	96-18-074	415-113-059	AMD	96-20-004
400-12-535	AMD-P	96-20-121	415-104-3302	NEW-P	96-18-074	415-113-070	AMD-P	96-15-080
400-12-545	AMD-P	96-20-121	415-104-3303	NEW-P	96-18-074	415-113-070	AMD	96-20-004
400-12-615	AMD-P	96-20-121	415-104-3304	NEW-P	96-18-074	415-113-090	AMD-P	96-15-080
400-12-645	NEW-P	96-20-121	415-104-3305	NEW-P	96-18-074	415-113-090	AMD	96-20-004
400-12-700	AMD-P	96-20-121	415-104-3306	NEW-P	96-18-074	415-200-020	NEW-P	96-20-116
415	PREP	96-06-079	415-104-340	NEW-P	96-18-074	415-210-020	NEW-P	96-21-083
415-02-099	REP	96-03-100	415-104-3401	NEW-P	96-18-074	415-501-010	NEW-P	96-13-100
415-04	AMD-P	96-13-100	415-104-3402	NEW-P	96-18-074	415-501-010	NEW	96-16-020

TABLE

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
415-501-020	NEW-P	96-13-100	415-540-010	NEW	96-16-020	415-650-040	NEW-P	96-13-100
415-501-020	NEW	96-16-020	415-544-010	NEW-P	96-13-100	415-650-040	NEW	96-16-020
415-504-010	NEW-P	96-13-100	415-544-010	NEW	96-16-020	415-650-050	NEW-P	96-13-100
415-504-010	NEW	96-16-020	415-548-010	NEW-P	96-13-100	415-650-050	NEW	96-16-020
415-504-020	NEW-P	96-13-100	415-548-010	NEW	96-16-020	415-660-010	NEW-P	96-13-100
415-504-020	NEW	96-16-020	415-552-010	NEW-P	96-13-100	415-660-010	NEW	96-16-020
415-504-030	NEW-P	96-13-100	415-552-010	NEW	96-16-020	415-660-020	NEW-P	96-13-100
415-504-030	NEW	96-16-020	415-556-010	NEW-P	96-13-100	415-660-020	NEW	96-16-020
415-504-040	NEW-P	96-13-100	415-556-010	NEW	96-16-020	415-670-010	NEW-P	96-13-100
415-504-040	NEW	96-16-020	415-560-010	NEW-P	96-13-100	415-670-010	NEW	96-16-020
415-504-050	NEW-P	96-13-100	415-560-010	NEW	96-16-020	415-680-010	NEW-P	96-13-100
415-504-050	NEW	96-16-020	415-564-010	NEW-P	96-13-100	415-680-010	NEW	96-16-020
415-504-060	NEW-P	96-13-100	415-564-010	NEW	96-16-020	415-680-020	NEW-P	96-13-100
415-504-060	NEW	96-16-020	415-564-020	NEW-P	96-13-100	415-680-020	NEW	96-16-020
415-504-070	NEW-P	96-13-100	415-564-020	NEW	96-16-020	415-680-030	NEW-P	96-13-100
415-504-070	NEW	96-16-020	415-564-030	NEW-P	96-13-100	415-680-030	NEW	96-16-020
415-504-080	NEW-P	96-13-100	415-564-030	NEW	96-16-020	415-680-040	NEW-P	96-13-100
415-504-080	NEW	96-16-020	415-564-040	NEW-P	96-13-100	415-680-040	NEW	96-16-020
415-504-090	NEW-P	96-13-100	415-564-040	NEW	96-16-020	415-680-050	NEW-P	96-13-100
415-504-090	NEW	96-16-020	415-564-050	NEW-P	96-13-100	415-680-050	NEW	96-16-020
415-504-100	NEW-P	96-13-100	415-564-050	NEW	96-16-020	415-680-060	NEW-P	96-13-100
415-504-100	NEW	96-16-020	415-564-060	NEW-P	96-13-100	415-680-060	NEW	96-16-020
415-504-110	NEW-P	96-13-100	415-564-060	NEW	96-16-020	415-680-070	NEW-P	96-13-100
415-504-110	NEW	96-16-020	415-568-010	NEW-P	96-13-100	415-680-070	NEW	96-16-020
415-508-010	NEW-P	96-13-100	415-568-010	NEW	96-16-020	415-690-010	NEW-P	96-13-100
415-508-010	NEW	96-16-020	415-568-020	NEW-P	96-13-100	415-690-010	NEW	96-16-020
415-508-020	NEW-P	96-13-100	415-568-020	NEW	96-16-020	415-695-010	NEW-P	96-13-100
415-508-020	NEW	96-16-020	415-568-010	NEW	96-16-020	415-695-010	NEW	96-16-020
415-508-030	NEW-P	96-13-100	415-610-010	NEW-P	96-13-100	415-695-020	NEW-P	96-13-100
415-508-030	NEW	96-16-020	415-610-015	NEW-P	96-13-100	415-695-020	NEW	96-16-020
415-508-040	NEW-P	96-13-100	415-610-015	NEW	96-16-020	415-695-030	NEW-P	96-13-100
415-508-040	NEW	96-16-020	415-610-020	NEW-P	96-13-100	415-695-030	NEW	96-16-020
415-508-050	NEW-P	96-13-100	415-610-020	NEW	96-16-020	415-695-040	NEW-P	96-13-100
415-508-050	NEW	96-16-020	415-610-030	NEW-P	96-13-100	415-695-040	NEW	96-16-020
415-512-010	NEW-P	96-13-100	415-610-030	NEW	96-16-020	419-04-010	PREP-X	96-14-041
415-512-010	NEW	96-16-020	415-620-010	NEW-P	96-13-100	419-04-010	REP	96-17-072
415-512-015	NEW-P	96-13-100	415-620-010	NEW	96-16-020	419-04-020	PREP-X	96-14-041
415-512-015	NEW	96-16-020	415-620-015	NEW-P	96-13-100	419-04-020	REP	96-17-072
415-512-020	NEW-P	96-13-100	415-620-015	NEW	96-16-020	419-04-030	PREP-X	96-14-041
415-512-020	NEW	96-16-020	415-620-020	NEW-P	96-13-100	419-04-030	REP	96-17-072
415-512-030	NEW-P	96-13-100	415-620-020	NEW	96-16-020	419-18	PREP	96-03-037
415-512-030	NEW	96-16-020	415-620-025	NEW-P	96-13-100	419-18-020	DECOD	96-06-011
415-512-040	NEW-P	96-13-100	415-620-025	NEW	96-16-020	419-18-030	DECOD	96-06-011
415-512-040	NEW	96-16-020	415-620-030	NEW-P	96-13-100	419-18-040	DECOD	96-06-011
415-512-050	NEW-P	96-13-100	415-620-030	NEW	96-16-020	419-18-045	DECOD	96-06-011
415-512-050	NEW	96-16-020	415-620-035	NEW-P	96-13-100	419-18-050	DECOD	96-06-011
415-512-070	NEW-P	96-13-100	415-620-035	NEW	96-16-020	419-18-060	DECOD	96-06-011
415-512-070	NEW	96-16-020	415-620-040	NEW-P	96-13-100	419-18-070	DECOD	96-06-011
415-512-075	NEW-P	96-13-100	415-620-040	NEW	96-16-020	419-18-080	DECOD	96-06-011
415-512-075	NEW	96-16-020	415-620-045	NEW-P	96-13-100	419-20-010	PREP-X	96-14-040
415-512-080	NEW-P	96-13-100	415-620-045	NEW	96-16-020	419-20-010	REP	96-17-072
415-512-080	NEW	96-16-020	415-620-050	NEW-P	96-13-100	419-20-020	PREP-X	96-14-040
415-512-085	NEW-P	96-13-100	415-620-050	NEW	96-16-020	419-20-020	REP	96-17-072
415-512-085	NEW	96-16-020	415-620-055	NEW-P	96-13-100	419-20-030	PREP-X	96-14-040
415-512-086	NEW-P	96-13-100	415-620-055	NEW	96-16-020	419-20-030	REP	96-17-072
415-512-086	NEW	96-16-020	415-630-010	NEW-P	96-13-100	419-20-040	PREP-X	96-14-040
415-512-087	NEW-P	96-13-100	415-630-010	NEW	96-16-020	419-20-040	REP	96-17-072
415-512-087	NEW	96-16-020	415-630-020	NEW-P	96-13-100	419-20-040	PREP-X	96-14-040
415-512-090	NEW-P	96-13-100	415-630-020	NEW	96-16-020	419-20-050	REP	96-17-072
415-512-090	NEW	96-16-020	415-630-030	NEW-P	96-13-100	419-20-060	PREP-X	96-14-040
415-512-110	NEW-P	96-13-100	415-630-030	NEW	96-16-020	419-20-060	REP	96-17-072
415-512-110	NEW	96-16-020	415-640-010	NEW-P	96-13-100	419-20-070	PREP-X	96-14-040
415-524-010	NEW	96-16-020	415-640-010	NEW	96-16-020	419-20-070	REP	96-17-072
415-528-010	NEW-P	96-13-100	415-640-020	NEW-P	96-13-100	419-20-080	PREP-X	96-14-040
415-528-010	NEW	96-16-020	415-640-020	NEW	96-16-020	419-20-080	REP	96-17-072
415-532-010	NEW-P	96-13-100	415-640-030	NEW-P	96-13-100	419-20-090	PREP-X	96-14-040
415-532-010	NEW	96-16-020	415-640-030	NEW	96-16-020	419-20-090	REP	96-17-072
415-532-020	NEW-P	96-13-100	415-650-010	NEW-P	96-13-100	419-20-100	PREP-X	96-14-040
415-532-020	NEW	96-16-020	415-650-010	NEW	96-16-020	419-20-100	REP	96-17-072
415-536-010	NEW-P	96-13-100	415-650-020	NEW-P	96-13-100	419-20-110	PREP-X	96-14-040
415-536-010	NEW	96-16-020	415-650-020	NEW	96-16-020	419-20-110	REP	96-17-072
415-540-010	NEW-P	96-13-100	415-650-030	NEW-P	96-13-100	419-20-120	PREP-X	96-14-040
			415-650-030	NEW	96-16-020	419-20-120	REP	96-17-072

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419-20-130	REP	96-17-072	434-40-310	REP-E	96-18-103	434-75-250	DECOD	96-03-141
419-20-140	PREP-X	96-14-040	434-75-010	AMD-E	96-03-140	434-75-260	AMD-E	96-03-140
419-20-140	REP	96-17-072	434-75-010	AMD	96-03-141	434-75-260	AMD	96-03-141
419-20-150	PREP-X	96-14-040	434-75-010	DECOD	96-03-141	434-75-260	DECOD	96-03-141
419-20-150	REP	96-17-072	434-75-020	AMD-E	96-03-140	434-75-270	AMD-E	96-03-140
419-20-900	PREP-X	96-14-040	434-75-020	AMD	96-03-141	434-75-270	AMD	96-03-141
419-20-900	REP	96-17-072	434-75-020	DECOD	96-03-141	434-75-270	DECOD	96-03-141
419-28-010	PREP-X	96-14-039	434-75-030	AMD-E	96-03-140	434-75-280	AMD-E	96-03-140
419-28-010	REP	96-17-072	434-75-030	AMD	96-03-141	434-75-280	AMD	96-03-141
419-28-020	PREP-X	96-14-039	434-75-030	DECOD	96-03-141	434-75-280	DECOD	96-03-141
419-28-020	REP	96-17-072	434-75-040	AMD-E	96-03-140	434-75-290	AMD-E	96-03-140
419-28-030	PREP-X	96-14-039	434-75-040	AMD	96-03-141	434-75-290	AMD	96-03-141
419-28-030	REP	96-17-072	434-75-040	DECOD	96-03-141	434-75-290	DECOD	96-03-141
419-28-040	PREP-X	96-14-039	434-75-050	AMD-E	96-03-140	434-75-300	REP-E	96-03-140
419-28-040	REP	96-17-072	434-75-050	AMD	96-03-141	434-75-300	REP	96-03-141
419-28-050	PREP-X	96-14-039	434-75-050	DECOD	96-03-141	434-75-310	AMD-E	96-03-140
419-28-050	REP	96-17-072	434-75-060	AMD-E	96-03-140	434-75-310	AMD	96-03-141
419-28-060	PREP-X	96-14-039	434-75-060	AMD	96-03-141	434-75-310	DECOD	96-03-141
419-28-060	REP	96-17-072	434-75-060	DECOD	96-03-141	434-75-320	AMD-E	96-03-140
419-28-070	PREP-X	96-14-039	434-75-070	AMD-E	96-03-140	434-75-320	AMD	96-03-141
419-28-070	REP	96-17-072	434-75-070	AMD	96-03-141	434-75-320	DECOD	96-03-141
419-28-080	PREP-X	96-14-039	434-75-070	DECOD	96-03-141	434-75-330	AMD-E	96-03-140
419-28-080	REP	96-17-072	434-75-080	AMD-E	96-03-140	434-75-330	AMD	96-03-141
419-28-990	PREP-X	96-14-039	434-75-080	AMD	96-03-141	434-75-330	DECOD	96-03-141
419-28-990	REP	96-17-072	434-75-080	DECOD	96-03-141	434-75-340	AMD-E	96-03-140
419-36-010	DECOD	96-06-011	434-75-090	AMD-E	96-03-140	434-75-340	AMD	96-03-141
419-36-020	DECOD	96-06-011	434-75-090	AMD	96-03-141	434-75-340	DECOD	96-03-141
419-36-030	DECOD	96-06-011	434-75-090	DECOD	96-03-141	434-75-350	AMD-E	96-03-140
419-36-040	DECOD	96-06-011	434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141
419-36-050	DECOD	96-06-011	434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141
419-36-060	DECOD	96-06-011	434-75-100	DECOD	96-03-141	434-79-010	AMD-E	96-14-085
419-36-070	DECOD	96-06-011	434-75-110	AMD-E	96-03-140	434-120-100	AMD-P	96-05-089
419-36-080	DECOD	96-06-011	434-75-110	AMD	96-03-141	434-120-100	AMD	96-10-021
419-36-090	DECOD	96-06-011	434-75-110	DECOD	96-03-141	434-120-105	AMD-P	96-05-089
419-40-010	DECOD	96-06-011	434-75-120	AMD-E	96-03-140	434-120-105	AMD-W	96-19-008
419-40-020	DECOD	96-06-011	434-75-120	AMD	96-03-141	434-120-130	AMD-P	96-05-089
419-40-030	DECOD	96-06-011	434-75-120	DECOD	96-03-141	434-120-130	AMD-W	96-19-008
419-40-040	DECOD	96-06-011	434-75-130	AMD-E	96-03-140	434-120-140	AMD-P	96-05-089
419-40-050	DECOD	96-06-011	434-75-130	AMD	96-03-141	434-120-140	AMD	96-10-021
419-44-010	DECOD	96-06-011	434-75-130	DECOD	96-03-141	434-120-225	AMD-P	96-05-089
419-64-010	DECOD	96-06-011	434-75-140	AMD-E	96-03-140	434-120-225	AMD	96-10-021
419-64-020	DECOD	96-06-011	434-75-140	AMD	96-03-141	434-120-255	AMD-P	96-05-089
419-64-030	DECOD	96-06-011	434-75-140	DECOD	96-03-141	434-120-255	AMD-W	96-19-008
419-64-040	DECOD	96-06-011	434-75-150	AMD-E	96-03-140	434-120-300	AMD-P	96-05-088
419-64-050	DECOD	96-06-011	434-75-150	AMD	96-03-141	434-120-300	AMD	96-08-049
419-64-060	DECOD	96-06-011	434-75-150	DECOD	96-03-141	434-120-335	AMD-P	96-05-088
419-64-070	DECOD	96-06-011	434-75-160	AMD-E	96-03-140	434-120-335	AMD	96-08-049
419-64-080	DECOD	96-06-011	434-75-160	AMD	96-03-141	434-166-260	AMD-P	96-07-069
419-64-090	DECOD	96-06-011	434-75-160	DECOD	96-03-141	434-166-260	AMD	96-10-052
419-72-010	DECOD	96-06-011	434-75-170	REP-E	96-03-140	434-166-280	AMD-P	96-07-069
419-72-012	DECOD	96-06-011	434-75-170	REP	96-03-141	434-166-280	AMD	96-10-052
419-72-015	DECOD	96-06-011	434-75-180	AMD-E	96-03-140	434-166-290	AMD-P	96-07-069
419-72-015	PREP	96-09-005	434-75-180	AMD	96-03-141	434-166-290	AMD	96-10-052
419-72-020	DECOD	96-06-011	434-75-180	DECOD	96-03-141	434-219-010	RECOD	96-03-141
419-72-025	DECOD	96-06-011	434-75-190	AMD-E	96-03-140	434-219-020	RECOD	96-03-141
419-72-041	DECOD	96-06-011	434-75-190	AMD	96-03-141	434-219-030	RECOD	96-03-141
419-72-045	DECOD	96-06-011	434-75-190	DECOD	96-03-141	434-219-040	RECOD	96-03-141
419-72-050	DECOD	96-06-011	434-75-200	REP-E	96-03-140	434-219-050	RECOD	96-03-141
419-72-060	DECOD	96-06-011	434-75-200	REP	96-03-141	434-219-060	RECOD	96-03-141
419-72-065	DECOD	96-06-011	434-75-210	AMD-E	96-03-140	434-219-070	RECOD	96-03-141
419-72-070	DECOD	96-06-011	434-75-210	AMD	96-03-141	434-219-080	RECOD	96-03-141
419-72-075	DECOD	96-06-011	434-75-210	DECOD	96-03-141	434-219-090	RECOD	96-03-141
419-72-080	DECOD	96-06-011	434-75-220	AMD-E	96-03-140	434-219-100	RECOD	96-03-141
419-80-010	DECOD	96-06-011	434-75-220	AMD	96-03-141	434-219-110	RECOD	96-03-141
419-80-020	DECOD	96-06-011	434-75-220	DECOD	96-03-141	434-219-120	RECOD	96-03-141
419-80-030	DECOD	96-06-011	434-75-230	AMD-E	96-03-140	434-219-130	RECOD	96-03-141
419-80-040	DECOD	96-06-011	434-75-230	AMD	96-03-141	434-219-140	RECOD	96-03-141
419-80-050	DECOD	96-06-011	434-75-230	DECOD	96-03-141	434-219-150	RECOD	96-03-141
419-80-060	DECOD	96-06-011	434-75-240	AMD-E	96-03-140	434-219-160	RECOD	96-03-141
419-80-070	DECOD	96-06-011	434-75-240	AMD	96-03-141	434-219-180	RECOD	96-03-141
434-40-225	NEW-E	96-20-081	434-75-240	DECOD	96-03-141	434-219-190	RECOD	96-03-141
434-40-230	AMD-E	96-20-081	434-75-250	AMD-E	96-03-140	434-219-210	RECOD	96-03-141

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434-219-230	RECOD	96-03-141	446-20-280	PREP	96-21-112	458-40-660	PREP	96-06-058
434-219-240	RECOD	96-03-141	446-20-285	PREP	96-21-112	458-40-660	AMD-P	96-10-075
434-219-250	RECOD	96-03-141	446-20-290	REP-E	96-11-069	458-40-660	AMD	96-14-063
434-219-260	RECOD	96-03-141	446-20-290	PREP	96-11-070	458-40-660	PREP	96-19-087
434-219-270	RECOD	96-03-141	446-20-290	REP-P	96-14-078	458-40-690	PREP	96-19-087
434-219-280	RECOD	96-03-141	446-20-290	REP	96-18-017	458-53-010	AMD	96-05-002
434-219-290	RECOD	96-03-141	446-20-500	PREP	96-21-112	458-53-020	AMD	96-05-002
434-219-310	RECOD	96-03-141	446-20-510	PREP	96-21-112	458-53-030	AMD	96-05-002
434-219-320	RECOD	96-03-141	446-20-520	PREP	96-21-112	458-53-040	REP	96-05-002
434-219-330	RECOD	96-03-141	446-20-530	PREP	96-21-112	458-53-050	AMD	96-05-002
434-219-340	RECOD	96-03-141	446-20-600	NEW-E	96-11-069	458-53-051	REP	96-05-002
434-219-350	RECOD	96-03-141	446-20-600	PREP	96-11-070	458-53-070	AMD	96-05-002
440-22	PREP	96-08-079	446-20-600	NEW-P	96-14-078	458-53-080	AMD	96-05-002
440-22	PREP	96-12-015	446-20-600	NEW	96-18-017	458-53-090	AMD	96-05-002
440-22-005	AMD-P	96-09-078	446-20-610	NEW-E	96-11-069	458-53-095	NEW	96-05-002
440-22-005	AMD-C	96-12-033	446-20-610	PREP	96-11-070	458-53-100	AMD	96-05-002
440-22-005	AMD-S	96-14-055	446-20-610	NEW-P	96-14-078	458-53-105	NEW	96-05-002
440-22-406	NEW-P	96-09-078	446-20-610	NEW	96-18-017	458-53-110	REP	96-05-002
440-22-406	NEW-C	96-12-033	446-20-620	NEW-E	96-11-069	458-53-120	REP	96-05-002
440-22-406	NEW-S	96-14-055	446-20-620	PREP	96-11-070	458-53-130	AMD	96-05-002
440-22-408	NEW-P	96-09-078	446-20-620	NEW-P	96-14-078	458-53-135	NEW	96-05-002
440-22-408	NEW-C	96-12-033	446-20-620	NEW	96-18-017	458-53-140	AMD	96-05-002
440-26-005	NEW-P	96-13-101	446-20-630	NEW-E	96-11-069	458-53-141	REP	96-05-002
440-26-005	NEW	96-16-015	446-20-630	PREP	96-11-070	458-53-142	REP	96-05-002
440-26-010	NEW-P	96-13-101	446-20-630	NEW-P	96-14-078	458-53-150	REP	96-05-002
440-26-010	NEW	96-16-015	446-20-630	NEW	96-18-017	458-53-160	AMD	96-05-002
440-26-020	NEW-P	96-13-101	446-65-010	AMD-E	96-14-112	458-53-163	REP	96-05-002
440-26-020	NEW	96-16-015	446-65-010	PREP	96-14-113	458-53-165	REP	96-05-002
440-26-030	NEW-P	96-13-101	446-65-010	AMD-P	96-19-077	458-53-180	REP	96-05-002
440-26-030	NEW	96-16-015	458-10	PREP	96-15-135	458-53-200	AMD	96-05-002
440-26-100	NEW-P	96-13-101	458-10-010	NEW-P	96-21-116	458-53-210	AMD	96-05-002
440-26-100	NEW	96-16-015	458-10-020	NEW-P	96-21-116	458-56-010	PREP-X	96-14-050
440-26-110	NEW-P	96-13-101	458-10-030	NEW-P	96-21-116	458-56-010	REP	96-21-143
440-26-110	NEW	96-16-015	458-10-040	NEW-P	96-21-116	458-56-020	PREP-X	96-14-050
440-26-120	NEW-P	96-13-101	458-10-050	NEW-P	96-21-116	458-56-020	REP	96-21-143
440-26-120	NEW	96-16-015	458-10-060	NEW-P	96-21-116	458-56-030	PREP-X	96-14-050
440-26-130	NEW-P	96-13-101	458-10-070	NEW-P	96-21-116	458-56-030	REP	96-21-143
440-26-130	NEW	96-16-015	458-20-101	PREP	96-15-136	458-56-040	PREP-X	96-14-050
440-26-140	NEW-P	96-13-101	458-20-104	PREP	96-15-136	458-56-040	REP	96-21-143
440-26-140	NEW	96-16-015	458-20-12401	NEW-P	96-06-056	458-56-050	PREP-X	96-14-050
440-26-160	NEW-P	96-13-101	458-20-12401	NEW-P	96-09-087	458-56-050	REP	96-21-143
440-26-160	NEW	96-16-015	458-20-12401	NEW-E	96-10-020	458-56-060	PREP-X	96-14-050
440-26-200	NEW-P	96-13-101	458-20-12401	NEW	96-16-086	458-56-060	REP	96-21-143
440-26-200	NEW	96-16-015	458-20-13601	PREP	96-08-040	458-56-070	PREP-X	96-14-050
440-26-205	NEW-P	96-13-101	458-20-14601	PREP	96-07-097	458-56-070	REP	96-21-143
440-26-205	NEW	96-16-015	458-20-199	AMD-P	96-06-057	458-56-080	PREP-X	96-14-050
440-26-210	NEW-P	96-13-101	458-20-199	AMD-C	96-10-040	458-56-080	REP	96-21-143
440-26-210	NEW	96-16-015	458-20-199	AMD	96-12-024	458-56-090	PREP-X	96-14-050
440-26-220	NEW-P	96-13-101	458-20-211	AMD	96-03-139	458-56-090	REP	96-21-143
440-26-220	NEW	96-16-015	458-20-226	AMD	96-05-080	458-56-100	PREP-X	96-14-050
440-26-230	NEW-P	96-13-101	458-20-232	PREP-X	96-14-051	458-56-100	REP	96-21-143
440-26-230	NEW	96-16-015	458-20-232	REP	96-21-142	458-56-110	PREP-X	96-14-050
440-26-240	NEW-P	96-13-101	458-20-262	PREP	96-17-037	458-56-110	REP	96-21-143
440-26-240	NEW	96-16-015	458-20-263	PREP	96-14-079	458-56-120	PREP-X	96-14-050
440-26-250	NEW-P	96-13-101	458-20-263	NEW-E	96-14-080	458-56-120	REP	96-21-143
440-26-250	NEW	96-16-015	458-24-010	PREP-X	96-14-049	458-56-130	PREP-X	96-14-050
446-10-090	PREP	96-14-114	458-24-010	REP	96-21-141	458-56-130	REP	96-21-143
446-10-090	AMD-P	96-21-065	458-24-020	PREP-X	96-14-049	458-56-140	PREP-X	96-14-050
446-16-010	PREP	96-21-112	458-24-020	REP	96-21-141	458-56-140	REP	96-21-143
446-16-025	PREP	96-21-112	458-24-030	PREP-X	96-14-049	458-56-150	PREP-X	96-14-050
446-16-030	PREP	96-21-112	458-24-030	REP	96-21-141	458-56-150	REP	96-21-143
446-16-040	PREP	96-21-112	458-24-040	PREP-X	96-14-049	458-56-160	PREP-X	96-14-050
446-16-050	PREP	96-21-112	458-24-040	REP	96-21-141	458-56-160	REP	96-21-143
446-16-070	PREP	96-21-112	458-24-050	PREP-X	96-14-049	458-56-170	PREP-X	96-14-050
446-16-080	PREP	96-21-112	458-24-050	REP	96-21-141	458-56-170	REP	96-21-143
446-16-100	PREP	96-21-112	458-24-060	PREP-X	96-14-049	458-56-180	PREP-X	96-14-050
446-16-110	PREP	96-21-112	458-24-060	REP	96-21-141	458-56-180	REP	96-21-143
446-16-120	PREP	96-21-112	458-24-070	PREP-X	96-14-049	458-56-190	PREP-X	96-14-050
446-20-050	PREP	96-21-112	458-24-070	REP	96-21-141	458-56-190	REP	96-21-143
446-20-090	PREP	96-21-112	458-24-080	PREP-X	96-14-049	458-56-200	PREP-X	96-14-050
446-20-100	PREP	96-21-112	458-24-080	REP	96-21-141	458-56-200	REP	96-21-143
446-20-110	PREP	96-21-112	458-24-090	PREP-X	96-14-049	458-56-210	PREP-X	96-14-050

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
458-56-210	REP	96-21-143	460-16A-120	PREP	96-03-126	461-08-015	REP-P	96-10-062
458-56-220	PREP-X	96-14-050	460-16A-120	AMD-P	96-07-062	461-08-015	REP	96-15-002
458-56-220	REP	96-21-143	460-16A-120	AMD	96-11-021	461-08-020	REP-P	96-10-062
458-56-230	PREP-X	96-14-050	460-16A-125	PREP	96-03-125	461-08-020	REP	96-15-002
458-56-230	REP	96-21-143	460-16A-125	AMD-P	96-07-055	461-08-025	REP-P	96-10-062
460-10A	PREP	96-03-121	460-16A-125	AMD	96-11-024	461-08-025	REP	96-15-002
460-10A-035	REP-P	96-07-084	460-16A-150	PREP	96-03-125	461-08-030	REP-P	96-10-062
460-10A-035	REP	96-11-026	460-16A-150	AMD-P	96-07-055	461-08-030	REP	96-15-002
460-10A-050	AMD-P	96-07-084	460-16A-150	AMD	96-11-024	461-08-035	REP-P	96-10-062
460-10A-050	AMD	96-11-026	460-16A-205	PREP	96-03-130	461-08-035	REP	96-15-002
460-10A-055	REP-P	96-07-084	460-16A-205	AMD-P	96-07-061	461-08-040	REP-P	96-10-062
460-10A-055	REP	96-11-026	460-16A-205	AMD	96-11-017	461-08-040	REP	96-15-002
460-10A-060	AMD-P	96-07-084	460-16A-390	PREP	96-03-129	461-08-045	REP-P	96-10-062
460-10A-060	AMD	96-11-026	460-16A-390	AMD-P	96-07-057	461-08-045	REP	96-15-002
460-10A-065	REP-P	96-07-084	460-16A-390	AMD	96-11-023	461-08-047	REP-P	96-10-062
460-10A-065	REP	96-11-026	460-17A	PREP	96-03-120	461-08-047	REP	96-15-002
460-10A-075	REP-P	96-07-084	460-17A	AMD-P	96-07-083	461-08-050	REP-P	96-10-062
460-10A-075	REP	96-11-026	460-17A	AMD	96-11-027	461-08-050	REP	96-15-002
460-10A-080	REP-P	96-07-084	460-17A-010	AMD-P	96-07-083	461-08-053	REP-P	96-10-062
460-10A-080	REP	96-11-026	460-17A-010	AMD	96-11-027	461-08-053	REP	96-15-002
460-10A-090	REP-P	96-07-084	460-17A-020	AMD-P	96-07-083	461-08-055	REP-P	96-10-062
460-10A-090	REP	96-11-026	460-17A-020	AMD	96-11-027	461-08-055	REP	96-15-002
460-10A-095	REP-P	96-07-084	460-17A-030	AMD-P	96-07-083	461-08-060	REP-P	96-10-062
460-10A-095	REP	96-11-026	460-17A-030	AMD	96-11-027	461-08-060	REP	96-15-002
460-10A-100	REP-P	96-07-084	460-17A-040	AMD-P	96-07-083	461-08-065	REP-P	96-10-062
460-10A-100	REP	96-11-026	460-17A-040	AMD	96-11-027	461-08-065	REP	96-15-002
460-10A-105	REP-P	96-07-084	460-17A-050	AMD-P	96-07-083	461-08-070	REP-P	96-10-062
460-10A-105	REP	96-11-026	460-17A-050	AMD	96-11-027	461-08-070	REP	96-15-002
460-10A-110	AMD-P	96-07-084	460-17A-060	AMD-P	96-07-083	461-08-075	REP-P	96-10-062
460-10A-110	AMD	96-11-026	460-17A-060	AMD	96-11-027	461-08-075	REP	96-15-002
460-10A-115	REP-P	96-07-084	460-17A-070	AMD-P	96-07-083	461-08-080	REP-P	96-10-062
460-10A-115	REP	96-11-026	460-17A-070	AMD	96-11-027	461-08-080	REP	96-15-002
460-10A-120	REP-P	96-07-084	460-20B-020	PREP	96-03-117	461-08-085	REP-P	96-10-062
460-10A-120	REP	96-11-026	460-20B-020	AMD-P	96-07-059	461-08-085	REP	96-15-002
460-10A-125	REP-P	96-07-084	460-20B-020	AMD-W	96-20-109	461-08-090	REP-P	96-10-062
460-10A-125	REP	96-11-026	460-20B-035	NEW-S	96-12-018	461-08-090	REP	96-15-002
460-10A-130	AMD-P	96-07-084	460-20B-035	NEW	96-15-062	461-08-093	REP-P	96-10-062
460-10A-130	AMD	96-11-026	460-20B-070	PREP	96-03-117	461-08-093	REP	96-15-002
460-10A-135	REP-P	96-07-084	460-20B-070	NEW-P	96-07-059	461-08-095	REP-P	96-10-062
460-10A-135	REP	96-11-026	460-20B-070	NEW-W	96-20-109	461-08-095	REP	96-15-002
460-10A-140	REP-P	96-07-084	460-33A-020	PREP	96-03-124	461-08-100	REP-P	96-10-062
460-10A-140	REP	96-11-026	460-33A-020	AMD-P	96-07-056	461-08-100	REP	96-15-002
460-10A-145	REP-P	96-07-084	460-33A-020	AMD	96-11-025	461-08-105	REP-P	96-10-062
460-10A-145	REP	96-11-026	460-40A-025	PREP	96-03-122	461-08-105	REP	96-15-002
460-10A-150	REP-P	96-07-084	460-40A-025	REP-P	96-07-060	461-08-110	REP-P	96-10-062
460-10A-150	REP	96-11-026	460-40A-025	REP	96-11-018	461-08-110	REP	96-15-002
460-10A-155	REP-P	96-07-084	460-42A-010	PREP	96-03-119	461-08-115	REP-P	96-10-062
460-10A-155	REP	96-11-026	460-42A-010	REP-P	96-07-067	461-08-115	REP	96-15-002
460-10A-170	AMD-P	96-07-084	460-42A-010	REP	96-11-028	461-08-120	REP-P	96-10-062
460-10A-170	AMD	96-11-026	460-42A-081	AMD-P	96-03-131	461-08-120	REP	96-15-002
460-10A-180	AMD-P	96-07-084	460-42A-081	AMD	96-11-016	461-08-125	REP-P	96-10-062
460-10A-180	AMD	96-11-026	460-44A-503	PREP	96-03-116	461-08-125	REP	96-15-002
460-10A-185	NEW-P	96-07-084	460-44A-503	AMD-P	96-12-019	461-08-130	REP-P	96-10-062
460-10A-185	NEW	96-11-026	460-44A-503	AMD	96-15-063	461-08-130	REP	96-15-002
460-10A-190	NEW-P	96-07-084	460-44A-505	PREP	96-03-116	461-08-135	REP-P	96-10-062
460-10A-190	NEW	96-11-026	460-44A-506	PREP	96-03-116	461-08-135	REP	96-15-002
460-10A-195	NEW-P	96-07-084	460-46A-050	AMD-P	96-03-132	461-08-140	REP-P	96-10-062
460-10A-195	NEW	96-11-026	460-46A-050	AMD	96-11-015	461-08-140	REP	96-15-002
460-10A-200	NEW-P	96-07-084	460-60A-015	PREP	96-03-123	461-08-143	REP-P	96-10-062
460-10A-200	NEW	96-11-026	460-60A-015	AMD-P	96-07-058	461-08-143	REP	96-15-002
460-10A-205	NEW-P	96-07-084	460-60A-015	AMD	96-11-022	461-08-144	REP-P	96-10-062
460-10A-205	NEW	96-11-026	460-60A-020	PREP	96-03-123	461-08-144	REP	96-15-002
460-10A-210	NEW-P	96-07-084	460-60A-020	AMD-P	96-07-058	461-08-145	REP-P	96-10-062
460-10A-210	NEW	96-11-026	460-60A-020	AMD	96-11-022	461-08-145	REP	96-15-002
460-16A-010	PREP	96-03-129	460-80-160	PREP	96-03-118	461-08-150	REP-P	96-10-062
460-16A-010	AMD-P	96-07-057	460-80-160	REP-P	96-07-066	461-08-150	REP	96-15-002
460-16A-010	AMD	96-11-023	460-80-160	REP	96-11-029	461-08-155	REP-P	96-10-062
460-16A-015	PREP	96-03-128	461-08-001	REP-P	96-10-062	461-08-155	REP	96-15-002
460-16A-015	AMD-P	96-07-065	461-08-001	REP	96-15-002	461-08-156	REP-P	96-10-062
460-16A-015	AMD	96-11-019	461-08-005	REP-P	96-10-062	461-08-156	REP	96-15-002
460-16A-111	PREP	96-03-127	461-08-005	REP	96-15-002	461-08-157	REP-P	96-10-062
460-16A-111	AMD-P	96-07-063	461-08-010	REP-P	96-10-062	461-08-157	REP	96-15-002
460-16A-111	AMD	96-11-020	461-08-010	REP	96-15-002	461-08-160	REP-P	96-10-062



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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
461-08-160	REP	96-15-002	461-08-355	NEW	96-15-002	461-08-535	NEW	96-15-002
461-08-167	REP-P	96-10-062	461-08-360	NEW-P	96-10-062	461-08-540	NEW-P	96-10-062
461-08-167	REP	96-15-002	461-08-360	NEW	96-15-002	461-08-540	NEW	96-15-002
461-08-170	REP-P	96-10-062	461-08-365	NEW-P	96-10-062	461-08-545	NEW-P	96-10-062
461-08-170	REP	96-15-002	461-08-365	NEW	96-15-002	461-08-545	NEW	96-15-002
461-08-174	REP-P	96-10-062	461-08-370	NEW-P	96-10-062	461-08-550	NEW-P	96-10-062
461-08-174	REP	96-15-002	461-08-370	NEW	96-15-002	461-08-550	NEW	96-15-002
461-08-175	REP-P	96-10-062	461-08-375	NEW-P	96-10-062	461-08-555	NEW-P	96-10-062
461-08-175	REP	96-15-002	461-08-375	NEW	96-15-002	461-08-555	NEW	96-15-002
461-08-180	REP-P	96-10-062	461-08-380	NEW-P	96-10-062	461-08-560	NEW-P	96-10-062
461-08-180	REP	96-15-002	461-08-380	NEW	96-15-002	461-08-560	NEW	96-15-002
461-08-185	REP-P	96-10-062	461-08-385	NEW-P	96-10-062	461-08-565	NEW-P	96-10-062
461-08-185	REP	96-15-002	461-08-385	NEW	96-15-002	461-08-565	NEW	96-15-002
461-08-190	REP-P	96-10-062	461-08-390	NEW-P	96-10-062	461-08-570	NEW-P	96-10-062
461-08-190	REP	96-15-002	461-08-390	NEW	96-15-002	461-08-570	NEW	96-15-002
461-08-195	REP-P	96-10-062	461-08-395	NEW-P	96-10-062	461-08-575	NEW-P	96-10-062
461-08-195	REP	96-15-002	461-08-395	NEW	96-15-002	461-08-575	NEW	96-15-002
461-08-205	REP-P	96-10-062	461-08-400	NEW-P	96-10-062	461-08-580	NEW-P	96-10-062
461-08-205	REP	96-15-002	461-08-400	NEW	96-15-002	461-08-580	NEW	96-15-002
461-08-210	REP-P	96-10-062	461-08-405	NEW-P	96-10-062	461-08-585	NEW-P	96-10-062
461-08-210	REP	96-15-002	461-08-405	NEW	96-15-002	461-08-585	NEW	96-15-002
461-08-215	REP-P	96-10-062	461-08-410	NEW-P	96-10-062	468-06	PREP	96-09-013
461-08-215	REP	96-15-002	461-08-410	NEW	96-15-002	468-06-030	AMD-P	96-12-036
461-08-220	REP-P	96-10-062	461-08-415	NEW-P	96-10-062	468-06-030	AMD	96-16-004
461-08-220	REP	96-15-002	461-08-415	NEW	96-15-002	468-06-040	AMD-P	96-12-036
461-08-221	REP-P	96-10-062	461-08-420	NEW-P	96-10-062	468-06-040	AMD	96-16-004
461-08-221	REP	96-15-002	461-08-420	NEW	96-15-002	468-06-070	AMD-P	96-12-036
461-08-225	REP-P	96-10-062	461-08-425	NEW-P	96-10-062	468-06-070	AMD	96-16-004
461-08-225	REP	96-15-002	461-08-425	NEW	96-15-002	468-06-090	AMD-P	96-12-036
461-08-230	REP-P	96-10-062	461-08-430	NEW-P	96-10-062	468-06-090	AMD	96-16-004
461-08-230	REP	96-15-002	461-08-430	NEW	96-15-002	468-38-070	AMD-P	96-20-040
461-08-235	REP-P	96-10-062	461-08-435	NEW-P	96-10-062	468-38-071	NEW-P	96-20-040
461-08-235	REP	96-15-002	461-08-435	NEW	96-15-002	468-38-120	PREP	96-11-009
461-08-237	REP-P	96-10-062	461-08-440	NEW-P	96-10-062	468-38-120	AMD-P	96-15-018
461-08-237	REP	96-15-002	461-08-440	NEW	96-15-002	468-38-120	AMD	96-18-053
461-08-240	REP-P	96-10-062	461-08-445	NEW-P	96-10-062	468-66	PREP	96-06-022
461-08-240	REP	96-15-002	461-08-445	NEW	96-15-002	468-66-010	AMD-P	96-10-007
461-08-245	REP-P	96-10-062	461-08-450	NEW-P	96-10-062	468-66-010	AMD	96-13-007
461-08-245	REP	96-15-002	461-08-450	NEW	96-15-002	468-66-080	AMD	96-03-031
461-08-250	REP-P	96-10-062	461-08-455	NEW-P	96-10-062	468-66-010	NEW-W	96-05-032
461-08-250	REP	96-15-002	461-08-455	NEW	96-15-002	468-86-020	NEW-W	96-05-032
461-08-255	REP-P	96-10-062	461-08-460	NEW-P	96-10-062	468-86-030	NEW-W	96-05-032
461-08-255	REP	96-15-002	461-08-460	NEW	96-15-002	468-86-040	NEW-W	96-05-032
461-08-260	REP-P	96-10-062	461-08-465	NEW-P	96-10-062	468-86-050	NEW-W	96-05-032
461-08-260	REP	96-15-002	461-08-465	NEW	96-15-002	468-86-060	NEW-W	96-05-032
461-08-265	REP-P	96-10-062	461-08-470	NEW-P	96-10-062	468-86-070	NEW-W	96-05-032
461-08-265	REP	96-15-002	461-08-470	NEW	96-15-002	468-86-080	NEW-W	96-05-032
461-08-270	REP-P	96-10-062	461-08-475	NEW-P	96-10-062	468-86-090	NEW-W	96-05-032
461-08-270	REP	96-15-002	461-08-475	NEW	96-15-002	468-86-100	NEW-W	96-05-032
461-08-300	NEW-P	96-10-062	461-08-480	NEW-P	96-10-062	468-86-110	NEW-W	96-05-032
461-08-300	NEW	96-15-002	461-08-480	NEW	96-15-002	468-86-120	NEW-W	96-05-032
461-08-305	NEW-P	96-10-062	461-08-485	NEW-P	96-10-062	468-86-130	NEW-W	96-05-032
461-08-305	NEW	96-15-002	461-08-485	NEW	96-15-002	468-86-140	NEW-W	96-05-032
461-08-310	NEW-P	96-10-062	461-08-490	NEW-P	96-10-062	468-86-150	NEW-W	96-05-032
461-08-310	NEW-S	96-13-064	461-08-490	NEW	96-15-002	468-86-160	NEW-W	96-05-032
461-08-310	NEW	96-17-017	461-08-495	NEW-P	96-10-062	468-86-170	NEW-W	96-05-032
461-08-315	NEW-P	96-10-062	461-08-495	NEW	96-15-002	468-86-180	NEW-W	96-05-032
461-08-315	NEW	96-15-002	461-08-500	NEW-P	96-10-062	468-86-190	NEW-W	96-05-032
461-08-320	NEW-P	96-10-062	461-08-500	NEW	96-15-002	468-86-200	NEW-W	96-05-032
461-08-320	NEW	96-15-002	461-08-505	NEW-P	96-10-062	468-86-210	NEW-W	96-05-032
461-08-325	NEW-P	96-10-062	461-08-505	NEW	96-15-002	468-86-220	NEW-W	96-05-032
461-08-325	NEW	96-15-002	461-08-510	NEW-P	96-10-062	468-86-230	NEW-W	96-05-032
461-08-330	NEW-P	96-10-062	461-08-510	NEW	96-15-002	468-86-240	NEW-W	96-05-032
461-08-330	NEW	96-15-002	461-08-515	NEW-P	96-10-062	468-86-260	NEW-W	96-05-032
461-08-335	NEW-P	96-10-062	461-08-515	NEW	96-15-002	468-105-010	NEW	96-03-107
461-08-335	NEW	96-15-002	461-08-520	NEW-P	96-10-062	468-105-020	NEW	96-03-107
461-08-340	NEW-P	96-10-062	461-08-520	NEW-S	96-13-064	468-105-030	NEW	96-03-107
461-08-340	NEW	96-15-002	461-08-520	NEW	96-17-017	468-105-040	NEW	96-03-107
461-08-345	NEW-P	96-10-062	461-08-525	NEW-P	96-10-062	468-105-050	NEW	96-03-107
461-08-345	NEW	96-15-002	461-08-525	NEW	96-15-002	468-105-060	NEW	96-03-107
461-08-350	NEW-P	96-10-062	461-08-530	NEW-P	96-10-062	468-105-070	NEW	96-03-107
461-08-350	NEW	96-15-002	461-08-530	NEW	96-15-002	468-105-080	NEW	96-03-107
461-08-355	NEW-P	96-10-062	461-08-535	NEW-P	96-10-062	468-200-020	NEW	96-02-067

TABLE



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
468-200-040	NEW	96-02-067	468-240-155	RECOD	96-17-018	468-300-040	AMD-P	96-15-010
468-200-060	NEW	96-02-067	468-240-160	RECOD-P	96-14-024	468-300-040	AMD	96-19-045
468-200-080	NEW	96-02-067	468-240-160	RECOD	96-17-018	468-300-210	AMD-P	96-09-023
468-200-100	NEW	96-02-067	468-240-165	RECOD-P	96-14-024	468-300-210	AMD	96-14-004
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